

ORDINANCE NO. 2000-03

AN ORDINANCE PROVIDING FOR REGULATIONS GOVERNING ALL SIGNS IN THE CITY OF MERCEDES, AND REQUIRING ALL SIGNS TO CONFORM TO SUCH RULES AND REGULATIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR REGULATIONS CONCERNING NONCONFORMING USES; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR A SAVINGS AND REPEAL CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MERCEDES THAT:

ARTICLE I

General

Section I. Purpose.

The purpose of this article is to permit such signs that will not, by reason of their size, location, construction, or manner of display, endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety; or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a way as to support and complement the land use objectives set forth in the zoning ordinance.

Section II. Objectives.

(a) *Primary objective.* The primary objective of this article is to ensure that since the Rio Grande Valley area is one of the country's foremost winter resorts, and since the city is a part of this area and wishes to attract and service the winter visitors, that what is seen is inviting and appreciated by both visitors and investors. The city has spent considerable funds in a continuing beautification program and is committed to an overall aesthetic improvement. The visual nuisance presented by an unregulated accumulation of signs within the city limits and its extraterritorial jurisdiction is not conducive to this effort.

(b) *Secondary objective.* This article is designed to eliminate potential safety hazards created by outdoor advertising display devices. For these reasons, the regulations set out in this article are deemed to be imperative.

Section III. Enforcement of article; right of entry

The city manager, or his designated representative, is hereby authorized and directed to administer and enforce all the provisions of this article, and shall have the right to enter any premises for inspection purposes during reasonable hours and after reasonable notice has been given in order to ensure the enforcement of this article. This article, in conjunction with the Standard Building Code and regulations of the state department of highways and public transportation, provides the guidelines and regulations for

any and all signs constructed, erected, altered, installed, relocated or renovated within the corporate limits of the city and its extraterritorial jurisdiction.

Section IV. Sign Definition

A sign is any device designed to inform or attract the attention of persons not on the premises on which the sign is located. The following shall be deemed to be excluded from the definition of "sign" as it applies to the regulations in this article:

- (1) Signs not exceeding two square feet in area and bearing only property numbers, post box numbers, or names of occupants of premises.
- (2) Flags and insignia of any government, except when displayed in connection with a commercial promotion.
- (3) Public signs of a public or noncommercial nature, which shall include community service information signs, public transit service signs (traffic signs), public utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historical points of interest, and all signs erected by a public officer in the performance of a public duty or by a government entity pursuant to State law.
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- (5) Signs which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby or court which are intended solely for information relating to the interior operation of the building in which they are located.
- (6) Memorial plaques or tablets, grave markers, statues and other remembrances of persons or events that are noncommercial in nature.

Section V. General Definitions.

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

Advertising sign means a sign, which identifies or promotes any product, commodity, or service.

Agricultural sign means a sign, which identifies the farm or ranch on which it is placed and advertising the products, crops, animals or poultry raised or quartered thereon.

Animated sign means a sign with action or motion, flashing color ranges requiring electrical energy, automatic electronically controlled copy changes, electronic or manufactured sources of supply, but not including wind actuated elements such as flags, banners or special items.

Authorized agent means an architect, builder, developer, engineer or other person empowered to act on behalf of other persons.

Beautification corridors mean the areas along U.S. Expressway and Business 83 from the East City limits to the West City limits.

Board means the Board of Adjustment of the City.

City manager means the city manager or his duly authorized representative, i.e., assistant city manager, director of planning, building inspector.

District means a part, zone, or geographic area within the city within which certain zoning or development regulations apply.

Expressway corridors mean the areas along U.S. Expressway and Business 83 from the East City limits to the West City limits.

Extraterritorial jurisdiction means the area extending one mile beyond the corporate limits of the City.

Gutter flow line means, in lieu of paved curb and gutter, the invisible lines to either side of the paved or used right-of-way of a road at which water will naturally flow parallel to such road.

Home occupation means a commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms; without the installation of machinery or additional equipment other than that customary to normal household operations; without the employment of additional persons; with a non-illuminated sign that is no larger than 18 inches by 24 inches to advertise the occupation, and which does not cause the generation of other than normal noise and pedestrian and vehicular traffic.

Illuminated sign means any sign illuminated in any manner by an artificial light source.

Institutional sign means a sign, which identifies a school, church, hospital, or similar publicly owned building.

Nonconforming sign means any sign which does not conform to the regulations of this article.

Off-premises sign means a sign including the supporting sign structure, which directs the attention of the general public to a business, service, or activity, not conducted or a product not offered or sold upon the premises where such sign is located.

On-premises sign means a sign which directs the attention of the general public to a lawful use of the premises on which it is located, including signs and sign devices indicating the business transacted, services rendered, or goods sold or produced on the premises, name of the business, and name of the person occupying the premises.

Premises or site means any platted or unplatted tract or any combination of contiguous lots held under single ownership.

Sexually oriented sign means any sign, which attracts attention to sexual activities, promotes sex or exposes sexually explicit parts of the body.

Standard Building Code means that code published by Southern Building Code Congress International, Inc., and adopted under Ordinance No. 98-16 and being a set of rules and regulations designed to protect the public's life, health and welfare in the built environment.

Section VI. Restrictions generally.

(a) No more than two permanent signs shall be permitted on one lot, except for those lots with double frontage, in which case a maximum of three permanent signs will be permitted with at least one sign on each frontage. This does not include exempted signs.

(b) No site may utilize more than three different types of signs, excluding temporary and exempted signs.

(c) Signs shall not create a nuisance to the occupancy or use of other properties as a result of their size, height, brightness, movement or location.

(d) No sign shall be allowed within the restricted area described as follows:

(1) All of that portion of land lying within a triangular shaped area on each street corner within the city described by metes and bounds as follows: Beginning at the precise corner of the intersection point of the curbs of each of the two streets forming each corner and extending 12 feet along each such curb line from such curb intersection point, the straight line from the ends of such 12-foot extensions, whether such land be privately owned or unpaved or untraveled street right-of-way.

(2) Where no curbs are in existence at such street intersections, such 12-foot lines shall coincide with the central flow line of the ditches paralleling such uncurbed streets, as shall be determined by the city manager or his duly authorized representative.

No sign of any type shall be placed within the public right-of-way.

(f) Searchlights. Searchlights may be allowed without permit on a temporary basis with the time to be anywhere between 4:00 p.m. and 10:00 p.m. The number of consecutive days when searchlights may be used is limited to three. The applicant must apply to the city manager or his duly authorized representative for permission to operate a searchlight at least three (3) business days before its intended

use and must comply with all other state and federal regulations pertaining to their use.

Section VII. Appeals.

Any person contesting any disapproval, interpretation and/or the application of any rule, standard, regulation, determination, requirement, or necessity set forth in this article shall have the right to appeal the decision of the city manager through the board of adjustment by established procedures. The board shall have the jurisdiction to grant special variances from the provisions of this article where it is found, upon presentation of adequate proof, that compliance with any provisions of this article will result in an arbitrary and unreasonable taking of property or in the practical closing or elimination of any lawful business, or a substantial financial hardship or inequity, in any case without sufficient corresponding benefit or advantage to the city and its citizens in terms of accomplishing the objectives of this article as set forth herein. The board of adjustments may permit such modifications of the requirements of this article as may be found necessary to avoid inconvenience arising because of the location of existing structures or of topography and is hereby authorized to grant such variances in accordance with the following restrictions:

- (1) Setback, effective area (face), and height of detached on-premises signs may be decreased or increased as much as ten percent.
- (2) The number of permanent signs on any premises may be increased by not more than one.
- (3) No variance shall be granted past the termination date established pursuant to that provision which permits the continuance of any nonconformity.

In no case may the board authorize a private sign on or over public property unless specifically authorized by this article.

Section VIII. Interpretation, intent.

In interpreting and applying the provisions of this article, or any amendments thereto, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this article or any amendment thereto to interfere with or abrogate or annul any easements, covenants or other agreements between parties, or any statute, local ordinance or regulations, except that if this article or any amendment thereto imposes a greater restriction, or higher standard, this article or any amendment thereto shall control.

Section IX. Conflicting Provisions.

Whenever the requirements of this article are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

ARTICLE II

Types; Classifications

Section I. Sign types.

The various types of signs regulated by this article are hereby defined as follows:

(a) *Accessory sign* means a sign that is incidental to the effective operation of the enterprise to which it pertains, and is not intended to serve as the primary identification of the premises and does not attract the attention of passersby for the purpose of advertising a product or service available therein.

(b) *Banner sign* means any temporary sign intended to be hung either with or without frames, characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this article.

(c) *Bench sign* means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

(d) *Billboard sign* means any flat surface erected on a framework or on any structure, or attached to posts and used for, or designed to be used for, the display of bills, posters, or other advertising material, for the purpose of advertising a business, organization, event, person, place, or thing not located on the same premises as such advertising material, with one or two parallel and directly opposite signs with their faces oriented in opposite directions and spaced not more than ten feet apart (see definition of off-premises signs, section 106-32).

(e) *Canopy sign* means a sign that is hung, affixed, or suspended beneath an awning or canopy and is intended to identify a business, product or service primarily for the benefit of pedestrian traffic. A canopy is defined as being a structure, not including a carport, either attached to or detached from any existing structure, having no side walls, consisting of a roof with support columns or posts and being constructed of noncombustible materials to be used solely for the purpose of providing shade and/or for the purpose of providing protection for gasoline and fuel dispensing equipment. For the sake of this article, this definition shall also include canopies used for the purpose of shade and/or protection over a public right-of-way, and further defined as a structure projecting from, extending beyond, and supported by a building.

(f) *Changeable copy sign* means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign. This does not include those signs having automatic electronically controlled copy changes.

(g) *Construction sign* means any temporary non-illuminated sign giving the name of architects, engineers, builders, or contractors and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

(h) *Directory sign* means a sign on which the names and location of occupants or the use of a building is given. This shall include office buildings, church directories, and shopping malls.

(i) *Ground and/or pole sign* means any sign which is supported by structures or supports in or upon the ground and independent of support from any building, for the purpose of directing attention to the general public to a lawful use of the premises on which it is located (see definition of on-premises sign in section 106-32).

(j) *Home occupation sign* means any non-illuminated sign that is no larger than 18 inches by 24 inches, indicating the name of the occupant and/or occupation of a customary home occupation as defined in this article.

(k) *Marquee sign* means any sign attached to and made a part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

(l) *Political sign* means any temporary sign whose sole purpose is the transmittal of information concerning an upcoming political issue or campaign, or a public issue of potential concern to the community as a whole, except when each sign is affixed to a permanent sign structure.

(m) *Portable sign* means a movable sign that is not attached to a permanent support or building, designed to be temporary and mobile. This definition includes signs attached to trailers, but does not include signs permanently placed on the sides of motor vehicles.

(n) *Projecting sign* means any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

(o) *Real estate sign* means any temporary sign, which are used to offer for sale, lease, or rent the property upon which the sign is placed. No permit is required if the sign has an area of 32 square feet or less.

(p) *Roof sign* means any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

(q) *Snipe sign* means any sign of any material whatsoever that is attached in any way to a utility pole, tree, or any object located or situated on public or private property.

(r) *Street banner sign* means any temporary banner sign, which is stretched across and hung over a public right-of-way.

(s) *Subdivision sign* means a non-illuminated sign located on the property to be subdivided or recently subdivided.

(t) *Temporary sign* means any sign not on a permanent foundation, the life of which does not extend beyond that specified for certain uses in this article, such as construction, real estate, political, portable

and trailer signs.

(u) *Trailer sign* means any sign mounted on a vehicle normally licensed by the state as a trailer and used for advertising or promotional purposes.

(v) *Wall sign* means any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

(w) *Window sign* means any sign affixed or attached to the interior or exterior of a window, not to exceed in size the surface of the window area.

Section II. Sign classifications.

(a) *Permitted signs.* Except as otherwise provided in this article, permitted signs shall be as enumerated in Article V of this article, signs permitted by zoning districts.

(b) *Exempted signs.* The following signs shall not require permits under this article: All signs defined in Article I, Section IV, and;

- (1) Temporary banner signs three feet or less in width.
- (2) Home occupation signs as allowed by the zoning ordinance.
- (3) Temporary political signs, unless on a trailer; see subsection (d) of this section.
- (4) Temporary real estate signs having 32 square feet or less of face area.
- (5) Window signs.
- (6) Construction signs.
- (7) Signs placed on the sides of motor vehicles, unless the vehicle is used as a stationary sign support.
- (8) Signs directing and guiding traffic and parking on private property, but hearing no advertising matter. A sign containing the word "parking" at any parking lot where any person is charged any fee or other monetary consideration for parking shall be considered an advertising sign, not a private traffic directional sign.
- (9) Yard sale signs; provided, that no person shall attach in any way posters, notices or Advertisements to utility poles, meter posts, or trees in or along any street right-of-way within the city, and that no person shall put up any notice upon any building, wall or fence or other property of another person without having first obtained the consent of the owner of such property. The maximum time limit for all yard sale or home sale signs is seven consecutive days.

- (10) Gasoline price signs attached to a permanent fixture or structure not exceeding a total area of 12 square feet.
- (11) Signs not exceeding three square feet in area attached to gas pumps or gas pump canopies that are informational or directional and do not contain advertising matter.
- (12) Street banner signs hanging over a public right-of-way for a limited time with permission from the city manager.

(c) *Prohibited signs.* It shall be unlawful to erect or maintain any sign, which is not included under the types of signs permitted in district regulations. Prohibited signs within the corporate limits of the city and its extraterritorial jurisdiction include, but are not limited to, the following:

- (1) Any signs, which resemble an official traffic sign or signal which bear the words "stop," "go slow," "caution," "danger," "warning" or similar words, and which were not placed by proper governmental authority.
- (2) Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed to be a traffic control sign, signal, or device, and which were not placed by proper governmental authority, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign, signal or device.
- (3) Signs placed on trees, rocks or utility poles.
- (4) Signs that block other signs, fire escapes, doors and windows.
- (5) Signs, which emit sound, smoke, or steam.
- (6) Signs erected or placed within the public right-of-way shall be removed by the City at the expense of the person or entity which erected said sign.
- (7) Those existing signs attached to a building or canopy, which project into or hang over the public right-of-way shall be allowed to remain; however, they must comply with chapter 23, section 2303.5, of the Standard Building Code. Such signs when hung from a marquee or canopy shall be at least eight feet at the lowest level above the sidewalk or ground level. Signs shall not extend outside the line of the canopy. Signs shall not extend more than six feet above or 18 inches below the canopy and under no circumstances shall the sign have a vertical dimension greater than eight feet.

(d) *Temporary signs.*

- (1) *Temporary construction signs.* Temporary construction signs shall be permitted on the site of projects or developments approved by the Planning & Zoning Commission for the City of Mercedes or by the City Manager. Temporary construction signs may be erected and maintained for a period of 30 days prior to commencement of construction and shall be removed by the owner within 15 days after completion of building on the site.

- (2) *Temporary political signs.* Temporary political signs may be placed in all zoning districts; however, such signs may not be placed in the public right-of-way. Such signs shall be removed within 15 days following the election for which the sign is posted.
- (3) *Temporary real estate signs.* Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be erected no more than 30 days prior to construction, and shall be removed within 15 days following the closing of the sale or lease of the premises upon which the sign is located.
- (4) *Temporary portable and trailer signs.* Temporary portable signs and trailer signs shall be limited to one such sign per business in the Local Retail, Class A Business, Class B Business, Class C Business, Class LI Light Industrial, Class A & B Industrial Districts. Portable signs shall be permitted once a month for a period of up to seven consecutive days within any calendar month and shall be removed immediately upon the expiration date of the permit. There shall not be more than 12 permits for temporary business signs issued for the same premises within one calendar year. No portable sign shall be placed in a parking space on a lot on which, according to the city zoning ordinance, the required number of parking spaces is not provided. Temporary portable signs and trailer signs, if illuminated, shall be connected to a direct power source (G.F.C.I. required) within a three-foot radius of the sign.
- (5) *Temporary banner signs.* Temporary banner signs shall be allowed. Banner signs, not exceeding three feet in width, used to attract attention to new residences or businesses shall not require a permit. Banner signs exceeding three feet in width may be used with permission of the city manager or duly authorized representative and shall require a permit.

(e) *Abandoned signs.* Except as otherwise provided in this article, any sign that is located on property which becomes vacant and is unoccupied for a period of three months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign, owner of the premises, or the city manager at the expense of the owner or lease of the premises after written notice has been served.

(f) *Unsafe signs.* Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the city manager, the owner thereof, or the person maintaining such sign, shall upon written notice from the city manager-or duly authorized representative, forthwith in the case of immediate danger and in any case within ten days, secure such sign in a manner to be approved by the city manager, in conformity with the provisions of this article, or remove such sign. If such order is not complied with in ten days, the city manager shall remove such sign at the expense of the owner or lessee thereof.

(g) *Nonconforming signs.* Allowing nonconforming signs to remain in place indefinitely hampers a primary function of this article of improving the appearance of the community through sign control. For any nonconforming sign requiring removal, the city shall reimburse the owner according to the provisions

of state law (H.B. 1330 as amended).

No nonconforming sign shall be repaired or renovated where the effect of such repair or renovation shall be to enlarge or increase the structure of the nonconforming sign. For the purposes of this section, normal maintenance shall not be considered to be repair or renovation.

ARTICLE III

Compliance with Codes and Standards

Section I. Compliance required.

All signs hereafter erected shall comply with all applicable provisions of this article, with the Standard Building Code relating to structural design, and to the city electrical code for applicable components and installation and to the auxiliary specifications set forth in this article.

Section II. Auxiliary specifications.

(a) *Obstruction to exits.* No sign shall be erected so as to obstruct any fire escape, or required exit, window, or door opening intended as a means of egress.

(b) *Obstruction to ventilation.* No sign shall be erected which interferes with any opening required for ventilation.

(c) *Clearance from electrical power and communication lines.* Signs shall maintain all clearances from electrical conductors in accordance with the city electrical code and from all communications equipment or lines located within the city.

(d) *Clearance from surface and underground facilities.* Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water.

(e) *Drainage.* The roofs of canopies exceeding 25 square feet shall be drained to prevent dripping onto neighboring property, public sidewalks or streets.

Section III. Structural and design requirements.

(a) *Design and stress diagrams.* Before a permit shall be granted, the erector of every outdoor advertising sign, with the exception of temporary signs, shall submit to the city manager or duly authorized representative a design and stress diagram or plan containing the design and stress specifications for such sign.

(b) *Wind pressure.* All outdoor advertising displays shall be constructed to withstand the wind pressure as specified by the current edition of the Standard Building Code, section 1205.1, application.

(c) *Plastic materials.* All outdoor advertising displays using plastic materials, wholly or partially, shall comply with specifications stipulated in the current edition of the Standard Building Code.

(d) *Measurement of sign area.* The size of a sign shall be measured from the outside dimensions of the sign and frame. A sign may have one or more display faces, unless otherwise specified. For off-premises signs, which are double-faced, each face is considered a separate sign in computing the face area. For on-premises signs which are double-faced, each face is considered a separate sign in computing the face area if each face is advertising a different business on the property. If the face area of an on-premises sign is identical on both sides, then the face area is computed by measuring one side only.

(e) *Setbacks.* For purposes of this article, setbacks shall be measured from the outside frame of the sign if the sign face is parallel to the property line. Setbacks are determined according to the type of sign and the zone in which the sign is to be located; see signs permitted by zoning districts, Article V of this article. Under no circumstances shall a private sign be allowed to project into a public right-of-way unless otherwise authorized by this article.

Section IV. Jurisdiction of state department of transportation.

All signs, other than those placed by the state, within the city and its extraterritorial jurisdiction, which are controlled by the state shall comply with standards and requirements as set down by the state department of transportation, or the city, whichever is the more restrictive. This includes but is not limited to signs within the highway right-of-way, public parks, public playgrounds or scenic areas, interchanges and intersections.

Section V. Inspections.

To assure compliance with this article, the city manager or duly authorized representative shall have the right to enter any premises for inspection purposes during reasonable hours and after reasonable notice has been given at intervals as required. Also, the city manager, upon notification of the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or the placement of the sign or shall notify the permit holder or the agent wherein the sign fails to comply with this article.

- (1) *Foundation inspection.* A foundation inspection is required of all permanent outdoor advertising displays constructed of block or brick or for which footings are required. Such inspections shall be made after trenches are excavated and any reinforcing steel is in place and prior to the placing of concrete.
- (2) *Setbacks inspection.* A setback inspection is required of all signs, permanent and temporary. Setbacks shall be inspected at the time the foundation inspection is made for permanent signs and prior to the placing of concrete and after placement for temporary signs.
- (3) *Electrical inspection.* An electrical inspection is required of all illuminated signs. A master,

licensed electrician shall do all electrical work. It shall be the responsibility of the electrician to call for the required inspection. Work shall not be done on any part of the sign installation beyond the point indicated in each successive inspection without first obtaining the approval of the city manager or duly authorized representative. Such approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated under subsections (1) to (3) of this section.

Section VI. Permit identification.

Any sign for which a permit is required by this article shall bear a seal of compliance. This information shall be affixed to the sign.

Section VII. Maintenance; replacement or repair.

(a) *Maintenance.* All signs for which a permit is required by this article, together with all their supports, braces, guys and anchors, shall be kept in repair and unless of galvanized or non-corroding metal shall be thoroughly painted at least once every two years. The city manager or duly authorized representative may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee.

(b) *Replacement or repair.* When any sign or a substantial part of any sign is blown down or otherwise destroyed or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign, it may not be re-erected, reconstructed, or rebuilt except in full conformance with the provisions and requirements of this article.

For purposes of this subsection, a sign or substantial part of a sign is considered to have been destroyed only if the cost of repairing such sign is more than 50 percent of the original cost of the existing sign at the same location.

Section VIII. Removal of signs by city manager.

(a) The city manager, or duly authorized representative, shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued. A notice shall be prepared which shall describe the sign and specify the violation involved, and which shall state that, if the sign is not removed or the violation is not corrected within ten days, the sign shall be removed in accordance with the provisions of this section.

(b) All notices mailed by the planning department under this section shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail. For all other signs, the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If such address is known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.

(c) Any person having an interest in the sign to be removed pursuant to this section or the property

where such sign is situated may appeal the determination of the city manager or duly authorized representative ordering removal or compliance by filing a written notice of appeal with the city board of adjustment within 30 days after the date of mailing the notice, or within 30 days after receipt of the notice if the notice was not mailed.

(d) Notwithstanding the provisions of this section, in cases of emergency, the city manager or duly authorized representative may cause the immediate removal of a dangerous or defective sign without notice.

ARTICLE IV

Licenses; Permits; Bonds; Insurance

Section I. Licensing of contractors.

(a) *Required.* No person shall engage or continue in the business of erecting, maintaining, or replacing any sign or advertising structure, or perform any such acts for compensation, without first having obtained a license from the code enforcement division of the community planning and development department of the city.

(b) *Fees; term; renewal.* A license fee in the amount of \$25.00 shall be assessed for each license issued under the provisions of this section. This license shall be valid for a period of 12 months from the date of issuance, after which it shall be renewed every 12 months.

(c) *Application.* Application for licenses required by this section shall be made on forms furnished by the code enforcement division and shall contain such information as the code enforcement division may require, including but not limited to:

- (1) The name of the applicant and, if representing a partnership or a corporation, the names of all partners or directors;
- (2) The permanent local business address; and
- (3) A listing of all persons employed by the person applying for such license.

All sign permit applications shall bear the license numbers of the contractor who will actually be performing the work for which the permit is requested.

(d) *Revocation of license.* The code enforcement division shall have the right, after 30 days' notice in writing to the licensee, to revoke any license granted under this section where it shall find that the information provided on the application is knowingly false or misleading or that the licensee has violated any of the provisions of this section, unless such licensee shall, before the expiration of such 30 days, correct such information and complies with the provisions of this section.

Section II. Permits.

(a) *Required; application.* It shall be unlawful to display, erect, relocate, rebuild, reconstruct or alter any sign without first filing with the city manager or duly authorized representative an application in writing and obtaining a sign permit.

- (1) The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or the authorized agent, or a sign contractor licensed by the city. Such applications shall be made in writing on forms furnished by the code enforcement division and shall be signed by the applicant.
- (2) The city manager or duly authorized representative shall, within five working days of the date of the application, either approve or deny the completed application or refer the application back to the applicant in any instance where insufficient information has been furnished.

(b) *Plans.* Every application for a permit under this section shall be accompanied by a plan or plans drawn to scale of the proposed sign and all existing signs maintained on the premises, and shall include:

- (1) The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached;
- (2) The dimensions of the sign's supporting members;
- (3) The maximum and minimum height of the sign;
- (4) The proposed location of the sign in relation to the face of the building, in front of which or above which it is to be erected;
- (5) The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated, existing buildings and any other signs on the property
- (6) Where the sign is to be attached to an existing building, a current photograph of the face of the building to which the sign is to be attached;
- (7) The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector;
- (8) The location by street address of the proposed sign structure;
- (9) The legal description of the property on which the sign is to be located;
- (10) Application for an electrical permit for all electric signs if the person building the sign is to make the electrical connection;
- (11) A statement of valuation; and

(12) All sign permit applications shall bear the license numbers of the contractor(s) who will actually be performing the work for which the permit is requested.

(c) *Fees.* The applicant for a sign permit shall tender the required fee according to the following schedule:

<i>Valuation of sign</i>	<i>Fee</i>	<i>Fee, if electrified</i>
\$0.00—\$100.00	\$ 5.00	\$25.00
\$101.00—\$500.00	10.00	30.00
\$501.00—\$1,000.00	15.00	45.00
Over \$1,000.00	\$15.00 plus \$5.00 for each additional \$1,000.00 valuation or portion thereof	add \$35.00

Should any person actually begin any work for which a permit is required by the city without taking out a permit therefor, he shall pay, in addition to the fees set out in this subsection, an additional amount equal to 100 percent of such fees.

(d) *Deviation from permit terms.* When the city manager or duly authorized representative has issued a sign permit, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of such permit without prior approval. A written record of such approval shall be entered upon the original permit application and maintained in the files of the code enforcement division. Permits, once approved, cannot be transferred to another sign, and the sign may not be moved to another location.

(e) *Time limit for obtaining.* If a permit required by this section is not obtained within 90 days after the applicant has been notified that the plans are approved, the city manager or his duly authorized representative shall assume that the application is withdrawn and may destroy the plans, specifications and calculations. Renewed action shall require a new plan.

(f) *Time limit for completion.* If the work authorized under a sign permit has not been completed within six months after the date of issuance, such permit shall become null and void, and there shall be no refund of any fee required by this section. If there is a justifiable reason to warrant an extension, the city manager may grant such extension up to six months, provided the request is made prior to the expiration of the permit.

Section III. Bonds and insurance.

(a) Every applicant for a license required by Article IV shall, before such license is granted, file with the code enforcement division a continuing bond in the penal sum of \$2,000.00, executed by the applicant and a surety company to be approved by the city manager or designee. Such bond shall assure the faithful observance of the provisions of this article and all amendments thereto, and of all state laws and city codes relating to signs and/or advertising structures, and shall indemnify and save harmless the city and its officials from any and all claims, damages, liabilities, losses, actions, suits, or judgments which may be presented, sustained, brought, or secured against the city or any of its officials by reason of the granting of such license or on account of the erection, maintenance, alteration, or removal of any sign, or

by reason of any accident caused by or resulting therefrom.

(b) Prior to the issuance of any sign permit and before any sign is erected, every applicant shall, on the sign permit application form provided, consent in writing to indemnify and to hold the city harmless from any and all damages, liability, judgments, costs, or expense that the city may incur or suffer as to such signs or advertising structures, and shall at the same time offer proof of liability insurance in an amount not less than \$300,000.00 by an insurance company authorized to do business in the state, to be in force for the entire time of the validity of the permit.

ARTICLE V

Signs Permitted by Zoning Districts

Section I. Agriculture-open space district.

This section specifies which signs are permitted in the Class "N" District as classified by the city, except for areas located along the city's expressway corridor, as outlined in Article V.

- (1) *Generally.* All signs defined in Article I and Article II (b); and all signs listed in this section, as defined in Article II and under the restrictions as provided in this section.
- (2) *On-premises signs.* The following on-premises signs shall be limited to a combination of any two of the following permanent signs per business and/or site, unless otherwise specified.
 - a. Accessory sign:
 1. Minimum setback: five feet from property line.
 2. Maximum size: 16 square feet.
 3. Maximum height: ten feet.
 - b. Directory sign:
 1. Minimum setback: five feet from any property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: 20 feet.
 - c. Ground/pole sign:
 1. Minimum setback: five feet from any property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: 30 feet.
 - d. Subdivision sign:
 1. Minimum setback: attached to fence or wall at the entrance of a subdivision.

2. Maximum size: 16 square feet on each side of entrance to subdivision.
 3. Maximum height: ten feet.
- e. Wall sign: shall be limited to four such signs per premises, of which there shall be no more than one facing each direction. Wall signs shall comply with chapter 23, section 2303.3, of the Standard Building Code.
1. Minimum setback: attached or painted to a fence or wall.
 2. Maximum size: 16 square feet of wall or fence.
- (3) *Temporary signs.* Temporary signs shall be permitted as allowed in this subsection. Such signs shall be limited to one temporary sign per site and shall comply with Article II, Section II (d).
- a. Banner sign: all such signs shall be permitted for a period not to exceed 30 consecutive days after which the signs shall be removed and not be replaced for a period of six months. Banners having a width of more than three feet require a permit. Banners having a width of three feet or less do not require a permit.
- b. Construction sign: may be erected no more than 30 days prior to construction and shall comply with Article II, Section II (d) (1).
1. Minimum setback: five feet from any property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: ten feet.
- c. Home occupation sign:
1. Minimum setback: shall be attached flush against the building.
 2. Maximum size: 18 by 24 inches.
 3. Maximum height: eight feet.
- d. Portable sign:
1. Minimum setback: five feet from property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: ten feet.
- e. Political sign: shall be limited to temporary signs only and shall comply with Article II, Section II (d) (2).
1. Minimum setback: property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: ten feet.
- f. Real estate sign: shall comply with Article II, Section II (d) (3).
1. Minimum setback five feet from any property line.

2. Maximum size: 32 square feet.
 3. Maximum height: ten feet.
- g. Trailer signs: Must be removed immediately following the event or election it is advertising.
1. Minimum setback: five feet from any property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: ten feet.
- (4) *Off-premises signs.* The following off-premises signs shall be limited to one per site. A person may not place a sign on a property without first obtaining written permission from the owner or the owner's authorized agent.

Bench sign: Shall be permitted subject to approval of the city manager or duly authorized representative. Benches shall be allowed in agriculturally zoned areas only at sites along a bus route or at locations characterized by substantial pedestrian traffic such as a school, park or playground. The number and spacing of such signs shall be approved by the city manager in conjunction with the traffic safety coordinator.

(5) *Additional requirements.*

- a. No sign shall have less than a minimum setback of five feet from any property line, except as listed in this section.
- b. No permanent sign shall have a face larger than 32 square feet, except as listed in this section.
- c. No sign shall exceed 30 feet in height, except as listed in this section.
- d. When computing the face area of an on-premises sign, the measurement thereof shall be as outlined in Article III, Section III (d).
- e. There shall be no limit to the number of political signs allowed in the residential zoning districts.

Section II. Residential districts.

This section specifies which signs are permitted in residentially zoned areas as classified by the city. They are as follows: Class "A" and "B" Residential, Multi-Family Districts and R-MH Mobile Home Districts.

- (1) *Generally.* All signs defined in Article I and Article II, Section II (b)(1) to (b)(9); and all signs listed in this section, as defined in Article II and under the restrictions as provided in this section.
- On-premises signs.* The following on-premises signs shall be limited to one permanent sign per site in a single-family residential zone for an institutional use.

- a. Ground pole sign:

1. Minimum setback: five feet from property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: 15 feet.
- b. Wall signs: shall be limited to two per premises and are restricted to entrances to subdivision only. Wall signs shall comply with chapter 23, section 2303.3, of the Standard Building Code.
1. Maximum size: 16 square feet of wall or fences.
 2. Minimum setback: attached or painted to fence or wall.
- (3) *Temporary signs.* Temporary signs shall be permitted as allowed in this subsection. Such signs shall be limited to one temporary sign per site and shall comply with Article II, Section II (d).
- a. Banner signs: shall be limited to one temporary banner per lot and shall not exceed three feet in width. Such signs may be displayed for a period of no more than 30 consecutive days, after which the sign will be removed and may not be replaced for a period of six months. No permit will be required.
- b. Construction sign: may be erected no more than 30 days prior to construction. Such signs shall comply with Article II, Section II (d) (1).
1. Minimum setback: five feet from property line.
 2. Maximum size: 16 square feet.
 3. Maximum height: ten feet.
- c. Political sign: shall be limited to temporary signs and shall comply with Article II, Section II (d) (2).
1. Minimum setback: property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: ten feet.
- d. Real estate sign: shall comply with Article II, Section II (d)(3).
1. Minimum setback: inside property line.
 2. Maximum size: 16 square feet.
 3. Maximum height: ten feet.
- (4) *Home occupation signs.* Home occupation signs shall be permitted as allowed in this subsection.
- a. Minimum setback: sign shall be placed flush against a wall.
- b. Maximum size: 18 inches by 24 inches.
- c. Maximum height: eight feet.

(5) *Off-premises signs.* Off-premises signs are prohibited in a residential district.

(6) *Additional requirements.*

- a. No sign shall have less than a minimum setback of five feet from any property line, except as listed in this section.
- b. No permanent sign shall have a face larger than 32 square feet, except as listed in this section.
- c. No sign shall exceed 15 feet in height, except as listed in this section.
- d. No sign or part of any sign in the residential districts shall move, flash, rotate or change its illumination. Temporary holiday decorations are permitted.
- e. When computing the face area of an on-premises sign, it shall be computed as outlined in Article III, Section III (d).
- f. There shall be no limit to the number of political signs allowed in the residential zoning districts.

Section III. Class "L" Local Retail and Class "A" Business.

This section specifies which signs are permitted in the Class "L" Local Retail and Class "A" Business Districts as classified by the city, except for zoning areas located along the city's expressway corridors as outlined in Article V, Section III.

- (1) *Generally.* All signs defined in Article I, Section IV and Section II (b); and all signs listed in this section, as defined in Article II, Section I and under the restrictions as provided in this section.
- (2) *On-premises signs.* The following on-premises signs shall be limited to a combination of any two of the following permanent signs per business and/or site, unless otherwise specified.
 - a. Accessory sign:
 1. Minimum setback: five feet from the property line.
 2. Maximum size: 16 square feet.
 3. Maximum height: ten feet.
 - b. Canopy sign: shall be limited to one permanent sign per business and shall comply with chapter 23, section 2303.5, of the Standard Building Code.
 - c. Changeable copy sign:
 1. Minimum setback: five feet from property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: 15 feet.

d. Directory sign:

1. Minimum setback: five feet from property line.
2. Maximum size: 32 square feet.
3. Maximum height: 15 feet.

e. Ground/pole sign: shall be limited to one permanent sign per site. In the case of a multiunit building, one ground or pole sign will be allowed per site along with a wall sign, canopy sign or roof sign for each business as permitted in this subsection.

1. Minimum setback: five feet from property line.
2. Maximum size: 32 square feet.
3. Maximum height: 30 feet in the office and professional zone and 15 feet in a neighborhood commercial zone.

f. Subdivision sign:

1. Minimum setback: attached to a fence or wall at the entrance of a subdivision.
2. Maximum size: 16 square feet on each side of the entrance to the subdivision.
3. Maximum height: ten feet.

g. Wall sign: shall be limited to two per site, of which there shall be no more than one facing in each direction. Wall signs shall comply with chapter 23, section 2303.3, of the Standard Building Code.

1. Minimum setback: attached or painted on wall or fence.
2. Maximum size: 64 square feet of wall or fence.

(3) *Temporary signs.* Temporary signs shall be permitted as allowed in this subsection. Such signs shall be limited to one temporary sign per site and shall comply with Article II, Section II (d).

a. Banner sign: shall be permitted for a period of 30 days at one time after which such signs shall be removed and not be replaced for a period of six months. Banners three feet or less in width do not require a permit.

b. Construction sign: shall be limited to one temporary sign per site and shall comply with Article II, Section II (d) (1).

1. Minimum setback: five feet from property line.
2. Maximum size: 32 square feet.
3. Maximum height: ten feet.

c. Political sign: shall be limited to temporary signs and shall comply with section 106-62(d)(2).

1. Minimum setback: property line.
2. Maximum size: 32 square feet.
3. Maximum height: ten feet.

- d. Portable sign: shall comply with Article II, Section II (d) (4).
 - 1. Minimum setback: five feet from property line.
 - 2. Maximum size: 32 square feet.
 - 3. Maximum height: ten feet.
- e. Real estate sign: shall be limited to one temporary, non-illuminated sign per site and shall comply with Article II, Section II (d) (3).
 - 1. Minimum setback: five feet from property line.
 - 2. Maximum size: 32 square feet.
 - 3. Maximum height: ten feet.
- f. Street banner sign: shall be allowed on special occasion with the permission of the city manager; such signs shall in no way affect the traffic flow visibility.
- g. Trailer sign: must be removed seven days following the event or election it is advertising.
 - 1. Minimum setback: five feet from property line.
 - 2. Maximum size: 32 square feet.
 - 3. Maximum height: ten feet.

(4) *Off-premises signs.* The following off-premises signs shall be limited to one per site. A person may not place a sign on any property without first obtaining written permission from the owner or the owner's authorized agent.

Bench sign: shall be permitted subject to approval of the city manager or duly authorized representative. Bench signs shall be allowed in Class "L" and Class "B" Business Districts only at sites along a bus route or at locations characterized by substantial pedestrian traffic. The number and spacing of such bench signs shall be approved by the city manager in conjunction with the traffic safety coordinator.

(5) *Additional requirements.*

- a. No sign shall have less than a minimum setback of five feet from any property line, except as listed in this section.
- b. No permanent sign shall have a face larger than 32 square feet, except as listed in this section.
- c. No sign shall exceed 30 feet in height, except as listed in this section.
- d. When computing the face area of an on-premises sign, it shall be computed as outlined in Article III, Section III (d).
- e. There shall be no limit to the number of political signs allowed in the Residential District.

Section IV. Business districts; heavy commercial and industrial districts.

This section specifies which signs are permitted in the business, heavy commercial and industrial zoned areas as classified in the city zoning ordinance, except for zoning area located along the city's expressway corridors as outlined in section 106-145. Such districts are as follows: Class "L", Class "B" and "C", Class "LI" Light Industrial and Heavy Industrial.

- (1) *Generally.* All signs defined in Article I, Article II, Section I, Article I, Section II (b); and all signs listed in this section, as defined in Article II, Section I and under the restrictions as provided in this section.
- (2) *On-premises signs.* The following on-premises signs shall be permitted, limited to a combination of any two of the following permanent signs per business and/or site, unless otherwise specified.
 - a. Accessory sign: allowed as required.
 1. Minimum setback: five feet from property line.
 2. Maximum size: 16 square feet.
 3. Maximum height: ten feet.
 - b. Canopy sign: shall be limited to one permanent sign per business and shall comply with chapter 23, section 2303.5, of the Standard Building Code.
 - c. Changeable copy sign:
 1. Minimum setback five feet from property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: 20 feet.
 - d. Directory sign:
 1. Minimum setback: five feet from property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: 20 feet.
 - e. Ground or pole sign: In the case of a multiunit building, one ground pole or pole sign will be allowed per site.
 1. Minimum setback five feet from property line.
 2. Maximum size: 100 square feet.
 3. Maximum height: 30 feet.
 - f. Marquee sign: shall be limited to one permanent sign per site and shall comply with chapter 23, section 2303.5, of the Standard Building Code. Size of marquee cannot exceed eight feet in width and 32 feet in length.

g. Roof sign: shall be limited to one permanent sign per site, and shall comply with chapter 23, section 2303.2, of the Standard Building Code. Size of roof sign cannot exceed four feet in height and 16 feet in length.

h. Subdivision sign:

1. Minimum setback: attached to fence or wall at the entrance of a subdivision.
2. Maximum size: 16 square feet on each side of entrance to subdivision.
3. Maximum height: ten feet.

i. Wall sign: shall be limited to four per premises, of which there shall be no more than one facing each direction. Wall signs shall comply with chapter 23, section 2303.3, of the Standard Building Code.

1. Minimum size: 64 square feet of wall.
2. Maximum setback: attached or painted to wall.

(3) *Temporary signs.* Temporary signs shall be permitted as listed in this subsection. Such signs shall be limited to one temporary sign per site and shall comply with Article II, Section II (d).

a. Banner sign: shall be limited to two temporary banner signs per business. Banners shall be permitted for a period of 30 consecutive days, after which they shall be removed and not be replaced for a period of six months. Banners which are less than three feet in width shall not require a permit.

b. Construction sign: shall be limited to one temporary construction sign for each project or development, and shall comply with Article II Section II (d)(1).

1. Minimum setback: five feet from property line.
2. Maximum size: 32 square feet.
3. Maximum height: ten feet.

c. Political sign: shall be limited to temporary signs and shall comply with section 106-62(d)(2).

1. Minimum setback: property line.
2. Maximum size: 32 square feet.
3. Maximum height: ten feet.

d. Portable sign: shall comply with Article II, Section (d)(4).

1. Minimum setback: five feet from property line.
2. Maximum size: 32 square feet.
3. Maximum height: ten feet.

e. Real estate sign: shall be limited to one temporary sign per approved site. Such signs may be erected no more than 30 days prior to construction and shall comply with Article II, Section II

(d)(3).

1. Minimum setback: five feet from property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: ten feet.
- f. Street banner sign: shall be allowed on special occasions with the permission of the city manager. Such signs shall in no way affect traffic flow or visibility.
- g. Trailer sign: must be removed seven days following the event or election it is advertising.
1. Minimum setback: five feet from property line
 2. Maximum size: 32 square feet.
 3. Maximum height: ten feet.

(4) *Off-premises signs.* The following off-premises signs shall be limited to one per site. A person may not place a sign on the property of another without first obtaining written permission from the owner or the owner's authorized agent.

- a. Bench sign: Bench signs shall be permitted subject to approval of the city manager or duly authorized representative. The placement, number and spacing of bench signs shall be approved by the city manager in conjunction with the traffic safety coordinator.
- b. Billboard sign: Billboard signs shall be restricted to Class "B" and Class "C" general business, Class "LI" Light Industrial and Class "A" and Class "B" heavy Industrial District.
 1. Minimum setback: five feet from property line.
 2. Maximum size: 672 square feet (maximum four faces).
 3. Maximum height: 60 feet.
 4. Spacing: Off-premises billboards may not be erected within 1,500 feet of another off-premises sign.

(5) *Additional requirements.*

- a. No sign shall have less than a minimum setback of five feet from any property line, except as listed in this section.
- b. No permanent sign shall have a face larger than 400 square feet, except as listed in this section.
- c. No sign shall exceed 60 feet in height, except as listed in this section.
- d. When computing the face area of an on-premises sign, it shall be computed as outlined in Article III, Section II (d).
- e. There shall be no limit to the number of political signs allowed in the zoning districts

regulated by this section.

Section V. Expressway corridors.

This section specifies which signs are permitted in the city's expressway corridors, as defined in Article I, Section IV.

- (1) *Generally.* All signs defined in Article I, Section IV and section 106-62(b); and all signs listed in this section, as defined in section 106-61 and under the restrictions as provided in this section.
- (2) *On-premises signs.* The following on-premises signs shall be permitted, limited to a combination of any two of the following permanent signs per business and/or site, unless otherwise specified.
 - a. Accessory sign:
 1. Minimum setback: five feet from property line.
 2. Maximum size: 16 square feet.
 3. Maximum height: ten feet.
 - b. Canopy sign: shall be limited to one permanent sign per business and shall comply with chapter 23, section 2303.5, of the Standard Building Code.
 - c. Changeable copy sign:
 1. Minimum setback: five feet from property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: 20 feet.
 - d. Directory sign:
 1. Minimum setback: five feet.
 2. Maximum size: 32 square feet.
 3. Maximum height: 20 feet.
 - e. Ground or pole sign: In the case of a multiunit building, one ground or pole sign will be allowed per site.
 1. Minimum setback: five feet from property line.
 2. Maximum size: 800 square feet (maximum two faces).
 3. Maximum height: 60 feet.
 - f. Marquee sign: shall be limited to one permanent sign per site, and shall comply with chapter 23, section 2303.5, of the Standard Building Code. Size of marquee cannot exceed eight feet in width and 32 feet in length.
 - g. Roof sign: shall be limited to one permanent sign per site, and shall comply with chapter 23, section 2303.5, of the Standard Building Code. Size of roof sign cannot exceed four feet in

height and 16 feet in length.

h. Subdivision sign:

1. Minimum setback: attached to fence or wall at the entrance of a subdivision.
2. Maximum size: 16 square feet on each side of entrance to subdivision.
3. Maximum height: ten feet.

i. Wall sign: shall be limited to four per premises, of which there shall be no more than one such sign facing each direction. Wall signs shall comply with chapter 23, section 2303, of the Standard Building Code.

1. Minimum size: 64 square feet of wall.
2. Maximum setback: attached or painted to wall.

(3) *Temporary signs.* Temporary signs shall be permitted as listed in this section. Such signs shall be limited to one temporary sign per site and shall comply with Article II, Section II (d).

a. Banners: shall be permitted for a period of 30 consecutive days, after which such banners shall be removed and not be replaced for a period of six months. Banners which are less than three feet in width shall not require a permit.

b. Construction sign: shall be limited to one temporary construction sign for each project or development, and shall comply with Article II Section II (d)(1).

1. Minimum setback: five feet from property line.
2. Maximum size: 32 square feet.
3. Maximum height: ten feet.

c. Political sign: shall be limited to one temporary sign and shall comply with Article II, Section II (d)(2).

1. Minimum setback: property line.
2. Maximum size: 32 square feet.
3. Maximum height: ten feet.

d. Portable sign: shall comply with section 106-62(d)(4).

1. Minimum setback: five feet from property line.
2. Maximum size: 32 square feet.
3. Maximum height: ten feet.

e. Real estate sign: shall be limited to one temporary sign per approved site. Such signs may be erected no more than 30 days prior to construction and shall comply with Article II, Section II (d)(3).

1. Minimum setback: five feet from property line.

2. Maximum size: 32 square feet.
 3. Maximum height: ten feet.
- f. Street banner sign: shall be allowed on special occasions with the permission of the city manager. It shall in no way affect traffic flow or visibility.
- g. Trailer sign: must be removed seven days following the event or election it is advertising.
1. Minimum setback: five feet from property line.
 2. Maximum size: 32 square feet.
 3. Maximum height: ten feet.
- (4) *Off-premises signs.* The following off-premises signs shall be permitted, limited to one per site. A person may not place a sign on the property of another without first obtaining written permission from the owner or the owner's authorized agent.
- a. Bench sign: Bench signs shall be permitted subject to approval of the city manager or duly authorized representative. The placement, number and spacing of bench signs shall be approved by the city manager in conjunction with the traffic safety coordinator.
 - b. Billboard sign: Billboard signs shall be restricted to Class "A" and Class "B" general business, and "LI" Light Industrial and Class "A" and Class "B" heavy industrial.
 1. Minimum setback: five feet from property line.
 2. Maximum size: 672 square feet (maximum four faces).
 3. Maximum height: 60 feet.
 4. Spacing: Off-premises billboards may not be erected within 1,500 feet radius of another off-premises sign.

(5) *Additional requirements.*

- a. No sign shall have less than a minimum setback of five feet from any property line, except as listed in this section.
- b. No permanent sign shall have a face larger than 400 square feet, except as listed in this section.
- c. No sign shall exceed 60 feet in height, except as listed in this section.
- d. When computing the face area of an on-premises sign, it shall be computed as outlined in Article III, Section III (d).
- e. There shall be no limit to the number of political signs allowed in the expressway corridors.

Section VI. Planned unit developments.

This section specifies which signs are permitted in a planned unit development.

- (1) All signs defined in Article I, Section IV and Section II.
- (2) All signs allowed in each zoning district which makes up the planned unit development according to the regulations of each district. Applicant's signs are to be approved as part of the required site plan.
- (3) Off-premises signs shall not be permitted in planned unit developments.

Section VII. Savings and Repeal Clause.

All ordinances or parts of ordinances found to be in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section VIII. Effective Date.

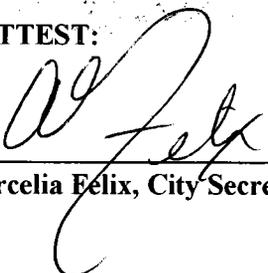
This ordinance shall become effective in accordance with the City Charter of the City of Mercedes, Texas and the laws of the State of Texas.

PASSED, APPROVED AND ADOPTED ON FIRST READING THIS THE 18TH DAY OF JANUARY, 2000.

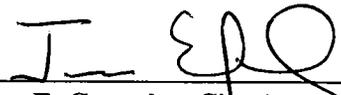
PASSED, APPROVED AND ADOPTED ON SECOND READING THIS THE 1ST DAY OF FEBRUARY, 2000.


Miguel Castillo, Jr., Mayor

ATTEST:


Arcelia Felix, City Secretary

AS APPROVED AS TO FORM:


Juan E. Gonzalez, City Attorney



THE STATE OF TEXAS, COUNTY OF HIDALGO

Before me, the undersigned authority, on this the 5th day of March, A.D. 2001, personally appeared Robert F. Hinds, known to me, who, being duly sworn, on his oath deposes and says: that he is the publisher of The Mercedes Enterprise, a newspaper published at Mercedes, Hidalgo County, Texas; that a copy of the attached Public Notice

Ordinance No. 2000-3

was published in said newspaper for the one issue(s) of the dates as follows:

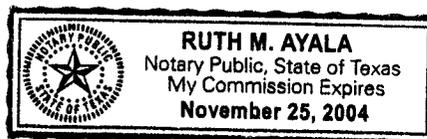
February 14, 2001

and a true newspaper copy of which is hereto attached.

Robert F. Hinds, Publisher

Subscribed and sworn to before me, this
5th day of March, A.D. 2001 .

Notary Public in and for the Hidalgo County, TX



MAR 12 2001