

## ORDINANCE NO. 2012-10

AN ORDINANCE TO BE KNOWN AS THE CITY OF MOUNT VERNON SIGN CODE, AMENDING THE REGULATION OF ALL SIGNS WITHIN THE CITY OF MOUNT VERNON, TEXAS; PROVIDING FOR THE REDUCTION OF NON-CONFORMING SIGNS; REPEALING SECTIONS OF PREVIOUS SIGN CODES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY.

### **SECTION 1. PURPOSE AND INTENT**

To provide necessary regulation of all types of signs within the City of Mount Vernon that are not specifically regulated by the State of Texas.

### **SECTION 2. INTERPRETATION**

The provisions of this ordinance shall be the minimum requirements necessary to meet the purpose and intent of this ordinance. The building official of the City of Mount Vernon is appointed as the sign code officer for all matters of the interpretation of the ordinance.

### **SECTION 3. DEFINITIONS**

1. "Sign" means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.
2. "On-Premise Sign" means a freestanding sign identifying or advertising a business, person or activity, installed and maintained on the same premises as the business, person, or activity.
3. "Off-Premise Sign" means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
4. Sight Visibility Triangle: Where one street, alley, driveway or a combination thereof, intersects with another, the "sight triangle" is the triangular area formed by extending the two property lines a distance of twenty-five feet from their point of intersection, and connecting these points within an imaginary line to join the said points and form the hypotenuse of the triangle. The edges

of a driveway shall be used as property lines for the purpose of interpreting this requirement.

#### **SECTION 4. RECOURSE**

Any parties aggrieved by the decisions of the building official may file an appeal with the City Council. Parties may request a variance from the City Council, the fee for requesting a variance is \$250.00

#### **SECTION 5. SIGN PERMITS AND FEES**

No person shall construct, erect, move, enlarge, illuminate or change any sign regulated by this ordinance, except in accordance with the provisions of this ordinance. Repainting or changing the message of a sign shall not be considered as an alteration. The basic permit fee shall be \$10.00 per thousand dollars' value of the sign with a \$30.00 minimum permit fee.

1. Billboards shall be \$200.00 per side or face, with a \$100.00 per year renewal fee. The renewal fee shall also apply to existing billboards.
2. Sign permit applications shall be made on such forms as the building official may require. A sketch or drawing of each sign showing the size of the sign and the message to be displayed shall be the minimum information to be filed with the permit application. Additional information may be required as needed such as engineers drawing with seal when special conditions exist.
3. Applications for billboards shall have engineered drawings with a design of 70mph minimum with load requirements or to meet the current requirement according to the International Building Code for this area.
4. The provisions of the latest adopted version of the International Building Code and National Electric Code shall apply for inspections and administrative matters.

#### **SECTION 6. EXEMPT SIGNS**

The following signs are exempt from regulation under this ordinance, except as noted:

1. Signs not exceeding four square feet normally associated with residential use, such as mailboxes, addresses, and warning or traffic signs on private property.
2. Signs erected by governmental body or public utility.

3. Signs on currently licensed vehicles that are not primarily used as signs.
4. Signs for real estate brokers indicating that a property is for sale. Such signs shall be limited to four square feet in residential zoning, sixteen square feet in local retail zoning, and thirty-two square feet in commercial and industrial zoning. Such signs shall observe the setback requirements established in the zoning ordinance. In addition, such signs in residential zoning shall be setback a minimum of five feet from any property line, nor shall they be in the sight triangle at intersections.
5. Signs erected in connection with political campaigns. Such signs are limited to sixteen square feet, may not be placed in the sight triangle at intersections, and must be removed within three days following the election.
6. Signs regulated by state agencies that supersede local regulations.
7. Signs or other displays used in conjunction with holidays, festivals or grand openings may be placed two weeks before and shall be removed within ten days after the conclusion of said holiday, etc.

#### **SECTION 7. TEMPORARY SIGNS**

Banners not to exceed 5' x 12', streamers, pennants and flags are not currently regulated with the following exceptions:

1. Tattered, torn or weathered banners, streamers, pennants and flags are not allowed and shall be removed upon official notification by the building official.
2. Banners, streamers, pennants and flags over sidewalks and driveways shall be minimum of eight feet above the finished surface.
3. Banners in excess of 5' x 12' shall require a special permit from the City Council.
4. No more than two banners shall be allowed per location.

#### **SECTION 8. PROHIBITED SIGNS**

The following signs are prohibited except as provided for elsewhere in this ordinance:

1. Portable or movable signs.

2. Balloon over one foot in diameter, blimps, propellers and other types of signs that move due to the action of the wind.
3. Searchlights. EXCEPTION: On the day of a Grand Opening.
4. Signs that appear to have movement due to flashing or moving lights or other similar display methods are limited to flashing intervals of no more than five seconds, except with the approval of the City Council. EXCEPTION: signs that display the time and temperature or the weather conditions.
5. Any sign that blocks the view of motorists or that is in the established sight triangle at intersections.
6. Any sign that shines light into houses in a residential area.
7. Any sign on public property or in the public right-of-way. Such signs shall be impounded and disposed of by the building official.
8. Signs on utility poles, or within ten feet of overhead electrical power transmission lines, on traffic sign poles.
9. Signs painted directly on buildings. (Does not include window.)
10. Signs attached to living vegetation.
11. Home occupation signs in a residential area.
12. Off premises signs except as otherwise noted in this ordinance.

#### **SECTION 9. SIGNS THAT REQUIRE A SPECIAL PERMIT OR APPROVAL**

1. Any odd, different, unusual or spectacular signs not specifically covered by this ordinance shall be referred to the City Council for special approval.

#### **SECTION 10. OFF PREMISES BILLBOARD SIGNS**

Billboards shall be permitted along Interstate Highway 30, U. S. Highway 67 and State Highway 37 only, and only if in accordance with the provisions of this section.

1. Spacing of billboards shall be a minimum of 2,000 feet apart on the same side of the roadways and only in L.R., G.B., O.C., I-I, and A. H. zoning.

2. The maximum overall height is 42-1/2 feet, excluding cutouts extending above the rectangular border, measured from the highest point of the sign to the grade level of the roadway from which the sign is to be viewed.
3. The maximum area for an off-premise billboard is 672 square feet, excluding cutouts, uprights, trip and apron, with a maximum length of 60 feet and a maximum height of 25 feet.
4. Electrical service for billboards shall be underground.
5. Billboards shall be setback a minimum of twenty-five feet from any property line to any part of the billboard.
6. I-30 billboards shall not be placed within 300 feet of residential property. U.S. 67 and State Highway 37, billboards shall not be allowed within 900 feet of residential property.
7. Billboards shall be 100 feet from any other free standing signs.
8. No billboards shall be placed within 1,000 feet of any school, church, hospital, retirement home, cemetery, historic district, government building, nor within 1,500 feet of any park.

#### **SECTION 11. SUBDIVISION AND MULTI-FAMILY DEVELOPMENT SIGNS**

Signs shall not exceed one square foot in area for each eight linear feet of frontage along the street. A minimum sign shall be allowed on each frontage and each sign may have no more than twelve square feet, nor shall they be in the sight triangle at intersections.

#### **SECTION 12. AWNINGS, CANOPIES AND MARQUEE SIGNS**

Shall be in compliance with the applicable provisions in the latest adopted version of the International Building Code.

Awnings and canopies used as signs may not use over 70% of lineal footage. Awnings that are backlit shall be U.L. Approved.

#### **SECTION 13. STRUCTURAL AND FIRE RESISTANCE REQUIREMENTS**

All signs shall be U.L. approved and be in compliance with the applicable sections of the latest adopted version of the International Building Code and Fire Prevention Code. No

double back neon shall be allowed. EXCEPTION: Border neon and hanging neon window signs are allowed with approved electrode covers and no exposed wires.

#### **SECTION 14. LOCATION AND HEIGHT REQUIREMENTS FOR ON PREMISES SIGNS**

Shall be as followed:

1. Freestanding signs shall observe a ten foot setback from the property line to the closest edge of the sign.
2. Freestanding signs shall be no closer than 10' to any high voltage power line (or the minimum required by the power company). They shall be no closer than 3' to any insulated service line (or the minimum required by the power company).
3. No sign attached to a building shall extend more than five feet above any parapet or roof. Building signs shall not exceed 70% of lineal store front. (This includes signs installed to store front, individual letter, lighted or non-lighted, and signs painted directly on building).
4. No sign shall project more than five feet from a building wall, be less than seven feet above the ground level or finished surface, nor extend over public property.
5. The height requirement from ground level or finished surface for freestanding signs shall be 35' maximum height unless special authorization is obtained from the City Council.

NOTE: Signs placed within 1000 feet either side of I-30 are Exempt from the height requirement of this regulation.

NOTE: Signs should abide by the State Highway Department Requirements.

#### **SECTION 15. SIGN ILLUMINATION AND SIGN CONTAINING LIGHTING**

All illuminated signs shall require an electrical permit and shall be U.L. approved and constructed in accordance with the latest adopted version of the National Electric Code, and any other applicable codes and ordinances.

1. Lighting on signs shall be shielded so as not to shine onto a public right-of-way or into a residence.

2. All electrical connections to freestanding signs shall be in conduit and underground.
3. There shall be no lighted signs in residential areas except those associated with vending machines, telephone booths and similar uses. No such sign shall exceed two square feet.
4. All neon installed through inside or outside walls shall be installed with p.k. housings and secondary and primary wiring in conduit. No double back neon will be allowed with the exception of border neon and hanging window signs as explained in Section 13.
5. Lighted individual neon channel letters shall be wired with p.k. housing and all secondary and primary wiring will be in conduit. EXCEPTION: Channel letters installed on a raceway will have all wiring concealed in the raceway and glass housing used for electrodes. No double back neon will be allowed.

#### **SECTION 16. SIGN MAINTENANCE AND REMOVAL**

1. All signs and all components thereof shall be kept in a good state of repair.
2. If a business, service, or other enterprise shall cease activity for a period of over 180 days, any signs at said location shall be deemed to be abandoned, and the sign owner, or lessee, or the property owner, shall remove said sign identifying, or advertising said business, or activity, or any product sold thereby, within 30 days of such abandonment. Removal shall mean to remove the face of the sign, paint over the message of the sign in a neat manner, or to otherwise remove in a satisfactory and safe manner, the advertising or other message contained by said sign.
3. A written notice to alter or remove a sign shall be given by the building official by certified mail, return receipt requested, to the owner, lessee or person responsible for the sign. If such order is not complied with within 10 working days from the receipt of the letter, the building official shall initiate proceedings to have the sign removed at said person's expense.
4. Every new and existing sign of any type may be inspected by the building official or his representative at such intervals as may be required by the building official. Nonconformance shall be corrected in accordance with the provisions of the written notice.

#### **SECTION 17. NON-CONFORMING SIGNS**

Subject to the following restrictions, non-conforming signs that were otherwise lawful at the time of this ordinance may be continued until they are required to be removed under the provisions of this ordinance:

1. No person may increase the extent of nonconformity of a non-conforming sign.
2. A non-conforming sign may not be removed or replaced in any manner except to bring it into complete conformity with this ordinance.
3. Non-conforming signs severely damaged or destroyed by storms or tornadoes may not be replaced.
4. Non-conforming signs damaged by non-storm events may be repaired as long as the cost of the repairs does not exceed 50% of the value of the sign.
5. Signs considered to be non-conforming under the previous ordinance shall still be considered to be non-conforming under the provisions of this ordinance.
6. Existing non-conforming signs may be replaced on the existing site but shall not be any larger in size than the previous sign.
7. All types of portable signs are prohibited, except as provided for herein.

#### **SECTION 18. NOTICE TO ALTER OR REMOVE SIGNS**

Any sign which is erected, installed, located or maintained in violation of this ordinance may be removed by the building official, after proper notification as provided herein:

1. A notice that describes the nature of the violation must be sent by certified mail, return receipt requested.
2. Order the correction of the violation within a specified time period which may not be less than five days from the receipt of the notice, and give notice that the building official may remove and/or impound the unlawful sign at the owner's expense, if the violation is not corrected within the specified time period.
3. If the person or business does not comply with the order within the specified time limit, the building official may in addition to the above, file charges against the person or business in Municipal Court.

#### **SECTION 19. REPEAL OF CONFLICTING ORDINANCES**

All previous ordinances relating to signs not specifically referenced in this ordinance are hereby repealed.



## **SECTION 20.**

The ordinance shall be effective upon passage.

## **SECTION 21. PENALTIES**

Any violation of this ordinance shall be subject to penalties as provided for in the Code of Ordinances, Chapter 1, Section 1-5.


Any person or persons, permit holder, property owner, sign owner, agent, firm or corporation, having the beneficial use of the sign, the owner of the land or structure on which the sign is located, and the persons in charge of erecting the sign are subject to the penalties provided for violations of this article.

By the passage of this ordinance, no presently illegal or non-conforming or use of signs shall be deemed to have been legalized, and no offenses committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time that the existing sign ordinances or regulations were repealed and this ordinance adopted, shall be discharged or affected by such repeal.

## **SECTION 22. SEVERABILITY**

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances, if for any reason is held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this ordinance of its application to other persons or sets of circumstances shall not be affected thereby, it being the intention of the City Council of the City of Mount Vernon, Texas, in adopting, and of the Mayor is approving this ordinance, that no portion hereof or provision or regulation contained herein shall be come inoperative or fail by any other reason of any unconstitutionally or invalidity of any other portion, provision or regulation.

Passed, ADOPTED AND APPROVED this the 10<sup>th</sup> day of July, 2012.

  
Margaret Sears- Mayor

ATTEST:

  
Tina Rose- City Secretary