

ORDINANCE NO. __1706__

AN ORDINANCE OF THE CITY OF SAINT HEDWIG AMENDING ORDINANCE 0702 TO INCORPORATE REGULATIONS GOVERNING CHANEGABLE ELECTRONIC VARIABLE MESSAGE SIGNS AND PROVIDING FOR A VARIANCE WITH RESPECT THERETO; REPEALING ORDINANCE NO. 0808 GOVERNING CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS; MAKING FORMATTING CORRECTIONS TO ORDINANCE 0702; PROVIDING FOR SEVERABILITY, CUMULATIVE AND REPEALER CLAUSES AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in accordance with the authority provided by Chapter 216 of the Local Government Code, the City of Saint Hedwig adopted Ordinance No. 0702 to establish comprehensive sign regulations within the city and its extraterritorial jurisdiction ("ETJ"); and

WHEREAS, in 2008, the City adopted Ordinance No. 0808 prohibiting Changeable Electronic Variable Message Signs (CEVMS) within the city limits and ETJ; and

WHEREAS, since adopting Ordinance No. 0808, the city has determined that there is a limited need for Changeable Electronic Variable Message Signs to be used for certain public purposes and therefore should be allowed within the City and ETJ subject to certain restrictions designed to maintain the City's objective of providing for natural nighttime environment of starry night skies which the Council finds promotes the health, safety and general welfare of the community and which is one of the most desirable features of the St. Hedwig rural location; and

WHEREAS, the City has also adopted Ordinance No. _0802_, the Outdoor Light Ordinance, which establishes standards for outdoor lighting within the city designed to maintain low light levels to preserve the rural, small town atmosphere, and to ensure that developments do not use excessive lighting that cause glare or spillover onto adjacent properties; and

WHEREAS, the City Council finds that it is in the best interest to amend the City's sign ordinance to provide for the limited usage of Changeable Electronic Variable Messaging Signs within the city limits and ETJ subject to certain restrictions aimed at preserving the objectives of the City's Outdoor Lighting Ordinance; and

WHEREAS, the City Council finds that it is more efficient to repeal Ordinance No. 0808 an incorporate the provisions of that ordinance into the City's existing sign ordinance which is herein amended; and

WHEREAS, the City Council further finds that it is necessary to amend Ordinance 0702 to make certain non-substantive formatting corrections.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAINT HEDWIG, TEXAS:

Section 1. Ordinance No. 0808 is hereby repealed.

Section 2. Ordinance No. 0702 is hereby amended to read and provide as reflected in Exhibit "A" which is hereby incorporated as if fully set out herein.

ORDINANCE NO. 0702

AN ORDINANCE OF THE CITY OF SAINT HEDWIG, TEXAS TO BE TITLED "SIGNS AND BILLBOARDS" PROVIDING FOR THE REGULATION, INSTALLATION AND MAINTENANCE OF SIGNS WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION ("ETJ") OF THE CITY OF SAINT HEDWIG, PROVIDING FOR DEFINITIONS, EXEMPTIONS, LOCATIONS, SIZE AND HEIGHT RESTRICTIONS, PROVIDING A MEANS OF OBTAINING VARIANCES THERETO; PROVIDING A REPEALER SECTION, PROVIDING FOR ENFORCEMENT AND PENALTIES; SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Saint Hedwig seeks to provide for the orderly development of land and use of property within its corporate limits and extraterritorial jurisdiction ("ETJ");and

WHEREAS, the City Council seeks to maintain the value of the City of St. Hedwig's scenic and natural resources, which are the keystones of the City's economic strength and quality of life, through a comprehensive regulatory program that includes land use and development ordinances regulating signs; and

WHEREAS, the City Council finds that improperly constructed and poorly maintained signs are safety hazards that constitute a public health risk and can devalue adjacent properties; and

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

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

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

WHEREAS, the City Council finds that properly constructed and maintained signs create a pleasing environment for residents, visitors, shoppers, and the entire community; and

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

WHEREAS, the City Council finds it to be in the best interest of the public to regulate signs so as to promote roadway and pedestrian safety, encourage effective communication with the public, improve the appearance of the City of St. Hedwig, uphold the principles of free speech, including commercial speech, and enhance the community's small city character and country living atmosphere while preserving the authentic cultural heritage of the area within the boundaries of the City of St. Hedwig; and

WHEREAS, the City Council is authorized to regulate signs by virtue of the Texas Constitution, the City of St. Hedwig's police power, and Texas Local Government Code Chapter 216; and

WHEREAS, the City Council finds that durational limitations on certain sign displays is necessary based upon the particular type of event referenced by the sign regardless of content of the sign; and

WHEREAS, the City Council recognizes that studies have been performed in other municipalities, including the City of Houston, which found a positive correlation between the proliferation of signs along a roadway and the accident rate at the same location, that billboards are an added distractions to motorists, that billboards cause visual pollution, and that a reduction in the number of off-premise billboards enhances the aesthetic appearance of the community and traffic safety. The City Council hereby adopts these findings.

WHEREAS, while recognizing the potential negative effects of over population of signs and billboards on the St. Hedwig community, the city council also has determined that consideration should be given to businesses and public institutions who have a desire and a need to advertise their businesses and to provide the public with important information and that certain exceptions to the provisions of this ordinance should be provided in order to promote these purposes

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. HEDWIG, TEXAS:

Article I.

Sec. 1.002 Purpose.

(A) It is declared that the regulation of signs within the City and extraterritorial jurisdiction is necessary and in the public interest for the following reasons:

- (1) to protect property values within the City's jurisdiction;

- (2) to preserve the beauty and unique character of the City;
- (3) to promote a positive City image reflecting order, harmony, and pride;
- (4) to provide and promote a healthy relationship and strengthen the economic stability among business, residential and cultural communities within the city;
- (5) to protect the general public from property damage and injury which may be caused by faulty or uncontrolled construction and erection of signs within the City's jurisdiction; and
- (6) to protect the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City.

Sec. 1.003 Scope.

Pursuant to the authority provided in Texas Local Government Code Chapter 216, this Chapter shall apply within the City's corporate and extraterritorial jurisdiction.

Sec .1.004 Definitions.

(A) For the purpose of this ordinance, a sign is defined as:

A name, identification, image, light device, figure, painting, graphic, logo, drawing, message, plaque, poster, billboard, description, fixture, symbol, banner, structure, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, picture, window (attached inside or outside), or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Displays of merchandise customarily sold at the site without illumination or lettering which are placed behind a store window are not signs or parts of signs. A sign shall not include a sign located completely within an enclosed building, such as occupant directories, door nameplates, or stairwell locations. Any type of sign not on the list does not preclude the sign from being allowable, prohibited, or exempt from permit. Questions or uncertainty should be directed to the appropriate City Official for clarification prior to construction or placement of sign.

(B) Words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning, as follows:

- (1) Abandoned sign means a sign that:
 - (a) advertises an event for which the date for the event has past; or
 - (b) advertises a business that has been discontinued for any reason.
- (2) Administrator means a member of the City Staff appointed by the Mayor, designated to administer and enforce this ordinance.
- (3) Auxiliary sign is any sign attached to a building or canopy indicating general information, such as stamps, credit cards, trading, official notices or services required by law, or giving directions to offices, restrooms, exits, and like facilities. References to a product, service, business, name or pricing shall disqualify a sign as an auxiliary sign.

- (4) Average grade means the grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, if the sign is attached to the structure.
- (5) The Planning and Zoning Commission shall mean the Commission duly authorized by City Council to preside over matters relating to zoning and subdivision of land pursuant to Chapters 211 and 212 of the Texas Local Government Code.
- (6) Banner is a sign intended to be hung without frames made of paper, plastic, or fabric of any kind which may possess colors, characters, letters illustrations, or ornamentations. Flags of governmental jurisdiction are not to be considered a banner for the purpose of this ordinance.
- (7) Billboard means any sign that is freestanding or attached to or part of a building and is an off-premise sign.
- (8) Canopy sign means any sign attached to a canopy that extends over a public right-of-way that is attached to or an extension of a building. A Canopy Sign will be counted toward the total allowed sign area.
- (9) Changeable Message Sign ("CMS"): All CMS will be considered a permanent sign, unless the sign is used specifically for temporary use. (See temporary guidelines and requirements). The sign may not be moved around property without obtaining a new permit. All CMS currently in use at the time of this ordinance shall be considered conforming and may continue under present circumstances unless as otherwise provided in this ordinance. Any structural alteration will render sign nonconforming and a permit must be obtained.
- (10) City means the City of St. Hedwig, Bexar County, Texas, and its area of extraterritorial jurisdiction as defined by V.T.C.A., Local Government Code Chapter 42.
- (11) Commercial sign means a sign (other than a real estate "for sale" or "for lease" sign, political sign, residential nameplate sign, public information sign, traffic control sign or exempted sign) which directs the attention of the general public to a business, product, service, or other commercial or business activity.
- (12) Compensable cost means those costs for which the owner of a nonconforming sign required to be relocated, reconstructed or removed by this ordinance is entitled to be compensated pursuant to V.T.C.A., Local Government Code Ch. 216, which costs, if required to be paid by the statute, shall be calculated in accordance with the formula set forth in the statute.
- (13) Construction sign means any sign temporarily placed on a construction site identifying the project, and/or owner, developer, contractor, architect, and may include other information regarding the project.
- (14) Damaged sign means any sign that is unsafe, unsecured, disfigured, or broken.

- (15) Erect means to build, construct, alter, reconstruct, pour, lay, move upon, attach, hang place, suspend or affix.
- (16) Fine art means sculpture, fountain or similar object.
- (17) Flashing sign is any sign with lights which illuminate intermittently (for example, a sign with blinking or moving lights) regardless of wattage, whether directly or indirectly illuminated.
- (18) Freestanding sign means any sign which is not attached to, or is on the walls, face, or exterior of a building and also includes the painting of wall signs, murals or super graphics, or any physical operation on the premises which is required for the construction of a sign, including excavation, site clearance, landfill and the like.
- (19) Indirect lighting means a light source separated from the surface and illuminating the sign of a building.
- (20) Landscaping means to change the natural features by adding trees, bushes, flowers, etc.
- (21) Manual on uniform traffic control devices (MUTCD) means the State Publication for Streets and Highways.
- (22) Grand fathered signs are existing non-conforming signs present at time of adoption of this ordinance. See Sec. 1.009 for further details and regulations.
- (23) Monument sign is a free standing sign unattached to the structure.
- (24) Non-Conforming Sign: Any sign that does not conform to the regulations of this ordinance or other City ordinances or regulations. See 1.009, Nonconforming Signs.
- (25) Notice means actual notice, written notice sent by registered or certified mail or other forms of notice authorized by State law.
- (26) Office complex means two or more offices and/or office establishments, sharing customer parking area, regardless of whether said offices or office establishments occupy separate structures or are under separate ownership, or on separate tracts or lots of land.
- (27) Official sign means any sign erected by or at the direction of any governmental body.
- (28) Off-premises sign means any sign other than an on-premises sign.
- (29) On-premises sign means a sign which advertises only goods, services, facilities, events or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises.
- (30) Political sign means any sign which is designated to influence the action of the voters for the passage or defeat of a measure appearing on the ballot at any national, state, or local election or

which is designed to influence the voters for the election or defeat of a candidate for nomination or election to any public office at any national, state or local election, but the sign shall not include the name of the sponsor, business promoting the activity or advertising the business.

(31) Party responsible is the party whose name appears on the sign, or who owns the sign structure, or who owns the advertised business.

(32) Portable Sign: Any sign designed to be moved from place to place whether or not it is permanently attached to the ground or structure. This includes hot air and gas filled balloons, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, and search lights; but excludes political, real estate, construction, permanent changeable message.

(33) Premises means a lot or tract within the City, and contiguous lands in the same ownership, which is not divided by any public highway, street or alley, or right-of-way therefore.

(34) Projecting or hanging sign means any sign attached to a building and extending in whole or in part more than nine inches beyond the building line. Allowable size does not include supporting structure.

(35) Public information sign means any sign or banner which is intended to identify community, civic and social events, and is not a commercial sign, official sign, political sign, or real estate sign.

(36) Real estate "for sale" or "for lease" sign means a temporary sign designating that the premises upon which it is erected is for sale, rent, or lease.

(37) Reflective surface means any material or device which has the effect of intensifying reflected light, such as scotch light, day glow, glass beads and luminous paint.

(38) Residential nameplate sign means a sign permitted for the sole purpose of identifying the inhabitant residing therein, the house name or identifying the address of the house. The sign may contain no advertising of any kind.

(39) Restoration means the routine maintenance and painting of existing, approved signs, that do not change the approved design and color in any way.

(40) Shopping center means two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking area, regardless of whether such stores and/or establishments occupy separate structures or are under separate ownership or on separate lots on tracts of land.

(41) Surface area of a sign means the total surface including frame and mounting, but shall include only one-half of a freestanding back-to-back sign, provided the freestanding sign's sides are back-to-back angled with no greater separation between sides at its widest point than four feet and provided that both sides have the identical sign. Frame and mounting shall not exceed 30 percent of the total surface area of sign.

(42) Temporary sign means any sign displayed for 72 hours or less, and not exceeding 30 days of display.

(43) Temporary site development sign means a sign permitted to identify a project under construction including the project name, project address, general contractor, and architect.

(44) Traffic control sign means a permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

(45) Unattached sign is any sign which is carried, wheeled, or moved about without having to detach the sign from a secure anchoring device. This includes A-Frame signs, Sandwich signs, Realty signs, Contractor signs, and Political signs. This definition does not include signs intended for temporary use for dangers, or other hazardous conditions, traffic control, and governmental or community service signs meant to inform the public.

(46) Wall sign means a sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall and not projecting more than nine inches from the face of the wall at any point.

(47) Zone means a zoning district as shown on the official zoning map of the City.

Sec. 1.005 Permitted signs restricted.

(A) The only signs permitted in the City are those which meet the requirements of this ordinance, and amendments thereto, and which have received the necessary approval.

(B) No sign shall be allowed in residential, historical or commercial districts except those that comply with the provisions of this ordinance, have received approval when necessary and are of a category as follows:

- (1) political signs,
- (2) real estate sign,
- (3) temporary site development signs,
- (4) neighborhood public information signs, or
- (5) residential nameplate signs.
- (6) Changeable Electronic Variable Messaging Signs (CEVMS) subject to the restrictions set forth in Sections 1.036 and 1.038 of this ordinance.

Sec. 1.006 Exempted signs designated.

(A) The provisions of this ordinance shall not apply to the following signs:

- (1) Memorial signs or tablets, names of buildings and date of erection when cut into or applied to any surface when constructed of bronze or similar metal;

(2) Official government notices and notices posted by governmental officers in the performance of their duties, governmental signs to control traffic or for other regulatory purposes such as neighborhood crime watch areas, or to identify streets, or to warn of danger;

(3) Signs to control traffic within a gated community that were placed within the gated community at the direction of its developer or homeowner's association;

(4) Works of fine art which in no way identify or advertise a product or business;

(5) Temporary decorations or displays, when they are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration; provided, that such decorations are maintained in an attractive condition and do not constitute a fire, traffic or pedestrian hazard;

(6) Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices;

(7) Signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of business, indicating the name of the owner, business and location (e.g., moving vans, delivery trucks, rental trucks and trailers and the like); provided, that the primary purpose of the vehicles is not for display of signs, and provided that they are parked in areas appropriate to their use as vehicles normally used in the course of business and are in operable condition, carry a current and valid license plate and state inspection tag; and

(8) Signs or tablets when constructed of metal or other permanent material and associated with a nationally recognized nonprofit, religious or civic organizations such as Rotary Club or Kiwanis Club, which are to identify the local area chartered group. Signs are limited to size to a total of eight square feet and to a height of eight feet with no lighting permitted. Design, size and location shall require prior approval of the PLANNING AND ZONING COMMISSION based on criteria as outlined in this ordinance.

Sec. 1.007 Design review guidelines.

(A) Harmonious with city scale: Sign location, configuration, design, materials and colors should be harmonious with the rural setting and the scale of the City.

(B) Materials: Sign materials shall be predominantly natural, such as native stone, rough cedar, pine or other types of wood. Other materials may be substituted when in the opinion of the Code Compliance Officer the materials meet the design criteria of the City.

(C) Architectural harmony: The sign and its supporting structure shall be in architectural harmony with the surrounding structures.

(D) Colors: Natural colors (earth tones) shall be favored and bright colors shall be used only for accent.

(E) Landscaping. Landscaping is required and shall be designed to harmonize with the building and surrounding natural landforms and native plants, as reflected in specific requirements contained herein. Landscaping description shall be included on all building, sign or lighting permits if applicable.

(F) Reflective surfaces: Glare-producing surfaces on signs are not allowed.

(G) Lighting.. All lighting of signs shall be in accordance with the City's Lighting Ordinance, when applicable, and this ordinance. In the event of a conflict, the more restrictive regulations or requirements shall apply.

(H) Moving parts. No sign shall contain any moving parts.

(I) Logo/logograms. Graphic symbols, used to represent or identify a business entity or organizations, are permitted to be displayed on signs only under the following conditions:

1. The design and materials comprising the logo shall be consistent with the guidelines in this section;

2. Logos shall be consistent with those generally utilized by applicant on business cards, stationery, and other similar uses.

Sec. 1.008 Wind pressure and dead load requirements.

Any sign shall be designed and constructed to withstand wind pressures and received dead loads as required in the Uniform Building Code (UBC) as adopted by the City.

Sec. 1.009 Nonconforming signs.

(A)Determination. A nonconforming sign is a sign that is not allowed under this ordinance, but which, when first constructed was allowed, and has continued in its legal status until the adoption of this ordinance.

(B) Removal.

(1) By the acts or omission of the sign owner. Nonconforming signs shall be terminated immediately upon the occurrence of any of the following events specified below:

(a) a sign that, having been permitted to remain in place as a nonconforming use, is required to be removed because the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign; for purpose of this subsection, a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location;

- (b) a nonconforming sign that has been abandoned for 90 days;
- (c) a nonconforming sign that has been discontinued for a continuous period of 90 days; or
- (d) a nonconforming sign that has become obsolete or substandard under any applicable ordinance of the City to the extent that the sign becomes a hazard or danger to public health or safety.

(2) By City action. The City may require the removal, relocation, or reconstruction of any nonconforming sign provided that the owner of the sign is compensated for such costs that are associated with the removal, relocation, or reconstruction as is required by TEX. LOC. GOV'T CODE Chapter 216. In cases where the City requires the removal, relocation, or reconstruction of a nonconforming sign the Mayor is authorized to appoint a municipal board in order to determine the amount of compensation as prescribed in TEX. LOC. GOV'T CODE Subsection 216.004.

(C) Time to Conform

All non-conforming signs shall come into compliance with this the terms of this ordinance no later than May 1, 2017, regulations.

Sec. 1.010 Liability.

The provisions of this ordinance shall not be construed as relieving or limiting in any way the responsibility or liability of any person erecting or owning any sign from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person, or such person's agents, employees or worker, in the design, construction maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this ordinance. Nor shall it be construed as imposing upon the City or its officers, employees, or the Planning and Zoning Commission, any responsibility or liability by reason of the approval of any signs, materials, or devices under the provision of this ordinance.

Sec. 1.011 Enforcement.

(A) Violation; notice. If the City Code Enforcement Officer, or other city appointed designee finds that any sign is maintained in violation of the provisions of this ordinance, he or she shall give written notice of the violation by registered or certified mail, return receipt requested to the owner or person entitled to possession of the sign or the owner of the property where the sign is located;

(B) Failure to comply; City abatement: If the person fails to alter or remove the sign so as to comply with this ordinance within ten days after the receipt of the Notice, the City may cause the sign to be altered or removed at the expense of the owner or person entitled to possession of the property or sign, and shall, upon the determination of the expenses, remit same to the City.

(C) Lien. The City shall notify the owner of person entitled to possession of the sign or property of the total costs incurred for the alteration or removal and destruction of the sign, and if that person fails within 30 days after the date of notification to pay the entire costs and expenses of

the repair, alteration or removal, then the costs and expenses shall become a lien against the property.

(D) Costs. The costs incurred under this section shall include the actual cost of repair or removal of the sign, plus 15 percent, and in addition thereto, shall include an amount equal to ten percent, representing penalty and interest for the cost of collection, and reasonable attorney's fees.

Sec. 1.012 Maintenance required; enforcement.

All signs in the City shall be properly maintained at all times to the satisfaction of the Code Enforcement Officer. The Code Enforcement Officer shall have the authority to order the painting, repair, or removal of a sign and accompanying landscaping which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. The Code Enforcement Officer's decision shall be subject to review by the City Council in accordance with the provisions of this ordinance. Notification shall be by registered or certified mail, return receipt requested. If, within 15 days, the maintenance orders are not complied with, the Code Enforcement Officer may order the sign removed at the owner's expense under the provisions of this ordinance.

Sec. 1.013 Acts prohibited.

(A) It shall be unlawful for any person to do any of the following acts:

(1) Post, paint, or otherwise exhibit any commercial advertisement, poster, bill or other notice or sign on any property not owned or controlled by him, without the permission of the person owning or controlling such property.

(2) Tear down, remove, or otherwise interfere with any notice, sign, advertisement, bill or poster erected by another, unless the same was placed or maintained on the property of the person removing the same, without permission previously given.

(3) Paint, mark or write on, or post or otherwise affix, any handbill or sign to or upon any sidewalk, right-of-way, crosswalk, curb, curbstone, streetlamp post, hydrant, tree, shrub tree stake or guard, railroad trestle, electric light or power or telephone or telegraph, wire pole or wire appurtenance thereof or upon any fixture of the fire alarm or police system or upon any lighting system, public bridge, or lifesaving equipment, street sign or traffic sign. Any handbill or sign found posted, or otherwise affixed upon any public property contrary to the provision of this Section may be removed by law enforcement or other department or individual so designated by the City. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof. The Mayor or his or her designee is authorized to effect the collection of such cost.

(4) Place or cause to be placed anywhere in the City any poster, placard, handbill, or advertising material on any vehicle, or in any location, in such a manner that the same may reasonably be expected to be blown about by the wind. It shall be presumed that the person's name that appears on such poster, placard, handbill or advertising material has knowledge of the location and manner that such item was placed. It shall be further presumed that if a large number of such

items are found scattered about and being blown about by the wind that the items were placed in such a manner that they might reasonably be expected to be blown about by the wind.

(5) Erect, maintain, or paint any sign, or other message or outdoor advertising upon a tree, rock, or other natural feature.

(6) Erect within the City limits, or the extraterritorial jurisdiction of the City, any sign or outdoor advertising without having prior thereto obtained from the City a permit, therefore, except as specifically exempted by the provisions of this ordinance.

(7) Remove, alter, change, or obscure, without authorization of the Mayor or his or her designee, or the Code Enforcement Officer any official tag or identification which was placed on any outdoor advertising material.

(8) Violate any provision contained in this ordinance within the corporate limits of the City and its extraterritorial jurisdiction.

(9) Fail to remove an abandoned sign within 90 days of the date it becomes abandoned.

Sec. 1.014 Penalty, other remedies for violations.

(A). Any person convicted of a violation of any provision of this ordinance, shall be fined in an amount not to exceed \$500.00. Each day of violation under this ordinance shall be a separate violation.

(B). Additionally, the City shall have the authority, and the duty, to remove or cause to be removed and impounded any sign, poster, handbill, banner, streamer or other outdoor advertising erected, placed, altered, maintained, or neglected in violation of this ordinance, if the same is located on, in, or above any public street, right-of-way or sidewalk area, or other public property.

(C). The cost of any such removal or impoundment shall be chargeable to the person or persons, jointly or severally, who were responsible for or who caused the erection or placement of the offending sign or advertising, and their sureties.

(D). Any item impounded by authority of this section shall be held for period of 60 days and then disposed of in any manner designated by the Mayor or his or her designee. During the 60 days, the owner of such item upon proof of same may reclaim such item at the place of storage by paying to the City the actual cost of removal and impounding. This charge shall in any event be not less than \$25.00.

Article 2.
ADMINISTRATIVE PROCEDURE

Sec. 1.015. Permits, certificates and approval required.

(A) It is unlawful for any person to erect, alter, or relocate any sign requiring regulation or permit within the City and its area of extraterritorial jurisdiction, without complying with the following requirements:

- (1) Completion of a sign application permit;
- (2) Review by the Code Enforcement Officer for permits;
- (3) Review and approval by the Code Enforcement Officer; and, as applicable, forwarding to the City Council for variance or appeal action; and
- (4) Completion of Certificate of Sign Inspection after final inspection by the Code Enforcement Officer.

(B) An application for a sign permit shall contain the following information:

- (1) Name, address, telephone number of the applicant and date of application;
- (2) Numerical location of building structure upon its lot; block and plat designation; and street address upon which the sign is to be located;
- (3) Section number and paragraph of the title under which the application is being made;
- (4) Position of the sign on the building or on the ground in both plain view, drawn to scale, and elevation views, drawn to scale;
- (5) Ten sets of scale drawings of the plans and specifications, including size and color of the sign and its various parts, the style of lettering, the message, lighting, type of material of which it is fabricated and the method of attachment to the building or to the ground and associated landscaping;
- (6) Ten color sketches, color photographs, or similar presentation of the sign and building, as well as any contiguous street or building in order to display how they would appear in relation to one another;
- (7) Name of the parties responsible for constructing and erecting the sign;
- (8) Written consent of the owner of the building, structure, or land to which or on which the sign is to be erected;
- (9) Signature of the City's Code Enforcement Officer stating that sign meets the general requirements of this ordinance;
- (10) Linear feet of frontage.

Sec. 1.016 Representations by applicant.

All representations, whether oral or written, made by the applicant or his agent on behalf of the application for a sign permit under this chapter become conditions upon which a permit is issued. It shall be unlawful for the permittee to vary from such representation unless the permittee first makes application, as required by the provisions of this ordinance, to amend the permit and such amendment is approved by the proper authority.

Sec. 1.017 Certificate of sign inspection.

(A) A certificate of sign inspection shall contain information as follows:

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

- (2) Numerical location of building structure upon its lot; block and plat filing designation; and the street address upon which the sign is to be attached;
- (3) Signature and date of approval by the Code Enforcement Officer; and
- (4) Two originals of the permit shall be issued with one to be provided to the applicant and the other to be retained by the City.

Sec. 1.018 Permit fees.

At the time the secretary accepts the sign application permit, the applicant shall pay the required fee per sign application permit. An application may include all the signs for a single lot or tract.

Sec. 1.019 Review by Code Compliance Officer

The Code Compliance Officer shall review the appearance, lighting, form, color, character, dimensions and materials of all signs required under this ordinance to obtain approval. The Code Compliance Officer shall determine that all signs requiring approval under this ordinance are in conformance with this ordinance. The Code Compliance Officer may adopt from time to time such administrative procedures, as it may deem necessary to perform its prescribed duties.

Sec. 1.020 Approval of Code Compliance Officer required.

- (A) The city secretary, upon review and acceptance of a properly completed sign application permit, shall forward the application to the Code Compliance Officer.

Sec. 1.021 Appeal.

Appeal from any administrative action or determination by the Code Compliance Officer pursuant to the provisions of this ordinance may be filed with the City Council by any applicant within 30 days following the action or determination. Upon appeal, the Council, after receiving a report from the Code Compliance Officer, may confirm, reverse, or modify the action of the Code Compliance Officer

Article 3. SIGN CATEGORIES

Sec. 1.022 Generally.

(A) This article concerns those types of permanent and temporary signs requiring a Sign Application Permit under the provisions of this ordinance. This article further includes the purpose of each sign type, size, height, number, location, design and landscaping requirements, and special provisions for each type of sign.

(B) Below is a listing of sign categories under the provisions of this ordinance:

- (1) Traffic control signs upon private property (Sec. 1.023);
- (2) Freestanding real estate signs (Sec 1.024);

- (3) Freestanding commercial signs, multitenant shopping center or office complex, Option I and Option II (Sec 1.025);
- (4) Freestanding commercial signs, single-business use (Sec 1.026);
- (5) Projecting, wall and hanging commercial signs, individual business within a multi-tenant shopping center or office complex (Sec 1.027);
- (6) Joint directory commercial signs for a multi-tenant shopping center or office complex (Sec 1.028);
- (7) Commercial signs in/on windows/doors (Sec 1.029);
- (8) Public information signs (temporary) (Sec 1.030);
- (9) Political signs (Sec 1.031);
- (10) Temporary site development signs (Sec 1.032); and
- (11) Driveway entrance sign for a B-3 district multi-tenant center;
- (12) Changeable Electronic Variable Signs (CEVMS)

Sec. 1.023. Residential nameplate signs and address numbers.

(A) Residential nameplate signs shall be regulated as follows:

- (1) Purpose. Identify a house, showing the family name and/or the home name and the address.
- (2) Size. Shall not exceed two square feet per single family or duplex structure or one-half square foot for each multifamily unit.
- (3) Height. No part of the sign shall extend above eight feet from average grade.
- (4) Number. Limited to one sign for each dwelling unit.
- (5) Location. On-premise within the setback lines.
- (6) Design. In accordance with the criteria in Section 1.007.
- (7) Lighting. Indirect.
- (8) Special provisions. Shall be as follows:
 - a. Joint directory nameplate signs must be kept current; and
 - b. Individual nameplates of a joint directory must be of a standard design and size.
- (9) Permit, fee. If the proposed residential nameplate sign conforms to all the requirements of this section, no permit and no fee shall be required.

(B) Address numbers on curb, mailbox, gate, etc. shall be a minimum of three inches and shall be clearly visible.

Sec. 1.024. Traffic control signs upon private property.

(A) Traffic control signs other than uniform traffic control devices (see definition of MUTCD in Section 1.004 (A) (14)) upon private property shall be regulated as follows:

- (1) Purpose. To relieve vehicular and pedestrian traffic congestion and promote the safe and expedient flow and parking of traffic on private property.
- (2) Size. All vehicular traffic control signs shall not exceed two square feet.
- (3) Height. No part of the sign shall extend above six feet from average grade.

- (4) Number. The number of traffic control signs shall be determined during the review process; consideration shall be given to acreage of the property and the layout of internal streets, buildings and parking in order to determine number of signs necessary.
- (5) Location. Shall be determined by the Code Compliance Officer, with a letter of approval from the designated city official for any sign placed adjacent to a public street or way.
- (6) Design. In accordance with criteria in Section 150.007.
- (7) Lighting. Indirect.
- (8) Landscaping. None required.
- (9) Duration. So long as the signs fulfill intended purpose.
- (10) Special provisions. Shall be as follows:
 - a. May be either freestanding or wall mounted, with same size requirements;
 - b. All traffic control signs shall be of a uniform design approved by the Code Compliance Officer. No individual sign shall be approved unless it conforms to an overall sign program for the entire site, submitted by the applicant; and
 - c. No sign shall contain any advertising, but may identify the owner by name.

Sec. 1.025 Freestanding real estate signs.

- (A) Freestanding real estate sign use shall be regulated as follows:
 - (1) Purpose. To identify real estate for sale or for lease.
 - (2) Size.
 - a. Residential: a sign advertising residential property shall not be larger than six square feet(including all riders) in total surface area;
 - b. Commercial: a sign advertising commercial property shall not be larger than 24 square feet
 - (3) Height. No part of a sign advertising residential property shall extend above four feet from average grade.
 - (4) Number. One sign per each public street the lot or tract abuts.
 - (5) Location. On premises within the lot lines as approved by the building inspector or designee.
 - (6) Lighting. None.
 - (7) Duration. Signs shall be removed within 30 days after the property has been sold (date of closing) or leased.
 - (8) Permit. No permit shall be required if the sign meets the criteria in this section.

Sec. 1.026 Freestanding commercial signs, multitenant shopping center or office complex; Option I and Option II.

- (A) Multitenant shopping centers or office complexes zoned C or L-1 may have the option of using freestanding commercial signs (Option I) or a monument-type sign (Option II). Such signs shall be regulated as follows:

- (1) Option I. Freestanding commercial signs.
- a. Purpose. To identify the multitenant shopping center or office complex.
 - b. Size. A maximum area of 36 square feet, with a horizontal dimension of no greater than 12 feet.
 - c. Height. No part of the sign shall extend above eight feet from average grade.
 - d. Number. One sign on the major traffic street or main entrance. If a multitenant shopping center has two or more public entrances, a separate sign is permitted on the subordinate driveway, which shall be limited in size to 12 square feet, and no part of this sign shall extend above five feet from average natural grade.
 - e. Location. On premises of the center or complex and adjacent to major traffic way which the building abuts, within the building setback lines so as not to create a traffic hazard.
 - f. Design. The sign shall contain only the name of the multitenant shopping center or office complex along with its street address. Any design shall be shown not to create a traffic hazard.
 - g. Lighting. Indirect.
 - h. Landscaping. Shall be as follows
 - 1. A landscaped area of 120 square feet at the base of the sign.
 - 2. All landscaped areas shall be maintained in a neat and healthy condition throughout the life of the permit; and
 - 3. A plan showing the landscaping must be submitted to the Code Compliance Officer by the applicant at the time of application.
- (2) Option II. Driveway entrance sign (monument type).
- a. Purpose. To identify the name of the shopping center and the retail businesses located therein.
 - b. Size. A maximum size of 36 square feet, with a horizontal dimension of no greater than nine feet.
 - c. Height. No part of the sign shall extend above eight feet from average grade, including an 18-inch base.
 - d. Number. One sign adjacent to the main driveway entrance to the shopping center intersecting with a public street. If a center has two or more public entrances, any subordinate sign shall be limited to the name of the center and the street address and shall be limited in size to 12 square feet.
 - e. Location. On premises of the center or complex and adjacent to major traffic way which the building abuts, within the building setback lines so as not to create a traffic hazard.
 - f. Design. The monument sign design shall contain the name of the center and the address at the top of the sign; the individual businesses may be listed under the name of the complex. Lettering designating the name of the shopping center and street address shall not exceed a maximum of seven inches in height. Other subordinate lettering designating retail businesses shall not exceed three inches in height. The base of the monument sign shall have a maximum height of 18 inches in a landscaped setting, and any design shall be shown not to create a traffic hazard.
 - g. Lighting. Indirect.
 - h. Landscaping. Shall be as follows:

1. A landscaped area of 120 square feet;
2. All landscaped areas shall be maintained in a healthy, neat and clean condition; and
3. A plan showing the landscaping must be submitted to the Code Compliance Officer by the applicant.

Sec. 1.027 Freestanding commercial signs, single-business use.

(A) Freestanding commercial signs, single-business use, shall be regulated as follows

1. Size. A maximum area of 24 square feet, with a horizontal dimension of no greater than six feet.
2. Height. No part of the sign shall extend above eight feet from the average grade.
3. Number. One sign on the major traffic street or main entrance, subject to the approval of the Code Compliance Officer. If a building has two or more public entrances, any subordinate sign on a secondary driveway shall be limited to the name of the business and the street address and shall be limited in size to 12 square feet.
4. Location. On premises of the building and within the setback lines adjacent to the vehicular street which the building abuts, subject to the approval of the Code Compliance Officer.
5. Design. The sign shall contain only the name of the business, its address and logo or nature of business, and, if desired, hours of operation.
6. Lighting. Indirect.
7. Landscaping. Shall be as follows:
 - a. A landscaped area of 120 square feet;
 - b. All landscaped areas shall be maintained in a healthy, neat and clean condition; and
 - c. A plan showing the landscaping must be submitted to the Code Compliance Officer by the applicant at the time of application.

Sec. 1.028 Projecting, wall and hanging commercial signs.

(A) Projecting, wall and hanging commercial signs for individual business within a multitenant shopping center or office complex for tenants who have their own separate exterior entrances, shall be regulated as follows:

1. Purpose. To identify a business or organization which has its own separate exterior public entrance within a multitenant building.
2. Size. Four square feet for each five front linear feet of the individual business for an organization having its own exterior public entrance in a multitenant building, with a maximum length of ten feet and an area of 12 square feet. A minimum area of six square feet will be allowed if a business has insufficient frontage. The size of a multi paneled sign shall be determined by dividing the maximum size allowed by the number of panels. Combined maximum area for more than one sign shall not exceed 12 square feet.
3. Height. Minimum clearance of eight feet to bottom of sign above pedestrian walkways.

4. Number. One sign per pedestrian way on which the building abuts with a maximum of two signs, subject to review by the Code Compliance Officer.
5. Location. Perpendicular to, hung from, or attached (as an awning sign) to a projecting structural element of the exterior wall of the individual business or organization, adjacent to the street, parking lot or major pedestrian walkway which the building abuts.
6. Design. The sign shall contain only the name of the business, its address and logo or nature of business, and, if desired, hours of operation. Except for those in B-3 or B-4 districts, no additional fee shall be required for new signs in a multitenant shopping center or office complex where the planning and zoning commission has approved a uniform design for every sign in the entire complex and the Code Compliance Manager certifies that the proposed new sign meets the uniform design approved by the City.
7. Lighting. Indirect.
8. Landscaping. Not applicable.
9. Special provisions. Shall be as follows:
 - a. A joint directory sign is permitted subject to the provisions of this ordinance;
 - b. A business or organization having a projecting or hanging sign is not excluded from participating in a joint directory;
 - c. Businesses or organizations not having exterior public entrances are subject to the provisions of the joint directory signs for multitenant building, in Section 6-94; and
 - d. An individual business with a basement entrance with no calculable frontage may have one sign with a maximum area of six square feet.
10. Increase of size, number: Notwithstanding the foregoing, the maximum size of a projecting, wall or hanging commercial internal sign for a business within a shopping center designated C or L-1 may be increased to 24 square feet for a retail store with less than 20,000 square feet of retail use floor area, and to 36 square feet for a retail store with more than 20,000 square feet but less than 35,000 square feet of retail use floor area, and to 48 square feet for a retail store with more than 35,000 square feet of retail use. If site conditions permit two sides of a retail store to be visible from the interior of the site, a sign may be approved for each of the two sides.

Sec. 1.029 Joint directory commercial signs for a multitenant shopping center or office complex.

- (A) Joint director commercial signs for a multitenant shopping center or office complex shall be regulated as follows
1. Purpose. To list all tenants within a multitenant building and to guide the pedestrian to the individual tenant within the building.
 2. Size. Two square feet per tenant within the multitenant building.
 3. Height. A minimum clearance of three feet to the bottom of sign above the average grade if the sign is a wall sign or if the sign is freestanding. No part of the sign shall extend above 12 feet from average grade.
 4. Number. One sign per tenant on the major pedestrian way which the building abuts. If a building has two or more major public entrances on distinct, separate pedestrian ways, proposals for additional joint-business directories may be approved at the discretion of the

Code Compliance Officer; the proposal shall conform to the other provisions of this section.

5. Location. Attached to the building at the major pedestrian entrance or if freestanding at a site within the parking area where the sign is not visible from a public street.

6. Design. In accordance with criteria in Section 1.007.

7. Lighting. Indirect.

8. Landscaping. Shall be as follows:

(1) A landscaped area of two square feet for each square foot of each side of the sign shall be required at the base of the sign, with a minimum area to be landscaped of 24 square feet.

(2) All landscaped areas shall be maintained in a neat, clean and healthy condition; and

(3) A plan showing the landscaping must be presented to the Code Compliance Officer by the applicant at the time of application.

Sec. 1.030 Commercial signs in/on windows.

(A) Commercial signs in/on windows or doors, or window signs, may be used in lieu of, *but not in addition to*, a sign authorized under Section 1.027 or Section 1.028 and shall be regulated as follows:

1. Purpose. To identify a business or organization as the occupant of the space on the other side of the window.

2. Size. A maximum are of 24 square feet or no more than half the area of the window, whichever is smaller. A maximum area of six square feet is allowed if the area of the window/door is less than 12 square feet. Area used for the address, hours of operation, and open or closed status is excluded from the maximum size limit. The building design committee may initiate with the consent of the applicant a variance of up to 15 percent of the maximum allowed dimensions to improve readability and maintain an appropriate ratio of lettering/symbols to the area of the window.

3. Height. No part of the sign shall extend above eight feet from the average grade

4. Number. One sign per street or pedestrian way which the building faces or abuts, as determined by the Code Compliance Manager, with a maximum of two signs, unless a variance is granted by the planning and zoning commission.

5. Location. In/on the window/door and entirely within the perimeter of the window/door.

6. Design/message. The sign may contain only the name of the business or organization, its address, logo, nature of the business or organization, its address, logo, nature of business, hours of operation, and open or closed status, as desired.

7. Lighting. Indirect.

8. Landscaping. Not applicable.

9. Special provisions. None.

Sec. 1.031 Public information signs.

(A) Public information signs shall be regulated as follows:

1. Purpose. Permanent or temporary signs and noncommercial banners with the intended use of identifying community, civic, neighborhood, social activities/events, or identifying soon-to-be newly opened retail businesses. Permanent public information signs shall be an integral part of an approved commercial retail business sign.
2. Size. Banners over public streets shall not exceed 36 feet in length nor four feet in height and shall conform to the City of St. Hedwig's specifications and details for banners. Temporary signs to identify soon-to-be newly opened businesses or nonprofit fund raising programs benefiting the community shall not exceed 24 square feet. "Neighborhood" signs (lost/found pet, garage/yard sale, etc.) shall not exceed three square feet.
3. Height. Banners over a public street will be a minimum of 13 feet six inches above a city-controlled street and 19 feet above a state-controlled highway, no part of a sign shall extend above eight feet from average grade.
4. Number and locations. Maximum of one sign or banner in a location approved by the City Administrator for any and all uses except neighborhood signs. The Mayor or his or her designee must approve the number and locations of neighborhood signs.
5. Duration. A maximum of one month subject to the Mayor or his or her designee's approval, except for banner signs over streets and neighborhood signs. Banner signs over streets may be displayed for a maximum of 15 days. Neighborhood signs may be displayed for as long as needed, but must be removed as soon as possible after serving their intended purpose or when they are unsightly or in disrepair.
6. Lighting. Public information sign: Indirect. Neighborhood sign lighting: None.
7. Special provisions. The City will remove all neighborhood signs that do not comply or that do not include the phone number, if applicable, of the person responsible for erecting the sign.
8. Permit. Permanent signs require city approval. With the exception of neighborhood "lost/found pet" signs, temporary signs that meet the criteria of this section require Code Compliance Officer approval. A permit is not required for neighborhood "lost/found pet" signs.

Sec. 1.032 Political signs.

(A) Political signs shall be regulated as follows:

1. Purpose. Signs with the intended use of denoting a political campaign headquarters, party affiliation, or advertising of a political figure or cause.
2. Size. The size of the on-premises sign shall be limited to a maximum of six square feet.
3. Height. No part of the sign shall extend above eight feet from the existing grade.
4. Number. One sign per candidate or cause per lot or tract of land. A total of two signs is permitted if both signs total six square feet or less.
5. Location. An on-premises sign must be located within the property boundary of a lot. No off- premises sign shall be posted or otherwise affixed to or upon any sidewalk, crosswalk, curbstone, streetlamp, post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power, telephone or telegraph wire pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police system or upon any lighting system, public bridge, drinking fountain, or lifesaving equipment, street sign or traffic sign or any other structure within the right-of-way of public streets or highway within the City.

6. Lighting. None on residential property, indirect and minimal candle power on campaign headquarters.
7. Landscaping. Not applicable.
8. Special provisions. The sign shall be taken down 72 hours after the election, cause or event for which it was erected has terminated.
9. Permit, fee. No permit and no fee shall be required.
10. At polling place. Each political candidate is allowed one sign of six square feet or less to be located on the premises of the polling place on the day of voting.

Sec. 1.033 Temporary site development signs.

- (A) Temporary site development signs shall be regulated as follows:
1. Purpose. Signs with the intended use of identifying or indicating construction and development projects within the City limits.
 2. Size. The size of the temporary site development sign shall be a maximum of six square feet.
 3. Height. No part of the sign shall extend above eight feet from average grade.
 4. Number. One sign per lot or tract of land.
 5. Location. On premises and located within the setback lines of a lot or tract subject to the approval of the Code Compliance Officer.
 6. Duration. Not to be erected before a building permit is issued by the City and shall be removed when the certificate of occupancy is issued by the City, but under no circumstances to exceed more than one year.
 7. Lighting. Not applicable.
 8. Landscaping. Not applicable.
 9. Special provisions. The information permitted on temporary site development signs is limited to the project name, project address, general contractor, and architect.
 10. Notwithstanding the provisions set forth above, the following requirements shall apply to temporary site development signs for a multitenant shopping center located in a C or L-1 zoning district:
 - a. Size. The size of such sign shall be a maximum of 48 square feet.
 - b. Height. No part of the sign shall extend above 16 feet from average grade.
 - c. Number. Two signs per lot or tract of land subject to overall site plan.

Sec. 1.034 Driveway entrance signs.

- (A) Driveway entrance signs for a multitenant shopping center in a C or L-1 district shall be regulated as follows:
1. Purpose. To identify the name of the shopping center and the retail businesses located therein.
 2. Size. A maximum size of 48 square feet, with a horizontal dimension of no greater than 12 feet on major traffic ways such as 1604 and Highway 87. Driveway entrance signs on other thoroughfares, such as FM 1518 and FM 1346 shall have a maximum size of 36 square feet, with a horizontal dimension of no greater than 12 square feet.
 3. Height. No part of the sign shall extend above 8 feet from average grade.
 4. Lettering. Lettering design subject to city recommendation.

5. Number. One sign adjacent to each driveway entrance to the shopping center intersecting with a public street.
6. Lighting. Indirect.
7. Design. The individual business portion of the sign shall contain only the name of the business. The name portion of the sign shall contain the name of the business and address.
8. Landscaping. Shall be as follows:
 - a. A landscaped area of 120 square feet;
 - b. All landscaped areas shall be maintained in a healthy, neat and clean condition; and
 - c. A plan showing the landscaping must be submitted to the Code Compliance Officer by the applicant at the time of application.

Sec. 1.035. Residential subdivision entry signs.

- (A) Residential subdivision entry signs shall be regulated as follows:
1. Purpose. Identify a residential subdivision.
 2. Size. Shall not exceed 36 square feet.
 3. Height. No part of the sign shall extend above eight feet from average grade.
 4. Number. Limited to one sign for each entry to the subdivision.
 5. Location. Subdivision entry.
 6. Design. In accordance with the criteria in this ordinance.

Sec. 1.036. Public institutions, schools and churches signs.

Sec. 1.036 Public institutions, schools and churches signs.

- (A) Public institutions, schools and churches signs shall be regulated as follows:

1. Purpose. Identify a public institution, school or church and to display current factual information about activities on premises.
2. Size:
 - a. Wall signs shall not exceed 20% of the wall on which the sign is mounted or painted; and
 - b. Freestanding signs shall not exceed a maximum area of 36 square feet, with a horizontal dimension of no greater than 12 feet.
3. Height:
 - a. Wall signs shall have a minimum clearance of eight feet to bottom of sign above pedestrian walkways; and
 - b. freestanding signs shall have no part of the sign extend above eight feet from average grade.

4. Number. One wall sign and one freestanding sign. If the facility fronts on two streets a freestanding sign is permitted for each street frontage is permitted for a total of two freestanding signs and no wall signs.

5. Design. In accordance with the criteria in Sections 1.007 and 1.038, if applicable.

Sec. 1.037 Historic district signs.

Sec. 1.038 CHANGEABLE ELECTRONIC VARIABLE MESSAGING SIGNS (CEVMS).

(A) CEVMS is defined as a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently including any illuminated sign on which such illumination is not kept stationary or constant in intensity digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administration as the National Standard.

(B) CEVMS are permitted within the city limits and ETJ subject to the following restrictions:

1. The CEVMS may only be in operation between dawn and dusk which, for purposes of this ordinance shall mean no earlier than 6:00 a.m. and no later than 8:00 p.m. and shall comply with the provisions of Section 1.007 of this ordinance;
2. Any person, business or other public or private entity may only construct, erect, place or use a CEVMS in accordance with this ordinance and upon the issuance of a permit by the City in accordance with Article 2 of this ordinance. A permit will only be issued for a CEVMS if the owner or operator of the sign or the property on which the sign is to be located either presents a letter or other form of documentation from a qualified engineer or the City's Code Compliance Officer certifying that the sign meets the requirements of this ordinance as well as the criteria set forth in this section;
3. Any person, business or other public or private entity wishing to construct, erect, place or use a CEVMS who cannot meet the criteria of this section or any other provision of this ordinance may request a variance by the Planning and Zoning Commission in accordance with Article
4. All CEVMS must meet the following criteria in order to be permitted by the City unless exempt from these criteria through the issuance of a variance:
 - a. A lot is allowed a maximum of one CEVMS per street frontage
 - b. Maximum area is 60 square feet; height eight feet

- c. CEVMS are permitted to contain electronic variable messages and shall only be permitted along a major thoroughfare or in those areas designated as C (Commercial district) or L1 (Light industrial District).
- d. Shall remain static for not less than 15 seconds
- g. Is permitted to contain time and temperature displays. The time and temperature shall remain static for not less than three seconds.

Sec. 1.039 Reserved for future use

Article 4. VARIANCES

Sec. 1.040 Purpose; limitations.

(A) In order to lessen practical difficulties and prevent unnecessary physical hardship, variances from these regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a structure, or the location of the structure, from topographic or physical conditions on the site or in the immediate vicinity, or from the other physical limitations, street locations or traffic conditions in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.

(B) In determining whether to grant a variance, the Planning and Zoning Commission may consider factors such as the intended purpose of the sign and whether the owner of the sign's proposed use is reasonably necessary to accomplish this purpose so long as the use does not, in the Council's discretion, pose a danger to the health, safety or general welfare of the community.

(C) A variance may be granted with respect to any regulation contained in this ordinance.

Sec. 1.041 Application.

Application for a variance from the provisions of this chapter shall be made upon form provided by the city secretary. The variance application shall include the application for a sign permit and shall also state the applicant's reasons for requesting variance in accordance with the criteria set forth in this ordinance.

Sec. 1.042 Fees.

(A) The City shall establish fees to defray the cost of processing requests for variances to this ordinance. If work requiring a variance is begun/completed before obtaining approval for such variance, the owner of the property and/or the person/entity responsible for the commencement of such work shall have the choice of:

1. Requesting approval of an “after-the-fact” variance and voluntarily consenting to pay triple the established fee; or
2. Being cited for violation of this chapter and having the citation adjudicated in municipal court while requesting approval of an after-the-fact variance at the established fee.

(B) Acceptance of the increased fee by the city does not constitute any commitment or warranty to approve the variance requested, nor relieve any person/entity from fully complying with the requirements of this ordinance. A stop work order shall be in effect until a decision on approval/denial is taken. Fees shall not be refunded if the request for variance is disapproved.

Sec. 1.043 Hearing.

Upon receipt of a variance application under this Article, the city secretary shall set a date for hearing before the Planning and Zoning Commission.

Sec. 1.044 Action on application.

Within 120 days of the closing of a hearing on a variance application, the planning and zoning commission shall act on the application. The commission may recommend approval on the application as submitted, or may recommend approval of the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this chapter, or the commission may recommend denial of the application. Variance may be revocable or may be granted for a limited time period.

Sec. 1.045 Criteria for approval.

Where the planning and zoning commission determines that the sign dimensions need to be varied to allow an effective sign, the committee may initiate, with consent of applicant the action and/or variance procedure. The planning and zoning commission may be authorized to recommend changes up to 15 percent of the sign area to accommodate longer words and names while retaining appropriate scale and proportions of lettering to open space for readability and aesthetic consideration. Permitted wording may be expanded to allow addition of hours of operation, when needed, and identification of nature of business.

Sec. 1.046 City council action.

The recommendation of the planning and zoning commission shall be promptly transmitted to the applicant and to the city council. At its next regularly scheduled meeting following receipt of the recommendation of the planning and zoning commission or as promptly as practicable at the subsequent regular meeting of which the applicant is given written notice, the city council shall hold a hearing to review the recommendation of the commission, and shall either approve the application as submitted, approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this chapter, or deny the application. If the council deems insufficient information is adduced at the hearing to provide the basis for a sound decision, it shall continue the hearing to one or more subsequent meetings. The council shall render a decision on the

appeal within 60 days after the final hearing, unless additional time is required for good cause, and serve a copy of its decision on the applicant by mail to the applicant last known address.

Sec. 1.047 Application Fee Schedule

Canopy or Awning Sign	\$10 per linear foot
Changeable Message Sign	\$25 per sign
Marquee Sign	\$10 per linear foot
Portable Sign	\$25 per sign
Roof Sign	\$10 per linear foot
Wall Sign	\$10 per linear foot

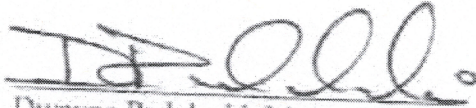
Sec. 1.048 Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment of 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 or the ordinance being amended by 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.

Sec. 1.049. Cumulative. The provisions of this ordinance shall be cumulative of all ordinance not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

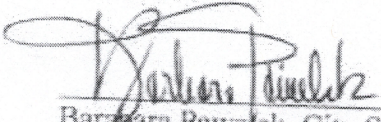
Sec. 1.050. Repealer. All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

Sec. 1.051. Effective Date. This ordinance shall become effective upon approval and adoption by the City Council.

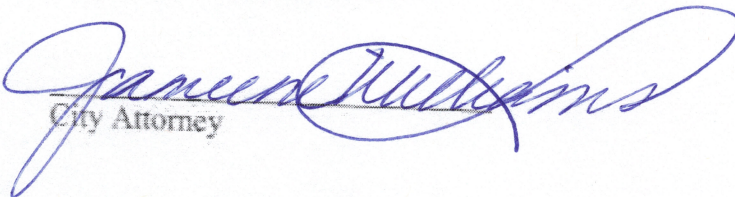
PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
SAINT HEDWIG, TEXAS, this 4th day of May, 2017.


Dwayne Padalecki, Mayor ProTem

ATTEST:


Barbara Pawelek, City Secretary

APPROVED AS TO FORM:


City Attorney