

ORDINANCE 92

SIGNS AND OUTDOOR DISPLAYS

AN ORDINANCE OF THE TOWN OF BAYSIDE ORDAINING A NEW ORDINANCE GOVERNING SIGNS AND OUTDOOR DISPLAYS LOCATED OR TO BE LOCATED WITHIN THE CITY; PROVIDING DEFINITIONS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR APPLICATION AND ISSUANCE AND REVOCATION OF PERMITS; PROVIDING FOR THE REMOVAL OF SIGNS; PROVIDING CONTINUING REGULATORY PROVISIONS; PROVIDING FOR LIMITATIONS ON THE LOCATION, SETBACK, HEIGHT, SIZE, LIGHTING AND OTHER REGULATIONS OF SIGNS; PROHIBITING CERTAIN SIGNS; PROVIDING FOR APPEALS AND VARIANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY PROVISION; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council is authorized to regulate signs by virtue of the Texas Constitution and by the Texas Local Government Code, Chapters 51, 54, 211, 216, and 217; State law references: Highway beautification, V.T.C.A., Transportation Code, § 391.001 et seq.; regulation of outdoor signs on rural roads, V.T.C.A., Transportation Code, § 394.001 et seq.; regulation of signs by municipalities, V.T.C.A., Local Government Code § 216.001 et seq.; Texas Litter Abatement Act, V.T.C.A., Health and Safety Code. § 365.001 et seq. Federal law reference--Highway Beautification Act, 23 USC § 131.

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

WHEREAS, the City Council of the City of Bayside finds that the uncontrolled proliferation of signs is hazardous to users of streets and highways within the City of Bayside and will adversely affect the safety and efficiency of the City's transportation network; and

WHEREAS, the City Council further finds that unless the location, number, setback, lighting and size of signs are regulated, the scattering of such signs throughout the City would be detrimental to the preservation of those scenic resources and so to the economic base of the City; and

WHEREAS, the City Council has further determined that the proliferation of signs in the City has an adverse effect on adjacent properties; and

WHEREAS, the City Council finds that the orderly and uniform regulation of signs is a substantial factor in guiding the attractive and aesthetic development of properties in accordance with the comprehensive plan and thereby avoiding detrimental impacts of signs on the appearance of the City; and

WHEREAS, the City Council further finds that the regulations adopted herein allow for a reasonable use of signs by businesses, residences and other properties for advertisement, dissemination of protected speech and other purposes; and

WHEREAS, the City Council deems it necessary to adopt this ordinance in order to protect the health, safety, and welfare of the general public.

Now therefore, be it ordained. By the city council of the Town of Bayside, Texas that the following provisions shall and constitute the Bayside Sign Ordinance:

SECTION 1.

PURPOSE

Scope. The purposes of the sign regulations in this ordinance are to encourage the effective use of signs as a means of communication, to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of the sign regulations.

The sign regulations are established for the purpose of setting standards intended to promote economic activity and avoid visual clutter, which is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. It is the purpose of

these regulations to promote the safety of persons and property by providing that signs:

- Do not create a hazard due to collapse, fire, collision, decay or abandonment;
- Do not obstruct fire fighting or police surveillance;
- 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;
- Protect property values within the Town of Bayside;
- Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;
- Enhance the beauty of the City, and
- Protect the general public from damage and injury, which may be caused by the unregulated construction of signs.

Pursuant to these purposes, it is the intent of this Ordinance to permit the use of signs, which are:

- Compatible with their surroundings;
- Appropriate to the activity that displays them;
- Expressive of the identity of individual activities and the community as a whole; and
- Legible in the circumstances in which they are seen.

Recognizing that businesses need signage to be seen and found by their customers, it is the purpose of the sign regulations to establish a hierarchy of modern, well-maintained, permanent signs to assist business advertising. All private signs not exempt as provided herein shall be erected and maintained in accordance with those standards. These standards are intended to be the minimum necessary and least burdensome to accomplish the purposes stated in this section. The City Council finds that the rights of residents of this City to fully exercise their rights of free speech by the use of signs containing non-commercial messages are subject to minimum regulation regarding structural safety, setbacks, height and spacing to allow for lighting, ventilation, and preservation of views in a manner consistent with land uses in the various zoning districts for purposes of traffic protection. The Council seeks herein to provide for the reasonably prompt removal and disposal of such signs after they have served their purpose, and yet to avoid any interference with First Amendment freedoms, especially as to persons who are of limited financial means.

SECTION 2. DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words and phrases not defined in this section, but defined in other ordinances of the city shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

A-frame or sandwich sign means an advertising device which is ordinarily in the shape of an A or some variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually two-sided.

Abandoned sign means a sign that advertises goods, products, services or facilities, which are no longer available to the public at the location of the sign.

Advertising message means that copy on a sign describing products or services being offered to the public.

Animated sign means any sign which includes action or motion. For purposes of this ordinance, this term does not refer to flashing, changeable copy or indexing, all of which are separately defined.

Area identification sign means a sign to identify a common area containing a group of structures, or a single structure, such as a residential subdivision, apartment complex, industrial park or shopping center, located at the entrance of the area.

Awning means a roof-like structure which is not an integral part of the building it serves, but is an accessory; which is supported from the exterior wall and is composed of either rigid or nonrigid materials except for the supporting framework.

Banner sign means a temporary sign composed of lightweight material secured or mounted on a building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banner signs.

Beacon means a revolving light or strobe light, which flashes or projects illumination, single color or multicolored, in any manner which is intended to attract or divert attention; however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Building means any structure designed or built for the enclosure, support, shelter or protection of persons, animals or property.

Building face or wall means all window, door and wall areas of a building in one plane or elevation.

Building marker means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Bulletin board means any sign erected by a charitable, educational or religious institution or a public body, which is erected upon the same property as the institution, for purposes of announcing events which are held on the premises, and contains no commercial message.

Canopy. See Awning.

Canopy sign means any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

City means the Town of Bayside

City official means the city building inspector or city employee or his designee charged with responsibility of enforcing this ordinance and authorized to permit, inspect, approve or deny construction within the jurisdiction of the city and the city's extraterritorial jurisdiction (ETJ), and the authorized government representative on sign issues, or his authorized representative.

Changeable copy sign means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign. This includes but not limited to electronic light emitting diode (LED) signs, also known as changeable electronic variable message signs (CEVMS).

Commercial message means any sign wording, logo or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, sale or sales event or other commercial activity.

Construction sign means a temporary sign identifying a building or construction site and/or any of the architects, engineers, financial institutions, contractors and suppliers involved.

Copy means the wording on a sign surface.

Dilapidated or Deteriorated condition means any sign which in the opinion of the City Official has any of the following characteristics

- Where elements of the surface or background can be seen, as viewed from the normal viewing distance (approximately 20 feet), to have portions of the finished material or paint flaked, broken off, or missing, or otherwise not in harmony with the rest of the surface;
- Where the structural support or frame members are visibly bent, broken, dented, or torn
- Where the panel is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition
- Where the sign, or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support)
- Where the message or wording can no longer be clearly read
- Where the sign or its elements are not in compliance with the requirements of the current Electrical Code and/or the Building Code of the Town of Bayside.

Directional sign means a sign of a noncommercial nature which directs the reader to the location of public or educational institutions, to the location of historical structures or areas, to the location of public parks or buildings or to a business location.

Display surface area means the net geometric area enclosed by the outer extremities of all letters, characters and delineations; provided, however, the display surface area shall not include the structural supports for freestanding signs.

District or zoning district means a part of the city wherein regulations of this ordinance and the city zoning ordinance are uniform.

Entrance/exit sign. See incidental sign.

Erect means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

Estate sale means a sale of the property or possessions of a deceased person.

Flag means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

Flashing sign means any illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Freestanding sign means a sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary. Such sign is sometimes called a pole sign or a pylon sign.

Frontage means the length of the property line of any one premises parallel to and along each public right-of-way it borders.

Garage/yard sale means a private sale of personal property used to dispose of personal household possessions; not for the use of any commercial venture.

Ground sign means a freestanding sign installed directly on the ground; sometimes called a monument sign.

Illuminated, direct means any sign designed to provide artificial light through transparent or translucent material from a light source within the sign.

Illuminated, indirect means any sign that reflects light from a source intentionally directed upon it, for example, by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.

Incidental sign means a secondary sign not advertising goods, products, services or facilities which are available on the premises where the sign is located but describing such service information as necessary for the public good; i.e., credit cards accepted, official notices required by law, trade affiliations, "entrance/exit", "loading only", "telephone", etc.

Indexing means the turning and stopping action of the sections of a multiprism sign designed to show several messages in the same area.

Joint identification sign means a sign that serves as common or collective identification for a group of persons or businesses operating on the same zone lot (e.g., shopping center, office complex, etc.). Such sign may name the persons or businesses included, but carry no other advertising matter.

Lease means an agreement by which a property owner conveys, usually for a specified rent, to other persons, permission to erect and maintain an advertising sign upon his property.

Lot means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

Mall means any concentration of retail stores and/or service establishments which share customer parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

Mansard roof means any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to (but not necessarily a part of) a low slope roof and which extends along the full length of the front building wall or three-quarters of the length of a side building wall. For purposes of this ordinance, a low slope roof shall mean any roof with a pitch less than three inches rise per 12 inches horizontal.

Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, designed and constructed as an integral part of the building to provide protection from the weather. An awning or canopy is not a marquee.

Marquee sign means any sign attached to or made a part of a marquee.

Master signage plan means an accurate plot plan to scale, showing the total of all present signs and proposed signs and their measurements.

Multiprism sign means a sign made with a series of sections that turn and stop, or flip to show several pictures or messages in the same area.

Nonconforming sign means any advertising structure or sign which was lawfully or unlawfully erected and maintained prior to January 1, 2010, and which fails to conform to all applicable regulations and restrictions of this ordinance.

Off-premises sign or off-site sign means a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term "off-site sign" shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

On-premises sign or on-site sign means a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot where such sign is displayed; an on-site sign may also display a noncommercial message.

Outdoor advertising sign means outdoor advertising signs which advertise foods, products or services not necessarily sold on the premises on which the sign is located, are of four main types:

(1) Poster panels or bulletins normally mounted on a building wall, roof or freestanding structure with advertising copy in the form of pasted paper.

(2) Multi-prism signs alternating advertising messages on one displayed area.

(3) Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted, roof or freestanding display area.

(4) Changeable electronic variable message signs (CEVMS).

Outdoor menu board means a permanent outdoor sign, associated with restaurants with drive-through windows, which gives a detailed list of foods served that are available at that restaurant.

Parapet or parapet wall means that portion of a building wall that rises above the roof level.

Pennant means any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

Permit means a written order required by any individual, firm or corporation to construct, alter, repair (other than routine maintenance), or install any sign.

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, A- or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business.

Premises means an area of land with its appurtenances and buildings which, because of its unity of use, is one unit of real estate.

Principal building means the building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

Projecting sign means any sign that shall be affixed at an angle or perpendicularly to the wall of any building in such a manner to read perpendicularly or at an angle to the wall on which it is mounted.

Public event means any event that is authorized by the city whether funded in part, total or not at all.

Public property means any real property owned or leased by any governmental body and including

public right-of-way.

Public right-of-way means the distance across a public street, alley, or other public easement measured from one property line to another property line.

Real estate sign means a temporary sign placed upon property for the purpose of advertising to the public the sale or lease of the property.

Residential sign means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering the service at such location conforms with all requirements of the city.

Roof sign means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

Setback means the distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

Shopping center means a group of two or more businesses sharing a common parking area, located on one platted tract of land.

Sight triangle: The area within a right triangle formed by extending the lines of intersecting property lines from the point of intersection for a distance of twenty (20) feet to the hypotenuse, or for streets intersecting a driveway or alley for a distance of twenty (20) feet to the hypotenuse and extending vertically from a height of three (3) feet above grade.

Sign means any device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stripe, trademark or reading matter which is used or intended to be used to attract attention or convey information when it is placed out of doors in view of the general public.

Sign, Billboard means any off-site sign, structure or portion thereof upon which are signs or advertisements used as an outdoor display and that is owned by a person who engages in the business of selling the advertising space on that sign or promotes or advertises commodities or services available at a location other than where the sign is located. This definition does not include any bulletin boards used to announce church services or to display court or other public office notices, or signs offering the sale or lease of the premises on which the sign is located. (see off-premise sign)\

Sign corridor zone means that portion of the Highway 136 bypass system within both the city limits of the city and the city's extraterritorial jurisdiction (ETJ). The sign corridor zone, however, does not include that portion of F.M. 1257 that is integral to the Highway 136 system.

Sign sticker means a sticker affixed either to the face or the channel of a sign visible from the street denoting the name of the manufacturer or designated servicing company for purpose of identification by city officials or others.

Street means a public highway, road, alley or thoroughfare which affords the principal means of access to adjacent lots, measured from one property line to another property line.

Street frontage means the distance for which a lot line of a lot adjoins a public street, from one lot line intersecting that street to the furthest distant lot line intersecting the same street.

Strip center. See shopping center.

Structure means anything constructed or erected, which requires a location on the ground, or attached to something having a location on the ground.

Suspended sign means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign means a sign that is used only temporarily and which is not permanently affixed.

Wall sign means any sign that is affixed parallel to the wall or painted on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, the wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.

Window sign means any sign, pictures, symbol or combination thereof, designed to communicate

information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window.

SECTION 3. APPLICABILITY

A sign may be erected, placed, established, painted, constructed or maintained in the jurisdiction of the city and the city's extraterritorial jurisdiction (ETJ) only in conformance with the standards, procedures, exemptions and other requirements of this ordinance.

SECTION 4. ADMINISTRATION

The city official shall be the city employee charged with the responsibility for the administration of this ordinance.

SECTION 5. SIGN BUILDING PERMITS

Sec. 5.1. No sign lawfully erected within the city or the city's extraterritorial jurisdiction (ETJ) prior to the effective date of this ordinance shall require any new permitting or registration with the city.

Sec. 5.2. No sign shall be erected within the city or the city's extraterritorial jurisdiction (ETJ) unless exempted by this ordinance, without first obtaining a city sign building permit as set forth in section 9 of this ordinance. No sign building permit shall be issued by the city official in violation of this ordinance. Any conforming sign erected without first having been permitted shall be charged an additional administrative fee of \$25.00. Any nonconforming sign erected shall be subject to immediate removal and other penalties as set forth in section 10 of this ordinance.

Sec. 5.3. Computation of area, height. The following principles shall control the computation of sign area and sign height:

- A. Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, color 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 from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets these or other ordinances or regulations and is clearly incidental to the display itself.
- B. Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- C. Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction, or the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
- D. Computation of maximum total permitted sign area for a lot. The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula in the appropriate section of this ordinance.

Sec. 5.4. Signs allowed on private property without permit. No commercial messages are allowed on any of the signs not requiring a sign-building permit. Signs that are exempt from sign

building permit requirements are as follows:

- A. House or building identification, such as address and any building marker, having no more than four square feet and attached to the referenced building;
- B. Personal messages, such as birth announcements, anniversaries, birthdays, not to exceed six square feet and displayed no longer than 14 days; yard of the month signs may be displayed for 30 days;
- C. Flags of the United States of America, any state, any city or foreign nations, historical, weather and other official flags of any institution or business. Business flags are designated as flags normally associated with a specific business such as "bait" or "antiques". Any flag not meeting any one or more of these criteria shall be considered a banner sign and shall be subject to regulation as such.
- D. Church signs as regulated in subsection 6.7, subsection 7.16, and subsection 8.11.
- E. Incidental signs as defined in this ordinance.
- F. Political signs as addressed in subsection 5.21 of this ordinance.

Sec. 5.5. Forfeiture of signs, removal by confiscation. Any sign installed or placed on public property, except in conformance with the requirements of this ordinance, shall be forfeited to the public and be subject to immediate removal by confiscation. In addition to other remedies under this ordinance, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.

Sec. 5.6. Existing nonconforming signs. Nonconforming signs may not be enlarged or altered in a way which would increase its nonconformity. Should any existing nonconforming sign be damaged by any means to an extent of more than 60 percent of its replacement cost at time of damage, it shall not be reconstructed except in conformity with this chapter. The owner of a nonconforming sign damaged beyond 60 percent of its replacement cost may rebuild the damaged sign to its pre-existing dimensions until January 1, 2015, after which date no sign may be rebuilt except in compliance with this ordinance.

Sec. 5.7. Signs shall not constitute traffic hazard. No sign or other advertising structure as regulated by this ordinance shall be erected or continued to be displayed at the intersection of any street or any public right-of-way in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

Sec. 5.8. Placing signs on public and private property.

A. Placing signs on public property. No signs other than signs approved by the city council shall be erected on any public property. Informational signs may be erected upon city streets or other public property under the following conditions, once approval has been obtained:

1. The signs direct the reader to the location of a public facility or community event attended principally by out-of-town patrons; to a facility or community event operated by a nonprofit entity and attended principally by out-of-town patrons; to a facility relating to public health, safety or welfare; to scenic or historic trails; or to general business or industrial districts.
2. The signs are fabricated, erected and maintained by the entity requesting the sign.
3. The entire cost of the signs is borne by the entity requesting the signs.
4. The signs are installed at locations where they would not constitute a traffic hazard.
5. The maximum number of informational signs permitted under this section shall be six for each entity; the limitation provided hereby shall not apply to signs directing the reader (thereof) to scenic or historic trails.

B. Placing signs on private property. No signs shall be placed on any private property, as permitted in this ordinance, without the consent of the owner.

Sec. 5.9. Placing signs on trees or rocks. No signs shall be placed or painted on any tree, post, structure, or rock on public property.

Sec. 5.10. Placing signs on utility poles. No signs shall be placed on any utility pole, light pole or telephone pole, etc., except for utility identification or similar purposes.

- Sec. 5.11. Signs in public right-of-way. No signs shall be allowed in the public right-of-way, except for the following:
- A. Signs erected by a governmental agency or a franchised public utility company.
 - B. Signs erected by a contractor doing authorized or permitted work within the public right-of-way.
- Sec. 5.12. Beacons and strobe lights. It shall be unlawful for any person to continue in operation or erect any attraction device or sign which contains a beacon or strobe light of any type.
- Sec. 5.13. Fluctuating illumination. It shall be unlawful for any person to erect any attraction device, sign, or changeable electronic variable message signs (CEVMS), which flashes, blinks or is animated except as may be authorized by this ordinance. Illumination of attraction devices or signs located in the city that fluctuate in light intensity shall be prohibited.
- Sec. 5.14. Use of vehicle as sign. It shall be unlawful to use a vehicle, boat or trailer as a sign in circumvention of this ordinance except advertising copy may be displayed on a vehicle which is normally used by the business in its day-to-day operations. Vehicles, boats or trailers may be used as landscaping or decoration components, but may not display any signage and may not violate any other city ordinance.
- Sec. 5.15. Revolving, rotating or moving signs. It shall be unlawful to erect an attraction device or sign which revolves, rotates or otherwise moves. Refer to section 5-13 regarding animated signs.
- Sec. 5.16. Directional signs.
- A. Directional signs on private property as permitted in this ordinance shall be no larger than six square feet. Directional signs utilized for directions to non-business locations shall be limited to six signs for any entity. Non-business directional signs shall not require sign building permits.
 - B. Directional signs utilized for directions to business locations shall be limited to two signs for any business. Information on directional signs for businesses shall be limited to the name of the business, a directional arrow and the distance to the business location. Business directional signs shall require sign building permits.
- Sec. 5.17. Pennants. Pennants may be used to designate an open house in residential districts on the day of the event only, and provided that the event lasts only two days and the pennant is immediately removed. Also, pennants can be used to control ingress and egress to undeveloped property or to designate restricted areas thereon, or areas (not buildings) under construction or repair, access to which is restricted for purposes of public safety. Pennants may be used in business and industrial districts to designate new openings or sales events, but shall be limited to 30 days of display in each quarter of the year. All pennants must be kept in good condition at all times. Failure to maintain pennants in good condition shall be subject to penalties set forth in section 10.
- Sec. 5.18. Off-premises signs. Off-premises signs of any type are prohibited, except sponsor's signs at community-sanctioned events approved by the city council. No permit shall be granted for the construction of any off premise signs on or after the effective date of this ordinance.
- Sec. 5.19. Portable signs. Portable signs are prohibited, whether mounted on vehicles, wheels, platforms or freestanding. A person commits an offense if the person erects or displays a portable sign.
- Sec. 5.20. Construction signs. All construction signs shall comply with the regulations as established in section 6.2 A, section 7.2 and section 8.2.
- Sec. 5.21. Other prohibited signs. All signs not expressly permitted under this ordinance or exempt from regulation under this ordinance in accordance with section 5.22 are prohibited in the city and the city's extraterritorial jurisdiction (ETJ). Such signs include, but are not limited to:
- A. Outside mannequins;
 - B. Signs which advertise an activity, business or service which has been out of business for thirty (30) days.
 - C. Bench signs, planter box sign on public property;

- D. Billboards, outdoor advertising signs, including changeable electronic variable message signs (CEVMS). A CEVMS that becomes a part of the city or a part of the city's ETJ because of annexation shall be allowed to continue in use for seven years, after which said sign shall either be removed or converted to a static sign. During the seven years, such sign shall comply with section 7.21 C of this ordinance;
- E. Signs that display a message or graphic representation that is lewd, indecent, or otherwise offensive to public morals;
- F. Any sign using fluorescent colors;
- G. Inflatable signs, tethered balloons;
- H. Strings of lights not permanently mounted to a rigid background, except those exempt under the provisions of this ordinance.

Sec. 5.22. Signs exempt from regulation. The following signs shall be exempt from regulation under this ordinance:

- A. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;
- B. Works of art that do not include a commercial message;
- C. Holiday lights and decorations with no commercial message;
- D. Traffic control signs on private property, such as "Stop," "Yield" and similar signs, the face of which meet department of transportation standards and which contain no commercial message;
- E. Historical markers if approved by the city council, county or state historical commissions;
- F. Community event, function or services and athletic field signs, if approved by the city council;
- G. Political signs that are less than 36 feet in area and less than eight feet high.
- H. Political signs in all zoning districts.

Sec. 5.23. Political signs shall not be permitted within the Town of Bayside or within the city's ETJ that are:

- A. Larger than 36 feet in area;
- B. Higher than eight feet above ground;
- C. Signs shall be removed within thirty days following the election to which it applies and such signs not be erected earlier than ninety (90) days before the election; the owner of the property on which said sign is placed shall give permission and be responsible for its removal;
- D. Signs shall not be erected or placed on public property, nor on public fences, public sign post, light poles, utility poles, etc.

Sec. 5.24. Hazardous Signs. Except as otherwise provided by law or this Ordinance, no person may install, maintain, or use a sign that:

- A. Obstructs a fire escape, required exit, window, or door used as a means of escape.
- B. Interferes with a ventilation opening, except that a sign may cover a transom window if otherwise in compliance with the City Building and Fire Codes.
- C. Substantially obstructs the lighting of public right-of-way or other public property, or interferes with a public utility or traffic control device;
- D. Is illuminated in such a way as to create a hazard to pedestrian, bicycle, or vehicular traffic;
- E. Creates a traffic hazard for pedestrians, bicyclists, or motorists, by restricting visibility at a curb cut or adjoining public street;
- F. Has less than eight (8) feet of clearance above street pavement grade and/or is located outside public right-of-way and within the sight triangle at an intersection that results in impaired sight distance of users of the intersection;
- G. Violates a requirement of the Electrical Code; and
- H. Is determined by the City Official to be dangerous.

SECTION 6.

RESIDENTIAL SIGNAGE

Sec. 6.1. Purpose. This section will deal with the issuance of sign building permits in areas

residential zoned and with miscellaneous signs such as political signs, garage/yard sale signs, real estate signs, etc.

Sec. 6.2. Miscellaneous signs allowed. Signage is allowed in residential districts as follows and for those services only if properly allowed or legally offered on the premises. (Refer to zoning ordinance for permitted uses). Exceptions shall not be construed as relieving the owner of such signs from the responsibility of complying with certain applicable provisions of this ordinance. The exemptions shall apply to the requirement for sign building permit only, and no sign building permit shall be required for the erection of the following signs, unless otherwise required:

- A. Construction signs. On-site building construction signs shall have a total, combined maximum display surface area not to exceed 16 non-illuminated square feet for residential lots. These signs shall all be attached to a single or double post, or a single freestanding sign as long as they are collectively grouped together. Only necessary signage will be allowed, and signage required by city, county, state or federal law. This signage must be erected in an orderly manner. Before the issuance of a certificate of occupancy, the builder/contractor shall be responsible for removing all signs.
- B. Home improvement signs. On-site home improvement signs may be placed in the yard where the improvements are being made. A home improvement sign shall be a freestanding sign not exceeding 16 non-illuminated square feet and may be placed during construction, but must be removed after construction is complete.
- C. Private pier signs. Pier signs may be placed on a private pier by the owner to designate restrictions, dangers or similar messages. No commercial messages are permitted. Maximum display surface area shall not exceed eight square feet.
- D. Temporary subdivision signs. In any district, one temporary subdivision identification sign, not to exceed 32 square feet in area per surface may be erected at any principal entrance (not to exceed two entrances) to a subdivision, provided that in no event shall such sign remain for more than six months, or be erected within 50 feet of an unoccupied residential dwelling.
- E. Permanent subdivision signs. Permanent subdivision signs may be placed at all major entrances to the subdivision and shall be erected under the following conditions:
 - 1. Each sign shall require a sign building permit.
 - 2. All signs are placed in an acceptable easement authorized for signage, not on a public right-of-way.
 - 3. No more than two signs per entrance.
 - 4. Display surface area not to exceed 48 square feet or eight feet in height.
 - 5. Sign must be maintained in a clean, safe and structurally sound condition at all times by the entity requesting the sign.

Sec. 6-63. Real estate signs.

Sec. 6.3. Real estate signs are permitted in residential districts for the purpose of advertising the sale or lease of a specific piece of property under the following conditions:

- A. Number, type, display area permitted. A maximum of two real estate signs may be placed on a lot, provided such signs shall be limited to wall and freestanding signs with a maximum display surface area of eight non-illuminated square feet.
- B. Temporary open house signs. Such signs, of a size not greater than eight non-illuminated square feet, may be placed at a rate of one per company per intersection, on the days of the open house only. There shall be only one route designated by signs to a particular open house. No more than six directional open house signs may be placed within the city limits for any one open house on any two consecutive days. All signs must be placed on private property with approval of the property owner.
- C. Sold signs. Such signs of a size not greater than 25 percent of the sign on which it is placed, may be placed at a rate of one per lot or tract, per company. All real estate signs shall be removed from the lot or tract within 30 days of the sale or within 30 days after the sold sign has been placed.

D. Real estate sign building permits. Real estate signs as outlined in this section shall not require sign building permits.

Sec. 6.4. Banner signs. Banner signs shall be prohibited except when used as follows:

A. Election campaigns. Election campaign banner sign may be placed on private property only, and removed within thirty days following the election to which the banner sign applies. The banner sign must be attached to a building or permanent structure. Stakes of any material used to support banner signs must be securely installed in the ground. Each stake must have a minimum cross section area of three square inches. Permission must be obtained from the owner of the property on which the sign is to be placed. The property owner shall also be responsible for removal of the sign. Election banner signs over eight square feet shall require a sign building permit.

B. Public events. Public event banner signs shall be placed no earlier than 60 days prior to and removed within ten days following the event to which the banner sign applies. This type of banner sign must be attached to a building or permanent structure. Stakes of any material used to support banner signs must be securely installed in the ground. Each stake must have a minimum cross section area of three square inches. Permission must be obtained from the owner of the property on which the banner sign is to be placed. The property owner shall also be responsible for removal of the banner sign. Public event banner signs may be installed across public streets with permission of the city council.

Sec. 6.5. Garage/yard/estate sale signs. The following regulations shall regulate and control garage/yard/estate sale signs:

A. Size and type. All signs shall be no larger than four square feet, placed on a single or double stake or other freestanding structure. Signs shall not be illuminated.

B. Location. Such signs may be placed at a rate of one per sale per intersection, on the day of the sale only; provided, that there shall be only one route designated by signs to a particular sale. No more than six directional sale signs may be placed within the city limits for any one sale on any two consecutive days. All signs must be placed on private property with approval of the property owner. No garage/yard/estate sale sign shall be placed, affixed, stapled, glued or taped to any utility pole, street sign, traffic sign, etc. No garage/yard/estate sale sign shall be placed in any public right-of-way.

Sec. 6.6. Church signs. All signs for churches in residential districts shall have permission from the owner of the property on which the sign is to be placed.

Sec. 6.7. Marquee signs. Marquee signs are prohibited in all residential zones.

Sec. 6.8. Directional signs. Directional signs as allowed in this ordinance shall be limited to wall or freestanding signs. Sign size and number of directional signs shall be regulated as specified in section 5.16. Only non-business directional signs shall be permitted in residential districts.

Sec. 6.9. Roof signs. Roof signs are prohibited in all residential zones.

Sec. 6.10. Off-site signs. Off-site signs of any type are prohibited. Exception: directional signs as allowed under section 6.8.

Sec. 6.11. Residential Area Nuisance. No sign or lighting permitted under these regulations shall be authorized where such sign or lighting, by reason of placement, lack of shielding, noise generation, or character of operation, causes material distress, discomfort or injury to persons of normal sensibilities residing on adjacent property or would interfere with the reasonable use, enjoyment, or right of privacy on his property.

SECTION 7. COMMERCIAL SIGNAGE

Sec. 7.1. Purpose. This section will deal with the issuance of sign building permits in areas that are zoned business. Signage is allowed in business zoned areas as follows in this section and only for those goods, products, services or facilities offered on the premises. A sign-building permit is required as explained in section 9 of this ordinance.

Sec. 7.2. Construction signs. On-site building construction signs shall have a total combined maximum display surface area, not to exceed 32 non-illuminated square feet. These signs shall

be attached to a single or double post, or a single freestanding sign as long as they are collectively grouped together. Signage required by city, county, state or federal law shall not exceed an additional 32 square feet. This signage must be erected in an orderly manner. Before the issuance of a certificate of occupancy, the builder/contractor shall be responsible for removing all signs.

Sec. 7.3. Roof signs. Roof signs are permitted in business districts under the following conditions:

- A. Overall height of the roof sign and the structure on which it is mounted may not exceed 35 feet.
- B. Roof signs must meet all building and electrical codes.

Sec. 7.4. Freestanding signs. On-site freestanding signs are subject to the following:

- A. Businesses adjoining the "sign corridor zone" may have a permanently constructed sign, installed in the ground and located on the same lot as the business establishment to which it refers. The total sign area shall not exceed two square feet for each lineal foot of highway frontage of the lot or 300 square feet, whichever is smaller, and not to exceed 35 feet in height. Signs shall be set back sufficiently not to overhang the right-of-way boundary. Signs shall be engineered to meet applicable wind loads as prescribed by the International Building Code.
- B. Businesses along other thoroughfares in business zoned districts may have a permanently constructed sign, installed in the ground and located on the same lot as the business establishment to which it refers. Such signs shall be no higher than:
 - 1. Eight feet above grade when sign is located within 20 feet of the property line.
 - 2. Twenty feet above grade when sign is completely located between 20 and 150 feet of a property line.
 - 3. Thirty-five feet above grade when sign is completely located in excess of 150 feet from a property line.
 - 4. The height limits in a., b. and c. above do not apply to shopping centers. Shopping centers however, shall have signs no higher than 35 feet above grade.
 - 5. For all other commercial sign applications the height limits in a., b. and c. above may be waived by the city council upon recommendation from the city official in charge of administering sign regulations. The code official shall make such recommendation only when it is determined that such sign height may constitute a traffic hazard, interfere with prevention of crime and/or interfere with landscape/tree requirements.
- C. In addition, on-site free standing sign are subject to the following:
 - 1. Only one on-site freestanding sign shall be permitted for each 200 linear feet of street frontage. Where more than one sign is allowed, the signs shall be spaced at least 200 feet apart;
 - 2. Display surface area shall be calculated as allowing one square foot of signage for each linear foot of street frontage, up to a maximum of 200 square feet;
 - 3. A freestanding sign erected on property at intersecting public streets or on property in which private drives intersect public streets and within a sight triangle shall have a vision window of not less than seven feet under the sign nor more than three feet above the sign as measured from street level.
 - 4. Sign shall be set back sufficiently not to overhang the street right-of-way.
 - 5. On-site building construction signs shall have a total, combined maximum display surface area not to exceed 32 square feet for business lots. These signs shall all be attached to a single or double post, or a single freestanding sign as long as they are collectively grouped together. Only necessary signage will be allowed, and signage required by city, county, state or federal law. This signage must be erected in an orderly manner. Before the issuance of a certificate of occupancy, the builder/contractor shall be responsible for removing all signs.
- D. Commercial off-site signs. Off-site signs of any type, except business directional signs as permitted in this ordinance, are prohibited.

Sec. 7.5. Projecting signs. Projecting signs are allowed in accordance with the prescriptive sign requirements of the International Building Code but are not allowed over public property.

Sec. 7.6. Wall signs.

- A. Wall signs shall not project more than 18 inches from the surface upon which they are mounted; provided, the upper edge of a wall sign mounted on a mansard roof may project more than 18 inches so long as the sign is perpendicular to the ground.
- B. The total signage allowed on any wall shall not be more than 20 percent of the linear wall's square footage. Where a building houses more than one business, wall signs shall be limited in number to one wall sign per business on each wall.
- C. Reference should be made to the master signage plan set out in section 9.12.
- D. Off-site wall signs are prohibited.

Sec. 7.7. Area identification signs.

- A. The size and location of the structure which will contain the area identification sign, must be approved by the city official, who will approve such structure upon the criterion of traffic safety sight lines.
- B. The maximum display surface area of each area identification sign shall not exceed 32 square feet and will require a sign building permit.

Sec. 7.8. Real estate signs. Real estate signs are permitted in business districts for the purpose of advertising the sale or lease of a specific piece of property under the following conditions:

- A. Number, type, display area permitted. A maximum of two real estate signs may be placed on a lot or tract, provided such signs shall be limited to wall and freestanding signs with a maximum display surface of 32 nonilluminated square feet.
- B. Temporary open-house signs. Such signs, of a size not greater than eight nonilluminated square feet, may be placed at a rate of one per company per intersection, on the days of the open house only. There shall be only one route designated by signs to a particular open house. No more than six directional open house signs may be placed within the city limits for any one open house on any two consecutive days. All signs must be placed on private property with approval of the property owner.
- C. Sold signs. Such signs of a size not greater than 25 percent of the sign on which it is placed, may be placed at a rate of one per lot or tract, per company. All real estate signs shall be removed from the lot or tract within 30 days of the sale or within 30 days after the sold sign has been placed.
- D. Real estate sign building permits. Real estate signs as outlined in this section shall not require sign building permits.

Sec. 7.9. Fuel price informational signs. Signs advertising the price of motor fuels sold from a fuel pump located on the premises shall be permitted, subject to the following conditions:

- A. Only one fuel price changeable copy sign shall be affixed directly and firmly to a fuel pump. Such sign shall be limited in size to an area of 216 square inches; or
- B. Fuel price changeable copy signs for each type of fuel sold shall be affixed directly and firmly to the free standing informational sign as allowed in section 6-84. Size and area of said fuel price signs shall be limited to 16 square feet per fuel grade with a total of 64 square feet maximum allowed; or
- C. One freestanding changeable copy sign is allowed in addition to the main free standing sign as addressed in section 6-84. The size of the freestanding fuel price sign shall be the same as in subsection (2) above. The height of said sign shall be in accordance with section 6-84.

Sec. 7.10. Nothing contained herein shall be construed to prohibit the use of other signs meeting the requirements of this ordinance.

Sec. 7.11. Barber poles. Nothing contained in this section shall prohibit or restrict on-premises barber poles. Barber poles shall be permitted on the public right-of-way provided that the poles are permanently attached to the structure or building.

Sec. 7.12. Freestanding bulletin boards. No freestanding bulletin board shall exceed 16 square feet in display surface area.

Sec. 7.13. Signs on windows or doors. Signs on or affixed to glass surfaces of windows or doors shall be allowed without a sign building permit.

Sec. 7.14. Directional signs. Directional signs as allowed in this ordinance shall be limited to wall or freestanding signs. Sign size, number and information limitations for directional signs shall be regulated as specified in section 5.16.

Sec. 7.15. Church signs. All signs for churches in business districts shall have permission from the owner of the property on which the sign is to be placed.

Sec. 7.16. Collection boxes for charitable or nonprofit organizations. Collection boxes for charitable or nonprofit organizations containing no commercial message and located on private nonresidential property are allowed without a sign building permit.

Sec. 7.17. Banner signs. Banner signs shall be prohibited except when used as follows:

A. Election campaigns. Election campaign banner signs may be placed on private property only, and removed within thirty days following the election to which the banner sign applies. The banner sign must be attached to a building or permanent structure. Stakes of any material used to support banner signs must be securely installed in the ground. Each stake must have a minimum cross section area of three square inches. Permission must be obtained from the owner of the property on which the banner sign is to be placed. The property owner shall also be responsible for removal of the banner sign. Election banner signs over eight square feet shall require a sign building permit.

B. Public events. Public event banner signs shall be placed no earlier than 60 days prior to and removed within ten days following the event to which the banner sign applies. This type of banner sign must be attached to a building or permanent structure. Stakes of any material used to support banner signs must be securely installed in the ground. Each stake must have a minimum cross section area of three square inches. Permission must be obtained from the owner of the property on which the banner sign is to be placed. The property owner shall also be responsible for removal of the banner sign. Public event banner signs may be installed across public streets with permission of the city council.

Sec. 7.18. Commercial sale events. Banner signs placed on private property for advertising a special sales event or grand opening are exempt only on the following conditions:

A. The banner sign must be attached to a building or permanent structure. Stakes of any material used to support banner signs must be securely installed in the ground. Each stake must have a minimum cross section area of three square inches.

B. Two banner signs may be permitted for each 200 linear feet of street frontage. A maximum of four banner signs shall be allowed for any commercial business.

C. On property subject to master signage plan requirements as specified in section 6-142, banner signs must be included in the master signage plan.

D. All banner signs must be maintained in good condition at all times. Torn, improperly installed or deteriorated banner signs must be repaired, replaced or removed. Failure to correct such conditions shall be subject to enforcement and remedies as specified in section 5 and section 6 of this ordinance.

Sec. 7.19. Building marker. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials are allowed. Maximum size for building markers shall be eight square feet. Building markers shall not require a sign building permit.

Sec. 7.20. Outdoor menu board. Outdoor menu boards are only allowed on lots which have been approved for restaurants with drive-through windows and under the following conditions:

A. Only one outdoor menu board shall be permitted, per order station, on a lot.

B. Display surface area shall not exceed 32 square feet.

Sec. 7.21. Changeable copy signs.

A. Only one changeable copy sign shall be allowed for movie theaters in addition to a freestanding sign permitted under section 7.4. Maximum sign size and height shall be in accordance with required regulations applicable under section 7.4.

- B. Only one changeable copy sign shall be allowed as part of a freestanding sign permitted under section 7.4.
- C. Electronic changeable copy signs may be permitted as addressed in subsections (a) and (b) above, provided the electronic message shall appear and remain static for a period of no less than 60 seconds (time and temperature signs being the exception), whereas such message shall immediately be replaced by another message or symbol. Such message or symbol shall meet the criteria as addressed in sections 5.13 and 5.15 of this ordinance. The intensity of electronic illumination shall be lessened during the night time hours of operation in accordance with subsection 6.11 of this ordinance. This provision does not apply to any traffic signalization device or highway information sign regulated by local, state or federal law.
- D. A changeable copy sign or electronic message board sign shall not be allowed as a wall sign.

SECTION 8. INDUSTRIAL SIGNAGE

Sec. 8.1. Purpose. This section will deal with the issuance of sign building permits in areas that are zoned industrial. Signage is allowed in industrial zoned areas as follows in this section and for those services only if properly allowed and legally offered on the premises. However, a sign building permit is required as explained in section 9 of this ordinance.

Sec. 8.2. Construction signs. On-site building construction signs shall have a total, combined maximum display surface area not to exceed 64 non-illuminated square feet for industrial lots. These signs shall be attached to a single or double post, or a single freestanding sign as long as they are collectively grouped together. Only necessary signage will be allowed and must be erected in an orderly manner. Before the issuance of a certificate of occupancy, the builder/contractor shall be responsible for removing all signs.

Sec. 8.3. Roof signs. Roof signs are permitted in industrial districts under the following conditions:

- A. Overall height of the roof sign and the structure on which it is mounted may not exceed 35 feet.
- B. Roof signs must meet all building and electrical codes.

Sec. 8.4. Freestanding signs. On-site freestanding signs are subject to the following:

- A. Industries adjoining the "sign corridor zone" may have a permanently constructed sign, installed in the ground and located on the same lot as the business establishment to which it refers. The total sign area shall not exceed two square feet for each lineal foot of highway frontage of the lot or 300 square feet, whichever is smaller, and not to exceed 35 feet in height. Signs shall be set back sufficiently not to overhang the right-of-way boundary. Signs shall be engineered to meet applicable wind loads as prescribed in the International Building Code.
- B. Businesses along other thoroughfares in industrially zoned districts may have a permanently constructed sign, installed in the ground and located on the same lot as the business establishment to which it refers. Such signs shall be no higher than:
 1. Eight feet above grade when sign is located within 20 feet of the property line.
 2. Twenty feet above grade when sign is completely located between 20 and 150 feet of a property line.
 3. Thirty-five feet above grade when sign is completely located in excess of 150 feet from a property line.
 4. The height limits in a., b. and c. above do not apply to shopping centers. Shopping centers however, shall have signs no higher than 35 feet above grade.
 5. For all other industrial sign applications the height limits in a., b. and c. above may be waived by the city council upon recommendation from the city official in charge of administering sign regulations. The city official shall make such recommendation only when it is determined that such sign height may constitute a traffic hazard, interfere with prevention of crime and/or interfere with landscape/tree requirements.

C. In addition, on-site free standing sign are subject to the following:

1. Only one on-site freestanding sign shall be permitted for each 200 linear feet of street frontage. Where more than one sign is allowed, the signs shall be spaced at least 200 feet apart;
2. Display surface area shall be calculated as allowing one square foot of signage for each linear foot of street frontage, up to a maximum of 200 square feet;
3. A freestanding sign erected on property at intersecting public streets or on property in which private drives intersect public streets and within a sight triangle shall have a vision window of not less than seven feet under the sign nor more than three feet above the sign as measured from street level.
4. Sign shall be set back sufficiently not to overhang the street right-of-way.

D. Industrial off-site. Off-site signs of any type, except business directional signs as permitted in this ordinance, are prohibited.

Sec. 8.5. Projecting signs. Projecting signs are allowed in accordance with the prescriptive sign requirements of the International Building Code.

Sec. 8.6. Wall signs.

- A. Wall signs shall not project more than 18 inches from the surface upon which they are mounted; provided, the upper edge of a wall sign mounted on a mansard roof may project more than 18 inches so long as the sign is perpendicular to the ground.
- B. The total signage allowed on any wall shall not be more than 20 percent of the linear wall's square footage. Where a building houses more than one industry, wall signs shall be limited in number to one wall sign per industry on each wall. Maximum display surface for any one industry wall sign shall be 32 square feet. The total display surface for all industries in the building shall not exceed the 20-percent rule on any wall.
- C. Reference should be made to the master signage plan set out in section 9.12.
- D. Off-site wall signs are prohibited.

Sec. 8.7. Area identification signs.

- A. The size and location of the structure which will contain the area identification sign, must be approved by the city official, who will approve such structure upon the criterion of traffic safety sight lines.
- B. The maximum display surface area of each area identification signs shall not exceed 32 square feet and will require a sign building permit.

Sec. 8.8. Real estate signs.

- A. Real estate signs are permitted in industrial zones for the purpose of advertising the sale or lease of a specific piece of property under the following conditions:
 1. Number, type, display area permitted. A maximum of two real estate signs may be placed on a lot or tract, provided such signs shall be limited to wall and freestanding signs with a maximum display surface of 32 non-illuminated square feet.
 2. Temporary open house signs. Such signs, of a size not greater than eight non-illuminated square feet, may be placed at a rate of one per company per intersection, on the days of the open house only. There shall be only one route designated by signs to a particular open house. No more than six directional open house signs may be placed within the city limits for any one open house on any two consecutive days. All signs must be placed on private property with approval of the property owner.
 3. Sold signs. Such signs of a size not greater than 25 percent of the sign on which it is placed, may be placed at a rate of one per lot or tract, per company. All real estate signs shall be removed from the lot or tract within 30 days of the sale or within 30 days after the sold sign has been placed.
- B. Real estate sign building permits. Real estate signs as outlined in this section shall not require sign building permits.

Sec. 8.9. Signs on windows or doors. Signs on or affixed to glass surfaces of windows or doors shall be allowed without a sign building permit.

Sec. 8.10. Directional signs. Directional signs as allowed in this ordinance shall be limited to wall or freestanding signs. Sign size, number and information limitations for directional signs shall be regulated as specified in section 5.16.

Sec. 8.11. Church signs. All signs for churches in industrial districts shall have written permission from the owner of the property on which the sign is to be placed.

Sec. 8.12. Collection boxes for charitable or nonprofit organizations. Collection boxes for charitable or nonprofit organizations containing no commercial message and located on private nonresidential property are allowed without a sign building permit.

Sec. 8.13. Banner signs. Banner signs shall be prohibited except when used as follows:

A. Election campaigns. Election campaign banner signs may be placed on private property only, and removed within thirty days following the election to which the banner sign applies. The banner sign must be attached to a building or permanent structure. Stakes of any material used to support banner signs must be securely installed in the ground. Each stake must have a minimum cross section area of three square inches. Permission must be obtained from the owner of the property on which the banner sign is to be placed. The property owner shall also be responsible for removal of the banner sign. Election banner signs over eight square feet shall require a sign building permit.

B. Public events. Public event banner signs shall be placed no earlier than 60 days prior to and removed within ten days following the event to which the banner sign applies. This type of banner sign must be attached to a building or permanent structure. Stakes of any material used to support banner signs must be securely installed in the ground. Each stake must have a minimum cross section area of three square inches. Permission must be obtained from the owner of the property on which the banner sign is to be placed. The property owner shall also be responsible for removal of the banner sign. Public event banner sign may be installed across public streets with permission of the city council.

C. Private sales events. Banner signs placed on private property for advertising special services, a sales event or grand opening are exempt only under the following conditions:

1. The banner sign must be attached to a building or permanent structure. Stakes of any material used to support banner signs must be securely installed in the ground. Each stake must have a minimum cross section area of three square inches.
2. Two banner signs may be permitted for each 200 linear feet of street frontage. A maximum of four banner signs shall be allowed for any industrial business.
3. On property subject to master signage plan requirements as specified in section 9.12, banner signs must be included in the master signage plan.
4. All banner signs must be maintained in good condition at all times. Torn, improperly installed or deteriorated banner signs must be repaired, replaced or removed. Failure to correct such conditions shall be subject to enforcement and remedies as specified in section 9 and section 10 of this ordinance.

Sec. 8.14. Building marker. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials are allowed. Maximum size for building markers is eight square feet. Building markers shall not require a sign building permit.

Sec. 8.15. Fuel price informational signs. Signs advertising the price of motor fuels sold from a fuel pump located on the premises shall be the same as prescribed in section 7.9.

Sec. 8.16. Changeable copy signs. Changeable copy signs for industrial areas shall be the same as prescribed in section 7.21.

SECTION 9. PERMITS AND FEES

Sec. 9.1. General permit procedures.

- A. If a sign requiring a permit under the provisions of this ordinance is to be placed, constructed, erected or modified on a lot, the owner of the lot, authorized agent or contractor shall secure a sign building permit prior to the construction, placement, erection or

modification of such a sign.

- B. No signs shall be erected in the public right-of-way except in accordance with this ordinance.
- C. No sign building permit shall be issued for modification or repair of an existing or proposed sign unless such modification or repair or proposed sign is consistent with the requirements of this ordinance in every respect and with the master signage plan in effect for that property. Minor routine maintenance shall not require a sign building permit.
- D. The procedures set out in this section shall govern the application for and issuance of all sign building permits under this ordinance, and the submission and review of master signage plans.

Sec. 9.2. Applications. All applications for sign building permits of any kind and for approval of a master signage plan shall be submitted to the city official on an approved form.

Sec. 9.3. Fees. A sign building permit fee as set by city council shall be required for the construction, placement, erection or modification of each sign. Permit fees will be set by the City Council and may be adjusted annually.

Sec. 9.4. Review for completeness. The city official shall review an application for a sign building permit or for a master signage plan for completeness. If the application is complete, then it shall be processed within ten working days. If it is found to be incomplete, the city official shall not issue a sign building permit, but shall provide the applicant written notice of the deficiencies, with appropriate references to the applicable sections of this ordinance.

Sec. 9.5. Drawings and specifications. The city official may require detailed drawings, computations, stress diagrams and other data necessary to describe the construction or installation and the basis of calculations.

Sec. 9.6. Action, time frame. The city official shall act upon an application for a sign building permit within ten working days.

Sec. 9.7. Refusal to issue sign building permit. The city official shall not issue a sign building permit if the application fails to conform with the requirements of this ordinance, any applicable master signage plan or other ordinance of the city. Such refusal shall be in writing and shall contain the reason for refusal.

Sec. 9.8. Sign building permits to construct or modify signs.

- A. Sign building permit for new sign or for sign modification. Signs shall be erected, installed, constructed or modified only in accordance with a duly issued and valid sign building permit. Minor routine maintenance shall not require a sign building permit.
- B. Inspection. The city official shall cause an inspection of the permitted sign construction upon request of the sign building permit holder or his agent. If the sign construction is complete and in full compliance with this ordinance and other ordinances of the city, the city official shall approve the construction and accept the sign as complete. If the sign is not in full compliance, the city official shall refuse to approve the construction and shall notify the applicant in writing of the deficiencies and shall allow fifteen (15) days for correction of the deficiencies and re-inspection.

Sec. 9.9. Design and construction. All signs erected after the date of adoption of this ordinance or an existing nonconforming sign damaged more than 60 percent of the replacement cost as designated in section 5-6 shall comply with the applicable provisions of this ordinance, the building code, electrical code, and any other applicable ordinance of the city. Except for banner signs, flags, temporary signs and window signs conforming in all respects with the requirements of this ordinance, all signs shall be permanently attached to the ground or to a building or other structure by direct attachment to a rigid wall, frame or structure. The conversion of signs from one type or classification to another shall require a sign building permit.

Sec. 9.10. Sign maintenance. All signs shall be maintained by the owner thereof in a clean, safe and structurally sound condition.

Sec. 9.11. Unsafe and unlawful signs.

- A. If any sign is found to be unsafe, insecure, a hazard to the public, abandoned, maintained in a dilapidated condition or otherwise constructed in violation of the provisions of this

ordinance, the city official shall give written notice to the sign permittee or to the property owner to either abate or repair said sign in accordance with the provisions contained herein and with the city's building code. If the permittee and/or property owner fails to remove or alter the sign or advertising structure so as to comply with the standards set forth in this ordinance within ten days of the date of written notice, such sign or other advertising structure may be removed by the city. Any expense incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property.

Sec. 9.12. Master signage plan, business and industrial zoning. No sign building permit shall be issued for an individual sign requiring a sign building permit in a business and/or industrial zoning district, where more than one business or industry will be located, unless and until a master signage plan for the lot on which the sign will be erected has been submitted to the city official and approved as conforming to this section:

- A. Contents of master signage plan. For any business or industrial zoned lot on which the owner proposes to erect one or more signs requiring a sign building permit, the owner shall submit to the city official a master signage plan containing the following:
 - 1. An accurate plot plan of the lot, at such scale as the city official may reasonably require.
 - 2. Location of buildings, parking lots, and driveways on the lot.
 - 3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this ordinance.
 - 4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a sign building permit or not, except that incidental signs need not be shown.
- B. Window signs. A master signage plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.
- C. Limit on number of freestanding signs. The master signage plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs by providing for shared or common usage of such signs (see section 7.4 A or section 8.4 A).
- D. Other restrictions. The master signage plan may contain such other restrictions as the owners of the lots may reasonably determine.
- E. Consent. The master signage plan shall be signed by all owners or their authorized agents.
- F. Included with other procedures. A master signage plan shall be included in any development plan, site plan, planned unit development plan or other official plan required by the city for the proposed development and may be processed simultaneously with such other plan.
- G. Amendment. A master signage plan may be amended by filing a new master signage plan. Additions and changes in the amended plan must conform with all requirements of the ordinance then in effect.
- H. Binding effect. After approval of a master signage plan, no sign shall be erected, placed, painted or maintained in operation, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provisions of this ordinance, this ordinance shall control.

Sec. 9.13. Sign building permit revocable.

- A. Misrepresentation of application. The city official may revoke a sign building permit or approval in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- B. Violation of provisions. The city official may revoke a sign building permit upon determination that the construction, erection, alteration or repair for which the sign building permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

C. Expiration. Sign building permits shall expire 60 days after issuance if work has not commenced. A sign building permit also expires if work is discontinued or abandoned for a period of 30 days.

Sec. 9.14. Sign Identification. The City Official shall issue a numbered permit for every sign approved. Every sign erected shall have the permit number issued by the City Official permanently displayed at a conspicuous place on the sign.

Sec. 9.15. Stop work orders. Upon notice from the city official, work on any sign that is being done contrary to the provisions of this ordinance or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property or his agent and shall state the conditions under which work may be resumed.

Sec. 9.16. Modifications. After the City has issued a sign permit, 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 Council.

Sec. 9.17. Expiration of sign permits. A sign permit shall expire and become void unless a request for final inspection of the sign is made no later than one hundred eighty (180) days after the date the permit is issued. A single 90-day extension of the permit may be requested before the expiration of the permit. Final inspection must be requested before the end of the extension period or the permit becomes void.

SECTION 10.

VIOLATIONS, ENFORCEMENT AND REMEDIES

Sec. 10.1. Violations. Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance or by other applicable ordinances or state laws:

- A. To install, construct, erect or maintain in operation any sign in a way that is inconsistent with any plan or sign building permit governing such sign or the lot on which the sign is located.
- B. To install, construct, erect or maintain in operation any sign requiring a sign building permit without such a sign building permit.
- C. To fail to remove any sign that is installed, constructed, erected or maintained in operation in violation of this ordinance.
- D. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.
- E. Each sign installed, constructed, erected or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

Sec. 10.2. Enforcement, remedies. Any violation of this ordinance or of any condition or requirement adopted pursuant to this ordinance may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law.

A. The remedies of the city shall include following:

- 1. Issuing a stop work order for any and all work on any sign on the same lot.
- 2. Seeking an injunction or other order of restraint or abatement that requires the removal of the signs or the correction of the nonconformity.

B. Removal of signs.

- 1. Unsafe, Dilapidated or Deteriorated Signs: If the City Official determines that any sign is unsafe or insecure, or is dilapidated or deteriorated, 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 this sign is not a valid, non-conforming sign, and the permit holder, owner of the sign or owner of the site on which the sign is located fails to remove or repair the sign within ten (10) days after such notice or to file an appeal of the decision, the City Official may cause the removal of such sign. Nothing contained herein shall prohibit the immediate removal, without notice, of any sign or portion of a sign which is determined by the City Official to be an immediate threat or danger to the public health, safety, or welfare. The removal of the sign or portion of the sign shall be limited to the extent necessary to eliminate the threat to public health, safety and welfare. A person

commits an offense if the person fails to, within ten (10) days of receipt of notice, remove or correct an unsafe, dilapidated or deteriorated sign. Whenever the property owner, agent, or tenant fails to abate the unsafe, dilapidated or deteriorated condition within the time allowed, the City Official is hereby authorized to declare the sign discontinued, remove the sign, and require any new sign to meet the new sign regulations. Any expense incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property.

2. Signs on Utility Poles: The City Official may remove a sign that is erected, constructed or otherwise attached to a utility pole located upon any public right-of-way or utility easement. The owner of the sign or owner of the site on which the sign is located shall be charged a sign recovery fee in accordance with the city fee schedule to recover the sign from the City unless the permit holder or owner satisfactorily establishes that such sign was not placed in the right-of-way by the owner of such sign or by any authorized agent, representative, or employee of said owner. Any sign so removed by City personnel may be held for a period of seventy-two (72) hours and upon expiration of such time may be disposed of. The City is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent.

3. Signs in Rights-of-Way and/or on Public Property.

- (a) No person, except a duly authorized public officer or employee, shall erect, construct or maintain, paste, paint, print, nail, tack or otherwise fasten or affix any card, banner, handbill, campaign sign, poster, sign, advertisement, or notice of any kind, or cause or suffer the same to be done, on any curbstone, lamppost, pole, bench, hydrant, bridge, wall, tree, sidewalk or structure in or upon any public street, alley, public right-of-way, or upon any other public property, except as may be required or permitted by ordinance or law.

- (b) The City Official, or his or her authorized representative, shall cause the removal of any sign or other matter prohibited by this Subsection. Removal and abatement shall not be subject to any notice requirement, and any notice, appeal or other enforcement provisions of this ordinance shall not apply. The City Official, as appropriate, shall make a report of the cost of removal, and the origin of said or other matter to initiate recovery of costs.

- (c) The City is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent. The owner of such sign shall be charged a sign recovery fee in accordance with the city fee schedule to recover such sign from the City. No fee shall be charged if the permit holder or owner satisfactorily establishes that such sign was not placed in the right-of-way by the permit holder or owner of such sign or by any authorized agent, representative or employee of said owner. Any sign so removed by City personnel may be held for a period of seventy-two (72) hours and upon expiration of such time may be disposed of.

4. Illegally Erected Signs: The City Official may remove any sign that is erected, constructed or otherwise displayed, in direct violation of this ordinance. The permit holder, owner of the sign or owner of the site on which the sign is located shall be charged a sign recovery fee in accordance with the city fee schedule to recover such sign from the City. The city is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent. For permanent signs, the sign must be removed by the permit holder, owner of the sign, or owner of the site upon which the sign is located within a reasonable time period as determined by the City Official. Upon failure to comply with such notice or to file an appeal of the decision, City Official is authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the permit holder, owner of the sign or owner of the site on which the sign is located.

5. Removal of Obsolete Signs. Any sign which the city determines no longer serves a bona

vide use conforming to this ordinance or any advertising copy or message now or hereafter existing which no longer advertises a business conducted or a product available for purchase by the public, shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such sign is located within thirty (30) days after written notification to do so from the city. Upon failure to comply with such notice, the city is hereby authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

6. Abandoned Signs. It is unlawful to publicly display a sign that does not contain any message a period of one (1) year or more. Whenever any business, service or other use moves from premises, or for any other reason a sign is not applicable to the premises, such sign will be considered abandoned. Such a discontinued sign is required to be removed. All abandoned signs shall be removed from such premises within thirty (30) days after the date of such abandonment. In the event that such sign is not removed within such ten days, the owner of the premises shall be liable for such removal.
7. Extent of Sign Removal: The City Official shall determine to what extent the elements of the sign must be removed to comply with this section. This may include but is not limited to the following:
 - (a) *Sign Copy*: Removal of the text or copy portion of the sign.
 - (b) *Sign Box*: Removal of the portion of the sign excluding the structural support of the sign.
 - (c) *Entire Sign*: Removal of all structural elements of the sign.
8. Removal of Hazardous Signs. The City Official shall be authorized to abate or impound any sign that is deemed unsafe, dangerous or that pose an immediate threat to the safety of the general public if not abated by the property owner and/or the sign owner within twenty-four (24) hours after notice has been given. The city may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice. Signs that, as determined by the City Council or designated employee, constitute a traffic hazard by reason of obstruction of view, distraction or danger to the safety of the public shall be immediately removed. If the property owner or sign owner cannot be found, the City Official may impound the sign after a reasonable attempt to contact said person has been made.
- C. Sign Recovery Fee. Any and all costs shall be charged to the owner, tenant and/or agent of the sign or sign structure as follows:
 1. The City Official is hereby authorized to contract with a contractor to perform such work as may be required to abate the nuisance or remove the sign.
 2. Whenever the City causes any work to be performed to abate a nuisance, a charge will be made to the property owner, agent, or tenant to recover the costs associated with the abatement. The charge shall be the actual cost of abatement. The reasonable cost of abating a hazardous or unlawful sign shall be taxed as a lien against the record owner of the property on which the sign is located.
 3. Any temporary sign that does not comply with the restrictions established herein shall be impounded by the city and will be released to the owner after paying ten (10) dollars storage fee for each such sign.
 4. If any sign for which there is no current permit is found within the city displaying a message readable from any public street, such sign shall be impounded by the city and will be released to the owner thereof only after payment of twenty five (25) dollars storage fee for each sign. An Administrative Fee of twenty five (25) dollars may be assessed.
 5. If the city has a removed, unclaimed sign from a permit holder or has destroyed such a sign, any permit issued by the city shall be suspended until the sign is paid for.
 6. If during this period the owner of the sign pays the storage fee, the City Building Official

shall return the sign to its owner.

7. This provision is not exclusive and in no way restricts or modifies any method authorized by law to seize evidence of a crime.

D. DISPOSAL. If the City removes a sign in violation of this Ordinance and the sign remains unclaimed for a period of more than sixty (60) days, the City may destroy, sell, or otherwise dispose of the sign. In addition to other remedies herein, the Town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

Sec. 10.3. Penalties.

A. Criminal and Civil. Any person who violates this ordinance shall be subject to the penalties provided by Ordinance 91.

B. State law references. Enforcement of municipal ordinances, V.T.C.A., Local Government Code ch. 54.

Sec. 10.4. Attorney Authorization. Upon the request of the City Council, the City Attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this Ordinance, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or recover damages in an amount sufficient for the City to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this Ordinance.

Sec. 10.5. Assessment of Expenses; Lien

A. To obtain a lien against the property, the mayor or city official designated by the mayor shall file a notice of lien in the appropriate county deed or lien records showing the penalty and all expenses as a lien against the property upon which the structure is located.

B. The lien obtained by the city is security for the fines, expenses and interest accruing at the rate of ten (10) percent on the amount due. The lien attaches upon the filing of the lien statement with the county clerk.

C. The lien is inferior only to Tax liens.

D. The city council may authorize the city attorney to bring a suit for foreclosure in the name of the city to recover the fines and interest due. In any civil, criminal or administrative appeal, hearing or action commenced by the City under this Ordinance, the City shall be entitled to recover from the defendant of such action reasonable attorney's fees, costs of suit, any other costs of enforcement, including, but not limited to, inspection costs.

E. The city council may authorize the city attorney to foreclose a lien on property.

Sec. 10.6. Provisions declared to be minimum requirements. In the interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of public health, safety and general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other city ordinance or state law the highest or most restrictive standard shall apply.

Sec. 10.7. Grievances. Recourse for grievances involving interpretations and applications of this ordinance shall be to the city secretary. Such grievances shall be presented to the city secretary, in writing, within ten days from the date of the disputed interpretation or application of this ordinance.

SECTION 11. VARIANCES

Sec. 11.1. In granting a variance, the City Council shall determine that a literal enforcement of the sign regulations will create an unnecessary hardship or practical difficulty on the applicant, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed, that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the spirit and purpose of the Ordinance. No variance shall be granted by the city council if the same conflicts with the spirit of this ordinance, which is one of providing public safety, adequate lighting provisions, open space and air, conservation of land,

protection of property values, and encouraging the highest and best use of the land. The decision of the city council shall be final.

Sec. 11.2. VARIANCE APPLICATION PROCEDURE. Filing a variance request shall be filed in writing with the City Secretary and shall include the following information:

- A. The names, addresses and telephone numbers of the petitioners, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
- B. A description of the requested variance.
- C. Justification of the requested variance. (A detailed explanation why the variance is being requested)
- D. The location of the building, structure, or lot that the sign is to be erected on or affixed to.
- E. A site plan of the property involved, showing accurate placement thereon of the proposed sign.
- F. A blueprint or ink drawing of the plans and specifications of the sign to be erected or affixed and method of construction. Such plans and specifications shall include details of dimensions, materials, color, and weight. As per Section 6-2.01.
- G. The written consent of the owner of the building structure or property that the sign is to be erected on or affixed to.
- H. Such other information as the City Official may require determining full compliance with this and other applicable Ordinances of the City.

Sec. 11.3. Attendance At City Council Meeting. The Applicant, the Applicant's Attorney, Engineer or Architect or a duly authorized person must attend the public hearing.

Sec. 11.4. Criteria. The City Council may authorize a variance to any provision of this Ordinance, including but not limited to the number, type, area, height, or setback of signs, or any other aspect involved in the sign permitting process. In considering the request for variation to requirements of this ordinance, the city council shall consider, but not be limited to:

- A. The degree of variance
- B. The reason for variance requested
- C. The location of the variance request
- D. The duration of the requested variance
- E. The effect on public safety, protection of neighborhood property
- F. The degree of hardship or injustice involved
- G. The effect of the variance on the general plan of regulating signs within the city.

Sec. 11.5. Effect of Denial. No requested variance that has been denied in accordance with the provisions established herein, may be resubmitted for a period of one (1) year from the date of said denial, except on grounds of new evidence or proof of changed conditions found to be valid by the City Council.

SECTION 12.

SEVERABILITY CLAUSE, CONFLICTING ORDINANCES, AND EFFECTIVE DATE

Sec. 12.1. Severability clause. It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable; and if any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional or invalid by any judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining section, paragraph, sentence, clause or phrase of this ordinance; and the city council hereby declares it would have passed the remaining portions even though it had known the affected parts would be held unconstitutional.

Sec. 12.2. Repealer clause. All other ordinances, parts of ordinances or resolutions in conflict with this ordinance are hereby repealed to the extent of any such conflict.

Sec. 12.3. Publication. The City Clerk is hereby authorized and directed to publish the caption of this ordinance, together with the penalty provision contained therein, in the manner and for the length of time prescribed by law as so published shall be admissible in evidence in all courts

without further proof than the production thereof. The City Secretary of the City of Bayside is hereby directed to publish this ordinance caption and penalty in the official City newspaper one time within ten days after passage of this ordinance.

Sec. 12.4. Effective date. This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

Date Published in Official Newspaper 2-18-10

1st Hearing Date 2-9-10

PASSED AND APPROVED THIS THE 9th DAY OF February, 2010.

Billy P. Frick
MAYOR Town of Bayside

2/9/10
Date

ATTEST:

Connie Cremer
CITY SECRETARY

2-9-10
Date