

**ORDINANCE NO. 1553**

**AN ORDINANCE OF THE CITY OF ANDREWS, TEXAS, REGULATING THE CONSTRUCTION AND USE OF SIGNS, BANNERS AND AWNINGS IN THE CITY OF ANDREWS AND ITS EXTRA-TERRITORIAL JURISDICTION (ETJ); PROVIDING FOR NONCONFORMING USES; PROVIDING AN APPEAL PROCESS; IMPLEMENTING A PERMIT REQUIREMENT; PROVIDING FOR A PENALTY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, it is the intent of the City of Andrews, Texas to promote a well-coordinated, visually pleasing streetscape within the city limits and the City's extra-territorial jurisdiction, and to aid businesses within this area in promoting their goods and/or services, and that such purpose can be accomplished by stylistically treating the area in a comprehensive manner.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANDREWS, TEXAS, THAT:

**SECTION I. GENERAL PROVISIONS**

**SUB-SECTION 1: Short Title**

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

**SUB-SECTION 2: Purpose**

Signs use private land and the sight lines created by public rights-of-way to inform and persuade the general public by publishing a message. This ordinance 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:

**2.1 Safety.** To promote the safety of 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 see/read traffic signs and control devices.

**2.2 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. Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

**2.3 Landscape Quality and Preservation.** To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that signs:

- A. Do not interfere with scenic views;
- B. Do not create a nuisance to persons using the public rights-of-way;
- C. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
- 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.

**SUB-SECTION 3: Definitions**

As used in this ordinance, unless the context otherwise indicates, the following terms are hereby defined and shall be construed to mean the following:

**Awning** -- A structure hung from the surface of a building, designed to provide protection from sun, rain, wind, and other climatological conditions. An awning may be composed of fabric, steel/metal, wood, Plexiglas, and/or other materials.

**Banner** – A type of temporary sign that is generally constructed of lightweight plastic, fabric or a similar material, that is over one (1) square foot in size, and that is mounted/tethered to a pole(s), building or other structure at one or more edges. A banner typically (but not always) exhibits a text message and/or a symbol(s) for the business located on the property or for a product or service provided by that business. National/state or local governmental flags are not considered banners (see “Flag” below).

**Banner, Changeable** – A type of banner which is mounted/tethered to the supporting structure in a semi-permanent manner (i.e., it is intended to be changed out periodically using a permanently affixed mounting device such as hooks, brackets, tethers, etc.). Although the message portion of a changeable banner changes periodically, the banner location and mounting device is designed to remain in the same place permanently. The general size and configuration of a changeable banner shall remain the same as the original installation.

**Banner, Temporary** – A type of banner which is mounted/tethered to the supporting structure in a nonpermanent manner (i.e., it is intended and designed to be used for only a short time period after which it is removed, leaving no mounting device or other evidence of its presence in place).

**Billboard** -- An off-premise sign which advertises a business, service, and/or other product or service sold or conducted at another location. A billboard is constructed so that its surface area is to be leased, and the message/appearance is changed periodically. (refer to Off-Premise Outdoor Sign, Andrews Code Sec.58-342 to 58-345)

**City** -- For the purposes of this ordinance, the term "City" shall mean the City of Andrews, Texas.

**Effective Area** -- The area enclosed by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the sign facing/surface, exclusive of its supports. The measurement is to be calculated from the viewpoint which gives the largest rectangle of that kind, including both sides as the viewpoint is rotated horizontally around the site. The effective area for attached signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word or symbol attached to any particular facade or side.

**Erect** -- 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.

**Facing or Surface** -- The surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

**Flag**-- Any fabric or bunting containing distinctive colors, patterns, words and/or insignia which is used as a symbol for a government, political subdivision or some other professional, religious, educational or nonprofit corporate entity, provided that such device is displayed for noncommercial (i.e., not-for-profit) purposes.

**Graffiti**-- Writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface visible from a public place.

**Highway Control Zone** -- All zoned and un-zoned commercial and industrial areas within six hundred and 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.

**Incombustible Material** -- Any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit, and will not continue to burn or glow at that temperature.

**Inspector** -- Shall mean the officer or other person within the City of Andrews charged with the administration and enforcement of the sign regulations.

**Logo** -- Any formalized design, insignia, symbol or trademark of a company or product/service which is commonly used to advertise/identify that company or product/service.

**Luminance** -- The brightness of a sign or a portion thereof expressed in terms of foot-candles. For the purposes of this ordinance, luminance shall be determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards.

**Pennant** – A type of temporary sign that is generally constructed of lightweight plastic, fabric or a similar material, that is less than one (1) square foot in size, that is mounted/tethered to a pole(s), building or other structure by a rope, wire, string or similar device, usually in series (i.e., more than one on a string), and that is designed to move in the wind (i.e., flutter) to attract attention. A pennant may or may not exhibit a text message or symbol of any kind, and may be a single color or several colors. For the purposes of this ordinance, a string of multiple pennants and/or streamers, of whatever length, shall also constitute a “pennant”.

**Permittee** -- The person(s), firm(s), corporation(s), or association(s) filing an application for, paying fees, and receiving a sign erection permit.

**Person** -- Includes any person, firm, corporation, partnership, association, company, organization or entity of any kind.

**Premises** -- A single lot or unplatted tract, or a combination of contiguous lots or unplatted tracts if the lot or tract (or combination) is under single ownership and is reflected in the plat or deed records of the County.

**Sign** -- Includes every sign, name, number, identification, logo, description, announcement, declaration, demonstration, device (inflatable or otherwise), display, flag, banner, pennant, illustration, symbol, beacon, light or insignia, and the 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.

**Sign, Abandoned** -- A sign which, for at least six (6) continuous months, does not identify or advertise a bona fide business, lesser, service, owner, product or activity; for which no legal owner can be found; or which pertains to a time, event, or purpose which no longer applies.

**Sign, Attached** -- Any sign attached to, applied upon, or supported by any part of a building (such as a wall or roof) which encloses or covers usable space (also called a "wall sign").

**Sign, Changeable Message** -- A permanent sign which is designed to advertise/display a message which can be changed (e.g., gasoline station (price) signs, LED or LCD signs displaying changing lottery amounts, goods, personal messages, and/or onsite advertising etc.). "Marquee" style signs and signs that change to alternately display the time, temperature and similar data are considered to be changeable message signs.(Electronic Message Centers)

**Sign, Detached** -- Any sign connected to the ground and which is not an attached sign, inclusive of signs mounted upon movable objects, except signs on vehicles which are moving or are parked only temporarily, incidental to their principal use for transportation (also may be called a "pole sign" or "freestanding sign").

**Sign, Directional Message Board**-- Any sign that is constructed with an arrow and/or intermittent directional lights and a message board containing manually changeable letters or a sign that has been altered to appear as the same. These Signs are allowed only for temporary use.

**Sign, Dilapidated or Deteriorated** -- A sign where any portion of the finished material, surface or message portion of the sign is visibly faded, flaked, broken off, missing, cracked, splintered, defective, or is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed, or whose elements or the structural support or frame members are visibly bent, broken, dented, torn, twisted, leaning, or at angles other than those at which it was originally erected (such as may result from being blown by high winds or by the failure of a structural support).

**Sign, Flashing or Moving** -- A permanent sign (other than a banner or flag) which is kinetic/animated, changes messages, revolves, swings, or is otherwise designed to move by mechanical means or by the force of wind. A changeable message sign alternately displaying the time, temperature and/or on-premise advertisements are not defined as a flashing or moving sign, unless it has other components/characteristics that would make it qualify as such.

**Sign, Illuminated** -- Any sign which has characters, letters, logos, symbols/figures, designs or outlines illuminated by electric lights, luminous tubes, or other artificial source.

**Sign, Monument** -- A detached sign with a continuous masonry base approximately the same width as the actual signage, with the sign facing/surface attached to the base.

**Sign, Off-Premise** -- Any sign advertising a business, activity, goods, products or services not usually located on the property where the sign is located, or which directs persons to any premise other than where the sign is located.

**Sign, On-Premise** -- Any sign, the content of which relates to the premises upon which it is located; referring exclusively to the name, location, products, persons, accommodations, services or activities of or upon those premises, or the sale, lease or construction of those premises.

**Sign, On-Site Directional** -- A sign designed to direct pedestrian or vehicular traffic on the property upon which it is located, and which does not contain advertising. On-site directional signs are also incidental signs.

**Sign, On-Site Incidental or Advertising** -- Includes small signs, incidental (secondary) to the primary sign, which are intended to provide additional information or advertising and which are generally intended to be viewed by customers/visitors who are already on the site.

**Sign, Pole** -- Includes any sign which is free-standing (i.e., independent of any structure or building) and supported by, from or on top of a vertical pole(s) or beam(s) composed of metal or other substantial support.

**Sign, Political** -- A sign relating to the pending 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. Political signs must be removed by the person/entity who erected it immediately following the election for which it was intended.

**Sign, Portable** -- Any outdoor advertising display which is designed to be moved from one location to another, and which is not attached to a fixed structure or does not have supports embedded in the ground (see Section 3, Sub-Section 10, Temporary, Portable Signs, and Directional Message Board Signs). The term "Portable sign" shall specifically include an outdoor advertising display located in or mounted upon a vehicle, except where:

- (a) Such sign merely identifies the vehicle as belonging to such business by displaying the name, address and/or telephone number of such business, and/or identifying the type of product or service offered by such business; and
- (b) The primary use of such vehicle is for the transportation of persons or products, or the delivery of services in connection with such business; and
- (c) Such vehicle is currently State of Texas licensed and inspected, and is in operable condition.
- (d) A sandwich board sign, or "A"-frame sign, would be considered a Portable sign.

**Sign, Projecting** -- Any sign that projects from (i.e., not mounted flush with) a building face at any angle, and which has one end attached to the building or other permanent structure.

**Sign, Protective** -- Any sign which is commonly associated with safeguarding the permitted uses of the property including, but not limited to, signs with messages such as "bad dog", "no trespassing", "no solicitors", etc.

**Sign, Roof-Mounted** -- A sign mounted upon the roof (top) of a building or structure, but does not overhang or project outward beyond the edge of the roof.

**Sign, Special Purpose** -- A sign temporarily supplementing the permanent signs on the premises. Signs indicating a business opening ("For Lease", "For Rent", etc.) are special purpose signs.

**Sign, Temporary** -- A sign that is intended to be located on the premises for a limited period of time (i.e., not permanent).

**Sign, Temporary Real Estate Directional ("Bandit" Sign)** -- Any temporary directional sign placed for off-premise advertising, for the direction of traffic, or to call attention to a real estate project, development or subdivision. Bandit signs, as defined herein, shall be limited to off-premise directional signs and open house/model home signs, and shall contain no other advertising.

**Sign, Trash Receptacle** -- A sign which is located/mounted upon publicly owned and/or sponsored trash receptacles (e.g., dumpsters).

**Sign, Under-Canopy** -- A sign suspended from a building, and which is located under a permanent canopy (or awning) projecting from a building.

**Sign, Vehicular** -- Any sign on any vehicle parked temporarily, incidental to the vehicle's principal use for transportation. This definition shall not include signs which are being transported to a site for permanent erection, the company name or logo painted or permanently affixed to the vehicle, or signs on vehicles transporting goods or providing services (see also "Sign, Portable").

**Sign, Window** -- An attached sign which is either painted upon or attached to a window.

**Structural Trim** -- The molding, battens, cappings, nailing strips, latticing and/or platforms which are attached to the sign structure.

**Support Structure (for a sign)** -- Any pole(s), post(s), strut(s), cable(s) or other structural fixture(s) or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one inch in height, nor is internally or decoratively illuminated.

**SUB-SECTION 4: Zoning District Classifications** -- Zoning districts, as provided in the Zoning Ordinance, are as follows:

- SINGLE FAMILY
- RESIDENTIAL
- AGRICULTURAL ESTATE
- CENTRAL BUSINESS
- LOCAL RETAIL
- GENERAL COMMERCIAL
- SPECIFIC USE PERMIT
- PUBLIC LANDS
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL

## **SECTION 2. PERMIT PROCEDURES AND ADMINISTRATIVE REQUIREMENTS**

### **SUB-SECTION 2.1: Permit Required**

It shall be unlawful for any person to erect, repair, alter/modify, or relocate within the City of Andrews, any sign as defined in this ordinance, except as may be authorized in Section 3, Sub-Section 4, Exemptions, without first obtaining a sign erection permit from the Inspector and making payment of the fee required by Section 2, Sub-Section 5, Permit Fees, 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 Texas Department of Transportation (TxDOT) license shall be required prior to issuance of a permit from the City.

### **SUB-SECTION 2.2: Application for Sign Erection Permit**

Applications for sign erection permits shall be made upon forms provided by the City, and shall contain (or have attached thereto) the following information:

- 2.2.1 Name, address and telephone number of the applicant(s).
- 2.2.2 Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- 2.2.3 Two (2) sets of plans (drawn to scale) shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property/right-of-way lines, driveways, public streets, fences and sidewalks.
- 2.2.4 Two (2) sets (e.g., blueprints) of the plans (drawn to scale) and specifications showing method of construction, method of attachment to the building or ground, size, type, height, construction materials, and such other information as the Inspector may require.
- 2.2.5 Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the City. Plans shall include a registered engineer's seal for wall signs, roof-mounted signs, or free-standing signs of fifty (50) square feet or larger and ten (10) feet or more in height.
- 2.2.6 Name of person, firm, corporation, or association erecting structure.
- 2.2.7 Written consent of the owner of the building, structure or land to which or upon which the sign structure is to be erected.
- 2.2.8 Any electrical permits required and issued for said sign (if applicable).
- 2.2.9 Zoning classification of the property.
- 2.2.10 Such other information as the Inspector shall require to show full compliance with this and all other laws and ordinances of the City.
- 2.2.11 The Inspector may require plans to be prepared by a registered professional engineer or architect.

### **SUB-SECTION 3: Illuminated Signs or Signs Containing Electrical Components**

- 2.3.1 The application for electrical permit of a sign in which electrical wiring and connections are to be used shall be submitted to the Inspector. The Inspector shall examine all plans and specifications related to any wiring and electrical connections to determine if the same complies with the electrical code of the City of Andrews. 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 plans and specifications comply with these requirements, or disapprove the application if noncompliance is found. This action of the Electrical Inspector shall be taken prior to submission of the application to the Inspector for final approval or disapproval of the sign erection permit. Licensed electricians are required to pull all electrical permits associated with the sign permit.
- 2.3.2 All electrical service for detached or free-standing signs shall be underground and in conduit.
- 2.3.3 No temporary electrical services are allowed.

### **SUB-SECTION 4: Sign Erection Permit Issued if Application in Order**

It shall be the duty of the Inspector, upon the filing of an application for a sign erection permit, to examine such plans and specifications, other data, and the premises upon which the sign will be erected. If it appears that the proposed structure is in compliance with all the requirements of this ordinance, the building code, and all other laws and ordinances of the City of Andrews, then the Inspector shall issue the sign erection permit. If the work authorized under a sign erection permit has not been completed within one hundred and eighty (180) days after issuance, the permit shall become null and void.

**SUB-SECTION 5: Permit Fees**

Every applicant, before being granted a permit hereunder, shall pay to the City of Andrews the appropriate sign erection permit fee as set forth in the fee schedule found in Exhibit "A" (Fee Schedule) of this ordinance.

**SUB-SECTION 6: Inspection**

The Inspector shall be notified by the permittee when erection of the sign is complete, and shall make an inspection to determine if the sign conforms to City ordinances and codes. The Inspector may inspect annually, or at such other times as deemed necessary, each sign regulated by this ordinance 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.

**SUB-SECTION 7: Permit Revocable At Any Time**

All rights and privileges acquired under the provisions of this ordinance, or any amendment thereto are mere licenses revocable at any time by the Board of Appeals, and all such permits shall contain this provision. Any sign for which a permit is revoked shall be deemed a nonconforming sign.

**SUB-SECTION 8: Unsafe and Unlawful Signs**

If the Inspector finds any sign regulated herein that no longer meets the provisions of this ordinance or any other City code, is unsafe, insecure, or is unlawful, the Inspector 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 City at the expense of the permittee or owner of the property upon which it is located. The Inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Inspector may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice, at the permittee/owner's expense.

**SUB-SECTION 9: Abandoned Signs**

Any sign abandoned, or which no longer advertises a bona fide business conducted or product sold, shall be removed by the owner, agent or person having the beneficial use of the land, building or structure upon which such sign is located within thirty (30) days after written notification to the owner, agent or person having the beneficial use of the land, building or structure from the Inspector. Upon failure to comply with such notice to remove the sign within the time specified, the Inspector 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. Signs shall be removed in a manner that there is no advertisement visible to traffic. Pole signs or any sign permanently attached must have the façade of the sign replaced or painted. All electrical components shall be covered and not visible to the public. The signs must be kept in a manner that they do not call attention to the property and remain free of rust, wear, or decay. Any sign located in public right-of-way (except as authorized herein) may be immediately removed by the Inspector, Police Department, or any duly authorized agent for the City without notice to the owner.

**SECTION 3. SIGN REQUIREMENTS AND SPECIFICATIONS**

**SUB-SECTION 3.1: Number, Date and Voltage to be on Sign**

Every sign or other advertising structure hereafter erected shall have inscribed in a conspicuous place (other than on the sign face itself and readable from ground level) thereon, in letters approximately one inch (1") in height, the date of erection, the sign erection permit number, and the voltage of any electrical apparatus used in connection therewith, in paint marker of a contrasting color to the color of the sign.

**SUB-SECTION 3.2: Maintenance Required**

For any sign regulated by this ordinance, the sign permittee or the owner, agent or person having the beneficial use of the land, building or structure upon which the sign is located shall maintain all parts, portions and support structures of said sign in good condition to prevent deterioration, oxidation, rust and other unsightly conditions.

**SUB-SECTION 3.3: Wind Pressure and Dead Load Requirements**

3.3.1 All signs with an overall height above eighteen feet (18') shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, and shall be constructed to receive dead loads as required in the building code or other codes/ordinances of the City of Andrews.

- 3.3.2 Plans shall be sealed by a registered engineer on all wall signs (not painted on the wall or building surface), roof-mounted signs, and free-standing signs of fifty (50) square feet or larger and ten (10) feet or more in height. Sealed plans may be requested at the discretion of the Inspector.

**SUB-SECTION 4: Exemptions - Signs not Requiring Permits**

The provisions and regulations of this ordinance shall not apply to the following signs; provided, however, said signs shall not obstruct visibility as determined by the Inspector and shall be subject to the provisions of Section 2, Sub-Section 8, Unsafe and Unlawful Signs:

- 3.4.1 Temporary signs not exceeding eight (8) square feet in residential area which advertise the sale, rental or lease of the premises only upon which said signs are located.
- 3.4.2 Temporary signs not exceeding thirty-two (32) square feet which advertise the sale of residential tracts larger than five (5) acres, or located on commercial tracts which advertise the sale, rental or lease of the premises only upon which said signs are located.
- 3.4.3 Name plates not exceeding two (2) square foot in area.
- 3.4.4 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.
- 3.4.5 Up to three separate temporary construction signs on commercial property and only one on residential property denoting the architect, engineer, realtor and/or contractor when placed upon a work site under construction, and not exceeding thirty-two (32) square feet in area.
- 3.4.6 Non-residential occupational signs denoting only the name and profession of an occupant, located within a commercial building or public institutional building, and not exceeding two (2) square feet in area.
- 3.4.7 Memorial signs or tablets, such as including the name of a building and/or date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- 3.4.8 Flags, emblems or insignia of any governmental body, school, non-profit, or religious organization or decorative flags. Governmental Flags shall be displayed without tatter or tear and in a respectful manner.
- 3.4.9 Non-residential, on-site directional signs not exceeding two (2) square feet in area, provided such directional signs do not contain advertising and are not used as such. Placement of such directional signs must conform to visibility standards and other safety criteria.
- 3.4.10 Traffic control or other municipal signs, legal notices, railroad crossing signs, danger/emergency signs, and other temporary or non-advertising signs as may be approved by the City Manager or his authorized representative.
- 3.4.11 A protective sign that has as its purpose the protection of life and/or property.
- 3.4.12 A sign or marker giving information about the location of underground electrical transmission lines, telegraph/telecommunications lines or cables, pipelines, water or sewer lines, or other public/private utility line/structure.
- 3.4.13 A sign erected by City, State or Federal agencies, or by political subdivisions of the State (except lottery signs).
- 3.4.14 Political sign (so long as the sign displayed is within the bounds of time allowable by law).
- 3.4.15 One (1) residential sign with the name and/or street address number of the occupant(s), so long as the area of such sign does not exceed two (2) square foot for each dwelling unit.
- 3.4.16 A sign advertising a garage/estate sale (see also Section 3, Sub-Section 10, Temporary, Portable Signs, and Directional Message Board Signs).
- 3.4.17 An incidental sign in a non-residential zoning district that is less than two (2) square feet in area.
- 3.4.18 All Commercial addressing shall be larger than four (inches) and not exceed twelve (12) inches in height.
- 3.4.19 Pennants denoting an open house may be present onsite in any district for a once occurring 72 hour period.

**SUB-SECTION 5: Obstructions to Doors, Windows or Fire Escapes**

No sign shall be erected, enlarged, 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. Shall not obstruct any windows required amount of natural light (glazing) as set forth by the International Building Code.

#### **SUB-SECTION 6: 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 (not including changeable message signs, such as those displaying the time and temperature, personal messages or on-premise advertisements). No sign shall be erected or maintained in such a manner as to obstruct free and clear vision, or in any location where, by reason of its position, shape, color, features, degree, or manner/intensity of illumination, it may interfere with or cause visual distraction for 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 control 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. No sign may be erected in the thirty (30) foot sight triangle of any intersection.

#### **Section 3.6.1: Lighting**

- 3.6.1.1 Lights with reflectors shall be permitted on ground signs and wall signs provided, however, the reflectors have 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 sign illumination shall be so directed or shielded that the light source is not directly visible from any street, sidewalk or adjacent property.
- 3.6.1.2 No sign shall be illuminated to such an intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance. Alternating electronic data control components showing time, temperature and similar data are allowed.
- 3.6.1.3 No lighted sign shall be erected within one hundred and fifty feet (150') of a residential development unless the lighting is shielded from view of the residential development.

#### **SUB-SECTION 7: Prohibited Signs**

- 3.7.1 It shall be unlawful for any sign, or any person upon any sign, to display any obscene, profane, indecent or pornographic words, pictures or gestures.
- 3.7.2 No person shall erect, maintain or permit the erection of any balloon or other floating device anchored to the ground or to any structure, except on a temporary basis (see Section 3, Sub-Section 10, Temporary, Portable Signs, and Directional Message Board Signs.).
- 3.7.3 No person shall attach any sign, paper or other material, or paint, stencil or inscribe any name or number (except house numbers), or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure unless authorized by this ordinance or by the City Council or its delegated representative.
- 3.7.4 Moving, flashing, intermittently lighted, changing color, beacon-like, revolving or similarly constructed signs shall not be allowed. Changeable message signs showing the time, temperature, personal messages, or on-premise advertisements are not defined as flashing or moving signs, unless they have other components/characteristics that would make them qualify as such.
- 3.7.5 No person shall place on or suspend from any building, pole, structure, canopy, fence/wall, sidewalk, parkway, driveway or parking area any goods, wares, merchandise or other advertising objects or structures for the purpose of advertising such items, other than a sign as defined, regulated and prescribed in this ordinance except as otherwise allowed by ordinance. Incidental signs or information normally placed on service station pump islands shall not be prohibited by this section.
- 3.7.6 No cloth, paper, banner, advertising flag (excludes government flags such as those for the U.S., Texas, etc.), device or other similar advertising matter shall be permitted to be attached, suspended from, or allowed to hang loose from any sign, fence/wall, building or structure, except as allowed by other provisions of this ordinance. Such advertising matter shall be a violation of this ordinance and shall be removed immediately upon notice by the Inspector (see Section 3, Sub-Section 10, Temporary, Portable Signs and Directional Message Board Signs).
- 3.7.7 No portion of any sign shall be erected upon or over public property, except as permitted in Sec. 3, Sub-Section 10, Temporary, Portable Signs, and Directional Message Board Signs.
- 3.7.8 No advertising sign of any type shall be erected within fifty feet (50') of an adjacent residential district, except by special permit from the Planning and Zoning Board and subject to appropriate conditions and safeguards.



- 3.7.9 No sign shall be allowed unless it is permanently affixed to the premises, except as allowed under Section 3, Sub-Section 8, Permitted Signs, or Sub-Section 10, Temporary, Portable Signs, and Directional Message Board Signs.
- 3.7.10 No signs attached to a trailer or motorized vehicle, where the primary use of such vehicle is for sign purposes, will be permitted. Signs attached to or upon any trailer or 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 (longer than one week) where it is apparent that the intent is to use the vehicle and/or 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 or signs for political purposes.
- 3.7.11 Any sign constructed of or containing material capable of reflecting light, images or sound waves, of producing glare or of mirroring images, which may interfere with or otherwise distract traffic, is strictly prohibited.
- 3.7.12 No person or firm shall paint signage using spray paint unless the signage is aesthetically pleasing with a uniform Font lettering or stenciled. Signs that appear as graffiti will not be permitted.

**SUB-SECTION 8: Permitted Signs**

Signs advertising permitted (i.e., legally zoned) activities within any district shall be allowed, subject to the following conditions and regulations:

- 3.8.1 Signs shall pertain only to the identification of a building, business or products/services which are manufactured, sold or offered on the premises where the signs are located, except as otherwise provided.
- 3.8.2 Except as otherwise provided, all signs shall conform to the following requirements relative to the types of signs allowed, maximum sign areas, surfaces, heights, locations, setbacks and other provisions as set forth below by zoning district:
  - A. **Residential Zoning districts.** No signs shall be permitted in Single-Family and Residential zoning districts except:
    - (1) Those signs allowed in residential zoning districts under Section 3, Sub-Section 4, Exemptions.
  - B. **Non-residential uses (e.g., church, school or park) located in residential zoning districts.** No signs shall be permitted in these areas except:
    - (1) Those signs allowed in residential zoning districts under Section 3, Sub-Section 4, Exemptions.
    - (2) One attached or detached sign, subject to the following restrictions:
      - a. Maximum size shall be forty (40) square feet.
      - b. Construction design and material shall match main building(s).
      - c. Entire sign must be located on and within private property.
      - d. Signs shall be set back a minimum of five feet (5') from any street right-of-way.
    - (3) Such temporary signs that may be allowed by Section 3, Sub-Section 10, Temporary, Portable Signs, and Directional Message Board Signs.
    - (4) Portable Signs for public, religious, educational or charitable institutions shall be permitted for a maximum of sixty (60) calendar days per year.
  - C. **Specific Use Permit in residential zoning districts (land that is zoned specific use in any residential zone).** No signs shall be permitted in the Residential zoning district except:
    - (1) Those signs allowed under Section 16, Exemptions.
    - (2) Such temporary signs that may be allowed by Section 3, Sub-Section 10, Temporary, Portable Signs, and Directional Message Board Signs.
    - (3) One sign per street frontage, subject to the following restrictions:
      - a. Sign may be attached to the building or set back one-half (½) the distance from the building line to the property line.
      - b. Sign shall not exceed forty (40) square feet.
      - c. Sign height shall not exceed twelve (12) feet.
      - d. Construction design and material shall match main building(s).
      - e. Entire sign must be located on and within private property.
      - f. Signs shall be set back a minimum of five feet (5') from any street right-of-way.

- D. **Non-residential zoning districts.** No signs shall be permitted in any non-residential zoning district except:
- (1) Those signs allowed under Section 3, Sub-Section 4, Exemptions.
  - (2) Such temporary signs that may be allowed by Section 3, Sub-Section 10, Temporary, Portable Signs, and Directional Message Board Signs.
  - (3) Attached signs, subject to the following restrictions:
    - a. Maximum size of each sign shall be no more than thirty percent (30%) of the wall surface area. The maximum size shall be reduced to fifteen percent (15%) of the wall surface area on which the sign will be affixed when attached or painted sign is accompanied by any other permit required signage visible from the same direction as the attached sign.
    - b. An attached sign located at a height of fourteen feet (14') or less from the ground shall have a maximum vertical height of four feet (4').
    - c. An attached sign located at a height more than fourteen feet (14') feet above the ground shall have a maximum vertical height of six feet (6').
    - d. Sign(s) shall not exceed seventy-five percent (75%) of the width of the building face or store frontage.
    - e. Height shall not exceed the roof line or top of parapet wall, and shall provide a minimum of ten feet (10') of vertical clearance from sidewalk or ground level. (EXCEPTION: For buildings that were constructed prior to the effective date of this ordinance, and which have no appropriate surfaces on which to erect a sign in conformance to this paragraph, signs may be allowed to project above the roof line a maximum of four (4) feet.)
    - f. Such sign shall not project over eighteen inches (18") from face of building.
    - g. 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.
  - (4) Under-canopy signs, subject to the following restrictions:
    - a. Maximum size of sign shall be two (2) square feet.
    - b. The bottom of the sign must be a minimum of eight feet (8') above any sidewalk or walkway.
  - (5) Free-standing, detached, on-premise signs, subject to the following restrictions:
    - a. One (1) sign per building site shall be allowed, or one (1) sign per four hundred and fifty linear feet (450') of frontage along street. Where more than one (1) sign is allowed, there shall be a minimum of one hundred feet (100') between signs. The maximum height of signs shall be thirty feet (30'). All signs shall be set back a minimum of five feet (5') from edge of sign from any public right-of-way.
    - b. The maximum size of each sign shall be one (1) square foot per one linear foot (1') of property frontage, up to a maximum of two hundred (200) square feet, except all parcels shall be permitted a sign having sixty (60) square feet of area regardless of length of street frontage.
    - c. Any projecting or overhanging portion of sign must be at least sixteen feet (16') above any private sidewalk or walkway, and any private streets, driveways, fire lanes or other traffic circulation areas. All signs shall be a minimum of sixteen feet (16') above the ground (exclusive of supports). Such signs shall be located a minimum of five feet (5') from adjacent private nonresidential property lines and at least ten feet (10') from adjacent residential property lines.
    - d. Signs shall be constructed of materials that are noncombustible.
    - e. Sign supports in contact with the ground shall be protected steel or concrete.
    - f. No detached sign may be erected in any portion of a required parking space.
    - g. When detached signs are adjacent to parking areas, such signs shall be protected by wheel or bumper guards.

- h. All changeable message signs shall be attached or constructed on the same sign support with a permanent sign denoting the business. Both signs together shall count as one sign for the purpose of calculating the effective area. (refer to Section 3, Sub-Section 8(F)(4))
  - i. Monument signs (on-premise) are permitted in lieu of a pole sign in all districts excluding customary home occupations. A monument sign is a free-standing sign having a low profile and made of stone, metal, routed wood planks or beams, brick or similar materials, including individual lettering, which replicate or harmonize with the architecture of the establishment it serves. Monument signs must be built on a monument style base, as opposed to a pole base. A monument sign contains only the company or corporation name, logo, address, and/or product or service of the establishment. No advertising or promotional information is permitted thereon. Such sign may be single- or double-faced. Such signs and base shall not exceed eight feet (8') in overall height above the natural or average grade, and the actual sign face shall not exceed sixty (60) square feet per side. Total cross-sectional area (thickness) shall not exceed eight (8) square feet.
- (6) Temporary promotional signs, advertising banners, flags, or pennants promoting a grand opening of a retail/commercial establishment or a shopping center may be displayed for up to thirty (30) consecutive days, with a maximum of one (1) thirty-day period allowed per year for each business. Pennants may also be used in conjunction with an open house not to exceed 72 hours
  - (7) Such signs that may be allowed by Section 3, Sub-Section 9, Off-Premise Detached Signs.
- E. Highway frontages.** Any signs adjacent to a State-owned highway shall be subject to the Texas Highway Beautification Act, "Outdoor Advertising Signs".
- (1) On-premise, detached signs adjacent to State Highway shall be subject to the following restrictions:
    - a. One (1) detached, on-premise sign per building site shall be allowed, or one (1) sign per four hundred and fifty linear feet (450') of frontage along the highway. Properties with less than 450' of frontage shall conform to standards and regulations as stated in Section 3, Sub-Section 8( D)(5) above.
    - b. An on-premise, detached sign adjacent to a highway shall not exceed thirty feet (30') in height.
    - c. No sign shall be closer than five feet (5') to any public right-of-way.
  - (2) Such signs that may be allowed by Section 3, Sub-Section 9, Off-Premise Detached Signs.
- F. Central Business District (CA) zoning district.** Any sign within the CA zoning district shall conform to the following requirements:
- (1) Those signs allowed under Section 3, Sub-Section 4, Exemptions.
  - (2) Such temporary signs that may be allowed by Section 3, Sub-Section 10, Temporary, Portable Signs, and Directional Message Board Signs.
  - (3) Attached signs, subject to the following restrictions:
    - a. Minimum height -- No attached sign may be mounted in a manner that results in the lowest portion of the sign being less than eight feet (8') or greater than twenty feet (20') above the sidewalk surface. Businesses and offices may mount signs at lower elevations that indicate the name of the establishment and the street address only. These signs must not exceed eight (8) square feet in size.
    - b. Maximum height -- Attached signs shall be allowed a maximum height of twenty feet (20') at their highest point above the ground surface. They shall not be allowed to extend above the existing building roof line. Where a building is less than twenty feet (20') tall, the roof line shall constitute the maximum allowable elevation.
    - c. Thickness -- Attached signs do not have to be flush with the building surface. To accommodate structural and electrical equipment, an attached sign may be up to one foot (1') thick, so long as the sign does not extend into right-of-way.

- d. Area -- There shall be only one (1) display face for an attached sign. Allowable square footage (area) shall be based upon a formula:
  - e. Illumination -- On-premise signs may be illuminated internally through the use of fluorescent or neon (i.e., gaseous) tubes, or externally through the use of goose neck reflectors and lights, provided that such reflectors are provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. All electrical signs shall have an Underwriters' Laboratory (UL) listed marker on the sign.
  - f. Movement -- Attached signs shall not be permitted to move, rotate, gyrate, or give the impression of movement.
  - g. Lettering -- Attached signs may have lettering up to three and one-half feet (3.5') in height. Letters should be contained within the sign face. Individually mounted letters must be no greater than four feet (4') in height. Letters must be permanent and non-removable.
  - h. Number of signs -- There shall be only one (1) attached sign per business, or each building facade. The total area for all signs per facade must not exceed the standard as set forth in Section 3, Sub-Section 8(F)(3)(d) above for the cumulative sum of all signs.
- (4) Changeable message signs, subject to the following restrictions:
- a. Intent -- These signs are generally considered as "theater-type" or "marquee" signs, which have changeable message boards. All changeable message signs will be regulated by the standards set forth in Sub-Sections 8(F)(4)(b) through 8(F)(4)(g). below.
  - b. Minimum height -- The lowest portion of a changeable message sign must be no less than eight feet (8'), or no greater than twenty feet (20'), above the ground surface.
  - c. Maximum height -- Changeable message signs shall be no greater than twenty feet (20') above the sidewalk surface at their highest point. Changeable message signs shall not extend more than five feet (5') above the existing building roof line. Where a building is less than twenty feet (20') tall, the roof line shall constitute the maximum allowable elevation.
  - d. Projection -- Changeable message signs shall be no greater than four feet (4') from the building surface. A distance of at least two feet (2') shall be maintained between the outer edge of the changeable message sign and any traffic control sign or device.
  - e. Movement -- Changeable message signs shall not be permitted to move, rotate, gyrate, or give the impression of movement.
  - f. Number of signs -- One (1) changeable message sign per business will be allowed.
  - g. Separation -- Changeable message signs shall be no closer than thirty feet (30') from neighboring signs, measured by the nearest sign face to the nearest sign face.
  - h. Maximum Size--Changeable message signs shall not be allowed to be any larger than forty (40) square feet.
- (5) Awnings, subject to the following restrictions:
- a. Intent -- This ordinance recognizes the need and desire by some businesses to incorporate awning structures into their building facades. It is important that awnings be coordinated with their "host" building, as well as with neighboring awnings and signs. The standards set forth in Sub-Sections 8(F)(5)(b). through 8(F)(5)(n). below shall regulate and guide the use of these structures.
  - b. Minimum height -- All awnings, at their minimum height (clearance), must be at least ten feet (10') above the sidewalk surface. The highest point of any awning must also not be more than twenty feet (20') above the sidewalk surface.
  - c. Ratios -- Awnings should be at an appropriate scale to the building size. They shall not extend above the roof line of any single-story structure, or above the top of the second floor of any multi-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building, nor shall they extend more than four feet (4') outward from the building face.
  - d. Projection -- Since awnings must extend beyond the building facade, a reasonable amount of projection will be allowed. However, no awning

shall be erected which extends more than four feet (4') beyond the building surface. A separation of at least two feet (2') must also be maintained between the outer edge of the awning and any utility pole, light standard, traffic control sign/device, or curblin. The inner edge of the awning must be flush with the surface of the building, and the awning sides must be a 90-degree angle with respect to the building facade.

- e. Thickness -- Awnings must provide necessary room for structural and electrical considerations. No awning should be more than four feet (4') thick.
  - f. Color -- A mixture of colors is recommended, but not more than three (3) colors per facade (logo excluded). Awnings must maintain a consistent color scheme for each business. Colors must also be appropriate for building color, neighboring awnings and buildings, and any associated signs. Mirrors, or other highly polished/reflective materials, shall not be permitted.
  - g. Illumination -- Only the lettering of an awning may be illuminated with back lighting. The area illuminated shall not be larger than the area allowed for an attached sign. Floodlamps and neon (i.e., gaseous tubes) will not be permitted. Illumination intensity will not be allowed to vary. Flashers, beacons or other similar devices are prohibited. Awning illumination may be activated at dusk and shall be deactivated at dawn.
  - h. Movement -- Except for fabric awnings which are designed to be moved for maintenance purposes or retracted for storm protection, awnings shall not be designed to provide movement. With the exception of fabric awnings' edges, which will move with light breezes, no awning shall be designed to have physical, electrical, pneumatic, or other type of movement except for maintenance purposes only. Awnings shall not be constructed of materials which imply movement (such as diffraction grates).
  - i. Material -- Awnings shall be constructed of approved, environmentally sound materials which are in compliance with all City building and electrical codes.
  - j. Content -- Although the City of Andrews does not regulate sign content, awnings shall contain only the name of the establishment, a logo, and/or the street address. No other lettering or image will be allowed, aside from the color pattern.
  - K Lettering -- Any lettering on an awning must be no greater than one foot (1') tall.
  - l. Overlap -- No awning may overlap another awning of the same or neighboring building. Awnings may be no closer than eighteen inches (18") to one another. Heights should vary no greater than one foot (1') between adjacent awnings.
  - m. Use with signs -- Awnings and wall (attached) signs may be used on the same facade. Small signs may hang from underneath the awning (termed "undercanopy signs"). These signs must be no lower than eight feet (8') from the sidewalk surface. These signs may be no larger than five feet (5') in length, one foot (1') in height, and two inches (2") in depth/ thickness. They may not be illuminated. Only one of these signs will be allowed for each business.
  - n. Number of awnings -- Awnings are not required facade treatments. A business may have as many as one (1) awning per window or door/entrance.
- (6) Except as may be allowed by Section 3, Section 10, Temporary, Portable Signs, Directional Message Board Signs or detached signs are not permitted within the Central Business district.

#### **SUB-SECTION 9: Off-Premise Detached Signs**

Off-premise, detached signs are prohibited, except in locations where they presently exist. Existing off-premise, detached signs (e.g., billboards), which were legally in existence prior to the effective date of this ordinance, shall be allowed to change messages or advertisements but they shall not be allowed to undergo any other changes that would increase the sign face (e.g., advertising area) or the sign's height in any way. (refer to Andrews Code of Ordinances Sec. 58.342-345)

**SUB-SECTION 10: Temporary, Portable Signs, and Directional Message Board Signs**

- 3.10.1 Temporary subdivision development signs and "for sale" or "for lease" signs may be erected, provided such sign(s) relate only to the property upon which they are located.
- A. Such temporary signs shall not exceed ninety-six (96) square feet in surface area.
  - B. Such temporary signs shall not exceed fifteen feet (15') in height.
  - C. Not more than one (1) such sign shall be erected for each five (5) acres in the area currently under development.
  - D. Placement of such signs shall be subject to approval of the Inspector, and shall not constitute a visibility or other safety hazard.
  - E. Such temporary signs shall be removed when ninety-five percent (95%) of the available lots have been sold to end users/occupants.
- 3.10.2 Temporary signs advertising occasional sales (including garage, patio, estate and porch sales) shall be limited to two (2) signs neither to exceed two (2) square feet placed upon the property where the sale is conducted. Off-site garage sale signs are permitted, provided they have the address of the sale upon them, dates of the sale, and they are self-supporting and placed within private property (with consent from the property owner) and shall not be mounted upon public or utility structures (e.g., telephone poles, street light standards, street sign poles, public buildings, etc.) or on trees, fences, etc. Off-site garage sale signs may not be placed prior to 5:00 p.m. on the day prior to the sale, and they must be recovered (removed) by 8:00 a.m. on the day following the conclusion of the sale. A fine will be assessed for each off-site garage sale sign left after the 8:00 a.m. recovery time/date. No more than four (4) off-site garage sale signs are permitted for each garage sale event.
- 3.10.3 Temporary signs for the purpose of advertising civic, non-profit, or philanthropic organization activities may be erected within the City of Andrews within the following guidelines:
- A. The maximum size of the sign shall be sixteen (16) square feet.
  - B. Each sign shall be located on private property.
  - C. Such signs shall be erected for a maximum of seven (7) days.
  - D. A maximum of six (6) signs may be permitted during each seven-day period.
  - E. Each sign shall be self-supporting, and shall not be attached to fences, posts, utilities, trees, etc.
  - F. No sign shall be erected or maintained in such a manner as to obstruct free and clear vision.
  - G. It shall be the responsibility of the organization who registers the signs to remove them promptly at the end of the seven-day period.
- 3.10.4 Temporary signs including banners for non-residential uses only may be permitted when such signs are located on the premises of the non-residential uses, and are subject to the following restrictions:
- A. No such signs shall be erected unless a permit is first procured from the inspector. Portable Signs or Directional Message Board signs shall not be converted to become permanent on-premise signs, unless such conversion conforms to this ordinance and is properly permitted under the provisions of this ordinance as a permanent sign.
  - B. No permit fee is required for temporary signs under this section for public, religious, educational or charitable institutions. (taxing entity, nonprofit)
  - C. Sign shall not exceed thirty-two (32) square feet in size, except as provided for banners in subsection I. below.
  - D. The permit for a temporary sign including a temporary banner, and may be issued for a maximum of thirty (30) days, with a maximum of three (3) temporary sign permit issued each year for each business. No permit for the same location shall be issued until a minimum of thirty (30) days has elapsed since the previous permit expired. Said temporary sign shall be physically removed from the referenced location upon expiration of the permit.
  - E. Temporary signs, including banners, shall be set back a minimum of fifteen feet (15') from the curb or edge of pavement, and completely outside 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.
  - F. (Such) Temporary signs, including banners, may be internally or indirectly lighted; however, such lighting shall not be of a flashing, intermittent, moving or similar lighting type. Any temporary (such) sign located within a residentially zoned district shall not be lighted.

- G. All temporary signs, including banners, shall be securely attached to their mounting structures at all times, shall not project above the roof line of the building on the premises, and shall not be attached to or suspended from any other sign, including poles, a fence/wall, or a structure other than a building (See Sub-Section 3.7.6).
  - H. All temporary signs, including banners, shall be kept in good repair (i.e., not tattered, unanchored, faded, frayed or unsightly).
  - I. Additional Regulations for Banners:
    - (1) Banners shall not exceed forty (40) square feet in size
    - (2) Pole-mounted banners (i.e., banners affixed to light poles) shall be securely attached to their poles with metal brackets or other suitable mounting device, and shall not be located any closer together than a minimum of twenty-feet (20') spacing. Pole-mounted banners shall not be connected together or suspended between their respective poles. A display of more than one (1) pole-mounted banners shall be permitted as a single installation (i.e., one sign permit required); however, each banner to be displayed shall be assessed a separate fee pursuant to Section 8 of the Sign Ordinance. Pole-mounted banners shall have a minimum vertical height clearance of ten feet (10') over parking areas, sidewalks and landscaped areas, and sixteen feet (16') over private street, parking lot, and fire lanes. Such banners shall be allowed to have a text message, logo or symbol identifying the business or its goods/services. The total size of each banner as permitted herein shall not exceed twenty-four (24) square feet (except as provided in (a) below), and the banner shall not be less than two feet (2') in width nor more than ten feet (10') in length (except as provided in (a.) below or greater than twenty percent (20%) of the surface height of the pole to which it is attached.
    - (3) Linear banners (i.e., banners that are typically longer/wider than they are tall, and affixed to a wall surface or between short poles) shall be securely attached to the building (or their poles), and shall not be located any closer together than a minimum twenty-foot (20') spacing (i.e., cannot be connected together). Each linear banner shall require a separate sign permit, including payment of a separate fee for each banner pursuant to Section 8 of the Sign Ordinance. The size and height of linear banners shall conform with requirements for attached signs (if mounted on a building face) within the zoning district wherein the banner(s) will be located. Linear banners are limited to one (1) per three (3) acres of property (i.e., the size of the lot) per street frontage (for example, a nine-acre lot can have three linear banners per street frontage). Linear banners shall be allowed to have a text message, logo or symbol identifying the business or its goods/services.
    - (4) Special Provisions for Changeable Banners – The size, location, configuration and general appearance of approved, permitted changeable banners shall not substantially deviate from that of the original installation. A permit for changeable banner shall be valid for a period of one (1) year, and an application must be submitted to the City for renewal each year. Failure to comply with any provision of this ordinance will immediately void any permit then in existence, and will constitute grounds for denial of a renewed permit.
    - (5) Special Provisions for Temporary Banners – Temporary banners shall adhere to all regulations within this ordinance pertaining to other types of temporary signs.
  - J. Pennants shall be prohibited in any zoning district, except in conjunction with a grand opening event or open house event (see Sub-Section 8(D)(5)(h)).
- 3.10.5 Temporary real estate directional signs -- Temporary, off-premise real estate signs (i.e., "bandit" signs) are permitted in any zoning district, provided that each sign does not exceed six (6) square feet in size, and subject to the following restrictions:
- A. Signs are to be collected within 72 hours of being placed.
  - B. Signs are permitted on private property only with permission of the property owner.
  - C. Signs may not be placed in City right-of-way.
  - D. Signs not collected within 72 hours or left within the public right-of-way are subject to impoundment by the City.
- 3.10.6 Temporary signs (e.g., banners, etc.) may be erected on municipally-owned property if authorized by the City Manager.

3.10.7 Portable Signs and Directional Message Board signs are subject to the following regulations:

- A. Prior to the use or placement of any Portable Sign or Directional Message Board signs, a permit must be obtained from the Inspector.
- B. A maximum of one (1) Portable Sign or Directional Message Board signs permit, not to exceed sixty (60) consecutive days, Per year may be issued for each business address.
- C. There shall be a minimum distance of two hundred feet (200') between Portable Signs or directional message center signs, measured along the street right-of-way. Each side of the street shall be counted separately.
- D. Portable Signs or Directional Message Board signs shall not exceed thirty-two (32) square feet in size.
- E. Portable Signs or Directional Message Board signs shall be set back a minimum of fifteen feet (15') from the curb or edge of pavement, and completely out of the City's right-of-way. The sign must be anchored or secured in a manner that will prevent it from harming the public or pedestrians. Further, said signs shall not be located within the intersection visibility triangle area, and shall not obstruct visibility of motorists or pedestrians.
- F. Portable Signs or Directional Message Board signs shall be set back a minimum of ten feet (10') from non-residential side property lines. Portable Signs or Directional Message Board signs shall be set back a minimum of twenty five feet (25') from adjacent residential side property lines. Portable Signs or Directional Message Board signs shall not be located within the intersection visibility triangle area, and shall not obstruct the visibility of motorists or pedestrians. (See exhibit B)
- G. The owner of any Portable Sign or Directional Message Board signs shall be responsible for obtaining a sign permit, as required herein, and shall be responsible for any violations of this ordinance. 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 or city removal of said sign; and such statement shall further give the City the right to impound such sign should it be placed in violation of this ordinance.
- H. Portable Signs or Directional Message Board signs shall permanently display on the sign, in easily readable form, the name, address, city, ZIP code, and telephone number of the owner of said sign.
- I. Portable Signs or Directional Message Board signs may be internally or indirectly lighted; however, such lighting shall not be a flashing, intermittent, moving or similar lighting type. Any sign constructed of or containing material capable of reflecting light, images or sound waves, or of producing glare or mirrored images shall not be permitted.
- J. Impoundment -- The owner or occupant of any property upon which there is located a Portable Sign or Directional Message Board signs in violation of this ordinance, or the owner or lessee of any Portable Sign or Directional Message Board signs which is in violation of this ordinance, shall be given notice by the Inspector stating the nature of the violation and ordering that the violation be corrected or the sign removed from said property within seventy-two (72) hours.
- K. Notice by the Inspector of violation of this ordinance shall be given by one of the following methods:
  - (1) The sign permit shall show the expiration date of the Portable Sign or Directional Message Board signs permit; or
  - (2) A notice shall be attached to the sign in violation of this ordinance; or
  - (3) 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 or Directional Message Board signs in violation of this ordinance, or the owner or lessee of the Portable Sign or Directional Message Board signs in violation of this ordinance, by the Inspector; or (4) Written notice by the Inspector to the sign permittee.
- L. If the owner, lessor, lessee, or the representative of the lessor of the Portable Sign or directional message centers fails to remove such sign within seventy-two (72) hours of the Inspector's notification, then the Portable Sign or Directional Message Board signs may be removed by the City of Andrews, or its duly authorized agent, at the expense of the sign owner or the person erecting, leasing, using or maintaining it.



- M. Any Portable Sign or Directional Message Board signs so removed shall be subject to a fee of fifty dollars (\$50.00) for hauling the sign to the City's storage area; plus a ten dollar (\$10.00) per day storage fee for each day the sign is stored by the City.
- N. Any Portable Sign or Directional Message Board signs 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.
- O. 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, use for its purposes, or otherwise dispose of the sign at its discretion.
- P. 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 calendar days, including weekends and holidays, shall be counted.
- Q. The Inspector, or any duly authorized agent, may enter upon private property which is accessible to the public for the purposes specified in this ordinance to examine signs or their locations, to obtain information as to the ownership of such signs, and to remove or cause the removal of any sign declared to be a nuisance pursuant to this ordinance.
- R. If the City of Andrews determines that the owner or occupant of the property upon which there is located a Portable Sign or Directional Message Board signs in violation of this ordinance, or if the owner or lessee of the Portable Sign or Directional Message Board signs in violation of this ordinance has had three (3) previous sign violations without reasonable cause, the City of Andrews shall withhold issuing further such permits to such property owner, lessee, sign owner or sign lessee.
- S. Portable Signs or Directional Message Board signs which are in existence as of the effective date of this ordinance shall be allowed to remain for a period of one (1) year, and shall be removed by the property or sign owner at the end of this time period.

## **SECTION 4. ADMINISTRATIVE PROCEDURES**

### **SUB-SECTION 4.1: Nonconforming Signs**

- 4.1.1 By the passage of this ordinance, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this ordinance and all other codes and ordinances of the City of Andrews. Any existing sign which does not conform to all provisions of this ordinance shall become a nonconforming sign if it legally existed as a conforming or nonconforming sign under prior ordinances; it shall be, or continue to be, an illegal sign if it did not exist as conforming or nonconforming sign beforehand, as the case may be. Temporary permits previously granted shall not be renewed unless the sign is made to conform to the provisions of this ordinance. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture (either civil or criminal) incurred prior to the time this ordinance 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.
- 4.1.2 Removal of certain nonconforming signs:
  - A. As of the effective date of this ordinance, all existing nonconforming signs, except Portable Signs or Directional Message Board signs and signs that are determined to be unsafe (see Section 2, Sub-Section 8, Unsafe and Unlawful Signs), shall be permitted to continue to exist in their present form and location (except as provided in Sub-Section 4.1.2(D) below).
  - B. Abandoned signs (see Section 1, Sub-Section 3, Definitions) may be removed by the City after they have been unused for six (6) months.
  - C. All nonconforming Portable Signs or Directional Message Board signs shall be removed within one (1) year following the effective date of this ordinance.
  - D. Any change of business occupancy shall require any existing nonconforming signs on the premises to be modified, or possibly reconstructed, to conform with the provisions of this ordinance prior to occupancy/operation of the new business(es).
  - E. No existing nonconforming sign (except as allowed in Sub-Section 9, Off-Premise Detached Signs) shall be modified, changed or altered unless it is brought into conformance with the provisions of this ordinance.
- 4.1.3 No nonconforming sign shall be repaired or renovated at a cost in excess of thirty-five percent (35%) of the replacement cost of the total sign structure, unless said sign is

brought into conformity with this ordinance. No nonconforming sign shall be repaired or renovated where the effect of such repair or renovation shall be to enlarge or increase the size, bulk or height of the nonconforming sign. For the purposes of this subsection, normal maintenance shall not be considered to be repair or renovation.

- 4.1.4 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/ordinance that was 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 ordinance such that a permit may be issued.

**SUB-SECTION 4.2: Board of Appeals**

- 4.2.1 A five (5) member Board of Appeals exists and also serves as the Board of Construction which is appointed by City Council.
- 4.2.2 The Board of Appeals shall be empowered to vary one or more of the provisions of this ordinance if it appears that strict adherence to the ordinance would represent a hardship and not be self-imposed or strictly financial in nature) or would produce a manifest injustice, considering such factors as the sign itself, pre-existing conditions beyond the applicant's control, the proposed location, and/or other pertinent factors. Such decision of the Board of Appeals to vary provision(s) contained herein shall not conflict with the spirit of this ordinance, which is intended to ensure safety, the provision of adequate light, open space and air, the conservation of land and building values, and to encourage the most appropriate use of land.
- 4.2.3 The Board of Appeals shall also be responsible for initiating and/or drafting possible amendments to this ordinance, as may become necessary, and for making recommendations to the City Council for consideration and adoption of such amendments.

**SUB-SECTION 4.3: Responsibility for Violations**

The owner or lessor of the sign, the lessee of the sign, the owner of the land or structure where the sign is located, and the person responsible for erecting the sign or structure are all subject to the provisions of this ordinance, and are therefore subject to the penalty(s) hereinafter provided for noncompliance with this ordinance.

**SUB-SECTION 4.4: Penalties**

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof after due process of law, shall be fined an amount not to exceed two hundred dollars (\$200.00) per offense. Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder.

**SUB-SECTION 5: BE IT FURTHER ORDAINED** that this ordinance shall take effect and be in force beginning January 1, 2015.

PASSED AND APPROVED ON FIRST READING THIS THE 9<sup>TH</sup> DAY OF OCTOBER 2014.

PASSED AND ADOPTED ON SECOND READING THIS THE 13<sup>TH</sup> DAY OF NOVEMBER 2014.

  
Flora Braly, Mayor

ATTEST:

  
Sara Copeland, City Secretary

**Exhibit "A" (Fee Schedule)**

**FEE SCHEDULE**

- Sign Erection Permit-----\$100 for initial sign and \$25 for each additional sign within a 60 day period.
- Temporary Sign Permit-----\$50 per sign per occurrence.
- Electrical Permit-----\$25 per project (project being each instance of signs being erected). Each project can contain up to 5 permitted signs.

**Exhibit "B" (Setback, Right-of-Way, and Visibility Triangle)**

