

ORDINANCE NUMBER 1073

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 99.15 OBSTRUCTIONS; ADVERTISEMENTS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the City of Burkburnett finds that it is in the best interest of the citizens of Burkburnett to revise and update the Code of Ordinances Section 99.15 City Obstructions; Advertisements;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, THAT:

Part 1. Enacted.

THAT the City of Burkburnett Code of Ordinances Section 99.15 existing text shall be deleted and is hereby amended and shall read as follows:

Sec. 99.15. Obstruction; Advertisements; Sign Regulation

1. Definitions

Awning Sign. A sign on a supporting framework that projects from and is supported by the exterior wall of the building.

Air Blown Sign. A balloon or other air-borne or inflated device (“wind dancers”), which is tethered to the ground or to a building or other structure and directs attention to a business, commodity, service, entertainment sold or offered, or special event or sale.

Bandit sign. Any sign not meeting the definition of an allowed sign as per this Ordinance shall be considered a bandit sign.

Banner Sign. Any sign printed or displayed upon cloth or other flexible material without frames. A banner sign is for temporary use only.

Bench Sign. A sign which is affixed or painted in any manner to a bench.

Billboard Sign. Any outdoor sign, description, device, figure, painting, drawing, message, placard, poster, or structure which directs the attention of the traveling public to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Business Sign. A sign which advertises only commodities or services offered on the premises upon which the sign is placed.

Commercial Signs Licensing and Permitting (CSLAP) Permit. Under Chapter 391 of the Texas Transportation Code, a permit for commercial signs along regulated highways approved by the Texas Department of Transportation when in compliance with regulations in Subchapter I, Title 43, Chapter 21, of the Texas Administrative Code.

Canopy Sign. A sign on a roof structure, where the roof structure is freestanding or is attached to and supported by a building and by columns, poles, or braces extended to the ground.

Construction Sign. A temporary on-premises sign identifying any or all property owners, engineers, architects, mortgagees, or other participants in the construction or improvement of the premises but displays no goods or services for sale or other advertising.

Detached Accessory Island Canopy. A self-supporting structure, detached from the primary structure on the premises, which is designed to provide shelter for gasoline service islands, drive-up banking islands, or other accessory uses.

Development Sign. A temporary on-premises sign identifying one or more developments, projects, or buildings proposed or currently under construction which displays no goods or services for sale or other advertising.

Directional Sign. A sign located on private property which displays warnings, instructions, or directions and on which no other form of business promotion or advertising appears.

Director. The person designated by the City Manager as having authority for enforcement of this Ordinance.

Electronic Changeable Copy Sign. A sign containing changeable electronic variable message areas which permit light to be turned on or off intermittently or which are operated in a way whereby light is turned on or off intermittently, including any illuminated signs on which such illumination is not always kept stationary or constant in intensity and color when such signs are in use, including LED (light emitting diode) or digital signs which vary in intensity or color.

Flag. A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country, institution, or business or as a decoration during public festivities.

Flutter Flag. Also known as feather flag or teardrop flag. A form of temporary sign composed of durable lightweight fabric with a sturdy frame enclosing only a portion of the material's edge so that it can remain upright and still be flexible in the breeze, generally shaped to be tall and narrow when affixed to the ground or other bottom support, affixed to a pole which is located outdoors and contains language for advertisement, greeting, or similar messaging purposes, which is activated by the wind and is used by businesses or organizations to promote events, products, or services.

Frontage. The length of a building or lot which faces a street.

Institutional Sign. A permanent, on-premises sign for the identification of a public or private school, university, church, hospital, or other similar use.

Lot. A single tract or platted lot. In addition, multiple adjacent tracts or platted lots under common ownership will be deemed to be a single lot if they meet the following requirements:

1. The lots or tracts are not separated by intervening streets, alleys, or other interruptions.
2. The property contains a single primary use.

Menu Board Sign. Any sign displaying the items offered at a business.

Monument Sign. Any outdoor sign attached to a contiguous structural base, which shall be of the same width as or greater width than the message portion of the sign and is permanently affixed to the ground. Poles and supports shall be concealed.

Nameplate Sign. An on-premises sign showing only the name and/or address of the occupant.

On-premises Sign. Any sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.

Pole Sign. Any outdoor sign that is mounted on one or more freestanding poles or other support so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.

Temporary Sign. A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Portable Sign. A sign, not including a bench sign, whose principal supporting structure is intended by design, use or construction, to be used by resting upon the ground for support and to be easily removed and relocated for reuse.

Projecting Sign. A sign, other than a wall sign, fixed to any building or wall, which extends more than two (2) feet beyond such building or wall. An awning/canopy sign is not defined as a projecting sign.

Pylon Sign. A permanent freestanding sign having at least twenty-five (25) percent of the sign structure width in contact with the ground and in which the sign face is separated from ground level by means of one (1) or more supports such as poles, pole covers or columns. Poles and supports shall be concealed.

Real Estate Sign. A sign pertaining to the sale or lease of the premises, or part of the premises, on which the sign is located.

Roof Sign. A sign that extends above or is supported on the roof of a building.

Sign. A structure, display, device, figure, painting, drawing, message, plaque, poster, or billboard, intended to be visible from the outside of a building, that is designed or used to advertise or inform. The term “sign” includes the supporting structure of the sign.

Sign Area. The entire advertising area of the sign including any framing, trim, or molding and the supporting structure.

Sign Height. The vertical distance between the highest point of the sign or its supporting structure and the natural grade directly below the sign.

Subdivision Entry Sign. A sign that is allowed at the entrance(s) into a legally recorded residential subdivision and which contains only the name of the subdivision.

Substantially Damaged Sign. Where the cost of repairing the sign is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location.

Wall Sign. Any sign painted on or attached to an exterior wall of a building in a parallel manner.

2. Permits

Before any sign is erected, constructed, reconstructed, installed, painted, or replaced, a permit for the sign must be obtained. Sign Permits are issued by the Director or designee. Permits are not required for the following:

- a. Any sign being repainted where the painting constitutes the only alteration to the sign.
- b. Any on-premises sign posted on private property on maximum twenty-four (24) inch by

thirty (30) inch sheet poster panels.

- c. All signs erected by governmental entities for the purpose of public instruction, street or highway designation, control of traffic and similar uses relating to the public interest.
- d. Garage and yard sale signs no larger than four (4) square feet.
- e. Construction, development, or real estate signs placed on private property and in compliance with this Ordinance.
- f. The replacement of plastic sign faces or panels where the original frame is used, the frame size is not altered, and the substructure or sign design is not being altered or removed.
- g. The replacement of bulbs that illuminate the sign where the original or identical frame is used, and the frame size is not altered, and the substructure is not altered or removed.
- h. Directional signs placed on private property and in compliance with this Ordinance.
- i. Flutter flags, placed on private property and otherwise in compliance with this Ordinance.
- j. Portable signs, for on-premises advertising, not exceeding twelve (12) square feet in area.
- k. Banner signs, for on-premises advertising, not exceeding twenty-four (24) square feet in area.
- l. Nameplate signs for residential locations not exceeding two (2) square feet in area.
- m. Contractor signs identifying the contractor or subcontractor performing work on the premises where the sign is displayed. Such signs must not exceed six (6) square feet in area and must be removed when the work is completed.
- n. Professional nameplates and occupational signs, when attached to the building face and which denote only the name and occupation of an occupant in a commercial building or public institutional building and not exceeding four (4) square feet of sign area.
- o. Temporary political signs placed on private property in compliance with Texas Election Code Section 259.003 and this Ordinance.

3. Application for a Sign Permit

An application for a sign permit must be accompanied by the permit fee and shall include such information as necessary to assure compliance with the City of Burkburnett ordinances, including but not limited to:

- a. A completed application form and application fee as established by the Code of Ordinance Chapter 156: Land Usage Fee Schedule,
- b. Scaled and/or dimensioned plans of the sign(s) which clearly show how the sign(s) will be constructed, and
- c. A site plan of:
 - i. The location of the sign relative to property lines, easements, setbacks, buildings, and other structures.
 - ii. Other existing and proposed signs on the property.
 - iii. Sign elevation and mock-up of sign face.

The Director has the power to revoke permits at any time for failure to comply with any sign regulation of the City. In such cases, all work on the sign must immediately cease, except the work necessary to remove the portion of the sign or sign structure that has been erected.

4. Prohibited Signs

- a. Air blown signs.
- b. Billboard signs. This prohibition includes any billboard sign within the city limits of Burkburnett.
- c. Bandit signs.
- d. Electronic changeable copy signs.
 - i. Exception: Where allowed as on-premises monument signs.
- e. Bench Signs
- f. Pole Signs
- g. Roof Signs
- h. Signs with revolving beacons, fluttering, swinging, or otherwise moving parts.
 - i. Exception:
 - A. Flags advertising the business on the premises. The flag must be on private property and not in the public right of way. The flag must be at least 12 feet above grade with no more than one flag per business and is allowable for a maximum of thirty (30) days per calendar year.
 - B. Flutter flags advertising the business on the premises. Flutter flags can be no larger than 24 square feet, limited to one flag per business, and allowed for a maximum of thirty (30) days per calendar year.
- i. Signs which imitate or resemble any official traffic sign, signal, or device.
- j. Any sign which is so illuminated that it would interfere with the effectiveness of or obscure an official traffic sign, device, or signal.
- k. A sign placed on a vehicle or trailer that is parked or located for the primary purpose of displaying the sign
- l. Any sign placed in the right-of-way of a road or highway maintained by the City of Burkburnett
- m. Any sign placed in a right-of-way which is a part of the state highway system
- n. Any sign which has been placed in violation of Chapter 393 of the Texas Transportation Code unless permitted by Section 393.0026 of the Texas Transportation Code.

5. Sign Location and Construction Standards

No sign shall be in or erected to project into any public right-of-way except as allowed by this Ordinance.

Any sign more than twenty (20) feet in height shall have plans sealed by an architect or engineer licensed to practice in the state. The Director may use discretion in whether sealed plans are required for signs under twenty (20) feet.

6. Nonconforming Signs

A nonconforming sign shall be allowed to be continued or maintained at the existing location, when lawfully existing on the effective date of this Ordinance, subject to the following conditions:

- a. The face of the sign may be changed, but no change or alteration shall be made that would increase the nonconformity.

- i. A nonconforming sign shall be removed if any of the following conditions apply. The City may require removal of an on-premises sign if the business, person, or activity that the sign identifies or advertises has ceased to operate on the premises for one (1) year. If the premises containing the sign or sign structure is leased, the sign or sign structure must be removed no later than two (2) years after the date the most recent tenant ceases to operate on the premises. This Section shall also apply to any sign structure containing no signage.
 - ii. The City may require removal of a sign or sign structure if the Director determines it to be substandard under any applicable ordinances of the City of Burkburnett to the extent that the sign becomes a hazard.
 - iii. The City may require removal of a sign or sign structure if it becomes substantially damaged as defined by this Ordinance.
- b. Any billboard sign existing on January 1, 2024, will be allowed to continue at its current location.
 - i. If a billboard sign is damaged by a natural disaster or accident not caused by the owner of the property on which the billboard sign is located, such owner of the property may rebuild the damaged billboard sign in its existing location. The replacement billboard sign may not be larger or taller than the damaged billboard sign.
 - ii. The owner of property on which an existing billboard sign is located may request that the existing billboard sign be converted to an electronic changeable copy sign with a Special Use Permit granted by the Board of Commissioners. The electronic changeable copy sign may not be larger or taller than the original billboard sign that it replaces.
 - A. Damage to the existing billboard sign is not a prerequisite to a request to convert an existing billboard sign to an electronic changeable copy sign.
 - B. All electronic changeable copy signs will be subject to the regulations in Sec. 414.08 of this Ordinance.

7. General Sign Regulations

a. Awning/Canopy Signs

Maximum Area: Awning/Canopy signs, excluding detached accessory island canopy signs, shall be counted as a part of, and limited to, the percentage allowable for wall signs. The area of the sign shall be determined by the smallest rectangle within which the advertising area can be enclosed.

- i. Signs placed on detached accessory island canopies shall not project beyond the width of that canopy, more than two (2) feet above that canopy, or more than one (1) foot below that canopy.
- ii. No more than one (1) awning/canopy sign shall be allowed per tenant. Where a tenant space abuts more than one street, no more than one (1) awning/canopy sign shall be allowed on each frontage.
- iii. The sign shall not project above the roof of the building.

- iv. The sign shall not project beyond the edge of the sidewalk, or the area otherwise defined as a pedestrian area.
- v. The sign shall not project into the public right-of-way except as allowed by the International Building Code as adopted in the City of Burburnett Code of Ordinances.

Banner Signs.

- i. Maximum Area: Banner signs shall be counted as part of, and limited to, the percentage allowable for wall signs.
- ii. A permit shall be required for any banner sign or combination of banner signs having more than twenty-four (24) square feet in total area per frontage.
- iii. Permits will expire at the end of thirty (30) days, at which time the banner sign must be removed.
- iv. A maximum of five (5) permits shall be issued in a calendar year.
- v. A permit shall not be required for any banner sign or combination of banner signs less than or equal to twenty-four (24) square feet in total area per frontage. However, such signage shall not be located on the premises for more than ninety (90) days per 12-month period.
- vi. All banner signs must be securely anchored in place.

b. Construction Signs.

- i. Maximum Area: The sign shall not exceed thirty-two (32) square feet in area.
- ii. Maximum Height: The sign shall not exceed ten (10) feet in height above normal grade.
- iii. No more than one (1) construction sign shall be allowed for each lot. Where a lot abuts more than one street, no more than one (1) construction sign shall be allowed on each frontage.
- iv. The sign shall be removed no later than thirty days after a certificate of occupancy has been issued by City.

c. Development Signs.

- i. Maximum Area: The sign shall not exceed thirty-two (32) square feet in area.
- ii. Maximum Height: The sign shall not exceed ten (10) feet in height above normal grade.
- iii. No more than one development sign shall be allowed for every fifty (50) lots, not to exceed thirty-two (32) signs.
- iv. The sign may be displayed once the subdivision plat is recorded and shall be removed when ninety (90) percent of each phase to which the sign is a part is completed.

d. Directional Signs.

- i. Maximum Area: The sign shall not exceed four (4) square feet in area.

- ii. **Maximum Height:** The sign shall not exceed four (4) feet in height above normal grade.
- iii. The maximum pole height shall not exceed thirty (30) inches.

e. **Flags.**

- i. Flag poles shall be a maximum height of twenty (20) feet unless the adjacent building is higher than twenty (20) feet, in which case the flagpole can be either the height of the building or fifty (50) feet tall, whichever is shorter.
- ii. Flag poles shall not be taller than the distance from the base of the flagpole to the nearest property line.
- iii. The length of the flag shall be less than 1/3 of the height of the flagpole.
- iv. Flags shall be maintained in good appearance and good repair.

f. **Garage, yard, and estate sale signs:**

- i. Must be placed only on the property where the sale is taking place, or off-site with permission of the property owner and not more than 1,000 feet from the site of the sale.
- ii. Must NOT be attached to utility poles, street signs, stop signs, or any other traffic control devices.
- iii. Must be placed on private property only and may not be placed in the public right of way.
- iv. Must not be placed earlier than 24 hours prior to the sale and must be removed within 24 hours after completion of the sale.

g. **Monument Signs.**

- i. **Maximum Area:** The sign shall not exceed one hundred and fifty (150) square feet in area per side.
- ii. **Maximum Height:** Except for commercial signs with a current CSLAP permit, the sign shall not exceed fifteen (15) feet in height above normal grade. Signs with a current CSLAP permit shall not exceed the sixty (60) feet in height.
- iii. No more than one (1) monument sign shall be allowed for each lot. Where a lot abuts more than one street, no more than one (1) monument sign shall be allowed on each frontage.
 - A. Exception: Menu board and directional signs may be placed in addition to the maximum number of monument signs. Menu board signs must comply with area, height, and electronic changeable copy requirements for monument or pylon signs.
- iv. Electronic changeable copy shall not exceed thirty (30) percent of the sign area.
- v. Finish materials for monument signs shall be stone, brick, split face block, sculpted aluminum, wood or carved wood, which is painted or sealed, approved stucco, or high-density urethane sign foam. Other materials, such as plastic sign panels shall not exceed eighty (80) percent of the total sign area.

h. Temporary Signs.

- i. Temporary signs shall not:
 - A. have an effective area greater than thirty-six (36) square feet,
 - B. have a height of more than eight (8) feet,
 - C. be illuminated, or
 - D. have any moving elements.
- ii. Temporary signs shall be placed on private property and only with the permission of the property owner.
- iii. Temporary signs shall not be placed on utility poles or in the right-of-way of any street or highway.
- iv. Temporary signs must be removed within ten (10) days after the election or run-off election to which the sign pertains or after the termination of candidacy, whichever occurs first.

i. Portable Signs.

- i. Portable signs with an area of twelve (12) square feet or more will be prohibited except under the following conditions:
 - A. Portable signs advertising the opening or relocation of a business shall be authorized by permit for a maximum period of ninety (90) days. No more than one (1) such permit shall be issued in a calendar year to any business or group.
 - B. Portable signs advertising special events shall be authorized by permit for a maximum period of five (5) days. No more than one (1) such permit shall be issued in a calendar year to any business or group.
 - C. Portable signs advertising special events of nonprofit, charitable and civic organizations shall be authorized by permit for a maximum of fourteen (14) days. No more than one (1) such permit shall be issued in the calendar year to any organization.
 - D. No portable sign, regardless of its size, shall be located in such a manner that it creates or causes a sight restriction on any public street, intersection, or private driveway.
 - E. All portable signs must be securely anchored to the ground to resist movement or overturning from wind or other forces.
 - F. The source of electrical power for any portable sign must be an approved electrical outlet or receptacle with ground fault protection located not more than 6 feet from the sign. Power cords or extension cords used for connecting the sign to the electrical source shall not be laid across or over pedestrian or vehicle pathways.
 - G. No more than one (1) portable sign over twelve (12) square feet in area shall be allowed per property or within fifty (50) feet of another portable sign.

j. Projecting Signs.

- i. Maximum Area: The sign shall not exceed forty-eight (48) square feet in area.
- ii. No more than one (1) projecting sign shall be allowed per tenant. Where the tenant space abuts more than one street, no more than one (1) projecting sign shall be allowed on each frontage.

- A. Exception: Where an awning/canopy exists, one (1) projecting sign may be located above the awning/canopy and one (1) projecting sign below the awning/canopy.
 - iii. The sign shall not project above the roof of the building.
 - iv. The sign shall not project into the public right-of-way except as allowed by the International Building Code as adopted by the City of Burkburnett Code of Ordinances.
 - v. In no case shall the sign project more than six (6) feet from the building.
- k. **Pylon Signs.**
- i. Maximum Area: The sign shall not exceed one hundred and fifty (150) square feet in area per side.
 - ii. Maximum Height: The sign shall not exceed fifteen (15) feet in height above normal grade.
 - iii. No more than one (1) pylon sign shall be allowed for each lot. Where a lot abuts more than one street, no more than one (1) pylon sign shall be allowed on each frontage.
 - A. Exception: Menu board and directional signs may be placed in addition to the maximum number of pylon signs. Menu board signs must comply with area, height, and electronic changeable copy requirements for monument or pylon signs.
 - iv. Electronic changeable copy shall not exceed thirty (30) percent of the sign area.
 - v. The lowest point of the sign face shall not exceed two (2) feet above normal grade.



- vi. Finish materials for pylon signs shall be stone, brick, split face block, sculpted aluminum, wood or carved wood, which is painted or sealed, approved stucco, or high-density urethane sign foam. Other materials, such as plastic sign panels shall not exceed eighty (80) percent of the total sign area.
- l. **Real Estate Signs.**
- i. Residential.
 - A. Maximum Area: The sign shall not exceed eight (8) square feet in area.
 - B. No more than one (1) real estate sign shall be allowed per frontage.
 - C. Sign must be removed within one week following the close of sale or lease.
 - ii. Commercial
 - A. The maximum area for a freestanding commercial real estate sign is thirty-two (32)

square feet.

- B. The maximum height for a freestanding commercial real estate sign is ten (10) feet.
- C. The maximum area of a wall-mounted commercial real estate sign is ten (10) square feet.
- D. No more than one (1) commercial real estate sign shall be allowed per building or tenant space. Where the building or tenant space abuts more than one (1) street, no more than one (1) sign shall be allowed for each frontage.
- E. Sign must be removed within one week following the close of sale or lease.

m. Subdivision Entry Signs.

- i. Primary Subdivision Entrance Signs.
 - i. Maximum Area: The sign shall not exceed thirty-two (32) square feet in area. If the sign face is incorporated into landscape features, a wall, or other architectural features, the area of the sign shall be determined by the area of the smallest rectangle within which the face of the sign can be enclosed.
 - ii. Maximum Height: The sign shall not exceed eight (8) feet in height.
 - iii. No more than two (2) primary entrance signs shall be allowed per primary entrance.
 - iv. The primary subdivision entrance sign(s) must be located within the subdivision and within one hundred fifty (150) feet of the primary entrance.
 - v. May be located at only one entrance for each subdivision.
- ii. Secondary Subdivision Entrance Signs.
 - i. Maximum Area: The sign shall not exceed sixteen (16) square feet in area. If the sign face is incorporated into landscape features, a wall, or other architectural features, the area of the sign shall be determined by the area of the smallest rectangle within which the face of the sign can be enclosed.
 - ii. Maximum Height: The sign shall not exceed eight (8) feet in height.
 - iii. No more than two (2) secondary entrance signs shall be allowed per secondary entrance.
 - iv. The secondary subdivision entrance sign(s) must be located within the subdivision and within one hundred fifty (150) feet of the secondary entrance.
- iii. Construction materials shall be compatible with other structural forms and materials located within, and representative of, the subdivision. Elevation drawings shall be submitted for staff review prior to issuance of a building permit, showing construction materials and detail.
- iv. No electronic message displays shall be allowed.

n. Wall Signs.

- i. Maximum Area: Not more than twenty (20) percent of any wall shall be devoted to signs. The maximum area of any wall sign shall not exceed five hundred (500) square feet.
- ii. No wall sign shall project above the roof of the building.
- iii. No wall sign shall project more than two (2) feet from the wall to which it is attached.

8. Electronic Changeable Copy Signs

- a. The following illumination regulations apply to all electronic changeable copy signs:
 - i. Compliance with Electrical Code. Electronic changeable copy signs shall comply with all applicable provisions of the Electrical Code of the City. All electrical connections to the sign shall be placed underground. Electrical transformer boxes and raceways shall be concealed from public view. If a raceway cannot be mounted internally behind the finished exterior wall, the exposed metal surfaces of the raceway shall be finished to match the background wall or integrated into the overall sign design. If raceways are necessary, they shall never extend in width or height beyond the area of the sign's lettering or graphics.
 - ii. Hazards. Artificial light used in conjunction with the lighting of any sign shall not be directed or reflected onto any structure or constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.
 - iii. Rotating or flashing lights. No rotating beam or flashing beacon light shall be used on any sign or sign structure.
 - iv. Shield the light source. The light source, whether internal or external, shall be shielded from view or directed so that the light intensity or brightness is directed away from the public right-of-way or boundary of any residential zoning district or residentially used property. Ground-mounted external flood lighting shall be shielded and properly placed and directed to avoid direct visibility of the directed light to passing motorists.
 - v. Light trespass. No sign or associated luminaire shall create light spillover of more than 0.1 footcandles at any property line within or bounding a residential use or district.
 - vi. Types of lighting. Exposed neon tubing may be used in conjunction with other types of materials to attractively emphasize the sign copy. Fluorescent and incandescent lighting shall be diffused by translucent glass or plastic.
 - vii. Use a projected light source. Illumination by a projected light shall be an indirect spotlight or gooseneck-down light. External lighting fixtures shall not cast light or glare in any direction other than on the elements of the sign. Such lighting shall be placed to provide even illumination to the signage and to avoid hot spots or dark areas on the signage.
- b. **Timing.** Illuminated signs within a residentially zoned area shall shut off between the hours of 10:00 p.m. and 6:00 a.m. The sign shall include an automatic shut-off mechanism to ensure that the signs are not illuminated during the time provided above.
- c. **Brightness.** Illuminated signs shall not operate at brightness levels of more than 0.3 footcandles above ambient light conditions at the property line, as measured using a footcandle meter. Illumination levels shall be measured in footcandles with a meter sensor in a horizontal position at an approximate height of three (3) feet above grade. Maximum illumination readings are to be taken directly beneath the luminaire. The point at which readings shall be taken is dependent upon the area classification and fixture arrangements.
- d. **Prohibited illumination.** An illuminated sign shall not:

- i. Be illuminated by flashing, intermittent, or moving lights;
- ii. Include audio, pyrotechnic, or blue casting (Bluetooth advertising) components; or
- iii. Consist of a static image projected upon a stationary object.

9. Special Use Permit

In addition to special use reviews specifically referenced in this Section, the owner of property may request a special use review under this section pertaining to size and height restrictions for Monument Signs or Pylon Signs.

10. Removal of Signs

If the Director or designated representative determines any sign is in violation of this Ordinance, he shall give written notice to remove or replace (in accordance with this Ordinance) said sign to the owner or person responsible for the sign. If the owner or person responsible for the sign fails to remedy the violation within ten (10) days after such notice, the Director may cause removal of the sign. A bill for the resulting costs incurred by the City shall be mailed to the owner or person responsible for the sign and must be satisfied within thirty (30) days of the date of mailing of the bill. In the event the bill has not been satisfied within the thirty (30) day period, the City may file a statement with the County Clerk of the expenses incurred. The City shall have a privileged lien on the lot upon which the expense was incurred and ten percent (10%) on the amount from the date such payment is due.

The City may immediately remove any sign or circular posted on a utility pole or in the public right-of-way without prior notice to the person responsible. The person(s) responsible shall be in violation of Chapter 393 of the Texas Transportation Code.

11. Maintenance

All signs for which a permit is required, together with all supports, braces, guys and anchors shall be kept in repair. The Director may order the removal of any sign that is not maintained in accordance with this Section. Such removal shall be accomplished at the expense of the owner or person in charge of the premises. Failure to comply with such order shall constitute a misdemeanor.

12. Enforcement

All signs in existence on and in compliance with the zoning regulations as of the effective date of this Ordinance shall be exempt from the provisions this of article; provided, however, that all alterations to such existing signs must be made in accordance with, and are subject to, the provisions herein contained. Except as were specifically provided any nonconforming sign which is damaged or is deteriorated to a point where its restoration cost exceeds 60% of its replacement value shall be removed.

Part 2. Severability

The provisions and sections of this Ordinance shall be deemed to be independent, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

Part 3. Repeal of Conflicting Ordinances

All ordinances or part of ordinances in conflict herewith are hereby repealed to the extent of the conflict with this Ordinance.

Part 4. Publication

The City Clerk is authorized and directed to publish the caption and penalty prescribed by this Ordinance in accordance with State Law.

Part 5. Effective Date

This Ordinance shall be in force and effect from and after its publication.

PASSED AND APPROVED THIS 15TH DAY OF SEPTEMBER 2024.

Lori Kemp, Mayor

ATTEST:

Nikki Tepfer, City Clerk