

ORDINANCE NO. D3-03A

**AN ORDINANCE REGULATING OFF-PREMISE SIGNS AND BILLBOARDS; PROVIDING FOR DEFINITIONS; IDENTIFYING PROHIBITED SIGNS AND EXEMPT SIGNS; ESTABLISHING REGULATIONS FOR NONCONFORMING SIGNS; PROVIDING FOR THE REPLACEMENT OF EXISTING BILLBOARDS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Texas Local Government Code, Chapter 216, provides that municipalities may regulate signs within their city limits; and

**WHEREAS**, it is in the interest of the health, safety, welfare, convenience and enjoyment of the general public to regulate signs located in the City of Snook and to prohibit construction of new off-premise billboards in the City of Snook, except in certain circumstances;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SNOOK, TEXAS, THAT:**

**SECTION 1. DEFINITIONS**

**ADMINISTRATOR:** The designated city official or employee whose responsibility it is to administer the provisions of this Ordinance.

**BILLBOARD:** A billboard is an off-premise object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premise commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.

**DIRECTIONAL SIGN:** A sign erected and maintained by local officials within the public right-of-way, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest.

**ILLEGAL BILLBOARD:** A billboard that was constructed in violation of regulations that existed at the time it was built or erected.

**NON-CONFORMING BILLBOARD:** A billboard which was lawfully erected and maintained at the effective date of this Ordinance, but does not comply with the provisions of this Ordinance.

**PREMISES:** The contiguous land in the same ownership or control which is not divided by a street.

**SIGN:** Any surface, fabric, device, display or visual medium, including the component parts, which bears letters, pictorial forms or sculptured matter, including logos, used or intended to be used to convey information or to attract attention to the subject matter of such sign. Graphics painted upon the side of a building which carry no advertising shall not be construed to be a sign, except where such graphics pictorially display products or business that convey an advertising intent. The term "sign" includes the sign structure.

**STRUCTURE:** Anything built that requires a permanent location.

## **SECTION 2. SCOPE AND ENFORCEMENT**

The purpose of this Ordinance is protect the health, safety, welfare, convenience and enjoyment of the general public and to protect the public from injury which may be caused by the unregulated construction of off-premise billboard signs. It is the intent of these regulations to achieve the following:

1. Enhance the economic value of the landscape by avoiding visual clutter which is potentially harmful to property values and business opportunities;
2. Promote the safety of persons and property by providing that signs do not create a hazard, due to collapse, fire, collision, weather or decay;
3. Protect the safety and efficiency of the public's road system by reducing the confusion or distraction to motorists and enhancing motorists' ability to see pedestrians, obstacles, other vehicles and traffic signs;
4. Enhance the impression of the City which is conveyed to tourists and visitors; and
5. Protect adjacent and nearby properties from the impact of billboard signs.

## **SECTION 3. PROHIBITED SIGNS**

The following signs are expressly prohibited within the City of Snook:

1. Off-premise billboard signs.
2. Signs erected in violation of the City's building, electrical or sign codes, or other applicable local regulations.
3. Signs erected in violation of federal or state law.
4. Portable signs, and any existing portable sign shall be removed within one (1) year after the date of the adoption of this Ordinance.
5. Signs erected in or projecting into the public right-of-way unless an encroachment agreement is approved by the City Council.

## **SECTION 4. EXEMPT SIGNS**

The following signs are exempted from the requirements of Section 3 of this Ordinance:

1. Signs on vehicles.
2. Temporary signs, as follows:
  - a) Temporary decorative flags.
  - b) Temporary public interest signs, including portable signs and banners, announcing activities or other events of a public, civic, philanthropic or religious organization, subject to the following:
    - 1) Temporary signs shall be maintained for no more than thirty (30) days.
  - c) Temporary on-premise and off-premise signs, including portable signs, subject to the following:
    - 1) Temporary signs shall be permitted for a maximum period of thirty (30) days.
3. Warning, security and directional signs for parking, etc.
4. Government signs, flags, insignia, legal notices or informational, directional or traffic signs.
5. Political signs erected solely for and pertaining to a public election, subject to the following restrictions:
  - a) Said signs shall not be erected more than sixty (60) days prior to any primary or general election to which the sign pertains.
  - b) Said signs shall be removed within thirty (30) days after the general or run-off election to which the sign pertains.
6. Signs in windows.
7. All signs not visible from off the property.
8. Homebuilder signs, subject to the following:
  - a) Signs shall not be located in the public right-of-way.
  - b) Written permission shall be obtained from owners of property where sign is located.
9. Subdivision directional signs, subject to the following:
  - a) Signs may be placed upon unimproved property with the permission of the owner.
10. On-premise development signs (signs identifying a developer's property and sales office/model home sites), subject to the following:
  - a) Sales Office/Model Homes:
    - 1) No sign shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m.
    - 2) Sign must be located on the site of the model home.
11. Nameplate and street address signs.
12. Real estate sign, temporary in nature, advertising the sale or lease of real property on which the sign is located or announcing contemplated improvements of real property on which the sign is located.
13. Construction sign, denoting the owner, architect, financial institution, general contractor, subcontractor or any statement pertaining to the project on the real property on which the sign is located.
14. "No Dumping" and "No Trespassing" signs.

**SECTION 5. NONCONFORMING SIGNS**

1. Permitted Alteration of Nonconforming Signs - A nonconforming sign may be altered only as follows, subject to complying with permitting requirements set out in this Ordinance:

- a) The letters, symbols or other matter on the sign may be changed;
- b) A sign which has been blown down or otherwise destroyed by wind, fire or damages from any other source, may be repaired, provided that the cost of repairing the sign is fifty (50) percent of the cost of erecting a new sign of the same type at the same location, or less. If the cost of repairing the sign is more than fifty (50) percent of the cost of erecting a new sign of the same type at the same location, the sign may not be altered, reconstructed, repaired or replaced, and the owner shall remove the sign.
- c) Maintenance operations may be performed on the sign. For purposes of this Ordinance, maintenance operations" means the process of keeping a sign in good repair. Maintenance operations include cleaning, painting, repair or replacement of parts in a manner that does not alter or remove the basic design or structure of the sign. Examples of actions that are not maintenance operations include, without limitation, conversion of a sign from a multiple pole structure to a monopole structure, replacement of wooden poles with metal poles, and any task that requires removal of the display surface from its supporting structure for any purpose other than changing letters, symbols or other matter on the sign. If a sign is dismantled for any purpose other than maintenance operations or for changing the letters, symbols or other matter on the same, the sign may not be altered, reconstructed, repaired or replaced, and the owner shall remove the sign or bring it into compliance with the applicable ordinances of the City. All other alterations of any nature whatsoever in connection with nonconforming signs are prohibited. If any such alteration is performed, the owner shall remove the sign or bring it into compliance with this Ordinance, and all other applicable ordinances.

## **SECTION 6. REPLACEMENT OF EXISTING BILLBOARD SIGNS**

1. Construction of New Off-Premise Billboard Signs to Replace Existing Billboard Sign - No person, firm, corporation or other entity shall erect, construct or install an off-premise billboard sign at any location within the corporate limits of the City of Snook, Texas unless said person, firm, corporation or other entity shall dismantle and remove an off-premise billboard sign was in existence within the city limits of the City on the date of the adoption of this Ordinance. For each existing off-premise billboard sign that is dismantled and removed from the corporate limits of the City of Snook, the person, firm, corporation or other entity may erect, construct or install one (1) off-premise sign within the corporate limits of the City of Snook. The new off-premise billboard sign must be erected, constructed or installed within one (1) year after the dismantling and removal of the existing off-premise billboard sign. The new off-premise billboard sign must be of a size and height equal to or less than the existing sign that is being dismantled and removed. Any person, firm, corporation or other entity wishing to obtain a sign credit for removal of an off-premise billboard sign shall submit written notice of intent to remove an existing sign to the City before taking any action to remove the sign. The notice shall be submitted on a form provided by the City. No sign credit shall be awarded for any off-premise sign that is removed before the notice of intent is submitted to and accepted by the City, except as set forth below. Eligibility for credit shall be determined as follows:

- a) Illegal Signs. No sign credits will be awarded for removal of illegal off-premise signs.
- b) Nonconforming signs that have been illegally altered are required to be removed.



c) Signs Removed Pursuant to Eminent Domain. No sign credits will be awarded for removal of signs for which compensation is paid pursuant to eminent domain proceedings.

d) Removal of Damaged Nonconforming Signs. No sign credits will be awarded for the removal of a nonconforming sign that is blown down or otherwise destroyed by wind, fire or damages from any other source, where the cost of repairing the sign is more than fifty (50) percent of the cost of erecting a new sign of the same type at the same location. If the damaged nonconforming sign can be repaired at a cost of fifty (50) percent or less of the cost of erecting a new sign, the owner may elect to repair the sign. In the alternative, the owner may remove the sign and receive sign credits for the removal. The owner shall submit a notice of intent to the City before removing the sign, unless the immediate removal of the damaged sign is required because it presents a safety hazard.

Nothing herein shall permit a legal nonconforming sign to be upgraded in violation of any federal or state law.

**SECTION 7.**

This ordinance shall be cumulative of all provisions of ordinances and of the City of Snook, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event conflicting provisions of such ordinances are hereby repealed.

**SECTION 8.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.


**SECTION 9.**

Any person, firm, corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 10.**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

READ, APPROVED AND ADOPTED this 24 day of March, 2003.

  
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HON. JOHN SEE, III, MAYOR

ATTEST:

  
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DEBBIE MAUTZ, CITY SECRETARY