



**CITY OF KRUM
SIGN PERMIT APPLICATION**

Date: _____ **Fee Paid:** _____ **Permit #** _____

OWNER INFORMATION:

Name: _____ **Phone:** _____

Address: _____ **City:** _____ **State/Zip:** _____

BUSINESS INFORMATION:

Name: _____ **Phone:** _____

Address: _____ **Lot:** _____ **Blk:** _____ **City:** _____ **State/Zip:** _____

NAME OF PERSON/BUSINESS CONSTRUCTING OR ERECTING SIGN:

Name: _____ **Company:** _____ **Phone:** _____

Address: _____ **City:** _____ **State/Zip:** _____

Fee: \$100.00

SECTION NUMBER FOR WHICH APPLICATION IS BEING MADE:

I understand that this sign permit is subject to the approval of the City of Krum Building Official. If the Building Official denies the request I will be notified within ten (10) days of the denial and reasons for the denial. I also have the right to appeal the decision within 30 days of notification of denial.

Applicant: _____ **Date:** _____

.....

City of Krum Building Official

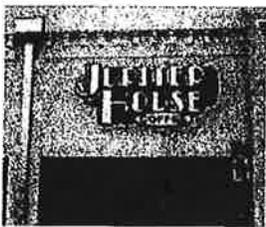
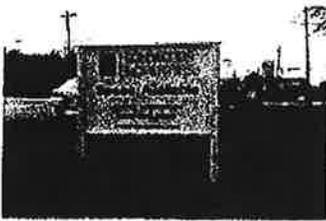
City of Krum
146 W. McCart · P.O. Box 217 · Krum Texas 76249
940.482.3491 Phone · 940.482.3020 Fax

City of Krum
Sign Submittals

An application for a sign permit shall contain the following information:

- (1) Name, address, telephone number of the applicant and date of application;
- (2) Name, address, telephone number of the business and name and telephone number of the owner/manager;
- (3) Numerical location of building structure upon its lot; block and plat designation; and street address upon which the sign is to be located;
- (4) The specific paragraph of Division 5 under which the application is being made;
- (5) Position of the sign on the building or on the ground in both site plan view drawn to scale, and elevation views drawn to scale;
- (6) Two (2) sets of scaled drawings of the plans and specifications, including size and color of the sign and its various parts, the style of lettering, the message, lighting, type of material of which it is fabricated and the method of attachment to the building or to the ground and indicating associated landscaping;
- (7) A color sketch or color photograph of the sign and building, as well as any contiguous street or building in order to display how they would appear in relation to one another;
- (8) Name of person or persons constructing or erecting the sign;
- (9) Written consent of the owner of the building, structure, or land to which or on which the sign is to be erected;
- (10) Signature of approval by the building official after review;
- (11) If required by the building official, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressures in any direction in the amount required by this and all other laws of the state or federal government and ordinances of the city; and
- (12) Linear feet of building frontage or lease space frontage.

CITY OF KRUM SIGN ORDINANCE



SIGN REGULATIONS TABLE OF CONTENTS

DIVISION 1 GENERAL

Section 9.301	Definitions	Page 2
Section 9.302	Compliance Required	Page 5
Section 9.303	Prohibited Signs	Page 5
Section 9.304	Exempted Signs Designated	Page 6
Section 9.305	Safety Requirements	Page 7
Section 9.306	Variances	Page 7
Section 9.307	Not Relieved	Page 8
Section 9.308	Acts Prohibited	Page 8
Section 9.309	Penalty and Other Remedies for Violations	Page 9

DIVISION 2 ADMINISTRATIVE PROCEDURE

Section 9.321	Permits, Certificates and Approvals	Page 9
Section 9.322	Application and Appeals Procedure	Page 10
Section 9.323	Sign Application Permit – Information Required	Page 10
Section 9.324	Representations by Applicant	Page 11
Section 9.325	Permit Fees	Page 12
Section 9.326	Review Prior to Approval	Page 12

DIVISION 3 REGISTRATION EXISTING SIGNS IN ETJ

Section 9.341	Registration – Signs in the ETJ	Page 12
Section 9.342	Registration - Information Required	Page 12
Section 9.343	Sworn Statement	Page 13
Section 9.344	Registration Number	Page 13
Section 9.345	Expanded Extraterritorial Jurisdiction	Page 13

DIVISION 4 DESIGN REVIEW GUIDELINES

Section 9.351	Not Dominating	Page 13
Section 9.352	Architectural Harmony	Page 13
Section 9.353	Landscaping	Page 14
Section 9.354	Reflective Surfaces	Page 14
Section 9.355	Lighting	Page 14
Section 9.356	Moving Parts	Page 14

DIVISION 5 SIGN CATEGORIES

Section 9.361	Designation of Types of Signs	Page 14
Section 9.362	Residential Nameplate Signs	Page 15
Section 9.363	Traffic-Control Signs upon Private Property	Page 15
Section 9.364	Monument Commercial Signs-Multi Tennant Shopping Centers and Office Complexes	Page 16
Section 9.365	Freestanding Real Estate Signs	Page 17
Section 9.366	Wall and External Commercial Entrance Signs Single Business Use	Page 18
Section 9.367	Monument Commercial Signs-Single-Business Use	Page 18

Section 9.368	Wall Commercial Signs-Individual Business Within A Multi-Tenant Shopping Center or Office Complex	Page 19
Section 9.369	Exterior Joint Directory Commercial Signs Multi-Tenant Shopping Center or Office Complex	Page 20
Section 9.370	Political Signs	Page 21
Section 9.371	Permanent Public Information Signs	Page 22
Section 9.372	Temporary Public Information Signs	Page 22
Section 9.373	Temporary Single Family Residence Construction Signs	Page 23
Section 9.374	Temporary Project Development Signs Commercial or Multi-Family Tract Development	Page 23
Section 9.375	Permanent Multi-Family and Subdivision Identification	Page 24

DIVISION 6 NONCONFORMING SIGNS

Section 9.381	Defined	Page 25
Section 9.382	Compensable Costs	Page 25
Section 9.383	Sign Control Board	Page 25
Section 9.384	Identification and Notice with Respect to Nonconforming Signs That are Required to be Removed	Page 26
Section 9.385	Removal of Sign-Compensation	Page 27
Section 9.386	Method of Compensation	Page 27
Section 9.387	Exceptions	Page 28

DIVISION 7 SIGN MAINTENANCE, REPAIR AND REMOVAL

Section 9.391	Violation-Notice	Page 29
Section 9.392	Maintenance Required-Enforcement	Page 29

City of Krum
Sign Regulations

ARTICLE 9.300 SIGN REGULATIONS*

Division 1. Generally

Sec. 9.301 Definitions

For the purpose of this article the following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Building Official. The building official of the city or the building official's designated representative.

Argon. See Neon

Average Grade. The grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, if the sign is attached to the structure. Average grade will be defined by the commission if it differs by more than three feet from the highest or lowest point on the lot or if it is three or more feet different from frontage road grade.

Banner. A sign made of fabric or any nonrigid material, including but not limited to flags and pennants.

Billboard. Any sign that is freestanding or attached to or part of a building and is an off-premise sign.

City. The City of Krum, Denton County, Texas, and its area of extraterritorial jurisdiction as defined by the Texas Local Government Code, Chapter 42.

Commercial Sign. A sign other than a real estate "for sale" or "for lease" sign, political sign, residential nameplate sign, public information sign, traffic control sign or exempted sign which directs the attention of the general public to a business, product, service, or other commercial or business activity.

Commission or Planning and Zoning Commission. The planning and zoning commission of the city.

Compensable Cost. Those costs for which the owner of a nonconforming sign required to be relocated, reconstructed or removed by this article is entitled to be compensated pursuant to V.T.C.A., Local Government Code, Chapter 216. Costs required to be paid, shall be calculated in accordance with the formula set forth in the statute.

Direct Lighting. Lighting in which the greater part of the light illuminating the sign originates within the sign, such as light behind translucent letters.

Erect. To build, construct, alter, reconstruct, pour, lay, move upon, attach, hand, place, suspend or affix. It also includes the painting of wall signs, murals or supergraphics, or any physical operation on the premises which is required for the construction of a sign, including excavation, site clearance, landfill and the like.

Fine Art. Sculpture, fountain or similar object.

Freestanding Sign. Any sign which is not attached to or on the walls, face, or exterior of a building.

Hanging Sign. See Projecting Sign

Indirect Lighting. An evenly distributed light source separated from the surface and illuminating the sign surface by means of spotlights or similar nonvisible fixtures.

Landscaping. To change the natural features by adding trees, bushes, flowers, etc.

Lot. An undivided tract or parcel of land having access to a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement and designated as a distinct and separate tract or lot.

Manual on Uniform Traffic Control Devices (MUTCD). The state publication for streets and highways.

Memorial Signs. A sign or tablet which denotes the name of a building and the date of erection when cut into any masonry surface or when constructed of bronze or other metal.

Monument Signs. A sign which is mounted on a base at least as wide as the sign and is of limited height. The opening between the base and the sign must be no greater than two inches.

Neon or Neon Lighting. A sign, trim, or decoration with the illumination provided by a gas filled electrical discharge lamp in which the gas is made up of a large proportion of neon, argon or krypton.

Nonconforming Sign. Any sign which would be unlawful or nonconforming hereunder, but for the fact that such sign was lawfully in existence on the date of the passage of Ordinance 05-02, adopted January 20, 2005.

Notice. Actual notice or written notice sent by registered or certified mail.

Office Complex. Two or more offices and/or office establishments, sharing customer parking area, regardless of whether said offices or office establishments occupy separate

structures or are under separate ownership, or on separate tracts or lots of land.

Official Sign. Any sign erected by or at the direction of any government body.

Off-Premises Sign. Any sign other than an on-premise sign.

On-Premises Sign. A sign which advertises only goods, services, facilities, events or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises.

Owner. A person recorded as the owner on official records; the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are established. Holders of long-term leases are considered owners.

Person. Includes corporation, partnership, association, trust, firm, executor, receiver, trustee, lessee as well as an individual.

Pole Sign. Any sign mounted on a pole. Real estate signs are not considered pole signs.

Political Sign. Any sign which is designed to influence the action of voters for the passage or defeat of a measure appearing on the ballot at any national, state or local election or which is designed to influence the voters for the election or defeat of a candidate for nomination or election to any public office at any national, state or local election. Political signs shall not include the name of the sponsor, business promoting the activity or advertising the business.

Portable Sign. Any sign not permanently affixed to a building, structure or the ground and designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. This definition includes, but is not limited to, A-frame signs, sandwich signs, curb signs and signs on trailers with or without wheels or on other vehicles which are primarily used as signs.

Premises. A lot or tract within the city, and contiguous lands in the same ownership, which is not divided by any public highway, street or alley, or right-of-way therefor.

Project Development Sign. A temporary sign for a commercial or multifamily tract which may identify a project under construction and includes the project's name and address, general contractor, architect, financing, and contact agent with appropriate phone numbers.

Projecting or Hanging Sign. Any sign attached to a building and extending in whole or in part more than nine inches beyond the building line. Allowable size does not include the supporting structure.

Public Information Sign. Any sign or banner which is intended to identify community, civic and social events, and is not a commercial sign, official sign, political sign, or real estate sign.

Real Estate "For Sale" or "For Lease" Sign. A temporary sign designating that the premises upon which it is erected is for sale, rent, or lease.

Reflective Surface. Any material or device which has the effect of intensifying reflected light, such as scotch light, day glow, glass beads and/or luminous paint.

Residential Nameplate Sign. A sign permitted for the sole purpose of identifying the inhabitant residing therein; the house name or identifying the address of the house. The sign may not contain advertising of any kind.

Residential Plat. A drawing of parcels of land containing one or more lots intended for residential development.

Restoration. The routine maintenance and painting of existing, approved signs, that does not change the approved design and color in any way.

Road Grade. The level of the road considered in relation to the average grade in determining an allowable sign height.

Shopping Center. Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking area, regardless of whether such stores and/or establishments occupy separate structures or are under separate ownership or on separate lots or tracts of land.

Sign. A name, identification, image, light device, figure, painting, drawing, message, plaque, poster, billboard, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, picture, window (attached inside or outside), or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business. The only window signs allowed are those which advise customers whether the business is open or closed.

Surface Area of a Sign. The total surface including the frame and mounting, but shall include only one-half of a freestanding back-to-back sign, provided the freestanding sign's sides are back to back or angled with no greater separation between sides at its widest point than four feet and provided that both sides have the identical sign. Frame and mounting shall not exceed thirty percent (30%) of the total surface area of the sign.

Temporary New Business Opening Sign. Any sign, balloon, banner, or any other device which is used to advertise the opening of a new business or the occurrence of an annual special event that may be displayed for a limited duration only.

Temporary Single Family Residence Construction Sign. A sign permitted to identify a residence under construction including the residence address, general contractor, architect or designer. Such sign is also used for a residence being remodeled, landscaped, or adding a pool, etc.

Temporary Site Development Sign. A sign permitted to identify a project under construction including the project name, project address, general contractor, and architect. No specific advertisements are allowed on the signs.

Traffic Control Sign. A permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

Translucent Signs. Signs which are made of material which will allow for internal light sources. Translucent signs are prohibited.

Wall Sign. A sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a place parallel to the face of the wall and not projecting more than nine inches from the face of the wall at any point.

Zone. A zoning district as shown on the official zoning map of the city.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.302 Compliance Required

It shall be unlawful for any person to erect, re-erect, place, maintain, alter or relocate a sign within the corporate limits of the city or its extraterritorial jurisdiction except in accordance with the provisions of this article. Except hereafter a permit shall be required for each sign and an electrical permit shall be obtained for all lighted or illuminated signs. (Ordinance 05-02 adopted 1/20/05)

Sec. 9.303 Prohibited Signs

Any sign not expressly authorized by this article, or specifically exempted from the provisions hereof, is prohibited within the corporate limits of the city and its extraterritorial jurisdiction. Prohibited signs includes, but are not limited to:

- (1) Off-premises signs;
- (2) Portable signs, except those used for temporary purposes as authorized by this article;
- (3) Exposed neon light tubing which serves to direct attention to a place, building, etc. as defined in Section 9.301, except for signs in business windows with the words "open" or "closed" which may have a maximum combined size of two square feet;

- (4) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging, or intersecting traffic;
- (5) Except as provided for elsewhere in this article, signs encroaching upon or overhanging a public right-of-way. No sign shall be attached to any utility pole, light standard, street, tree, or any other public facility located in the public right-of-way;
- (6) Cloth, canvas, paper, soft plastic, balloons, flags, or similar advertising signs or devices other than in rigid frames as provided herein except those intended as temporary signs;
- (7) Signs that have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance;
- (8) Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, or cruising on public or private roads in the city or its extraterritorial jurisdiction. Through traffic is exempted from this provision. The prohibitions in this subsection do not apply to the identification of a firm or its principal products on a vehicle operating during the normal course of business or being taken home;
- (9) Boxes stored in view of the street, etc. which have product identification that serves as a sign;
- (10) Pole signs (except temporary and real estate) and translucent signs.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.304 Exempted Signs Designated

The provisions of this article shall not apply to the following signs:

- (1) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other metal;
- (2) Official governmental notices and notices posted by governmental officers in the performance of their duties, governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger;
- (3) Works of fine art, as defined in this article, which in no way identify or advertise a product or business;
- (4) Temporary decorations or displays, when they are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration; provided, that such decorations are maintained in an attractive condition do not constitute a fire or traffic or pedestrian hazard, and are removed within a reasonable time after the event or celebration has occurred;

(5) Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices;

(6) Signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of a business, indicating the name of the owner, business and location, (e.g. moving vans, delivery trucks, rental trucks and trailers and the like); provided, that the primary purpose of the vehicles is not for display of signs, and provided that they are parked in areas appropriate to their use as vehicles, are normally used in the course of business and are in operable condition, carry a current and valid license plate and state inspection tag;

(7) International, national and/or state flags as long as the flag is of nominal size, i.e., approximately 5' x 10'.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.305 Safety Requirements

(a) Wind Pressure. Any sign as defined in this article, which will have a height, as measured above the average level of the ground adjacent to the proposed structure, of six (6) feet or more, shall be designed and constructed to withstand wind load pressures in pounds per square foot as set out in the city's building codes or TexDOT standards, whichever is greater.

(b) Electrical Requirements. All sign lighting shall utilize ground fault interceptors in the electrical supply circuit.

(c) Traffic Safety. No sign shall obstruct visibility or otherwise cause a traffic hazard.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.306 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 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 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 from the sign ordinance by filing the request with the building official, accompanied by the completed application and a

nonrefundable filing fee in the amount specified in the current fee schedule adopted by the city council.

Sec. 9.307 Not Relieved

The provisions of this article shall not be construed as relieving or limiting in any way the responsibility of any person, firm or corporation erecting or owning any sign from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person, firm or corporation, its agents, employees or workmen, in the design, construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this article. Nor shall it be construed as imposing upon the city council or the building official, any responsibility or liability by reason of the approval of any sign, materials, or devices under the provisions of this article. (Ordinance 05-02 adopted 1/20/05)

Sec. 9.308 Acts Prohibited

It shall be unlawful for any person to do any of the following acts:

- (1) To post, paint, or otherwise exhibit any advertisement, poster, bill, or other notice or sign, on any property not owned or controlled by him, without the permission of the person owning or in control of said property.
- (2) To tear down, remove or otherwise interfere with any notice, sign, advertisement, bill or poster erected by another, unless the same was placed or maintained on the property of the person removing the same, without permission previously given.
- (3) To paint, mark, or write on or post or otherwise affix, any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph, wire pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police system or upon any lighting system, public bridge, drinking fountain, life-buoy, life preserver, life boat, or any other life saving equipment, street sign or traffic sign. Any handbill or sign found posted, or otherwise affixed upon any public property contrary to the provisions of this section may be removed by the police department or other department or individual so designated by the city. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the city manager is authorized to effect the collection of said costs.
- (4) To place or cause to be placed anywhere within the city or its area of extraterritorial jurisdiction, any poster, placard, handbill, or advertising material on any vehicle, or in any location, in such a manner that the same may reasonably be expected to be blown about by the wind. It shall be presumed that the person's name that appears on said poster, placard, handbill, or advertising material has knowledge of the location and manner that said item was placed. It shall be further presumed that if a large number of said items are found scattered about and being blown about by the wind that the items

were placed in such a manner that they might reasonably be expected to be blown about by the wind.

- (5) To erect, maintain, or paint any sign, or other message or outdoor advertising upon a tree, rock, or other natural feature.
- (6) To erect within the corporate limits of the city or its extraterritorial jurisdiction any sign, or other outdoor advertising, without having prior thereto obtained from the building official a permit therefore, except as specifically exempted by the provisions of this article.
- (7) To erect within the corporate limits of the city or its extraterritorial jurisdiction any sign not expressly authorized by this article or expressly exempted from the provisions hereof.
- (8) To maintain any sign required to be registered under the provisions of Division 3 of this article without having registered said sign or without having kept current the registration of said sign in accordance with the provisions thereof.
- (9) To remove, alter, change, or obscure, without authorization of the commission, any official tag or identification which was placed on any outdoor advertising material.
- (10) To erect or maintain any sign within the corporate limits of the city or its extraterritorial jurisdiction in violation of or except as authorized by the provisions of this article.
- (11) To own legal title to an interest in real property on which property a sign is located in violation of this article.
- (12) For a permittee to fail to maintain a permitted sign in good repair and appearance and in conformance with all specifications, conditions, and terms included in a permit for the affected sign.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.309 Penalty and Other Remedies for Violations

Any person convicted of a violation of any provision of this article shall be fined in accordance with the general penalty provision found in Section 1.106 of this code.
(Ordinance 05-02 adopted 1/20/05)

Secs. 9.310–9.320 Reserved

Division 2. Administrative Procedure

Sec. 9.321 Permits, Certificates and Approvals Required

Except as otherwise provided herein, it is unlawful for any person to erect, re-erect, alter, or relocate within the city or its extraterritorial jurisdiction any sign, as defined herein, without complying with the following requirements

- (1) Completion of a sign application permit;
- (2) Review and approval of the permit.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.322 Application and Appeals Procedure

The procedures to be followed in fulfilling the intent of the sign ordinance are as follows:

- (1) A sign permit application must be obtained from the city.
- (2) The sign application permit must be properly completed and returned to the city staff.
- (3) The building official or his designated representative shall review the sign permit application and, if the application is properly completed, signed and dated, the building official, after having determined that the sign meets the general requirements of this article, shall issue the permit.
- (4) The building official will approve, reject or approve upon condition, the sign application permit based upon its conformance with the provisions of this article and its aesthetic value.
- (5) Within ten (10) working days of the date of the receipt of the sign application, if the building official rejects the application, then notification will be given in writing to the applicant, mailed to the applicant's address listed in the application or personally delivered, defining the reason for disapproval.
- (6) Appeal from any administrative action or determination by the building official pursuant to the provisions of this article must be filed with the city council by any applicant within thirty (30) days following the date of the building official's rejection, conditional approval or other determination. In the event of an appeal, the city council after receiving a report from the building official, may confirm, reverse, or modify the action of the building. Failure of the city council to act within sixty (60) days of the filing of the appeal shall be deemed a determination by the city council concurring with the action of the building official. Such deemed determination shall be effective on the sixty-first (61st) day after the date of the building official's determination to reject, conditionally approve, or otherwise act on the application.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.323 Sign Application Permit--Information Required

An application for a sign permit shall contain the following information:

- (1) Name, address, telephone number of the applicant and date of application;
- (2) Name, address, telephone number of the business and name and telephone number of the owner/manager;
- (3) Numerical location of building structure upon its lot; block and plat designation; and street address upon which the sign is to be located;
- (4) The specific paragraph of Division 5 under which the application is being made;
- (5) Position of the sign on the building or on the ground in both site plan view drawn to scale, and elevation views drawn to scale;
- (6) Two (2) sets of scaled drawings of the plans and specifications, including size and color of the sign and its various parts, the style of lettering, the message, lighting, type of material of which it is fabricated and the method of attachment to the building or to the ground and indicating associated landscaping;
- (7) A color sketch or color photograph of the sign and building, as well as any contiguous street or building in order to display how they would appear in relation to one another;
- (8) Name of person or persons constructing or erecting the sign;
- (9) Written consent of the owner of the building, structure, or land to which or on which the sign is to be erected;
- (10) Signature of approval by the building official after review;
- (11) If required by the building official, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressures in any direction in the amount required by this and all other laws of the state or federal government and ordinances of the city; and
- (12) Linear feet of building frontage or lease space frontage.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.324 Representations by Applicant

All representations, whether oral or written, made by the applicant or his agent on behalf of the application for a sign permit under this article become conditions upon which a permit is issued. It shall be unlawful for the permittee to vary from such representations unless the permittee first makes application, as required by the provisions of this article,

to amend the permit and such amendment is approved in writing by the proper authority. (Ordinance 05-02 adopted 1/20/05)

Sec. 9.325 Permit Fees

At the time the city staff accepts the sign application, the applicant shall pay the required fee per the city's fee ordinance. An application may include all the signs for a single lot or tract. (Ordinance 05-02 adopted 1/20/05)

Sec. 9.326 Review Prior to Approval

The building official shall review the appearance, lighting, form, color, character, dimensions and materials of all signs required under this article to obtain approval. The building official shall determine that all signs requiring approval under this article are in conformance with the sign ordinance and in harmony with the character of the city and its extraterritorial jurisdiction. (Ordinance 05-02 adopted 1/20/05)

Secs. 9.327–9.340 Reserved

Division 3. Registration of Existing Signs Within the City's Extraterritorial Jurisdiction

Sec. 9.341 Required

Not later than ninety (90) days after the effective date of this Ordinance 05-02, adopted January 20, 2005, each owner of a sign located within the extraterritorial jurisdiction of the city shall register the sign with the building official; provided, however, that those signs for which no permit would be required under the provisions of this article are excepted from the registration requirements set forth in this division. All signs previously registered under prior sign ordinances of the city are not required to be reregistered. The registration shall be on a form provided by the staff. The registration is valid for a period of five years from the date of registration and may be renewed by the city for an additional period not to exceed five years upon the filing of an application with the city administrator in conformity with the provisions of this division. (Ordinance 05-02 adopted 1/20/05)

Sec. 9.342 Information Required

The owner of a sign required to be registered pursuant to this division shall provide the following information on the registration form:

- (1) Name, address and telephone number of owner;
- (2) Location and street address of building or structure upon which the sign is located or other information necessary to positively identify the location of the sign;

(3) Specification of the overall height and length of the sign, the material of which the sign is constructed, the position of the sign on the building or on the ground, lighting and pole support, if any;

(4) Color photograph or sketch graphically depicting the sign and the location at which or building on which it is displayed;

(5) Date on which the sign was erected and cost of construction of sign.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.343 Sworn Statement

Each registration shall include the owner's statement under oath that the facts set forth and the information contained therein is true and correct. (Ordinance 05-02 adopted 1/20/05)

Sec. 9.344 Number

Upon completion of the registration, a registration number will be assigned to the registered sign, which number shall be displayed on the sign structure, within thirty (30) days after issuance thereof, in the form and manner prescribed by the city. (Ordinance 05-02 adopted 1/20/05)

Sec. 9.345 Expanded Extraterritorial Jurisdiction

In the event additional territory is hereafter included within the extraterritorial jurisdiction of the city, all signs subject to the registration provisions of this division shall be duly registered within ninety (90) days of the date on which such additional territory comes within the city's extraterritorial jurisdiction. (Ordinance 05-02 adopted 1/20/05)

Secs. 9.346--9.350 Reserved

Division 4. Design Review Guidelines

Sec. 9.351 Not Dominating

The sign should not visually dominate the structure to which it belongs or call undue attention to itself. (Ordinance 05-02 adopted 1/20/05)

Sec. 9.352 Architectural Harmony

The sign and its supporting structure should be in architectural harmony with the primary structure. (Ordinance 05-02 adopted 1/20/05)

Sec. 9.353 Landscaping

Landscaping, where required, should be designed to harmonize with the building and surrounding natural landforms and native plants. (Ordinance 05-02 adopted 1/20/05)

Sec. 9.354 Reflective Surfaces

Reflective surfaces are not allowed. (Ordinance 05-02 adopted 1/20/05)

Sec. 9.355 Lighting

Lighting should be of no greater wattage than is necessary to make the sign readable at night. Sign illumination may not utilize any exposed light source such as exposed neon or fluorescent tubing nor bare incandescent bulbs. All flood lights shall be shielded. No sign shall be illuminated, in whole or in part, where the illumination is intermittent or varies in color or intensity from time to time, nor shall any sign be so illuminated that it interferes with traffic or with the effectiveness of, or obscures an official traffic sign, device or signal. The use of search lights is prohibited. Lighting must comply with zoning and subdivision ordinance. (Ordinance 05-02 adopted 1/20/05)

Sec. 9.356 Moving Parts

No sign shall contain any moving parts. (Ordinance 05-02 adopted 1/20/05)

Secs. 9.357–9.360 Reserved

Division 5. Sign Categories

Sec. 9.361 Designation of Types of Signs

(a) This division concerns some of the types of permanent and temporary signs requiring a sign application permit under the provisions of this article. This division further includes the purpose of each sign type, size, height, number, location, design and landscaping requirements, and special provisions for each type of sign. The criteria set forth in this division shall be in addition to all other criteria as applicable and provided in this article.

(b) The following is a listing of sign categories permitted under the provisions of this article with their section reference number:

Sec. 9.362 Residential Nameplate Signs

- (a) Purpose. To identify a house, showing the family name and/or the home name and the address;
- (b) Size. Shall not exceed two square feet per single-family structure or one-half square foot for each multifamily unit;
- (c) Height. No part of the sign shall extend above six (6) feet from average grade;
- (d) Number. Limited to one sign for each dwelling unit;
- (e) Location. On-premises within the property lines, unless affixed to the properly located mailbox or mailbox structure;
- (f) Design. In accordance with the criteria in Division 4 of this article;
- (g) Lighting. Indirect;
- (h) Special provisions shall be as follows:
 - (1) Joint directory nameplate signs must be kept current; and
 - (2) Individual nameplates of a joint directory must be of a standard design and size.
- (i) If the proposed residential nameplate sign conforms to all the requirements of this section, no permit and no fee shall be required.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.363 Traffic-Control Signs Upon Private Property

Traffic-control signs upon private property shall be regulated as follows:

- (1) Purpose. To relieve vehicular and pedestrian traffic congestion and promote the safe and expedient flow and parking of traffic on private property;
- (2) Size. Vehicular traffic-control signs shall not exceed two square feet;
- (3) Height. As a general rule, no part of the sign shall extend above eight (8) feet from average grade;
- (4) Number. Subject to approval by the building official;
- (5) Location. Shall be determined by the building official;
- (6) Design. Subject to approval by the building official;

- (7) Lighting. Subject to the approval of the building official;
- (8) Landscaping. At the discretion of the building official;
- (9) Special provisions shall be as follows:
 - (A) May be either free-standing or wall mounted, with same size requirements;
 - (B) All traffic-control signs shall be of uniform design. No individual sign shall be approved unless it conforms to an overall sign program for the entire site, submitted by the applicant;
 - (C) No sign shall contain any advertising, but may identify the owner by name.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.364 Monument Commercial Signs–Multitenant Shopping Center(s) and Office Complexes

Monument commercial signs for a multitenant shopping centers and office complexes shall be regulated as follows:

- (1) Purpose. To identify the multitenant shopping center and office complexes and the individual tenants therein.
- (2) Size.
 - (A) Horizontal. No greater than twelve (12) feet in horizontal dimension;
 - (B) Vertical. No part of the sign shall extend above eight (8) feet from the average grade;
 - (C) Area. Identification of a multitenant shopping center or office complex shall be limited to forty-eight (48) square feet of maximum structure area. Each tenant of the complex shall be permitted one individual sign of not more than six (6) square feet of sign surface area with a total area for tenants' signs of forty-eight (48) square feet. Developer is to allocate space within forty-eight (48) sq. ft. total when more than eight (8) tenants have signs;
 - (D) Number. If a building has two or more public entrances on distinct, separate public streets, one additional monument sign with a maximum structure area of thirty-six (36) square feet is allowed;
 - (E) Materials. Signs must be constructed as follows:
 - (i) Materials shall be stone, concrete, stucco, brick, lexan, metal;

- (ii) Signs greater than sixteen (16) square feet shall have a concrete foundation;
- (iii) Masonry requirements shall be 20% and shall be in architectural harmony with the building.
- (3) Location. On premises of the center or complex and adjacent to major traffic way which the building abuts.
- (4) Design. The sign shall contain only the name of the multitenant shopping center or office complex along with its street address. Each individual tenant sign shall be of uniform shape, design, and color and shall contain only the tenant's name, logo, and nature of their activity.
- (5) Lighting. Must comply with lighting ordinance.
- (6) Landscaping. Must comply with landscaping ordinance.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.365 Freestanding Real Estate Signs

- (a) Purpose. To identify real estate for sale or lease.
- (b) Size. The sign shall not be larger than six (6) square feet (including all riders) for residential and thirty-two (32) square feet for commercial in total surface area.
- (c) Height. No part of the sign shall extend above four feet for residential and ten (10) feet for commercial/acreage above average grade.
- (d) Number. One sign per lot or tract. If the tract fronts on two major roadways, then two signs are allowed.
- (e) Location. On premises within the lot lines as approved by the building official.
- (f) Lighting. Must comply with lighting ordinance.
- (g) Duration. Signs shall be removed within forty-eight (48) hours after the property has been sold or leased.
- (h) Brochure Container. One waterproof brochure container not more than 9 x 11 x 3 with a hinged cover is allowed on each residential for sale or lease sign.
- (i) Open House Sign. Open house signs are allowed within subdivisions for thirty (30) minutes before and thirty (30) minutes after the time the house is open to the public. The signs shall not be larger than four square feet and can only be located on the property being marketed.

(j) Directional Signs. Two directional signs can be located within the subdivision for thirty (30) minutes prior and thirty (30) minutes after the house is open to the public.

(k) No permit is required if the sign(s) meet the criteria in this section.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.366 Wall and External Commercial Entrance Signs--Single Business Use

Building mounted single business signs shall be regulated as follows:

- (1) Purpose. To identify a business or organization being the sole business occupant of a lot or tract.
- (2) Size. A maximum size of thirty (30) inches on letters and a maximum of seventy-five percent (75%) of the front of the store.
- (3) Height. Subject to approval of building official, but not on pitched roofs or above the wall on flat roof structures.
- (4) Number. One sign per business.
- (5) Location. On premises or attached to the building and within the setback lines adjacent to the vehicular street which the building abuts.
- (6) Design. The sign shall contain only the name of the business, its address, and the nature of the activity.
- (7) Lighting. Must comply with lighting ordinance.
- (8) Landscaping. Not applicable.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.367 Monument Commercial Signs--Single Business Use

Monument commercial signs, single business use, shall be regulated as follows:

- (1) Purpose. To identify a business or organization being the sole business occupant of a lot or tract.
- (2) Size.
 - (A) For those properties along thirty (30) mph streets or roads or businesses with less than 2,000 square feet: a maximum structure area of thirty-two (32) square feet, with a horizontal dimension of no greater than eight (8) feet.

(B) For those properties which abut a thoroughfare with a speed limit in excess of thirty (30) mph, and which occupy more than two thousand (2,000) sq. feet of building space, a maximum structure area of forty-eight (48) sq. feet, with a horizontal dimension of no greater than twelve (12) feet.

(3) Height. No part of the sign shall extend above eight (8) feet above the average grade.

(4) Number. One sign on the major traffic street or way which the building abuts, subject to the approval of the building official. If a building has two or more public entrances on distinct, separate public streets, proposals for one additional free-standing sign with a maximum of six (6) square feet may be approved by the discretion of the building official.

(5) Location. On premises of the building and within the setback lines adjacent to the vehicular street which the building abuts.

(6) Design. The sign shall only contain the name of the business and its address and the nature of the activity.

(7) Lighting. Must comply with lighting ordinance.

(8) Landscaping. Must comply with landscaping ordinance.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.368 Wall Commercial Signs—Individual Business Within a Multitenant Shopping Center or Office Complex

Wall commercial signs, individual business within a multitenant shopping center or office complex for tenants who have their own separate exterior entrances shall be regulated as follows:

(1) Purpose. To identify a business or organization which has its own separate exterior public entrance within a multitenant building.

(2) Size. A maximum size of thirty (30) inches on letters and a maximum of seventy-five percent (75%) of the front of the store.

(3) Height. Minimum clearance of eight (8) feet to bottom of sign above pedestrian walkways.

(4) Number. One sign per pedestrian way on which the building abuts with a maximum of two signs of equal size, subject to review by the building official.

(5) Location. The exterior wall of the individual business or organization, adjacent to the street, parking lot or major pedestrian walkway which the building abuts.

(6) Design. Subject to the approval of the building official, however, no additional fee shall be required for new signs in a multitenant shopping center or office complex where the building official has approved a uniform design for every sign in the entire complex and the sign applicant certifies that the proposed new sign meets with the uniform design approved by the city.

(7) Lighting. Must comply with lighting ordinance.

(8) Special provisions shall be as follows:

(A) A joint directory sign is permitted subject to the provisions of this article;

(B) A business or organization having a wall sign is not excluded from participating in a joint directory;

(C) Businesses or organizations not having exterior public entrances are subject to the provisions of the joint directory signs for multitenant building of this article, Section 9.369;

(D) An individual business with a basement entrance with no calculable frontage may have a one sign with a maximum area of six square feet;

(E) In addition to all other signs permitted by this article, each business with an external public entrance may display one sign either on, inside, or near each such entrance to identify the name of the business and the nature of its activity. Such signs will not exceed six square feet of sign area and should include emergency phone numbers and hours of operation.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.369 Exterior Joint Directory Commercial Signs—Multitenant Shopping Center or Office Complex

Joint directory commercial signs for a multitenant shopping center or office complex shall be regulated as follows:

(1) Purpose. To list all tenants within a multitenant building and to guide the pedestrian to the individual tenant within the building;

(2) Size. Two square feet maximum per tenant within the multitenant building with an overall maximum of thirty (30) square feet of surface area;

- (3) Height. A maximum clearance of thirty (30) inches to the bottom of sign above the average grade. No part of the sign shall extend above twelve (12) feet from average grade;
- (4) Number. One sign per tenant on the major pedestrian way which the building abuts, subject to the approval of the commission. If a building has two or more major public entrances on distinct, separate pedestrian ways, proposals for additional joint-business directories may be approved at the discretion of the commission; the proposal shall conform to the other provisions of this section;
- (5) Location. Attached to the building at the major pedestrian entrance or if freestanding at a site within the parking area (interior site) where the sign is not visible from a public street;
- (6) Design. Subject to the approval of the commission;
- (7) Lighting. Must comply with the lighting ordinance;
- (8) Landscaping. Shall be as follows:
 - (A) A landscaped area of one square foot for each square foot of each side of the sign and supporting structure shall be required at the base of the sign, with a minimum area to be landscaped of thirty (30) square feet,
 - (B) All landscaped areas shall be maintained in a neat, clean and healthy condition,
 - (C) A plan showing the landscaping must be presented by the applicant at the time of application.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.370 Political Signs

Political signs shall be regulated as follows:

- (1) Purpose. Signs with the intended use of denoting a political campaign headquarters, party affiliation, or advertising of a political figure or cause;
- (2) Size. The size of the on-premises sign shall be limited to a maximum of six (6) square feet;
- (3) Height. No part of the sign shall extend above eight (8) feet above average grade;
- (4) Number. Two signs per lot or tract of land per political figure or cause;
- (5) Location. An on-premises sign must be located within the lot lines of a lot. No off-premises sign shall be posted or otherwise affixed to or upon any sidewalk,

crosswalk, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph wire pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police system or upon any lighting system, public bridge, drinking fountain, or life saving equipment, street sign or traffic sign or any other structure or land within the rights-of-way of public streets or highways within the city or the city's extra-territorial jurisdiction;

- (6) Lighting. No lighting is allowed;
- (7) Special provisions. The sign shall be taken down seventy-two (72) hours after the election, cause or event for which it was erected has terminated;
- (8) No permit and no fee shall be required.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.371 Permanent Public Information Signs

Public information signs shall be regulated as follows:

- (1) Purpose. Permanent signs with the intended use of identifying community and civic facilities and events and no-trespassing areas.
- (2) Size. The size of public information signs shall be a maximum of twelve (12) square feet.
- (3) Height. Subject to the approval of the building official.
- (4) Number. Subject to the approval of the building official.
- (5) Location. Subject to the approval of the building official.
- (6) Design. Subject to the approval of the building official.
- (7) Lighting. Must comply with the lighting ordinance.
- (8) No permit fee shall be required.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.372 Temporary Public Information Signs

- (a) Purpose. Temporary signs with the intended use of identifying occasional or special community, educational, charitable and civic events, facilities, activities or social events, and of identifying newly opened businesses;
- (b) Type. "Signs" allowed under this section may include balloons, flags, or banners;

- (c) Size. Suggested size of twenty-four (24) square;
- (d) Height. Not applicable;
- (e) Duration. Not to exceed forty-five(45) days;
- (f) Design. Not applicable;
- (g) Lighting. Must comply with lighting ordinance;
- (h) Permit fee is waived.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.373 Temporary Single-Family Residence Construction Signs

Temporary residence construction signs shall be regulated as follows:

- (1) Purpose. Signs with the intended use of identifying or indicating construction projects;
- (2) Size. The size of the temporary single-family construction sign shall be a maximum of four square feet;
- (3) Height. No part of the sign shall extend above four feet above average grade;
- (4) Number. One sign per lot or tract of land;
- (5) Location. On-premises, street side only;
- (6) Duration. For signs within the corporate limits of the city, not to be erected before a building permit is issued by the city and to be removed when the certificate of occupancy is issued by the city or within seventy-two (72) hours of occupancy; for signs within the extraterritorial jurisdiction, not to be erected before a development permit is issued by the county engineer and to be removed upon the completion of construction;
- (7) Design. The information permitted on temporary residence construction signs is limited to the residence address, general contractor, architect or designer and their logos and telephone numbers;
- (8) No permit shall be required if the sign meets the criteria in the section.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.374 Temporary Project Development Signs--Commercial or Multifamily Tract Development

Project development signs shall be regulated as follows:

- (1) Purpose. Signs with the intended use of identifying construction projects and/or providing a point of contact for lease or purchase information;
- (2) Size and Location. Signs located on-premises behind the front building setback line shall have a maximum of thirty-two (32) square feet of surface area;
- (3) Height. No part of the sign shall extend above ten (10) feet above average grade;
- (4) Number. One sign per development tract;
- (5) Duration. Not to be erected before a building or development permit is issued by the city or the county engineer and to be removed when the project has been sold or leased out or a period of one year, which ever occurs first, unless the sign permit is extended upon the basis of an application for extension filed with and approved by the building official;
- (6) Lighting. Must comply with lighting ordinance;
- (7) Special provisions. The information permitted on a project development sign is limited to the project name and address, general contractor, architect or designer and their logos, financing, contact agent, second telephone number.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.375 Permanent Multifamily and Subdivision Identification Signs

Permanent multifamily and subdivision identification signs will be regulated as follows:

- (1) Purpose. Signs with the intended use of permanently identifying multifamily and subdivision tracts;
- (2) Size.
 - (A) For those properties along thirty (30) mph streets or roads: a maximum structure area of thirty-two (32) square feet, with a horizontal dimension of no greater than eight (8) feet.
 - (B) For those properties which abut a thoroughfare with a speed limit in excess of thirty (30) mph, a maximum structure area of forth-eight (48) sq. feet, with a horizontal dimension of no greater than twelve (12) feet.

- (3) Height. No part of the sign shall extend above eight (8) feet above the average grade;
- (4) Number. One sign on the major traffic street or way which the project abuts, subject to approval of the building official. If a project has two or more public entrances on distinct, separate public streets, proposals for additional signs may be approved at the discretion of the building official;
- (5) Location. On premises of the project adjacent to the major traffic way which the development abuts;
- (6) Design. The sign shall contain only the name of the project or subdivision, and its address, if appropriate;
- (7) Lighting. Must comply with lighting ordinance;
- (8) Landscaping. Must comply with landscaping ordinance.

(Ordinance 05-02 adopted 1/20/05)

Secs. 9.376–9.380 Reserved

Division 6. Nonconforming Signs

Sec. 9.381 Defined

Any sign which would be unlawful or nonconforming hereunder, but for the fact that such sign was lawfully in existence on the date of the passage of this article or was previously registered under prior sign ordinances of the city. (Ordinance 05-02 adopted 1/20/05)

Sec. 9.382 Compensable Costs

The city council may, in accordance with the procedures set forth hereinafter, order that any nonconforming sign be removed; provided, however, that the owner of the sign or of the property on which same is located be paid compensable costs pursuant to and in conformity with Tex. Loc. Gov't. Code Ann. Section 216.001 et seq. (Vernon 1994). (Ordinance 05-02 adopted 1/20/05)

Sec. 9.383 Sign Control Board

(a) The mayor may appoint a sign control board before administering the provisions of Tex. Loc. Gov't. Code Ann. Sections 216.005, 216.008 and 216.009 (Vernon 1994), relating to the removal of nonconforming signs within the corporate limits and the extraterritorial jurisdiction of the city. Said board may be composed of persons as the mayor deems qualified to evaluate the valuation of signs, such as real estate appraisers/persons with sign business experience:

- (1) Two persons who are real estate appraisers registered with the Society of Real Estate Appraisers or the American Institute of Real Estate Appraisers;
 - (2) One person who is engaged in the sign business, preferably in the city;
 - (3) One person who is an employee of the state department of transportation familiar with real estate evaluations in eminent domain proceedings;
 - (4) One person who is an architect or a landscape architect licensed by the state.
- (b) Board members are appointed for a term of two years.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.384 Identification and Notice With Respect to Nonconforming Signs That are Required to be Removed

- (a) With respect to those nonconforming signs that the city determines shall be required to be removed, the board shall make a diligent effort to provide written notice to the owner of each such sign, and to the owner of the real property on which the sign is located in the case of off-premise signs, by certified mail, return receipt requested, which notice must:
- (1) Advise that the sign is a nonconforming sign;
 - (2) Describe the sign by general type and location;
 - (3) Describe the action required with respect to the removal of said sign, and the applicable procedures to be followed to accomplish same pursuant to this article and to Tex. Loc. Gov't. Code Ann. Sections 216.001 et seq. (Vernon 1994), as amended from time to time;
 - (4) Set a hearing before the board for the purpose of determining the amount of compensable costs to be paid by the city to the owner of the sign and, if applicable, the owner of the property on which same is located.
- (b) The board will comply with the provisions of Tex. Loc. Gov't. Code Ann. Section 54.005, as amended from time to time, in providing notice to the owner of the real property on which the sign is located.
- (c) If any party entitled to notice cannot be located, the board shall publish notice in a newspaper of general circulation within the city containing the information set forth in subsection (a) hereinabove.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.385 Removal of Sign; Compensation

(a) The owner of a sign and the owner of the real property on which the sign is located that is required to be removed are entitled to be compensated by the municipality for costs associated with its removal as provided in this section. The board shall determine under this section the amount of the compensation to be paid after a hearing at which the owners of the subject sign and the subject real property, as applicable, are provided an opportunity to present evidence relevant to the issues involved.

(b) For an off-premise sign that is required to be removed, the compensable cost is an amount computed by determining the average annual gross revenue received by the owner from the sign during the two years immediately preceding the month in which the board's removal notice is received and by multiplying that amount by three. If the sign has not been in existence for all of the two year period, the average annual gross revenue for that period, for the purpose of this computation, is an amount computed by dividing twelve (12) by the number of months the sign has been in existence, and multiplying that result by the total amount of the gross revenue received for the period that the sign has been existence. In determining the amounts under this subsection, a sign is treated as if it were in existence for the entire month if it was in existence for more that fifteen (15) days of the month and is treated as if it were not in existence for any part of the month if it was in existence for fifteen (15) or fewer days of the month.

(c) For an on-premise sign that is required to be removed, the compensable cost is an amount computed by determining a reasonable balance between the original cost of the sign, less depreciation, and the current replacement cost of the sign, less an adjustment for the age and condition of the sign.

(d) If an off-premise sign is required to be removed and the sign owner's compensable cost for the sign is to be determined under subsection (b) of this section, the owner of the real property on which the sign was located is entitled to be compensated for any decrease in the value of the real property. The compensable cost is to be determined by the board according to standards applicable in a proceeding under Chapter 21 of the Tex. Prop. Code as amended from time to time.

(e) For each nonconforming sign, the board shall file with the appropriate property tax appraisal office the board's compensable costs value appraisal of the sign. The appraisal office shall consider the board's appraisal when the office, for property tax purposes, determines the appraised value of the real property to which the sign is attached.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.386 Method of Compensation

In order to pay the compensable costs required under the above subsection, the city may use any one or any combination of the following methods.

(1) The city council may allocate all or any part of the municipal property taxes paid on signs, on the real property upon which the signs are located, or on other real or personal property owned by the owner of the sign to a special fund in the city treasury, to be known as the sign abatement and community beautification fund, and make payments from that fund to reimburse compensable costs to owners of signs required to be removed.

(2) The city council may provide for the issuance of sign abatement revenue bonds and use the proceeds to make payments to reimburse costs to the owners of signs required to be removed. The proceeds from such bonds may be used only for the removal of signs within the corporate limits of the city.

(3) The city council may pay compensable costs in cash.

(4) In any proceeding in which the reasonableness of compensation is at issue and the compensation is to be provided over a period longer than one year, the board shall consider whether the duration of the period is reasonable under the circumstances.

(5) In lieu of paying compensation, the city council may exempt from required removal those signs lawfully in place on the effective date of the requirement.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.387 Exceptions

The requirements of Sections 9.384, 9.385, and 9.386 hereinabove do not apply to the following nonconforming signs, and no compensation shall be owing to the owners of such signs, and such signs shall be removed immediately upon the occurrence of the event specified:

(1) Any sign that was erected in violation of local ordinances, laws or regulations applicable at the time of its erection;

(2) A sign that, having been permitted to remain in place as a nonconforming use, is required to be removed because 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 matter on the sign; for the purpose of this subsection, a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than sixty percent (60%) of the cost of erecting a new sign of the type at the same location;

(3) A nonconforming sign that, for a continuous period of at least ninety (90) days:

(A) Does not identify or advertise a bona fide business, lessor, service, owner, product, or activity;

(B) Advertises or identifies a business that has been closed or has ceased operations for said period;

(C) Advertises or identifies goods, products, services or facilities that are no longer available to the public or directs persons to a location where such goods, products, services or facilities are no longer available; or

(D) Pertains to a time, event or purpose which no longer applies;

(4) A nonconforming sign for which no legal owner can be found after reasonable efforts have been made to identify and locate said owner;

(5) A nonconforming sign that has become obsolete or substandard under any applicable ordinance of the municipality to the extent that the sign becomes a hazard or danger; or

(6) A nonconforming sign that is relocated by the owner thereof.

(Ordinance 05-02 adopted 1/20/05)

Secs. 9.388–9.390 Reserved

Division 7. Sign Maintenance, Repair and Removal

Sec. 9.391 Violation–Notice

Before enforcement efforts are undertaken by the city or before prosecution for a violation of this article, the building official may determine that a sign is erected or maintained in violation of the provisions of this article. In that event, the building official will give written notice of the violation either by personal delivery or by certified mail, return receipt requested, to the owner or person entitled to possession of the sign and the owner of the property on which the sign is located, which notice shall:

(1) State the nature of the violation;

(2) Direct that the sign be altered or removed, or that the violation otherwise be corrected, to comply with the provisions of this article, within ten (10) days of receipt of the notice.

(Ordinance 05-02 adopted 1/20/05)

Sec. 9.392 Maintenance Required–Enforcement

All signs within the city and its area of extraterritorial jurisdiction shall be properly maintained in good repair and appearance at all times and shall conform to all specifications, conditions, and terms included in a permit issued by the city for the affected sign. The building official, or its representative, shall have the authority to order

the painting, repair, or removal of a sign and accompanying landscaping which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. The city shall be entitled to seek injunctive relief to obtain the removal of any sign that constitutes a threat to the health or safety of the city. (Ordinance 05-02 adopted 1/20/05)