

ORDINANCE NO. 97

AN ORDINANCE OF THE CITY OF TUSCOLA, TEXAS REGULATING SIGNS WITHIN THE CITY; PROVIDING A PENALTY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tuscola (the "City") is a Type A general law municipality with the power to adopt an ordinance necessary for the government, interest, welfare, or good order of the City pursuant to Section 51.012 of the Texas Local Government Code;

WHEREAS, the City may regulate signs within its corporate limits and extraterritorial jurisdiction pursuant to Chapter 216 of the Texas Local Government Code; and

WHEREAS, the City Council of the City (the "City Council") finds that adopting regulations governing signs within the City limits would aid in the orderly development of the City and would be in the best interest of the health, safety, and welfare of the citizens of the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUSCOLA, TEXAS THAT:

I. Enactment. The following provisions are hereby enacted as the "Sign Ordinance" of the City of Tuscola, Texas.

(A) **General Intent and Purpose.** The purpose of this Ordinance is to provide uniform sign regulations for the City. Its provisions shall be held to be the minimum requirements in the installation, erection, location, alteration, replacement, improvement, and maintenance of all signs. It is further intended to encourage signs which are well designed; which preserve locally recognized values of community appearance; which protect public investment in and the character of public thoroughfares; which aid in the attraction of shoppers and other visitors who are important to the economy of the City; which reduce hazards to motorists and pedestrians traveling on the public roadways; and thereby to promote the public health, safety, and welfare.

(B) **Definitions.**

(1) "Electronic Message Sign" means a sign whose informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments, including LED (light emitting diode) signs, television screens, plasma screens, video boards, or other digital signs.

(2) "On-premise Sign" means a freestanding sign identifying or advertising a business, person, or activity, and 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, or activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

(4) "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.

(C) Enforcement. The provisions of this Ordinance shall be administered and enforced by the City Code Official and such representatives as he/she may designate. All other officers or employees of the City shall assist and cooperate with the City Code Official in administering and enforcing the provisions of this Ordinance.

(D) Penalty. Any person convicted of violating any provision of this Ordinance shall be guilty of a Class C misdemeanor and shall be subject to a fine of not more than \$500.00. Each day of such violation shall constitute a separate offense.

(E) Permits.

(1) Permit Required. No person shall erect, reconstruct, alter, relocate, or place any Sign within the City unless that person has obtained a permit from the City. A separate permit shall be required for a Sign for each business entity, and a separate permit shall be required for each group of Signs on a single supporting structure.

(2) Fees Required. A person obtaining a sign permit from the City shall pay to the City a permit application fee of \$250.00.

(3) Fees Doubled. The permit application fee shall be doubled when the installation or alteration of a Sign is commenced or completed before the necessary permit is obtained.

(4) Application. Application for a sign permit shall be made in writing by the party installing or constructing the sign upon forms furnished by the City. Such application shall contain the following:

- (a) One set of plans;
- (b) A description of the proposed sign;
- (c) All existing buildings on the property;
- (d) The location by street and number of the proposed sign structure;
- (e) The distance from the curb to the sign;
- (f) Size and height of the sign;
- (g) Whether the sign is an electronic sign and, if so, the application must include the certification required by Section (I)(5)(d) of this Ordinance;
- (h) The name, address, and telephone number of the property owner; and

(i) The name, address, and telephone number of the registered sign contractor or erector.

(5) Expiration. Any permit issued by the City under this Ordinance shall expire by limitation and become null and void if the work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit.

(F) Exempt Signs. The following signs and actions shall be exempt from the permitting requirements of this Ordinance:

(1) Seasonal decorations.

(2) Signs erected by the City, State, or Federal governments for the purpose of public instruction, street or highway designation, traffic control, and/or similar uses incidental to the public interest.

(3) The changing of advertising copy or message on a painted sign, including theater marquee signs and similar signs specifically designed for the use of replaceable copy, change of face panel, or where the sign frame was designed for replaceable plates.

(4) U.S., Texas, or patriotic flags.

(5) Painting, repainting, or cleaning of an advertising structure or message thereon for which no structural changes are required.

(6) Signs that are permitted by the City Council for special events, outside sales, or storage of merchandise.

(7) Searchlights, "A" frame signs, twirling signs, balloons or other gas-filled objects which are displayed for not more than seventy-two (72) continuous hours within a thirty (30) day period.

(8) Any sign designated by official action of the City Council having special historic or architectural significance.

(9) Temporary signs, such as banners, real estate/leasing signs, political signs, garage sale signs, and decorative pennants.

(G) Prohibited Signs. The following signs are prohibited:

(1) Wheeled signs.

(2) Off-premise signs.

(3) All signs in public street rights-of-way, public easements, alleys, or upon any utility pole, except those signs that are exempt pursuant to Section (F) of this Ordinance.

- (4) Signs that contain flashing lights that resemble emergency lights, strobe lights, or any light(s) which may resemble a governmental emergency beacon or traffic-control device.
- (5) Neon signs on the exterior of any building used for business or commercial purposes.
- (6) Signs which use supports such as trees, rocks, bridges, fences, windmill towers, or dilapidated buildings.
- (7) Signs or sign structures or supports that project over any property line, except that a sign placed flat against the wall of a building which is on the property line, may project eighteen inches (18") over the property line.
- (8) Sidewalk signs or curb signs.
- (9) Any signs which resemble an official traffic sign or signal.
- (11) Any sign which emits sound, odor, or visible matter, which serves as a distraction to persons with the public right-of-way.
- (12) Signs which contain statements, words, or pictures of an obscene, indecent, or immoral character that would offend public morals or decency.
- (13) Signs placed on the side or rear of any building or property when such sign faces upon a contiguous residential area.

(H) Sign Size, Numbers, and Placement.

(1) Measurement.

(a) Detached Signs. The sign area for a detached on-premise sign shall be the area included within vertical and horizontal line projection of any logo, letters, or other symbols intended to be read together, composed of the total area of the message and any border, trim, or surface upon which the message is displayed.

(b) Attached Signs. The sign area for an attached on-premise sign shall be the area included within the vertical and horizontal line projection of any logo, letters, or other symbols intended to be read together, composed of the total area of the message and any border, trim, or surface upon which the message is displayed.

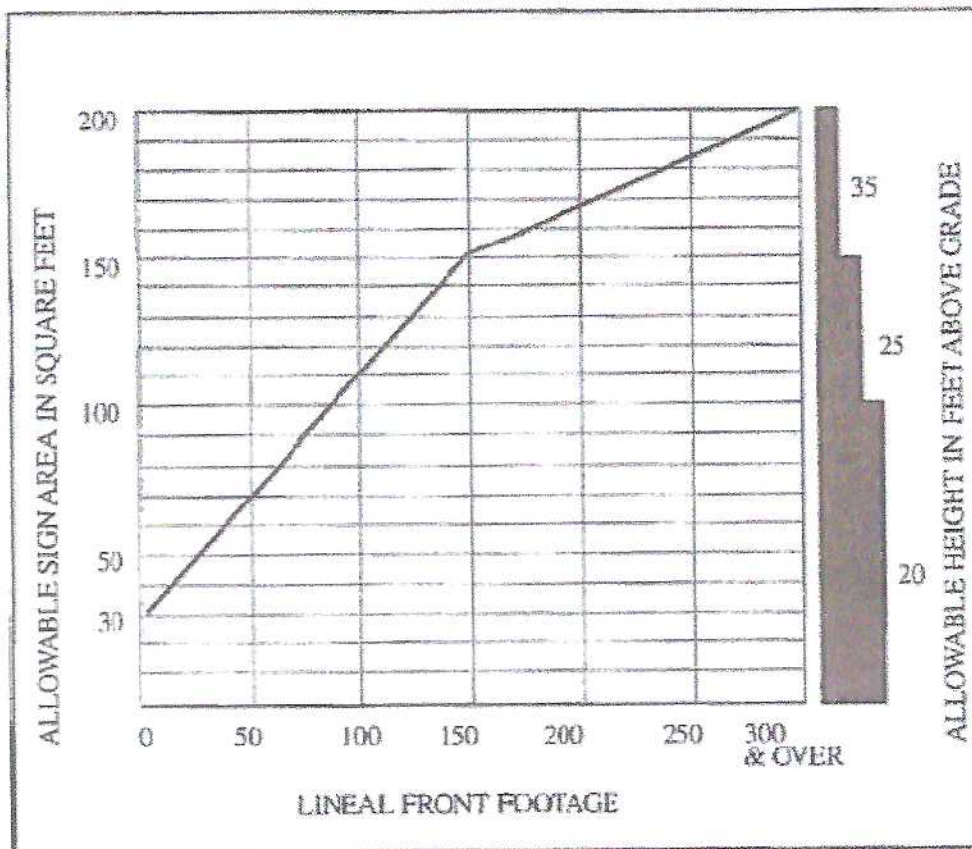
(2) Chart. The size of signs shall be as follows:

Types of Signs	Permit	Maximum Area	Maximum Height	Number of Signs	Setback
PERMANENT SIGNS					

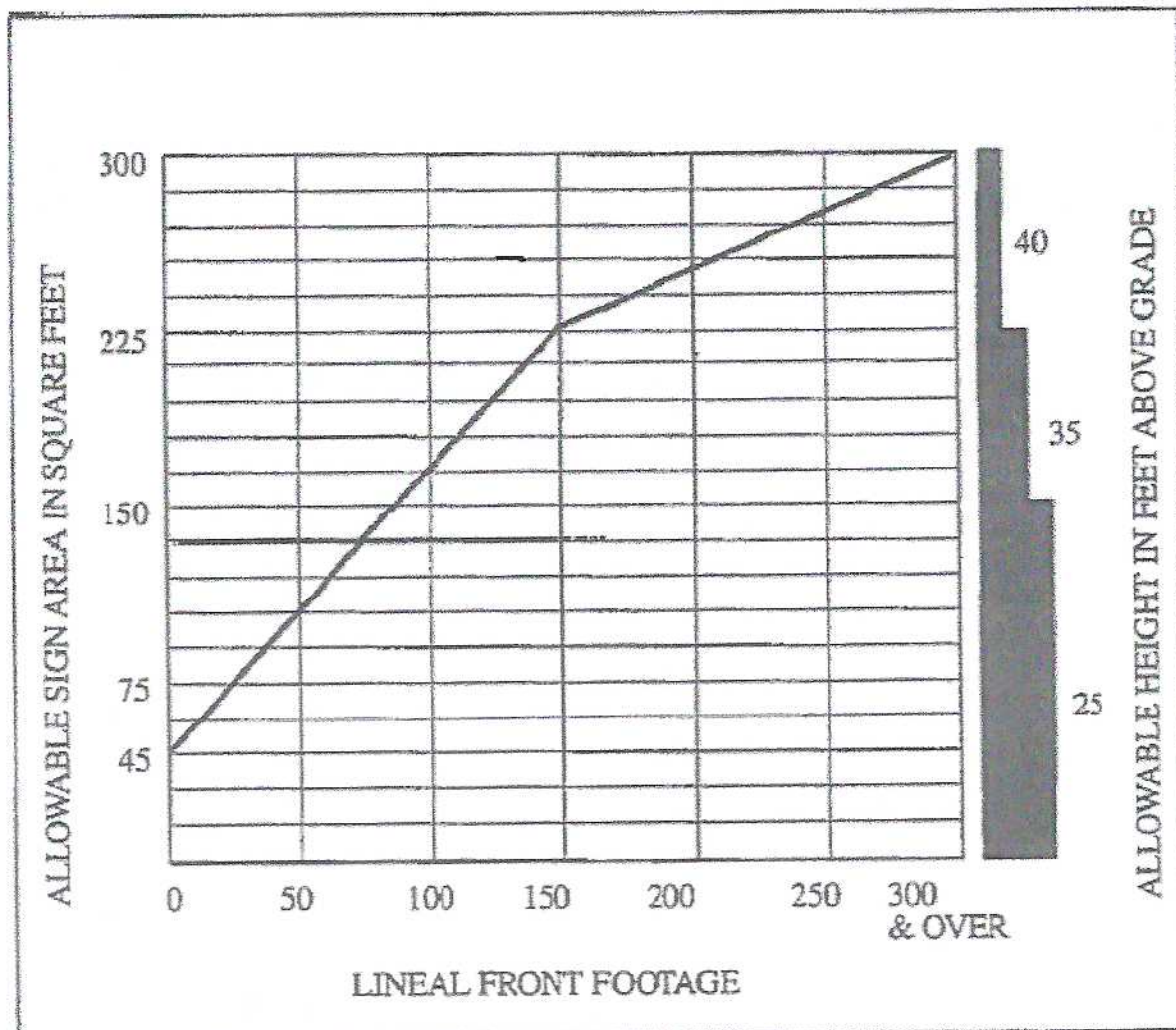
Pole Signs					
Commercial Pole Signs	Yes	See tables (H)(3), (H)(4), and (H)(5).	See tables (H)(3), (H)(4), and (H)(5)	1 per street frontage	15 feet from curb or edge of public street
Monument Pole Signs	Yes	0.40 sq. ft. per front linear ft. of lot	30 feet	1 per street frontage	10 feet from property line
Monument Signs	Yes	18 sq. ft.	3 feet	1 per lot	15 feet from curb or edge of public street
Wall Signs					
Wall sign without Pole Sign	Yes	15% of wall	3 feet above building roof	15% per wall	N/A
Wall sign with Pole Sign	Yes	10% of wall	3 feet above building roof	10% of wall	N/A
Residential Wall Sign	Yes	1 sq. ft.	N/A	N/A	N/A
Secondary Signs					
Directional Signs	Yes	3 sq. ft.	2.5 feet	Two	Property line
Reader Board	Yes	10 sq. ft.	N/A	Two	N/A
TEMPORARY SIGNS					
Banners	No	N/A	N/A	Top of roof or eave	N/A
Political Signs	No	N/A	N/A	N/A	State requirements
Real Estate and Leasing Signs (Commercial)	No	32 sq. ft.	10 feet	1 per street frontage	15 ft. from curb or edge of public street
Real Estate and Leasing Signs (Residential)	No	10 sq. ft.	4 feet	1 per lot	15 ft. from curb or edge of public street

Flags	No	N/A	N/A	N/A	N/A
Garage sale signs	No	2 sq. ft.	N/A	N/A	N/A
Decorative Pennants	No	N/A	Top of roof or eave	N/A	N/A

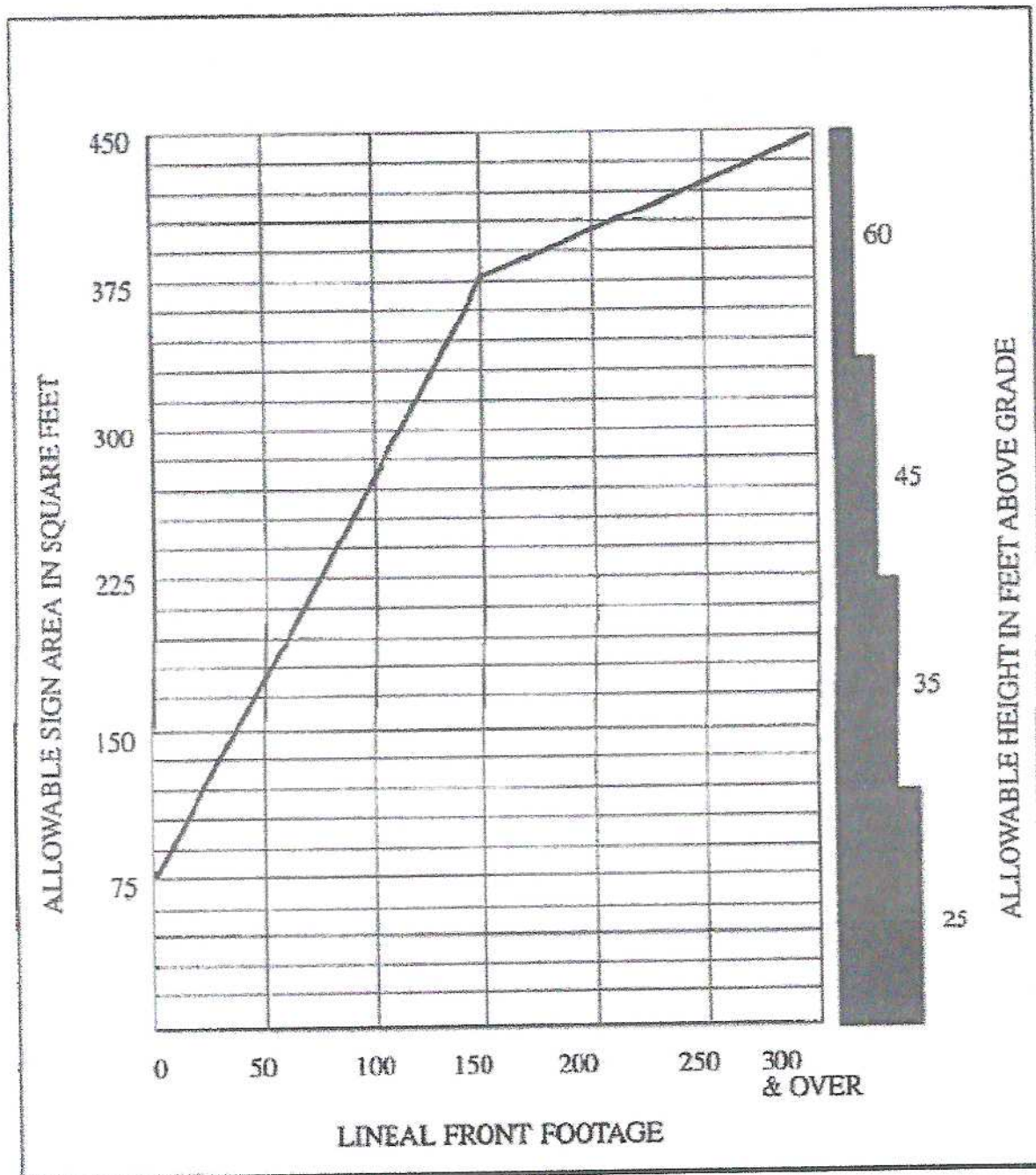
(3) On-Premise Free-Standing Signs in Low Speed Areas. The size of on premise-signs in areas with vehicular speed limits under 35 miles per hour shall be governed as follows:



- (4) On-Premise Free-Standing Signs in Moderate Speed Areas. The size of on premise-signs in areas with vehicular speed limits between 35 and 55 miles per hour shall be governed as follows:



(5) On-Premise Free-Standing Signs in High Speed Areas. The size of on premise-signs in areas with vehicular speed limits greater than 55 miles per hour shall be governed as follows:



(I) Electronic Message Signs. In addition to the other requirements of this Ordinance, electronic message signs shall adhere to the following requirements:

(1) Prohibited Location. Electronic Message Signs shall not be placed in a school zone.

(2) Measurement of Signs. Electronic message signs may be up to 32 square feet in area per side or a maximum of 64 square feet, if double-sided.

(3) Operational Limitations.

(a) Such signs shall not have any images that resemble traffic signs or signals that may confuse the public. These signs shall also have no lights that resemble or can be confused for lights similar to those found on emergency vehicles, nor have lighting or varying intensity for lighting which can be a hazard to health and safety.

(b) Minimum Display Time. Each message on the sign must be displayed for a minimum of eight (8) seconds.

(c) Transition. The transition from one sign message to another must occur within two (2) seconds and may not include flashing or appearance of motion, with the exception of a fade out or in, dissolve, or scroll that must be accomplished within the transition period.

(4) Sign Face Limitations.

(a) Each sign structure is limited to not more than two (2) sides with one sign face per side.

(b) The entire sign face must comply with the operational limitations defined above. A sign face may not be apportioned into separate areas each acting as a separate sign face under these restrictions.

(5) Brightness.

(a) All electronic message signs shall be equipped with light sensing devices or a scheduled dimmer timer that will automatically dim the intensity of the light emitted by the sign during the ambient low-light conditions and at night so that the sign does not exceed the maximum brightness levels allowed in this section.

(b) Maximum brightness shall not exceed seven thousand (7,000) nits when measured from the sign's face at its maximum brightness during daylight hours and shall not exceed one thousand (1,000) nits when measured from the sign's face at its maximum brightness at night.

(c) If such sign is located within five hundred (500) feet of a residential property, the sign must be oriented such that no portion of the electronic sign face is visible from the residential property or the brightness is reduced to no more than two hundred fifty (250) nits at night.

(d) Prior to the issuance of a permit for an electronic message sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above.

(6) The City may order an electronic message sign's brightness reduced, its minimum display time increased, or other operational characteristics altered if the City code official or his or her designee finds that it interferes with, or poses a traffic safety hazard to, the operation of vehicles. The City may not require an alteration of a sign that would make the sign ineffective for its intended purpose, such as by substantially impairing visibility of the sign.

(7) All electronic message signs shall be turned off or display a blank screen when malfunctioning.

II. Repealing Provision. The City Council declares that any prior ordinance or any prior ordinance provision is hereby repealed to the extent that such ordinance or ordinance provision conflicts or contradicts the amendments and provisions enacted herein.

III. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstances for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, or ineffectiveness or such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

IV. Effective Date. This Ordinance shall take effect after adoption and publication as required by law.

PASSED, APPROVED and ADOPTED this the 13th day of September, 2021.