

ORDINANCE NO. 0091  
AN ORDINANCE ESTABLISHING RULES,  
REGULATIONS AND RESTRICTIONS  
AFFECTING SIGNS WITHIN THE  
TOWN OF HORIZON CITY, TEXAS

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS, THAT:**

**Sec. 1.1001 Short Title**

This article shall hereafter be known and cited as the "Sign Regulations."

**Sec. 1.1002 Purpose**

Signs use private land and the sight lines created by the public rights-of-way to inform and persuade the general public by publishing a message. This article provides standards for the erection and maintenance of private signs. All private signs not exempted as provided below 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 to persons and property by providing that signs:
  - (A) Do not create a hazard due to collapse, fire, collision, decay, or abandonment;
  - (B) Do not obstruct fire fighting or police surveillance; and
  - (C) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.
  
- (2) Communications Efficiency. To promote the efficient transfer of information in sign messages by providing that:
  - (A) Those signs which provide messages and information most needed and sought by the public are given priorities;
  - (B) Businesses and services may identify themselves;
  - (C) Customers and other persons may locate a business or service;
  - (D) No person or group is arbitrarily denied the use of the sight lines from the

public right-of-way for communication purposes; and

- (E) Person exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
- (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 person using the public rights-of-way;
  - (C) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;
  - (D) Are not detrimental to land or property values; and areas or districts within the city, helping the observer to understand the city and orient himself within it.

#### Sec. 1.1003 Definitions

As used in this article, unless the context otherwise indicates:

- (1) Building Official shall mean the officer or other person within the Town of Horizon City charged with the administration and enforcement of the sign regulations.
- (2) Erect shall mean to build, construct, attach, hang place, suspend, or affix, and shall also include the painting of signs on the exterior surface of a building or structure.
- (3) Facing or Surface shall mean the surface of the sign, upon, against, or through which the message is displayed or illustrated on the sign.
- (4) Gross Surface Area of Sign shall mean the entire area within a single continuous perimeter enclosing the extreme limits of each sign. In the event two (2) or more signs share a single structure, each sign or panel may be considered separately for square footage purposes, provided that each sign or panel has no relationship to the others, except that the combined footage of such signs cannot exceed the total square footage allowed for the sign.
- (5) Highway Control Zone shall mean all zoned and unzoned commercial and industrial areas within six hundred sixty feet (660') of the nearest edge of the right-of-way of all portions of the interstate or primary highway systems within the State of Texas as

further defined in the Highway Beautification Act.

- ( ) Illuminated Sign shall mean any sign which has characters, letters, figures, designs, or outline illuminated by electric lights, luminous tubes, or other means.
- (7) Permittee shall mean the person, persons, firm, corporation, or association filing an application for, paying fees, and receiving a sign erection permit.
- (8) Person shall mean and include any person, firm, corporation, partnership, association, company, or organization of any kind.
- (9) Political Sign shall mean a sign relating to the election of a person to public office, relating to a political party, or relating to a matter to be voted upon at an election called by a public body.
- (10) Portable Sign shall mean a free standing sign, including A-frame signs and sandwich boards, designed and constructed to be easily moved from one location to another frequently, but not necessarily displaying changeable copy. Cigarette signs and gas pricing signs at service stations shall be defined as portable signs.
- (11) Sign shall mean and include every sign, name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light, or insignia and structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land, which directs attention to an object, product, service, place, activity, person, institution, organization, or business.
- (12) Special Purpose Sign shall mean a sign temporarily supplementing the permanent signs on a premise.
- (13) Structural Trim shall mean the molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.
- (14) Under Canopy Sign shall mean a sign suspended from a building and which is located under a permanent canopy projecting from a building.

#### Sec. 1.1004 Permit Required

It shall be unlawful for any person to erect, repair, alter, or relocate within the Town of Horizon City any sign as defined in this article without first obtaining an erection permit from the building official and making payment of the fee required herein. All illuminated signs shall, in addition, be subject to the provisions of the electrical code, and the permit fees required hereunder. All signs located within the "Highway Control Zone" shall be subject to the provisions of the Texas Highway Beautification

Act-Outdoor Advertising Signs and a Highway Department License shall be required.

**Sec. 1.1005 Application for Permit**

Application for permits shall be made upon blanks provided by the building official, and shall contain or have attached thereto the following information:

- (1) Name, address, and telephone number of the applicant.
- (2) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- (3) Two (2) sets of plans shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences, and sidewalks.
- (4) Two (2) blueprints or ink drawings of the plans and specifications showing method of construction; and attachment to the building or ground; size, type, height, construction materials, and such other information as the building official may require.
- (5) Name of person, firm, corporation, or association erecting structure.
- (6) Written consent of the owner of the building, structure, or land to which or on which the structure is to be erected.
- (7) Any electrical permit required and issued for said sign.
- (8) Insurance policy or bond as required herein.
- (9) Zoning classification carried by the property.
- (10) Such other information as the building official shall require to show full compliance with this and all other laws and ordinances of the city.
- (11) The building official may require plans to be prepared by a registered professional engineer or architect.
- (12) Highway Department License for all signs located within the "Highway Control Zone." (Texas Highway Beautification Act-Outdoor Advertising Signs)

**Sec. 1.1006 Illuminated Signs: Approval Required**

- (a) The application for a permit for erection of a sign in which electrical wiring and connections are

to be used shall be submitted to the electrical inspector. The electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the electrical code of the Town of Horizon City. In addition, all illuminated signs shall bear the Underwriters' Laboratory label or be built to comply with Underwriters' requirements. The electrical inspector shall approve said permit if the same plans and specifications comply with these requirements or disapprove the application if noncompliance is found. This said action of the electrical inspector shall be taken prior to submission of the application to the building official for final approval or disapproval of the erection permit.

(b) All electrical service to free standing signs shall be underground.

**Sec. 1.1007 Permit Issued if Application In Order**

It shall be the duty of the building official, upon the filing of an application for an erection permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign; and if it shall appear that the proposed structure is in compliance with all the requirements of this article, the building code, and all other laws and ordinances of the Town of Horizon City, he shall then issue the erection permit. If the work authorized under an erection permit has not been completed within sixty (60) days after issuance, the said permit shall become null and void.

**Sec. 1.1008 Permit Fees**

Every applicant, before being granted a permit hereunder, shall pay to the Town of Horizon the appropriate permit fee as set forth in the fee schedule found in the appendix of this ordinance.

**Sec. 1.1009 Inspection**

The building official shall be notified by the permittee when erection of the sign is complete, and he shall make an inspection to determine if the sign conforms to city ordinances and codes. The building official shall inspect annually, or at such other times as he deems necessary, each sign regulated by this article for the purpose of ascertaining whether the same is secure or insecure, whether it still serves a useful purpose and whether it is in need of removal or repair.

**Sec. 1.1010 Permit Revocable at Any Time**

All rights and privileges acquired under the provisions of this article and any ordinance or any amendment thereto are mere licenses revocable at any time by the Town of Horizon City council, and all such permits shall contain this provision.

**Sec. 1.1011 Unsafe and Unlawful Signs**

If the building official shall find any sign regulated herein that no longer meets the provisions of this article or any other city codes, is unsafe or insecure, or is a menace to the public, he shall give written notice to the permittee thereof. If the permittee fails to remove or repair the structure within ten (10) days after such notice, such sign may be removed by the building official at the expense of the permittee or owner of the property upon which it is located. The building official shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The building official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

**Sec. 1.1012 Number, Date and Voltage to be on Sign**

Every sign or other advertising structure hereafter erected shall have painted in a conspicuous place thereon, in letters not less than one inch (1") high in height; the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.

**Sec. 1.1013 Maintenance Required**

The permittee of any sign as defined in this article shall maintain all parts and support of said sign in good condition to prevent deterioration, oxidation, rust, and other unsightly conditions.

**Sec. 1.1014 Wind Pressure and Dead Load Requirements**

(a) All signs shall be designed and constructed to withstand a wind pressure of not less than thirty-pounds (30#) per square foot of area; and shall be constructed to receive dead loads as required in the Building code or other ordinances of the Town of Horizon City.

(b) Plans shall be sealed by a registered engineer on all roof mounted signs and on all free standing signs of fifty (50) square feet or larger and ten (10) feet or more in height.

**Sec. 1.1015 Removal of Certain Signs**

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification to the owner, agent, or person having the beneficial use of the land, building, or structure from the building official; and, upon failure to comply with such notice within the time specified in such order, the building official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the land, building, or structure to which such sign is attached or upon which it is erected. Any sign located in public right-of-way may be immediately removed by the building inspector without notice to the owner.

**Sec. 1.1016 Exemptions**

The provisions and regulations of this article shall not apply to the following signs; provided, however, said signs shall not obstruct visibility as determined by the building official and shall be subject to the provisions of, Unsafe and Unlawful Signs Section:

- (1) Signs not exceeding eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are located only.
- (2) Signs not exceeding thirty-two (32) square feet which advertise the sale of residential tracts larger than five (5) acres; or commercial tracts which advertise the sale, rental, or lease of the premises upon which said signs are located only.
- (3) Name plates not exceeding one (1) square foot in area.
- (4) Bulletin boards not over sixteen (16) square feet in area for public, charitable, or religious institutions when the same are located on the premises of said institutions.
- (5) One temporary construction sign denoting the architect, engineer, or contractor when placed upon work under construction, and not exceeding sixteen (16) square feet in area.
- (6) Occupational signs denoting only the name and profession of an occupant in a commercial building or public institutional building and not exceeding two (2) square feet in area.
- (7) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (8) Flags, emblems and insignia of any governmental body, decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such.
- (9) On-site directional signs not exceeding two (2) square feet, provided such directional signs do not contain advertising and are not used as such. Placement of such directional signs must have the approval of the building official and conform to visibility standards.
- (10) Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such emergency, temporary or nonadvertising signs as may be approved by the city council or its designated representative.

**Sec. 1.1017 Bond Requirements**

Every applicant for a permit referred to herein shall, before the permit is granted, file with the building official, a continuing bond in the penal sum of five thousand dollars (\$5,000.00), executed by the applicant and an approved surety company, and conditioned for the faithful observance of the provisions of this article, and all amendments thereto, and of all laws and ordinances relating to signs which shall indemnify and save harmless the Town of Horizon City from any and all damages, judgments, costs or expenses which the said city may incur or suffer by reason of the granting of said permit. A liability insurance policy issued by an approved insurance company authorized to do business in the State of Texas conforming to this subsection may be permitted in lieu of a bond.

**Sec. 1.1018 Obstructions to Doors, Windows or Fire Escapes**

No sign 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.

**Sec. 1.1019 Signs not to Constitute Traffic Hazard**

In order to obtain and secure reasonable traffic safety, it shall be unlawful for any person to erect or maintain any fluttering, undulating, swinging, rotating, or otherwise moving sign, or any flashing sign. No sign shall be erected or maintained in such a manner as to obstruct free and clear vision; or at any location where by reason of position, shape, color, degree, manner, or intensity of illumination, it may interfere with vehicular or pedestrian traffic. Pursuant to the foregoing, no sign shall be erected or maintained in such manner as to be likely to interfere with, obstruct the view of or be confused with any authorized traffic sign, signal, or device. Accordingly, no sign shall make use of the words, "stop", "go", "look", "slow", "danger", or any other similar word, phrase, symbol, or character or employ any red, yellow, orange, green, or other colored lamp or light in such a manner as to interfere with, mislead; or confuse traffic.

**Sec. 1.1020 Lighting**

Goose neck reflectors and lights shall be permitted on ground signs and wall signs; provided, however, the reflectors shall be provided with proper shielding or lenses to concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. Any spotlight or other illumination of a sign shall be so directed or shielded that the light source is not directly visible from any street, sidewalk. or adjacent property.

**Sec. 1.1021 Prohibited Signs**

- (a) It shall be unlawful for any person to display upon any sign any obscene, indecent, or immoral matter.
- (b) No persons shall erect, maintain, or permit the erection of any balloon or other floating device

anchored to the ground or to any structure.

(c) No person shall attach any sign, paper, or other material or paint, stencil, or write any name, number (except house numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure unless authorized by this article or by the city council or its delegated representative.

(d) No sign shall be illuminated to an intensity greater than two hundred (200) footlamberts. The restrictions of luminance in this subsection shall be determined from any other premise or from any public right-of-way other than an alley.

(e) Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed. Jump clocks showing time, temperature and similar data may be allowed by special permit of the city council or its designated representative.

(f) No person shall place on, or suspend from any building, pole, structure, sidewalk, parkway, driveway, or parking area, any goods, wares, merchandise, or other advertising object or structure for the purpose of advertising such items; other than a sign as defined, regulated, and prescribed in this article except as otherwise allowed by ordinance. Items normally placed on service station pump islands shall not be prohibited by this subsection.

(g) No cloth, paper, banner, flag, device, or other similar advertising matter shall be permitted to be attached, suspended from or allowed to hang loose from any sign, building or structure, except as allowed by other provisions of this article. Such advertising matter shall be a violation of this section and shall be removed immediately upon notice by the building official.

(h) No portion of any sign shall be erected upon or over public property.

(i) No advertising sign of any type shall be erected within fifty feet (50') of an adjoining residential district except by special permit of the city council, subject to appropriate conditions and safeguards.

(j) No sign shall be allowed unless it is permanently affixed to the premises except as allowed under Section Entitled, Permitted Signs.

(k) No temporary directional signs for the exclusive purpose of directing traffic to residential sections of the city shall be erected.

(l) No signs attached to a motorized vehicle, where the primary use of such vehicle is for sign purposes will be permitted. Signs attached to or upon any motorized vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of using the vehicle and signs for the purpose of advertising. Vehicles operating under a city franchise shall be excluded from this provision. This provision does not restrict the identification signing on vehicles used for

delivery service, interstate commerce, or any bona fide transportation activity.

(m) Any sign constructed of or containing material capable of reflecting light, images, or sound waves; producing glare or mirrored images, is strictly prohibited.

(n) No banners or flags shall be allowed except as permitted under Section Entitled Permitted Signs.

**Sec. 1.1022 Permitted Signs**

Signs advertising each legally zoned activity within any district shall be allowed subject to the following conditions and regulations:

- (1) Signs shall pertain only to the identification of a building, business, or products and services manufactured, sold, or offered on the premises where the sign is located, except as otherwise provided.
- (2) Except as otherwise provided, all signs shall conform to the following requirements relative to type of sign allowed, maximum area, surface heights, location, setback, and other provisions as set forth below by zoning district:
  - (A) Residential District. No signs shall be permitted in Residential Districts except:
    - (I) Those allowed under Section 1.1016, Exemptions.
    - (ii) Such temporary signs that may be allowed by Section 1.1024, Temporary Signs.
  - (B) Nonresidential Uses (church, school, or park) located in Residential Districts. No signs shall be permitted in these areas except:
    - (I) Those allowed under Section 1.1016, Exemptions.
    - (ii) One attached or detached sign subject to the following restrictions:
      - (aa) Maximum size shall be forty (40) square feet.
      - (bb) Construction design and material shall match main building.
      - (cc) Entire sign must be located inside private property.
    - (iii) Such temporary signs that may be allowed by Section 1.1024, Temporary Signs.

- (C) Multiple Family Districts. No signs shall be permitted in these areas except:
  - (I) Those allowed under Section 1.1016, Exemptions.
  - (ii) Such temporary signs that may be allowed by Section 1.1024, Temporary Signs.
  - (iii) One sign per street front subject to the following instructions:
    - (aa) Sign may be attached to the building or set back one-half ( $\frac{1}{2}$ ) the distance from the building line to the property line.
    - (bb) Sign shall not exceed forty (40) square feet.
    - (cc) Height shall not exceed twelve (12) feet.
    - (dd) Construction design and material shall match main building.
    - (ee) Entire sign must be located inside private property.
    - (ff) Such sign shall not constitute a visual hazard as determined by the building official.
  
- (D) Retail Business District. No signs shall be permitted in the retail business districts except:
  - (I) Those allowed under Section 1.1016, Exemptions.
  - (ii) Such temporary signs that may be allowed by Section 1.1024, Temporary Signs.
  - (iii) Attached signs subject to the following restrictions:
    - (aa) Maximum size of sign shall be forty (40) square feet or the product of two (2) times the lineal footage of the building or store frontage for which such sign is intended, whichever is greater.
    - (bb) An attached sign located at a height of twenty-four (24) feet or less shall have a maximum vertical height of four (4) feet.
    - (cc) An attached sign located at a height above twenty-four (24) feet shall have a maximum vertical height of six (6) feet.

- (dd) Sign(s) shall not exceed seventy-five (75) percent of the width of such building or store frontage.
  - (ee) Height shall not exceed the roof line or top of parapet wall and shall provide a minimum of ten (10) feet of vertical clearance from sidewalk or ground level.
  - (ff) Such sign shall not project over eighteen (18) inches from face of building.
  - (gg) Attached signs shall be designed to transmit all dead and live loads throughout the structural frame of a building in such a manner as not to overstress any building element.
- (iv) Under Canopy Signs subject to the following restrictions:
- (aa) Maximum size of sign shall be two (2) square feet.
  - (bb) Bottom of sign must be a minimum of nine (9) feet above walkway.
- (v) Free Standing Identification Signs subject to the following restrictions:
- (aa) One (1) sign per building site shall be allowed, or one (1) sign per four hundred-fifty (450) lineal feet of frontage along street. Where more than one (1) sign is allowed, there shall be a minimum of one hundred (100) feet between signs.
  - (bb) Size regulations shall be : One (1) square foot per one and one-half (1-1/2) lineal feet of property frontage up to a maximum of one hundred-twenty (120) square feet. Minimum size shall be twenty-five (25) square feet.
  - (cc) A free standing identification sign with an effective area of fifty (50) feet or less may be located as near as five (5) feet to the public right-of-way or at the building line if this requires a lesser setback provided that said sign is a premise or directional sign and does not exceed twenty (20) feet in height and does not occupy the space between two (2) feet and ten (10) feet above grade within fifteen (15) feet of the public right-of-way except for supports, which may not exceed a total cross section area of two (2) square feet.

- (dd) A Free Standing Identification Sign with an effective area of one hundred twenty (120) square feet or less may be located as near as fifteen feet (15') to the right-of-way provided that said sign is a premise or directional sign, and does not exceed thirty feet (30') in height.
- (ee) Any projecting or overhanging portion of sign must be a minimum of ten feet (10') feet above any walkway and fourteen feet (14') above driveways. Such sign(s) shall be located a minimum of thirty feet (30') from adjoining private property lines.
- (ff) Along major thoroughfares, minimum height of letters shall be six inches (6").
- (gg) Signs shall be constructed of materials that are noncombustible or slow burning.
- (hh) Sign supports in contact with the ground shall be pressure treated wood, protected steel or concrete.
- (ii) No advertising matter shall be displayed on or attached to any free standing sign. No guys, braces, attachments, banners, flags, or similar devices shall be attached to any sign.
- (jj) Such signs shall be protected by wheel or bumper guards when required by the building official.
- (iv) Temporary promotional advertising banners, flags, or pennants promoting a grand opening of a retail or commercial establishment or center with a maximum single use period of fifteen (15) days with a minimum period between permits of sixty (60) days and a maximum numbers of one (1) permit per year for each business.
- (vii) Portable signs subject to the following regulations:
  - (aa) Prior to the use or placement of any portable sign, a permit must be obtained from the city manager or his designee.
  - (bb) A maximum of two (2) portable sign permits per year may be issued for each business address.
  - (cc) No permit for the same business location shall be issued until

a minimum of fifteen (15) days has elapsed since the previous permit expired. Said portable sign shall be physically removed from the referenced location upon expiration of the permit. A business location shall be defined as a shopping center or collection of businesses located upon one site or one platted tract of property.

- (dd) Portable sign permits may be issued for a maximum of fifteen (15) days. Said portable sign shall be physically removed from the referenced location upon expiration of the permit.
- (ee) There shall be a minimum distance of two hundred (200) feet between portable signs; measured along the street right-of-way. Each side of the street shall be counted separately.
- (ff) Portable signs shall not exceed thirty-two (32) square feet in size.
- (gg) Portable signs shall be set back a minimum of fifteen (15) feet from the curb or edge of pavement completely out of the city right-of-way.
- (hh) Portable signs shall be set back a minimum of thirty (30) feet from side property lines. Further, said portable signs shall not be located within the intersection visibility triangle area and shall not obstruct visibility of motorists or pedestrians.
- (ii) The owner of such portable sign shall be responsible for obtaining a sign permit, as required herein, and shall be responsible for any violations of this subsection. Upon obtaining a sign permit, the owner of the sign shall sign a statement identifying and holding the city harmless of any damages which may result from the placement of said sign: and such statement shall further give the city the right to impound such sign should it be placed in violation of these Sign Regulations.
- (jj) Portable signs shall permanently display on the sign, in easily readable form, the name, address, city, zip code and telephone number of said sign.
- (kk) Portable signs may be internally or indirectly lighted;

however, such light or lights shall not be a flashing intermittent, moving or similarly lighted type. Any sign constructed of or containing material capable of reflecting light, images or sound waves; producing glare or mirrored images shall not be permitted.

(ll) Impoundment - the owner or occupant of any property upon which there is located a portable sign in violation of this subsection or the owner or lessee of any portable sign which is in violation of this subsection as herein defined shall be given notice by the code enforcement department, stating the nature of the violation and ordering that the violation be corrected or removed from said property within seventy-two (72) hours.

(mm) Notice by the code enforcement department of violation of this subsection shall be given by one of the following methods:

-The sign permit shall show the expiration date of the portable sign permit, or

-A notice shall be attached to the sign in violation of this subsection, or

-Verbal notification by telephone or in person shall be given to the owner or occupant of the property upon which there is located a portable sign in violation of this subsection, or the owner or lessee of the portable sign in violation of this subsection by code enforcement officer of the Town of Horizon City, or

-Written notice by the code enforcement officer to the permittee.

(nn) If the owner, lessor, lessee, or the representative of the lessor of the portable sign fails to remove such sign within seventy-two (72) hours of the notification from the code enforcement department of the Town of Horizon City, the portable sign may be removed by the Town of Horizon City at the expense of the sign owner or the person erecting, leasing, using, or maintaining it.

- (oo) Any portable sign so removed shall be subject to a fee of fifty dollars (\$50.00) for hauling the sign to the city storage area; plus a ten dollar (\$10.00) per day storage fee for each day the sign is stored by the city.
  - (pp) Any portable sign so removed from public or private property shall be stored or impounded by the city until all applicable charges have been paid. or until thirty (30) days have passed.
  - (qq) If any sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage costs are not paid within such thirty (30) day period, the city may destroy, sell, or otherwise dispose of the sign.
  - (rr) In calculating the length of the storage period and the storage fee, the first working day after the date of the impoundment shall be considered day number one; thereafter, all days including weekends and holidays shall be counted.
  - (ss) The code enforcement officer or any duly authorized agent may enter upon private property which is accessible to the public for the purposes specified in this subsection to examine signs or their location, obtain information as to the ownership of such signs and to remove or cause the removal of a sign declared to be a nuisance pursuant to this subsection.
  - (tt) If the Town of Horizon City determines that the owner or occupant of the property upon which there is located a portable sign in violation of this subsection, or if the owner or lessee of the portable sign in violation of this subsection has had three (3) sign violations without reasonable cause, the Town of Horizon City shall withhold issuing further sign permits to such property owner, lessee, sign owner or sign lessee.
- (viii) Such signs that may be allowed by Section 1.1023, Off-Premise Detached Signs.
- (E) Commercial and Industrial Districts. Signs shall be subject to the Texas Highway Beautification Act-Outdoor Advertising Signs.
- (I) On-Premises Detached Signs shall be subject to the following restrictions:

- (aa) One (1) sign per building site shall be allowed, or one (1) sign per four hundred-fifty (450) lineal feet of frontage along freeway. No on premise detached sign shall exceed three hundred (300) square feet in effective area, except where more than one (1) sign would be allowed, the signs may be consolidated into one (1) sign with an increased area up to a maximum of six hundred (600) square feet.
- (bb) Size regulations shall be: One (1) square foot per one and one-half (½) lineal foot of frontage.
- (cc) An on-premise detached sign shall not exceed forty feet (40') in height, or to a point thirty feet (30') above the travel surface of the adjacent freeway and frontage road, whichever is higher, provided that the total height of sign does not exceed fifty feet (50').
- (dd) An on-premises detached sign with an effective area of fifty (50) square feet or less may be located as near as five feet (5') to the public right-of-way or at the building line if this requires a lesser setback, provided that said sign is a premise or directional sign. does not exceed twenty feet (20') in height, and does not occupy the space between two feet (2') and ten feet (10') above grade within fifteen feet (15') of the public right-of-way except for supports, which may not exceed a total cross-sectional area of two (2) square feet.
- (ee) An on-premise detached sign with an effective area of one-hundred-fifty (150) square feet or less may be located as near as fifteen feet (15') to the right-of-way, provided that said sign is a premise or directional sign, and does not exceed thirty feet (30') in height.
- (ff) An on-premises detached sign with an effective area of six hundred (600) square feet or less may be located as near as twenty-five feet (25') to the right-of-way or as near as the building setback line specified by the applicable zoning ordinance, whichever is further, provided that it does not exceed a height of forty feet (40').
- (gg) Where an off-premises detached sign is wholly within one hundred feet (100') of a freeway right-of-way, and is oriented to be visible from that freeway, the height of all characters

shall be either greater than eighteen inches (18") or less than one inch (1").

- (ii) Such signs that may be allowed by Section 1.1023. Off-Premise Detached Signs.

**Sec. 1.1023 Off-Premise Detached Signs**

(a) Class 1 (Billboards). Off-Premise Detached Signs with a maximum area of each face of three hundred (300) square feet.

(b) Class 2 (Mini-Billboards). Off-Premise Detached Signs with a maximum area of each face of one hundred (100) square feet.

(1) Location:

Class 1 signs may be located in the Commercial and Industrial and Districts with Horizon Boulevard Frontage Only. Horizon Boulevard Frontage shall be described as being within one hundred (100) feet of the Horizon Boulevard right-of-way.

Class 2 signs may be located in the Office, Agriculture, General Retail. Commercial and Industrial Districts. All Off-Premise Signs shall be located a minimum of two hundred fifty (250) feet from any residential zoned area or two hundred fifty (250) feet from a residence in agriculture zones.

(2) All Off-Premise Signs shall be subject to the following stipulations:

- (A) Class 1 Signs shall have a minimum front setback of twenty-five (25) feet from the right-of-way, or at the building setback line specified by the applicable zoning ordinance, whichever is further.
- (B) Class 2 Signs shall have a minimum front setback of fifteen (15) feet from all street right-of-way.
- (C) All Off-Premise Signs shall be located a minimum of thirty (30) feet from a side or rear property line.
- (D) All Off-Premise Detached Signs shall provide a minimum distance of one thousand (1,000) feet between all detached advertising signs measured along the street right-of-way.
- (E) Class 1 signs shall be located a minimum of five hundred (500) feet from major intersections, and two hundred fifty (250) feet from any other

intersection.

- (F) Class 2 signs shall be located a minimum of two hundred fifty (250) feet from major intersections and one hundred (100) feet from any other intersection.
- (G) Class 1 signs shall not exceed forty (40) feet in height.
- (H) Class 2 signs shall not exceed fifteen (15) feet in height.
- (I) Class 1 signs shall have a minimum character height of eighteen (18) inches.
- (J) All Off-Premise Detached Signs shall be located only on those streets designated as major thoroughfares in the city's Master Plan and along Horizon Boulevard Frontage.
- (K) Spacing and location restrictions shall be maintained. Each side of the street shall be counted separately. Existing non-conforming signs shall be counted, as well as new signs.
- (L) Signs shall be of all metal construction.
- (N) Class 2 Signs shall not be illuminated.
- (O) Sign facings may be removed, replaced, or painted; but, any sign which does not display a message during a one hundred eighty (180) day period will be considered abandoned and may be removed by the city.
- (P) Applications for Off-Premise Detached Sign permits shall be accompanied by a copy of the lease agreement or a letter of authorization from the owner of the property on which the sign is to be located.
- (Q) Off-Premise Detached sign applications must include a copy of lease agreement or agreement between property owner and sign owner that states "off-premise signs shall be removed upon development of the tract or site upon which it is located."
- (R) Class 1 and Class 2 Off-Premise Signs shall not be permitted upon any developed site. All off-premises signage shall be removed when a tract or site is developed.
- (S) No partial, incomplete, or defaced advertising shall be permitted.

**Sec. 1.1024 Temporary Signs**

(a) Temporary subdivision development signs and for sale or lease signs may be erected upon approval of the city provided such sign(s) relate only to the property on which they are located. No such sign(s) shall be erected unless a permit has been secured.

- (1) Such temporary signs shall not exceed ninety-six (96) square feet in surface area.
- (2) Such temporary signs shall not exceed fifteen (15) feet in height.
- (3) Not more than one (1) such sign shall be erected for each ten (10) acres in the area under current development.
- (4) Placement of such signs shall be subject to approval of the building official and shall not constitute a visibility hazard.
- (5) Such temporary signs shall be removed when ninety-five (95) percent of the available lots have been sold to owner/occupants.

(b) Temporary signs advertising occasional sales (including garage sales, patio and porch sales) shall be limited to one (1) sign not to exceed four (4) square feet. Permit for such sign shall be required, but no fee will be required. All temporary signs mentioned herein shall be removed by 8:00 p.m. on the final day of the temporary sale.

(c) Temporary signs for the purpose of advertising civic, nonprofit, or philanthropic organization activities may be erected within the Town of Horizon City within the following guidelines:

- (1) Each organization shall register with building inspection department prior to the erection of any such sign.
- (2) The maximum size sign shall be six (6) square feet.
- (3) Each sign shall be located on private property.
- (4) Such signs shall be erected for a maximum of seven (7) days.
- (5) A maximum of six (6) signs may be permitted during each seven-day period.
- (6) Each sign shall be self-supporting and shall not be attached to fences, posts, utilities; trees, etc.
- (7) No sign shall be erected or maintained in such a manner as to obstruct free and clear vision.

- (8) It shall be the responsibility of the organization who registers the signs to remove them promptly at the end of the seven-day period.
- (d) Temporary portable signs for public, religious, school or charitable institutions may be permitted when such sign is located on the premises of said institution and subject to the following restrictions:
- (1) No such sign shall be erected unless a permit therefore is first procured from the city inspector or his designee.
  - (2) No permit fee is required for temporary signs under this section for public, religious, school or charitable institutions.
  - (3) Sign shall not exceed thirty-two (32) square feet in size.
  - (4) Sign permit may be issued for a maximum of fifteen (15) days. No permit for the same locations shall be issued until a minimum of fifteen (15) days has elapsed since the previous permit expired. Said portable sign shall be physically removed from the referenced location upon expiration of the permit.
  - (5) Such signs shall be set back a minimum of fifteen (15) feet from the curb or edge of pavement, completely out of city right-of-way. Further, said sign shall not be located within the intersection visibility triangle area and shall not obstruct visibility of motorists or pedestrians.
  - (6) Such signs may be internally or indirectly lighted; however, such light or lights shall not be of a flashing, intermittent moving or similarly lighted type. Any such sign located within a residentially zones district shall not be lighted.
- (g) Temporary political sign(s) may be erected within the Town of Horizon City within the following guidelines:
- (1) Each candidate shall obtain a one permit for all his/her temporary political signs. There shall be no fee required for said permit.
  - (2) The maximum size sign shall be sixteen (16) square feet, unless a political sign is placed on a existing approved billboard.
  - (3) Each sign shall be located on private property unless allowed on public lands under State Law.
  - (4) No sign shall be erected or maintained in such a manner as to obstruct free and clear

vision.

- (5) It shall be the responsibility of the political candidate to remove the signs within twenty four hours after election day.

**Sec. 1.1025 Nonconformance**

(a) It is the declared purpose of this article that, in time, all privately owned signs shall either conform to the provisions of this article or be removed. By the passage of this article and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this article and all other ordinances of the Town of Horizon City. Any sign which does not conform to all provisions of this article shall be a nonconforming sign if it legally existed as a conforming or nonconforming sign under prior ordinances; or an illegal sign if it did not exist as conforming or nonconforming sign, as the case may be. Temporary permits previously granted shall not be renewed unless the sign is made to conform. It is further the intent and declared purpose of this article that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time this article was adopted shall be discharged or affected by such passage, but prosecutions and suits for such offenses, liabilities; penalties, or forfeitures may be instituted and causes presently pending may proceed.

(b) Removal of certain nonconforming signs:

- (1) Signs erected without a permit, either prior to or after the adoption of this article on \_\_\_\_\_, are illegal signs under this and prior sign control ordinances if a permit was required for its erection.
- (2) All signs legally erected pursuant to a valid permit or legally maintained prior to \_\_\_\_\_, which do not conform to the provisions of this article shall be removed or relocated so as to conform with the requirements of this article within ten (10) years.

(c) Where a sign in a former "Zoning District" has been made nonconforming because of the change of that zone to a non-business category, then that sign must be removed, or brought into conformity immediately.

(d) No nonconforming sign shall be repaired or renovated at a cost in excess of thirty-five (35) percent of the replacement cost of the total sign structure, unless said sign is brought into conformity with this article. 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 subsection, normal maintenance shall not be considered to be repair or renovation.

(e) Where any legally erected sign is made nonconforming as a result of:

- (1) the adoption of any amendment to this article; or
- (2) any amendment to the Comprehensive Zoning Ordinance; or
- (3) the acquisition of public right-of-way; or
- (4) the redesignation of public streets in accordance with the ordinances of the Town of Horizon City, as amended; or
- (5) the dedication of a public park; or
- (6) any other legislative action of the city council of the Town of Horizon City;

the sign shall be removed, relocated, or altered so as to conform to the requirements of this article or to the Comprehensive Zoning Ordinance within ten (10) years of the date of the above listed action.

(f) It shall be unlawful to maintain any sign erected without a valid permit where a permit was required for the erection of the sign according to the law in effect at the time the sign was erected. It is a defense to prosecution under this subsection if the sign is made to comply with the provisions of this article so that a permit may be issued.

### **Sec. 3.1026 Board of Appeal**

The board of adjustment shall be empowered to vary the provisions of this article if it appears that the provisions would work a manifest injustice, considering such factors as the sign, location, and other pertinent factors. Such decision of the board shall not conflict with the spirit of this article, which is one of safety, provision of adequate light, open space and air, conservation of land and building values and to encourage the most appropriate use of land.

### **Sec. 3.1027 Responsibility for Violation**

The owner of the sign, the owner of the land or structure, or the person in charge of erecting the sign or structure are all subject to the provisions of this article and therefore subject to the penalty hereinafter provided.

### **Sec. 3.1028 Penalties**

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding two hundred dollars (\$200.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be


punishable as such hereunder.

This ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinances, and such is evidenced by the below signatures.

Signed this 13th day of November, 2001.

  
PAT RANDLEEL, Mayor

ATTEST:

  
SANDRA SIERRA  
Town Clerk

APPROVED:

  
ROBERT A. DURAN  
Town Attorney

First Reading 10/09/01

Second Reading 11/13/01

Adopted 11/13/01

APPENDIX A  
FEE SCHEDULE  
FOR SIGNS

PERMIT FEE:

<u>VALUE/TYPE</u>	<u>FEE</u>
Temporary	\$ 5.00
\$1-\$200	30.00
\$201-\$100	30.00 +\$1.25/100\$
\$1001-\$10000	40.00 +\$7.00/1000\$
\$10001-\$25000	\$103.00 +\$15.00/1000\$