



STATE OF TEXAS
COUNTY OF BELL
CITY OF NOLANVILLE

ORDINANCE No. C 17-06

AN ORDINANCE REPEALING ORDINANCE #2012-06-07#9015B IN ITS ENTIRETY, CHANGING AND UPDATING ALL ARTICLES THEREIN, REGULATING SIGNS AND BILLBOARDS; DEFINING SIGN TERMS, ESTABLISHING REGULATIONS ON SIGNS IN THE CITY LIMITS AND ETJ, SETTING PERMIT AND INSPECTION REQUIREMENTS; SETTING PENALTIES FOR VIOLATION; AND PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

- WHEREAS,** the City desires to update its sign regulations to meet the changing conditions in the City as well as the changed statutory and legal requirements related to sign regulation; and
- WHEREAS,** signs are often placed in close proximity to public rights-of-way, and such placement creates visual obstruction of oncoming pedestrian and vehicular traffic; and
- WHEREAS,** uncontrolled placement of portable, banner, and temporary signs could have a negative impact on the health, safety, and welfare of local residents; and
- WHEREAS,** regulation of signs in the City will substantially promote the City's interest in preserving the aesthetic beauty of the City; and
- WHEREAS,** registration and annual inspection of signs are necessary measures to identify especially hazardous conditions and promote, to the extent possible, their proper operation and maintenance and to preserve the health, safety and welfare of citizens of and visitors to the City of Nolanville; and
- WHEREAS,** the City was awarded Silver Status through the Scenic City Certification Program administered by Scenic Texas, and by doing so the City has committed to enforce quality sign regulations that protect scenic vistas; and
- WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an Ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 216 of the Texas Local Government Code, the City has the authority to regulate signs within the City Limits and the extraterritorial jurisdiction (ETJ)

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Nolanville, Texas that:

1. Finding of Fact

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. Attachment

Attachment "A", which is attached hereto, shall be incorporated into this Ordinance for all intents and purposes.

3. Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

4. Repealed

To the extent reasonably possible, Ordinances are to be read together in harmony. However, all Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

5. Effective Date

This Ordinance shall be effective immediately upon passage and publication as provided for by law. Any sign permits issued prior to the adoption of this ordinance are valid until the date of termination set by the sign permit.

6. Proper Notice & Meeting

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, and Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this 15th day of June 2017, by a vote of 4 (*ayes*), 1 (*nays*) to 0 (*abstentions*) of the City Council of Nolanville, Texas.

CITY OF NOLANVILLE:

By: 

Christina Rosenthal, Mayor

ATTEST:


Crystal Briggs, City Secretary

Attachment "A"

City of Nolanville

SIGN ORDINANCE

SECTION I: GENERAL PROVISIONS

- A. **Popular Name:** This Ordinance shall be commonly cited as the “Sign Ordinance.”
- B. **Purpose:** This Ordinance provides standards to control the erection of signs and billboards within the City of Nolanville (City) and its extraterritorial jurisdiction (ETJ). All signs not exempted as provided in this Ordinance shall conform to these standards. The general objectives of these standards are to promote health, safety, welfare, convenience, and enjoyment of the public, and to achieve the following:
- (1) **Safety**
To promote the safety of persons and property by providing that signs do not:
 - (A) Create a hazard due to collapse, fire, decay or abandonment;
 - (B) Obstruct firefighting effort, EMS response, or police surveillance;
 - (C) Create traffic hazards or obstacles by confusing or distracting pedestrians and vehicles; or
 - (D) Become obstacles that hinder the ability of pedestrians or motorists to read traffic signs.
 - (2) **Communications Efficiency**
To promote the efficient transfer of information in sign messages provided that:
 - (A) Those signs providing public safety messages are given priority;
 - (B) Businesses and services may identify themselves;
 - (C) Customers and other persons may locate businesses or services;
 - (D) No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way for communication purposes;
 - (E) Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages, according to the observer's purpose; and
 - (F) Preserve the right of free speech exercised through the reasonable and safe use of signs.
 - (3) **Landscape Quality & Preservation**
To protect the public welfare and maintain the appearance and economic value of the landscape, by providing that signs:
 - (A) Do not interfere with scenic views;
 - (B) Do not create a nuisance to persons using the public rights-of-way for transportation;
 - (C) Do not create a nuisance to occupants of adjacent or nearby property due to brightness, size, height, or movement;

- (D) Are not detrimental to land or property values;
- (E) Do not contribute to visual blight or clutter; and
- (F) Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

(4) **Balance**

The purpose of this Ordinance is to create the legal framework for a comprehensive and balanced system of signs that will preserve the right of free speech and expression, provide an easy and pleasant communication between people and their environment, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this Ordinance to authorize the use of signs that are:

- (A) Compatible with their surroundings;
- (B) Appropriate to the activity that they display;
- (C) Expressive of the identity of individual activities and the community as a whole; and
- (D) Legible in the circumstances in which they are seen.

- C. **Maintenance Required.** All signs in the city and ETJ shall be properly maintained at all times to the satisfaction of the Building Inspector. The Building Inspector shall have the authority to order the painting, repair, or removal of a sign which constitutes a hazard to the safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. The Building Inspector's decision shall be subject to the review of the Board of Adjustment as listed below regarding appeal of a decision of an administrative official. If within fifteen (15) days, the maintenance orders are not complied with, the City Manager may order the sign removed at the owner's expense under the provisions of this ordinance.
- D. **Geographic Scope and Applicability:** This Ordinance applies to all property within the incorporated municipal boundaries (i.e., City Limits) and the ETJ as they exist at the time this Ordinance is adopted and as may be modified in the future.

SECTION II: DEFINITIONS

- A. **Rules of Interpretation:** Words and phrases used in this Ordinance shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the City's Ordinances, shall be given the meanings set forth in such Ordinances. Words and phrases not defined in the City's Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The words "shall" and "must" are always

mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only. Signs that fit more than one definition under this Ordinance shall be regulated under the definition with the more restrictive provisions.

B. Terminology: For the purpose of this Ordinance, the following words and terms shall have the meanings ascribed:

Abandoned Sign: any permanent or temporary on-site or off-site sign that relates to business goods that are no longer sold or produced, and/or where services are no longer provided.

Animated Or Moving Sign: any sign, or part of a sign, which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

Back To Back Sign: a structure containing two (2) parallel signs whose faces are oriented in opposite directions and are spaced no more than ten (10) feet apart.

Banner Sign: a sign made of cloth, plastic or other flexible material, without a frame or backing, designed to be attached to a building, pole, or other structure.

Billboard: A sign that is designed for a change in copy, so that the characters, letters, or illustrations can be changed or rearranged within a fixed sign face to be rented for compensation or no compensation to businesses, groups, or individuals separately from any on-site goods, services, or activities on the property on which the sign is located.

Building Official: the City Official, also referred to as the building inspector, appointed by the City Manager with the duty of processing all building permit applications, including inspections of construction, the duty of sanitary inspections in accordance with City laws, and such other duties as may be assigned.

Business Firm: a commercial or industrial enterprise.

Canopy Sign: a sign that is mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise permitted by Ordinance.

City: the City of Nolanville, an incorporated municipality located in Bell County, Texas.

City Council: the governing body (i.e., board of aldermen) of the City of Nolanville.

City Inspector: the designated official charged by the City with inspecting to ensure compliance with the City's building, construction, plumbing and electrical standards.

City Limits: the incorporated municipal boundary of the City.

City Manager: the designated official charged by the City Council with administering sign

regulations.

Commercial Sign: a sign with direct attention to a business, product, service, or activity which is conducted upon the premises where such sign is located.

Development Lot: a developed lot which is ground leased or which has structures for business in place for use as an established business.

Development Sign: “ground signs” announcing or describing a legally approved subdivision or land development for the purpose of selling properties within the subdivision.

Electronic Sign: any sign on which letters, figures, designs, or messages are formed or outlined by electric illumination, including any LED screen or any other type of video display, or by a transparent or translucent medium which is electronically illuminated, whether the illuminating device is obtained within or on the sign and shall also include all outside building outlining, interim decorative displays, and gas tube window outlining. Signs illuminated by electric lights which are not attached to the sign and signs which are lighted by floodlights or projectors, are not classified as electronic signs within the meaning of this Ordinance but must meeting the outdoor lighting requirements of the Zoning Ordinance.

ETJ: the extraterritorial jurisdiction of the City, which is the unincorporated area contiguous to and surrounding the City that is established by law, particularly Chapter 42, Texas Local Government Code, as being the area in which the City may exercise certain authority, including sign regulation, in order to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the City, the size of which is determined by the number of inhabitants residing in the City.

Flashing Sign: any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

Freestanding Sign: any sign not permanently attached to the ground or other structure.

Gasoline Pump Island: a pump or pumps at a service station that draws gasoline from aboveground or underground storage tanks. This definition also includes a fuel station canopy, which is a framed structure used to shield fuel pumps from the rain and/or sun.

Governmental Sign: a sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, Ordinance or other governmental regulation.

Ground Sign: any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

Hanging Sign: any sign suspended under an awning, canopy, or marquee.

Inflated Sign: an air inflated advertisement for promotion or grand opening.

Intersection: the location where two (2) or more roadways cross.

Monument Sign: a ground sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or part of a building.

Multi-Unit Complex: a grouping of two (2) or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached. This term also includes multi-unit residential complexes, including apartment complexes, garden homes, and retirement communities.

Non-Conforming Sign: a sign which was lawful prior to the adoption or revision or amendment of this Ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of this Ordinance.

Person: an individual, corporation, association, society, firm, partnership, joint stock company, state, or political subdivision or agency of a state.

Planning and Zoning Commission: the Planning and Zoning Commission for the City of Nolanville.

Pole Sign: a sign which is permanently affixed in or upon the ground on a base and/or supported by a pole on one or more piers, not attached to any building, fence, vehicle, or other support.

Portable Sign: any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted on a trailer, wheeled carrier, or other non-motorized mobile structure. A sign which has wheels shall still be considered a portable sign.

Projecting sign. A sign attached to and projecting from the wall of a building, or fence, and not on the same plane as the wall or fence (i.e., the sign has depth because it is not flush with surface). This includes but is not limited to channel letter signs, flex face signs secured to a return, plaques, shingles and adhesive signs/lettering.

Property: a tract of land including its buildings or other appurtenances. With respect to a tenant in a multi-unit complex, the term property refers only to the leased space.

Responsible Party:

- (1) The owner/operator of the business being identified on the sign;
- (2) The owner of the property upon which the sign is located;

- (3) The owner of the sign; and/or
- (4) The person who installs a sign, or contracts with a third party to accomplish the installation.

Right-of-Way: the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which a governmental entity has an interest.

Sandwich Sign: a portable sign attached upon an A-frame.

Sign: an outdoor lettered, numbered, symbolic, pictorial, or illuminated visual display which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, institution or business. The term sign shall include all other devices or structures as may reasonably be included under it; whether attached or unattached. This definition also excludes all flags, non-electronic window displays, graffiti, signs located on an athletic field, and the official announcements or signs of government.

Sign Area: the entire face of the sign, including the communicative surface and any framing, trim, or molding but not including the supporting structure.

Sign Structure: The supports, mounts, poles, braces, or base with or without a sign thereon, situated upon or attached to the property, upon which any sign is or is intended to be installed. This definition does not include a building, fence, wall, or earthen berm.

Sloping Roof Sign: a sign that is displayed above the eaves and under the peak of a building. This term includes a sign painted, erected, constructed, or maintained on the roof of a building.

Temporary Sign. A banner, pennant, poster, or advertising display constructed of papers, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials that appears to be intended or is determined by the code official to be displayed for a limited period of time.

Wall Sign: a sign painted on, or otherwise made an integral part of a wall. Typically, a wall sign is on the same plane as the wall (i.e. flush with the wall surface). The term does not include a sign that can be removed from the wall and remain substantially intact (e.g., banner signs or projecting signs as they are defined in this Ordinance). Unless stated otherwise in this Ordinance, no wall sign shall exceed sixty-four (64) square feet in sign area.

Zoning Board of Adjustment: The Zoning Board of Adjustment for the City of Nolanville.

SECTION III: GENERAL PROVISIONS FOR SIGNS

- A. **Permit Required:** No person may erect or place a sign in the City Limits, or ETJ without first obtaining a permit, except as provided herein. Furthermore, no person or business firm, acting either as principal or agent, shall alter the copy face or lettering of any sign, (except for signs with temporary messages made from interchangeable characters attached to tracks or grooves on the sign board) either by changing the message or by renovating an existing message or shall erect any sign or sign structure until a sign permit for such work has been issued by the Building Official, or the Building Official's designee, except as provided herein. Non-commercial message may be displayed on any legal sign surface at any time without requiring a permit.
- B. **Primary Use or Service:** All commercial signs shall pertain to the identification of the goods or services provided or sold on the premises, except for existing billboards that meet the requirements of this ordinance.
- C. **Building & Electrical Codes:** Signs and sign structures will be installed and maintained in compliance with all applicable building and electrical codes adopted by the City.
- D. **Electronic Signs:** All existing electronic signs as defined and regulated in this Ordinance, are required to have an approved, permanent outdoor type connection, which shall be inspected and approved by the City Inspector prior to the operation of the sign. No electric sign shall be placed further than ten (10) feet from its electrical connection.
- E. **Dilapidated Signs:** Responsible parties shall not allow signs or sign structures to become dangerous, within the meaning of the International Building Code, because of inadequate design, construction, repair, or maintenance. It is a violation of this Ordinance if a sign is in such a state of disrepair as to constitute an imminent threat to public health, safety and welfare.
- F. **Vehicle Signs:** moving motor vehicles and/or trailers may contain commercial advertising without affecting total allowed signage for a specific lot if: (1) the vehicle is operable; (2) has a current registration and inspection; and (3) is on or near the property that contains the business to which the vehicle sign is related.
- G. **Reflective Surfaces:** Signs with reflective surfaces are prohibited unless required by law.
- H. **Measurement of Sign Area:** Only one (1) side of a double faced, v-shape, back to back, or other similar type of sign shall be measured to determine the sign area of a sign.
- J. **Projecting Signs:** No sign, sign structure, or sign support shall project over any property line or into a public right-of-way except that a sign placed flat against the wall of a building which is on the property line may project eighteen (18) inches beyond the property line over public property.
- K. **Street Right-of-Way Protected:** A person shall not install a sign on the right-of-way of a street or highway maintained by the City unless explicitly authorized by this Ordinance.

- L. Utility Right-of-Way Protected:** A person shall not install a sign on the right-of-way of a drainage or utility easement within the City unless explicitly authorized by this Ordinance or required by other law.
- M. Setback from Street Right-of-Way:** All signs and supporting structures shall be required to be setback at a minimum of six (6) feet from the street right-of-way unless stated otherwise in this Ordinance.
- N. Prohibited Sign Supports:** Trees, traffic poles, utility poles or wires, rocks, bridges, fences, towers, bus shelters, benches, and dilapidated buildings shall not be used as sign supports. Signs are prohibited on trash receptacles except for signs that are required by law. Signs are prohibited from being installed on utility poles except for signs that are required by law, provide safety instructions, or are otherwise customarily found on utility poles.
- O. Clear Sight Triangle:**
- (1) **Parking Lot Driveway:** A clear sight triangle shall be formed on both sides of a driveway into a parking lot. Size shall be determined by measuring ten (10) feet along the property line and ten (10) feet along the driveway. No sign more than two (2) feet in height shall be erected or placed in this triangle.
 - (2) **Street Corner:** A clear sight triangle shall be formed by measuring twenty (20) feet along the property line in both directions from the corner of the lot adjacent to the intersecting streets. No sign more than two (2) feet in height shall be erected or placed in this triangle. A single support with no sign structure or copy between a point thirty (30) inches and eighty-four (84) inches above the street grade is not considered a violation of clear sight triangle.
- P. Obstructions to Passageways:** No sign shall be installed to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- Q. Traffic Hazards:** No sign or sign structure shall:
- (1) Obstruct free and clear vision at any street intersection.
 - (2) Interfere with, obstruct the view of, or be confused with any authorized traffic sign signal or device because of its position, shape or color.
 - (3) Use illumination resembling an emergency signal.
 - (4) Be the cause of a recurring traffic slow down, whether because of its positioning, content, visual impact, or a combination of these or other factors.
- R. Exemptions:** The following signs are exempt from regulation and permits under this Ordinance:

- (1) Any sign wholly within the confines of a building, and oriented to be out of view from outside the building.
- (2) Commemorative plaques and historical markers, flags mounted on the face of a building or erected on a site as a free-standing monument, when placed by a governmental entity, or historical society.
- (3) Any sign erected or required to be erected by any governmental entity or public utility to give information, directions, or warnings to the public, regardless of the sign's location on public or private property.
- (4) Signs required by law.
- (5) A non-commercial sign that is carried or worn by a person or is a bumper sticker on a vehicle.

S. Noncompliant Signs Prohibited: The installation or erection of a sign within the City Limits or ETJ, except in accordance with the provisions of this Ordinance, is a violation of this Ordinance. No owner of real property in the City or its ETJ shall have any sign located on such property, except in accordance with the provisions of this Ordinance.

R. Nuisance: Signs installed in violation of this Ordinance are hereby declared a public nuisance.

Encouraging Violations by Others Prohibited: It shall be an offense under this Ordinance to encourage another person to violate specific provisions of this Ordinance.

SECTION IV: PERMITS

- A. Requirements:** Except as otherwise provided for herein, no sign shall be erected, posted, painted or otherwise produced, changed, reconstructed in whole or in part, within the City Limits and ETJ of the City of Nolanville without first obtaining a permit.
- B. Applications:** Application for a permit required by this Ordinance shall be made upon forms provided by the Building Official, or the Building Official's designee. The application for sign permits shall contain all information, drawings and specifications necessary to fully advise the Building Official, or the Building Official's designee, of the type, size, shape, location, zoning district if within city limits, construction and materials of the proposed sign and the building structure or premises upon which it is to be placed .
- C. Qualifications:** Only those individuals who properly obtained a permit by the Building Official, or the Building Official's designee, or the State of Texas shall receive a permit to erect or alter any sign. Permits for the installation, erection, or alteration of any electrical

components on a sign shall be issued only to those individuals who hold a commercial sign operator's license and master electrician's license and who have filed the bond and insurance required by the City. It shall be unlawful for any person licensed under the provisions of this Ordinance to obtain a permit on behalf of, or for the benefit of any unlicensed person whose business activities are such that such unlicensed person would need a license to obtain a permit.

D. Conditions for issuing permits: No permit for the erection or alteration of any sign over any sidewalk, alley, or other public property, or on or over any roof or building shall be issued to any person except upon the condition that the permit may be withdrawn at any time, in which case the sign shall be immediately removed by the Responsible Party, who will also be liable under the penalties provided for in this Ordinance.

E. Issuance:

(1) A permit shall not be issued when :

- a. An existing billboard sign is in a deteriorated, unsafe, or unsightly condition as described above in Section VII, part (d).
- b. A sign is not in compliance with this Ordinance.
- c. A sign is proposed for construction in an area not zoned for such a sign.
- d. Authorization of the property owner has not been obtained.

(2) A permit shall not be required for:

- a. Simple routine maintenance, adjustments, replacement of light globes, etc. on existing signs.
- b. When a sign has been damaged by fire, windstorm or other causes, immediate work may be done to prevent damage to property or hazard to persons, and to this extent only. Notice will be given as soon as practical to the Building Official, or the Building Official's designee.
- c. Changing a commercial message to a non-commercial message on any legal Sign surface.
- d. For any sign or display exempted from the sign ordinance or permit requirement.

F. Fees: No permit shall be issued until applicable fees have been paid to the City of Nolanville. Fees may be subject to change without prior notification. Sign permit fee schedule shall be in accordance with the fee schedule enacted by the City Council and located at City Hall.

SECTION V: SIGN REQUIREMENTS BY DISTRICTS

A. With the exception of Multi-Unit Complex, the districts described below are those defined and regulated in the Nolanville Zoning Ordinance. The following districts described below are created with specific requirements as specified:

(1) Residential Districts (R-1S, R-1, R-DT, R-2, A-1, R-TH and R-MH):

(a) Types of Signs Allowed:

- (i) Each lot in a residential area may post one non-commercial sign, which can include a banner, which must meet the requirements of this section.
 - (A) A sign shall not have an area greater than sixteen (16) square feet.
 - (B) A sign shall not be lighted, electronic, or contain moving elements.
 - (C) No permit is needed for this type of sign.
- (ii) One additional non-commercial sign not to exceed six square feet in size per lot may be located on the owner's property for a period of ninety (90) days prior and seventy-two (72) hours after an election involving candidates for a federal, state, or local office that represents the area in which the property is located or an election that involves a measure on the ballot of an election within the area. No permit is needed for this type of sign.
- (iii) One additional non-commercial sign may be placed on a lot where the property is being offered for sale or lease while for sale or lease and up to seventy-two (72) hours after the property is sold or leased. The sign may not be larger than ten (10) square feet. No permit is needed for this type of sign.
- (iv) A person having a legal home occupation may display one additional sign on the face of the building or porch. The sign shall be attached directly to, and parallel to, the face of the building or porch. It shall not exceed four (4) square foot in sign area, shall not be illuminated in any way, and shall project not more than six (6) inches beyond the building or porch. No permit is required.
- (v) Development Sign: Development signs may be temporarily erected until all homes in a subdivision are sold. Such signs shall not exceed two hundred (200) square feet in sign area and may be indirectly lighted. Flashing or moving parts are not permitted. This sign requires a permit.
- (b) An address sign is required for each residential property or unit within a multi-family complex. The letters, numbers, and symbols that make up a residential address sign must be a minimum of three inches (3") in height.
- (c) No sign may be placed on a residential lot without the consent of the property owner.
- (d) No sign shall be installed in, on, or over any street or right-of-way.
- (e) Properties in the ETJ that are appraised as residential and contain single-family residences shall abide by this section.

(2) Multifamily Residential District (R-3):

(a) Types of Signs Allowed:

- (i) On a development lot not located at the intersection of two major thoroughfares or expressways, one (1) sign per complex may be erected.
- (ii) On corner lots, the major or primary street shall be construed to be the development lot frontage, and no more than one (1) sign shall be permitted.
- (iii) On a development lot located at the intersection of two (2) major thoroughfares or two (2) expressways or a major thoroughfare and an

expressway, a sign shall be permitted for each such thoroughfare or expressway.

(iv) Identification Sign: There may be one (1) sign no larger than fifteen (15) square feet in sign area identifying the complex and placed flush on the wall near the office entrance or as an alternative, one (1) hanging sign or one (1) ground sign containing no more than six (6) square feet in sign area may be erected.

(v) One additional sign may be placed if the entire property is for sale or lease or if an individual unit or units is for lease.

(A) Entire Property: One additional sign, not exceeding two hundred (200) square feet in sign area, while the entire property or property is for sale or lease. A sign posted under this section must be removed within fourteen (14) days following the date of sale or rental of the property. A sign that meets the requirements of this section does not require a permit.

(B) Individual Unit(s): One additional sign may be placed on the property where an individual unit or units is being offered for sale or lease while for sale or lease and up to seventy-two (72) hours after the unit(s) are sold or leased. The sign may not be larger than ten (10) square feet.

(vi) Banner Signs: Banner(s) may be displayed up to sixty (60) days each year per lot. Square footage of the banner, or banners when square footage of all banners is taken into account, may not exceed sixty (60) square feet. Banners must be securely attached to a permanently installed building or wall and they must be kept in good repair throughout the time of their display. Pipes, poles, posts or other materials may be used to erect banners if the banners and supporting materials are kept in good repair. The responsible party must affix the permit sticker to the back of the banner. A banner sign must obtain a permit and pay a banner fee as required by the City fee schedule for the number of days for which a banner will be displayed.

(vii) Individual lessees or owners of units within Multi-Family Housing may also display any sign allowed in a Residential District, so long as:

(A) sign is allowed by owner of Multi-Family Housing if property is owned separately; and

(B) sign is displayed within the area owned or leased by individual.

(b) Sign Area: The sign area of a sign listed in Section V (2)(a)(i)-(iii) may not be larger than six (6) feet by six (6) feet with a maximum height of twelve (12) feet.

(c) Sign Setbacks: The setback shall be a minimum of twelve (12) feet from property lines. Sign placement must comply with any additional setback that may be prescribed by the Building Official when there is a potential safety issue.

(d) Properties in the ETJ that are appraised as residential and that contain multi-family units, including a building or portion thereof which is designed, built, rented, leased or let to be

occupied as three (3) or more dwelling units or apartments or which is occupied as a home or residence of three or more families must comply with this section.

(3) Manufactured Home District (R-MH):

(a) Types of Signs Allowed:

(i) One ground sign, wall sign, or projecting sign not more than one hundred (100) square feet in sign area may be erected on property of the manufactured home park, and may be indirectly lighted. The setback shall be a minimum of twelve (12) feet from property lines. Sign placement must comply with any additional setback that may be prescribed by the Building Official when there is a potential safety issue. This sign requires a permit.

(ii) One additional sign may be placed if the entire property is for sale or lease or if an individual unit or units is for lease. A permit is not required for this sign.

(A) Entire Property: One additional sign, not exceeding two hundred (200) square feet in sign area, while the entire property or property is for sale or lease. A sign posted under this section must be removed within fourteen (14) days following the date of sale or rental of the property. A sign that meets the requirements of this section does not require a permit.

(B) Individual Unit(s): One additional sign may be placed on the property where an individual unit or units is being offered for sale or lease while for sale or lease and up to seventy-two (72) hours after the unit(s) are sold or leased. The sign may not be larger than ten (10) square feet.

(iii) Banner Signs: Banner(s) may be displayed for up to sixty (60) days each year. Square footage of the banner, or banners when square footage of all banners is taken into account, may not exceed sixty (60) square feet. Banners must be securely attached to a permanently installed building or wall and they must be kept in good repair throughout the time of their display. Pipes, poles, posts or other materials may be used solely to erect banners if the banners and supporting materials are kept in good repair. The responsible party must affix the permit sticker to the back of the banner. A banner sign must obtain a permit and pay a banner fee as required by the City fee schedule for each day a banner will be displayed.

(iv) Individual lessees or owners of Manufactured Homes within a Manufactured Home park may also display any sign allowed in a Residential District, so long as:

(A) sign is allowed by owner of Manufactured Home Park if property is owned separately; and

(B) sign is displayed within the area owned or leased by individual.

(b) Properties in the ETJ that are appraised as residential and that contain a unified development of manufactured home sites, plots, or stands as arranged on a large tract under single ownership and designed to accommodate manufactured homes for a long-term duration must comply with this section.

(4) Professional Business District (B-1), Neighborhood, and Community Retail Business District (B-2): (a) Types of Signs Allowed:

(i) Wall, Canopy, or Projecting Signs: Wall, Canopy, and Projecting Signs may be erected. The total sign area for all signs shall not exceed sixty-four (64) square feet. Sign

area allotment is computed by adding the sign area of all Wall, Canopy, and Projecting Signs on the lot. Projecting signs shall project no more than two (2) feet perpendicular from the wall and not more than three (3) feet vertically above the wall of the building. Each sign under this section requires a sign permit.

(ii) Pole Signs and Monument Signs: One (1) non-attached sign per lot may be erected. No sign under this section shall exceed sixty-four (64) square feet in sign area and shall not exceed thirty-five (35) feet in height. The setback shall be a minimum of twelve (12) feet from property lines. Sign placement must comply with any additional setback that may be prescribed by the Building Official when there is a potential safety issue. A permit is required for this sign.

(iii) Banner Signs:

Banner(s) may be displayed up to one hundred and twenty days (120) days per year on each lot. Square footage of the banner, or banners when square footage of all banners is taken into account, may not exceed sixty (60) square feet. Banners must be securely attached to a permanently installed building or wall and they must be kept in good repair throughout the time of their display. Pipes, poles, posts or other materials may be used solely to erect banners if the banners and supporting materials are kept in good repair. The responsible party must affix the permit sticker to the back of the banner. The banners may display a message that advertises the sale of goods, services, and activities at the location on which the banner is displayed or may display a non-commercial message. A banner sign must obtain a permit and pay a banner fee as required by the City fee schedule for each day a banner will be displayed.

(iv) Gasoline Pump Islands: For a property that contains a gasoline pump island, the owner may exhibit one (1) logo sign not exceeding thirty-two (32) square feet in sign area and one (1) price sign per gasoline pump island not exceeding forty (40) square feet in sign area. A sign that meets the requirements of this section does not require permit and does not count against a non-residential property's total signage allotment.

(v) Non-Commercial Signs:

(A) Each lot may have one non-commercial sign that meets the requirements of this section.

(1) A non-commercial sign shall not have an area greater than thirty-six (36) square feet.

(2) A non-commercial sign shall not be more than six (6) feet in height.

(B) One additional non-commercial sign not to exceed six square feet in size per lot may be located on the owner's property for a period of ninety (90) days prior and seventy-two (72) hours after an election involving candidates for a federal, state, or local office that represents the area in which the property is located or an election that involves a measure on the ballot of an election within the area. The sign shall not have an area greater than thirty-six (36) square feet.

(C) A lot may post one additional sign, not exceeding two hundred (200) square feet in sign area, while the property, a building, or a portion of a building, is for sale or lease. A sign posted under this section must be removed within fourteen (14) days following the date of sale or rental of the property. A sign that meets the requirements of this section does not require a permit.

- (D) A non-commercial sign shall not be lighted or have any moving elements.
 - (E) Non-commercial signs may be installed on private property only with the consent of a property owner and may not be installed in, on or over any street or right-of-way.
 - (F) The Responsible Party is liable for compliance with these provisions.
 - (G) It is an offense to place a sign, including a non-commercial sign on any utility pole or wire, traffic sign, City easement, or placed on City-owned property unless placed by permission of the City of Nolanville.
 - (H) Non-commercial signs under this section may not advertise the sale of goods or services available at the property.
- (b) No sign may be placed without the consent of the property owner or without a sign permit, when required.
 - (c) Sign Setbacks: The setback shall be a minimum of twelve (12) feet from property lines. Sign placement must comply with any additional setback that may be prescribed by the Building Official when there is a potential safety issue.
 - (d) Any sign under this section shall not advertise the sale of goods, services, or activities that are not available on the building or property on which the sign is attached or placed.
 - (e) Properties in the ETJ that are appraised as or used as commercial property and that contain a business or commercial entity that reflects a use allowed in the above zoning districts regulated by this section must comply with this section.

(5) Secondary & Highway Business District (B-3), General Business District (B-4), Light Manufacturing District (M-1), Heavy Manufacturing District (M-2):

(a) Types of Signs Allowed:

- (i) Wall, Canopy, or Projecting Signs: Wall, Canopy, and Projecting Signs may be erected. The total sign area for all signs shall not exceed sixty-four (64) square feet. Sign area allotment is computed by adding the sign area of all Wall, Canopy, and Projecting Signs on the lot. Projecting signs shall project no more than two (2) feet perpendicular from the wall and not more than three (3) feet vertically above the wall of the building. Each sign under this section requires a sign permit.
- (ii) Pole Signs and Monument Signs: One (1) non-attached sign per lot may be erected. No sign shall exceed two hundred (200) square feet in sign area and shall not exceed fifty (50) feet in height. The setback shall be a minimum of fifteen (15) feet from property lines. Sign placement must comply with any additional setback that may be prescribed by the Building Official when there is a potential safety issue. A permit is required for this sign. A monument sign under this section shall not exceed one hundred (100) square feet and a height of eight (8) feet.
- (iii) Banner Signs:
 - (A) Banner(s) may be displayed for up to one hundred twenty (120) days each year per lot. Square footage of the banner, or banners when square footage of all banners is taken into account, may not exceed sixty (60) square feet. Banners must be securely attached to a permanently installed building or wall and they must be kept in good repair throughout the time of their display. Pipes, poles, posts or other materials may be used solely to erect banners if the banners and supporting materials are kept in good repair. The responsible party must affix the permit sticker to the back of the banner.

The banners may display a message that advertises the sale of goods, services, and activities at the location on which the banner is displayed or may display a non-commercial message. A banner sign must obtain a permit and pay a banner fee as required by the City fee schedule for each day a banner is displayed.

(iv) Gasoline Pump Islands: For a property that contains a gasoline pump island, the owner may exhibit one (1) logo sign not exceeding thirty-two (32) square feet in sign area and one (1) price sign per gasoline pump island not exceeding forty (40) square feet in sign area. A sign that meets the requirements of this section does not require permit and does not count against a non-residential property's total signage allotment.

(v) Non-Commercial Signs:

(A) Each lot may have one non-commercial sign that meets the requirements of this section.

(1) A non-commercial sign shall not have an area greater than thirty-six (36) square feet.

(2) A non-commercial sign shall not be more than six (6) feet in height.

(B) One additional non-commercial sign not to exceed six square feet in size per lot may be located on the owner's property for a period of ninety (90) days prior and seventy-two (72) hours after an election involving candidates for a federal, state, or local office that represents the area in which the property is located or an election that involves a measure on the ballot of an election within the area. The sign shall not have an area greater than thirty-six (36) square feet.

(C) A lot may post one additional sign, not exceeding two hundred (200) square feet in sign area, while the property, a building, or a portion of a building, is for sale or lease. A sign posted under this section must be removed within fourteen (14) days following the date of sale or rental of the property. A sign that meets the requirements of this section does not require a permit.

(D) A non-commercial sign shall not be lighted or have any moving elements.

(E) Non-commercial signs may be installed on private property only with the consent of a property owner and may not be installed in, on or over any street or right-of-way.

(F) The Responsible Party is liable for compliance with these provisions.

(G) It is an offense to place a sign, including a non-commercial sign on any utility pole or wire, traffic sign, City easement, or placed on City-owned property unless placed by permission of the City of Nolanville.

(H) Non-commercial signs under this section may not advertise the sale of goods or services available at the property.

(b) No sign may be placed without the consent of the property owner or without a sign permit, when required.

(c) Sign Setbacks: The setback shall be a minimum of twelve (12) feet from property lines. Sign placement must comply with any additional setback that may be prescribed by the Building Official when there is a potential safety issue.

(d) Any sign under this section shall not advertise the sale of goods, services, or activities that are not available on the building or property on which the sign is attached or placed.

(e) Properties in the ETJ that are appraised as or used as commercial property and that contain a business or commercial entity that reflects a use allowed in the above zoning districts

regulated by this section must comply with this section.

(6) Multi-Unit Complex in a Non-residential district: In addition to the signs allowed according to the zoning district, one (1) pole sign per complex may be erected advertising the total number of office or commercial tenants. On corner lots, the major or primary street shall be construed to be the development lot frontage, and no more than one (1) sign shall be permitted. On a development lot located at the intersection of two (2) major thoroughfares or two (2) expressways or a major thoroughfare and an expressway, a sign shall be permitted for each such thoroughfare or expressway. The sign area of the sign may not be larger than ten (10) feet by thirty (30) feet, mounted six (6) feet above the ground with a maximum height of thirty-six (36) feet. The name of the complex and the street address with letters no less than six (6) inches in height will appear at the top of the copy. There may be one (1) sign no larger than twenty (20) square feet in sign area identifying the tenant and placed flush on the wall near the office entrance. As an alternate, one (1) hanging sign or one (1) ground sign containing no more than six (6) square feet in sign area may be erected. Sign placement must comply with all setback regulations and any additional setback that may be prescribed by the building official when there is a potential safety issue. Properties in the ETJ that are appraised as or used as commercial property and that are a multi-unit complex are also required to meet the provisions of this Section.

SECTION VI: PROHIBITED SIGNS

The following signs shall be prohibited in all districts within the City and in the Extraterritorial Jurisdiction (ETJ):

- A. Billboards:** Installation of new billboards is prohibited.
- B. Electronic Signs:** Installation of new electronic signs is prohibited.
- C. Any signs and supports, other than those signs and supports required by governmental authority which are located on the public right-of-way, including on public streets, alleys, and parkways are prohibited.** This Section shall not apply to signs on commercial vehicles or commercial trailers lawfully operated or parked in such areas, except that this exception shall not otherwise be used to give legitimacy to the use of advertising vehicles, trailers, and portable signs prohibited herein.
- D. Signs with flashing, blinking, or traveling lights.**
- E. Pennants, search lights, twirling signs, sandwich or "A" frame signs, side walk or curb signs, balloons or other gas-filled objects.**
- F. Display of commercial goods or services is classified as a sign, and is not permitted in any residential district.**

- G.** Signs which, by reasons of their size, location, movement , content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
- H.** Any sign which emits sound, odor or visible matter which serves as a distraction to persons within the public right-of-way.
- I.** Signs shall not be constructed of scrap materials, paper, or other such fragile materials which are not weather resistant. A sign measuring two (2) feet by two (2) feet or smaller on residential property displayed less than seventy-two (72) hours is exempt from this requirement.
- J.** The use of fluorescent paint, metallic paint, or similar non-conventional paint emitting luminosity upon exposure to external radiation or bombardment by a stream of particles is expressly prohibited.
- K.** Any sign in apparent compliance with this Ordinance, but which City Staff deems is by design, construction, or erection hazardous to persons, will require approval of the City Council.
- L.** Sloping Roof Signs: Sloping roof signs are prohibited.
- M.** Portable Signs: Portable signs over ten (10) square feet in size are prohibited.
- N.** Vehicle Signs: Vehicle Signs shall be counted towards total allowed signage for a lot if the vehicle is in public view and : (1) is larger than thirty-two (32) square feet; (2) the vehicle has not moved in fourteen (14) days; (3) is mechanically inoperable; or (4) does not display a current license plate or proof of current inspection. Vehicle Signs are exempt from the prohibition against off-premise commercial signs when they are used as a means of transportation.
- O.** When this Ordinance conflicts with other Ordinances of the City of Nolanville, the later adopted Ordinance controls unless the Ordinance is: (1) a master sign plan; or (2) an overlay zoning district.

SECTION VII: EXISTING SIGNS

- A.** Where existing signs are in newly annexed areas, a permit shall be obtained.
- B.** Where existing billboard signs in the city limits or ETJ do not comply with this Ordinance with respect to location, height, size, area of display, minimum ground clearance and are not a hazard or nuisance and are in good condition, an exception may be granted upon

filing of an application for a permit, payment of the annual billboard permit fees, when required, and passage of an inspection by the Building Official, or the Building Official's designee.

- C. Billboards in existence prior to the enactment of the Ordinance No 2012-06-07 #9015B shall be exempt from the provisions of that Ordinance for a period of six (6) years and six (6) months after its enactment in June 2012, only if they are not hazardous to the health and safety of the public and are not unsightly or offensive to the viewing public. After six (6) years and six (6) months from the enactment of that Ordinance, all billboards in the City of Nolanville shall conform to the restrictions and standards of this Ordinance.
- D. An existing non-conforming sign in the city limits or ETJ may not be repaired or rebuilt in the case of obsolescence or total destruction by fire or other causes. In case of partial destruction by fire or other causes, where the cost of repairing the sign is less than sixty (60) percent of the cost of erecting a new sign of the same type at the same location., the Building Official, or the Building Official's designee, may issue a "no fee" permit for the necessary repairs to be made to the sign. If the necessary repairs are not completed within sixty (60) days of the receipt of written notification to the Responsible Party, by the Building Official, or the Building Official's designee, then the sign shall be removed either by the Responsible Party or by the City at the Responsible Party's expense. Criminal or civil penalties may also be initiated against the Responsible Party as provided for in this Ordinance. Under unusual circumstances and/or where the Responsible Party has shown "good faith" in attempting to comply with the provisions of this Ordinance, an extension period of thirty (30) days may be granted to the Responsible Party to facilitate repairs. If the cost of rebuilding or repair of an existing non-conforming sign exceeds sixty percent (60%) of the cost of erecting a new sign of the same type at the same the sign shall be removed at the Responsible Party's expense. If the sign is not removed within thirty (30) days of written notification to the Responsible Party, then it shall be removed by the City or its designated agent(s) at the Responsible Party's expense. A sign so removed under the provisions of this section shall be kept in storage for a period of sixty (60) days, and if it is not claimed within said period, it may be disposed of in a lawful manner by the City.
- E. All abandoned signs and their support structures shall be removed within sixty (60) days from the date of abandonment. All damaged signs shall be repaired or removed within sixty (60) days. The Building Official, or the Building Official's designee, shall have the authority to grant a time extension not exceeding an additional sixty (60) days for an abandoned, non-damaged sign.
- F. Should the Responsible Party or parties after due notice fail to correct a violation of this Section, the Building Official, or the Building Official's designee, shall cause such signs and supports to be removed. This Official, on behalf of the City, shall also take necessary action to file against the property a lien in the amount of the cost such work if such costs are not paid by the property owner within fifteen (15) days after the property owner is billed. The Building Official, or the Building Official's designee, may also pursue criminal

and/or civil penalties as provided for under this Ordinance.

- G.** No existing billboard shall exceed thirty-five feet (35) in height from the ground level. No existing billboard shall interfere with the visibility of pedestrians or drivers of motor vehicles at street intersections, or otherwise obstruct traffic or create a traffic hazard.
- H.** Sloping Roof Signs: Any Sloping Roof Sign that exists at the time of the enactment of this ordinance shall be nonconforming and shall not project horizontally or vertically beyond the roof line. Not more than ten percent (10%) of any sloping roof area shall be devoted to these signs.
- I. City Banner Sign Area:** The City has an area for use for banner signs on a first come basis. Banners at this location shall: (a) fit within the borders of the sign structure; (b) be displayed for a maximum of seven (7) days; (c) may be used by any 501(c) organization; and (d) not be used for the commercial sale of goods or services. Use of this area is subject to a fee set by the City of Nolanville Fee Schedule. Approval of the use of the sign may be made by the City Manager or the City Manager's designee.

SECTION VIII: INSPECTION AND ACCEPTANCE

- A.** A sign requiring a permit may be inspected annually by the Building Official, or the Building Official's designee, to insure compliance with the provisions of this Ordinance and other relevant City Ordinances. Additional inspections may be conducted at the discretion of the Building Official, or the Building Official's designee, during the term of the permit to enforce the provisions of this Ordinance.
- B.** After the erection of any billboard for which a permit has been issued, the City shall be notified, and if, upon inspection, it is found to comply with this Ordinance, a certificate of acceptance shall be issued.

SECTION IX: PENALTIES FOR VIOLATION

- A. Criminal Penalties:** Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Ordinance, upon conviction thereof, shall be assessed a fine not exceeding two thousand dollars (\$2000.00). Each day of violation of this Ordinance shall be deemed a separate offense. An offense under this Ordinance is a misdemeanor.
- B. Civil Penalties:** Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:
 - (1) Injunctive relief to prevent specific conduct that violates this Ordinance or to require specific conduct that is necessary for compliance with this Ordinance, including removal of signs that violate this Ordinance at the expense of the

Responsible Party; and

- (2) A civil penalty up to one thousand dollars (\$1,000.00) a day when it is shown that the defendant was actually notified of the provisions of this Ordinance and after receiving notice, committed acts in violation of this Ordinance or failed to take action necessary for compliance with this Ordinance; and other available relief.

SECTION X: VARIANCE AND APPEAL PROCEDURE

- A. A request for a variance of requirements as set forth in this Ordinance may be made to the Zoning Board of Adjustments. The Zoning Board of Adjustments, at the next regular meeting, will consider the request for a variance based upon the merits of the case as then presented by the petitioner and make the final decision.
- B. Appeal of a decision by City Staff may be made to the Zoning Board of Adjustments by written notification to the City Secretary within ten (10) business days from receiving notice of the City Staff decision. Hearing will be placed on Zoning Board of Adjustments agenda as soon as practical. Staff shall notify the petitioner of appeal rights. Decisions of the Zoning Board of Adjustments are final. Should petitioner be dissatisfied with the actions of the Zoning Board of Adjustments, the petitioner may pursue all legal remedies to review the Zoning Board of Adjustments decision as permitted by law.

SECTION XI: NO WAIVER

Liability: The provisions of this Ordinance shall not be construed as relieving or limiting in any way the responsibility or liability of any person(s) that erects or owns 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(s) in the design, construction, maintenance, repair or removal of any sign erected in accordance with this Ordinance.