Ordinance No. 2003.04
Village of Salado
County of Bell
State of Texas
February 20, 2003

SIGN ORDINANCE

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS, REGULATING SIGNS WITHIN THE VILLAGE LIMITS AND ITS EXTRATERRITORIAL JURISDICTION, PROVIDING FOR THE FOLLOWING: NAME, LEGISLATIVE FINDINGS; PURPOSE; 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; SEVERABILITY; EFFECTIVE DATE; PUBLIC NOTICE AND MEETING; REPEALER.

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, 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. ENACTMENT PROVISIONS

A. **Name.** This Ordinance shall commonly be referred to as the Village of Salado "Sign Ordinance."

B. **Legislative Findings.** The recitals made above in the Preamble are hereby deemed Findings made by the Board of Aldermen and shall be incorporated within this Ordinance.

C. **Purpose.** This Ordinance provides standards for the erection and maintenance of signs within the Village of Salado and its ETJ. All signs not exempted as provided in this Ordinance shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and in part 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 or police surveillance;

(c) Create traffic hazards by confusing or distracting pedestrians, obstacles or other vehicles or to read traffic signs; 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 which provide public safety messages and information are given priorities;

(b) Businesses and services may identify themselves;

(c) Customers and other persons may locate a business 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 use of signs.

(3) Landscape quality and preservation. To protect the public welfare and to enhance 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;

(c) Do not create a nuisance to occupants of adjacent and contiguous property by their 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.

D. **Scope.** This Ordinance provides regulatory standards throughout the Village's incorporated municipal boundaries (i.e., city limits) and extraterritorial jurisdiction (ETJ).

E. **Definitions.** Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases which are not defined in this Ordinance but are defined in other ordinances of the Village of Salado shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Ordinance.

(1) **"Advertising Devices"** – Banners or streamers affixed to poles, wires, or ropes, wind operated devices, flashing lights, and other similar contrivances.

(2) **"Billboard"** – See "Signs, OFF-Premises"

(3) **"Building"** – Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings (e.g., subdivided for tenants), the entire structure shall be considered one building. This term does not include an accessory building, which is subordinate to the main building and is used for purposes accessory and incidental to the main use (e.g., for storage).

(4) **"Curb Line"** – an imaginary line drawn along the outermost part or back of the curb and gutter on either side of a public street, or, if there is no curb and gutter, along the outermost portion of the paved roadway, or if there is no paved roadway, along the edge of the traveled portion of the roadway.

(5) **"Erect"** – To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of signs.

(6) **"Extraterritorial Jurisdiction" or "ETJ"** – the unincorporated area contiguous to and surrounding the Village of Salado that is established by law, particularly Chapter 42, Texas Local Government Code, as being the area in which the Village 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 Village, the size of which is determined by the number of inhabitants residing in the Village.

(7) **"Façade"** – Any separate face of a building which encloses or covers usable space.

(8) **"Face, Facing** or **Surface"** – The surface of the sign, excluding structural trim or supports, upon, against, or through which the message is displayed or illustrated on the sign.

(9) **"Free Standing Service Facility"** – Automatic bank teller machine, film photo finishing outlet or other similar facility located in a free-standing structure devoted solely to such use as an accessory to one or more principal buildings.

(10) **"Illuminated Sign"** – A sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.

(11) **"Incombustible Material"** – Any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature

(12) **"Other Advertising Structure"** – Any marquee, canopy or awning, as further defined in this Ordinance.

(13) **"Outparcel"** – A structure, building, lot, or other facility that services or is otherwise a part of a larger property or enterprise but which is detached from or located a distance from the larger property.

(14) **"Permittee"** – A person receiving a permit pursuant to the provisions of this Ordinance.

(15) **"Person"** – Any person, firm, partnership, association, corporation, company or organization of any kind.

(16) **"Person Responsible for a Sign"** – Any person who erects, relocates, expands or structurally alters a sign within the Village of Salado or its ETJ. The term includes a person who owns, rents or leases the property upon which a sign is erected, relocated, expanded, or structurally altered within the Village or its ETJ. The term also includes a person who owns a sign or the structure upon which a sign is placed.

(17) **"Setback Clearance Zone"** – That area enclosed by drawing an imaginary line connecting two points located within fifteen (15) feet of the curb line of any corner of a street intersection, street/driveway intersection, or street/alley intersection, within which signs over two (2) feet in height and less than eight (8) feet in height are prohibited.

(18) **"Sign"** – An outdoor structure, display, light device, painting, drawing, message, plaque, poster, billboard, writing, pictorial representation, illustration, emblem, symbol, design or other thing that is designed, intended or used to advertise or inform. As used in this Ordinance, the term specifically includes any structure or a part thereof, or is attached to or in any manner represented on a building or other structure, and is placed out of doors in view of the general public and is used for purposes of advertisement, identification, or expression.

(19) **"Sign, Agricultural"** – A sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon.

(20) **"Sign, Apartment Name"** – A sign for the identification of an apartment building or complex of apartment buildings.

(21) **"Sign Area"** – The largest area of the sign visible at any one time from any one point enclosed by a single continuous perimeter including any framing or trim enclosing a message, but not including any structural parts lying outside the limits of such sign which does not form an integral part of the message display. The sign area shall be measured on only one side of a double-faced sign provided that the two faces are parallel to each other and provided that the faces are the same size and share a common structural support.

(22) **"Sign, Awning"** – On-premise sign that is mounted or painted on or attached to an awning, canopy or marquee such that the sign does not project more than one (1) foot above, below or beyond the physical dimensions of the awning, canopy, or marquee.

(23) **"Sign, Canopy"** – On-premise sign that is mounted or painted on or attached to an awning, canopy or marquee such that the sign does not project more than one (1) foot above, below or beyond the physical dimensions of the awning, canopy, or marquee.

(24) **"Sign, Construction"** – A temporary sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premise on which the sign is located.

(25) **"Sign, Development"** – A temporary sign related to the promotion of new land developments and located on the premises involved in the development.

(26) **"Sign, Double Faced (Back to Back)"** – An advertising structure with two closely located signs with faces in opposing directions, with less than a 15 degree angle between the sign faces. Any structure with more than a 15 degree angle between sign faces will constitute two signs.

(27) **"Sign, Flashing"** – A sign, the illumination of which is not constant in intensity when in use, but not including illuminated signs that indicate the date, time or temperature, or other public service information shall be considered a flashing sign.

(28) **"Sign Height"** – The vertical distance between the base of the sign at the nearest natural or finished grade to the highest part of the sign or any attached component.

(29) **"Sign, Illuminated"** – Any sign which has characters, letters, figures, designs or outlines illuminated externally by electric lights or internally by luminous tubes.

(30) **"Sign, Institutional"** – A sign identifying a school, church, hospital or similar public or quasi-public institution.

(31) **"Sign, Marquee"** – See "Sign, Awning."

(32) **"Sign, Moving"** – Any sign which moves or has moving parts other than parts which indicate time or temperature.

(33) **"Sign, Name Plate"** – A sign which is located on the premises, giving the name and/or address of the owner or occupant of a building or premise.

(34) **"Sign, Off-Premise"** – A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located. The term also includes a sign that does not refer exclusively to the name, location, persons, accommodations, sale, lease, construction, or activities of or on the premises where it is erected. The premises of a shopping center include the outparcels.

(35) **"Sign, On-Premise"** – A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product principally located or primarily manufactured or sold on the premises on which the sign is located.

(36) **"Sign, Portable"** – A transportable sign of durable construction on wheels, skids, legs, or framing including trailers and searchlights, the principal intent of which is for advertising or promotional purposes, and which is not designed nor intended to be permanently affixed to a building, other structure or the ground. A portable sign that has its wheels removed shall still be considered a portable sign. Portable signs are prohibited one year from the date of adoption of this Ordinance.

(37) **"Sign Setback"** – The sign setback is measured as the perpendicular distance between the nearest curb line parallel to the outer (leading) edge of any portion of a sign. In all other locations, sign setback is measured as the distance between the property line and the outer (leading) edge of any portion of a sign. Signs erected along the IH35 corridor must be approved by the State of Texas as determined by state regulations.

(38) **"Sign, Special Height"** – A sign for highway-oriented automotive uses such as hotels, motels, service stations, shopping centers, office centers, and other similar uses where, because of location or setback, certain height is desirable for signs identification.

(39) **"Sign, Temporary"** – Any sign that is used temporarily and is not permanently mounted, constructed of cardboard, cloth, canvas, fabric, plywood, or similar lightweight material. A portable sign is not a temporary sign.

(40) **"Sign, Wall"** – An on-premise sign affixed to, or painted on, the facade of a building such that the wall is the supporting structure for, or forms the background surface of the sign and which does not project more than eighteen (18) inches perpendicular to the wall. A wall sign shall include canopy signage associated with gasoline service stations and shall be limited to gas price, name, and company identification. A fence sign shall be considered a wall sign.

(41) **"Structural Trim"** – The molding, battens, capping, nailing strips, lattice, and platforms which are attached to the sign structure.

(42) **"Village"** – The Village of Salado, an incorporated municipality located in Bell County, Texas. As applied in 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.

2. PERMITS

A. **Permit Required**. Except as provided in Section 8 (nonconforming signs), it is unlawful for any person to erect, construct, relocate, expand or structurally alter, within the Village of Salado or its ETJ, any sign without first obtaining a permit from the Village and making payment of the required fee. No permit is required for repair, repainting or maintenance which does not entail structural change or for change of copy or message. Failure to obtain a required sign permit subjects the property owner/lessee to enforcement action under this Ordinance. A permit is required to reconstruct a damaged or deteriorated non-conforming sign.

B. **Application for Erection Permit.** Application for a sign permit must be made on a form provided by the Village and shall contain and have attached the following information:

(1) Name, address and telephone number of the applicant;

(2) Name and firm of person erecting sign;

(3) If applicant is not the owner of real property where sign is proposed to be erected, written consent of the property owner;

(4) Location of building, structure, address or legal lot and block to which or upon which the sign is to be attached or erected;

(5) A site plan indicating position of the proposed sign and other existing advertising structures in relation to nearby buildings or structures, north arrow, and scale of drawing, property lines, curb lines, adjacent streets, alleys, curb cuts, setback clearance zone.

(6) Copy of stress diagrams or plans, when needed, containing information as to safety and structural integrity of sign. Note that the Village assumes no liability for safety & structural integrity.

(7) Indicate whether the sign will require electricity.

(8) Copy of permit approved by Texas Department of Transportation, Texas Transportation Commission, or successor agencies if state law requires a state permit.

(9) Such other information as the Village requests to show full compliance with this and all other standards of the Village.

The Village is not required to act upon a permit application until it is deemed by the Village to be administratively complete.

C. **Permit Issuance.** Consideration, evaluation, and approval or denial of applications for sign permits will be performed by the Board of Aldermen of the Village or the Board's

designated representative. Upon the filing of an administratively complete application for a permit, the Village shall take action on the permit application within forty-five (45) days of receipt of the application unless the applicant requests a voluntary postponement. The Village may:

(1) Examine the plans and specifications and the premises upon which the proposed sign shall be erected as needed; and

(2) Issue a permit if the proposed structure complies with the requirements of this Ordinance and all other standards of the Village of Salado. If the work authorized under an erection permit is not completed within six (6) months after the date of issuance, the permit shall become null and void.

D. **Permit Fee.** Every applicant, prior to issuance of a permit, shall pay the Village a nonrefundable fee in an amount determined by current sign permit rates as may from time to time be established and modified by the Board of Aldermen.

E. **Revocation of Permit**. The Village may revoke any permit where there has been a violation of the provisions of this Ordinance or a misrepresentation of fact on the permit application.

F. **Exemptions**. The following signs are exempt from the permit requirements of this Ordinance:

(1) Temporary real estate signs not exceeding sixteen (16) square feet in area which advertise the sale, rental or lease of the premises upon which the sign is located. Such signs shall be removed no later than seven (7) days following sale or rental of the subject property. "Sale" in this instance shall mean occupancy of the unit by a new resident.

(2) Political signs concerning candidates for public office and ballot issues and not exceeding four (4) square feet in area.

(3) Temporary signs advertising the date, time and location of a garage or yard sale and not exceeding four (4) square feet in area. Such signs shall be posted no more than three (3) days prior to and removed one (1) day after the sale.

(4) Signs attached to the inside of a window and not exceeding four (4) square feet in area which do not exceed twenty-five (25%) percent of the area of the window pane.

(5) Signs which are an integral part of the historic character of a landmark building or historic district.

(6) Public signs regulating vehicular or pedestrian traffic or designating or giving direction to streets, schools, hospitals, historical sites or public facilities.

(7) Flags of any government or governmental agency or any patriotic, religious, charitable, civic, educational or fraternal organization not exceeding forty (40) square feet in area and thirty (30) feet in height.

(8) A temporary sign in conjunction with special events such as a 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.

(9) Temporary displays or decorations customarily associated with any national, state, local or religious holiday or celebration. Such signs shall be erected no more than forty-five (45) days before and removed no later than fourteen (14) days after the celebration.

(10) Hand-held signs of a noncommercial nature not set on or affixed to the ground and not exceeding ten (10) square feet in area.

(11) Temporary signs identifying the architect, engineer, developer or contractor when placed upon construction sites and not exceeding thirty-two (32) square feet in area. Such signs shall not be erected prior to issuance of a building permit and shall be removed no later than seven (7) days after completion of the project.

(12) Signs identifying the different tenants occupying a professional office, or commercial building not exceeding two (2) square feet in area.

(13) 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.

(14) Property identification signs indicating address and not exceeding two (2) square feet in area.

3. VARIANCES

A. **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.

B. **Board Action.** Unless an extension or postponement is sought by the requestor, the Board must consider and take action on a request for a variance within forty-five (45) days of receipt of the request.

C. **Findings.** The Board of Aldermen may grant a variance upon affirmative written findings as to the following elements:

(1) 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.

(2) The variance is not contrary to the public interest.

(3) 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

(4) 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.

D. **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.

4. PROHIBITIONS

A. **Prohibited Signs.** The following signs are prohibited in the Village of Salado. It is unlawful to erect, construct, relocate, expand or structurally alter the following signs in the Village's incorporated municipal boundaries or the ETJ.

(1) **Signs Without Permits.** No sign or other advertising structure shall be erected or maintained in violation of the permit requirements of Section 2.

(2) **Poorly Maintained Signs.** No sign or other advertising structure shall be inadequately maintained so as to show evidence of deterioration, including rotting supports, peeling, rust, dirt, fading, discoloration or holes.

(3) **Outdated/Abandoned Signs.** No sign or other advertising structure shall continue to advertise a business or project which has been out of business in excess of ninety (90) days. A sign which is abandoned such that it has not been used for advertising or promoting a going concern for one (1) year shall be removed.

(4) **Obstructions to Doors, Windows or Fire Escapes**. No sign or other advertising structure shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

(5) **Traffic Hazards.** No sign or other advertising structure shall:

(a) Obstruct free and clear vision at any street intersection.
(b) Interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device because of its position, shape or color.
(c) Make use of the words "STOP", "LOOK", "DANGER" or any other word, phrase, symbol or character in a manner that interferes with, misleads or confuses traffic.
(d) Present a traffic hazard by using illumination resembling an emergency signal.

(6) **Unsafe Signs.** No sign or other advertising structure shall constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance and if so, may be declared a public nuisance and be forwarded to the Village for action.

(7) **Illuminated Signs.** No sign or other advertising structure shall be illuminated with lights that glare into or upon the surrounding area or any residential premises or distract operators of vehicles or pedestrians on the public right-of-way. Flashing signs and neon signs are prohibited.

(8) **Obscene Signs.** No sign or other advertising structure shall display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

(9) **Vehicular Signs.** No sign or other advertising structure shall be painted on or be attached to a motor vehicle used primarily for the display of such sign, including, but not limited to a billboard truck. This section shall not prohibit the identification of a business or its products or services on its vehicle(s) operated and parked in a manner appropriate to the normal course of business.

(10) **Portable Signs**. Portable signs are prohibited.

(11) **Bench Signs.** Bench signs are prohibited.

5. ON-PREMISE SIGNS

A. **Advertising**. Signs may advertise and promote the business or use conducted directly on the property where the sign is located. Signs may not advertise businesses, goods, or services which are offered in other locations.

B. **Prohibited Signs**. The following sign types shall not be permitted: off-premise advertising signs, portable and trailer signs, vehicle signs, trash receptacle and bench signs, flashing illuminated signs, temporary non-affixed signs, satellite dish signs, and roof mounted advertising signs. Also, flashing and moving signs are prohibited, except that time and temperature and digital scroll displays are allowed.

C. **Illumination.** Signs may be illuminated internally or externally. Illumination shall be constant and represent no traffic hazard. No lighted sign shall be erected within 150 feet of a residential area unless the lighting is shielded from the view of the residential area.

D. **Movement**: Signs shall not be permitted to move or rotate in any manner.

E. **Materials**: Signs shall be constructed from materials consistent with the Village's historic and rural environment and meet all building, electrical, and safety codes. Examples include, but are not limited to, wood, stone, copper, bronze, brick and stone.

F. **Maintenance:** All signs and supports shall be maintained in good condition to prevent deterioration, oxidation, rust, and other unsightly conditions. All abandoned signs and supports shall be removed within ninety (90) days of abandonment. All damaged signs shall be repaired or removed within ninety (90) days of damage.

G. **Non-Conforming Signs:** An on-premise sign not in conformance with the Sign Regulations governing structure, dimension, height and placement, which was lawfully erected prior to the enactment of said regulations, shall be considered a non-conforming sign. Non-conforming signs shall be exempted from the provisions of this Ordinance which prohibit reconstruction of damaged or deteriorated non-conforming structures. A permit for reconstruction of a non-conforming sign shall require that the sign be reconstructed within six (6) months of substantial deterioration or destruction, in place, without increasing any non-conforming characteristic of the sign. Existing portable signs promoting business uses in another location shall be removed within thirty (30) days of the adoption of this Ordinance.

H. **Right-of-Way Protected.** Street right-of-way encroachment by any sign is prohibited. Signs erected in the right-of-way by a person other than a government entity are hereby declared a public nuisance and may be removed and disposed of by the Village without notice and without compensation to the sign owner.

I. **Utilities Protected.** A sign may not conflict with a utilities easement.

J. **Setbacks.** setback clearance zone shall be observed at each street corner intersection, each driveway opening, and each street intersection.

K. **Maximum Number Allowed.** The number of on-premise signs is limited to one (1) free standing and one (1) attached sign per building. An additional attached sign is authorized if the building has frontage on two (2) public streets, thus making three (3) the maximum number of allowed on-premise signs.

6. OFF-PREMISE SIGNS

A. **Effective Date.** An off-premise sign erected after September 19, 2002, shall comply with the following standards unless an alternate standard applies because the sign is erected under incentive or relocation provisions.

B. **Location.** An off-premise sign (billboard) is permitted solely on property fronting Interstate Highway 35 (IH-35).

C. **Spacing.** No off-premise sign along Interstate 35 may be erected within 1,500 feet of another off-premise sign.

D. **Area.** The dimensions of an off-premise sign erected on property fronting IH-35 must be not more than 10 feet 6 inches by 36 feet (10'6" x 6"), for a total surface display area per face of 386 square feet.

E. **Faces.** An off-premise sign may be single-faced or double-faced, but may not contain more than one face on each side of the display. Goal post structures will not be allowed.

F. **Height.** An off-premise sign must be no more than thirty (30) feet in height. Sign height is measured from the grade level of the centerline of the main-traveled way closest to the sign, at a point perpendicular to the sign location.

G. **Setback.** An off-premise sign must be set back at least twenty (20) feet from any road or street right-of-way line, measured from the closest part of the sign.

H. **Residential zone.** No off-premise sign shall be permitted if property zoned residential is located between the sign location and the roadway toward which the sign would be oriented.

I. **Consent.** No part or foundation or support of any off-premise sign may be placed on, in, or over any private property without the written consent of the property owner.

J. **Encroachment.** No part or foundation or support of any off-premise sign may be placed on, in, or over any public property or street rights-of-way, or upon telephone or utility poles, or natural features such as trees and rocks.

K. **Protected vegetation.** Notwithstanding any other provision or other applicable law or regulation, no person shall remove, cut, or otherwise alter any vegetative screening on public property or private landscaping required by code as a condition of permit approval in order to improve the visibility of a nearby off-premise sign. Should such an alteration occur, any off-premise sign so benefited shall be deemed nonconforming and shall be required to become the next nonconforming off-premise sign relocated.

L. **Roof.** No off-premise sign may be erected or maintained upon the roof of any building structure.

M. **Light.** No off-premise sign may be constructed where it obscures or shades the windows or doorways of adjacent buildings.

N. **Traffic hazard.** No off-premise sign may be permitted which, because of its size, shape, or location, may obscure or obstruct the view of vehicular or pedestrian traffic so as to endanger the safe movement thereof or be confused with any authorized traffic control sign, signal, or device.

O. **Scenic vista.** No off-premise sign may be permitted which, because of its size, shape, or location, may impair any scenic vista from the highway or a building adjacent to the highway or to the off-premise sign.

P. **Construction.** An off-premise sign must have a steel post and be constructed and erected in conformance with current building codes.

Q. **Identification.** An off-premise sign must be permanently identified with the name of the sign owner or operator with letters of sufficient size to be easily read from the nearest roadway.

R. **Inventory.** The owner or operator of one or more off-premise signs within the Village of Salado and its ETJ must inventory the signs on forms provided by the Village and file the completed forms with the Village office within six (6) months from September 5, 2002. No incentive credit or permit for alteration or relocation may be issued for an off-premise sign that was not timely inventoried and reported to the City.

S. **Permit required.** No off-premise sign may be erected without a valid permit issued by the City. A permit for off-premise signs may be issued only when all requirements of this section are met. A permit for off-premise sign construction is valid for a period of six (6) months from date of issuance. The Board of Aldermen may extend the time limit for construction of a sign for up to one additional year. The permittee may present, and the Board of Aldermen shall consider, evidence relating to market conditions for new sign construction, availability of local financing for new sign construction, the permittee's history of compliance with the requirements of this section, and other relevant factors.

T. **Alteration.** An off-premise sign may not be altered with regard to size, shape, orientation, height, or location without the prior issuance of an alteration or relocation permit. Ordinary and necessary repairs that do not change the size, shape, orientation, height, or location of an inventoried off-premise sign do not require an alteration permit, An alteration permit expires if the approved modifications are not completed within 90 days of permit issuance.

U. **Demolition.** A demolition permit is required prior to removal of an existing off-premise sign. Demolition must be completed within ninety (90) days from permit issuance. The permit must state the number of faces to be demolished.

V. **Maintenance.** Whenever the Board of Aldermen finds that any off-premise sign on the authorized list is not maintained in good repair and has not deteriorated more than fifty percent (50%) of its replacement value, the Board of Aldermen will notify and order the owner to repair the sign within thirty (30) calendar days. If the Board of Aldermen finds that an off-premise sign has deteriorated more than fifty percent (50%) of its replacement value, or is not repaired within thirty (30) calendar days, the Board of Aldermen shall notify the owner of the off-premise sign and the owner of the real property on which the off-premise sign is located to remove the off-premise sign or poster panel from the property within a specified time. All off-premise signs ordered to be removed shall be stricken from the authorized list when the time limit is set and the removal notice ends.

W. **Off-Premise Sign Cap.** The number of off-premise signs in the Village and its ETJ is limited to the number of such signs in existence on September 18, 2002, said date for the cap having been established in Ordinance No. 2002-17 which ordinance is hereafter repealed except that said date shall continue in full force and effect for the purposes of this off-premise sign cap. In any newly annexed area, off-premise signs will be added to inventory.

X. **Relocation.** When a sign located in the Village of Salado or its ETJ within the proposed right of way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign, the Village will also issue a permit for a sign that meets all current Village standards, except that the relocated sign:

(1) must have a permit, but will not require payment of a permit fee;

(2) may be erected no less than five (5) feet from any highway right of way line;

(3) may be constructed with the same number of poles and same type of materials as the existing sign; and

(4) may be erected without enlarging the sign face.

7. SPECIFIC STANDARDS FOR CERTAIN SIGNS

Set out below are specific standards that apply to Free-Standing Signs, Wall Signs, Roof Signs, Projecting Signs, Awnings and Canopies, and Illuminated Signs. The maximum number of on-premise signs for a building having frontage on two (2) public streets is three (3) (e.g., two attached signs and one free-standing sign, or two free-standing signs and one attached sign).

A. Free-Standing Signs

(1) **Definition**. Free-standing sign, as regulated by this portion of the ordinance, shall mean any sign supported by uprights or braces placed into or upon the ground and not attached to any building. Standards for off-premise advertising are addressed separately in Section 6 above.

(2) **Location**.

(a) **Height and Area Limitations**. Free-standing signs shall conform to a maximum of thirty-two (32) square feet in area. Free-standing signs shall not exceed a height greater than twelve (12) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level. The Special height allowance on IH35 corridor is thirty (30) feet above the level of the street upon which the sign faces or above the adjoining ground level.

(b) **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 or tract located at a street intersection is allowed one (1) freestanding sign per street frontage.

(4) **Multiple Businesses, Services, Tenants.** Buildings housing multiple businesses are encouraged to group signage. A thirty percent (30%) increase in sign area is allowed for a group sign, advertising a center with multiple businesses. This incentive may be increased to thirty-five percent (35%) over the sign area allowed when a group sign is combined with landscaping.

(5) The number of freestanding signs may be increased by *one* of the following options:

(a) 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 on the property line (0' setback), or

(b) Alternate Signage Plan. The Board of Aldermen will review a variance request for an alternate signage plan which meets the unique advertising needs of the site,

business, service or tenant and, at the same time, carries out the intent of this Ordinance to balance on site advertising needs with community appearance.

B. Attached Signs

(1) Definition. Attached sign, as regulated by this Ordinance, shall mean Wall Signs, Roof Signs, Projecting Signs, Awnings and Canopies.

(2) Area. Attached sign 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.

(3) Maximum Number. Building having frontage on two (2) public streets may have a total of two (2) attached signs, one facing each direction of travel. The maximum number of on-premise signs for a building having frontage on two (2) public streets is three (3) (e.g., two attached signs and one free-standing sign, or two free-standing signs and one attached sign).

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

C. Wall Signs.

(1) Definition. Wall sign, as regulated by this Ordinance, shall mean any sign affixed to, or painted on, the facade of a building such that the wall is the supporting structure for, or forms the background surface of the sign and which does not project more than eighteen (18) inches perpendicular to the wall. A wall sign shall include canopy signs associated with gasoline service stations and shall be limited to gas prices, name, and company identification. A fence sign shall be considered a wall sign.

(2) Location.

(a) No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached in excess of four (4) feet.

(b) Projection Above Sidewalk and Setback Line. No wall sign shall be permitted to extend more than six (6) inches beyond the building line, and shall not be attached to a wall at a height of less than ten (10) feet above the sidewalk or ground.

(3) Maximum Number.
Numbers/letters indicating property address will not be counted in the calculation. A wall sign maybe used in conjunction with a free-standing sign. A secondary pedestrian or delivery sign is allowed, however, sign limitations still apply.

D. Roof Signs.

(1) Definition. "Roof Sign" as regulated by this portion of the ordinance shall mean any sign erected, constructed and maintained wholly upon or above the roof of any building with the principal support attached to the roof structure.

(2) Location.

(a) Height Limitations. No roof sign shall have its highest point extend above the roof level.

(b) Prohibited Obstructions. No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage along the roof or interfere with openings in the roof.

E. Projecting Signs.

(1) Definitions.

(a) "Projecting Sign" as regulated by this portion of the ordinance shall mean any sign which is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached. A marquee is a projecting sign for this portion of the ordinance. A projecting sign over public property is allowed to be permitted in the routine manner only in a Business District. In other locations, a projecting sign over public property requires approval of a right-of-way license by the Board of Aldermen.

(b) "Horizontal Projecting Sign" shall mean any sign which is greater in width than in height.

(c) "Vertical Projecting Sign" shall mean any sign which is greater in height than in width.

(2) Thickness Limitation. The distance measured between the principal faces of any projecting sign shall not exceed eighteen (18) inches.

(3) Location; Projection Over Public Property. Every projecting sign shall be placed at least nine (9) feet above the public sidewalk over which it is erected, no more than two (2) feet from the face of the wall to which it is attached, measuring from the point of the sign nearest the wall, and at least one (1) foot from the curb line. Every projecting sign shall be placed at least fifteen (15) feet above the public driveway, alley or thoroughfare over which it is erected.

F. Awnings and Canopies.

(1) Definitions.

(a) **"Awning"** as regulated by this portion of the ordinance shall mean any structure made of cloth or metal with a metal frame attached to a building which may be fixed or can be retracted to a position flat against the building when not in use. An approval of a right-of-way license by the Board of Aldermen is required for sign projection into the public street right-of-way.

(b) **"Canopy"** as regulated by this portion of the ordinance shall mean any structure, other than an awning, made of cloth or metal with metal frames attached to a building which is carried by a frame supported by the ground or sidewalk. An approval of a right-of-way license by the Board of Aldermen is required for sign projection into the public right-of-way, even if legs of a canopy sign project into sidewalk.

(2) Location.

(a) **Height Above Sidewalk; Awnings.** No portion of an awning shall be less than nine (9) feet above the level of the sidewalk or public thoroughfare over which it is erected.

(b) **Height Above Sidewalk; Canopies**. No portion of a canopy shall be less than nine (9) feet above the level of the sidewalk or public thoroughfare over which it is erected.

(c) **Setback from Property Line**. No awning or canopy shall be permitted to extend beyond the property line.

(d) **Width.** No limitation on width of awnings. No canopy shall be permitted to exceed eight (8) feet in width.

(3) **Advertising**. The name of the owner and the business, industry or pursuit conducted within the premises may be painted or otherwise permanently placed in a space on the front and side of the awning or canopy.

G. Illuminated Signs.

(1) **Definition.** An "Illuminated Sign" is a sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.

(2) **Hours of Operation.** Illuminated signs that are internally illuminated, other than residential development signs and single family address signs, may only be illuminated during the related establishment's hours of operation and for a period of no more than one hour afterward. Such internally illuminated signs may be illuminated on days that the establishment is not open for business for no longer than they are illuminated during a normal business day.

(3) **Brightness Limitations.**

(a) The illumination from an illuminated sign which is internally illuminated may not exceed four (4) foot candles at a distance of eight (8) feet.

(b) No illuminated sign shall be illuminated to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a hazard or nuisance.

(c) The maximum illumination of any illuminated sign shall not exceed forty (40) foot candles in non-residential zones or twenty (20) foot candles in residential zones.

(d) The average illumination of an illuminated sign shall not exceed 20 foot candles in a non-residential zone or 10 foot candles in a residential zone.

(e) Trespass illumination from all light sources on a property on which an illuminated sign is situated shall not exceed 0.1 foot candle. The measurement of trespass illumination shall be made at a point three (3) feet above finished grade and four (4) feet inside the boundary of the property on which the trespass illumination occurs. The measurements of the illumination of an illuminated sign shall be made at the surface of the sign.

(f) Illuminated signs not conforming to the illumination standards set forth above shall constitute a hazard and a nuisance.

(4) **Mercury Prohibitions.** Illuminated signs, which are illuminated by mercury arc or mercury vapor light sources are prohibited.

8. NONCONFORMING SIGNS

Unless more specifically provided for elsewhere in this Ordinance, a sign not in conformance with these regulations, which was lawfully permitted and erected prior to the enactment of said regulations, shall be considered a non-conforming sign. Non-conforming signs shall be exempted from the provisions of this Ordinance, unless damaged by natural causes or otherwise destroyed or taken down, or removed for any purpose other than maintenance operation which is allowed. It may not be re-erected, reconstructed, or rebuilt, except in full compliance and conformance with this Ordinance. Any non-conforming sign which is damaged or is deteriorated

to a point where its restoration cost exceeds sixty percent (60%) of its replacement value shall be removed, unless otherwise authorized to remain.

9. ENFORCEMENT

A. Civil and Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

B. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars ($500) Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies

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 the following:

(1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance, including removal of signs that violate this Ordinance at the expense of the sign owner; and

(2) a civil penalty up to one hundred dollars ($100) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and

(3) other available relief.

D. Public Nuisance. Any violation of this Ordinance is hereby declared to be a nuisance. A sign that is erected, constructed, relocated, expanded or structurally altered in violation of this Ordinance, and is not a non-conforming sign, is hereby declared to be a public nuisance.

E. Removal. Any sign violating this Ordinance must be removed or brought into compliance within thirty (30) days of receipt of written notice from the Village. If the person responsible for the sign fails to remove or alter the structure so as to comply with the standards set forth in this Ordinance within thirty (30) days after such notice, the

Village may undertake such removal or alteration as is necessary to bring the structure into compliance and assess the costs to the person responsible for the sign. The Village may cause any sign or other advertising structure which presents an immediate peril to persons or property to be removed or altered immediately and without notice, and without compensation to the sign owner.

10. SEVARABILITY

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

11. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage.

12. PUBLIC NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

13. REPEALER

All ordinances regulating signs in the Village of Salado and its ETJ are hereby repealed, including but not limited to Ordinances Nos. 2000.02, 2000.03, 2001.14, 2001.25, 2002.10, 2002.15, and 2002.17, except that the date of September 18, 2002 for establishment and measurement of the off-premise sign cap is preserved and shall continue in full force and effect.

PASSED AND APPROVED on this the 20th day of February, 2003, by a vote of 5 ayes, 0 nays, and 0 abstentions.

THE VILLAGE OF SALADO, TEXAS

Charlotte Douglass, Mayor

ATTEST:

Dianna Zulauf, Village Secretary

APPROVED AS TO FORM:

Alan J. Bojorquez, Attorney at Law