

City of Grandview

# Sign Ordinance

ORDINANCE NO. 2005-0421

**AN ORDINANCE OF THE CITY OF GRANDVIEW, TEXAS ESTABLISHING REGULATIONS FOR SIGNS IN THE CITY LIMITS AND ETJ, INCLUDING PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; PURPOSE; JURISDICTION; DEFINITIONS; DESIGN GUIDELINES; EXEMPTIONS FOR CERTAIN TYPES OF SIGNS; RESTRICTIONS ON CERTAIN TYPES OF SIGNS; PROHIBITED SIGN TYPES; UNIFORM SIGN LOCATIONS; SIGN PERMITS; SIGN MAINTENANCE; LEGAL NON-CONFORMING SIGNS; VARIANCES; RELATION TO OTHER ORDINANCES; AN EFFECTIVE DATE; ENFORCEMENT INCLUDING A FINE NOT TO EXCEED \$2000; AND A CIVIL PENALTY NOT TO EXCEED \$1,000 AND INJUNCTIVE RELIEF; SEVERABILITY; AND PROVIDING FOR PROPER NOTICE AND MEETING**

Adopted April 21, 2005  
Revised August 4, 2005



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**WHEREAS,** the City Council of the City of Grandview seeks to provide for the orderly development of land and use of property within its corporate limits and its extra territorial jurisdiction; and

**WHEREAS,** the City Council seeks to maintain the value of Grandview's scenic beauty and rural charm, which are the keystones of the City's quality of life through a comprehensive regulatory program that includes zoning, subdivision control, and restrictions on signs; and

**WHEREAS,** the City Council finds that improperly constructed and poorly maintained signs may be safety hazards that constitute a public health risk; and

**WHEREAS,** the City Council finds that proper signs can create a pleasing environment for shoppers as well as the entire community; and

**WHEREAS,** the City Council finds that certain signs overwhelm the public, unduly distract and confuse motorists by diverting attention away from the roadway, and result in safety threats to vehicular and pedestrian traffic; and

**WHEREAS,** the City Council finds that certain signs constitute aesthetic harm by cluttering the rural landscape and highway corridors and adversely affecting the naturally scenic views and native environment; and

**WHEREAS,** the City Council finds that certain signs may conceal or obstruct windows, doors, or significant architectural features or details of buildings; and

**WHEREAS,** the City Council finds it to be in the best interest of the public safety, health and general welfare to regulate the construction, design, repair, demolition, maintenance and use of signs so to preserve the quality of life for City residents, visitors and property owners, maintain the public rights-of-way, prevent threats to public safety, prevent traffic hazards, restrict signs that unduly interfere with scenic views and constitute a public nuisance, deter signs that are detrimental to property values; and

**WHEREAS,** the City Council finds it to be in the best interest of the public to regulate signs so as to promote roadway and pedestrian safety, encourage effective communication with the public, improve the appearance of the City, and uphold the principles of free speech, including commercial speech and

enhance the community's small town character while preserving the authentic cultural heritage of the area; and

**WHEREAS,** the City Council is authorized to regulate signs by virtue of the Texas Constitution, the City's police power and by the Texas Local Government Code, Chapters 51, 54, 211, 216, and 217; and

**WHEREAS,** the City Council has received public input by and through the Planning and Zoning Commission and the Historical Preservation Commission, volunteer citizens advisory groups authorized by the laws of the State of Texas and appointed by the City Council; and

**WHEREAS,** the City Council and the Planning and Zoning Commission have conducted public hearings and issued public notices on this ordinance.

**NOW THEREFORE, be it ordained by the City Council of the City of Grandview, County of Johnson, State of Texas:**

## 1. ENACTMENT CLAUSES

### A. Findings of Fact

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Grandview and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

### B. Purpose

This ordinance is adopted so that the City Council may promote the public health, safety, morals and general welfare within the City through the regulation of signs. The purpose of this ordinance is to provide for the orderly construction, erection, repair, demolition, maintenance, removal and relocation of signs within the corporate boundaries and extraterritorial jurisdiction of the City. These rules and regulations are designed to provide uniform sign standards and to promote a positive City image reflecting order, harmony and pride, thereby strengthening the economic stability of the City's commercial, cultural, historical and residential areas. More specific objectives include the following:

#### (1) Safety

To promote the safety of persons and property by providing those signs:

- (a) Do not create a hazard due to collapse, fire, collision, decay or abandonment.
- (b) Do not obstruct fire fighting or police surveillance.
- (c) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

#### (2) Communications Efficiency

To promote the efficient transfer of information in sign messages by providing that:

- (a) Those signs, which provide messages and information most needed and sought by the public, are given priorities.
- (b) Businesses and services may identify themselves.
- (c) Customers and other persons may locate a business or service.
- (d) No person or group is arbitrarily denied the use of the lines of vision from the public right-of way.
- (e) Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore

said messages, according to the observer's purpose.

**(3) Landscape Quality and Preservation**

To protect the public welfare and to enhance the appearance and economic value of the City, by providing those signs:

- (a) Do not interfere with scenic views.
- (b) Do not create a nuisance to persons using the public right-of-way.
- (c) Do not create a nuisance to the occupant of any property by their brightness, size, height or movement.
- (d) Are not detrimental to land or property values.

**C. Conformance Required**

No person may construct, place, erect, repair, maintain or use a sign after the effective date of this Ordinance unless such erection, construction, reconstruction, repairs, maintenance or use meets all the provisions of this and all other applicable ordinances adopted by the City Council of the City of Grandview, Texas.

**D. Review Procedure**

Submit design showing color, scale, lighting, size, placement, location and any other pertinent information. All sign designs located within the Downtown Historical District shall be reviewed by the Historical Preservation Committee for compliance with the Downtown Design Guidelines and the Sign Ordinance; a recommendation will be made to the City Council for final approval. All other sign designs shall be reviewed by City Code Enforcement for compliance with the Sign Ordinance and/or the Thoroughfare Overlay District section of the Zoning Ordinance. Any questionable designs will be brought before the Planning and Zoning Commission for approval.

**E. Scope of Jurisdiction**

The provisions of this Ordinance shall apply within the City Limits and extraterritorial jurisdiction (ETJ) of the City.

**F. Effective Date**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

## 2. DEFINITIONS

### A. Interpretation

Words and phrases used in this ordinance shall have the meanings set forth in this section. For the convenience of the reader, these defined words and phrases are underlined, but the absence of such indications does not imply a different meaning. Words and phrases which are not defined in this ordinance but are defined in other ordinances of the City of Grandview shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this ordinance.

### B. General Definitions.

- (1) “*Area*” as applied to any sign, means the square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate area. The area to be measured encompasses the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the sign material from the backdrop or structure against which the sign is placed, but excludes any sign supports or supporting framework. In cases where a sign, or a portion of a sign, is composed only of letters, figures, or other characters standing against no sign face background, then the sign face area is the area of the smallest simple imaginary figure (circle, triangle, rectangle, or other) which fully contains the sign content. The area of a sign with more than one face is the sum of the areas of all sign faces visible from any one point. However, a sign structure with two faces back-to-back, oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, shall be counted only as the area of one face.
- (2) “*Average Illumination*” as applied to any sign means the average value of the maximum illumination and the minimum illumination.  $(\text{Max. Illum.} + \text{Min. Illum.})/2$
- (3) “*City*” means the City of Grandview, a duly incorporated municipality located in Johnson County, Texas unless otherwise stated, the term includes both the City limits and ETJ..
- (4) “*City Administrator*” means the Mayor of the City of Grandview or the Mayor’s duly authorized representative, agent, or assigned employee.
- (5) “*City Council*” means the governing body of the City of Grandview.

- (6) "*City Limits*" means the incorporated municipal boundaries. The term does not include the City's extraterritorial jurisdiction, as that term is defined by state law.
- (7) "*Commercial Complex*" means any development such as a shopping center, office park or industrial park, which consists of two or more establishments on a single platted lot, or which is designed, developed and managed as a unit.
- (8) "*Direct Illumination*" as applied to any sign means that illumination arriving directly from a light source without reflection from other objects
- (9) "*Establishment*" means a building on any land used for any purpose regardless of the commercial, nonprofit or public nature of the activity, but excluding a building used solely as a residence.
- (10) "*ETJ*" means Extraterritorial Jurisdiction of the City of Grandview.
- (11) "*Fixture*" means an assembly of one or more light sources and related components.
- (12) "*Foot Candle*" is a standard unit of illumination (engineering term) defined as one lumen per square foot.
- (13) "*Height*" as applied to any sign, is the vertical distance between the highest attached component of the sign or of its supporting structure, whichever is higher, and the average established ground level beneath the sign. The established ground level beneath the sign is the lower of (1) the existing grade prior to construction of the sign or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.
- (14) "*Illumination*" as applied to any sign means the intensity or brightness of light expressed in foot candles.

- (15) "*Lens*" as applied to any sign means a transparent or translucent material enclosing, surrounding, or placed between a light source and the area it illuminates.
- (16) "*Light Source*" as applied to any sign means any construction, including a primary transparent or translucent envelope, that emits light; such as but not limited to an incandescent lamp, an arc lamp, a fluorescent tube, a neon tube.
- (17) "*Line of Sight*" as applied to a light source used to illuminate any sign means a straight line from the eye of an observer three feet or more above the ground to the light source and/or its lens and/or an intended or incidental specular reflecting surface.
- (18) "*Lumen*" is a standard unit (engineering term) of light flux defined as the flux emitted by a light source of one candle.
- (19) "*Maximum Illumination*" as applied to any sign means the illumination at the point on the sign having the greatest illumination.
- (20) "*Minimum Illumination*" as applied to any sign means the illumination at the point on the sign having the least illumination.
- (21) "*Non-residential Zone*" means inside the City limits and in the City's extra-territorial jurisdiction, any lot or tract of land which is not within a residential zone.
- (22) "*Person*" means any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity. This term includes a responsible party.
- (23) "*Public Right-of-Way*" means the area on, below, above, or bordering a public roadway, highway, street, sidewalk, alley, water way, or easement, in which the City, any other governmental entity, or any public utility has an interest.
- (24) "*Reflected Illumination*" as applied to any sign means the light from a light source used to illuminate the sign reflected from any surface.

- (25) “*Residential Zone*” means inside the City limits and in the City’s extra-territorial jurisdiction, any lot or tract of land which is vacant or in any form of agricultural use, or on which a residence is the principal use, and any portion within 200 feet of any such residence.
- (26) “*Responsible Party*” or “*Party Responsible*” means the person, firm, organization or other entity whose establishment, product, service, activity or enterprise of any character is announced or advertised by the sign, or whose message is carried by the sign, and the owner of the land upon which the sign is located and the owner of the sign. The term expressly includes a tenant/lessee who exercises control or authority over a sign.
- (27) “*Sign*” means any structure, display, light device, figure, painting, drawing, message, plaque, poster, billboard, letters, symbols, trademarks, logos, or devices designed, intended, or used to advertise, inform or to attract the attention of people to the subject matter thereof, including an individual, firm, profession, business, organization, institution, commodity, service, activity, cause or purpose. This term does not include a traffic control device erected or maintained by a governmental entity.
- (28) “*Specular Reflecting Surface*” means any mirror-like surface whether part of a fixture or not, that reflects an image (no matter how imperfect or distorted) of a light source.

### **C. Types of Signs.**

Particular types of signs are defined by their purpose or use, by their location, and by the nature of their construction, and therefore any one actual sign may be encompassed by multiple definitions and subject to the regulations in multiple sections of this ordinance. Types of signs which are regulated by this ordinance are defined as follows.

- (1) “*Attached Sign*” means all wall signs, awning signs, canopy signs and projecting signs.
- (2) “*Auxiliary Sign*” means a sign of any construction, not exceeding one square foot in area, which is not part of another sign and which is customarily secondary and incidental to the principal use of any non-residential premises, such as one indicating hours of operation, credit cards accepted, or restrictions of sale to minors, or which is customarily secondary and incidental to a residence, such as

"no soliciting" or "beware of the dog."

- (3) "*Awning Sign*" means a sign painted on or attached to the outside of an awning, canopy or any similar structure such as is typically extended in front of a window or door or over a patio, deck or walkway as a protection from the sun or rain, regardless of whether the structure is retractable. A sign which is suspended from or projects into the space beneath an awning, canopy or similar structure, or which is painted on, attached to or suspended from an interior surface, so as to be read from within the area enclosed by the structure, is a canopy sign.
- (4) "*Balloon*" includes balloons, inflatable signs, and inflatable devices of any other kind.
- (5) "*Banner*" means a sign intended to be hung either with or without frames, made of paper, plastic, fabric or any other flexible material, and which is used by its colors, characters, lettering, illustration or ornamentation to call attention to an establishment, product or event on the site thereof or which is a community service sign. Flags are distinguished from banners for the purposes of this Ordinance.
- (6) "*Beacon*" means any light with a beam directed into the atmosphere or directed at a point which is not on the same lot or tract of land as the light source, or a light with one or more beams that rotate or move.
- (7) "*Billboard*" means any sign which is used or designed to be used to advertise, inform or call attention to any product, commodity, real estate or service which is to be obtained or is located at a place other than on the premises on which the sign is located, or to advertise or call attention to any establishment, business or activity which is not located on the same premises as the sign.
- (8) "*Bulletin Board*" means a sign which is principally devoted to posting announcements of interest to the members or clientele of an organization concerning the activities of the organization, such as is customarily erected by a governmental entity, church, social club, society, school or charitable organization.
- (9) "*Canopy Sign*" means a sign which is suspended from the underside of an awning or canopy structure or which projects into the space enclosed within or beneath an awning or canopy structure. A sign which is painted on or attached to the outside of an awning or canopy structure is an awning sign.
- (10) "*Changeable Copy Sign*" means a sign or part of a sign on which characters,

letters or illustrations can be changed or rearranged without altering the face or surface of the sign, such as a theater marquee, a gasoline price sign, or a sign identifying the occupants of a shopping center. A sign on which the only copy that changes is a matter of general public information, such as the current time and temperature or an index of stock market averages, and which contains no other commercial message, is a public service sign. Any sign other than a public service sign on which the message changes more than once per day is a flashing sign.

- (11) “*Commercial Sign*” means any sign, regardless of its location or construction, whose wording or other contents, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, cause, purpose or other activity.
- (12) “*Community Service Sign*” means a sign which solicits support for or participation in a non-profit, non-political, community, public or social purpose, cause, event or activity, such as one marking a holiday or holiday season, or one supporting school activities, charitable programs, religious activities, or events of community interest.
- (13) “*Construction Sign*” means a sign placed on a construction site identifying or announcing the character of the project and/or the names of the owners, developers, financiers, architects, engineers, contractors, leasing agents and others associated with the project.
- (14) “*Directional Sign*” means a sign which is separate from other signs, incidental and secondary to the principal use of the land on which it is located, and whose primary purpose is to give directions such as to parking lots, exits, entrances, or drive-through windows, or directives such as "no parking" or "loading only."
- (15) “*Drive-Through Window Sign*” means a sign which is secondary to the principal use on the premises of an establishment having a drive-through window for customer service, devoted to informing customers approaching the drive-through window of information such as the menu, services available or prices at the establishment.
- (16) “*Event Sign, Off-Site*” means a sign giving directions to an occasional event at another location, other than a business event at an establishment, such as directions to a civic or other non-commercial ceremony, to an event for the members of an organization, or to an event at a residence such as a garage sale, home for sale, real estate open house, or private party.

- (17) “*Event Sign, On-Site*” means a sign which is placed to advertise or mark the location of an occasional event on the same site, other than a business event at an establishment, such as a civic or other non-commercial ceremony, an event for the members of an organization, or an event at a residence such as a garage sale, home for sale, real estate open house, or private party.
- (18) “*Flag*” means a flag of any governmental jurisdiction or a flag adopted by a business, institution or other organization and containing only the name, logo or other symbolic emblem of that business, institution or organization.
- (19) “*Flashing Sign*” means a sign with flashing, blinking, moving, rotating or traveling lights, or with lights that change in color or intensity, whether the sign is an illuminated sign or not, or a sign which uses lights to form traveling messages or messages which change more than once per day. This term does not include a public service sign.
- (20) “*Free Standing Sign*” means either a monument sign or a self supported sign.
- (21) “*Illuminated Sign*” means a sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.
- (22) “*Integral Sign*” means a sign indicating the name of a building, as distinct and clearly distinguished from the name of a business, institution or other entity occupying the building, or indicating the date or other information of historical interest about the building's construction, when such sign is cut or molded into a masonry surface which forms part of a wall of the building or when it is constructed as a plaque or tablet of bronze or other incombustible material and permanently mounted on the face of the building.
- (23) “*Legal Non-Conforming Sign*” means a sign that lawfully existed as of April 21, 2005, but does not conform to all of the regulations contained in this ordinance upon the effective date of this ordinance. Signs that existed as of April 21, 2005, on trees, utility poles or pedestals or on public land or public right-of-way without the express consent of the owner of such property are not within the meaning of the term legal non-conforming signs and are in violation of this ordinance.
- (24) “*Model Home Sign*” means a sign which is located on the same lot as a model home in a residential subdivision and which calls the attention of prospective

buyers to the model home.

- (25) “*Monument Sign*” means a sign which is built as a monument directly on the ground. This term does not include a self-supported sign.
- (26) “*Monument Sign, Changeable Copy*” means a monument sign which incorporates a changeable copy feature into the sign.
- (27) “*Moving Sign*” means a sign or any part of a sign which rotates, moves, or uses lighting to simulate motion.
- (28) “*Name Plate*” means a sign, mounted flat against the wall of a building and not projecting more than one inch from the face of the wall, indicating the name and/or address of the building, and/or the name of an occupant thereof, and/or the practice of a permitted home occupation therein.
- (29) “*Political Sign*” means a sign which supports or opposes any candidate for public office or any proposition to be voted upon at an election, or which makes a political or ideological statement in the nature of constitutionally protected non-commercial free speech.
- (30) “*Portable Sign*” means any sign which is not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, whether on attached wheels or otherwise. This term does not include construction signs, on-site event signs, off-site event signs, realty signs, sidewalk signs and political signs.
- (31) “*Projecting Sign*” means any sign whose outside edge extends more than 12 inches from the face of a wall to which it is attached, or which extends at any point above or beyond the end of a wall to which it is attached. This term does not include an awning sign or canopy sign.
- (32) “*Promotional Sign*” means any generic sign promoting a product or service by brand name and which is not specific to the establishment displaying the sign. Such signs are typically provided to vendors by distributors or manufacturers and can be used by any vendor of such products or services.
- (33) “*Public Service Sign*” means a sign or part of a sign, which is devoted to changeable messages of general public information without other commercial content, such as the current time and temperature or an index of stock market averages.

- (34) “*Realty Sign*” means a sign, which advertises the property on which it is located for sale, lease, or rent.
- (35) “*Residential Development Sign*” means a sign at the entrance to a residential development, such as a series of townhouses, an apartment complex or a residential subdivision, which identifies the name and/or the address of the residential development.
- (36) “*Roof Sign*” means any sign that is mounted on or above the roof of a building or is supported by or painted on or applied to the roof of a building. This term does not include a projecting sign whose principal support fixtures are attached to a wall.
- (37) “*Self-Supported Sign*” means a permanent sign above the ground which is erected on supports placed on or anchored in the ground, and which is independent of any other structure for its support. This term does not include a monument sign.
- (38) “*Sidewalk Sign*” means a sign, regardless of its construction, which is designed to be placed temporarily on the ground or sidewalk adjacent to or in the immediate vicinity of an establishment in order to advertise or call attention to the goods or services offered at that establishment.
- (39) “*Single Family Address Sign*” means a sign, which identifies the name of the occupants and/or the address of a single family or duplex residence. This term does not include any commercial sign or a nameplate,
- (40) “*Vehicular Sign*” means a vehicle, whether motorized or a trailer, which is mounted above the ground as a sign or part of a sign, or any sign attached to or painted on such a vehicle which is mounted above the ground or which is parked so as to be visible from a street when such vehicle is not actually used for transportation in the day-to-day affairs of its owner, as evidenced by current license plates and a current state inspection sticker. This term also includes signs in a vehicle advertising the vehicle itself for sale.
- (41) “*Wall Sign*” means a sign painted on or mounted parallel to a wall of any building, provided that the sign does not project over any public land or street right-of-way, or extend more than 12 inches from the face of the wall to which the sign is mounted, or extend at any point above or beyond the end of such wall. This term does not include a name plate or an integral sign. This term includes any sign which is painted on or placed inside or upon a door or window, or another opening

in such wall, or which is placed inside a building and oriented so as to be read from any such opening.

- (42) “*Wall Sign, Changeable Copy*” means a wall sign, which incorporates a changeable copy feature into the sign. This term includes any sign which is painted on or placed inside or upon a door or window, or another opening in such wall, or which is placed inside a building and oriented so as to be read from any such opening.

### 3. DESIGN GUIDELINES

It is the policy of the City to encourage signage, which is appropriate to the country Texas setting, and the rural scale of the City, and to discourage signs which are in conflict with the established character of the community. To this end, all sign owners are encouraged to conform to the following guidelines for sign location, configuration, design and materials.

- A. Signs should be located with sensitivity to preserving the natural landscape and environment. Signs should be incidental complements to the principal use of a site, and should never be allowed to visually dominate a site.
- B. The height, width and area of a sign should all be in proportion to the dimensions of a building to which the sign is attached and in architectural harmony with surrounding structures. Sign dimensions should respect the size, scale and mass of a building facade, the height of the building, and the rhythms and sizes of window and door openings.
- C. No sign should be placed upon a building or structure in any manner, which would disfigure, damage or conceal any significant architectural feature or detail of the building.
- D. Sign materials should be predominantly natural, such as native stone, rough cedar, pine or other types of wood, metal, or materials that simulate natural materials and sign colors should be in harmony with the natural surroundings.
- E. Lighting should be no brighter than is necessary to permit the sign to be read from a reasonable distance.

#### 4. EXEMPTIONS FOR CERTAIN TYPES OF SIGNS

The following types of signs are exempt from regulation under this ordinance:

- A. Any sign inside a building not attached to a window or door and not oriented so as to be read from outside the building.
- B. Commemorative plaques and historical markers mounted on the face of a building  
or erected on a site as a free-standing monument, when placed by a governmental entity, historical society or religious organization to commemorate a person, event or other matter of historical interest.
- C. Any sign erected or required to be erected by any governmental entity or public utility to give information, directions or warnings to the general public, regardless of the sign's location on public or private property.

## 5. RESTRICTIONS ON CERTAIN TYPES OF SIGNS

No person shall construct, place or erect the following signs except as provided in this Ordinance.

### A. Attached Signs.

1. In aggregate, the area of attached signs in a non-residential zone cannot exceed the lesser of:
  - (a) 10 percent of the area of the wall to which they relate, including windows and doors; or
  - (b) 30 square feet.
2. In aggregate, the area of attached signs, in a residential zone cannot exceed the lesser of:
  - (a) 8 percent of the area of the wall to which they relate including windows and doors, or
  - (b) 12 square feet.

### B. Auxiliary Signs.

The aggregate area of all auxiliary signs on any establishment shall not exceed 2 square feet.

### C. Awning Signs.

The area of an awning sign shall not exceed 3 square feet in a residential zone or 16 square feet in a non-residential zone.

**D. Banners.**

1. Banners must be securely attached to a building or other permanent structure and they must be kept in good repair throughout the time of their display. No establishment may display more than two banners at any one time.
2. Banners other than community service signs:
  - (a) may not exceed eight square feet in area in a residential zone or 18 square feet in area in a non-residential zone;
  - (b) may not be erected for more than 14 days in succession, and they must be removed by the responsible party within no more than 3 days following any event to which they relate; and,
  - (c) may not be placed on any site more than 8 times within a 12 month period.
3. Banners which are community service signs:
  - (a) may not exceed 8 square feet in area in a residential zone or 18 square feet in area in a non-residential zone unless they are placed across a street in a non-residential zone in which case they may not exceed 144 square feet in area;
  - (b) may not be erected for more than 45 days in succession and must be removed by the responsible party within no more than 14 days after any event to which they relate; and
  - (c) may not be placed on any site more than 6 times within a 12 month period.

**E. Bulletin Boards.**

A bulletin board may be located only on the premises of the institution or organization to whose activities it pertains. A bulletin board may not exceed 16 square feet in area.

**F. Canopy Signs.**

1. Only one canopy sign may be permitted per entrance to an establishment.
2. No canopy sign may extend beyond an edge of the canopy structure to which it is attached. Except at a corner, no canopy sign may be closer than 5 feet from the end of the longer side of the canopy structure.
3. A canopy sign which is perpendicular to a building face may not exceed two-thirds of the width of the canopy structure or exceed (i) 8 square feet in area in a non-residential zone or (ii) 3 square feet in area in a residential zone. A minimum spacing of 10 feet must be provided between such canopy signs.
4. A canopy sign which is parallel to a building face may not exceed two-thirds of the length of the canopy structure or exceed (i) 16 square feet in area in a non-residential zone or (ii) 3 square feet in area in a residential zone.
5. No canopy sign may extend more than 2 feet either above or below the horizontal underside of the canopy structure. No canopy sign shall be less than 7½ feet from ground clearance.

**G. Community Service Signs.**

A community service sign may be erected only by a unit of government, school, chamber of commerce, religious organization or other non-profit agency. The area of a community service sign may not exceed 6 square feet in area in a residential zone or 16 square feet in a non-residential zone. A community service sign that promotes any particular event may not be erected more than 30 days in succession or for more than 14 days prior to the event, and all such signs must be removed by the responsible party not more than 3 days after the event. Community service signs that are banners are controlled by the provisions herein relating to banners and those that are portable signs are controlled by the provisions related to portable signs.

## **H. Construction Signs.**

1. The area of a construction sign may not exceed 8 square feet and the height may not exceed 4 feet.
2. Only one construction sign may be permitted per street fronting a building or other project under construction, reconstruction or repair, except that one additional sign, not exceeding 3 square feet in area, may be placed on the site by any individual contractor or subcontractor working on the project and not acknowledged on the principal sign.
3. No part of a construction sign may exceed a height of 6 feet.
4. Construction signs which are larger than three square feet in area and not securely mounted on a wall shall be set back at least 10 feet from the property line or edge of right of way.
5. Within the City Limits, a construction sign may not be erected before the City has issued a building permit for the project to which the sign refers, and all such signs must be removed within 15 days after the City issues a certificate of occupancy for the project. In the City's extra-territorial jurisdiction, a construction sign may not be erected before the start of actual construction of the project to which the sign refers, and all such signs must be removed within 15 days after the completion of the project.

## **I. Directional Signs.**

A directional sign may not contain any commercial message except the name, logo or other symbolic identification of the establishment to which the sign is secondary. The area of a directional sign may not exceed 6 square feet.

Directional signs must be located solely on the premises of the establishment to which they relate.

## **J. Drive-Through Window Signs**

Drive-Through Window Signs may not be located in a residential zone. The area of a Drive Through Window Sign may not exceed 16 square feet.

**K. Event Signs, Off-Site.**

Off-site event signs may not exceed an area of 3 square feet and may not be illuminated signs. Such signs may be placed only on private property and only with the consent of the owner of the property. No more than 12 such signs may be used to give directions to the same event. Such signs may not be placed more than 14 days prior to the event, and all such signs must be removed by the responsible party within one day after the conclusion of the event.

**L. Event Signs, On-Site.**

An on-site event sign may not exceed an area of 3 square feet at a residence or 16 square feet at any other location. Such sign may not be placed more than 14 days prior to the event, and it must be removed by the responsible party within one day after the conclusion of the event. There shall be no more than three on-site event signs for any event.

**M. Flags.**

Except for flags which are located on public land, no flagpole may be higher than 20 feet. At any establishment, the entire area of all flags other than governmental flags shall be counted toward the limit on the area of a self-supported sign on the premises. Except for governmental flags, no flags may be illuminated.

**N. Free Standing Signs.**

1. Only one freestanding sign may be permitted per individual freestanding establishment. Only one freestanding sign may be permitted for a commercial complex, except that a commercial complex with a land area of 2 acres or more may have one such free standing sign along each street which borders the complex for a distance of 200 feet or more. Such sign or signs may only identify the name and/or address of the complex and the individual tenants in the complex. If the structure of a freestanding sign contains or supports more than one sign, then each such sign must be of the same construction, coloring, design and style. A separate free standing sign for an individual establishment located within a commercial complex may be permitted only if the establishment meets both of the following

conditions:

- (a) The establishment is located along a street bordering the complex and in a separate building from the principal building of the complex; and
- (b) The establishment has a separate driveway from the principal driveway entrance of the complex, and a separate parking area from the principal parking area of the complex, which may connect with the principal parking area but is visually set off from that area by fencing or landscaping.

2. If a landscaped area is installed at the base of a free standing sign, this landscaped area shall be protected from damage by pedestrian and vehicular traffic by a retaining wall or other barrier or method of separation acceptable to the City Administrator. The plants in such landscaped area shall be maintained in a healthy condition, and the area shall be kept free of weeds, trash and debris by the responsible party.

**O. Illuminated Signs.**

1. Illuminated signs which are internally illuminated, other than residential development signs and single family address signs, may only be illuminated during the related establishment's hours of operation and for a period of no more than one hour afterward. Such internally illuminated signs may be illuminated on days that the establishment is not open for business for no longer than they are illuminated during a normal business day.
2. The area of an illuminated sign which is internally illuminated may not exceed 24 square feet.
3. The illumination from an illuminated sign which is internally illuminated may not exceed 4 foot candles at a distance of 8 feet.
4. The area of an illuminated sign, other than free-standing signs permitted in commercial complexes, may not exceed 24 square feet.
5. Neon signs are prohibited except for signs no greater than 4.5 square feet in area located on or inside of a window of an establishment.
6. No illuminated sign shall be illuminated to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a hazard or nuisance.
7. Illuminated signs, which are illuminated by mercury arc or mercury vapor light sources are prohibited.
8. The maximum illumination of any illuminated sign shall not exceed 40 foot candles in non-residential zones or 20 foot candles in residential zones.

9. The average illumination of an illuminated sign shall not exceed 20 foot candles in a non-residential zone or 10 foot candles in a residential zone.
10. All light sources used with illuminated signs shall be shielded so that light is confined below the horizontal plane of the light source except that upward directed light may be used to: 1) illuminate an attached sign where any light directed beyond the building conforms to the provisions of paragraphs 11 and 12 and 2) that upward directed light used to illuminate governmental flags shall be confined to the area of the flag.
11. There shall be no line of sight of any length from any point off the property on which a light source used to illuminate an illuminated sign is situated.
12. Trespass illumination from all light sources on a property on which an illuminated sign is situated shall not exceed 0.1 foot candle.
13. The measurement of trespass illumination shall be made at a point 3 feet above finished grade and 4 feet inside the boundary of the property on which the trespass illumination occurs. The measurements of the illumination of an illuminated sign shall be made at the surface of the sign.
14. Illuminated signs not conforming to the illumination standards set forth above shall constitute a hazard and a nuisance.

**P. Integral Signs.**

The area of an integral sign shall not be counted toward the limit on the area of wall signs on the same wall, provided that the integral sign contains no commercial message substantially duplicating another sign.

**Q. Model Home Signs.**

A model home sign may be erected only on the actual site of a model home, and only one such sign may be erected on the site. The area of a model home sign may not exceed 8 square feet, and the height of a model home sign may not exceed 6 feet. A model home sign may not be an internally illuminated sign but may be externally lighted until 10 p.m. All model home signs must be removed within 30 days after 90 percent of the homes in the subdivision are sold.

**R. Monument Signs.**

1. The area of a monument sign for an individual establishment may not exceed 3 square feet in any residential zone or 24 square feet in any non-residential zone.
2. The area of a monument sign for a commercial complex may not exceed 12 square feet in any residential zone or 32 square feet in any non-residential zone.
3. The height of a monument sign may not exceed 4 feet in a residential zone or 8 feet in a non-residential zone.
4. Monument Sign Changeable Copy. The changeable copy portion of the sign shall not exceed 8 square feet in area.

**S. Name Plates.**

The area of a name plate may not exceed one square foot in a residential zone or 2 square feet in a non-residential zone. Only one name plate may be permitted per residence or establishment.

**T. Political Signs.**

Political signs may be placed only on the premises of a person or entity upon receipt of that person's or entity's express authorization. No political sign may be placed in, on or over any public right-of-way or publicly owned land. The area of a political sign may not exceed 16 square feet in a non-residential zone or 3 square feet in a residential zone.

**U. Portable Signs.**

Portable signs may be used only to promote a non-profit community event. Such signs may not be illuminated signs or changeable copy signs and may not exceed an area of 32 square feet. Such signs may be placed on private property only with the permission of the owner of such property, on City property only with the approval of the City Administrator, or on other public property only with the permission of the agency owning the property. Such signs may not be erected for more than 30 days in succession or for more than 14 days prior to the event, and all such signs must be removed by the responsible party not more than 3 days after the event.

**V. Projecting Signs.**

1. Only one projecting sign may be permitted per establishment, except that in a non-residential zone, an establishment which is located on the corner of a street intersection or at the end of a building in a commercial complex may have one projecting sign on the front wall and one projecting sign on the side wall of the building.
2. The area of a projecting sign may not exceed 3 square feet in any residential zone or 12 square feet in any non-residential zone.
3. No projecting sign may exceed a height of 12 feet.
4. No projecting sign may extend above any roof line of the wall of the building to which it is attached nor beyond the end of the wall to which it is attached.
5. A projecting sign attached to a building on private property may not extend over any public land except a sidewalk adjacent to a building which is lawfully built up to the public right-of-way.

**W. Public Service Signs.**

A public service sign may be placed only in a non-residential zone and only on the same lot or tract of land as the establishment sponsoring the sign. The area of a public service sign may not exceed 12 square feet, regardless of whether the public service sign is a separate sign or integrated as a component of another sign.

**X. Realty Signs.**

Realty signs may be placed only upon the premises to which they refer, and only one such sign may be permitted per street fronting the lot or tract. The area of a realty sign may not exceed 8 square feet and the height may not exceed 4 feet.

**Y. Residential Development Signs.**

1. In addition to the name and/or the address of the residential development, a residential development sign may incorporate incidental leasing information and/or the contents of a directional sign.

A residential development may have no more than one residential development sign for each street fronting such development.

2. For a residential development with 6 or fewer residential units, the area of a residential development sign may not exceed 16 square feet. For a residential development with more than six residential units, the area of a residential development sign may not exceed the smaller of either 2 square feet per residential unit or 32 square feet in total.
3. For a residential development sign in a condominium development or in a subdivision in which the sign is common property of the subdivision homeowners, the condominium regime or restrictive covenants must provide adequate assurance, in the judgment of the City Administrator, that the landscaped area, if present, at the base of the sign will be properly maintained by the condominium owners association or homeowners association.

**Z. Self-Supported Signs.**

1. The area of a self-supported sign for a single establishment may not exceed 3 square feet in a residential zone or 24 square feet in a non-residential zone.
2. The area of a self-supported sign for a commercial complex may not exceed 12 square feet in a residential zone or 64 square feet in a non-residential zone.
3. For a commercial complex in a non-residential zone with a land area of 2 acres or more and frontage of 200 feet or more on each of 2 or more streets and more than one self-supported sign the total area of all self-supported signs may not exceed 100 square feet.
4. The height of a self-supported sign may not exceed 10 feet for a single establishment or 12 feet for a commercial complex in a non-residential zone or 4 feet in a residential zone.

**AA. Single Family Address Signs.**

In addition to the name of the occupants and/or the address of the residence, a single family address sign may contain an incidental personal message

from the occupants, but it may not contain any commercial sign. The area of a single-family address sign may not exceed 3 square feet.

**BB. Wall Signs.**

1. A wall sign, which is not painted directly on the surface of a wall must be securely mounted to and supported by the wall throughout the length and width of the sign.
2. Only one wall sign may be permitted per establishment in any residential zone.
3. The area of all wall signs on any single wall may not exceed:
  - (a) an area greater than 3 percent of the area of that wall, including windows and doors, in a residential zone; or
  - (b) an area greater than 10 percent of the area of that wall, including windows and doors or 30 square feet, whichever is less, , in a non-residential zone.
4. The changeable copy portion of any wall sign shall not exceed 8 square feet in area.

## 6. PROHIBITED SIGN TYPES

No person shall construct, place, erect, or use signs of the following nature:

- A. Balloons with a volume greater than 27 cubic feet.
- B. Beacons.
- C. Billboards.
- D. Changeable Copy Signs except for gasoline pricing signs, changeable copy wall signs, changeable copy monument signs and movie theater marquees.
- E. Flashing signs.
- F. Moving signs.
- G. Promotional signs except those located on or inside of a window of an establishment.
- H. Roof signs.
- I. Sidewalk signs.
- J. Vehicular signs (a truck that's only function is a sign), other than one sign advertising the vehicle itself for sale not to exceed 1.5 square feet in area in the window of the vehicle and i) on private property or ii) on public property for reasons not primarily related to the selling of the vehicle.
- K. Posters, pennants, ribbons, streamers, strings of light bulbs, spinners or other similar devices. Flags and banners as regulated in Section 8 are not included in this prohibition. This provision does not apply to temporary strings of light bulbs used solely in celebration of religious or cultural holidays or to strings of "miniature Christmas tree type" white lights attached to an establishment.
- L. Signs which contain statements, words or pictures of an obscene, indecent, or immoral character or which offend public morals or decency.
- M. Signs which in the judgment of the City Administrator constitute a hazard

to vehicular or pedestrian traffic either because their location interferes with or obstructs the view of a traffic sign, signal or device or because their design or content may be confused with or construed as a traffic sign, signal or device.

- N. Commercial signs of any character, in any form of construction, and at any location except as permitted by this ordinance.
- O. Signs whose wording or other contents, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, cause, purpose or activity that has ceased to be in operation for more than 45 days.
- P. Directional signs directing motorists to park or not to park on public property or public right-of-way. This provision does not apply to the particular governmental entity that is the owner, custodian, trustee or manager of the public land or public right-of-way.
- Q. Spray painted, free-handed or otherwise offensive sign types.

## 7. UNIFORM SIGN RESTRICTIONS

No person shall construct, place, erect or use a sign anywhere in the City limits or the City's extraterritorial jurisdiction except in accordance with the following provisions.

- A. No sign may be placed on or attached to any tree.
- B. No sign may be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or in the pedestal.
- C. Signs must be removed if the signs name, advertises or calls attention to a business, service, product, institution, purpose, organization, cause or activity that has been discontinued, ceased operation, has not been offered on the site or is out of existence for a continuous period of 45 days or more.
- D. No sign or part of a sign, including mounting fixtures and supporting structures, may be located on or above any public land or public rights-of-way, except as regulated by other provisions of this ordinance. This provision does not apply to the particular governmental entity that is owner, custodian, trustee or manager of the public land or public right-of-way.
- E. No sign or part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive or parking area, whether on public or private land, may be hung with less than 7 ½ feet of vertical clearance above the sidewalk or less than 15 feet of vertical clearance above the street, drive or parking area.
- F. No sign may be located on any sidewalk or in any unpaved walkway intended for public use.
- G. No sign or part of a sign frame may be located between 2 feet and 10 feet above the established ground level within the area of a clear sight triangle for traffic extending 25 feet in each direction from the point of a street intersection.
- H. No sign may be located closer than 6 feet laterally to a secondary power line or closer than 10 feet laterally to a primary power line.

- I. No illuminated sign, and no permanent sign except a directional sign, may be mounted or placed on or extend above the side wall or rear wall of any building, or be located in the side yard or rear yard of any lot or tract of land, when such sign faces upon and is visible from a contiguous residential zone.
- J. No part of a sign attached to a building shall extend beyond any roof line of the portion of the building to which it is attached.
- K. A person may not place, maintain, or display on or in view of a public street a sign, signal, marking or device that:
  - (i) imitates or resembles an official traffic-control device or railroad sign or signal;
  - (ii) attempts to direct the movement of traffic; or
  - (iii) hides from view or hinders the effectiveness of an official traffic-control device or railroad sign or signal.

## 8. SIGN PERMITS

### A. Permit and Fee Required.

Except as provided in Subsection B of this Section, no person may construct, place, erect, install, alter, repair or relocate any sign without first obtaining a sign permit from the City Administrator. Each application for a sign permit must be accompanied by the appropriate fee established by City Council and by such drawings, descriptions and specifications as are reasonably determined by the City Administrator to be necessary for proper review of the application.

### B. Exemptions from Permit Requirement.

1. The following types of signs are exempt from the requirement to obtain a sign permit, provided the signs are not illuminated signs, either internally or externally, and provided the signs comply with all other provisions of this ordinance and other applicable codes: auxiliary signs, off-site event signs, flags of governments, churches or schools, name plates, political signs, realty signs, and single family address signs and any other sign of less than 6 square feet in area.
2. The following actions are also exempt from the requirement of a sign permit:
  - (a) repainting, rearranging or replacing letters or characters on an existing sign, provided that the area of the sign is not enlarged, the height of the sign is not increased, the location of the sign is not changed, and no other change is made to the sign;
  - (b) changing the copy on a bulletin board or changeable copy sign; and,
  - (c) replacing the fabric or other material of an awning sign when no other change is made to the sign.

**C. Expiration of Permits.**

All sign permits shall be for a specified term. A sign permit for any sign whose use is limited to a time period specified by this ordinance, or whose removal is required at a certain time by this ordinance, must be for a specified term which may not exceed the time limit established by this ordinance.

The specified time limit for the construction of a sign under a sign permit shall not exceed 6 months. If substantial progress has not been achieved within 6 months, the permit shall automatically expire. Substantial progress shall include good faith initiation of construction of the sign or significant expenditures of funds toward sign construction.

**D. Modifications.**

After a sign permit has been issued by the City Administrator, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the permit without prior approval by the City Administrator.

## **9. SIGN MAINTENANCE**

### **A. Maintenance Required.**

All signs must be maintained in a structurally safe condition, freshly painted and/or in good repair. The City Administrator shall notify, by certified mail, the responsible party for any sign not so maintained, and the responsible party shall be required to perform the necessary maintenance or repairs within 30 days of the postmark on the notice. Any sign not repaired within the allotted time may be removed by the City and the actual cost of such removal shall be charged to the responsible party for the sign. If an un-maintained or un-repaired sign is removed by the City and the sign remains unclaimed for a period of more than 30 days, the City may destroy, sell, or otherwise dispose of the sign.

### **B. Removal of Hazardous Signs.**

Any sign which in the judgment of the City Administrator has become an imminent hazard to public safety, either because of an incident of damage or because of neglect of maintenance or for any other reason, shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal in order to insure public safety, and the notice may be served upon the responsible party by any means available. A hazardous sign which is not repaired or removed within the time specified in the notice shall be removed by the City and the cost of such removal shall be charged to the responsible party. If a sign has been removed by the City as a hazardous sign and the sign remains unclaimed for a period of more than 30 days, the City may destroy, sell, or otherwise dispose of the sign.

## 10. LEGAL NON-CONFORMING SIGNS

### A. Continuation in Use.

1. Legal non-conforming signs may be continued in use. However, if the use of a legal non-conforming sign is discontinued because it does not contain any message for a continuous period of 45 days or more, then the sign must be removed or brought into full compliance with this ordinance by the responsible party. Any future use of the sign must be in full compliance with this ordinance.
2. A legal non-conforming sign must be removed or brought into full compliance with this ordinance if the sign names, advertises or calls attention to a business, service, institution, purpose, organization, cause or activity that was in existence on or before the adoption of this ordinance but subsequently ceases existence or is discontinued for a continuous period of 45 days or more.
3. The lighting installation for a legal non-conforming illuminated sign shall be brought into conformity with this ordinance within a period of five years from its effective date.

### B. Effect of Moratorium.

Signs constructed or erected after April 5, 2005, but prior to the effective date of this ordinance, must be brought into full compliance with this ordinance within 90 days after the effective date hereof or such sign will be subject to enforcement pursuant to this ordinance.

### C. Limitations on Modification.

1. No legal non-conforming sign may be enlarged in area, increased in height, expanded, moved, altered, or remodeled in any respect unless and until a responsible party applies for and receives a Sign Permit and is in all respects brought into conformity with the ordinance. However, subject to paragraph D below, a legal non-conforming sign may be repainted or repaired provided that no other change is made in the construction of the sign.
2. Legal non-conforming signs that are prohibited by Sections 9 and 10 of this ordinance may not be enlarged in area, increased in

height, expanded, moved, altered or remodeled in any respect.

3. Legal non-conforming signs enlarged in area, increased in height, expanded, moved, altered, or remodeled without a Sign Permit shall lose its legal non-conforming status and be subject to enforcement pursuant to this ordinance.

**D. Removal of Destroyed Signs.**

A legal non-conforming sign shall be considered destroyed if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location. A destroyed sign must be removed by the responsible party without compensation by the City and within 30 days of the damage. A legal non-conforming sign that has been destroyed may not be replaced or rebuilt except by a sign which is constructed and located in full conformity with this ordinance.

## 11. VARIANCES

### A. Application and Fee Required.

A variance is written approval to depart from the strict application of one or more specific provisions of this ordinance. Any person, business or other organization desiring to continue in use, locate, construct or otherwise place any sign which does not conform to the provisions of this ordinance may make application to the City Council for a variance to continue in use, locate, construct or otherwise place such a sign. The application shall be filed with the City Administrator, accompanied by the appropriate fee established by City Council and by a drawing or sketch in sufficient detail to determine the location and type of construction for the proposed sign.

### B. Standards for Variances.

The City Council may approve a variance only if it makes affirmative findings, reflected in the minutes of the City Council's proceedings, as to all of the following:

1. The variance will not authorize a type of sign which is specifically prohibited by Section 9 of this ordinance;
2. The variance will not authorize a type of sign which is prohibited by Section 10 of this ordinance;
3. The variance is not contrary to the public interest;
4. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.
5. The spirit and purpose of the ordinance will be observed and the design guidelines set forth in Section 6 of this ordinance are substantially met and substantial justice will be done.

**C. Conditions of Variances.**

The City Council may impose such conditions or requirements in a variance as are necessary in the City Council's judgment to protect the overall character of the community and to achieve the fundamental purposes of this ordinance. A violation of such conditions or requirements shall constitute a violation of this ordinance. A variance, if granted, shall be for a specific event, use or other application of a business and shall not continue with the property. If a variance is granted and the sign so authorized is not substantially under construction within 6 months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

## **12. ENFORCEMENT**

### **A. Civil and Criminal Penalties**

The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this ordinance is hereby declared to be a nuisance.

### **B. Criminal Prosecution**

Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a Misdemeanor.

### **C. Civil Remedies**

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law, including, but not limited to the following:

1. injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
2. a civil penalty up to \$1,000.00 a day when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and
3. other available relief.

### **D. Removal**

1. In addition to remedies otherwise provided in this ordinance, whenever the City Administrator has evidence of a sign which after the effective date of this ordinance was erected, constructed, altered, repaired, relocated or changed in violation hereof, or is otherwise in

violation hereof, the City Administrator shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within 72 hours after being notified to do so, or if it appears to the City Administrator that the sign poses an immediate danger to the public, then such sign may be removed by the City and the City's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than 30 days, the City may destroy, sell, or otherwise dispose of the sign.

2. The City shall have the authority to immediately remove and dispose of signs deemed in violation of this ordinance if such signs are placed on or attached to trees, utility poles or pedestals, or located on any public land or public right-of-way. The City may enforce this section without notice and without returning the removed signs to the responsibility party.

### **13. NO VESTED INTEREST**

No person shall acquire any vested interest in this ordinance or any specific regulations contained herein. This ordinance and any regulation enacted hereby may be amended or repealed by the City Council in the manner provided by law.

### **14. RELATION TO OTHER ORDINANCES**

This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance. This ordinance is specifically subordinate to any ordinance or regulations of the City pertaining to building and construction safety or to pedestrian and traffic safety.

### **15. SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this ordinance shall be enforced as written.

### **16. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapters 52 and 212 of the Texas Local Government Code.

**PASSED AND APPROVED** this the \_\_\_\_ day of April 2005, by a \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) vote of the City Council of the City of Grandview, Texas.

**CITY OF THE GRANDVIEW**

by: \_\_\_\_\_  
Michael Schmidt, Mayor

**ATTEST:**

\_\_\_\_\_  
Twillia Orr, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan J. Bojorquez, City Attorney