

ORDINANCE 95-9

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS AND DEFINING REQUIREMENTS FOR SIGNAGE IN THE CITY OF COMMERCE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

WHEREAS, after careful consideration, the City Council of the City of Commerce deems it in the best interest and general welfare of the City that the following proposed Sign Ordinance be adopted as a part of the City of Commerce Code of Ordinances:

SIGN REGULATIONS

Purpose:

In general, the objectives of the standards are to promote the health, safety, welfare, convenience, communication, and the landscape quality of the public. It shall further be the purpose of this Ordinance to achieve the following:

A. Safety:

To promote the safety of persons and property by providing that:

1. No hazard is created due to collapse, fire, collision, decay or abandonment;
2. No obstruction is created to fire fighting and police surveillance; and
3. No traffic hazard is created by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

B. Communications:

To promote the efficient transfer of information in sign messages by providing that:

1. Businesses and services may identify themselves;
2. Customers and other persons may locate a business or service; and
3. Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

C. Landscape Quality and Preservation:

To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that signs:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using the public right-of-way;
3. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;
4. Are not detrimental to land or property value; and
5. Contribute to the special character of particular areas or districts within the City, helping the observer to understand the City and orient himself within it.

General Provisions:

All signs erected or maintained pursuant to the provisions of the Ordinance shall be erected and maintained in compliance with all applicable federal, state, and local laws or regulations, and with the building code, electrical code, and other applicable ordinances of the City. In the event of conflict between this Ordinance and other laws, the most restrictive standard applies.

Permits, Fees, and Procedures:

A. Permit Required:

It shall be unlawful for any person to erect, replace, alter dimension, or size or relocate any sign without first obtaining a sign permit to ensure that setback and height requirements as outlined in the Zoning Ordinance and sign regulations are met. A permit is not required to repaint, change copy, or resurface an existing sign. All permitted work must be completed within one hundred eighty (180) days from the time of application, or the permit becomes void.

B. Permit Fees:

The fee for permits shall be \$25.00 per sign; for two or more sign permits obtained at the same time, the fee is \$12.50 per sign for each additional sign.

C. Engineer Certification:

All signs require scaled drawings showing a site plan location and design of the sign. Projection, wall, and temporary signs not over six (6) square feet in area, constructed of metal or other noncombustible material attached securely to a building or structure and not projecting more than twenty-four (24) inches beyond the building, wall structure, building line, or property line shall not require civil engineer certification as to their structural soundness. For all other signs, a design and stress diagram or plan, containing the necessary information, shall be submitted to the Code Enforcement Officer to enable him to determine that such sign complies with all the applicable codes and regulations. Wind Pressure and Dead Loads shall be shown where deemed appropriate, and the Code Enforcement Officer may require structural drawings which are designed by and sealed by a civil engineer released by the State of Texas when it cannot be determined that the sign will be structurally sound.

D. Regulating Signs:

A sign permit will be required before an owner permit constructs, or significantly alters, a sign. This process ensures that the regulations of the sign ordinance and safety considerations are being followed. Depending on the type of sign, structural, and electrical calculations will be verified by the Building Department before the permit is issued. Subsequent inspections will be made to ensure sign codes will be met.

E. Signs Requiring Permits:

Signs which require a sign permit include:

- Freestanding signs,
- Wall signs,
- Roof signs,
- Canopy and awning signs,
- Projecting signs, and
- Suspended signs.

Signs which would not require a permit include:

Real estate, finance, and construction signs,
Directional traffic control signs,
Political signs, and
Home occupation signs.

F. Abandoned, Damaged, or Unsafe Signs:

Abandoned signs should be removed within 60-90 days from the date of abandonment. All damaged or unsafe signs must be removed or repaired within 60 days.

Maintenance / Removal of Unsafe and Unlawful Signs:

A. Maintenance:

All signs and their supports, braces, guys, and anchors shall be kept in repair and, if not galvanized or noncorroding metal, shall be thoroughly painted at least once every two (2) years. The Code Enforcement Officer may order the removal of any sign that is not maintained in accordance with the provisions of applicable codes. Such removal shall be at the expense of the owner or lessee.

B. Unsafe Signs:

The owner or the person or firm maintaining a sign which is insecure or in danger of falling or otherwise unsafe, as determined by the Code Enforcement Officer, shall receive written notice from the Code Enforcement Officer to remove such sign or to secure it in a manner to be approved by the Code Enforcement Officer to conform to applicable codes. If this order is not complied with within ten (10) days or immediately in the case of immediate danger, the Code Enforcement Officer shall remove such sign at the expense of the owner or lessee.

C. Unlawful Signs:

The owner or lessee of any sign installed, erected or constructed in violation of applicable codes or regulations shall be notified by the Code Enforcement Officer by registered mail or serving written notice personally to alter such sign to comply with applicable codes or regulations, to secure the necessary permit or to remove the sign. If such order is not complied with within ten (10) days, the Code Enforcement Officer shall remove such sign at the expense of the owner or lessee. Any abandoned sign or abandoned supporting structure not removed by the owner or lessee shall be considered an unlawful sign.

Nonconforming / Political / Prohibited Signs:

A. Nonconforming Signs:

Signs lawfully existing upon any premise before the effective date of this Ordinance, in accordance with the provisions of any prior ordinance, shall be allowed to remain on that premise as a nonconforming sign if continuously maintained in accordance with the provisions of the Ordinance.

1. Nonconforming portable signs shall not be moved to another premise or location and if removed from any premise for any reason, portable signs shall not be allowed to be placed back on that premise.
2. All lawful nonconforming portable signs shall at all times be securely anchored so as to prevent overturning or unsafe movement, the sufficiency of such anchorage to be determined by the Code Enforcement Officer.
3. Any nonconforming sign, including its supporting structure, which is destroyed, damaged, dilapidated, deteriorated, or abandoned shall not be replaced, repaired, or renovated (in whole or in part) if such replacement, repair, or renovation would require an expenditure of monies in excess of sixty (60) percent of the cost of a new sign, including

its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated, deteriorated, or abandoned.

4. No person shall repair, renovate, or alter a nonconforming sign without first receiving a sign permit.

B. Political Signs:

All political signs shall be erected no sooner than ninety (90) days prior to any primary or general election and shall be removed ten (10) days after the general or run-off election to which a sign may pertain or after the termination of a candidacy, whichever comes first. Political signs shall not exceed six (6) square feet in residential areas. Public property, utility poles, public buildings, or public right-of-ways shall not be used for political signs. These signs shall meet all state law requirements.

C. Prohibited Signs:

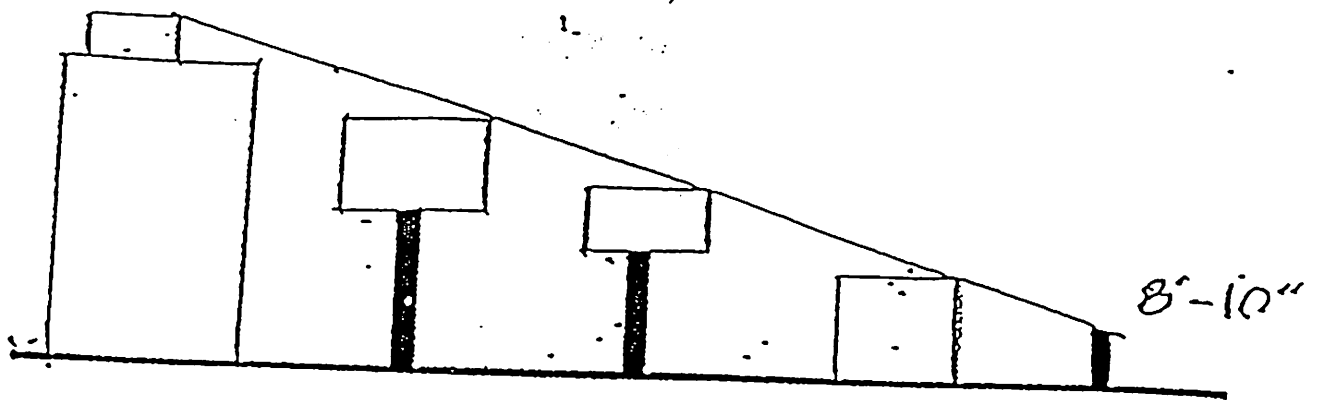
1. Signs illuminated of such intensity or manner as to constitute hazards or nuisances. Flashing, intermittently lighted, changing color, beacons, or similarly constructed signs are prohibited. Excluded are time and temperature or public interest electronic message signs which otherwise conform to sign regulations.
2. Signs which by reason of any attribute such as wording, size, shape, location, movement, content, coloring, or illumination may be confused with or construed as a traffic control sign, signal, or device.
3. Signs which emit sound, odor, or visible matter which serve as a distraction to persons within a public right-of-way.
4. Goods, wares, merchandise, or other advertising objects or structures placed on or suspended from any building, pole, structure, sidewalk, parkway, driveway, or parking area, except as otherwise allowed by Ordinance.
5. Permanent portable signs, twirling signs, sandwich or "A" frame signs, sidewalk or curb signs, cloth, paper device, or other similar advertising matter are prohibited. Temporary portable signs are permitted for no longer than thirty (30) consecutive days with a limit of three (3) events each calendar year. Temporary portable signs are not allowed for thirty (30) days following an event.
6. Permanent signs attached to a trailer, skid, or similar mobile structure where the primary use of such structure is to provide a base for a sign or constitutes the sign itself.
7. Signs attached to or upon any vehicle where any such vehicle is allowed to remain parked in the same location or vicinity for a period of seventy-two (72) consecutive hours or more, or at frequent or extended periods of time, where the intent is apparent to use the vehicle and signs for advertising purposes.
8. No sign shall be located on a public right-of-way or public access easement, except traffic regulatory signs and governmental signs. No sign shall overhang public property unless a variance is granted by the Board of Adjustment. Buildings with a zero lot line are excluded from this requirement. For any sign overhanging public property, an encroachment agreement is executed in accordance with the requirements of this Ordinance and applicable codes.

ALLOWABLE AREAS FOR FREESTANDING SIGNS

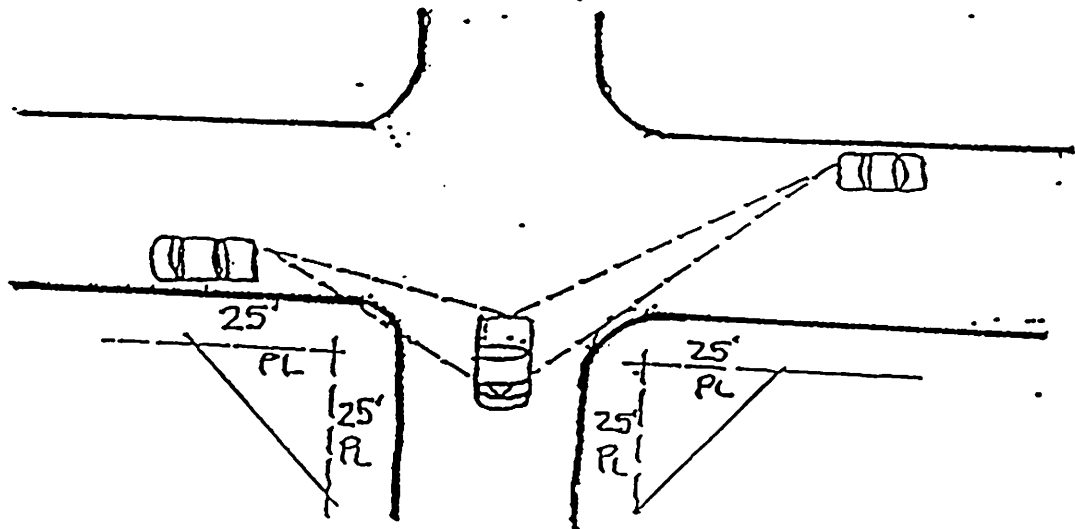
FRONTAGE (FEET)	MAX. AREA (SQ.FT.)
0-50	25
51-100	50
101-150	75
151-200	100
201-250	125
251-300	150
301-350	175
351-400	200
401-450	225
451-500	250
501-550	275
551-600+	300

ALLOWABLE HEIGHTS FOR FREESTANDING SIGNS

Distance from Curb (Feet)	Height (Feet)
10-15	4.5
15-20	8.0
20-25	11.0
25-30	14.0
30-35	16.0
35-40	19.0
40-45	21.0
45-50	23.0
50-55	26.0
55-60	29.0
60-65	31.0
65-70	34.0
70+	35.0
100+	50.0

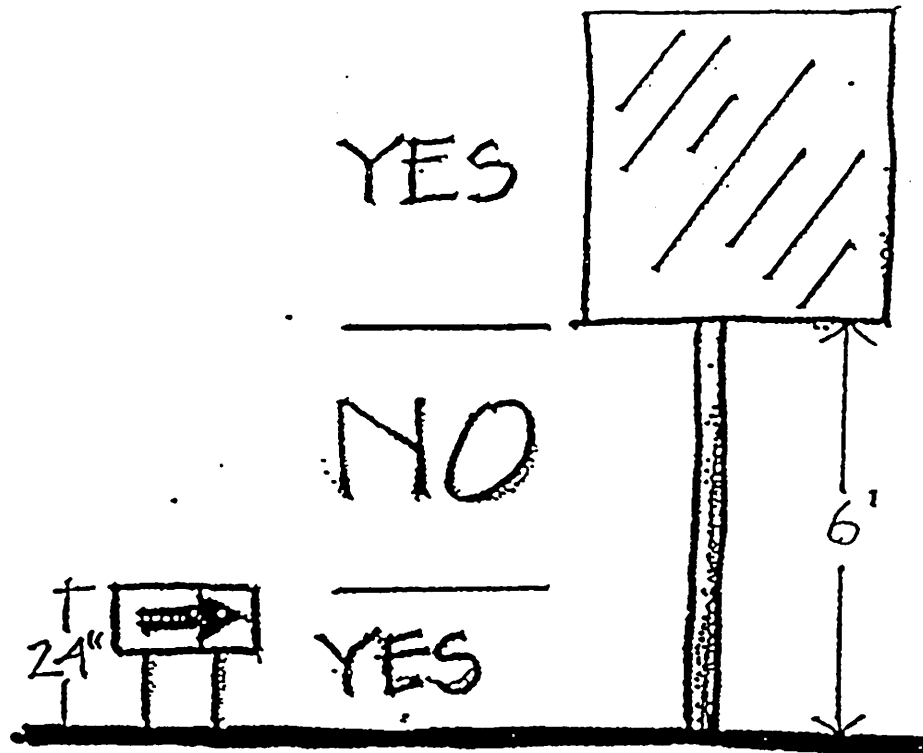


Visibility Triangle Drawing



Sign and or zoning regulations prohibit signage, as well as fences and buildings, from being located in a "clear-site triangle," which is typically an isosceles triangle with two 25-foot sides extending from the street corner along the curbs. This limit to include the area required for visibility from autos, which is from roughly two feet above the ground to nine or ten feet above the ground.

Visibility Triangle Drawing



Local regulations make sign location and height dependent variables, typically allowing lower signs to be placed closer to the street. Such a regulation provides an incentive for merchants to reduce sign height, this reducing the elevation—and perhaps the intrusiveness—of street clutter. The varying heights and setbacks that will occur under such a regulation can also eliminate the problem of rows and signs obstructing the visibility of one another.

Definitions:

Erect: The term "erect" shall mean to build, construct, attach, hang, place, suspend or affix.

Face or Surface: The word "face" or "surface" shall mean the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Gross Surface Area of Sign: The "gross surface area of a sign" is the entire area within a single continuous perimeter enclosing the extreme limits of each sign. A sign having two (2) surfaces shall be considered a single sign if both the surfaces are located back to back. In the event two (2) or more signs share a single structure, i.e., directory signs, or signs on v-shaped structures, each sign or panel shall be considered separately for square footage purposes, provided that the combined area of such signs cannot exceed the total square footage allowed on a single sign.

Height: The height shall be measured from common ground level to the highest point of the sign.

Illuminated Sign: The term "illuminated sign" shall mean any sign illuminated by electric lights.

Incombustible Material: The term "incombustible material" shall mean any material which will not ignite at 1200° F or below, nor shall it continue to burn or glow at that temperature.

Logo: A "logo" is any design or insignia commonly used to identify a company or product.

Permanent: The word "permanent" shall mean any sign intended to be used for six (6) months or longer.

Setback: The minimum distance from the property line to the nearest part of a building or structure as outlined in Zoning Ordinance. No sign requiring a permit may encroach, project, or be constructed on or past this line.

Sign: The term "sign" shall mean an outdoor or indoor advertising device that is a structure, is attached to or is a display on premises intended to accomplish the purposes customarily assigned to signs.

Sign, Abandoned: The term "abandoned sign" shall mean any sign without a valid current permit, or one which is deserted, surrendered or forsaken, unused, given up or relinquished with intention of never resuming a right or interest therein.

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Off Site: The term "off site" as used in this Ordinance, shall mean that the sign referred to reflects goods, products or services provided at a location other than that which the sign occupies.

Sign Advertising: An "advertising sign" is any sign which promotes or advertises commodities or services not offered on the premises where such signs are located, off site.

Signs, Agricultural: An "agricultural sign" is any sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon, on site.

Sign, Apartment: An "apartment sign" is any sign identifying an apartment building or complex of apartments, on site.

Sign, Construction: A "construction sign" is any temporary sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator, or finances engaged in the design, construction or improvement of the premises on which the sign is located, on site.

Sign, Development: "Development sign" is any temporary promotion sign pertaining to the development of land, on site.

Sign, Directory: "Directory sign" is any sign which lists the occupants within a shopping center, industrial park, retail districts, office districts or commercial park, on site.

Sign, Identification: "Identification sign" is any sign used to identify shopping centers, industrial and commercial parks, and retail districts. These signs are not intended to identify individual businesses or activities within the center or district, on site.

Sign, Institution: "Institution sign" is any sign used to identify a school, church, hospital or similar public or quasi-public institution.

Sign, Marquee: "Marquee sign" is any sign erected on a marquee or fixed awning, on site.

Sign, Model Home: "Model home sign" is any temporary sign used to advertise a particular structure represented by a model or show home, on site.

Sign, Monument: "Monument sign" is any permanent low profile sign on a monument base, on site.

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Sign. Political: "Political sign" is a temporary sign advertising a political candidate or party for elective office.

Sign. Projection: "Projection sign" is any sign which projects, either horizontally or vertically, from a building and which has one end attached to that building or other permanent structure, on site.

Sign. Real Estate: "Real Estate sign" is a temporary sign used to advertise the sale or lease of a piece of real property, on site.

Sign. Residential Subdivision: "Residential Subdivision sign" is a sign used to identify a specific residential subdivision, on site.

Sign. Traffic: "Traffic sign" is a sign used for traffic control purposes, on site.

Sign. Wall: "Wall sign" is any sign attached to the face of a building or incorporated thereon, including windows and doors, to advertise businesses in that building.

Sign. Roof: "Roof sign" is any sign attached to the top of a building or incorporated thereon, to advertise businesses in that building.

Exclusions and Penalties

Exclusion:

For development which has received any form of approval prior to the effective date of this Ordinance, this Ordinance shall not apply to that development to the extent that compliance with this ordinance would require substantial changes from the approval already granted.

Penalties:

Any individual, association, or corporation violating any portion of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be punished as prescribed by Section 1-14 of the City of Commerce Code of Ordinances by the assessment of a fine not exceeding two thousand (\$2,000), and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

NOW THEREFORE BE IT ORDAINED that it has been deemed by the Commerce City Council to be in the best interest and general welfare of the City of Commerce that proposed Sign Ordinance be, and is now hereby adopted.

BE IT FURTHER ORDAINED that:

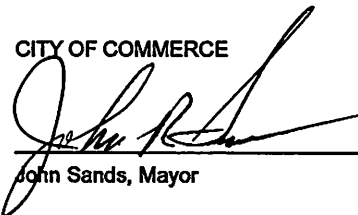
- A. Any individual, association, or corporation violating any portion of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be punished as prescribed by Section 1-14 of the City of Commerce Code of Ordinances by the assessment of a fine not exceeding two thousand dollars (\$2,000), and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- B. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.
- C. If any section, subsection, word, sentence, or phrase of this ordinance is declared to be invalid it shall not effect the validity of this ordinance.
- D. This ordinance shall take effect and be in force from now on after its passage and approval.
- E. That an emergency exists necessitating the suspension of any rule requiring multiple readings of this Ordinance and all multiple readings of this Ordinance are hereby waived.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Commerce, Texas, on this the 5th day of July, 1995.

ATTEST:


Carol Roberts, City Secretary

CITY OF COMMERCE


John Sands, Mayor

(seal)

I, Carol Roberts, Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an ordinance, and that the same has not been repealed and is in full force and effect.

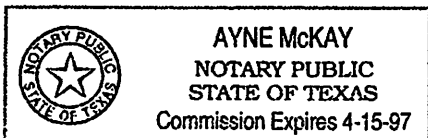
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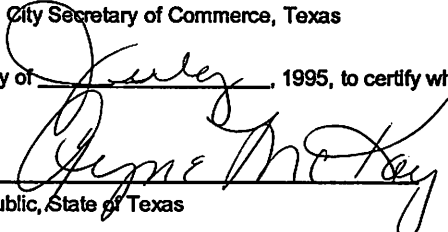

City Secretary of Commerce, Texas

Sworn to and subscribed before me, on this the 5 day of July, 1995, to certify which witness my hand and seal of office.

(seal)

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Notary Public, State of Texas