

ORDINANCE # 1342-2022

AN ORDINANCE AMENDING CHAPTER 3 “BUILDING REGULATIONS” OF THE RIVER OAKS CODE OF ORDINANCES, AS AMENDED, SPECIFICALLY IN ARTICLE 3.12 “SIGNS” PROVIDING FOR THE COMPREHENSIVE REGULATION OF SIGNS; PROVIDING FOR DEFINITIONS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR THE ISSUANCE AND REVOCATION OF SIGN PERMITS; PROVIDING FOR THE REMOVAL OF SIGNS; PROVIDING FOR APPEALS AND VARIANCES; PROVIDING FOR LIMITATIONS ON THE LOCATION, SETBACK, HEIGHT, SIZE, LIGHTING AND OTHER REGULATIONS OF SIGNS; PROHIBITING CERTAIN SIGNS; PROVIDING FOR TEMPORARY, EXEMPT AND POLITICAL SIGNS; ESTABLISHING DESIGN AND CONSTRUCTION STANDARDS; REPEALING ORDINANCE NO. 640-05 AND AMENDMENTS FOR SIGNS THAT HAS SINCE BEEN ADOPTED AND CODIFIED INTO THE RIVER OAKS CODE OF ORDINANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the local Government Code; and

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

WHEREAS, the City Council further finds that scenic resources are distributed throughout the City and have contributed greatly to its economic development by attracting permanent residents and new businesses and cultural facilities; 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 finds that, in addition to the above findings, the adoption of this ordinance will serve the following purposes:

1. To preserve, protect, and enhance areas of historical, architectural, cultural, aesthetic, and economic value regardless of whether they are natural or manmade;
2. To protect adjacent and nearby properties, in particular, residentially zoned properties from the impact of lighting, size, height, movement, and location of signs;
3. To protect the safety and efficiency of the City's transportation network by reducing the confusion or distraction to motorists and enhancing the motorist's ability to see pedestrians, obstacles, other vehicles and traffic signs;
4. To enhance the impression of the City which is conveyed to tourists and visitors by controlling the location, number, and size of signs;
5. To integrate sign regulations more effectively with other regulations by establishing requirements for 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;
6. To preserve and enhance the appearance of the City and the public interest in aesthetics, and to control and reduce visual clutter and blight;
7. To provide institutional entities within the City the ability to communicate public events to the general public; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:

SECTION 1.

Chapter 3 “Building Regulations” specifically under Article 3.12 “Signs” is hereby amended to now read as follows:

“ARTICLE 3.12 SIGNS

Division 1. Generally

Sec. 3.12.001 Purpose

The regulations and/or standards established in this Section are intended to provide minimum standards to safeguard life, property, and public welfare, and to regulate and control the use, materials, construction, location, number, maintenance, and the permitting of certain signs and sign structures. In addition, it is intended to enhance the beauty of the City by limiting visual clutter. The provisions of this section are not intended to permit a violation of any provision of any other ordinance or federal or state law. The general objectives of these regulations and standards are to promote health, safety, welfare, convenience and enjoyment of the public and to achieve the following:

- (1) Safety. To promote the safety of persons and property by providing that signs:
 - (A) Do not create a hazard due to collapse, fire collision, decay or abandonment;
 - (B) Do not obstruct firefighting or police surveillance; and
 - (C) Do not create traffic hazards by confusing or distracting motorists or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to red traffic signs.
- (2) Communications efficiency. To promote the efficient transfer of information in sign messages by providing that:
 - (A) Businesses and services may identify themselves;
 - (B) Customers and other persons may locate a business or service;
 - (C) No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way; and
 - (D) Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
- (3) Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the cityscape, by providing that signs:
 - (A) Do not interfere with scenic views;
 - (B) Do not create a nuisance to persons using the public rights-of-way;

- (C) Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
- (D) Are not detrimental to land or property values.

Sec. 3.12.002 Definitions

For purposes of this article, the following definitions shall apply, unless clearly indicated to the contrary.

Alter. To change the size, shape or outline, or type of sign or to change the electrical lighting, except for the replacement of lamps not brighter than the original or the replacement of a surface panel.

Attach. To stick, tack, nail or otherwise affix a sign to any object; to paint, stencil, write, or otherwise mark on an object.

Awning Sign. An architectural projection that provides weather protection, identity, or decoration, and is supported by the building to which it is attached. It is composed of a lightweight skeleton structure over which a fabric or other material cover is attached. Such sign may be illuminated and shall be considered a wall sign.

Banner. A temporary sign made of paper, plastic, or fabric, with or without a frame, containing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric. Banner does not include a flag.

Builders' directional sign. A temporary sign which provides direction or instruction to guide persons to sites where new homes are under construction, usually off-premises.

Canopy. A structure made of metal or other material with a frame supported by either one or more columns or the building to which it is accessory and is open on two or more sides.

Billboard. An off-premises sign which directs attention to a business, person, organization, activity, event, place, commodity, product, or service conducted, sold, or offered at a location other than the premises on which the sign is located. (Not allowed)

Building. A structure which has a roof supported by walls for the shelter, support, or enclosure of persons, animals, or chattel.

Building official. The building official or the building official's designated representative, or any person designated by the city council to enforce and administer the provisions of this article.

Certified city. A city certified by the state department of transportation (TxDOT) to exercise control of outdoor advertising signs within its city limits.

Civic organization. An organization which offers community programs to citizen, city or civic affairs groups.

Commencement of work. For construction of a sign, the point in time when the sign has been delivered to the site or attachment to a building has begun or holes are excavated for ground installation.

Commercial message. A message which refers to the offer for sale or existence for sale of products, property, accommodations, services or attractions or activities or attracts attention to a business or to products, property, accommodations, services, or activities that are offered or exist for hire.

Dilapidated or deteriorated condition. A sign which, in the opinion of the building official, has any of the following characteristics:

- (1) Where the structural support or frame members are visibly bent, broken, dented, or torn;
- (2) 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 or renders the sign unsafe; or
- (3) 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).

Distance. Distance of signs from the right-of-way shall mean the shortest horizontal distance from the nearest right-of-way to a vertical line to the ground from the nearest element of the sign or the shortest horizontal distance in a straight line between the nearest elements of signs.

Electronic variable message signs. Electronic variable message signs are any sign that utilizes changeable copy messages through internal illumination through light emitting diodes (LEDs) or other light sources. Electronic variable messages signs are subject to the same size and location restrictions as other signs regulated by this Division. In addition, an electronic variable message sign is subject to the following restrictions:

- A. Any changeable copy on the electronic variable message sign shall not change more than every fifteen (15) seconds. Any changes shall occur with an instant on/off cycle.
- B. Electronic variable message signs are permitted to contain time and temperature displays. The time and temperature shall remain static for not less than three seconds.

Erect. To build, construct, attach, hang, place, suspend or affix any form of sign. This shall also include the painting of signs on the exterior surface of a building or structure.

Facade. Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within 45 degrees of one another, they are to be considered as part of a single facade.

Feather Flag. An advertising banner that is used by businesses, event organizers, and many others to promote their business, brand, or event. The name "feather flag" comes from the shape of the flag that is like a bird's feather (a.k.a quill).

Flag. Any fabric containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, nonprofit organization, or corporation.

Gross surface area or area of a sign. The area of the smallest rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentation, or other fixtures, material, or color forming part of the sign. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign. Gross surface area shall be measured on one side only of a two-faced (back-to-back) sign carrying the same image and message on both faces. Two-faced signs carrying different messages and images on each side shall be considered as separate signs.

Height. As applied to a sign, height shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and natural grade at the center of the base of the sign (see appendix A for clarification).

Illumination. The enhancement of a sign utilizing electric lights, luminous tubes or other similar means.

Illumination, external. Lighting by means of an unshielded light source (including neon tubing) which is effectively visible as an external part of the sign.

Illumination, internal. Lighting by means of a light which is within a sign having translucent background, silhouetting opaque letters or designs, on which letters or designs are placed, which are themselves made of translucent material.

Lease space. Any area of a building separated internally and intended for use by an individual tenant.

Logo. Any registered trademark of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual, company or product.

Maintenance operations. The process of keeping a sign in good repair. Maintenance operations include (1) cleaning; (2) painting; (3) repair of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all repairs performed during any consecutive three-hundred-sixty-five-day period is not more than 60 percent of the cost of erecting a new sign of the same type at the same location; and (4) replacement of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all replacement of parts performed during any consecutive three-hundred-sixty-five-day period is not more than 60 percent of the cost of erecting a new sign of the same type at the same location. Examples of actions that are not maintenance operations include, without limitation: (1) converting a sign from a multiple pole structure to a monopole structure; (2) replacing wooden components with metal components; (3) increasing the area or height of a sign, except for increases in area permitted under subsection (1) above; (4) adding illumination to a nonilluminated sign; (5) adding additional display faces; and (6) converting a sign to utilize animated display or moveable copy technology.

Marquee. A permanent roof-like structure extending from part of the wall of a building not supported by the ground, and constructed of durable material such as metal, glass, or wood.

Noncommercial message. Any message which is not a commercial message.

Obsolete. Any sign which advertises a business, use or purpose that is no longer in existence.

Overhead conductor. Any electrical conductor, either bare or insulated, installed above the ground, except when conductors are enclosed in iron pipe or other material covering of equal strength, as approved by the building official.

Pad site. A tract, lot, or land lease intended for the single use of a freestanding building typically adjacent to street right-of-way and may also be a portion of a tract or lot.

Person. Any individual, corporation, company, firm, partnership, association or any other group or combination of individuals or business entity.

Pennant. A temporary wind device usually made of lightweight plastic, fabric, or other material whether containing a message of any kind, usually triangular in shape and attached to a single cord.

Premises. A lot or tract, or a combination of contiguous lots or unplatted tracts if the lots or tracts or combination are under a single ownership and are reflected in the plat or deed records of Tarrant County. Multi-tenant locations shall be considered as being one premises.

Public property. Any property which is owned by a governmental entity. It shall also include property for which the primary use is for the operations of a governmental entity.

Sculpted aluminum panel. An aluminum sign panel with text or graphic depictions cut out from the panel, typically, with a translucent material covering the cutout from the inner side of the panel.

Searchlight. A large outdoor lighting apparatus used to attract attention to a business or a specific location.

Setback. The distance from the closest portion, whether the support or edge of the sign, to the right-of-way line.

Sight triangle. The term refers to (1) a sight triangle, as depicted in the subdivision ordinance, for the intersection of two streets, public and/or private, and (2) a site [sight] triangle, for the intersection of a private non-single-family driveway with a public or private street.

Sign. Every sign, name, number, identification, description, and announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building, window, or outdoor structure or approved sign poles, or erected or maintained upon a piece of land, which directs attention to any object, project, service, place, activity, person, institution, organization, or business.

Sign, abandoned. Any sign which:

- (1) For at least 12 continuous months, does not identify or advertise a bona fide business, lessor, service, owner, product or activity on the premises on which the sign is located;
- (2) If the premises are leased, relates to a tenant and at least two years have elapsed since the date the most recent tenant ceased to operate on the premises; or
- (3) Is obsolete and for which no legal owner can be found.

Sign area. The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Sign, attached. Any sign attached to, applied on, or supported by any part of a building (including canopy fascia, walls and awnings) which encloses or covers usable space. It does not include a sign which is painted onto a structure except as permitted in section 3.12.083(b)(2).

Sign, builder. A temporary sign on site identifying the builder or general contractor of a residential construction site.

Sign, bulletin board. A permanent on-site sign providing public information to the residential subdivision within which it is located.

Sign, business. A permanent on-site sign that is used to identify a business, profession, organization, institution, service, activity or other nonresidential use conducted, sold or offered on the site where

such sign is located. This sign may also identify the name of the site or development or may identify the occupants within the site or development.

Sign, Construction. A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing, or improvements of the premises where work is under construction.

Sign, Development. A temporary on-site sign providing identification or information pertaining to a residential or commercial development to include the builder, property owner, architect, contractor, engineer, landscape architect, decorator, or mortgagee [mortgagor] within that development, but shall not include a subdivision marketing sign.

Sign, Directional. A sign which indicates the name and/or address of the tenants or occupants, the address of the premises, and/or identification of any business or occupation which may exist on the premises. A permanent on-site sign intended to aid in vehicular movement on the site.

Sign, directory. A permanent on-site sign providing direction to or identifying the buildings or businesses in the development.

Sign face. The surface of one side of a sign. For a monument sign, the sign face shall include the sign structure (excluding base).

Sign, freestanding. A sign which is not attached to or a part of a building.

Sign, garage/yard sale. A temporary sign intended to advertise a garage sale or yard sale.

Sign, government. A sign erected by or on behalf of a federal, state or local government or an agency thereof.

Sign, ground. Any sign connected to the ground by legs, poles, or other supports and which is not an attached, portable, monument, or vehicular sign.

Sign, incidental. Small signs of a noncommercial nature intended primarily for convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephones, and so forth.

Sign, inflatable. Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event. *i.e. Balloon Signs.*

Sign, institutional. A permanent on-site sign used to identify governmental and municipal agencies, public schools, churches, or similar public institutions, and used to communicate messages of public importance to the general public.

Sign, instructional. A sign limited to directional messages, principally for pedestrian and vehicular traffic, such as one-way, entrance, and exit.

Sign, menuboard. A permanent on-site sign which displays a menu and pricing for food services and may include an audible speaker and microphone integral to the sign.

Sign, monument. Any sign which is connected to the ground and which has no openings for the full width of the sign between the bottom of the sign and the surface of the ground.

Sign, Moving. A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners, or pennants.

Sign, Nameplate. An on-premises nonilluminated sign identifying only the name, address, and/or profession of the occupant of the premises on which the sign is located.

Sign, On-Premises. A sign which promotes or advertises a business, person, organization, activity, event, place, commodity, product, or service which is conducted, sold, or offered upon the premise where the sign is located.

Sign, Off-Premises. A sign which promotes or advertises a business, person, organization, activity, event, place, commodity, product, or service which is not conducted, sold, or offered upon the premise where the sign is located. Signs with solely noncommercial messages are always considered an on-premises sign.

Sign, off-site. A sign which directs attention to a business, commodity, service, good, product, or entertainment not related to the site upon which such sign is located or to which it is affixed, including billboards.

Sign, on-site. A sign, the content of which relates to the site on which it is located, referring exclusively to businesses, commodities, services, products, goods, or entertainment on the site, or the sale, lease, or construction of those sites.

Sign, permanent. A sign other than a temporary sign.

Sign, banner. A sign constructed of noncombustible material, including, but not limited to, plastic or vinyl, and which is stretched over supporting members made of noncombustible material, which is capable of withstanding wind loads specified in Section 1609 of the International Building Code (IBC), as amended.

Sign, pole. A sign wholly supported by a sign structure in the ground.

Sign, political. A type of sign which contains a political message.

Sign, portable. A sign which is not attached or affixed to the ground, a building, vehicle, or other fixed structure or object. Portable signs include those signs installed on wheels, trailers, skids, and similar mobile structures and can be regularly moved from a location at periodic intervals, and which is located upon the premises where the business, profession, activity, commodity, service, or entertainment referred to by the sign is located. The term "portable sign" shall include the following:

- A. An "A-frame" type sign;
- B. Feather Flags;
- C. A sign affixed by pole or poles to a portable base made of wood, metal, or concrete;
- D. A sign suspended or attached to a stand with an inverted "T" base; and
- E. Any sign whose base is inserted into a sleeve mounted or driven into the ground which can be easily extracted from said sleeve by simply lifting or removing bolts.

Sign, readerboard (electronic). A sign that utilizes alternating electronic data control components.

Sign, readerboard (manual). A sign comprised of nonpermanent letters, numerals or symbols which allows a change of sign copy by adding, removing or rearranging said letters, symbols or numerals.

Sign, real estate. A temporary sign intended to advertise real estate for sale or lease.

Sign, roof. A sign erected upon or above a roof or parapet of a building or structure.

Sign, special purpose. A temporary sign that is either on site or off site that provides identification or information pertaining to a special event or occurrence.

Sign, subdivision entry. Any permanent on-site sign identifying a residential subdivision.

Sign, temporary. A sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other like materials, with or without frames, and any type sign not permanently attached to the ground, wall, or building, intended to be displayed for a short period of time only. It does not include a sign constructed of metal or wood.

Sign, temporary banner. A temporary sign made of cloth, flexible plastic, canvas or any other like materials.

Sign, temporary placard. A temporary sign not to exceed 12 square feet in size and which is not attached to the ground but is a swing sign or is spring loaded.

Sign, vehicular. Any sign which is affixed to a vehicle.

Sign, wall. A sign attached or affixed to an exterior wall of a building or structure or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to the exterior building wall to which it is attached or by which it is supported and not extending more than 12 inches from said wall. A wall sign shall not extend above the wall or parapet to which the sign is attached. For the purpose of this section, awnings, or canopy fascia's extending along a building side shall be considered a part of the wall.

Sign, warning. A sign containing no advertising material, warning the public of the existence of danger.

Sign, window. A sign located on the internal and/or external surface of the window, or which is located within two (2) feet of the window, of any establishment.

Sign, Yard. Any sign of a temporary nature other than a development, real estate, builders' or construction sign, which includes the advertisement of a service which has been performed on premise, or construction/repair that has been performed on premises.

Site. A lot, tract or pad site.

Street grade. The average elevation of the projected corners of a property, adjacent to a dedicated street right-of-way or roadway easement, the elevation of the corners being measured at the top of the curb, or the centerline of the street if no curb is present.

Temporary event. An event such as a "grand opening," or a "going out of business sale" which lasts for a period not to exceed 30 days.

Sec. 3.12.003 Responsibility for enforcement

The building official shall interpret, administer and enforce the requirements of this article.

Sec. 3.12.004 Inspection

The building official may periodically inspect each sign for the purpose of ascertaining whether the same is abandoned or dilapidated and whether it needs removal or repair.

(A) Requirement to Repair. Whenever a sign is damaged by wind, is inadequately maintained, is of faulty construction, or is damaged by any other cause, it shall be considered a public nuisance and the owner shall be required to repair such sign substantially to its original condition as

determined by the City Administrator or his/her designee, or at the owner's election such sign shall be removed. A sign which has been permitted to remain in place as a nonconforming use shall be removed when the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other material on the sign. For purposes of this ordinance, a sign or a substantial part of it is considered to have been destroyed if the cost of repairing the sign is more than 50% of the cost of erecting a new sign of the same type at the same location.

(B) Placement of Signs. No sign may be erected or placed on public right-of-way. Any signs so erected or placed may be removed by the designated official without notice. No sign may be erected or placed on vacant lots or tracts unless written permission has been given by the property owner and such documentation is provided to the designated official upon the official's request.

(i) Height of signs. The height of any sign shall be measured vertically at 90 degrees from the ground at the base of the sign.

Sec. 3.12.005 Appeals

(a) Procedure. A person may appeal a decision by the building official relating to a sign to the city council by any person, agent, or representative affected by such decision. The appeal must be received within ten (10) days after the placement of a letter in the U.S. mail addressed to the address on the permit or to the address of the current owner of record in the county tax records which contains the written decision rendered by the building official. Such appeal shall be filed in writing with the building official and shall specify the grounds on which the appeal is based. The building official shall transmit to the city council all documents pertaining to the action appealed.

(b) Hearing. The city council shall hear the appeal as soon as practicable thereafter to determine whether the decision of the building official was in accordance with all ordinances and regulations.

(c) Removal of sign. Upon a final determination by the city council that the sign does not comply with this article, and upon notice to the owner, the owner of the property upon which the sign is located shall remove the sign.

Sec. 3.12.006 Variances

(a) Criteria. The city council may authorize a variance to any provision of this article, 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 granting a variance, the city council shall determine that a literal enforcement of the sign regulations will create an unnecessary hardship or a 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 this article.

(b) Procedure. A person may request a variance by filing the request with the building official, accompanied by a completed application and a nonrefundable filing fee in the amount specified in the current fee schedule adopted by city council. The applicant shall set forth, in the application, the reasons for which the applicant is entitled to a variance.

(c) Notice. Upon receipt of an application for a variance, the building official shall schedule the request for the city council's consideration within 30 days of the date of receipt. The building official

shall send a letter to each property owner within 200 feet of the property upon which the proposed sign is to be erected not less than 10 days before the hearing.

Sec. 3.12.007 Exempt signs

The following signs are exempted from the provisions of this article:

- (1) Vehicular signs, unless the sign is used or intended to be used as an on-site sign. This provision shall not be interpreted to prohibit identification signs on vehicles used for business purposes, nor shall it be interpreted to prohibit bumper stickers.
- (2) Warning and security signs of a size no greater than 12 inches by 18 inches.
- (3) Government signs and signs for nonprofit organizations sponsored by government including flags, insignia, legal notices, informational, directional, and traffic signs which are legally required or necessary to the essential functions of government agencies.
- (4) "No dumping" and "no trespassing" signs.
- (5) Signs in public parks placed inside ball field fencing by the city, which are intended for advertising to raise funds for recreation programs which have copy on only one face with the copy facing toward the interior of the field.
- (6) Political signs on private property are exempt if in compliance with sec. 3.12.135.
- (7) Window signs.
 - (A) Window signs which constitute less than 25% of the window size are exempt from the provisions of this article.
 - (B) Window signs which are holiday or seasonal decorations are exempt provided they:
 - (i) Are erected or displayed not more than 20 days before the holiday and are removed within 10 days following the holiday; and
 - (ii) Do not obscure more than 75% of the window size.
 - (C) The area of the sign shall be measured by the smallest box that could be drawn around the continuity of the sign. (See appendix B for clarification.)
 - (D) An illuminated window sign shall not face property used for a single-family residence.
- (8) City event signs.
 - (A) City event signs are defined for the purpose of this article to be signs advertising a City of River Oaks ("city") sponsored event that has been so approved to be a city event by the city council.

(B) City event signage must be constructed of materials found suitable to withstand wind stress as approved by the city's building official and must always be kept maintained and in good condition.

(C) City event signage shall be permitted to be in city designated rights-of-way or on property under the ownership and/or control of the city providing such signage:

- (i) Does not create a hazard due to collapse, fire collision, decay or abandonment;
- (ii) Does not obstruct firefighting or police surveillance;
- (iii) Does 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;
- (iv) Is not located within any right-of-way under the control of the state;
- (v) Does not advertise any event that is not sanctioned by the city council as being a city sponsored event; and
- (vi) Is approved as to the location of such sign by the authorized city official with consent of the city council.

(D) City event signage may be erected 30 (thirty) days in advance of the event and must be removed within 3 (three) days following the event unless otherwise approved by a majority vote of the city council.

Sec. 3.12.008 Nonconforming existing signs

(a) All signs that are lawfully in existence on the effective date of this article may exist in their present form. Maintenance operations may be performed on the sign. If a sign is dismantled for any purpose other than an alteration or maintenance operation permitted hereunder, the sign may not be altered, reconstructed, repaired or replaced, and the owner shall remove the sign or bring it into compliance with this article.

(b) A legal, nonconforming sign which has been substantially destroyed or dismantled for any purpose other than maintenance shall be deemed as completely destroyed if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location, or less. If the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location, the sign may not be altered, reconstructed, repaired or replaced, and the owner shall remove the sign or bring it into compliance with this article.

Sec. 3.12.009 Noncommercial messages

(a) Notwithstanding any other provision of this article, any sign that may display a commercial message may also display a noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with the other requirements of this ordinance and other city ordinances.

(b) Notwithstanding any other provision of this article, or other ordinance, any sign that may display one type of noncommercial message may also display any other type of noncommercial message, so long as the sign complies with the other requirements of this ordinance and other city ordinances.

Sec. 3.12.010 License for master electricians who install signs

A person commits an offense if the person installs, erects or alters one or more elements of a sign with electric elements without meeting the required licensing requirements pursuant to the Texas Occupations Code.

Division 2. Permits

Sec. 3.12.031 Required

(a) Offense. A person commits an offense if the person erects, alters or displays or allows the alteration or display of any sign greater than three square feet in size or any sign with electrical elements upon any property within the city owned or controlled by him without first obtaining a permit from the city.

(b) Affirmative defense. It is an affirmative defense to prosecution for an offense under subsection (a) that the person was performing maintenance operations on the sign.

(c) Time of issuance. A sign permit shall not be issued until after the building permit for the principal building on the site has been issued, except as hereinafter provided.

(d) State highways. The city shall issue a sign permit for a sign erected or displayed on a state-controlled highway provided the sign complies with the requirements of this article and of state law.

Sec. 3.12.032 Application and issuance

(a) Application. A person shall make application for a sign permit and submit the following information as separate documents:

- (1) A completed application form;
- (2) A general plan that illustrates the:
 - (A) Location of the building, structure, or tract to which or upon which the sign is to be attached or erected; and
 - (B) Position of the sign in relation to rights-of-way, easements, buildings, structures, existing signs, etc.;
- (3) A drawing of the sign that illustrates the height, length, width, and all other dimensions associated with the sign;
- (4) A letter from the owner of the property stating that the applicant has permission to erect such sign(s);

- (5) Proof that all electrical components of signage installation comply with the electrical code in effect at the time of application;
- (6) Proof of compliance with applicable building codes (i.e., building, plumbing, foundation, etc.); and
- (7) The applicable fee and deposit.

(b) Procedure. The building official shall either approve or deny the application or refer the application back to the applicant in any instance where insufficient information has been furnished. The building official shall deny an application if it does not comply with the requirements of this article. A denial and the reasons for the denial shall be noted on the application, and the applicant shall be notified of the denial by notice mailed to the applicant at the address shown on the application or the applicant's last known address. An applicant whose application for a sign permit has been denied may appeal that decision in accordance with section 3.12.005.

Sec. 3.12.033 Fees; deposit

- (a) Sign permit. The fee for a sign permit shall be established by the fee schedule adopted by the city council, as amended from time to time.
- (b) Deposit. An applicant for a sign permit shall pay a deposit to ensure an amount enough to cover the costs of removal of the sign should the applicant abandon the sign.

Sec. 3.12.034 Revocation

- (a) Grounds for revocation. The building official may revoke a sign permit if he determines that the permit is issued in error or on the basis of incorrect or false information supplied, or when the sign is in violation of this chapter, or whenever such permit is issued in violation of any of the provisions of this article. Such revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the site upon which the sign is located. Upon revocation, all construction related to the sign permit shall immediately cease.
- (b) Appeal. A person may appeal the revocation of the sign permit to the city council by filing a written appeal within five days of the receipt of notice of revocation. The city council shall affirm, reverse, or modify the revocation and such decision shall be final.
- (c) Removal of sign. Upon final determination that the permit is properly revoked, the owner of the sign or the owner of the site on which the sign is located shall remove the sign within 48 hours of receipt of notice. If the sign is not removed, the city may cause the sign to be removed and apply the sign deposit to the costs of removal. If the sign is visible from the public right-of-way and meets the requirements of section 3.12.062, the city may utilize the procedures set forth in section 3.12.063 and cause the removal the sign and assess the costs of removal against the owner.

Sec. 3.12.035 Duration

If the work authorized by a permit has not been commenced within sixty (60) days after the date of issuance, the permit shall become null and void. Permits can be extended one time only for an additional 60 days in accordance with the building code provided the permit holder requests an extension from the building official in writing prior to the date of expiration of the permit.

Sec. 3.12.036 Permanent signs requiring permit

A permit must be obtained for the signs described below. The regulations set forth in this section apply to all of the following signs.

- (1) Business sign.
 - (A) Permitted sign structure. Attached and/or monument.
 - (B) Modifications to general regulations. None.
- (2) Menuboard sign.
 - (A) Permitted sign structure. Attached and/or monument.
 - (B) Modifications to general regulations.
 - (i) Minimum letter/logo height. Not applicable.
 - (ii) Maximum height. Six (6) feet.
 - (iii) Maximum area. Twenty-four (24) square feet. Only one face is allowed per sign.
 - (iv) Maximum number of signs. No more than two (2) signs per site.
 - (v) Location limitations. A menuboard sign must be located at the side or rear of the principal building. If two (2) signs are erected, signs must be at least eighteen (18) feet apart.
 - (vi) Illumination. Internal lighting may be utilized for the sign panel.
 - (C) Exceptions. Menuboard signs up to and including two sign faces per sign used for commercial advertising of nationally recognized franchises, including but not limited to restaurant chains, shall be permitted providing such signage is constructed in full compliance with the franchise engineered design, meets all other applicable sign code provisions as provided for herein and as amended and provided such signage does not:
 - (i) Create a traffic hazard or vision obstruction as determined by police chief;
 - (ii) Exceed 8-feet in height; or
 - (iii) Is in excess of 64 square feet in size.
 - (aa) Chain restaurants when pertaining to this article means any restaurant with headquarters (usually in another state) with more than ten units and with corporate regulatory structures.
- (3) Subdivision entry sign.

- (A) Permitted sign structure. Attached and/or monument.
 - (B) Modifications to general regulations.
 - (i) Maximum height. An attached sign may not project above top of wall or 8-feet.
 - (ii) Maximum area. Thirty-two (32) square feet for an attached sign.
 - (iii) Maximum number of signs. One (1) monument sign or two (2) attached wall plaque signs (not a combination thereof) per street entrance.
- (4) Directory sign.
- (A) Permitted sign structure. Attached and/or monument.
 - (B) Modifications to general regulations.
 - (i) Minimum setback. Seventy-five (75) feet from drive entrance at right-of-way.
 - (ii) Maximum number of signs. One (1) sign per street entrance.
 - (iii) Maximum height. Three (3) feet.
- (5) Institutional sign.
- (A) Permitted sign structure. Attached and/or monument.
 - (B) Modifications to general regulations.
 - (i) General.
 - (aa) Sign must be on site.
 - (bb) Readerboards, whether electronic or manual, are permitted.
 - (cc) A manual readerboard sign using alphabetical lettering must have a lockable covering.
 - (ii) Maximum area. The readerboard display shall not exceed two-thirds (2/3) of the permitted gross surface area per face of the sign, excluding monument sign border.
 - (iii) Illumination. Internal illumination may be utilized for sign panel.
- (6) Directional sign.
- (A) Permitted sign structure. Monument.
 - (B) Modifications to general regulations.

- (i) Maximum height. Three (3) feet.
- (ii) Maximum area. Eight (8) square feet with a maximum of four (4) square feet per sign face.
- (iii) Number of signs. Maximum of two (2) signs per site.

Table 3.12.036.01 "Permanent Signs Table"

No permanent sign shall be erected, placed, displayed or located except in accordance with the following table.

Type	Zoning Districts Permitted	Maximum Area	Maximum Height	Number of Signs	Requirements
Business (wall sign) Attached Signage (Section 3.12.083)	"C-1", "C-2", "C-3", "PC", "I" & "CF"	Total signage up to 50% of wall area; 50 sq.ft. maximum	Top of parapet wall or roof eave height	1 per site or 1 for every 200-feet of street frontage	Exception: 2 walls for corner lots only
Ground Sign (Section 3.12.085)	"C-1", "C-2", "C-3", "PC", "I" & "CF"	8 square feet with maximum of 4 sq. ft. per sign face	3-Feet	1 per site	Min setback: 5-feet behind street or on private property.
Monument Sign (Section 3.12.084)	"C-1", "C-2", "C-3", "PC", "I" & "CF"	100 sq.ft. per sign with a maximum area per sign face of 50 sq.ft.	4-feet excluding monument base & sign structure. Structure shall not exceed 5-feet.	1 monument sign, excluding menu-board signs, allowed along each street frontage.	Monument Signs may be no closer than 500-feet on any one site.
Menuboard Sign (Section 3.12.036)	"C-1", "C-2", "C-3", "PC", "I" & "CF"	24 sq. ft. (one face per sign allowed)	6-feet; Franchise Exception: 8-feet; 64 sq. ft. in size.	No more than two (2) signs per site.	Location Limitations 18-foot apart
Pole Sign (Section 3.12.086)	"C-1", "C-2", "C-3", "PC", "I" & "CF"	128 sq. ft. per sign face with a max of 2 sign faces.	35-foot above grade	1 per site (subdivision or platted lot)	For multiple businesses more than 1 pole sign allowed not to exceed 128 sq. ft.
Subdivision Entry/ Monument Sign (Section 3.12.036)	Residential or Non-Residential	32 sq. ft.	May not project above wall or 8-ft	1 monument sign or 2 attached wall plaque signs*	* not a combination thereof per street entrance
Directory Signs (Section 3.12.036)	Residential or Non-Residential	32 sq.ft.	3 feet	1 per street entrance	Maximum setback is 75-foot from drive entrance at ROW
Institutional (Section 3.12.036)	"CF"	Readerboard may not exceed 2/3 of sign face	6 to 8 ft.	Sign must be on site.	Readerboards are permitted. Manual using alphabetic lettering must have lockable cover.
Directional Sign (Section 3.12.036)	Residential or Non-Residential	8 sq. ft. with max of 4 sq. ft per sign face	3 feet	Maximum of 2 per site	Monument Signage

Sec. 3.12.037 Temporary signs requiring permit

A person commits an offense if the person shall erect any of the following signs on property without first obtaining a sign permit:

- (1) Temporary banner.
 - (A) Permitted sign structure. Attached.
 - (B) Modifications to general regulations.
 - (i) Maximum area. 0.5 square feet for every one foot of width of building or lease space not to exceed fifty (50) square feet.

- (ii) Maximum number of signs. One (1) per site elevation facing any road.
 - (iii) Maximum Height. Top of parapet wall or roof eave height.
 - (iv) Duration. Maximum thirty (30) days per calendar year; provided, however, a person may display one banner outside the person's place of business during business hours without obtaining a permit. To qualify for this exemption, the banner must not be displayed when the business is not open to the public.
- (2) Model home sign.
- (A) Permitted sign structure. Monument and/or ground.
 - (B) Modification to general regulations.
 - (i) Maximum height. Five (5) feet for ground signs.
 - (ii) Maximum area. Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
 - (iii) Maximum number of signs. One (1) sign per model home per builder per subdivision.
 - (iv) Material requirements. Not applicable.
- (3) Special purpose sign.
- (A) Permitted sign structure. Attached and/or ground.
 - (B) Modifications to general regulations.
 - (i) Maximum height. Nine (9) feet for ground signs.
 - (ii) Maximum area. Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
 - (iii) Maximum number of signs. Six (6) total per event or occasion, not to exceed five (5) off-site signs and one (1) on-site sign.
 - (iv) Placement time. Sixty (60) days; must be removed within three (3) days after termination of the event. No more than twice a year.
 - (v) Material requirements. Not applicable.
- (4) Development sign.
- (A) Permitted sign structure. Monument and/or ground.
 - (B) Modifications to general regulations.

- (i) Maximum height. Five (5) feet.
 - (ii) Maximum area. Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
 - (iii) Maximum number of signs. One (1) per site.
 - (iv) Duration. This sign may be installed at any time after the issuance of the building permit for a commercial development or approval of the final plat for a residential subdivision. The sign must be removed within one (1) year or upon the issuance of a certificate of occupancy for a commercial development and upon the issuance of a certificate of occupancy for 75 percent of the number of lots within a residential subdivision.
 - (v) Material requirements. Not applicable.
- (5) Portable sign. Portable signs include those signs installed on wheels, trailers, skids, and similar mobile structures and can be regularly moved from a location at periodic intervals, and which is located upon the premises where the business, profession, activity, commodity, service, or entertainment referred to by the sign is located. The term "portable sign" shall include the following:
- A. An "A-frame" type sign;
 - B. Feather Flags;
 - C. A sign affixed by pole or poles to a portable base made of wood, metal, or concrete;
 - D. A sign suspended or attached to a stand with an inverted "T" base; and
 - E. Any sign whose base is inserted into a sleeve mounted or driven into the ground which can be easily extracted from said sleeve by simply lifting or removing bolts.
- (A) When Permitted. A portable sign shall not be permitted on a temporary basis except for Grand Openings and Special Events and only with a special exception meeting the following requirements (5.B-G); otherwise they are not allowed.
- (B) Maximum number. One per business with minimum separation of 50 feet.
- (C) Frequency limitation. For a period not to exceed thirty (30) days, once each 12-month period subject to the following requirements:
- (i) Placement time. The sign shall be removed within three (3) days of the termination of the activity, service, product or sale which is advertised on sign.
- (D) Minimum setback on private property that does not adversely affect the safety of the city's transportation network or impedes the vision of vehicles as determined by the city's police chief.
- (E) Registration requirements. The person shall register the sign with the building official on a form provided for such purpose. (Registration Form Attached)
- (F) Size. The maximum gross surface area per side shall be 32 square feet.

(G) Materials. The portable sign must be constructed of durable type commercial materials that are properly maintained aesthetically to adjacent properties whether they are pre-built, natural or manmade.

(6) Temporary placard signs. A temporary placard sign is a sign affixed to a wall or carried to advertise a business providing it is being displayed on the property of the business being advertised that is permitted on a temporary basis with a permit in accordance with the following requirements:

- (A) The sign must not exceed three feet by four feet in size;
- (B) No more than one sign per business site is permitted;
- (C) The sign must be moved indoors when the business is closed; and
- (D) The sign must meet the construction material requirements of the most recently adopted building code.

Sec 3.12.037.01 “Temporary Signs Permit Table”

No temporary sign requiring a permit shall be erected, placed, displayed or located except in accordance with the following table.

Type	Districts Permitted	Maximum Area	Maximum Height	Number of Signs	Requirements
Temporary Banner	"C-1", "C-2", "C-3", "PC", "I" & "CF"	0.5 sq. ft. for every one-foot of building space width not to exceed 50 sq. ft.	Top of parapet wall or roof eave height	1 per site elevation facing any road.	Duration: Maximum 30 days within a calendar year or unless exempted.
Model Home	Residential	64 sq. ft. with a max of 32 sq. ft. per sign face	5-feet for Ground Signs	No more than one (1) per subdivision.	Monument Sign or Ground Sign
Special Purpose	"C-1", "C-2", "C-3", "PC", "I" & "CF"	64 sq. ft. with a max of 32 sq. ft. per sign face	9-feet for Ground Signs	6 per event, not to exceed 5 off-site signs & 1 on-site sign	Placement Time 60 days; no more than twice a year;
Development	Residential or Non-Residential	64 sq. ft. with a max of 32 sq. ft. per sign face	5 feet	1 per Site	May be installed once permit is issued. Removed in one-year or after issuance of C.O.
Portable	"C-1", "C-2", "C-3", "PC", "I" & "CF"	32 sq. ft. per sign face	Minimum setback on private property that does not impede vision.	1 per business with 50-foot separation.	Not to exceed 30 days per calendar year with special permission. Special Events only.
Temporary Placard	"C-1", "C-2", "C-3", "PC", "I" & "CF"	Not to exceed 3 by 4 sq.ft. in size	N/A	1 sign per business site.	Be moved inside when business is closed

Sec. 3.12.038 Temporary signs exempt from permit

Subject to the regulations of this section, the following signs are exempt from the permit requirements of this article:

- (1) Subdivision marketing sign.
 - (A) Permitted sign structure. Ground.
 - (B) Modifications to general regulations.

- (i) Maximum number of signs. One (1) sign for every twenty (20) platted and unoccupied lots, not to exceed a total of four (4) signs.
 - (ii) Location of signs.
 - a. No sign may be placed closer than fifty feet (50') from an intersecting right-of-way.
 - b. No sign shall be placed in city, state or federal right-of way.
 - c. Signs advertising the same subdivision may be no closer than ten feet (10') apart.
 - (iii) Minimum setback. Not applicable.
 - (iv) Duration. Sign may be placed upon approval of a final plat for the subdivision. The sign shall be valid for one (1) year from subdivision approval or upon issuance of a certificate of occupancy on seventy-five percent (75%) of the lots within the subdivision.
- (2) Builder sign.
- (A) Permitted sign structure. Ground.
 - (B) Modifications to general regulations.
 - (i) Duration. Signs may only be placed after issuance of a building permit and must be removed upon issuance of a certificate of occupancy.
 - (ii) Maximum number of signs. One per lot per site.
 - (iii) Minimum setback. Not applicable.
- (3) Real estate sign.
- (A) Permitted sign structure. Attached, monument, and/or ground.
 - (B) Modifications to general regulations.
 - (i) Minimum letter/logo height. Not applicable.
 - (ii) Maximum height. Eight (8) feet above grade for portable ground signs; below roofline for an attached sign.
 - (iii) Maximum area. Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
 - (iv) Maximum number of signs. One (1) per site or one (1) for every 200 feet of street frontage.

(v) Minimum setback. Not applicable for ground signs four (4) square feet or less per face in area.

(4) Garage/yard sale signs.

(A) Permitted sign structure. Ground.

(B) Modifications to general regulations.

(i) Maximum number of signs. As required pursuant to Article 4.05 of the River Oaks Code of Ordinances, as amended.

(ii) Minimum setback. As required pursuant to Article 4.05 of the River Oaks Code of Ordinances, as amended.

(iii) Placement time. As required pursuant to Article 4.05 of the River Oaks Code of Ordinances, as amended.

(iv) Frequency limitation. As required pursuant to Article 4.05 of the River Oaks Code of Ordinances, as amended.

Division 3. Unsafe, Dilapidated, Abandoned or Illegally Erected Signs

Sec. 3.12.061 Removal

(a) Unsafe, dilapidated or deteriorated signs. If the building 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 article) said sign to the owner or person responsible for the sign. If the sign is not a valid, nonconforming 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 seven days after such notice or to file an appeal of the decision, the building official may cause the removal of such sign. A person commits an offense if the person fails to, within seven days of receipt of notice, remove or correct an unsafe, dilapidated or deteriorated sign.

(1) Nothing contained herein shall prohibit the immediate removal, without notice, of any sign or portion of a sign which is determined by the building official to be an immediate threat or danger to the public health, safety, or welfare.

(2) Any expense incident to the removal of a sign pursuant to this subsection shall be paid by the permit holder, owner of the sign or owner of the site on which the sign is located. 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.

(b) Signs on utility poles. The building 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 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 72 hours and upon expiration of such time may be disposed of.

(c) Signs in rights-of-way and/or on public property. The building official may remove a sign that is erected, constructed or otherwise located within or upon public right-of-way or on public property. The owner of such sign shall be charged a sign recovery fee 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 72 hours and upon expiration of such time may be disposed.

(d) Illegally erected signs. The building official may remove any sign that is erected, constructed or otherwise displayed, in direct violation of this article. 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. Any such sign removed by city personnel may be held for a period of 72 hours and upon expiration of such time may be disposed. 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 building official. Upon failure to comply with such notice or to file an appeal of the decision, the building 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.

(e) Abandoned or illegally erected signs. Any sign which the building official determines is abandoned shall be removed by the sign erector, property owner or lessee of the land, buildings or structure upon which the sign is located within seven (7) days after written notification to do so from the building official. Upon failure to comply with such notice, the building official is hereby authorized to cause the removal of such sign, and any expenses incident thereto shall be paid by the sign erector, property owner or lessee of the land, building or structure to which sign is attached or upon which it is erected.

Sec. 3.12.062 Nuisance declared

(a) Pursuant to the Health and Safety Code, chapter 342, as amended, a sign that is abandoned, unsafe or dilapidated or deteriorated, and is visible from a public place is hereby declared a public nuisance. The nuisance may be abated by repair, demolition or removal in accordance with these procedures and as provided by law.

(b) A person commits an offense if the person maintains an abandoned sign or a sign in dilapidated or deteriorated condition on property he owns or controls.

Sec. 3.12.063 Assessment of expenses; lien

(a) The city does hereby assess the expenses incurred pursuant to section 3.12.062 against the real estate on which the nuisance is abated, and charge the owner of the property for the same.

(b) The city shall send the owner of the property upon which the work was done a notice. The notice shall include:

- (1) An identification of the property;
- (2) A description of the violation;
- (3) A statement that the city abated the condition;
- (4) A statement of the city's charges and expenses in abating the condition;

- (5) An explanation of the property owner's right to request a hearing within ten (10) days; and
- (6) A statement that in the event the owner fails or refuses to pay the expense within 30 days after the first day of the month following the one in which the work was done, the public works director or city manager or his designee shall obtain a lien against the property by filing with the county clerk of the appropriate county a statement of the expenses so incurred.
- (c) The city council will conduct a hearing if the property owner submits a written request within 10 days of the property owner's receipt of the notice. The council may find if a preponderance of the evidence presented so shows, that the charges are erroneous and may adjust the charges.
- (d) The lien is security for the expenditures made and interest accruing at the rate of ten (10) percent per annum from the date of payment by the city.
- (e) When the statement is filed, the city shall have a privileged lien on that property, second only to tax liens and liens for street improvements.
- (f) For any such expenditures and interest, suit may be instituted, and recovery and foreclosure had by the city. The statement of expenses or a certified copy therefor is prima facie proof of the expenses incurred by the city in doing the work or making the improvements, all as more particularly specified in Health and Safety Code, section 342.007, as amended, which is adopted and incorporated herein by reference.

Division 4. General Requirements

Sec. 3.12.081 Wind pressure, dead load and electrical requirements

- (a) Unless provided otherwise herein, all signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed to receive dead loads as required by the International Building Code. An applicant for a sign permit must submit, with the application, a written statement of compliance with this requirement.
- (b) Electrical components for all signage must meet current NEC requirements.

Sec. 3.12.082 Copy

Any sign with copy in a language other than English shall contain the same copy in the English language in a size at least equal to the copy in the other language.

Sec. 3.12.083 Attached sign

- (a) Compliance. Unless otherwise specifically provided herein, an attached sign shall comply with the regulations set forth in this section.
- (b) General.
- (1) A sign may not be attached to a light fixture, curb, sidewalk, gutter, street, utility pole, fence, railing, public telephone pole, or tree except that:

(A) An attached sign may be attached to a fence only in cases where the building official deems it to be architecturally compatible within that particular zoning district and is only permitted if it identifies a business and its street number;

(B) The sign is professionally painted or stenciled on an approved backing;

(C) Maximum area. Does not exceed fifty (50) square feet in size and is bordered on all sides by a primed or painted metal frame that is designed and constructed to withstand a constant wind pressure as determined by the building official having the authority in certain cases when deemed necessary to accept reports from an outside testing agency; and

(D) Maximum number of signs. One (1) per site or one (1) for every 200 feet of street frontage.

(2) The direct painting of signs on buildings or structures is prohibited except for a sign used for building identification and which is less than three (3) square feet in area.

Exception: Painted signs on buildings and/or structures existing on the effective date of this article are subject to the provisions of section 3.12.008 hereof and may only be maintained and repainted within the area as they exist on the effective date. Such signs shall not be enlarged or increased in size.

(3) A sign attached to masonry, concrete or steel shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied.

(c) Minimum/maximum letter/logo height. The minimum height allowed for letters or logos shall be six (6) inches. The maximum height allowed for letters or logos shall be based on the following criteria:

Distance from Right-of-Way*	Maximum Letter/Logo Height
200 ft.	24 inches
201-250 ft.	30 inches
251-300 ft.	36 inches
301 and greater	42 inches

*For any lease space which does not front on a street, the maximum letter/logo height shall be based on the distance from the vehicular driveway access (see appendix B for further clarification).

(d) Maximum area. 50% of the wall area for each lease space, not to exceed 50 square feet except upon approval by the building official the maximum area shall not exceed the maximum sign area of any attached sign on the adjacent existing lease spaces within a strip mall, which is defined as being a long building that is divided into separate shops which usually have outside entrances and which share a parking lot.

(e) Maximum number of signs.

- (1) Two attached signs per building or lease space shall be allowed along each street frontage on any site, unless otherwise provided. A corner lot shall be allowed one attached sign for each street frontage.
 - (2) A second attached sign may be permitted at a public entrance, provided the entrance is on another side of the building, but shall be limited to twenty-five percent (25%) of the primary or permitted sign size, whichever is more restrictive. The six-inch minimum letter/logo height does not apply to the secondary sign.
 - (3) An attached sign shall be located within the first story of the main exterior entrance for a building or lease space (see appendix B to Ordinance 1342-2020 for clarification).
- (f) Sign width. The width of an attached sign may not exceed the middle seventy-five percent (75%) of the width of any building or lease space. In the event the lease space facade is horizontally articulated, the 75% rule shall apply to the allowed sign to be located on any single plane facade (see appendix B to Ordinance 1342-2022 for further clarification).
- (g) Roof sign limitations.
- (1) An attached sign shall not exceed a height of 48 inches above the roofline or top of the parapet wall at the roof of any building.
 - (2) A sign shall be no closer vertically to the eave of the roofline or overhang than the predominant letter height (see appendix B to Ordinance 1342-2022 for illustration).
 - (3) A sign may be attached to a continuous plane fascia, if the sign does not extend above or below the projection of the fascia. A sign may be attached to fascia only if it is attached to structural canopy supported to the ground by columns constructed of similar masonry material as the primary structure (see appendix B to Ordinance 1342-2022 for further clarification).

Exception: A sign attached to a continuous plane fascia shall be subject to the building official's determination that it is structurally sound.

- (h) Illumination. An attached sign may only be illuminated with internal lighting. Exterior letters with exposed neon lighting are not permitted.
- (i) Protrusions. An attached sign may not protrude farther than eighteen inches (18") from the building, excluding a sign attached to a canopy.
- (j) Exceptions. Attached signs by definition used for commercial advertising of nationally recognized franchises including but not limited to restaurant chains shall be permitted providing such signage is constructed in full compliance with the franchise engineered design, meets all other applicable sign code provisions as provided for herein and of this code as amended and provided such signage does not:

- (1) Create a traffic hazard or vision obstruction as determined by the police chief; or
- (2) Has been determined by the building official to otherwise jeopardize the safety and welfare of the public.

Note: Chain restaurants when pertaining to this article means any restaurant with headquarters (usually in another state) with more than ten units and with corporate regulatory structures.

Sec. 3.12.084 Monument sign

- (a) Generally. Unless otherwise specifically provided, the regulations set forth in this section shall apply to all monument signs.
- (b) Minimum letter/logo height. The minimum height allowed for letters or logos shall be six (6) inches.
- (c) Maximum height. Four (4) feet, excluding monument base and sign structure. The monument base may be an additional eighteen (18) inches in height measured from ground level at the center of the base to the top of the base. The sign structure shall not exceed five (5) feet.
- (d) Maximum area. One hundred (100) square feet per sign with a maximum area per sign face of fifty (50) square feet. The maximum area for the sign structure shall not exceed seventy (70) square feet (see appendix A to Ordinance 1342-2022 for measurement criteria).
- (e) Number of signs. One monument sign, excluding menuboard signs, shall be allowed along each street frontage on any site, unless otherwise specifically herein. Monument signs may be no closer than five hundred (500) feet on any one site.
- (f) Minimum setback. Five (5) feet behind the street or on private property, whichever is further back from the street.
- (g) Material requirements. All monument sign bases shall be constructed of the same masonry material as the front building facade on the same site or shall be stone or brick. Sculpted aluminum sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six (6) inches from the outer limits of the sign structure.
- (h) Illumination. A monument sign may only be illuminated by internal lighting for sculpted aluminum panels or a ground lighting source if the light and its supporting structure are not visible from public right-of-way.

Sec. 3.12.085 Ground signs

- (a) Generally. Unless otherwise specifically provided, the regulations set forth in this section shall apply to all ground signs.
- (b) Minimum setback. Five feet behind the street or on private property, whichever is further back from the street.
- (c) Maximum height. Three (3) feet.
- (d) Maximum area. Eight (8) square feet with a maximum of four (4) square feet per sign face.
- (e) Number of signs. One (1) sign per site.



Sec. 3.12.086 Pole signs

- (a) Minimum setback. Fifteen (15) feet from the property line or edge of the street.
- (b) Maximum height. 35 feet from grade.
- (c) Maximum area. 128 square feet per sign face with a maximum of two (2) sign faces. Note: This is exclusive of the signs described in subsection (1) below which are permitted to be attached to each leg of the pole.
- (1) A sign not greater than three feet by four feet in size may be attached to each leg of a pole sign provided the sign meets the other requirements of this article.
- (d) Number of signs. One (1) pole sign per site (subdivision or platted lot) provided that if multiple businesses are located on one lot, more than one pole sign may be erected so long as the total square footage of all signs does not exceed 128 square feet.
- (e) Exceptions. Pole signs by definition used for commercial advertising of nationally recognized franchises including but not limited to restaurant chains shall be permitted providing such signage is constructed in full compliance with the franchise engineered design, meets all other applicable sign code provisions as provided for herein and of this code as amended and provided such signage does not:
- (1) Create a traffic hazard or vision obstruction as determined by the police chief;
- (2) Jeopardize the safety and welfare of the public as determined by the building official; or
- (3) Create a hazard to air navigation that results in an inefficient use of airspace as determined by the Federal Aviation Administration (FAA).

Note: Chain restaurants when pertaining to this article means any restaurant with headquarters (usually in another state) with more than ten units and with corporate regulatory structures.

Division 5. Design and Construction Standards

Sec. 3.12.101 Scope

- (a) Signs and sign structures shall be designed to resist wind and stress forces as specified in this division. Bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs supported on buildings, the dead and lateral loads shall be transmitted to the ground in a manner to avoid overstressing the elements of the structural frame.
- (b) The overturning moment produced by lateral forces shall not exceed two-thirds of the dead-load resisting moment. Uplift due to overturning shall be resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and compacted.

Sec. 3.12.102 Wind Loads

Signs and sign structures shall be designed and constructed to resist wind forces as specified in Section 1609 of the International Building Code (IBC), as amended.

Sec. 3.12.103 Seismic loads

Signs and structures shall be designed and constructed to resist seismic forces as specified in section 1613 of the International Building Code (IBC), as amended.

Sec. 3.12.104 Combined loads

- (a) Wind and seismic loads need not to be combined in the design of signs or sign structures; only the loading producing the larger stress need be used.
- (b) Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with wind or seismic loads.

Sec. 3.12.105 Allowable stresses

- (a) The design of wood, concrete, steel or aluminum members shall conform to the requirements of the International Building Code (IBC), as amended. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in the building code.
- (b) The working stress of wire rope and its fastenings shall not exceed 25% of the ultimate strength of the rope or fasteners.
- (c) Working stresses for wind or seismic loads combined with dead loads may be increased as specified in the International Building Code (IBC), as amended.

Sec. 3.12.106 Construction

- (a) Supports. Supports for sign or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this code.
- (b) Standards of quality. The IBC standards listed in this section are incorporated into this article. The other standards listed are not adopted as a part of this article and are recognized standards, compliance with which is prima facie evidence of compliance with the standard of duty to design and construct signs that are reasonably safe for persons and property.
- (c) Determination of noncombustibility. IBC Section 703 "Fire -Resistance Ratings and Fire Tests".
- (d) Steel.
 - (1) IBC chapter 22, load and resistance factor design specifications for cold-formed steel structural members.
 - (2) IBC chapter 22, specification for design of cold-formed steel structural members.
 - (3) IBC , chapter 22, material specification for structural steel.
- (e) Smoke density.
 - (1) IBC, test method for surface-burning characteristics of building materials.

(2) IBC, chamber-method of test for measuring the density of smoke from burning or decomposition of plastic materials.

(f) Ignition properties and classification of plastics.

(1) ASTM D 1929-68 (1975), ignition properties of plastics.

(2) ASTM D 635-74, method for determining classification of approved light-transmitting plastics.

(g) Materials.

(1) Materials utilized to construct signs and sign structures shall be of the quality and grade as specified for buildings in the building code.

(2) In signs and sign structures the materials and details of construction shall, in the absence of specified requirements, conform to the following:

(A) Structural steel shall conform to IBC, Chapter 22. Secondary members in contact with or directly supporting the display surface may be formed of light-gauge steel provided such members are designed in accordance with the specifications of the design of cold-formed steel as specified in IBC chapter 22, and in addition shall be galvanized. Secondary members when designed integrally with the display surface shall not be less than 0.0024 inch (0.610 mm) thick. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be 0.10 inch (2.5 mm). The minimum thickness of hot-rolled steel members furnishing structural support for signs shall be 1/4 inch (604 mm), except that, if galvanized, such members shall not be less than 1/8 inch (3.2 mm) thick. Steel pipes shall conform to IBC Chapter 22. Steel members may be connected with one galvanized bolt, provided the connection is adequate to transfer the load to supporting members.

(B) Anchors and support of wood embedded in the soil, or within six inches (152 mm) of the soil, shall be all heartwood of a durable species or shall be pressure treated with an approved preservative. Such members shall be marked by an approved agency.

(3) Material requirements for banner signs.

(A) A banner sign shall be constructed of noncombustible material, including but not limited to vinyl or approved plastic and shall not be supported or attached with wire, rope, strings, fiber rope or wood slats employed for support or anchorage purposes.

(B) The panels of a banner sign shall be perforated over at least 10 percent of the area to reduce wind resistance.

(C) The wind loads, seismic loads and combined loads shall be in accordance to the minimum standards as specified in the International Building Code, as amended. A structural or sign engineer shall seal the plans to show that the sign meets the wind load requirements.

(D) The supporting members shall be made of noncombustible material and formed out of light gauge steel and be designed in accordance with the specifications of the design of cold formed steel as specified in chapter 22 of the International Building Code, as amended. Secondary members when formed integrally with the display surface shall not be less than 0.024 inch (0.610 mm) thick. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be 0.10 inch (2.5 mm).

(E) The minimum thickness of hot-rolled steel members furnishing structural support for a banner sign shall be 1/4 inch (6.4 mm) except that, if galvanized, such members shall not be less than 1/8 inch (3.2 mm) thick. Steel pipes shall conform to IBC. Steel members may relate to one galvanized bolt, provided the connection is adequate to transfer the load to supporting members.

(F) Nonstructural trim may be wood, metal, approved plastics or a combination thereof.

(h) Restriction on combustible materials.

(1) Ground signs shall be of any material meeting the intent of this article. Combination signs, roof signs, wall signs, projection signs on marquees shall be constructed of noncombustible material, except as otherwise provided. Combustible materials other than approved plastics shall not be used in the construction of electric signs.

(2) Exception. Nonelectric wall signs may be constructed of unprotected combustible materials on walls permitted to be of unprotective combustible construction.

(i) Nonstructural trim. Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics or a combination thereof.

(j) Anchorage. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either the horizontal or vertical direction shall not exceed the safe values. Braced ground signs shall be anchored to resist specified wind or seismic loads acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting force 25 percent greater than the required resistance to overturning. Anchors and support shall penetrate to a depth below ground greater than that of the frost line.

(1) Portable signs supported by frames or poles rigidly attached to the base shall be proportioned so that the weight and size of the base shall be adequate to resist the wind loads as specified.

(2) Signs attached to masonry, concrete or steel shall be safely and securing fastened by means of metal anchors, bolts, or approved expansion screws of sufficient size to safely support the loads applied.

(3) Wooden blocks, plugs or anchors with wood used in connection with screws or nails shall not be considered to provide an anchorage, except for blocks, plugs or anchors on signs attached to wood framing.

(4) The anchorage or support of a sign shall not be connected to, or supported by an unbraced parapet wall, unless the wall is designed in accordance with the requirements for parapet walls specified for seismic zones in the building code.

(k) Display surfaces. Display surfaces of signs may be made of metal, glass or approved plastics. Glass thickness and area limitations shall be set forth as follows:

(1) Size, thickness and type of glass panels in signs.

Maximum exposed size of glass panel (dimension in inches)	Area in square inches	Maximum thickness of glass	Type of glass
30	500	1/8	Plain, plate or wired
45	700	3/16	Plain, plate or wired
144	3600	1/4	Plain, plate or wired
Over 144	Over 3600	1/4	Wired glass

Sections of approved plastics on wall signs shall not exceed 200 square feet in area.

(2) Exceptions.

(A) Sections of approved plastics on signs other than wall signs may be of unlimited area if approved by the building official.

(B) Sections of approved plastics on wall signs shall be separated by 3 feet laterally and six feet vertically by the required exterior wall construction.

(C) Section of approved plastics on signs other than wall signs may not be required to be separated if approved by the building official.

(l) Approved plastics. Substantiating data shall be submitted to the building official to justify the proposed use of plastic materials. If it is determined that the evidence submitted is satisfactory for the use intended, the use may be approved.

(m) Testing requirement.

(1) The building official may require testing that he/she believes is necessary in order to verify the structural strength of all signs and sign structures proposed to be installed and constructed within the city.

(2) The building official may require any and all plans submitted to be engineer certified when it is in his/her opinion such sign or sign structure may not meet the structural requirements as established in this article. Such certification must be performed by a qualified sign structural engineer registered with the state before the sign can be permitted or erected.

(3) The fees for such professional services are solely the responsibility of the applicant. In cases where the building official determines a sign or sign structure needs further testing prior to approval, the costs of testing are the responsibility of the applicant.

(n) Limits on lumens and illumination.

(1) Illumination levels. Sign surface shall be in the 100 to 300 Lux range (10 to 30 foot-candles) and shall be uniform over the sign surface.

(2) A sign shall be located such that the illumination level on the surface sign is not significantly exceeded by ambient light or a visible bright lighting source behind or in front of the sign.

(3) Power supply. For the means of sign illumination shall normally be provided by the electrical supply on the premises. Emergency electrical supply shall be installed in accordance with the National Electric Code, as amended.

Exception: Approved self-luminous signs that provide evenly illuminated letters that have a minimum luminance of 0.60 footlambert or if the system complies with the provisions established in the National Electric Code, as adopted and as amended.

(o) Projection and clearance. The following projection and clearance minimum distance requirements shall apply:

TABLE A

Clearance in Feet	Maximum Projection in Feet
Less than 8	Not permitted
8	1
8 to 16	1 plus 0.5 for each foot of clearance in excess of 8 feet
Over 16	5

TABLE B

Projection in Feet	Maximum Thickness in Feet
5	2
4	2.5
3	3
2	3.5
1	4

Sec. 3.12.107 Offense

A person commits an offense if the person erects or displays a sign which does not meet the construction requirements of this division.

Division 6. Prohibited Signs**Sec. 3.12.121 Scope**

Any sign not specifically permitted in this article is prohibited.

Sec. 3.12.122 Obscene signs

A person commits an offense if the person erects or displays on any site a sign in which the dominant theme of material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

Sec. 3.12.123 Obstructing doors, windows, or fire escapes

A person commits an offense if the person erects or displays on any site a sign which prevents free ingress to or egress from any door, window, fire escape or standpipe.

Sec. 3.12.124 Obstructing vision/sight triangle

A person commits an offense if the person erects or displays on any site a sign in such a manner as to obstruct free and clear vision at any location, street, intersection, or driveway, as defined in the zoning ordinance in Exhibit A to chapter 14 of this code. No permanent or temporary sign shall extend into the triangular area formed by the extension of the two curb lines to a point measuring 20 feet from the intersection of two streets and connecting the points to form a 45 degree triangle.

Sec. 3.12.125 Obstruction of openings

(a) A person commits an offense if the person erects or maintains a sign which obstructs openings to the extent that light or ventilation is reduced to a point below that as required by in the most recent Sign Code, as amended.

(b) Signs erected within five (5) feet (1524 mm) of an exterior wall in which there are openings within the area of the sign shall be constructed of noncombustible material or approved plastics.

Sec. 3.12.126 Projection over alleys

Signs or sign structures shall not project into a public alley below a height of 14 feet (4267 mm) above grade, nor project more than 12 inches (305 mm) when the sign structure is located 14 feet to 16 feet (4267 mm to 4877 mm) above grade. The sign or sign structure may project not more than 36 inches (914 mm) into a public alley when the sign or sign structure is located more than 16 feet (4877 mm) above grade.

Sec. 3.12.127 Clearance from streets

Signs shall not project within two feet (610 mm) of the street curb line or, where there is no street curb, prevailing edge of the street.

Sec. 3.12.128 Interference with traffic

(a) A person commits an offense if the person erects or displays on any site a sign which interferes with vehicular or pedestrian traffic as a result of the position, size, shape, movement, color, fashion, manner, or intensity of illumination or any other characteristics causing such interference.

(b) A person commits an offense if the person erects or allows to be displayed a sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, including, without limitation, signs making use of the words "stop," "go," "look," "slow," "danger," or any other similar word, phrase, symbol or character, or employ any red, yellow, green, or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.

Sec. 3.12.129 Clearance from high-voltage power lines

A person commits an offense if the person erects or maintains a sign less than six feet (1829 mm) measured horizontally or 12 feet (3658 mm) measured vertically from overhead electrical conductors that are energized in excess of 750 volts.

Sec. 3.12.130 Certain illuminated signs

(a) A person commits an offense if the person illuminates a sign to such an intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to traffic. Moving, flashing, intermittent lighted, changing color, revolving, or similarly constructed signs are not permitted.

(b) No lighted sign shall be erected or displayed within one hundred fifty (150) feet of a single-family residentially zoned property unless the lighting is shielded from view of the residentially zoned property and indirect light does not exceed 1/2 lumen measured from any property line of the residentially zoned property.

Sec. 3.12.131 Signs projecting on/over public property or public right-of-way

A person commits an offense if the person erects or displays any type of sign on or over public right-of-way or other public property, unless the same is erected by the city, county, state or other authorized governmental agency, or with the permission of the city, for a public purpose.

Sec. 3.12.132 Roof signs

A person commits an offense if the person erects or displays a sign which is:

- (1) Erected on a vertical framework supported by and located immediately and entirely over the roof of a building;
- (2) Attached to a fascia extending above the projection of the fascia; or
- (3) Painted on a roof.

Sec. 3.12.133 Signs on utility poles

A person commits an offense if the person erects or displays any sign on any utility pole located upon any public right-of-way or utility easement.

Sec. 3.12.134 Off-site signs

A person commits an offense if the person erects or displays a billboard. The building official shall not allow off-site signs, including billboards, to be permitted or installed in the city. Billboards that are substantially destroyed or dismantled shall not be permitted for reconstruction.

Sec. 3.12.135 Political signs

(a) A person commits an offense if the person erects or displays a political sign more than ten (10) days after the election or the sign:

- (1) Is more than eight feet in height;
- (2) Has an effective area greater than 36 square feet;
- (3) Is illuminated; or
- (4) Has any moving elements.

(b) A person who erects or maintains a sign which contains primarily a political message on a temporary basis on a sign generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political shall comply with the regulations applicable to that type of sign.

Political signs are prohibited on property owned, leased or operated by the city except as provided in this subsection. During early voting or on an election day, electioneering (to include the posting, use, or distribution of political signs or literature or campaigning for or against a candidate or measure) is permitted on the premises of a publicly owned or controlled building that is used as a polling place according to the following regulations:

- (1) State law prohibits electioneering within 100 feet of an outside door through which a voter may enter a building in which a polling place is located. Outside of that area at city hall, electioneering shall only be permitted in the areas designated on exhibit A of Ordinance 1309-2021.
- (2) Unless it is attached to a parked vehicle, the sign shall not be larger than six (6) square feet (2' x 3') and must be attached to a stake driven into the ground well clear of tree roots, irrigation lines and any other underground vegetation or structures that could be damaged by such a stake. Additionally, each supporting stake(s) must not exceed a 5-gauge diameter.
- (3) A sign must be removed from the polling site within twenty-four (24) hours after the close of the polls on election day and within twenty-four (24) hours after the close of the early voting period.

- (4) No sound amplification device or vehicle with a loudspeaker shall be permitted.

State law reference—Political signs, V.T.C.A., Election Code, ch. 259; electioneering near polling place, V.T.C.A., Election Code, sec. 61.003.

Sec. 3.12.136 Painted signs

A person commits an offense if the person paints a sign, or displays a painted sign, other than a business sign not more than three square feet in area identifying the business and address, to a fence, railing or on a wall or a structural part of the building except that:

- (1) An attached sign may be attached to a fence only in cases where the building official deems it to be architecturally compatible within that particular zoning district and is only permitted if it identifies a business and its street number;
- (2) The sign is professionally painted or stenciled on an approved backing;
- (3) Maximum area. Does not exceed fifty (50) square feet in size and is bordered on all sides by a primed or painted metal frame that is designed and constructed to withstand a constant wind pressure as determined by the building official having the authority in certain cases when deemed necessary to accept reports from an outside testing agency;
- (4) Maximum number of signs. One (1) per site or one (1) for every 200 feet of street frontage; and
- (5) A sign attached to masonry, concrete or steel shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied.

Sec. 3.12.137 Searchlights

A person commits an offense if the person erects or displays searchlights.

Sec. 3.12.138 Mural signs

- (a) Definition.

Mural sign. An attached sign painted directly upon, or affixed directly to, an exterior wall of a building generally for, but not limited to, the purposes of decoration or artistic expression.

- (b) Allowed; permit required. Notwithstanding section 3.12.083(b)(2), mural signs are permitted in the city limits under terms and limitations of this section so long as written permission of the property owner is obtained at the time of application the mural to the building. Notwithstanding section 3.12.031(a), a permit is required for all mural signs.

façade Location. Mural signs are not permitted on any building within a residential zoning district.

- (d) Size. Mural signs are limited to only one side of the building up to 100 percent of the face of the exterior wall where the mural can be located.

façade Text and symbols. Text and symbols are limited to 20 percent of the size of the entire mural.

(f) Number. One mural sign is allowed per building structure.

(g) Maintenance. Mural signs shall be kept in good repair, free from paint chipping, peeling or fading. Mural signs found not to be in good repair must be removed or repaired within 90 days from the date upon which the property owner receives a written order to remove the mural sign from the building official. Should the mural sign not be removed or repaired within 90 days of notice by the city, the city reserves the right to remove the mural sign by painting over it with a color that approximates the color of the remainder of the structure or by other means appropriate to removal of the mural. If the city removes the mural sign, the property owner will be charged the cost of the removal. If payment of the cost of the removal has not been paid within 60 days, the city may place a lien against the property in the amount of the charge for the removal.

(h) Illumination. Mural signs may be illuminated by external lighting cast onto the mural sign.

(i) Exceptions. The following are not considered mural signs and are excepted from the provisions of this section:

(1) Trompe l'oeil which is an artistic technique that, when applied to the façade of a building, uses realistic imagery to create the optical illusion that the façade exists in three dimensions rendering the façade comparable to the architecture of adjacent buildings;

(2) Murals or artwork placed on a building, fence, or wall used as a barrier or safety perimeter during construction of a building or other improvement;

(3) Murals or artwork placed in the window of a building that is vacant or under construction;

(4) A mural placed on public property or a public improvement (including, but not limited to, a building, elevated water storage tank, bridge, etc.); and

(5) Any mural sign that promotes the city and/or the Castleberry Independent School District (CISD) as determined by the city manager.

(Ordinance 1328-2021 adopted 10/12/21)”

SECTION 2. **REPEALING CLAUSE**

With adoption of this Ordinance, the previously adopted Ordinance # 640-05 as adopted on May 10, 2005 as adopted and as amended is hereby fully repealed in its entirety and replaced with Ordinance # 1342-2022 as herein adopted.

SECTION 3. **CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of River Oaks (2006), as amended, except where the provisions of this ordinance are in direct conflict

with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.
SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.
SAVINGS CLAUSE

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of River Oaks, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 6
PENALTY CLAUSE

Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation including the dumping of refuse may not exceed two thousand dollars (\$2,000.00); provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.


SECTION 7
PUBLICATION CLAUSE

The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

SECTION 8
EFFECTIVE DATE

This ordinance shall take effect upon adoption and publication as required by law, and it is so ordained.

PASSED AND APPROVED THIS THE 8th DAY OF MARCH 2022.




Joe Ashton, Mayor

ATTEST:



Paula Luck, City Secretary

APPROVED AS TO FORM:



Betsy Elam, City Attorney
Ben Gibby on 6/19

APPENDIXES

Appendix `A'

METHODS OF AREA MEASUREMENT
ATTACHED SIGNS AND
GROUND SIGNS

EXHIBIT A-1 Attached sign

HEIGHT: 3'

LETTER HEIGHT: 24"

MAXIMUM ALLOWED AREA: 50 square feet

NOTES: Area limited to 50% of wall area of each lease space not to exceed 50 square feet; signs shall be limited in width to the middle seventy five percent (75%) of the width of any single plane facade for any building or lease space.

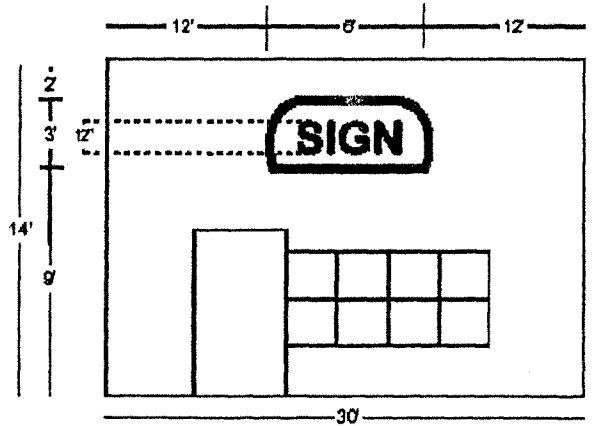


EXHIBIT A-2 Attached signs

HEIGHT: 2' & 1'

LETTER HEIGHT: 10" & 12"

ALLOWED AREAS: 50 s.f. (30" x 20") = (2.5' X 20')

MEASURED AREAS SHOWN: 40 s.f. (2'x 20') & 20 s. f. (1' x 20)

NOTES: Area limited to 50% of wall area of each lease space not to exceed 50 square feet; signs shall be limited in width to the middle seventy five percent (75%) of the width of any single plane facade for any building or lease space.

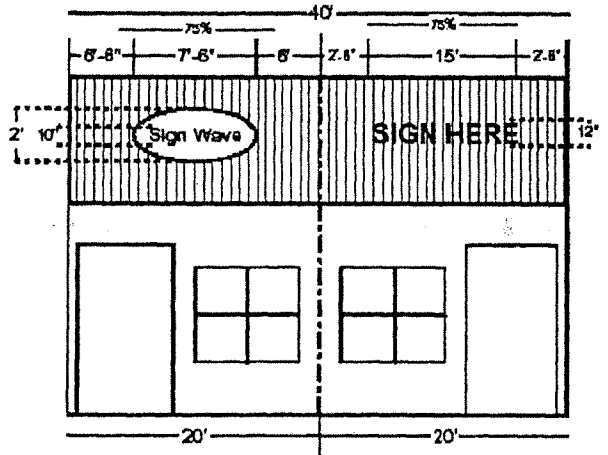
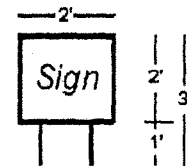


EXHIBIT A-3 Ground sign

HEIGHT: 3'

MAXIMUM AREA ALLOWED: 4 s.f. per sign face

MEASURED AREA SHOWN: 4 s.f. (2'x 2)



APPENDIX 'A'
METHODS OF AREA MEASUREMENT
MONUMENT SIGNS

EXHIBIT A-4 Monument sign - attached lettering

HEIGHT: 4' excluding monument base and sign structure, structure shall not exceed 5-feet.

MAXIMUM ALLOWED SIGN AREA: 50 s.f. per face

MEASURED SIGN AREA SHOWN: 27 s.f. (3 x 9) MAXIMUM

ALLOWED STRUCTURE AREA: 70 s.f. per face MEASURED

STRUCTURE AREA SHOWN: 48 s.f. (4'x 12')



NOTES: The sign structure must be constructed or covered with the same masonry material as the principal building, or stone, or brick. All sign text and graphic elements shall be limited to a minimum of six (6) inches from the outer limits of the sign structure. Sign may be illuminated utilizing a ground lighting source, where the light itself and supporting structure

may not be visible from public R.O.W.

EXHIBIT A-5 Monument sign - sculpted aluminum panel

HEIGHT: 4'

MAXIMUM ALLOWED SIGN AREA: 50 s.f. per face

MEASURED SIGN AREA SHOWN: 50 s.f. (4'x 12.5)

MAXIMUM ALLOWED STRUCTURE AREA: 70 s.f. per face

MEASURED STRUCTURE AREA SHOWN: 70 s.f. (5'x 14)



NOTES: The sign base and/or structure must be constructed or covered with the same masonry material as the principal building, or stone, or brick. All sign text and graphic elements shall be limited to a minimum of six (6) inches from the outer limits of the sign structure. Sculpted aluminum sign panels

may be illuminated utilizing internal lighting.

EXHIBIT A-6 . Monument sign - masonry panel

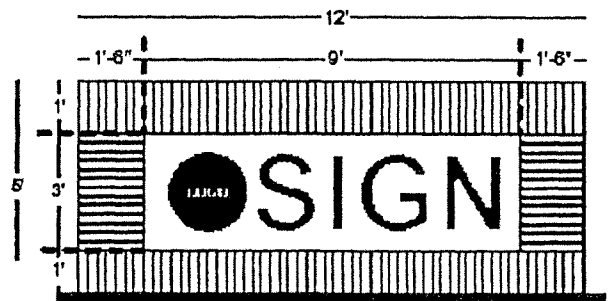
HEIGHT: 3'

MAXIMUM ALLOWED SIGN AREA: 50 s.f. per face

MEASURED SIGN AREA SHOWN: 27 s.f. (Y x 9) MAXIMUM

ALLOWED STRUCTURE AREA: 70 s.f. per face MEASURED

STRUCTURE AREA SHOWN: 60 s.f. (5'x 12)

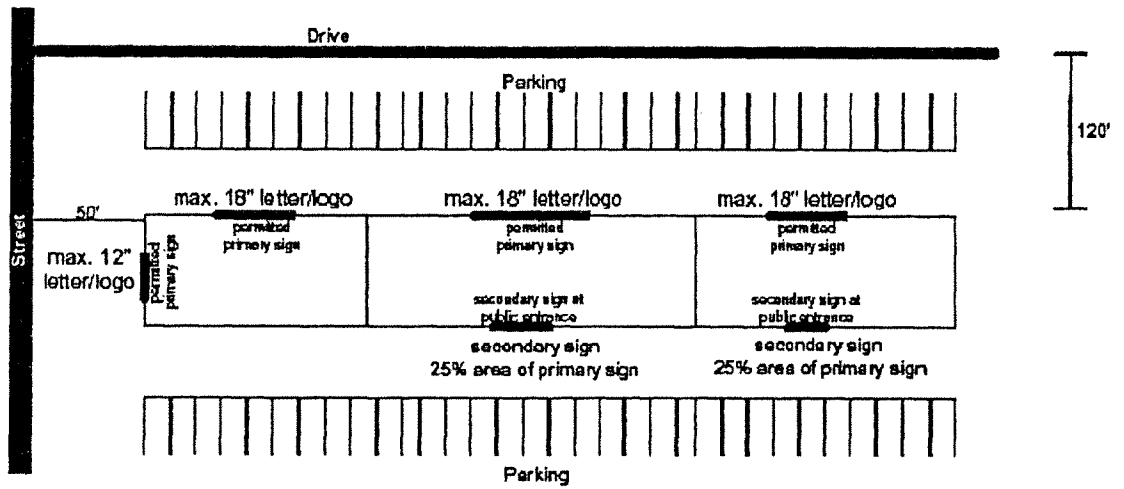


NOTES: The sign base and/or structure must be constructed or covered with the same masonry material as the principal building, or stone, or brick. All sign text and graphic elements shall be limited to a minimum of six (6) inches from the outer limits of the sign structure. Sign may be illuminated utilizing a ground lighting source, where the light itself and supporting

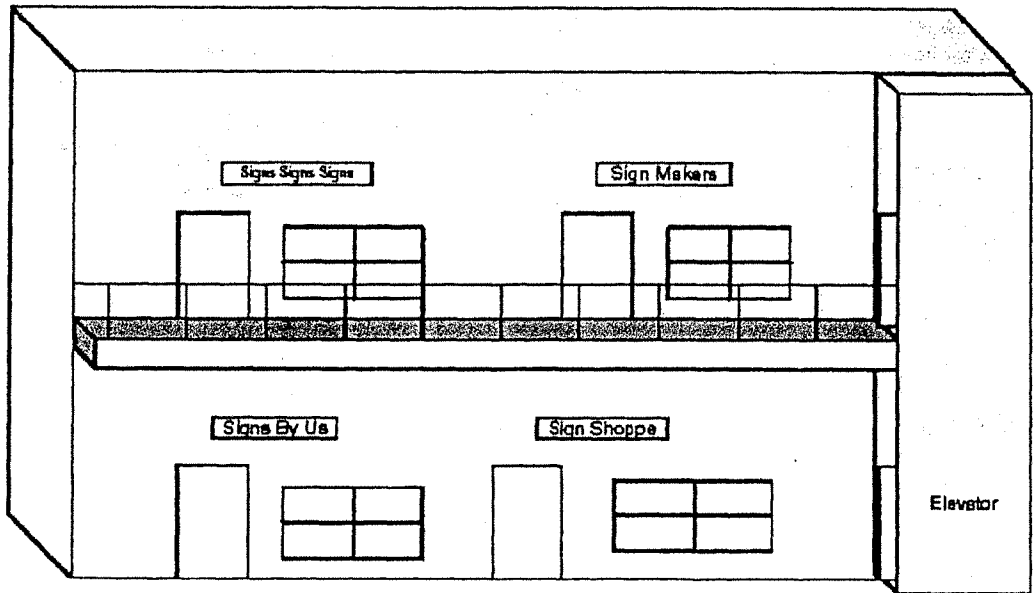
APPENDIX 'B'

SELECTED GRAPHIC CLARIFICATIONS

For any lease space which does not front on a street, the maximum letter / logo height shall be based on the distance from the vehicular driveway access. Only one attached sign per street frontage shall be allowed on any site along said street frontage, unless otherwise specifically provided. A secondary sign may be permitted at a public entrance, provided the entrance is on another side of the building, but shall be limited to twenty-five percent (25%) of the primary or permitted sign size, whichever is more restrictive. The six (6) inch minimum letter/logo height will not apply to these secondary signs. No more than two (2) attached signs shall be allowed per lease space.



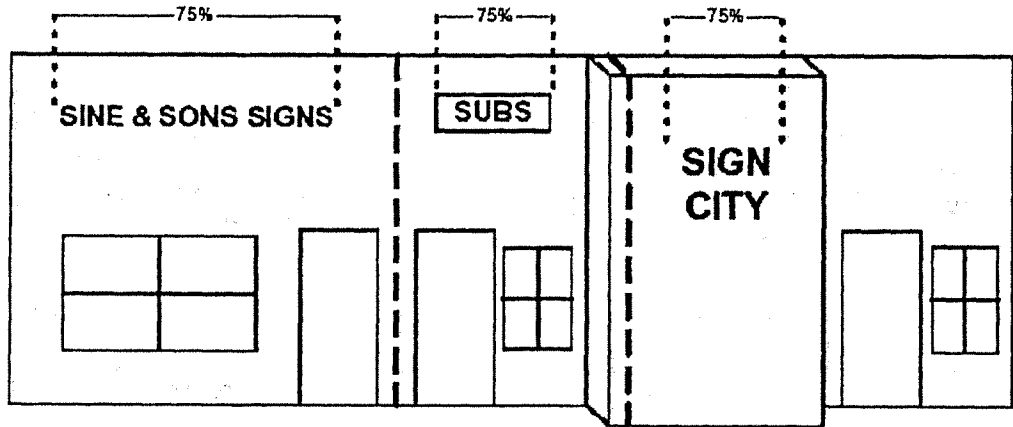
Section 155.16.2) B.4 - Attached signs shall be limited to within the first story of the main exterior entrance for a building or lease space.



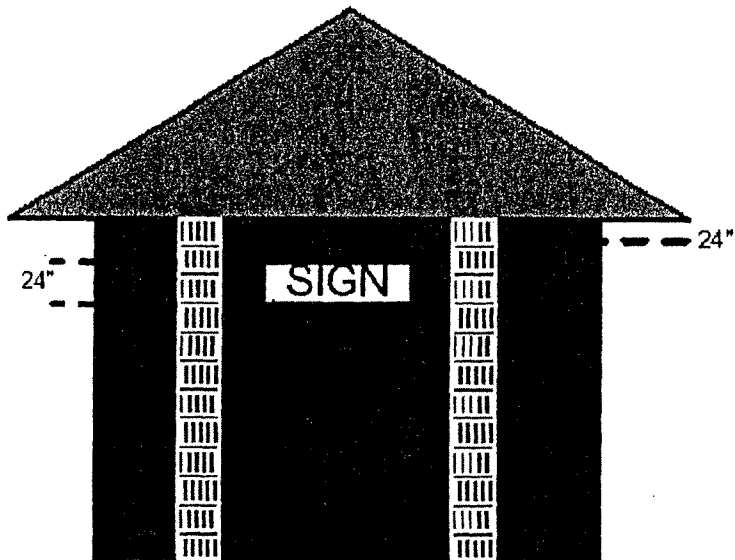
APPENDIX 'B'

SELECTED GRAPHIC CLARIFICATIONS

Attached signs shall be limited in width to the middle seventy five percent (75%) of the width of any building or lease space or single plane



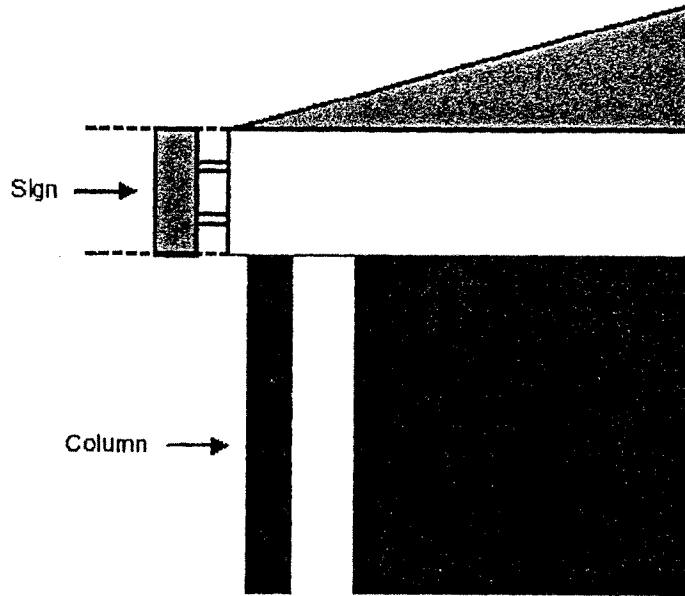
Signs shall be no closer vertically to the eave of the roofline or overhang than the permitted letter height.



APPENDIX 'B'

SELECTED GRAPHIC CLARIFICATIONS

Signs may be attached to a continuous plane fascia provided the sign does not extend above or below the projection of the fascia. Such signs are only allowed when attached to structural canopy supported to the ground by columns constructed of similar masonry material as



REGISTRATION OF PORTABLE SIGNS WITHIN THE CITY OF RIVER OAKS

REGISTRATION NUMBER: _____

DATE OF REGISTRATION: _____ (portable sign must be removed 60-days from this date)

BUSINESS ADDRESS: _____

BUSINESS NAME: _____

APPLICANT: _____ OWNER: _____

TYPE OF BUSINESS: _____ ZONING DISTRICT: _____

REASON FOR PORTABLE SIGN: _____

WORDING USED ON PORTABLE SIGN:

In accordance to Article 3.12 "Signs" of Division 2, Section 3.12.038(5) "Portable Sign" (A thru E) of the City of River Oaks Code of Ordinances, portable signs are regulated as follows:

Portable Sign: A portable sign shall be permitted on a temporary basis with a permit in accordance with the following requirements:

- *Maximum Number of Signs:* One per business with a minimum separation of 50 feet
- *Frequency Limitation:* for a period not to exceed thirty (30) days, once each 12-month period subject to the following requirements:
- *Placement Time:* The sign shall be removed within three (3) days of the termination of the activity, service, product or sale, which is advertised on the sign.
- *Minimum Setback:* on private property, that does not adversely affect the safety of the city's transportation network or impedes the vision of vehicles as determined by the city's police chief.
- *Registration requirements:* The person shall register the sign with the Building Official on a form provided for such purpose.
- *Size:* The maximum gross surface area per side shall be 32 square feet.

All portable signs are permitted for a period not to exceed 30-days from the date of this Registration and then must be removed _____ for the remainder of the 12-month period.

I, _____, am the responsible person authorized to register this portable sign at the above address and have read the above-cited regulations regarding portable signs and by my signature below agree to comply with all regulations and further understand that failure to comply with these regulations shall result in the issuance of citations against me as the responsible person, manager, tenant, lessee or owner of said business.

Signature of Applicant/Owner

Date

APPROVED BY:

FOR OFFICE USE ONLY

BUILDING OFFICIAL

DATE