

ARTICLE 9 - SIGN REGULATIONS

SECTION 9-1. Permitted Use of Signs

- (A) Billboard: An off premise sign on which the message or copy can be changed periodically through manual means.
- (B) Brightness: The maximum luminous intensity of a sign, which shall not exceed 5,000 nits (candelas per square meter) during the daylight hours and 500 nits between dusk and dawn, as measured from the sign's face.
- (C) Candelas: A unit of luminous intensity, defined as the amount of luminous flux (total luminous power emitted from a source and expressed as lumens) per unit solid angle in a given direction.
- (D) Dissolve/Fade: A mode of message transition on an electronic sign accomplished by varying the light intensity or pattern, where the first message gradually reduces intensity or appears to dissipate to the point of not being legible and the subsequent message gradually appears or increases intensity to the point of legibility.
- (E) Electronic Billboard – An off-premise sign on which the message or copy can be electronically changed by remote or automatic means.
- (F) Electronic Message Center (EMC): An on-premise sign on which the message or copy can be electronically changed by remote or automatic means.
- (G) Flashing: A sign containing an intermittent or blinking light source, or which gives the illusion of intermittent or blinking light by means of animation, or an eternally-mounted intermittent light source.
- (H) Glare: an effect created when an illumination source shines with sufficient brightness to cause discomfort, distract attention, or lead to the reduction or loss of visibility or visual function of the public.
- (I) Lumens: The luminous flux emitted per unit solid angle from a uniform point source whose luminous intensity is one candela.
- (J) Nits: A photometric unit defined as cd/m^2 (candelas per square meter).
- (K) Snipe or Bandit sign: A sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, stakes, fences, or other like objects, the advertising matter of which is not

applicable to the present use of the premises on which the sign is located.

(L) Spectacular sign: Any sign that physically rotates, oscillates, contains any moving parts, or contains flashing lights, including lights flashing in sequence.

(M) Transition: A visual effect used on an electronic sign to change from one message to another.

(N) Video display: An electronic sign that displays motion or pictorial imagery, including a display from a “live” source. Video display signs include images or messages with these characteristics projected onto buildings or other objects.

SECTION 9-2. Prohibited Signs

All signs not expressly permitted under this Chapter or exempt from regulation are prohibited in the City. Such signs include, but are not limited to:

(A) Portable signs, inflatable signs, banners, streamers, pennants, and other such temporary signs, except as allowed under Section 9-3(g).

(B) Signs which contain or have attached thereto banners, posters, pennants, ribbons, streamers, balloons, strings or lights, spinners or other similar devices.

(C) Snipe or bandit signs or any advertisement placed on trees, rocks or other natural features.

(D) Off-premise signs in the City limits, except billboards which shall be regulated in conformance with Section 9-5(v), Type E Signs.

(E) Signs which advertise an activity, business, or service no longer conducted on the premises upon which the sign is located. After a period of three months following cessation of the business, activity, or service on the premises, the sign face shall be removed or obscured in accordance with Section 9-12, Maintenance and Removal.

(F) Signs which are located on any public sidewalk, street, alley, or other public property, except as outlined in Section 9-3(a).

(G) Signs or portion of signs which project or extend over any public right-of-way, any public sidewalk, street, alley, or other public property.

(H) Signs which make use of any word, phrase, symbol, character, or illumination, in such manner as to interfere with, mislead, or otherwise constitute a hazard to pedestrian or vehicular traffic.

(I) Signs which resemble official traffic control signs, signals, or devices, which bear words,

“STOP”, “Go Slow”, “Caution”, “Danger”, “Warning”, or similar words.

(J) Signs which contain reflectors or glaring, strobe, or rotating light, beacon, beam or flashing illumination resembling an emergency signal.

(K) Searchlights or any type of beacon used to attract attention to a property. This shall not prohibit the use of a searchlight by authorized personnel for emergency purposes.

(L) Spectacular signs and signs which emit audible sound, odor, or visible matter.

(M) Any sign or advertising device attached to any motor vehicle or trailer or other structure parked on a public right-of-way, on public property, or on private property so as to be visible from a public right-of-way, the basic purpose of which sign or advertising device is to provide advertisement of a product or to direct people to a business or activity located on other property or premises, except as allowed under Section 9-3(G).

(N) Video display signs, except for the use on private property where such sign is not visible from any public right of way.

(O) Any stereopticon or motion picture machine used in conjunction with or attached to any sign in such manner as to permit the images projected there to be visible from any public right-of-way.

SECTION 9-3. Signs Not Requiring Permits

No sign shall be erected or altered at any location within the City or its extra territorial jurisdiction, ETJ, without a permit as set forth in this section, subject to the following exceptions:

(A) Traffic or street signs, legal notices, public utilities, railroad crossing signs, danger and such emergency, temporary or non-advertising signs as approved by the City of Big Spring, may be located in the public right-of-way.

(B) Changes made to existing sign faces, when no increase in sign area or height is made, for signs otherwise allowed under this Chapter; not to include however, changes proposed on a non-conforming sign or modifying any sign to an Electronic Message Center.

(C) Real Estate Signs:

(1) One temporary sign announcing the offering for sale rental of individually platted residential or commercial property on which it is placed shall

(a) be allowed in any district and may be placed in any yard; and

(b) such sign shall not exceed eight (8) square feet in area; and

- (c) shall be removed within one week following the close of sale or lease.
- (2) On non-residential commercial property where there is a business building, a temporary unlighted sign offering all or a portion of the same for sale or rental shall
 - (a) be allowed flat against any wall of the business building; and
 - (b) such sign shall be no taller than the wall; and
 - (c) shall have an area no larger than 100 square feet; and
 - (d) shall be removed within one week following the close of sale or lease.
- (3) On undeveloped property, temporary unlighted signs offering the same for sale shall:
 - (a) be located at least twenty (20) feet behind any curb or ten (10) feet behind any property line, whichever is greater; and
 - (b) shall not exceed fifteen (15) feet in height; and
 - (c) the total area of the sign surface shall not exceed one square foot per lineal foot of the street frontage of the property for sale or 100 square feet on each street fronting property, whichever is smaller.

(D) Political Signs:

- (1) Temporary, unlighted political signs supporting an announced candidate, a party, or an issue shall:
 - (a) be allowed in any district and placed in any yard for a period of thirty (30) days prior to any election; and
 - (b) shall be removed within ten (10) days after the election or run-off election to which the sign pertains or after the termination of candidacy, whichever occurs first
- (2) signs carrying primarily a political message may be located in any district on private real property except as follows:
 - (a) no sign shall be erected without the permission of the owner; and
 - (b) no sign shall have a height of more than eight (8) feet above grade; and

(c) the combined area of all political signs on a property shall not exceed thirty six (36) square feet.

(E) Garage Sale Signs: Temporary, unlighted signs announcing the holding of a sale of household possessions shall:

- (1) be displayed for not more than twelve (12) days in any one year; and
- (2) be allowed in any district; and
- (3) the total sign area shall not exceed four (4) square feet; and
- (4) be posted no longer than two (2) days prior to the first day of sale; and
- (5) be removed within twenty-four (24) hours following the last day of the sale.
- (6) not be placed on public or private property without permission; and
- (7) not be placed on utility poles, in public right-of-ways, or in visibility triangles.

(F) Charity and Civic Event Signs: Temporary signs announcing special events, bazaars, rallies and similar activities of charity, religious, civic and philanthropic associations shall

- (1) be allowed in any district; and
- (2) be posted no sooner than twelve (12) days prior to the first day of the event and be removed within twenty-four (24) hours following the last day of the event, but no such sign shall be allowed to remain for a period in excess of thirty (30) days.

(G) Portable Signs: Temporary signs that are designed to permit removal and reuse, and which includes but is not limited to A-frame and other such signs mounted on a trailer, wheeled carrier, vehicle, or other portable structure; provided:

- 1) the placement of such sign shall be in compliance with Section 9-5 (ii), Type B Signs of this chapter; and
- 2) no such sign shall be placed on public or private property without written consent of the owner or person(s) responsible for said property.

SECTION 9-4. License and Engineering Requirements

(A) Any sign contractor must be licensed and bonded in the City of Big Spring.

(B) Any sign requiring a permit incorporating any electrical lighting or wiring shall be installed, repaired, maintained, and removed by an electrical sign contractor licensed in accordance with Texas Electrical Safety and Licensing Act. A separate electrical permit shall be required for each such sign.

(C) All billboards and pole signs that exceed thirty (30) feet in height shall have the foundation plan prepared by a professional engineer.

SECTION 9-5. Signs Requiring Permits

Upon application to the Inspection Department, permits may be granted for erection and alteration of signs as a matter of right in each district according to the standards set forth for each zoning district and subject to the additional regulations set forth below:

(A) Type A Sign: These are signs attached against building fronts, or parallel to the face of a building or atop a canopy.

(1) No such sign shall extend more than 24 inches from any building surface to which it is attached; and

2) shall not project beyond the corner formed by the front and any other wall; and

(3) no sign shall extend above the highest point of either the roof or the parapet;

(4) Signs atop canopies shall not extend beyond the canopy and shall be parallel to the wall from which the canopy extends

(5) no sign shall occupy more than fifty percent (50%) of the building frontage.

(6) an Electronic Message Center (EMC) used as a Type A sign shall comply with Section 9-8 of this chapter.

(B) Type B Sign: These are signs designed to be used alone or as a supplement to Type A signs, which are allowed, but subject to height and location restrictions in all districts where allowed.

(1) no such sign shall exceed seven feet above ground, except where otherwise allowed; and

- (2) the entire sign shall be located at least fifteen (15) feet behind the property line of any street; and
- (3) the lowest part of the sign shall not be higher than three (3) feet above grade; and
- (4) such signs shall not be located in any visibility triangle; and
- (5) shall not obstruct the view of driveways or parking areas; and
- (6) such signs shall be limited to identification of a building or advertising message.
- (7) the use of an Electronic Message Center (EMC) as a Type B sign is prohibited.

(C) Type C Sign: These are the signs commonly referred to as pole signs and free standing signs and include signs supported by a building and extending towards a street, but excluding other types enumerated specifically in other paragraphs, such as Type D and Type E signs.

- (1) Such signs, where allowed, shall be located no closer to any street than fifteen (15) feet behind the property line
- (2) at least ten (10) feet from any adjacent common private property line
- (3) such signs shall be at least eight (8) feet and no more than thirty (30) feet above ground
- (4) such signs shall be subject to size limitations for the applicable zoning district
- (5) shall only identify the business conducted on the premises, the name of the building or tenant
- (6) only one such sign shall be allowed for each street frontage
- (7) no sign shall be allowed on a lot within forty (40) feet of any other existing Type C sign on such lot.
- (8) The use of an Electronic Message Center (EMC) as a Type C sign shall comply with Section 9-8 of this chapter.

(D) Type D Sign. These signs are used for identification of multiple use occupancies under centralized site management, such as a shopping center.

- (1) such signs shall not exceed thirty-five (35) feet in height above ground;

- (2) shall have no more than two upright standards;
- (3) may be located facing on any street on which the multiple occupancy fronts;
- (4) the total area of such sign shall be twenty (20) square feet per business up to a maximum of six hundred (600) square feet;
- (5) Such signs shall only identify the multiple use occupancy site by name, the businesses therein and may contain a canopy with changeable letters for theater features or other advertising purposes;
- (6) such signs shall be located at least fifteen (15) feet behind any property line;
- (7) at least three hundred (300) feet from any other property used for residential purposes;
- (8) shall be at least fifty (50) feet from any other property.
- (9) the use of an Electronic Message Center (EMC) as a Type D sign shall comply with Section 9-8 of this chapter.

(E) Type E Sign: Type E signs are those signs commonly referred to as billboards or poster boards (including electronic billboards) that are designed to deliver an advertising message, which message may be changed or removed and which may advertise products or services not available upon premises where the sign is located.

(1) Billboards:

(a) Billboards shall be allowed in LC, HC, LI, and HI Districts except for

(1) those areas located along and adjacent to state Hwy 87 from the city limits on the southern border of the city and extending to the northern most edge of Interstate 20; and

(2) those areas within the Central Area District as such district is defined in the City of Big Spring Zoning Ordinance.

(b) Each sign shall contain a weather proof identification plate located no higher than five (5) feet above ground level which shall provide:

(1) the name and address of the party responsible for the placement, maintenance and removal of the sign.

(2) all signs not identified will become the responsibility of the property owner

upon whose property the sign is placed. Said responsibility shall include that of repair, maintenance or removal, as may be necessary.

(c) The entire sign shall be located at least thirty (30) feet behind the property line.

(d) A billboard may be freestanding or located on a building but shall not exceed the height of the building upon which it is mounted or thirty (30) feet above ground. However, a billboard located on property fronting on Interstate Highway 20 may have a maximum height of forty-two and one half feet (42.5).

(e) A proposed location for a three-hundred (300) square feet in area billboard may not be approved:

(1) on the same side of the street and within one-thousand (1000) feet of an existing billboard; or

(2) on the same side of the street and within one-thousand-five-hundred (1500) feet of an electronic billboard.

(f) A proposed location for a billboard larger than three-hundred (300) square feet in area may not be approved which is located:

(1) within one-thousand-five-hundred (1500) feet of any other billboard.

(g) Maximum sign area:

(1) For property with frontage on Interstate 20, the maximum sign area of a billboard shall not be greater than six-hundred-seventy-two (672) square feet.

(2) For any other property within the city limits the maximum sign area allowed for new construction of a billboard shall be three hundred (300) square feet, the width of which shall not exceed fifteen (15) feet.

(h) No portion of a billboard or its supports shall be closer than three hundred (300) feet from the boundary line of a residential property.

(i) No free standing billboard shall be allowed within twenty (20) feet of any building on property under different ownership.

(j) Signs may be unlighted or shield lighted to prevent glare. No external lighting shall be used to illuminate a nonconforming sign.

(2) Electronic Billboards:

(a) Electronic billboards may be located in LC, HC, LI, and HI Districts except for:

(1) those areas located along and adjacent to state Hwy 87 from the city limits on the southern border of the city and extending to the northern most edge of Interstate 20.

Exception: electronic billboards may be used to replace existing billboards within this area so long as the replacement billboards meet all of the requirements of this ordinance except for location within the area and do not cause any other existing sign to violate any provision of this Article 9; and

(2) those areas within the Central Area District as that District is defined in the City of Big Spring Zoning Ordinance.

(b) Each sign shall contain a weather proof identification plate located no higher than five (5) feet above ground level which shall provide:

(1) the name and address of the party responsible for the placement, maintenance and removal of the sign.

(2) all signs not identified will become the responsibility of the property owner upon whose property the sign is placed. Said responsibility shall include that of repair, maintenance or removal, as may be necessary.

(c) The entire sign shall be located at least thirty (30) feet behind the property line;

(d) A billboard may be freestanding or located on a building but shall not exceed the height of the building upon which it is mounted or thirty feet (30) feet above ground. However, a billboard located on property fronting on Interstate Highway 20, may have a maximum height of forty-two and one-half feet (42.5).

(e) A proposed location for a three-hundred (300) square feet in area billboard may not be approved:

(1) on the same side of the street and within one-thousand-five-hundred (1,500) feet of an existing billboard;

(2) on the same side of the street and within one-thousand-five-hundred (1,500) feet of any other electronic billboard;

(f) Maximum sign area:

- (1) For property with frontage on Interstate 20, the maximum sign area of an electronic billboard shall not be greater than six-hundred-seventy-two (672) square feet.
- (2) For any other property within the city limits
 - (A) the maximum sign area allowed for new construction of an electronic billboard shall be three-hundred (300) square feet, the width of which shall not exceed fifteen (15) feet.
 - (B) Any legally conforming billboard may be modified to an electronic billboard so long as it does not exceed three-hundred (300) square feet, the width of which shall not exceed fifteen (15) feet.
- (g) No portion of an electronic billboard or its supports shall be closer than three-hundred (300) feet from the boundary line of a property used for residential purposes.
- (h) No free standing electronic billboard shall be allowed within twenty (20) feet of any building on property under different ownership.
- (i) No external lighting shall be used to illuminate an electronic billboard.
- (j) An electronic billboard shall not:
 - (1) contain, display, or be illuminated by flashing, intermittent, or moving lights;
 - (2) contain or display animated, moving video, or scrolling advertising; or
 - (3) consist of a static image projected upon a stationary object;
- (k) Operational Requirements:
 - (1) An electronic billboard shall display static messages only.
 - (A) The dwell or hold time of each message, defined as the interval between each message change, shall be at least eight (8) seconds.
 - (B) Each message change must be accomplished within two (2) seconds or less and must occur simultaneously on the entire sign surface.
 - (2) The sign shall not be configured to resemble or simulate a warning or danger signal or any official lights or signs used to control traffic.

(3) The sign may not display light of such intensity to cause glare, impair vision, or otherwise result in a nuisance to the public.

(A) the maximum luminous intensity of a sign shall not exceed five-thousand (5,000) nits during daylight hours or five-hundred (500) nits between dusk and dawn, as measured from the sign's surface.

(B) the sign must be equipped with both a dimmer control or other such electronic control and a photocell or other such automatic control, which will produce the required illumination change according to natural ambient conditions.

(4) The sign shall contain a default mechanism that will freeze the sign in one position if a malfunction occurs.

(F) Type F Sign: These signs are used for identification of a new project such as a subdivision, where property is being sold for the first time to a user; new buildings, public projects and the like. These signs are not permanent but may be required for a longer period of time than most temporary signs.

(1) such signs may be located on any property within the same zoning district or zoning district allowing the project being advertised; provided, however, if the project is located on a street with more than two marked traffic lanes such signs shall be located only on the property where the project is located; and

(2) in no event shall there be more than one on-site and one off-site Type F sign for a project; and

(3) such signs shall be removed

(a) at the end of three (3) years, or

(b) completion of the project; or

(c) occupancy of seventy-five (75) percent of the project, whichever comes first; and

(4) shall not exceed twenty (20) feet in height; and

(5) shall be located at least twenty (20) feet behind the curb of any street; and

(6) out of any visibility triangle; and

(7) not within any parking area; and

(8) any off-site Type F sign shall not exceed one hundred fifty (150) square feet in area and shall not exceed the total area of all other types of signs allowed.

SECTION 9-6. Sign Area Management

Because signs displayed apart from a building are deemed to have greater impact than those consisting of symbols attached to a building, a different method of measurement is provided for different types and combinations of signs.

(A) Type A and B signs, when used alone or in combination with each other:

(1) If the sign consists of letters painted on or attached to a building surface or a Type B sign surface without a background distinguished by color or internal lighting or enclosed in some form of painted or designed frame, the allowable sign for Type A or Type B signs shall be the sum of the area of the rectangles necessary to enclose each feature, symbol, letter, and number displayed on all exposed sign message surfaces of the sign.

(2) If the sign lettering is enclosed in a painted or designed frame, or is in an area distinguished from the surface on which it is mounted by color, or if the sign is internally lighted, then the entire area so lighted, colored, or framed shall be deemed to be in the area of the sign.

One exposed sign message surface shall be considered in determining sign area.

(B) Type A signs, when used in conjunction with Type C, D, or E signs: the allowable sign for Type A signs when used with Type C, D, or E signs shall be the area of exposure of one (1) sign message surfaces.

If such sign consists of letters attached to a building, such sign message shall be deemed to have a surface area equal to the smallest square, rectangle or circle which will encompass all symbols, letters and numbers comprising the sign.

(C) Type C, D and F signs the allowable sign area for Type C, D, E and F signs shall be the combined area of exposure on one (1) sign message surface.

Supports shall not be measured, except for Type B signs, where they shall be so measured.

(D) For all types of signs, allowable sign area based on building or property frontages shall apply only to each respective street frontage and sign area for all street frontages shall not be combined along one street frontage.

(E) Signs within PD, Planned Development Districts, shall conform to the regulations

- (1) of the base district; or
- (2) in which the permit is granted; or
- (3) which is combined therewith; unless
- (4) a site plan further restricts the signs.

No sign will be allowed in a district which requires a site plan unless the site plan shows such sign.

SECTION 9-7. Frontage on More Than One Street

(A) If a use has street frontage on a corner, street frontage for the purpose of calculation of sign area shall be either:

- (1) In the case of a sign erected on a building, the frontage of the building on the street which the sign faces;
- (2) In the case of a free standing sign, more than three hundred (300) feet from an intersection of any public street, the frontage of the street closest to the sign, or if equidistant from two or more streets, the longest of such frontage; or
- (3) In the case of a free standing sign, less than three hundred (300) feet from an intersection, the frontage of the street which the largest business building on such lot faces.

(B) If a use has street frontage on more than one street, but not on a corner, such business shall be entitled to signs by formula on each street. Table 9-1 depicts the type, size and other restrictions of signs generally allowed within each zoning districts, except as may be otherwise provided for a particular use by the section governing a particular zoning district or by this Section; and also except as may be otherwise limited by this zoning ordinance.

In case of conflicting provisions, the more restrictive will apply.

SECTION 9-8. Electronic Message Centers

In addition to all permit requirements and other regulations contained in this Chapter, the following regulations shall be applicable to all Electronic Message Center, EMC, signs.

Use of an electronic message center (EMC) sign.

(A) Operational limitations.

(1) The display of a static message or image and the use of scroll/travel to display a message or image shall be permitted.

(2) The use of any other type of sign transition, such as dissolve/fade, and the use of frame effects, such as animation whereby text graphics appear to move or change in size, shall be prohibited except in accordance with the following:

(a) each message or image must be displayed for a minimum of three seconds; and

(b) the change of message or image must be accomplished within two seconds or less and must occur simultaneously on the entire sign face.

(B) Size limitations. In all cases, the use of an electronic message center (EMC) shall count toward the total area of signs allowed on a property.

(1) In the A—MF Districts, a sign permit may be issued for property by a conforming, non-residential use in accordance with the following:

(a) An EMC shall not exceed twenty-four (24) square feet in area;

(b) The EMC may be a single-face or back-to-back sign. The use of a double-faced EMC (side-by-side or stacked) is prohibited.

(c) The maximum height of a freestanding EMC shall be fifteen (15) feet.

(d) For an EMC mounted on a pole, a clearance of not less than seven (7) feet from the bottom of the EMC shall be required.

(2) In the O, Office and less restrictive zoning districts, excluding PD zones:

(a) The area of an EMC shall be limited to fifteen (15%) percent of the total area of signs permitted for the property or 42 square feet, whichever is less.

(b) The maximum height of a freestanding EMC shall be twenty (20) feet.

(c) For an EMC mounted on a pole, a clearance of not less than nine (9) feet from the bottom of the sign shall be required.

(3) For a property which (a) has street frontage on Business 20, US Hwy 87 and FM 700, and is located in the R, Retail or less restrictive districts, the following shall apply:

(a) The area of an EMC shall be limited to twenty (20%) percent of the total signs allowed for the property or seventy-five (75) square feet, whichever is less.

(b) The maximum height of a freestanding EMC shall be thirty (30) feet.

(c) For an EMC mounted on a pole, a clearance of not less than nine (9) feet from the bottom of the sign shall be required.

(4) For property which (a) has street frontage on Interstate Highway 20 and (b) is located in R, Retail and less restrictive zoning district, the following will apply:

(a) The area of an EMC shall be limited to twenty (20%) percent of the total signs allowed for the property or seventy-five (75) square feet, whichever is less.

(b) The maximum height of a freestanding EMC shall be forty (40) feet.

(c) For an EMC mounted on a pole, a clearance of not less than nine (9) feet from the bottom of the sign shall be required.

(C) Illumination.

Light from any exterior source intended to illuminate a sign:

(1) shall be shaded, shielded, or directed in such a way so that the light intensity or brightness shall not adversely affect the vision of pedestrian or vehicle operators on public or private streets, driveways, or parking areas; and

(2) shall not interfere with the effectiveness of any official traffic sign, signal, or device; and

(3) shall not contain flashing lights; and

(4) shall not exceed 5,000 nits during daylight hours or 500 nits between dusk and dawn, as measured from the sign's surface.

(5) shall have an electronic control to produce the required illumination changes defined above.

SECTION 9-9. Symbols

Symbols which are designed as integral part of the building structure, and symbols and signs which are not visible or readable from the public street shall not be limited by the sign regulations of the zoning district.

SECTION 9-10. Traffic Control Conflicts

No sign or lighting permitted under these regulations shall be erected, placed or allowed to remain whereby such sign creates confusion, impairs hearing or vision, or otherwise distracts the automotive driver using any public right-of-way. Specifically prohibited are:

- (A) High intensity bare bulb lighting or any lighting which creates a glare or any sign so placed as to make traffic signs or signals unreadable at the normal viewing range by a driver on the public street;
- (B) Signs duplicated colors, characteristics or symbols of traffic signs or signals, or signs which cause confusion in reading such traffic signs or signal at normal viewing range;
- (C) Signs or equipment which produces noises simulating sirens, bells, or whistles which may be confused with the warning devices of emergency vehicles traveling on public streets;
- (D) This section shall exclude public service signs.

SECTION 9-11. Residential Area Nuisance

No sign or lighting permitted under these regulations shall be authorized whereby such sign or lighting by reason of placement, lack of shielding, noise generation or character of operation would be adverse to the normal sensibilities of a person residing on adjacent property or would interfere with the reasonable use, enjoyment or right of privacy on their property. Specifically:

- (A) the source of lighting shall not be directly visible from the adjacent residential property and light shall be shielded to prevent such exposure;
- (B) the noise level of signs and lighting fixtures, when measured within the adjacent dwelling unit, shall not be greater than the noise levels of equipment customarily in operation in the home including the air conditioning and kitchen refrigerators.

SECTION 9-12. Maintenance and Notice of Removal

- (A) All signs for which a permit is required, together with all supports, braces, guys and anchors shall be kept in repair. The Enforcement Officer may order the removal of any sign not in

accordance with this section, including, but not limited to:

(1) signs that are dilapidated or in deteriorated condition; any sign where:

(a) the message or wording can no longer be clearly read; or

(b) the structural supports or frame members are visibly bent, broken, dented, or torn; or

(c) the sign face is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition; or

(d) the sign or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support); or

(e) the sign or its elements are not in compliance with the requirements of the current electrical code and/or the building code of the city.

(2) signs no longer used; such signs shall be:

(a) removed;

(b) obscured by means of:

(1) paint which is neutral in color; or

(2) securely covered as not to tear or be compromised by weather conditions.

(3) For any sign so designated as dilapidated, deteriorated, or otherwise unsafe, written notice shall be given to remove the sign or bring the sign into compliance with this chapter, as follows:

(a) any written notice to alter or to remove a sign shall be given by the building official, or his designee, by certified mail, return receipt requested, or written notice served personally upon the owner, lessee, or person responsible for the sign, or the owner's agent.

(b) if such order is not complied with within 15 working days after the written notice is sent, the building official may initiate proceedings to revoke the permit and remove the sign at the expense of the owner, lessee, or person responsible for such sign.

(B) Such removal shall be accomplished at the expense of the owner or person in charge of the sign and/or premises. Failure to comply with such order shall constitute a misdemeanor.

SECTION 9-13. Enforcement

It is unlawful for any person to violate, or cause to allow any other person under his or her control or authority to violate, any provision or requirement of these zoning regulations. The violation of any of these zoning regulations is unlawful and may be punished by a fine not to exceed two-thousand (\$2,000) dollars for each offense. Each day a violation occurs is a separate offense.

SECTION 9-14. Enforcement

All signs in existence on and in compliance with the zoning regulations as of June 12, 2001, shall be exempt from the provisions of Article 9; provided, however, that all alterations to such existing signs be made in accordance with, and are subject to, the provision herein contained. Any non-conforming sign which is damaged or is deteriorated to a point where its restoration costs exceeds fifty percent (50%) of its replacement value shall be removed.

TABLE 9.1 PERMITTED USE OF SIGNS

<u>ZONE</u>	<u>TYPE A Building Sign</u>	<u>TYPE B Ground Sign</u>	<u>TYPE C Pole Sign</u>	<u>SPECIAL PROVISIONS</u>	<u>LIMITATION OF SIGNS</u>
SF-1	Not Allowed	Not Allowed	Not Allowed	Churches, colleges, public buildings and institutions/educational uses allowed Type A and B signs with a maximum area of 50 sq. ft. and Type B signs shall not exceed 7 feet in height for such	50 sq. ft.
SF-2					

SF-3 2F GR MF	80 sq. ft. area maximum	50 sq. ft. maximum area. Height maximum: 7 feet to highest point of sign support	Not Allowed	Churches, colleges, public buildings and institutions/educational uses allowed Type A and B signs with max. area of 50 sq. ft. & Type B signs shall not exceed 10 feet in height for such uses	120 sq. ft.
O NS	2 sq. ft. area per lineal foot of building to 100 sq. ft.	50 sq. ft maximum area; height frontage maximum: 7 feet to highest point of sign or support; max. width: 8 feet including support; max. area 50 sq. ft. or 10 sq. ft. per occupant, whichever is greater	Not Allowed	Churches, colleges, public buildings and institutions/educational uses allowed Type B signs with a maximum area of 50 sq. ft. with no maximum width. Same restrictions otherwise.	180 sq. ft.
R CA LC	2 sq. ft area per lineal foot of building to 200 sq. ft (Type A sign measurement changes where used with type C or D signs	Maximum height: 10 feet from frontage up grade to highest point of sign or support. Max. area: 1 sq. ft. per lineal ft. of street frontage up to 50 sq. ft.	Maximum total area: 1.5 sq. ft. per lineal foot of street frontage up to 200 sq. ft.	Type D signs permitted. Type B signs for churches, colleges, universities, schools and public buildings may be up to 10 feet high. Filling	150 sq. ft. exclusive of Type D and E. Double the maximum sign area allowed subject to sign type. Type E allowed in CI and LC.

				stations, motels, and eating establishments with frontage on FM 700 to Interstate 20 or any access road of such freeways shall be permitted.	
HC LI	2 sq. ft. area per lineal foot of building to 150 sq. ft.	Maximum height: 10 feet from frontage up grade to highest point of sign or support. Maximum width: 8 ft. including supports. Maximum area: 50 sq. ft.	Maximum total area: 2 sq. ft. per lineal foot of street frontage to 150 sq. ft.	Type D signs permitted. Type E signs permitted with maximum area of 150 sq. ft. regardless of street frontage. Maximum area for Type B signs for churches, public buildings, and institutions /educational uses: 50 sq. ft. with no maximum width.	

SECTION 9-14 through 9-16. Reserved.