

Ordinance No. 2012-09-18

This Ordinance amends Ordinance No. 2010-08-17 and is a replacement for it. In Order to provide for the uniform and fair regulation of outdoor signs within the City of Payne Springs, Texas, this ordinance will establish the requirements for erection and maintenance of all outdoor advertising signs, displays or billboards within the City and will set regulations for permits and penalties for noncompliance.

Section 1. Sign specifications:

- a. No on-premises outdoor advertising display sign or billboard shall be permitted in any residential area within the City of Payne Springs, except those described in the subsection below.
- b. Approved on-premises advertising displays, signs or billboards may be constructed, erected and maintained only in business areas in the City of Payne Springs.
- c. Political signs shall be permitted in all areas, provided that no such sign is erected on any public right-of-way, no such sign may be larger than four feet by four feet, no such sign shall be erected more than 60 days prior to any election and shall be removed no later than 72 hours after the election. If such signs are not removed within the stated time period, the city shall remove such signs and assess each candidate reflected on each sign removed \$5.00 per sign.
- d. No sign that requires a permit shall be erected, altered or relocated without first securing a permit from the City. Any denial of permit may be Objected to in writing and submitted to the City Council. All decisions of the City Council shall be final except as provided by state law.
- e. A sign in direct line of vision of any traffic control sign or other such device from any point in a moving traffic lane within 50 feet of intersections and driveways, and approaching such traffic control, shall not be permitted.
- f. Notwithstanding any provisions of this section, no sign shall be erected which constitutes an obstruction to view of operators of motor vehicles on public streets or entering such streets from private property. In the event of any question regarding sign obstructions, the Police Chief. Under the authority of the Mayor and City Council, shall determine whether or not an obstruction exists. Any disagreement with the Police Chief's determination may be Objected to in writing and submitted to the City Council. All decisions of the City Council shall be final except as provided by state law.

Section 2. Permitted and Prohibited Signs:

- a. Permitted signs. The following signs, when complying with the structural and safety requirements herein may be permitted anywhere within the City of Payne Springs where such signs are approved, as provided, herein and shall not require a permit.
 1. Development-Construction signs; identifying the architect, engineer, contractor, owner and other individuals involved, but not including any advertisement of any product. Said signs must be removed within fourteen days following the completion of construction of the project.
 2. Public signs of a noncommercial nature and in the public interest, erected by or on the order of a public officer in the performance of their public duty, such as safety, danger, trespassing,

traffic memorial, historical interest and the like are hereby exempt from all of the provisions of the ordinance except for structural and safety regulations.

3. Real Estate sign; a sign which advertises a parcel of land or a structure for rent, lease or sale, provided that signs identifying model homes shall have no more than one sign per model home.
- b. Prohibited Signs. Signs which are strictly prohibited are those which:
 1. Contain or are an imitation of an official traffic sign or signal or contain the words "stop", "go", "go slow", "danger", "caution", "warning", or similar words.
 2. Are of a size, shape, location, content, movement, coloring or manner of illumination which maybe confused or construed as a traffic control device or which hides from view any traffic or street sign or signal.
 3. Are not permanently or adequately attached to a building or approved sign pole or structure.
 4. No revolving beam or beacon of light resembling any emergency vehicle light shall be permitted in the City of Payne Springs.
 5. Any portable sign that is not permanently or adequately attached to a building or approved sign pole or structure, or which does not have a special use permit issued by the City of Payne Springs.

Section 3. Illuminated Signs:

- a. Illuminated signs shall be constructed and located so as to protect the general welfare of all citizens and the safety of the motoring public.
- b. The light from any illuminated sign shall be so shaded, directed, or shielded so that the light intensity will not be objectionable or hazardous to the adjacent or surrounding areas.
- c. No sign shall have blinking or flashing lights. Beacon or revolving lights shall not be permitted.
- d. No colored lights that may be confused with or construed as traffic control devices shall be permitted.
- e. Neither the reflected light nor direction from primary light sources shall create a traffic hazard to operators of motor vehicles on public streets.

Section 4. Off- Premise Advertising Signs:

- a. Off- Premise advertising signs shall not be constructed or erected within public utility easements.
- b. Off-Premises Pole Signs shall have a minimum spacing or lineal distance between Billboard signs and other pole signs of 660 feet per side, parallel to a road right-of-way.
- c. Off-Premises Billboard signs, where permitted, shall have a minimum spacing or lineal distance between other billboard signs of 1320 feet parallel to a road right-of-way.

Section 5. Nonconforming Signs.:

- a. All signs existing at the time of the enactment of this ordinance that are not conforming to the provisions herein shall be regarded as nonconforming signs. Such signs may be continued in use when properly and safely maintained.
- b. Signs erected after the time of the enactment of this ordinance shall be removed, unless a sign permit in conformance with this ordinance is issued. Said signs shall be removed by the owner within 30 days after written notice from the City of Payne Springs. If such order is not complied with, the City shall cause such sign or billboard to be removed at the expense of the owner of the sign.
- c. Nonconforming signs that are structurally or visually altered, relocated or replaced shall comply immediately with all the provisions of this ordinance.

Section 6. Administration:

The City of Payne Springs may order the removal of any sign erected or maintained in violation of this ordinance. The City shall give 30 days notice in writing to the owner of such sign or of the building, structure or premises on which such

sign is located, to remove the sign or bring it into compliance. The City may remove a sign at cost to the owner, immediately and without notice, if the sign presents an immediate threat or danger to the safety of the public.

Section 7. Penalties:

Any person, firm or corporation violating any provision or failing to observe any provision of this ordinance may be fined up to \$500.00. Each day of violation of this ordinance shall constitute a separate offense.

If any provision, exception, subsection, section, paragraph, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and; to this end, all provisions of this ordinance are declared to be severable.

ORDINANCE NO. 2012-09-18

Passed and Approved this 18th Day of September, 2012.

Rodney Renberg – Mayor

Attest:

Karen Juica – City Secretary