

ORDINANCE NO.2011-107

AN ORDINANCE REGULATING PRIVATE SIGN CONSTRUCTION, INSTALLATION, PLACEMENT, MAINTENANCE, AND USE IN THE VARIOUS ZONING DISTRICTS WITHIN THE CITY OF BELLS; PROVIDING FOR THE ENFORCEMENT OF SAID ORDINANCE, AND SETTING THE DATE UPON WHICH THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the City of Bells, Texas desires to regulate the construction, reconstruction, placement, maintenance, and safety of private signs within the City; and

WHEREAS, the City of Bells, Texas desires to protect the public welfare, enhance the appearance and economic value of the landscape, and prevent traffic hazards and obstacles to drivers' views of traffic signs or other vehicles;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bells, Texas, that the following ordinance is hereby adopted:

**Section 1. DEFINITIONS**

1. **Abandoned sign.** Any sign or display which, for at least three continuous months—or 10 days in the case of political signs or other temporary signs as defined herein—does not identify or advertise an existing business, service, lessor, owner, product, or activity; or for which no owner can be found; or which pertains to a time, event, or purpose which no longer applies; or any sign which, in the opinion of the Code Enforcement Officer, is structurally deficient.
2. **Awning sign.** A name, trademark, or other message printed, painted, or attached to the surface of an awning. For awning sign regulations, see regulations for "Projecting Signs".
3. **Banner sign.** A sign made of fabric, non-rigid plastic or vinyl, or any non-rigid material.
4. **Billboard.** An outdoor advertising structure, larger than 32 square feet, supported by one or more posts, upon which advertising messages or graphics are painted, glued, or otherwise attached (also see "Off-Premise Sign").
5. **Construction sign.** A temporary sign identifying the builder, architect, contractor, supplier, or financier of a construction project on the property on which the sign is located.
6. **Electric sign.** A sign whose visibility is increased by the use of electric lighting, or which uses electricity in any part of its construction.
7. **Ground sign.** A sign whose support is provided by burying, anchoring, or connecting the framework to the ground, and which is not a portable or wall sign.
8. **Marquee.** A type of projecting sign which forms a rigid sign canopy, usually illuminated, extending from the façade of a building. For marquee sign regulations, see regulations for "Projecting Signs".

9. **Monument sign.** A type of ground sign which is solid from the ground up, and is made of stone, concrete, wood planks, beams, brick, or similar materials.
10. **Off-premise sign.** A billboard or any sign advertising a business, activity, service, product, location, or merchandise which is not sold, produced, manufactured, housed, or furnished at the property where the sign is located, i.e.: billboards.
11. **Pole sign.** Any sign, other than a billboard as defined herein, which is supported by a free-standing pole or poles, and which is not attached to any other structure.
12. **Political sign.** A temporary sign used in connection with a local, state, or national election or political issue.
13. **Portable sign.** A sign designed to be moved, mounted on wheels, skids, trailers, or leaning against the ground and not permanently affixed to the ground or to a structure, including signs on vehicles or trailers which are parked or located for the purpose of displaying said sign.
14. **Projecting sign.** A sign, other than a flat wall sign, which is attached to and projects from a building wall, or awning.
15. **Real Estate sign.** A temporary sign advertising the real estate upon which the sign is located, as being for rent, lease, or sale.
16. **Roof sign.** Any sign erected or located immediately, entirely or partially, on or over the roof of any building.
17. **Sign.** Any surface, material, or device used for advertising, providing directions, or identifying with or without the display of letters, words, characters, designs, pictures, or other information, for the purpose of advertising, providing directions, or identifying.
18. **Temporary sign.** A sign not constructed nor intended for long-term use, including but not limited to grand opening announcements, future construction projects, real estate signs, garage, yard and or estate sale signs or political signs.
19. **Wall Sign.** Any sign erected flat against or parallel to a wall, supported by the wall, or which is not more than 6 inches from the wall's surface. This includes signs painted directly on a wall.

20. **Window sign.** Any sign painted or installed inside or on a window and intended to be viewed from the outside.

**Section 2. EXEMPTIONS.** The following types of signs shall be exempt from the provisions of this ordinance:

1. Publicly owned (governmental) directional signs and/or public traffic control signs.
2. Real estate signs smaller than 10 square feet, placed on private property, but not within a public, right-of-way or easement.
3. Window signs located inside of a building.
4. Holiday or special event decorations.
5. Political signs, construction signs and other temporary signs smaller than 10 square feet.
6. Signs designating underground facilities or utilities.
7. Historical markers, plaques, or monuments placed by recognized historical societies and organizations.
8. Nameplate signs built into the structure or firmly attached thereto, not extending more than six inches from the face of the building, identifying the name and/or address of the building, and not exceeding three square feet.

**Section 3. PROHIBITED SIGNS.**

The following signs are prohibited in all zoning districts:

1. Any sign imitating or interfering with a public traffic signal, official traffic control or directional sign or device.
2. Signs with strobe lights or revolving lights which interfere with traffic or resemble an emergency vehicle's lights.
3. Private signs mounted or supported within or on public property or rights-of-way, including but not limited to signs on utility poles, street lights, bridges, sidewalks, and public rights-of-way or easements.

4. Signs, other than traffic control or public directional signs, located within the 25 feet sight triangle of any intersection. This includes that portion of right-of-way and private land on a corner lot within a triangle formed by a diagonal line extending through points on the two property lines 25 feet from the street corner intersection of the property lines, or that point of the intersection of the property lines extending and intersecting the curb line or edge of roadway. Note: Wall signs or projecting signs on existing buildings which are located within the 25 feet sight triangle, are allowed.
5. Unsafe signs, which are deteriorated, dilapidated, and/or present a danger to public health, safety, or welfare.
6. Any illuminated sign which casts direct light into a residential area or public street, and lacks effective shielding.
7. When displayed for more than 30 days in any 180-day period, portable signs, not affixed to any structure, including signs placed on vehicles or trailers which are parked or located for the purpose of displaying said sign, are prohibited. This ordinance establishes that vehicles or trailers affixed with signs which have not been moved from the property at least once within any period of three (3) business days, or which are not currently registered (licensed) and/or which do not display a current Texas Motor Vehicle Inspection sticker shall be prima facie evidence that such vehicle has been parked or located for the purpose of displaying its sign.
8. Retro-fitted roof signs in business and industrial zones.

#### **Section 4. ADMINISTRATION AND ENFORCEMENT**

The Code Enforcement Officer shall enforce and administer the provisions of this ordinance. Appeals and variances from this ordinance shall be to the City of Bells, City Council under the procedures described in the City of Bells Planning & Zoning Ordinance, and in section 12 of this ordinance.

Unless otherwise provided by this ordinance, all signs not exempted in Section 2 of this ordinance shall require permits, and payment of a permit fee. The fee schedule shall be as shown in Exhibit "A" attached hereto and made a part of this ordinance, or as hereinafter established from time to time by the City Council, and shall be on file in the office of the City Secretary. Unless electrical repairs or structural work which would require a construction permit is undertaken, no permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

#### **Section 5. SIGN PERMITTED IN RESIDENTIAL ZONES.**

1. Nameplates . No more than one sign per residence, indicating the name and/or address of the resident, shall be allowed. The sign shall not exceed three square feet.

2. Temporary signs, real estate signs, and political signs are allowed, provided they do not exceed 10 square feet in size. Construction signs are also permitted, provided they do not exceed 32 square feet in size.
3. Identification signs for apartment complexes or churches are allowed on site, provided they do not exceed 50 square feet in size. A front, side, and rear setback of 5 feet is required for each such sign. If sign is illuminated, a 50 feet front, side, and rear setback shall be required. A 15-foot height limit shall be observed for each such sign, whether illuminated or not.
4. Subdivision sign. One identification sign for each major entrance to a subdivision, neighborhood, or development is allowed, not to exceed 32 square feet in size, per sign. Subdivision signs shall not be back-lit, and shall not be located within a public right-of-way or easement.

#### **Section 6. SIGNS PERMITTED IN BUSINESS AND INDUSTRIAL ZONES.**

All signs permitted residential zones are also allowed in business and industrial zones. In addition, the following signs are allowed in all business and industrial zones, except the Downtown Business Area (DBA).

A. Sign type and number allowed:

1. Ground signs or monument signs, with a limit of one per business or one per street frontage, whichever is greater.
2. Pole signs or free-standing signs, with a limit of one freestanding sign per building, regardless of the number of businesses housed in the building. If the lot has more than 500 feet of street frontage, a second free-standing sign shall be allowed. Permitted directional signs, (signs indicating entrances, exits, drive-through windows, and parking information) are exempt from this count.
3. Projecting signs, including marquees and awning signs, with a limit of one per business or one per building, whichever is greater, except one such sign per street frontage is allowed on corner buildings.
4. Roof signs, with a limit of one per business or one per building, whichever number is greater.
5. Wall signs, with no limit on their numbers.
6. Off-premises signs (billboards) restricted to US Hwy 69, State Hwy 56 and State Hwy 82 with a limit of one such sign every 1000 feet. And, no such sign shall be within 500 feet of a zoned residential area. The measurement shall be made between the two points on the curb lines

which are closest to the respective signs, along and parallel to the curb line and across any intervening street intersections.

B. Sign Setbacks

1. No private signs, including, but not limited to, marquees and awning signs, shall overhang or project into the public right-of-way, except for projecting signs in the area zoned C1, C2, M1 & M2 and Downtown Business District which may overhang the sidewalk with a minimum vertical clearance of 7 feet from the finished sidewalk grade to the lowest edge of the sign. Projecting signs shall not overhang the street curb or pavement.
2. Off-premises signs (billboards) shall be set back 15 feet from the public right-of-way, and 30 feet from any side or rear property line.
3. On-premises pole signs or free-standing signs shall be set back at least 10 feet from the pavement edge, and 5 feet from the front property line.
4. Ground signs and monument signs shall be set back at least 10 feet from the back of curb of pavement edge, and 5 feet from the front property line.
5. No private signs are allowed in the 25 feet visibility triangle at every street intersection (see section 3.4).

C. Height limitations.

1. Free-standing pole signs shall be no taller than 25 feet, unless the property front Highway 69, Highway 56 & Highway 82, wherein the sign shall be no taller than 50 feet.
2. Off-premises signs (billboards) shall be no taller than 25 feet, however one additional foot in height, (up to 50 feet) is allowed for every two feet of setback beyond the minimum 15 feet setback from the right-of-way. The height shall be measured from the nearest pavement grade.
3. Roof signs shall not exceed 25 feet above average finished grade measured at the front of the building, or 10 feet above the highest level of the building's roof, whichever is greater, except for property fronting on Highways 69, Highway 56, & Highway 82 wherein sign shall not exceed 50 feet above average finished grade.
4. Ground signs or monument signs shall have an 8 foot height limit.

5. Projecting signs, including marquees and awning signs shall have a minimum clearance of 7 feet above sidewalk to lowest edge of the sign, and the height limit shall not exceed the highest point of the building's roof or highest exterior wall, whichever is greater.

#### **Section 7. SIGNS PERMITTED IN THE DOWNTOWN BUSINESS AREA (DBA).**

- A. Sign types. Only wall signs, window signs, projecting signs, ground signs, awnings and monument signs are permitted in the DBA.
- B. Sign materials. All signs attached to or associated with buildings more than 50 years old shall be of historically appropriate materials, such as painted wood, or carved wood. No backlit sign may exceed 48 square feet in size.
- C. Sign setbacks and numbers allowed.
  1. Wall signs: Unlimited number and setback is not applicable.
  2. Projecting signs: One per business or one per building, whichever is greater, except one such sign per street frontage is allowed on corner buildings. There shall be a minimum clearance of 7 feet above the sidewalk to the lowest edge of the sign. In no case shall the sign project beyond the back of curb or over the street pavement. Sign height shall not exceed the highest point of the building's roof or the highest exterior wall, whichever is greater.
  3. Ground signs and monument signs: One sign per building or one sign per business, except one such sign per street frontage is allowed for corner buildings. Ground signs and monument signs shall be set back at least 10 feet from the back of curb of pavement edge, and 5 feet from the front property line, sign height shall not exceed 8 feet. No sign may be located on or within public right-of-way or easements, and no sign is allowed in the 25 feet visibility triangle (see section 3.4)

#### **Section 8. SIGNS PERMITTED IN THE "PD" PLANNED DEVELOPMENT ZONING DISTRICT**

The regulations for signs in "PD" Planned Development Zoning shall be contained in the ordinance and/or site plan approved for the district.

#### **Section 9. NON-CONFORMING SIGNS**

- A. A sign, including its support structure, shall be considered legal non-conforming when it does not conform to all or part of the provisions of this ordinance, and it:
  - (1) Was in existence and lawfully located, maintained, and used on the date of adoption of this ordinance, June 7, 2011; or

- (2) Was in existence, located, maintained, and used on the premises at the time it was annexed to the city, and has since been in regular and continuous use.
- B. Loss of "legal non-conforming" status. A legal non-conforming sign may lose its designation as "legal non-conforming" or if it is destroyed or damaged beyond 50% of its value, as determined by the Bells Officer or his designee. In the event the sign loses its designation of "legal non-conforming", the sign must conform with this ordinance or be removed altogether. Change of copy or normal maintenance does not affect the sign's "legal non-conforming" status.

#### **Section 10. CODE COMPLIANCE**

- A. Variances. All signs shall be constructed in accordance with the requirements of the City of Bells currently adopted version of the International Building Code. All electrical installations—shall comply with the currently adopted Electrical Code.
- B. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.

#### **Section 11. VARIANCES, VIOLATIONS, SIGN REMOVEAL, AND PENALTIES.**

- A. Variances. If a sign permit is denied, the applicant may apply to the City of Bells City Council for a variance from certain requirements of the ordinance. A variance may be granted by the Board at its sole discretion and only if the following criteria are met:
1. A literal application of the ordinance would not allow the property to be used at its highest and best use as zoned.
  2. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity, or to the general or traveling public.
  3. Hardship caused the sign user under a literal interpretation of the ordinance is due to conditions unique to that property and does not apply generally to similar properties or businesses within the City of Bells.
  4. The granting of the variance would not be contrary to the general objectives of this ordinance.
  5. In granting a variance, the City Council may include additional requirements necessary to carry out the purpose of this ordinance in furtherance the public's interest.



- B. Violations. When, in the opinion of the Bells Officer or his designee, a violation of this ordinance exists, a written citation shall be issued to the alleged violator. The citation shall specify those sections of the ordinance that the individual may be in violation, and shall state that the individual has 10 days from the date of the citation in which to correct the alleged violation or appear before Municipal Judge at specified court date.

Upon determination that a sign is not in compliance with this ordinance, is not a legal non-conforming sign, has been abandoned or the sign support structure is structurally, materially, or electrically defective, or in any way endangers the public, the Municipal Judge shall issue to the owner of the sign and to the owner of the property upon which the sign is located, and/or to the occupant of the premises stating the nature of the violation and requiring repair or removal of the sign within 30 days or the date of the order. In cases of emergency, the property owner upon whose premises a dangerous sign is located, the owner of the sign, and/or the occupant of the premises upon which the sign is located, may be required to immediately remove a dangerous or defective sign.

- C. Removal of Signs. The City of Bells may cause the removal of a sign in cases of emergency, or for failure to comply with an order to removal or repair. If the City of Bells removes the sign, a notice shall be mailed to the sign owner, property owner, and/or the occupant of the property upon which the sign is located stating the date of removal demanding payment of the costs incurred by the City of Bells for such removal or demolition performed, together with an additional 20% for inspection and incidental costs.

If the amount specified in the notice is not paid within 30 days of the notice, it may become an assessment and lien against the property of the sign owner, and will be certified as an assessment against the property together with interest, penalties, and attorneys' fees for collection in the same manner as valorem taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon, but responsibility for compliance with this ordinance shall rest individually and jointly with and upon the property owner, the sign owner, and/or the occupant of the property upon which the sign is located and shall include the responsible individual or entity in the case of a leased sign.

For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

- D. Penalties. Any person who fails to comply with the provisions of this ordinance shall be subject to a fine of not more than \$500. For each and every day the violation(s) continue, a separate citation and court complaint may be issued.

## **Section 12. CONFLICT AND SEVERABILITY**

This ordinance shall not be construed so as to conflict with any superior law, including but not limited to the regulations of the State of Texas, Federal law, statute, or code, or other similar superior orders, rules, or regulations. If any portion of this ordinance is found to be in conflict with any other provision

of any zoning, building, fire, safety, or health ordinance of the City of Bells, the provision which establishes the higher standard will apply.

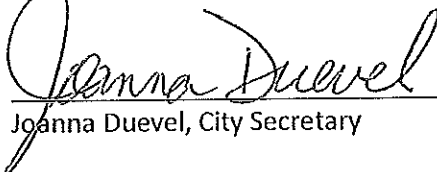
If any section, subsection, paragraph, sentence, clause, phrase, or word in this ordinance or application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

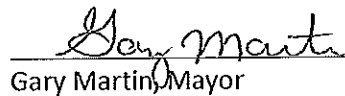
All ordinances, resolutions, or policies of the City of Bells in conflict or to come in conflict with this ordinance are expressly repealed to the extent of such conflict.

This ordinance shall take effect upon final passage by the Bells City Council.

Passed and approved this 7 day of June, 2011.

ATTEST:

  
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Joanna Duevel, City Secretary

  
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Gary Martin, Mayor

#### Fee Schedule for Sign Permits

Each sign requiring a sign permit shall be charged a minimum fee of \$35 for signs up to 32 square feet in size. Larger signs shall be charged the minimum fee plus a fee of \$1.00 for each square foot, or fraction thereof, above 32 square feet in size.

If a sign has electric power an electrical permit fee of \$40.00 shall also apply.