Ordinance No. 2013.05
Village of Salado
County of Bell
State of Texas
June 6, 2013

SIGN ORDINANCE

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS, REPEALING ORDINANCE NO. 2008.02 AND ITS AMENDMENTS REGULATING SIGNS WITHIN THE VILLAGE LIMITS AND ITS EXTRATERRITORIAL JURISDICTION (ETJ), PROVIDING FOR THE FOLLOWING: NAME: SCOPE; PURPOSE; ENFORCEMENT; DEFINITIONS; PERMIT REQUIREMENT; VARIANCE PROCEDURE; PROHIBITIONS ON CERTAIN SIGNS; REQUIREMENTS FOR ON-PREMISE SIGNS; RESTRICTIONS ON OFF-PREMISE SIGNS; SPECIFIC STANDARDS FOR CERTAIN SIGNS; ALLOWANCES FOR LIMITED NONCONFORMING SIGNS; ENFORCEMENT TO INCLUDE A MAXIMUM CRIMINAL FINE OF $500 PER VIOLATION, CIVIL PENALITIES NOT TO EXCEED $100 PER VIOLATION, AND INJUNCTIVE RELIEF INCLUDING SIGN REMOVAL; DECLARATION OF CERTAIN SIGN VIOLATIONS AS A PUBLIC NUISANCE; FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; PUBLIC NOTICE AND MEETING.

WHEREAS, the Board of Aldermen of the Village of Salado seeks to provide for the orderly development of land and use of property within its corporate limits and its extraterritorial jurisdiction (ETJ); and

WHEREAS, the Board of Aldermen seeks to maintain the value of Salado's scenic and natural resources, which are the keystones of the Village's economic strength and quality of life through a comprehensive regulatory program that includes ordinances restricting signs; and

WHEREAS, in its 1989 planning advisory, *"SIGN REGULATION: for Small and Midsize Communities,"* the American Planning Association characterized sign regulation as an art that requires careful balancing of: (a) the need of businesses and others to communicate with the public, with (b) the need of the public to receive that communication, and with (c) the community planning goals related to streetscape aesthetics and traffic safety; and

WHEREAS, in his 1996 report entitled, *"WARNING SIGNS: Billboard, Signs and Traffic Safety,"* Luther Dudich of Scenic America summarized that the majority of legitimate scientific studies from 1948-1980 indicate a correlation between increased signage and accident prevalence; and

WHEREAS, in its 2001 advisory entitled, *"SIGNS: Showcasing Your Business on the Street,"* by R. James Claus, Ph.D., and Susan L. Claus, the United States Small Business Administration recognized that today's sign design and production technology make it possible for signage to reflect the character and architecture of its

surroundings without sacrificing any of its primary communications functions; and

WHEREAS, the Board of Aldermen finds that improperly constructed and poorly maintained signs may be safety hazards that constitute a public health risk; and

WHEREAS, the Board of Aldermen finds that proper signs can create a pleasing environment for shoppers as well as the entire community; and

WHEREAS, the Board of Aldermen finds that certain signs overwhelm the public, unduly distract and confuse motorists by diverting attention away from the roadway, and result in safety threats to vehicular and pedestrian traffic; and

WHEREAS, the Board of Aldermen finds that certain signs constitute aesthetic harm by cluttering the rural landscape and highway corridors and adversely affecting the naturally scenic views and native environment; and

WHEREAS, the Board of Aldermen finds that certain signs may conceal or obstruct windows, doors, or significant architectural features or details of buildings; and

WHEREAS, the Board of Aldermen finds it to be in the best interest of the public safety, health and general welfare to regulate the construction, design, repair, demolition, maintenance and use of signs so to preserve the quality of life for Village residents, visitors and property owners, maintain the public rights-of-way, prevent threats to public safety, prevent traffic hazards, restrict signs that unduly interfere with scenic views and constitute a public nuisance, deter signs that are detrimental to property values; and

WHEREAS, the Board of Aldermen finds it to be in the best interest of the public to regulate signs so as to promote roadway and pedestrian safety, encourage effective communication with the public, improve the appearance of the Village, and uphold the principles of free speech, including commercial speech and enhance the community's small town character while preserving the authentic cultural heritage of the area both within the current boundaries of the Village and within the ETJ wherein the Village may expand in the future; and

WHEREAS, the Board of Aldermen is authorized to regulate signs within the corporate limits of the Village and its ETJ by virtue of the Texas Constitution, the Village's police power and by the Texas Local Government Code, Chapters 51, 54, 211, 216, and 217.

NOW, THEREFORE, Be it Ordained by the Board of Aldermen of the Village of Salado, Texas, that:

1. FINDINGS OF FACT

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

2. ENACTMENT

The following Sign Ordinance is hereby enacted to read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

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.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The Village Secretary is hereby directed to record and publish the attached rules, regulations and policies in the Village's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication of caption.

7. 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, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED on this, the 6 day of June, 2013, by a 5 (*ayes*) to 0 (*nays*) and 0 (*abstentions*) vote of the Board of Aldermen of Salado, Texas.

VILLAGE OF SALADO:

by: Danney McCort
Danney McCort, Mayor

ATTEST:

by: Dianna Barker
Dianna Barker, Village Secretary

APPROVED AS TO FORM
Alan J. Bojorquez, Village Attorney

SIGN ORDINANCE

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Appendix:
- Current Permit Application
- Sign District Map

SECTION 1. GENERAL

A. Popular Name: This Ordinance shall commonly be referred to as the "Sign Ordinance."

B. Scope: This Ordinance, and the rules or regulations enacted herein, shall apply in the City Limits, and in the ETJ.

C. Effective Date: This Ordinance shall take effect immediately upon passage and publication.

D. Purpose: The purpose of this Ordinance is to provide uniform sign regulations for the Village of Salado and its extraterritorial jurisdiction and shall commonly be referred to as the Village of Salado "Sign Ordinance." Its provisions shall be held to be the minimum requirements in the installation, erection, location, alteration, replacing, improving and maintenance of all signs not exempted. It is further intended to encourage signs which are well-designed; which preserve locally recognized values of community appearance; which protect public investment in and the character of public thoroughfares; which aid in the attraction of shoppers and other visitors who are important to the economy of the Village; which reduce hazards to motorists and pedestrians traveling on the public roadways; and thereby to promote the public health, safety and welfare.

E. Enforcement: It is an offense to construct, enlarge, erect, relocate or replace any sign in violation of this Ordinance. An offense under this Ordinance is a misdemeanor.

SECTION 2. 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 are 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 word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

B. Specific Terminology

Advertising Matter: The placement on, anchoring of or suspension from any building, pole sign, sidewalk, parkway, driveway, lawn, area or parking area of any goods, wares, merchandise or other advertising object which is, but not limited to, light, inflatable objects, pennants, or flags for the purpose of calling attention to.

Alteration: The changing of copy of any existing sign shall be deemed an alteration. The changing of moveable parts of a sign which are designed for changing, or the repainting of display matter, or the repairing in place shall not be deemed to be alteration.

Animation: The presentation of pictorials and graphics, displayed in a progression of frames which give the illusion of motion.

Attached Sign: Wall Signs, Roof Signs, Projecting Signs, Awnings, Canopies, and Fences.

Awning: An architectural projection, which provides weather protection, identity or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached which may be of fabric or other materials. An awning may be illuminated. Sign text and logos on awnings are included in the wall signage area, but only the area of the sign (not the entire awning area). An "awning" less than twenty-four (24) inches or two (2) feet in depth is not considered a functional awning and therefore is only considered a wall sign and all of the surface area of it is counted as sign area.

Back to Back Sign: A sign structure with two (2) faces back-to-back, oriented in opposite directions and separated by not more than two (2) feet at the mid-point of each sign, with the same copy on both sides.

Balloon (Inflatable Advertising): A non-porous, flexible inflated device utilized to garner the attention of the general public or as general advertising.

Banner Sign: A temporary sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, or fabric of any kind.

Bench Sign: Any signage attached to or placed upon any part of a bench seat.

Billboard: A free standing sign containing at least 128 square feet of face area and owned by a person who engages in the business of selling the advertising space on that sign.

Board of Aldermen: The governing body of the Village of Salado (i.e., the city council).

Builder's Directional Sign: A sign providing direction or instruction to guide persons to sites where new homes are under construction, usually off-premise.

Business Sign: An on-site sign which directs attention to, and/or is used to identify a business, profession, organization, institution, commodity, service, activity, entertainment, or other non-residential use conducted, sold, or offered on the premises where such sign is located, or within the building to which such sign is affixed.

Canopy: A canopy is a rooflike structure that shelters a drive lane use such as, but not restricted to, a gasoline pump island. A canopy is open on two (2) or more sides and may be supported by either columns or by being attached to the building to which it is an accessory. A canopy is not considered a separate building for signage purposes.

Changeable Copy Sign: A sign that is utilized year round, but the copy is changed periodically, advertising different specials associated with retail sales. Size limited to eight (8) square feet, with no dimension larger than four (4) feet.

Changeable Electronic Variable Message Sign (CEVMS): A sign which permits or is operated in a way that light is turned on or off intermittently, including an illuminated sign where illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

Chief Building Official: The person or agency designed by the Village to serve in this capacity.

City Limits: The incorporated municipal boundary of the Village of Salado.

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

Decorative Flag: A flag or banner that contains no name, initials, logos, insignia or similar items, used to attract attention.

Dilapidated or Deteriorated Condition: Where structural support or frame members are visibly bent, broken, dented, deteriorated or contain torn sign copy materials and/or paint to such an extent that a danger of injury to persons or property is created, or where the sign or the structure is not in compliance with the building code or ordinances adopted by the Village.

Development Sign: A temporary on-site sign providing identification on information pertaining to residential or commercial development to include the builder, property owner, architect, contractor, engineer, or mortgage and/or project name.

Directional Sign: Any sign, other than a highway marker or any sign erected and maintained by a public authority, which is erected for the purpose of directing persons to a place, structure or activity not located on the same premises as the sign.

Directory Sign: A sign listing the occupants of a building, or group of buildings on the same parcel, and/or identifying the location of and providing directions to any establishment on the same parcel.

District, Business: All non-residential areas within the Village of Salado's municipal boundaries and its ETJ, excluding those areas defined as the Historical District or the Commercial District along the Interstate Highway 35 (IH-35) corridor.

District, Commercial: All property with direct frontage on IH-35 within the municipal boundaries and ETJ of the Village of Salado.

District, Historical: The area legally defined on the official Zoning Map for the Village of Salado as adopted on April 3, 2008, modified for this ordinance to exclude property west of Church Street that fronts IH-35.

District, Residential: The area designated residential on the official Zoning Map for the Village of Salado.

Enclosed Frame/Changeable Copy Sign*: See Changeable Copy Sign.*

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

Flag: A piece of cloth or fabric usually rectangular in shape, of distinctive color and design, used as a symbol, a standard or signal to attract attention. Exemptions to this are patriotic flags, i.e. U.S., State, Seasonal and Village flags.

Flashing Sign: An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this ordinance, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

Framework: A support structure which meets all existing wind and load requirements as stated in the Village's ordinances, designed to secure a banner or an inter-changeable copy on all sides.

Freestanding Sign: A sign not attached to a building. A freestanding sign may be either a pole (pylon) sign, a billboard, or a monument sign.

Gasoline Pricing Sign: An outdoor advertising display with changeable copy letters and numerals that displays the current price of fuel or gasoline for sale.

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

Illegal Signs: Any sign erected or maintained in violation of this ordinance.

Illuminated Sign: A sign which has characters, letters, figures, or designs illuminated by internal or external electric lights, luminous/neon tubes or other means that are specifically placed to draw attention to, or provide nighttime viewing of, the subject matter on the sign face.

Incidental Sign: Small sign, less than two (2) square feet in surface area, of a non-commercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephones and so forth. Also included in this group of signs are those designated to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business building by means of a directory designating names and addresses only.

Lighted Sign: *See Illuminated Sign.*

Logo: A "logo" is any design or insignia of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual, company or product.

Maintenance: The routine cleaning and preservation of signs and support structures, together with all their supports, braces, guys, and anchors, necessary to keep in a state of good repair, including keeping content kept neatly painted and posted at all times, and preventing signs from becoming frayed, discolored or torn. This term does not include substantial modifications or expansion to the height, area or lighting of the sign. The term includes changing letters, messages, or message panels without changing the sign or its components, cleaning, and replacement of bulbs or fluorescent tubes.

Menu Board: A sign displaying the menu for a drive-up window for a food establishment.

Message Board Sign: A sign composed of a matrix of individual bulbs or lights which are capable of displaying lights in a running or continuous fashion so as to provide transient pictures or information.

Monument Sign: A 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. A monument style sign is wrapped with rock, brick, masonry or approved masonry-like material. Alternate, accent material to compliment the building or structure may be utilized but shall not exceed twenty percent (20%) of the material of the sign. The square footage of landscaping around the sign shall equal or exceed the square footage of the total sign area.

Movable Sign: *See Portable Sign.*

Multi-Tenant Monument Sign (Retail Plaza Sign): A monument style sign which is wrapped with rock, brick, masonry or approved masonry-like material.

Mural: A graphic displayed on the exterior of a building generally for the purposes of decoration or artistic expression, including, but not limited to painting, fresco, or mosaic. Murals are considered ART and not advertising; they cannot contain names, logos, text or slogans.

Nameplate: Non-illuminating wall signs, not over one (1) square foot in area, displaying the name and profession of the occupant of the building.

New Business Sign: A sign for purpose of announcing the opening of a new business including, but not limited to, signs announcing "Coming Soon" or "Now Open."

Nonconforming Sign: Any sign lawfully constructed which fails to conform to the provisions of this article.

Off-Premise Sign: The term "off-premise sign" means a sign which is issued or intended to be used to attract attention to activities, commodities, services or other endeavors not offered on the premise on which the sign is located.

On-Premise Sign: The term "on-premise sign" means a sign which promotes or advertises activities, commodities, services, or endeavors which are offered on the premise on which such sign is located.

Pennants, Decorative: A wind device usually made of a lightweight plastic, fabric or other material whether or not containing a message of any kind, usually triangular in shape and attached to a common cord. This definition also includes streamers attached to a common cord.

Person: Any human being, corporation, association, sole proprietorship, company, or agency. The term also includes a general contractor, subcontractor, or truck driver.

Pole Sign: A freestanding sign supported by a pole or poles having no guys or braces to the ground or to any other structure.

Political Sign: A sign upon which the content is primarily related to notice of or advocacy for an election of a person to public office, or a proposition to be voted upon at an election called by a public body. The term includes a sign espousing a political cause or expressing a person's or group's viewpoint or opinion on an ongoing issue of public concern.

Portable (or moveable) Sign: Those signs that are not firmly attached to the ground, a building, or other structure, and those that can be easily moved or carried about and reused numerous times at different locations; includes signs mounted on trailers and sandwich board signs, and vertical banner signs.

Projecting Sign: A sign that projects from a building or wall to which it is affixed, by more than eighteen (18) inches.

Pylon Sign: *See Pole Sign*

Reader-board Sign: A changeable copy sign with strips attached to the face of the sign to hold removable display letters and numerals for the purpose of identifying products sold or services provided by the related business tenant on the same premise.

Real Estate Sign: A temporary sign pertaining to the sale, lease or rental of real property.

Real Estate Land Sale: A temporary sign announcing the sale of real estate on parcels in excess of one acre.

Responsible Party: The person responsible under this Ordinance for a sign shall be: (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 or sign structure; and/or (4) the person who installs a sign, or contracts with a third party to accomplish the installation.

Roof Sign: A sign erected above a roof or parapet of a building or structure.

Residential Construction: A temporary real estate sign announcing the construction of residential development.

Searchlight: Any apparatus capable of projecting a beam or beams of light for the purpose of attracting attention to a commercial establishment.

Sidewalk Sign: A folding A-frame sign used to promote a business. The signs are usually two-sided.

Sign: Every sign, name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, light or insignia, affixed directly or indirectly to or upon any building, window, door or outdoor structure, calling attention to any object, product, service, place, or activity.

Sign Area: Calculation means the area of the sign to be computed by drawing a line or lines around the sign in such a way as to form a rectangle oriented horizontally. The sum square footage of these figures shall be considered as the total area of the sign face. A sign face may be single sided or double sided, as with a typical pole sign; however, to calculate the area of a multi-sided sign, the sum of all sides of the sign shall not exceed twice the area specified for sign face.

Sign Box: The rectangle used to calculate the sign area.

Snipe Sign: A sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences, or other objects, and the advertising matter appearing thereon is not applicable to the use of the premises upon which such sign is located. (e.g., lost dog, garage sale)

Spill Light: Light emitted by the lighting installation that falls outside the boundaries of the property on which the installation is sited.

Structural Change: A modification to an existing sign altering the amount of surface area, shape, orientation, height, illumination, or location.

Temporary Sign: Any sign constructed of cloth, canvas, plastic, light fabric, wallboard or other material with or without frames intended to be displayed for a limited period of time only.

Village: The Village of Salado, an incorporated municipality located in Bell County, Texas. As applied to this Ordinance, the term encompasses area in both the incorporated municipal boundaries (i.e., city limits) and the extraterritorial jurisdiction (ETJ). The term may also refer to employees, agents or other designee of the Board of Aldermen of the Village of Salado.

Vehicular Sign: Any sign attached to a trailer, skid, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or constitute the sign itself.

Vertical Banner: Any sign of a lightweight fabric or similar material that is mounted to a pole in a vertical fashion secured at top and bottom of banner. These include the following:

Swooper flag, also referred to as a feather flag or wind flag, means a temporary, freestanding, vertical sign that flutters in the wind from a harpoon-style pole or staff driven into the ground for support, or having a crossbar base suitable for standing or weighting the sign securely on a hard surface.

Teardrop sign, also referred to as a feather sail, means a temporary, freestanding, vertically-tapered sign consisting of a semi-rigid membrane sign face on a wire or metal rod frame and tipped with a ground spike, or having a crossbar base suitable for standing or weighting the sign securely on a hard surface.

Vertical banner sign means a type of banner that is mounted to a light standard in a vertical orientation by a frame at two or more edges, and which is used on-premises or by the Village.

Wall Area: The area of the wall from the finished floor elevation (or top of foundation) to the top of the parapet wall or to the bottom of the eave, whichever is highest. This wall area is as shown on the architectural elevation of the wall including glass area and recessed wall areas.

Wall Area, Multistory Building: The sign wall area calculation for multistory buildings shall be based upon the height of the first story (including any mezzanine level).

Wall Sign: A sign which is attached or affixed to the wall of a building or is an integral part of the wall of a building with the exposed face of the sign in a plane parallel to and not

extending more than twelve (12) inches from said wall. A wall sign shall not extend above the wall/parapet to which the sign is attached. For the purpose of this section, awnings, canopy fascias, and mansards extending along a building side shall be considered a part of the wall. The roof (including mansard and fake mansard roofs) and roof area are not included in the wall area.

Window Sign: A sign attached to, placed upon or painted on the window or door of a building which is intended for public viewing from the exterior of such building and is limited to a maximum of twenty percent (20%) of window area.

SECTION 3. PERMITS

A. Permit Required:

(1) It is an offense to construct, enlarge, erect, reconstruct, relocate or replace any sign within the Village or its ETJ except as permitted by this Ordinance.

(2) A separate permit shall be required for a sign for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure.

(3) It is an offense to construct, enlarge, erect, reconstruct, relocate or replace any sign within the Village or its ETJ in violation of the Village's building code or electrical codes.

B. Inspections: All signs for which permits are required shall be subject to inspection by the Village. Application for a permit shall constitute consent for the Village to enter upon the property before issuing the requested permit, and fourteen (14) days thereafter to verify compliance with all permit terms and conditions.

C. Plans Required: One set of site plans shall be submitted with a sign permit application. The site plan should indicate position of the proposed sign in relation to nearby buildings and other existing advertising structures, as well as a property drawing showing a North arrow, setback zones, easements and adjacent streets.

D. Permit Fee Required: All signs erected in the Village shall be subject to fees as set forth in the fee schedule as adopted by the Board of Aldermen and noted on the attached permit application.

E. Application: Application for a sign permit shall be made in writing by the party ordering, installing or constructing the sign upon official forms furnished by the Village. Each application shall include:

(1) One set of plans;
(2) A description of the proposed sign;
(3) Any existing signs on the property;
(4) All existing buildings on the property;
(5) The number of possible tenants in the building;
(6) The location by street and number of the proposed sign structure;
(7) The distance from the sign to the property line;
(8) The distance from the curb to the sign;
(9) Size and height of the sign;
(10) The district of the property where the sign is to be placed;
(11) The name, address and telephone number of the property owner and lessee (as applicable);
(12) The name, address and telephone number of the registered contractor erecting the sign. The contractor must be registered in the Village of Salado;
(13) The following may be required: illumination and landscaping details;
(14) All required application fees stated on the permit fee schedule established by the Board of Aldermen.

F. Application Review: An administratively complete permit application, along with plans, fees, and specifications, shall be considered, evaluated, and approved or denied by the Board of Aldermen or its designated representative within thirty (30) days.

G. Variances:

(1) Interpretation: All questions of interpretation and enforcement shall be first presented to the Chief Building Official. Any person aggrieved by any interpretation or by any decision or ruling of the Chief Building Official under this ordinance, shall have the right to appeal such decision or ruling. The appeal shall be processed in the same manner as a variance.

(2) Requests: Within thirty (30) days after denial of a sign permit by the Village, a written request for a variance may be filed with the Village to appear before the Board of Aldermen.

(3) Board Action: Unless an extension or postponement is sought by the requestor, the Board must first give public notice and conduct a public hearing. The request for a variance must be considered and action taken within forty-five (45) days of receipt of the request.

(4) Findings: The Board of Aldermen may grant a variance upon affirmative vote of a majority of the Board and written findings as to the following elements:

(a) The unusual shape or topography of the property in question or some other significant factor prevents signage allowable under the provisions of this Ordinance from adequately identifying the business or other activity located on the subject property.
(b) The variance is not contrary to the public interest.
(c) Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement; and
(d) The spirit and purpose of the Ordinance will be observed and the design guidelines set forth in this Ordinance are substantially met and substantial justice will be done.

(5) Conditions: The Village may impose such conditions or requirements upon a variance as are necessary in the Village's judgment to protect the overall character of the community and to achieve the fundamental purposes of this Ordinance.

H. Expiration, Suspension, Revocation:

(1) Expiration of Permit: All permits shall expire and considered no longer valid one hundred eighty (180) days after issuance unless construction work has actually started before the expiration of such period of time. In addition, construction must be completed within one (1) year from the date of issuance of the building permit. The Board of

Aldermen may waive these provisions if the Board determines the situation warrants such waiver in order to alleviate a hardship imposed by this section due to the unique situation presented on a particular location or in a specific instance.

(2) Suspension or Revocation of Permit: The Village may in writing suspend or revoke a permit issued under the provisions of this Ordinance whenever such permit is issued in error or issued on the basis of incorrect information or where work is done in violation of this Ordinance or any other law.

SECTION 4. EXISTING SIGNS

A. Maintenance:

(1) All signs and sign support structures, together with all of their supports, braces, guy wires and anchors, shall be kept in good repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

(2) No sign shall be rebuilt, enlarged, extended, replaced, or relocated without the issuance of a permit by the Village.

(3) No permit shall be required for ordinary maintenance and repair of the sign or changing of the advertising message.

B. Nonconforming Signs: Any sign lawfully in existence in the Village on or before September 19, 2002 or on the date of annexation and not in conformity this with Ordinance, is hereby declared to be a legal nonconforming sign, and shall conform to the following:

(1) Repairs on legal-nonconforming signs shall be limited to a maximum repair value of sixty percent (60%) of the cost of new construction.

(2) Any repair cost that exceeds sixty percent (60%) of the cost of new construction will require removal of the nonconforming sign.

(3) Any structural change on the nonconforming sign shall require the sign to be brought into conformity with the requirements of this ordinance.

SECTION 5. PERMIT-EXEMPT SIGNS

A. Categories of Exempt Signs: The following signs and actions do not require permit; however, the following signs must still comply with this Sign Ordinance as to certain size, location, and time limitations.

(1) **Community Service:** A sign which solicits support for, or participation in, a nonprofit, non-political, community, public or social purpose, cause, event or activity, such as one marking a holiday or holiday season, or one supporting school activities, charitable programs, religious activities, or events of community interest. The signs shall be on private property, not located in a public right-of-way, do not exceed a surface area of eight (8) square feet, are not artificially illuminated and contain no moving parts.

(2) **Government:** Signs erected by the Village, State, or Federal government for the purpose of public instruction, street or highway designation, control of traffic, and/or similar uses incidental to the public interest.

(3) **Advertisement:** The changing of advertising copy or message on a painted or printed sign, including theater marquee signs and similar signs specifically designed for the use of replaceable copy, change of face panel, or where the sign frame was designed for replaceable plates, shall not require a permit.

(4) **Seasonal or Patriotic:** Signs that are seasonal, logo-bearing, U.S., Texas, or Patriotic Flags.

(5) **Maintenance:** Painting, repainting, or cleaning of an advertising structure or message thereon for which no structural changes are required. Electrical wiring work of any kind shall not be included as part of this exemption.

(6) **Real Estate:** Temporary real estate not exceeding eight (8) square feet in area advertising availability of the premises. Such signs shall be removed no later than seven (7) days following sale or rental of the property.

(7) **Garage/Yard Sale:** Garage or yard sale signs not exceeding four (4) square feet in area, posted no more than three (3) days prior to and removed one (1) day after the sale.

(8) **Windows:** Signs attached to the inside of a window, in any district and not exceeding four (4) square feet in area or twenty percent (20%) of the window's area.

(9) **Political:** Any sign in support of, or against, a political candidate or issue.

(10) **Memorial/Historical:** Memorial or commemorative plaques or tablets denoting a building name and/or date of erection of a location of historic significance and not exceeding four (4) square feet in area.

(11) **Events:** A temporary sign or banner in conjunction with special events such as a retail store sales promotion, philanthropic campaign or church, school, circus, carnival or

other community activity. Such signs shall not exceed thirty-two (32) square feet in area, shall not be erected more than fourteen (14) days in advance of the event and shall be removed within three (3) days after the termination of the event. A single temporary sign in conjunction with a special event such as "Grand Opening" or "Special Sale" shall not exceed thirty-two (32) square feet in area. It shall not be erected more than fourteen (14) days in advance of the event and shall be removed within one (1) day after the termination of the event. A temporary sign advertising a regular monthly event shall not exceed thirty-two (32) square feet in area and shall not be erected more than three (3) days in advance of the event and shall be removed within one (1) day after the termination of the event.

(12) **Construction:** Temporary commercial (construction) signs conforming to federal guidelines not exceeding forty-eight (48) square feet in area and limited to two (2) per site. It is a violation of this Ordinance and a punishable offense if such signs are not removed thirty (30) days following completion of work.

(13) **Retail:** Portable signs may be placed only on the property where the business is located and shall not be located in a manner to impede pedestrian movement. An unobstructed pedestrian clearance of at least four (4) feet in width shall be provided adjacent to the sign. Each business or tenant may display a maximum of one (1) portable sign per road frontage on the property only during business hours. The signs shall be placed no closer than twenty (20) feet from other sidewalk signs.

a) Sidewalk signs: These "A" frame signs may have a maximum sign area of twelve (12) square feet with a maximum height of four (4) feet.

b) Portable signs shall not exceed thirty (30) square feet and shall not exceed fifteen (15) feet in height above grade.

SECTION 6. PROHIBITED SIGNS

A. Prohibited Signs: The following signs are prohibited:

(1) **Portable Signs**: Any vehicle (operable or inoperable) or trailer, skid, or similar mobile structure fitted, designed and placed for the purpose of commercial advertising along roadway frontages.

(2) **Roof: Any sign placed on a roof.**

(3) **Modified:** Any sign designed to be used as a portable sign shall not be altered for use as a permanent sign.

(4) Snipe Signs

(5) **In Public Spaces:** All signs or other forms of advertising in or over public street rights-of-way, public easements, alleys or upon any utility pole, except those signs that are exempt pursuant to above definitions.

(6) **Lighted Signs:** Signs that contain flashing lights that resemble emergency lights, strobe lights or any light(s) which may resemble a governmental emergency beacon or traffic control device.

(7) **Commercial Messages:** Rope lighting or linear LED lighting along the perimeter of a building or installed in a manner to form a commercial message.

(8) **Blocking Entrances/Exits:** Signs that prevent free ingress to or egress from any door, window, or fire escape.

(9) **Traffic Hazards:** Signs erected or displayed in such a manner as to create a traffic hazard by obstructing free and clear vision at any location, street, intersection, or driveway or making use of the words "STOP," "LOOK," "DANGER," or any other word, phrase or symbol that interferes with or misleads traffic.

(10) **Bright or Hazardous Lights:** Signs illuminated in excess of 50 lux measured at eight (8) ft. from the sign or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to traffic or to adjoining residential areas.

(11) **Excessive or Unreasonable Light:** Use of light when not required to ensure the security, safety and the general welfare of the public and the premises, use of searchlights, and use of spill light.

(12) **Unsafe Signs:** Unsafe or poorly maintained signs that show signs of deterioration or constitute a safety hazard by reason of inadequate design, construction, installation, repair or maintenance.

(13) **Flashing, Neon:** Flashing signs and neon signs are prohibited, including CEVMS.

(14) Obscene signs in which the dominant theme of material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

B. Offense. It shall be an offense for any person to construct, erect, or install a prohibited sign as listed above.

7. SIGN DISTRICTS & STANDARDS TABLE

A. Districts: Each sign regulated by this Ordinance will be evaluated first and foremost according to which "district" in which it is physically located. This Ordinance creates four districts within the Village of Salado and its ETJ. They are, for purposes of this Sign Ordinance only, the (1) Historic District, the (2) Business District, the (3) Commercial District, and the (4) Residential District. A color-coded map that identifies each district is hereby adopted as part of this Ordinance, and shall hereafter be read into this Ordinance.

B. Standards Table: Included in this Sign Ordinance is a Table of Standards for both Temporary and Permanent Signs that details size, time and district restrictions for permitted signs; this Table of Standards will be referenced first by the Board of Aldermen or a designated representative when determining whether a request is acceptable. If further clarification is necessary, the Board of Aldermen or a designated representative will reference the Specific Standards and Definitions sections.

C. District Overlap: In the case where a single property actually has frontage in two or more districts, (i.e. a building fronts IH-35 on one end and Main Street on the other) then the PHYSICAL placement of the sign being applied for determines which District governs its specifications.

SECTION 8. SPECIFIC STANDARDS FOR CERTAIN SIGNS

A. Freestanding Signs:

(1) Height and Area Limitations: Freestanding signs shall conform to limitations defined by the district where they are physically located. Signs in the Historic District can be a maximum of thirty-two (32) square feet in area, shall not exceed a height greater than twelve (12) feet above the level of the street upon which the sign faces, and shall be monument signs. Signs in the Business District can be a maximum of fifty (50) square feet in area, shall not exceed a height greater than twenty (20) feet above the level of the street upon which the sign faces, and can be monument, pole or pylon. Signs in the Commercial District can be a maximum of two hundred twenty-five (225) square feet and the height allowance is thirty (30) feet above the level of the street upon which the sign faces or above the adjoining ground level.

(2) Space between Signs and Other Signs and Structures: No freestanding sign shall be nearer than ten (10) feet to any other sign, building or structure.

(3) Number of Freestanding Signs Allowed: One (1) freestanding sign is allowed per lot, or tract, or parent shopping center plot, or separate building. A lot, tract, or building located at a street intersection is allowed one (1) freestanding sign per street frontage.

(4) The number of freestanding signs may be increased:

If more than one (1) business, service or tenant occupies a single building on a lot or tract, a maximum two (2) freestanding signs are allowed. The combination of sign area for the two signs shall not exceed the maximum allowed area. For example, two (2) 16 square foot signs (maximum 32 square feet) are allowed if two or more tenants are present in one building. The signs may not exceed twelve (12) feet in height, and may be placed at the 10' setback.

B. Attached Signs:

(1) Area Limitations: Attached sign for a single tenant use may not exceed one (1) square foot of surface area for each linear foot of building frontage on a public street up to a maximum of one hundred (100) square feet.

(2) Multiple Tenants: Where a multiple-tenant situation occurs, the allotment and assignment of sign space shall be determined by the landlord and tenants.

C. Monument Signs:

Alternate, accent material to compliment the building or structure may be utilized but shall not exceed 20% of the material of the sign. The sq. footage of landscaping around the sign shall equal or exceed the sq. footage of the total sign area.

D. Multi-Tenant Monument Signs:

The base must be solid unless approved otherwise by the Chief Building Official (for safety/visibility purposes only).

This sign shall provide for spaces for advertising (one for each tenant) for each of the sides of the monument sign, not to exceed the number of tenants in the structure. The sq. footage of landscaping around the sign shall equal or exceed the sq. footage of the total sign area.

E. Political Signs:

(1) A political sign shall not be lighted or have any moving elements.

(2) Political signs may be installed on property only with the consent of a property owner and may not be installed in, on or over any street or public right-of-way.

(3) Political signs related to a particular candidate may be erected no earlier than ninety (90) days prior to the election or primary for which the sign is installed and must be removed no later than ten (10) days after the election.

F. Illustration:

The following graphic shows generic examples of specific types of signs in order to clarify what each looks like. This visual representation is provided as an aide and is not itself a regulation or specification.

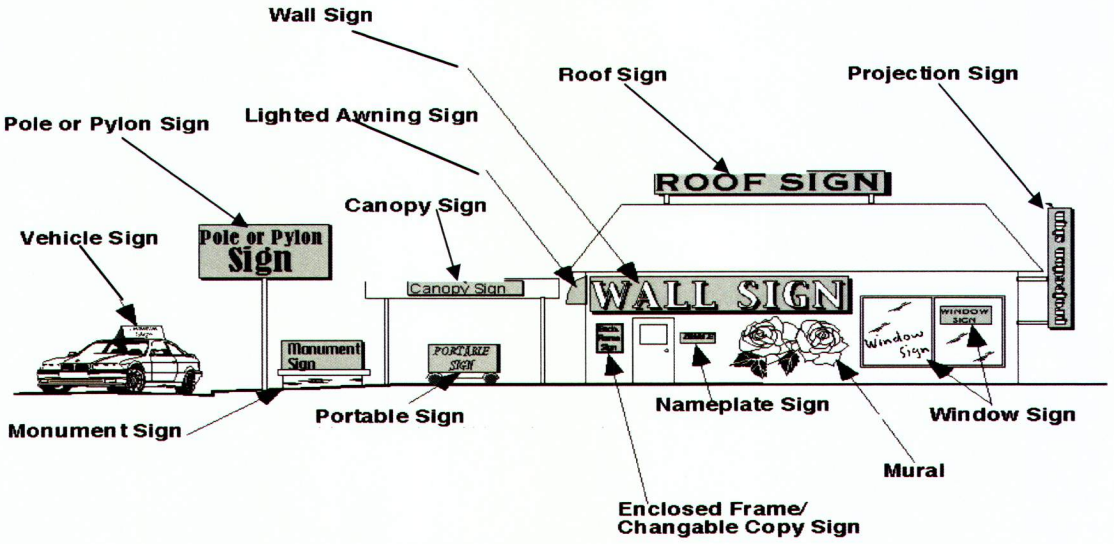

Table of Standards for Permanent Signs

Type Of Sign	Permit	Districts Permitted	Maximum Advertising Area	Maximum Sign/Structure Height	Number Of Signs Per Street Frontage	Set-back	Requirements
Attached	Yes	HD, BD, CD	100 sq. feet max	Top of parapet wall or roof eave height	Total sign area can be composed of multiple signs	N/A	N/A
Monument Sign	Yes	HD, BD, CD	120 sq. ft.	12'	1 freestanding monument sign per lot	10' ft.	Monument sign material with decorative cap to match or complement the building. The sq. footage of landscaping around the sign shall equal or exceed the sq. footage of the total sign area.
Pole Sign (A)	Yes	BD	50 sq. feet	20 feet	1	10 feet	Cannot be within 10 feet of any other sign or structure
Pole Sign (B)/Billboard	Yes	BD, CD	225 sq. feet	30 feet	1	10 feet	Cannot be within 10 feet of any other sign or structure
Enclosed Frame / Changeable Copy	Yes	HD, BD, CD	8 sq. feet with no greater dimension than 4 feet	N/A	2 per wall max, 4 per site max	10 feet	Enclosed frame must be permanently attached to wall
Nameplate	Yes	HD, BD, CD	1 sq. foot	N/A	1 per entrance max	10 feet	May display the name and profession of the occupant of the suite or building only.
Window	Yes	HD, BD, CD	20% of window area	N/A	N/A	N/A	N/A
Illuminated Sign	Yes	HD, BD, CD	NA	N/A	150' residence	N/A	Sign may be lighted based on district: HD, BD – Sunrise to 10 pm CD - 24 hours

Table of Standards for Temporary Signs

Type Of Sign	Permit	Districts Permitted	Maximum Area	Maximum Height	Time Limit	Set-back	Requirements
Banner	No	HD, BD, CD	32 sq. feet max	Highest point of roof or eave, attached to building	14 days prior to event, removed 1 day after event ends	N/A	N/A
Flags (non-commercial) / Flag Poles	No	HD, BD, CD, R	15 sq. feet	12 feet	N/A	N/A	N/A
Balloons (Inflatable Advertising)	Yes	BD, CD	N/A	20 feet max, 6 feet min to bottom of balloons	Max of 14 days for grand openings or special events, 1 per year	10 feet	N/A
Garage / Yard Sale	No	HD, BD, CD, R	4 sq. feet	N/A	May be erected no more than 3 days prior to event. Must be removed 1 day after event.	N/A	On-site only. No off-premise signs without property owner consent.
Political	No	HD, BD, CD, R	36 sq. feet	N/A	30 days prior to opening of poles and 2 days after poles close.	10 feet	On private property only, with owner consent.
Community	No	HD, BD, CD, R	8 sq. ft.	NA	NA	NA	On private property only, with owner consent.
Commercial Construction	No	BD, CD	8 sq. ft.	NA	Remove 30 days after completion of work	NA	Maximun 2/building site
Sidewalk Signs	no	HD, BD, CD, R	12 sq ft	4 ft ht	Business Hours	NA	On business property only, 20 ft from other sidewalk signs

SECTION 9. ENFORCEMENT

A. Progressive Notification of Offenses:

Except as otherwise provided in this Ordinance, the Village shall provide persons accused of violating this Ordinance with notifications in a progressive, incremental manner as follows:

(1) Notice of Violation: The Responsible Party shall be notified by the Village via certified mail regarding a Sign that violates this Ordinance. The Responsible Party shall remove the sign or bring it into compliance within thirty (30) days of receipt of written notice from the Village.

(2) Citation: If a Responsible Party fails to bring the Sign into compliance within with within thirty (30) days of receipt of written notice from the Village, the Village shall issue the Responsible Party a citation (i.e., ticket).

(3) Complaint: If a Responsible Party fails to bring the Sign into compliance and pay the fine within with within ten (10) days of receipt of a Citation, the Village shall file a sworn complaint in Municipal Court and refer the matter to the Village Attorney for prosecution.

B. Criminal Prosecution

(1) Fine. Any person violating any provision of this Ordinance shall, upon conviction in Municipal Court, be fined a sum not exceeding five hundred dollars ($500.00) per offense.

(2) Misdemeanor. An offense under this Ordinance is a misdemeanor.

(3) Separate Offenses. Each day that a person violates this Ordinance shall constitute a separate offense.

(4) Criminal State of Mind. The culpable mental state to incur criminal liability under this Ordinance is recklessness.

C. Civil Remedies

(1) Nothing in this Ordinance shall be construed as a waiver of the Village'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) injunctive relief.

(2) Any person violating any provision of this Ordinance may be fined a sum not exceeding one hundred dollars ($100.00) per offense.

D. Abandoned Property

In the case of a Sign violating this Ordinance on abandoned property, the Village is authorized to remove the offending Sign and assess the costs to the Responsible Party. **Appendix A**