

Sign Ordinance 2013-03-19

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.

Whereas, the City of Payne Springs, Texas, (City) is a type A General Law Municipality under the laws of the State of Texas, and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAYNE SPRINGS, TEXAS

SIGNS, ADVERTISING, MERCHANDISE SALE AND DISPLAY

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1. - Purpose and intent.

(a) The purpose of this Ordinance is to provide standards and regulations to help safeguard and preserve health, safety, property values and the welfare of the general public by regulating the erection, placement, use and maintenance of signage and advertising within the city.

(b) It is hereby declared to be the purpose and intent of this Ordinance to regulate and control signs and other advertising means as set forth in this Ordinance, that may if not controlled may adversely affect the health, safety, property values, quality of life and welfare of the general public. It is not intended that this Ordinance be interpreted or enforced to require the city to intervene in matters which are primarily personal or private in nature and which may appropriately be resolved between or among private interests without material danger to the public health, safety or welfare.

2. - Scope.

This Ordinance shall apply to all signage or other advertising means that are or may be erected, altered, maintained, improved on land, property, buildings or structures within all zoning districts in the city, including all vacant, occupied, residential, nonresidential, improved or unimproved land, properties, buildings or structures.

(a) In a PO, planned development district, the sign standards may be specified in the amending ordinance. Where specific sign standards are adopted in the PO ordinance (except for maintenance of signs and abandoned signs) those standards shall take precedent. Where specific sign standards are not addressed in the PO ordinance this Code shall apply.

(b) Nothing herein shall be deemed to permit signs that are expressly prohibited for sexually oriented businesses or establishments regulated by the city's alcohol regulations.

3. - Stricter standards or regulations.

If any other ordinance of the city conflicts with this Ordinance and the standards and regulations established in this Ordinance, the higher, stricter or specific standard or regulation shall prevail.

4. - Definitions.

The following words, terms and phrases when used in this Ordinance shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign. A sign structure that has ceased to be used and/or contains obsolete sign copy for a period greater than six months; or a sign structure that the owner no longer intends to display sign copy.

Apartment name sign. An accessory sign for the identification of an apartment building or complex of apartment buildings.

Awning sign. A sign that is part of, or attached to, an awning, canopy, or other fabric, plastic, or structural projection or cover over a door, window, storefront, or outdoor service area.

Building elevation. The entire side of a building, from the ground level to the roofline, as viewed perpendicular to the walls on that side of the building. For each commercial occupancy in shopping centers, planned industrial parks or other nonresidential multiple tenant occupancies (other than office buildings), the building elevation shall be calculated as that portion of the building wall that is adjacent to a street or on-site parking area leased by the individual commercial tenant.

Building line. A line established by zoning provision of the Payne Springs Zoning Ordinance, beyond which no part of a principal building or structure may be erected.

Building official. The officer or other persons within the city charged with administration and enforcement of the sign ordinance.

Changeable message sign. An accessory on-premises sign that has changeable text by means of removal and replacement of individual letters or words or by electronic means with letters, words or graphics created by energizing luminaries or other devices. Electronic changeable message sign shall include but is not limited to light emitting diodes, incandescent luminaries and liquid quartz displays.

Commercial speech. Any speech or expression that relates solely to economic or business interest of the speaker or its audience.

Construction sign. A temporary accessory sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premises on which the sign is located.

Development sign. A temporary accessory sign related to the promotion of new developments and located on the premises involved in the development.

Erect. To build, construct, attach, hang, place, suspend, or affix and shall also include the painting of signs on any exterior surface.

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Fascia or surface. Shall mean the surface of a sign upon, against, or through which the message is displayed or illustrated on the sign.

Freestanding sign. A permanent sign, which is attached to, or a part of, a completely self-supporting structure and where the supporting structure is set in or below the ground surface and is not attached to any building or any other structure.

Garage sale. A sale conducted by a dwelling occupant on the property of the occupant of personal items accumulated by the occupant; such as used clothing, furniture, lawn care equipment and other item normally found in a dwelling.

Garage sale sign. A temporary non-illuminated sign advertising a sale of personal property similar to a garage sale, estate sale, yard sale, that states or indicates the address, location or direction of the sale.

Illuminated sign. A sign lighted by or exposed to artificial lighting, either by lights on or in the sign or directed toward the sign.

Institutional sign. An accessory sign located on the premises for the identity of a school, church, hospital or similar public or quasi-public institution.

Marquee. A permanent roofed structure attached to and supported by a building.

Marquee sign. A business sign:

- (1) *Attached to, or*
- (2) *Painted on, or*
- (3) *Inscribed on, or*
- (4) *Partly or fully supported by and made an integral part of a marquee.*

Monument sign. A low profile freestanding ground mounted sign that is constructed with base and structural materials that match the materials of the main building.

Noncommercial speech. Any and all speech of expression that is not commercial speech.

Off-premises sign means any sign the content of which does not relate exclusively to the name, location, products, person, accommodations, services or activities of or on the premises on which the sign is located and includes, permits and allows both noncommercial and commercial speech. (For the purposes of this definition "commercial speech" means any speech or expression that relates solely to the economic or business interest of the speaker or its audience and "noncommercial speech" means any and all speech or expression that is not commercial speech.)

On-premises sign. Any sign the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, and persons. Accommodations, services, or activities of or on those premises, and includes, permits and allows both noncommercial as well as commercial speech.

Person shall mean and include any person, firm, partnership, corporation, company or organization of any kind.

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Personal property sale sign. A temporary sign advertising personal property for sale on the premises on which the sign is located.

Political sign. A sign:

- (1) Relating to the election of a person to public office,
- (2) Relating to a political party, or
- (3) Relating to a matter to be voted upon at an election called by a public body.

Portable sign. Any sign not permanently attached to the ground or to a building or structure. This shall include signs painted on or affixed to vehicles or other movable objects and placed or parked so as to draw attention to a product, location, business or service.

Projecting sign. A sign which projects from a building, which has one end, attached to a building or other permanent structure.

Real estate directional sign. A temporary sign directing the public to homes for sale within the city.

Real estate sign. A temporary accessory sign pertaining to the sale or rental of property and advertising property only for use for which it is legally zoned.

Roof sign. A sign, which is erected upon, over, or above a roof or building.

Sign. Any letter, figure, character, mark, plane, point, marquee sign, design, poster, handbill, placard, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated surface which shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, performance, event, article, machine or merchandise, whatsoever, which are displayed in any manner whatsoever.

Sign area. The area of the smallest rectangle that would encompass the graphics that makes up the sign. The area of any double-sided or V shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle or portion thereof.

Sign face. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim or any area that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

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Site. A portion of land and/or building which houses a single activity and the contiguous grounds and parking areas which exclusively service that building, or, any number of activities housed by a single building or multiple buildings which share common egress or ingress from a public street or right-of-way.

Temporary outside sales. The placement of articles for sale by a business on a private sidewalk or in a private lot serving that business, which are representative of merchandise offered normally for sale inside the business, for temporary periods of time

Temporary real estate open sign. A sign not exceeding three square feet in area on which appears only the word "OPEN", the name of the real estate company or homeowner, and a directional arrow.

Wall sign. A sign:

- (1) Attached to,
- (2) Painted on, or
- (3) Erected against a wall or parapet wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall. Neon tubing attached directly to a wall shall be considered a wall sign.

Window signs. Any sign affixed to or on the inside of a building within five feet of a window with its message is intended to draw attention to business, product or service provided at the premises.

5. - Conformance to codes.

Any sign hereafter erected shall conform to all of the provisions of the Code of Ordinances and the Zoning Ordinance of the City of Payne Springs and any other ordinance or regulation of the city.

6. - Sign quality.

All signs shall be manufactured or rendered in a workmanlike manner with materials as required by this Ordinance or as approved by the building official. All text (alpha or numeric characters) shall be rendered to meet a standard recognizable font. All other graphics shall be rendered in a workmanlike manner. Required or permanent signs shall not be painted or rendered to appear to be freehand text or graphics. Temporary window signs may be freehand painted provided they meet with the intent of this Ordinance.

7. - Building address numbers.

- (a) Building address numbers shall be displayed and shall meet the materials and workmanship requirements of this section.

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(i) Placing and maintaining by owner or occupant required; designation of official number; exception.

The owner or occupant of each building in the city shall place and maintain on the building an official building address number in a conspicuous place that can be clearly seen from the street and/or fire lane. The building official shall designate the official number which is to be placed on each building. Structures designated as accessory buildings by the building official shall be exempt from this section.

(ii) Building complexes; individual units; display of numbers.

(1) A building complex with multiple structures must have an official number assigned to each building. The official number must be prominently posted on the building so that it is visible from the public street and/or fire lane.

(2) Each separate unit, lease space, suite, apartment, office or living area within a building must also display a number. The owner or owner's representative or the occupant or occupant's representative of the building complex shall submit a numbering system to the building official or his designated representative for approval. The number shall be posted in a conspicuous place at each outside entrance to the unit, lease space, office, suite, apartment or living area.

(iii) Building number specifications.

An official building address number placed pursuant to this article must be at least three inches high, composed of a material approved by the building official or his designated representative, and of a color which provides a contrast to the color of the material on which it is placed.

(iv) Unit number specifications.

A number identifying a separate unit, lease space, office, suite, apartment or living area and placed pursuant to this article must be constructed of a material approved by the building official or his designated representative, of a color which contrasts with the color of the material on which it is placed, and of a size approved by the building official or his designated representative.

(v) Submission of number systems by owners in compliance with article not required.

The owners or occupants of existing buildings, which contain separate units, lease spaces, offices, suites, apartments or living areas need not submit a numbering system to the building official for approval when it has been determined by the building official or their designated representative that the numbering system in the existing building complies with the requirements of section (ii).

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(vi) Certain building numbers may be exempted from article specifications.

Building address numbers which are placed on a building, in a conspicuous place that can be clearly seen from the Public Street and/or fire lane, on or before the effective date of the ordinance from which this section is derived, may not be required to meet the requirements of section (iii).

(vii) Enforcement of article.

The building official, or his authorized representative, is hereby authorized and directed to administer and enforce all of the provisions of this article.

(b) In residential zoning districts building address numbers painted on the curb shall be white, minimum of three inches in height and centered within a five-inch dark contrasting background.

8. - Maintenance, repair and removal.

Every sign permitted by this Ordinance shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the building official, or if any sign shall be unlawfully installed, erected or maintained in violation of any provision of this Ordinance, the owner thereof or the person or firm using same shall, upon written notice by the building official forthwith in the case of immediate danger, and in any case within not more than ten days, make such sign conform to the provisions of this Ordinance, or shall remove it. If within ten days the order is not complied with, the building official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

9. - Obsolete sign copy.

Any sign copy that no longer advertises or identifies a use conducted on the property on which the sign is erected shall have the sign copy removed within 30 days after written notification from the building official; and upon failure to comply with such notice, the building official is hereby authorized to cause removal of such sign copy, and any expense incident thereto shall be paid by the owner of the building, structure or ground on which the sign is located.

10. - Nonconforming signs.

Any sign legally existing at the time of the passage of this **Ordinance (2013-03-19)** that does not conform in use (other than off-premises signs), location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

- (1) Structural alterations, enlargements or re-erection are not permitted. Sign copy may be changed and maintenance and repair may be performed on the structure.
- (2) Nonconforming signs, which are considered abandoned signs, shall be removed regardless of the owners' intent to make future use of the structure.

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- (3) Any legal nonconforming sign shall be removed if the structure has been allowed to deteriorate to the extent that the cost of repair or maintenance exceeds 50 percent of the original cost of the sign as determined by the building official.

11. - Traffic visibility.

No sign or sign structure shall be erected near any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape, color, degree, manner or intensity of illumination, it may interfere with or obstruct the view of or be confused with any authorized traffic sign signal or device or interfere with vehicular or pedestrian traffic. Pursuant to the foregoing, no sign shall be erected or maintained in such manner as to be likely to interfere with, obstruct the view of, distract from or be confused with any authorized traffic sign, signal, or device. Accordingly, no sign shall make use of the words "stop," "go," "look," "slow," "danger," or any other similar words, phrase, symbol, or character or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to interfere with, mislead or confuse traffic

12. - Illumination.

No sign shall be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance. Moving, beacons, revolving or similarly constructed signs shall not be allowed unless otherwise authorized by this Ordinance. No sign, name plate or similar device located in a residential district or within 100 feet of a residential district boundary shall be of a flashing, intermittent or pulsating type illumination. The elements of illumination on an illuminated signs located in a residential zoning district or located within 100 feet of a residential district shall be installed and maintained on a timing mechanism that shall turn off the illumination from 10:00 p.m. in the evening until 7:00 a.m. the next morning.

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13. - Exempt signs.

The provisions of the article shall not apply to the following signs, provided that such signs shall not violate the general prohibitions or the unsafe and unlawful provisions of this Ordinance:

- (1) Inside signs not defined as window signs.
- (2) Traffic and other signs erected or maintained by a governmental agency.
- (3) Official and posted legal notices authorized by a court, public body or public safety officer.
- (4) Street number signs not exceeding one square foot in area in residential zoning districts and three square feet in area in nonresidential zoning districts.
- (5) Nameplates not exceeding two square feet in area.
- (6) National, state and historical flags, (flagpoles must comply with the requirements of the building code and must be set back a distance from the property line equal to the height of the pole).
- (7) Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
- (8) Any sign erected and maintained by the City of Payne Springs.

14. - Prohibited signs.

(a) It shall be unlawful for any person to place or cause to be placed a sign or device as provided herein:

- (1) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal, or devices, or obstruct or interfere with a driver's view of approaching, merging or intersection traffic or pedestrians.
- (2) Except as provided for elsewhere in this Ordinance, it shall be unlawful for any person to place or commission the placement of any sign that is encroaching upon or overhanging public right-of-way, attach to any utility pole, utility structure, light standard, street tree or any other public facility located within the public right-of-way.
- (3) Signs, other than electronic changeable message signs, which blink, flash or are animated by light or in any fashion.
- (4) Portable signs except as allowed for temporary signs.
- (5) Any sign attached to, or placed on, a vehicle, trailer or other movable object and placed or parked on public or private property for an extended period of time so as to draw attention to a business, location, product or service.
- (6) No cloth, paper, banner, flag, device or other similar advertising matter shall be permitted to be attached to, suspended from or allowed to hang loose from any sign, pole, building or structure, except as allowed by other provisions of this Ordinance.
- (7) No person shall attach a sign, paper or other material, or paint stencil or write any name, number (except house numbers) or otherwise mark on any sidewalk, curb, gutter or street.
- (8) No person shall paint a sign or attach a sign, other than a nameplate sign, to the outside of a fence, railing or a wall which is not a structural part of a building, whether or not on the property line.
- (9) No person shall erect, maintain or permit the erection of any balloon, streamers, pinwheels or other floating or motion devices anchored to the ground or to any structure, except those

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temporarily displayed as part of a special sale, promotion or community event as allowed by other provisions of this Ordinance.

- (10) Roof signs shall be prohibited.
 - (11) Non-real estate personal property sales signs.
 - (12) Any sign, display, event or action intended to draw attention or advertise, which is not covered by this Ordinance shall be prohibited. No such sign, display or event shall be permitted until said sign, display or event has been defined by in this Ordinance and appropriate regulations regarding said sign, display or event have been considered and adopted.
- (b) For purposes of subsection (2), a culpable mental state is not required for a violation of subsection (2), and need not be proved. A violation under subsection (2) shall be punishable upon conviction by a fine not to exceed \$500.00.

15. - Permits required.

Unless specifically exempted, a permit must be obtained from the building official for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinances of this jurisdiction. Exemption from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all other provision of this Ordinance.

16. - Construction documents.

Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the City Secretary showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and where required, the plans and specifications shall be signed and sealed by a registered design professional.

17. - Changes to signs.

No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, no until a proper permit is obtained. The changing or maintenance of internal parts or components of an approved sign shall not be deemed as structural alteration. The changing of copy, lettering, sign faces, colors, display and/or graphic matter shall be deemed as alteration to a sign and a permit shall be required.

18. - Permit fees.

No sign permit required by this Ordinance shall be issued until the permit fee set forth in Appendix A of this Code has been paid. In addition to the payment of the permit fee required by this section, a late application fee in an amount equal to the permit fee required by this section must be paid if a sign is erected, placed, relocated, or maintained, or work has otherwise commenced, prior to issuance of the permit required by this Ordinance. The payment of a late application fee pursuant to this section is not a defense to the failure to comply with the provisions of this Ordinance or other applicable provisions of this Code.

19. – Expiration.

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A permit for a sign shall expire if the work is not started within 60 days, nor completed within 60 days after the work is commenced. In such an instance a new permit shall be required before beginning or completing the work.

20. - Wall signs.

On-premises wall signs may be used for business identification in nonresidential zoning districts and as institutional signs in residential zoning districts and shall comply to the all of the following:

- (1) Wall signs shall be erected parallel to the plane of the wall of the building facade or to the face or faces of the architectural projections to which it is affixed.
- (2) Wall signs shall not project more than 12 inches from the building or structure wall.
- (3) The area of wall signs shall not exceed ten percent of the building elevation.
- (4) The developed length of a wall sign shall not exceed 75 percent of the length of the building elevation.
- (5) Wall signs shall not extend above the wall of the building.
- (6) Wall signs shall not be erected closer than eight feet to the ground.

21. - Freestanding signs.

In addition to any allowable wall signs, freestanding on-premises signs shall be permitted as follows:

- (1) In light industrial zoning districts, along streets that have a right-of-way width of 100 feet or greater, one freestanding on-premises sign not exceeding 120 square feet in area and 30 feet in height may be erected on the property but shall not be located in the required front or side yards; or one freestanding on-premises monument sign not exceeding 64 square feet in area and eight feet in height may be erected on the property and may be located in the required front or side yard provided it is setback a minimum of ten feet from the property line.
- (2) In light industrial zoning districts, along streets that have a right-of-way width of less than 100 feet, one on-premises sign not exceeding 60 square feet in area and 25 feet in height may be erected on the property but shall not be located in the required front or side yard; or one on-premises monument sign not exceeding 40 square feet in area and eight feet in height may be erected on the property and may be located in the required front or side yard provided it is setback a minimum of ten feet from the property line.
- (3) An on-premises pole sign not exceeding 60 square feet in area may be located within the required front yard for gasoline service stations provided such sign is setback a minimum of ten feet from the property line and does not extend into the public street right-of-way.
- (4) A freestanding on-premises multiple tenant monument sign not exceeding 100 square feet in area, ten feet in height and setback a minimum of ten feet from the front property line may be located within the required front yard of multiple tenant sites. A free-standing on-premises multiple tenant identification sign not exceeding 100 square feet in area, 30 feet in height and setback a minimum of ten feet from the front property line may be located within the required front yard of shopping center sites. Multiple tenant identification signs shall include leasing information. No other freestanding temporary real estate signs shall be permitted if a multiple tenant sign is used. The background colors of a multiple tenant identification signs shall be standardized or complementary to each other.

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- (5) A freestanding on-premises single tenant monument sign not exceeding 40 square feet in area and six feet in height, and setback a minimum of ten feet from the front property line, may be located within the required front yard of single tenant building sites in Light Residential zoning areas.
- (6) In Residential districts one freestanding institutional monument sign, not exceeding 32 square feet in area and six feet in height may be located in the required front yard provided it is setback a minimum of ten feet from all property lines.
- (7) No sign shall be erected or placed so as to create a hazard to vehicular traffic and all signs erected or placed in the required front yard shall not encroach within the sight lines established by this or other ordinances or by normally accepted engineering practices.
- (8) No freestanding sign shall be erected so as to exceed the lesser of the allowable building height in the zoning district in which it is located or to a height of 50 feet above grade.
- (9) No more than one freestanding sign shall be permitted per site except as otherwise may be provided.
- (10) No freestanding sign shall be erected closer than 50 feet to another freestanding sign. (11) A seasonal planting bed or other approved landscaping must be maintained at the base of each freestanding sign.

22. - Off-premises advertising signs.

Off-premises advertising signs shall not exceed 400 square feet and shall be located in areas specifically approved by the Payne Springs City Council.

23. - Directional signs.

In addition to any allowable wall signs and freestanding signs, two directional signs not exceeding three square feet in area and three feet in height above grade shall be permitted to be erected in the required front yard. Said directional sign shall contain only the company name, and/or company or district logo and the words "exit", "entrance", or other traffic control directions. The directional sign shall be non-illuminated or low light intensity sign and shall not extend over the property line.

24. - Changeable message signs.

- (a) Manual changeable message signs shall comply with the following:
 - (1) The manual changeable message portion of a single tenant or multiple tenant sign does not exceed 50 percent of the total area of that sign.
 - (2) Manual changeable message signs shall not be erected over 30 feet in height and shall not be located above the business identification sign.
 - (3) The text displayed by changeable message sign shall be that of an on-premises sign with commercial speech only.
- (b) Electronic changeable message sign must meet the following regulations:
 - (1) Rolling, scrolling, flashing or image movement shall not be allowed.
 - (2) Electronic changeable message signs shall be permitted as either an allowable wall sign or an allowable freestanding sign.
 - (3) Electronic changeable message sign shall not be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance to occupants of surrounding properties or to passing motorist. From dusk until dawn the illumination intensity shall be decreased by a minimum of 50 percent or as approved by the building official.
 - (4) The changing of text or graphics shall phase, fade or dissolve away, then the screen shall have no text, color or graphics for a minimum of three seconds, then the new text or graphics shall phase or fade into view.
 - (5) Electronic Changeable message signs that are 32 square feet in area or less shall display text or graphics for a minimum of seven seconds before fading to new text or graphics. Electronic Changeable message signs that exceed 32 square feet in area shall display text or graphics for a minimum of 15 seconds before fading to new text or graphics.

25. - Window signs.

In addition to other allowable signs, window signs may be affixed to or painted on the interior or exterior of the exterior glazed surfaces of the building, provided the signs do not obstruct more than ten percent of the glazed area or more than 25 percent of a single pane of glazing. This section shall not be construed as prohibiting the display of actual merchandise in a window, which may obstruct more than 25 percent of the glazed area. Any signage that is placed within five feet of the windows and is visible from the exterior shall be deemed as window signage and subject to these provisions.

26. –District wide sales and promotional events.

Permission may be granted by the building official as a special privilege to allow the use of flags, banners, balloons, searchlights and other advertising means for a consecutive ten-day period, to promote a district or area wide sales event or other promotional event. A district or area may be granted said permission for not more than four ten-day periods in a calendar year. The district or area of said event must be located in Light Retail uses. A minimum of five properties or businesses located in the district must participate. Such temporary signs shall be located on the properties participating in said event and the building official shall approve their type and placement. No sign or other advertising device shall create a traffic hazard or any other hazard. Any sign or other advertising device deemed as creating a traffic or other hazard shall be immediately removed by the business or may be subject to impoundment by the city.

27. - Political signs.

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Signs that contain primarily a political message shall be located on private real property and only with the consent of the property owner. Political signs shall not be located in any public right-of-way, on any public property or in any easement dedicated for a public purpose. Political signs shall not be illuminated or have any moving elements. A political sign shall not exceed 4 square feet in area and shall not exceed eight feet in height above grade.

28. - Temporary signs.

The following temporary signs shall be allowed provided they comply with the following:

- (1) *Real estate signs.* In all residential districts, one real estate sign shall be permitted for each street frontage and each shall not exceed 12 square feet in area. In Light Retail districts, real estate signs shall not exceed 32 square feet area. In nonresidential zoning districts one real estate sign shall be permitted for each 200 lineal feet of street frontage. Real estate signs shall be located on the property, which is being offered for sale or lease and shall not be located closer than 15 feet to any street curb line. When there is no curb then the sign shall be located no closer than 15 feet to the edge of the pavement. It shall not be permissible however, to locate said sign in any street right-of-way. No permit is required for a temporary real estate sign
- (2) *Temporary real estate directional signs.* Permission is granted as a special privilege to homebuilders to erect temporary, non-illuminated directional signs for weekend advertising. Signs shall not be placed earlier than 1:00 p.m. Friday and shall be removed no later than 1:00 p.m. on the following Monday. Such signs and their placement must be approved by the building official. No permit shall be required.
- (3) *Temporary real estate "open" signs.* Permission is granted as a special privilege to real estate companies and homeowners to erect temporary non-illuminated "open" signs in the rights-of-way of the city. Signs may be displayed only on Saturday and Sunday and one other day during the week to be specified by the building official. Only three signs shall be permitted for each house being shown. Signs shall not exceed three square feet in area. Signs shall be of metallic material. No permit shall be required.

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- (4) *Construction signs.* In residential zoning districts one construction sign not exceeding 12 square feet may be placed on the property where permitted construction work is taking place. In nonresidential zoning districts one construction sign not exceeding 64 square feet in area may be placed on the property where permitted construction work is taking place. Construction sign shall not be placed closer than 25 feet to any street right-of-way line, when complying with the requirements of the this section, providing that such signs shall not be erected prior to the issuance of a building permit for the project the signs pertain to. Such sign may be erected and maintained only during the duration of the construction. No permit shall be required.
- (5) *Development signs.* In single-family residential zoning districts one 200 square foot development sign may be erected for a single-family development that will contain more than 15 lots. In multiple family zoning districts one 200 square foot development sign may be permitted. In nonresidential zoning districts one development sign not exceeding 400 square feet may be permitted for each 100 acres of development. Permits shall be required for development signs and the building official shall approve the placement and duration.
- (6) *Special event signs.* Permission may be granted by the building official as a special privilege to civic organizations and other nonprofit organizations to erect signs promoting special events or activities at the locations and times and under the conditions specified by the building official. A permit is required for special event signs.

29. - Garage sales and garage sale signs.

- (a) A maximum of two garage sales per year may be conducted at a dwelling address and each separate garage sale may not exceed three consecutive days in duration and there shall be at least five days between each separate sale.
- (b) Garage sale signs may be erected or placed on any residential property in the city, provided the person conducting the garage sale obtains permission for the erection or placement from the owner or occupant of the residential property.
- (c) Garage sale signs may be placed on the residential property one day in advance of the sale and must be removed within one day following the sale.
- (d) Garage sale signs cannot be placed closer than 15 feet to the back of the curb or if no curb exists, 15 feet to the edge of the pavement.
- (e) A garage sale sign shall not exceed three square feet in area.
- (f) Garage sales are not intended and shall not allow businesses to be operated out of homes.

30. - Merchandise and other exterior display.

No person shall place on, or suspend from any building, pole, structure, sidewalk, parkway, driveway or parking area any goods, wares, merchandise or other advertising object or structure for the purpose of advertising such items, other than a sign as defined, regulated and prescribed by this Ordinance, except otherwise allowed by ordinance. This provision shall include and prohibit the placement of advertising material holders and/or advertising boxes that do not meet the definition of a newspaper box. As a special privilege a permit may be granted to conduct a special sale and display of merchandise outside of the main building located on-premises provided.

- (1) The display of merchandise outside of the main building does not exceed 17 days.
- (2) All merchandise displayed must be normally sold at the business.
- (3) No more than four sales events with merchandise displayed outside of the main building can be held in a calendar year and the sales events must be a minimum of 60 days apart.
- (4) All applicable building and fire codes must be adhered to.
- (5) Adequate provisions are made for the displacement of required parking and traffic control.
- (6) Appropriate permit is obtained.

31. - Temporary outside sales.

Temporary outside sales as defined by this Code shall be permitted in zoning districts. Said display and sales shall comply with the following:

- (1) When outside merchandise display is located on a private sidewalk, adjacent to a building a clear unobstructed area of not less than four feet in width shall be provided on the sidewalk for pedestrian access.
- (2) In no instance shall outside display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, public sidewalk, landscape area, or public street right-of-way, or placed in any location that creates a hazard to traffic.
- (3) Merchandise shall not be stacked over six feet in height along sidewalks.
- (4) Outside display of merchandise shall not be located within parking. Adequate parking and traffic maneuvering areas shall be maintained in the parking lot at all times during the period of the temporary outside display.
- (5) No permanent outside display of merchandise is permitted and no outdoor merchandise display structures shall be permitted affixed to the exterior of the building or grounds.

32. - Holiday decorations.

Appropriate holiday decorations and displays may be displayed during the period beginning the first day of November of each year and ending the first day of February of the next succeeding year. For other national holidays, appropriate decorations may be displayed starting two weeks prior to the holiday and must be removed by the first Monday following the holiday. Other decorations and displays may be considered signs and are subject to the provisions in the Ordinance. No permit is required for holiday decorations.

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33. - Grand opening and special sales signs.

- (a) A permit may be granted to the owner or manager of a retail trade or service business for no more than a total of 60 days in a calendar year to display flags, banners, balloons and other devices intended to draw attention to the property, business or product in connection with grand openings or special sales being conducted by the retail trade or service business. The building official must approve such flags, banners, balloons and other devices and their proposed placement and approve a permit for same prior to such flags, banners, balloons and other devices being displayed. Such flags, banners, balloons and other devices may be erected and displayed only during the days set forth in the approved permit. In no case may permits for flags, banners, balloons and other temporary signs may not be issued for any property or business located in the Residential zoning districts.
- (b) If a retail trade or service business has more than one location within the city, and such locations are not located on the same parcel or platted tract of land, a permit may be issued for each location during a calendar year, which each permit being subject to the provisions of subsection (a), above.
- c) For purposes of this section, a "retail trade or service business" shall mean:
 - (1) Establishments primarily engaged in the business of selling new goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods and merchandise; and
 - (2) Establishments primarily engaged in the business of selling gifts, antiques, flowers, books, jewelry, wearing apparel, and other specialty retail products; and
 - (3) Restaurants, hotels, motels, and galleries.

34. - Impoundment of signs.

The following signs shall be considered a public nuisance and the city may, without notice, remove and impound any of the following signs:

- (1) Any sign listed under the conditional exceptions of this Ordinance erected or existing in violation of the requirements of conditional exceptions.
- (2) Any sign erected or existing that constitutes a traffic hazard in the opinion of the traffic engineer.
- (3) Any sign erected without a permit after the passage of this Ordinance when the erection of such sign requires a permit.
- (4) Any sign erected in violation of the general prohibitions of this Ordinance.
- (5) Any sign place on public property or in the public right-of-way.

35. - Recovery and disposal of impounded signs.

Impounded signs may be recovered by the owners within 15 days of the date of impoundment by paying a fee as follows:

- (1) A fee of \$5.00 for signs that are 12 feet or less in areas.
- (2) A fee of \$10.00 dollars for signs that are larger than 12 feet in area.

Signs not recovered within 15 days of impoundment may be disposed of by the city in any manner it shall elect.

36. - Prohibited sign materials.

Any material not recognized by the building official as approved sign material shall be prohibited. The building official may consider and approve material submitted to be used as sign material, provided adequate data is provided that meets or exceeds the material standards.

37. - Sign area calculations.

The area of a sign shall be determined as set forth in Appendix A.

38. - Variance.

The board of adjustment is hereby authorized to grant variances to the height, sign area, setback and material regulations of this Ordinance. In order for the board to grant a variance it must find the following facts:

- (1) The requested variance does not violate the intent of this Ordinance;
- (2) The requested variance will not adversely affect surrounding properties;
- (3) The requested variance will not adversely affect public safety;
- (4) Special conditions exist which are unique to this applicant or property; and
- (5) That the sign has not been installed prior to obtaining a permit. An applicant is not eligible for a variance if the sign was installed prior to obtaining a sign permit. A sign installed without a permit must be removed before a sign variance application can be accepted.

Passed and Approved this 19th Day of March, 2013.

Rodney Renberg – Mayor

Attest:

Karen Juica – City Secretary