

ORDINANCE NO.-2006-10

AN ORDINANCE REGULATING PORTABLE SIGNS,
OFF-PREMISE SIGNS, NON-CONFORMING SIGNS,
FEES, APPEALS AND VARIANCES, AND PROVIDING
FOR A SEVERABILITY CLAUSE.

WHEREAS, the city of Penitas is a General Law City operating under the laws of the State of Texas.

WHEREAS, under the Texas Constitution, cities may regulate in areas not preempted by State Statute;

WHEREAS, the City of Penitas in enactment of this Ordinance intends to protect the welfare, health, peace, and safety of the citizens of the City of Penitas;

WHEREAS, the City of Penitas continues to grow and attract businesses and other commerce;

THEREFORE BE IT RESOLVED AND ORDAINED by the Board of Aldermen of the City of Penitas, on this day, the 1st of November, 2006, as follows;

PURPOSE AND INTENT

The portable sign regulations established herein have been made in accordance with law to establish a permit system for portable signs in defector commercial, industrial and residential zones subject to the standards and the permit procedures of this ordinance and to further community interest, preserve the aesthetic environment and address public safety.

DEFINITION

For the purpose of this ordinance, the following shall apply unless the context clearly indicates or requires a different meaning. Words not defined herein are to be interpreted according to the standard meaning of the word or its customary usage.

PORTABLE SIGN. A free-standing sign designed and constructed to be easily moved from one location to another, that is not attached to a permanent foundation, including lighted arrow or black A-frame signs with neon letters. A PORTABLE SIGN includes, but is not limited to, any sign mounted or attached to a pick-up truck, van, or any other motor vehicle or trailer used for advertising or promotional purposes. This definition does not include identification lettering on motor vehicles containing the name of the person, business, address, telephone, business activity, occupancy or other similar information or political signs.

APPLICATION OF PROVISIONS.

These provisions shall apply to any area inside the corporate city limits. Installation of a portable sign structure at a location, other than as specifically permitted herein, is prohibited.

- (A) Permit. A permit from the city shall be obtained by the owner of the portable sign, prior to the use or placement of a portable sign 32 square feet or greater.
- (B) Permit fee. A permit fee for a portable sign installation shall be \$30. The fee shall be waived for community-sponsored activities.
- (C) Sign permits. A maximum of three portable sign permits per year may be issued for each business address for a period of 30 days. New business may be allowed one additional portable sign to promote their business, such as grand openings.
- (D) Expiration. A portable sign shall be removed upon expiration of a permit.
- (E) Distance. Portable signs located in a business location shall be at least 50 feet from another sign or a permanent sign. A business location shall be defined as a strip-center, shopping center and/or a collection of businesses.
- (F) Size. The maximum size of a portable sign shall not exceed 48 square feet. The placement of letters on a portable sign extending above or below the sign may not exceed 18 inches.
- (G) Location. Portable signs shall be set back a minimum of 10 feet from the street curb or edge of the pavement, being completely out of the street or highway right-of-way. Sight triangles at driveways and street intersections must be observed. Portable signs shall not be allowed in these triangles. A site plan showing the location of the portable sign shall be substituted with a permit application.
- (H) Restriction. Portable signs shall not be placed in a parking space on a lot which the required number of parking spaces are not provided or where lack of paved parking is clearly evident
- (I) Portable signs must be located on site, meaning they must be on the property they are advertising. Portable signs may not be placed on vacant lots.
- (J) Allowance. Portable signs shall not be allowed in residential districts, except for churches and schools on special events.
- (K) Anchoring. Portable lighted arrow or black A-frame signs with neon letters shall be properly anchored into the ground with metal stakes to withstand wind action from any direction.
- (L) Electrical. If electricity equipped, proper electrical receptacles shall be in place to allow safe lighting of the sign. The use of metal conduit or other proper material shall be used to protect electrical wiring to the sign. If electrical receptacles are not in place upon sign delivery, the electrical connectors with the sign must be disabled to ensure safe use of the sign.

- (M) Lighting. Portable signs must be internally or indirectly lighted; however, such light or lights shall not be flashing, intermittent, moving or of a similar lighting type. Any material constructed of or containing material capable of producing glare or mirrored images shall not be permitted.
- (N) Identification. Portable signs, if owned by a rental company, must carry the owner's name, telephone number and current decal or logo.
- (O) Non-conforming rental. Existing leased or rental portable signs may continue until the lease or rental agreement has been fulfilled. Proof of pre-existing agreements shall be provided to the city. Upon completion of a lease or rental agreement, the owner or occupant of a business location desiring to use a portable sign shall comply with the number of portable signs permits allowed and with all other regulations of these signs.
- (P) Non-conforming privately owned. Privately owned portable signs may continue for a maximum period of one year. After one year, the owner shall comply with the number of portable sign permits allowed and with all other portable sign regulations. Pre-existing privately owned portable signs shall comply with the location regulations for a portable sign.

OFF-PREMISE SIGN REGULATIONS.

The off-premise sign regulations as herein established have been made in accordance with law to establish a permit system for off-premise signs/billboards to allow a variety of types of signs in commercial and industrial zones subject to the standards and the permit procedures of this ordinance and to further community interest and preserve the aesthetic environment.

DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words not defined are to be interpreted according to the normally accepted meaning of the word or its customary usage.

OFF-PREMISE SIGNS. A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally manufactured or sold on the premises on which the sign is located.

APPLICATION OF PROVISIONS.

These provisions shall apply to any areas inside the corporate city limits, within any area extending 2,000 feet into the city's extra-territorial jurisdiction, and the section of U. S. highway 83, which extends from the present west side corporate city limits, to the present east side corporate city limits, and north on Tom Gill Road to the present north side corporate city limits, and south on FM 1427 to Military Highway from U. S. Highway 83, and from U. S. Highway 83, north on Liberty Drive to the north corporate city limits . Installation of an off-premise sign structure at a location, other than specifically permitted, is prohibited.

OFF-PREMISE SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

- (A) Off-premise signs/billboards. Single-stacked, off-premise signs or billboards utilizing only a monopole metal type sign structure shall be permitted only on locations in commercial and industrial zoning districts.
- (B) Prohibited locations. Billboard signs shall not be allowed in state, city or railroad right-of-way and within utility easements of records.
- (C) Distance from building. No off-premise sign or billboard may be located closer than 300 feet from any building or on-premise sign.
- (D) Distance to other locations. No off-premise sign or billboard shall be allowed within 1,000 feet of a church, synagogue, cemetery, preschool, school, college, public park, public playground or designated scenic area.
- (E) Traffic safety. No off-premise sign or billboard may be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device or interfere with a driver's view of approaching or intersecting traffic.
- (F) Height and size limitation. An off-premise sign or billboard may not be erected, if it exceeds an overall height of 25 feet maximum height and a maximum face area of 253 square feet along U. S. Highway 83 and Tom Gill Road. Any variation of the size and height regulations shall be considered by means of a special use permit.
- (G) Distance from other signs. No off-premise sign or billboard may be installed closer than 2,000 feet to an existing off-premise sign on either side of the highway right-of-way. All distances shall be measured directly along the public rights-of-way at the shortest distance possible where necessary to cross the street.
- (H) Construction. Billboards shall have parallel faces, boxed ends not exceeding a 36-inch separation, and centered metal-mounted poles with all the surfaces painted brown or a compatible earth tone color.
- (I) Wind load pressure. Permit applications for new billboard signs must include a certification signed by the applicant that the sign will withstand wind load pressures in pound per square foot as set out by the Texas Department of Transportation for outdoor advertising signs.

Wind load Pressure in pounds Per Square Foot Height, in feet above ground as Measured above the average Level of the ground adjacent to the structure.	Pressure, pounds per square foot
0 to 5	0
6 to 30	20
31 to 50	25
51 to 99	35

- (J) Setback. Such sign shall be set back a minimum of 15 feet from the right-of-way for existing streets or highways, and those projected in the city's or county's thoroughfare plan, or Texas Department of Transportation 20-year plan.
- (K) Illumination. Such signs may be illuminated, subject to the provisions within the 1999 Edition of the National Electrical Code, as revised. The light source shall be shielded, so that the beam or rays shine directly onto the face of the sign and not the surrounding areas. Neither, the direct or the reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.
- (L) Beautification. The area used, purchased or leased for a billboard sign shall be well maintained and groomed so as to provide an aesthetically pleasing appearance at all times. Maintenance of the area shall include, but is not limited to, regular mowing and litter abatement.
- (M) Permission from owner. No permit for an off-premise or billboard sign may be approved, unless the applicant has obtained written permission from the owner of the designated site.
- (N) State outdoor advertising. Rules and policies. In addition to complying with these standards, a sign owner must comply with all state outdoor advertising rules and regulations for billboards, which are not in conflict with and less restrictive than the standards prescribed herein.
- (O) Electrical service. Electrical service shall be underground.
- (P) Permit. A permit is required of any person wishing to locate, relocate, erect, construct, reconstruct, replace, renovate, repair or alter any part of a sign, including the face or other integral part of the sign.

(Q) Abandonment.

- (1) The city may consider a sign abandoned, if a sign structure is without advertising matter or displays obsolete advertising matter for a period of 180 days, or if the sign has fallen into disrepair or become overgrown with trees or other vegetation. Small temporary signs such as garage sale signs, campaign signs, or any sign attached to the structure do not constitute advertising matter that would stop the 180 days from running. The payment of property taxes will not be considered in determining whether or not retention of the sign as a balance sheet asset will be considered in determining if the sign has been abandoned.
- (2) An abandoned sign in a non-conforming location may not be re-permitted. If the location of the abandoned sign is conforming, a new permit may be issued to anyone who submits an application that meets applicable requirements.

NON-CONFORMING SIGNS

A lawfully erected sign that does not comply with the provisions of a law or rule enacted at a later date or that later fails to comply with a law or rule due to changed conditions. Non-conforming signs may continue to exist as long as the sign remains lawful, subject to the following provisions:

- (A) No such non-conforming sign may be enlarged or altered in a way, which increases its nonconformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- (B) A non-conforming sign which has been damaged by fire, wind, or other cause in excess of 60% of its replacement cost shall be restored except in conformance with the provisions of this ordinance.
- (C) A non-conforming sign shall be properly maintained so that such sign does not constitute a danger to the public health and welfare.
- (D) Non-conforming signs approved through a special use permit process shall not be subject to the penalty provision of this ordinance.

FEES

Off-premise sign fees shall be assessed as follows: New or reconstructed off-premise signs, \$200; yearly renewal, \$100.

APPEALS AND VARIANCES.

Any person may appeal or seek a variance to this ordinance. Appeals and variance shall be subject to the procedures of Texas Local Government Code Chapter 211.006

PENALTY.

Violation of this ordinance shall be assessed and classified as a Class C misdemeanor.

SEVERABILITY: If any part or provision of these regulations, or application thereof, to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or applicant directly involved in the controversy in which such judgment shall have been rendered and shall not effect or impair the validity of the remainder of these regulations or the application thereof to other person or circumstances. The City hereby declares that it would have enacted the remainder of these regulations without any such part, provision or application.

THIS ORDENANCE WILL BECOME EFFECTIVE ON THE DAY OF PASSING.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENITAS.

PASSED AND APPROVED AT A REGULARILY AND DULY CALLED MEETING OF THE BOARD OF ALDERMAN OF THE CITY OF PENITAS, TEXAS WHERE A QUAROM WAS PRESENT BY A 4 TO 0 VOTE, THIS the 1st. day of November, 2006.



Servando Ramirez, Mayor
City of Penitas, Texas

ATTEST:



City Secretary