

## **ORDINANCE NO. 01-19**

### **AN ORDINANCE OF THE CITY OF WESTON LAKES, TEXAS, REGULATING SIGNS WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY UP TO \$2,000; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the City Council of the City of Weston Lakes, Texas (the "City") finds that the unregulated construction and erection of outdoor signs, billboards, and other structures designed to make an announcement to the general public can create structural hazards and can present visual impediments and dangers to traffic along City roadways and easements; and

**WHEREAS**, the City Council of the City of Weston Lakes also recognizes that protections of the City's visual environment will benefit both residential and commercial property owners and will promote a positive image of the City; and

**WHEREAS**, Sections 216.001 and 216.902 of the Texas Local Government Code authorize a municipality to license, regulate and control or prohibit the erection of signs by Ordinance;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTON LAKES, TEXAS:**

### **SIGNS**

#### **Section 1: Geographic scope and applicability.**

The City of Weston Lakes, Texas, adopts this Ordinance establishing rules and regulations relating to the construction, erection, maintenance, and use of signs within the City and its Extraterritorial jurisdiction (ETJ). This Ordinance applies to all property within the incorporated municipal boundaries and the Extraterritorial jurisdiction (ETJ) as they exist at the time this Ordinance is adopted and as may be modified in the future.

#### **Section 2: Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Dilapidated sign* means any sign where elements of the sign area or background have portions of the finished material missing, broken, or illegible; where the structural support is visibly bent, broken, dented, rusted, corroded, or loose; or where the sign or its elements are not in compliance with the adopted electrical code and/or the building code.
- (b) *Electronic sign* means any sign for which the text, letters, numbers, pictures, or symbols forming the informational portion of the sign consists of flashing, intermittent, or moving lights, including any LED screen or any other type of video display. This definition does not

include signs that have internal or indirect illumination that is kept stationary or constant in intensity and color at all times when such sign is in use or any government or Property Owners Association ("POA") sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Texas Manual on Uniform Traffic Control Devices.

- (c) *ETJ* means the Extraterritorial jurisdiction of the City as created and authorized under Chapter 42 of the Texas Local Government Code.
- (d) *Monument sign* means a freestanding sign the display face of which is contiguous with the ground and not elevated above grade by use of poles, struts, or wires.
- (e) *Off-premises sign* means a sign displaying advertising copy that pertains to a business, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
- (f) *On-premises sign* means a sign which (i) identifies the name of the owner or occupant of the premises on which the sign is located; (ii) identifies a use, facility, or service located on the premises where such sign is displayed; (iii) identifies a product which is produced, sold, or manufactured on the premises on which the sign is located; (iv) advertises or otherwise directs attention to a product, service, activity, person, institution, facility, or business which may or may not be identified by a brand name and which occurs or is primarily conducted, sold, manufactured, produced, or offered on the premises where the sign is located; (v) are otherwise placed on property by the owner that are permissible by law.
- (g) *Portable sign* means any sign without a permanent foundation, or otherwise permanently attached to a fixed location, that can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.
- (h) *Right-of-way*. The area on, below, or above a public road, highway, street, public sidewalk, alley, waterway, or easement in which a governmental entity has an interest.
- (i) *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.
- (j) *Sign administrator* means the City Secretary or other designee of the City Council.
- (k) *Sign area* means the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where attached directly to a building wall or surface, the space within the outline encloses all the characters of the words, numbers, or design.
- (l) *Sign face* means the entire display surface area of a sign upon, against, or through which copy is placed.
- (m) *Bandit sign* means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, stake, fence, utility pole, or other like object, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.
- (n) *Temporary sign* means any sign constructed of materials with short life expectancies. A portable sign shall not necessarily be considered a temporary sign.

- (o) *Wind device sign* means any flag, pennant, banner, streamer, balloon, inflatable device or similar type object made of cloth, canvas, nylon, plastic, or other flexible material, with or without a frame or other supporting structure, that moves, or is intended to move or blow with the wind.
- (p) *Vehicle sign* means any sign attached to or displayed on a vehicle.

### **Section 3: Prohibited signs.**

It is unlawful for any person to erect, install, construct, display, maintain, reconstruct, place, locate, relocate, or make use of any of the following signs within the City or its Extraterritorial jurisdiction. A sign unlawfully placed may be summarily removed by the City.

- (a) Off-premise signs.
- (b) Signs placed, in, over and/or across any street or right-of-way, or any improvement located within any public street, sidewalk or right-of-way of the City, or on any property owned by the City.
- (c) Signs that contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, flash tags, or other similar devices.
- (d) Portable signs.
- (e) Bandit signs.
- (f) Signs located on a roof or otherwise attached to or painted on a building if it projects above the highest point on the building.
- (g) Signs, or any portion thereof, that are located on or project or extend over any public sidewalk, street, alley, or other public property.
- (h) Signs that are deteriorated, dilapidated, or unsafe.
- (i) Signs that contain statements, words, or pictures of an obscene, indecent, or immoral character as will offend public morals or decency.
- (j) Signs located or illuminated so that they obscure or interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the view of approaching, emerging or intersecting traffic, or prevent any traveler on any street from obtaining a clear view of approaching vehicles.
- (k) Illuminated signs which are illuminated to such intensity or without proper shielding so as to constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property.
- (l) Wind device signs displayed for period exceeding ten (10) days.

(m) Signs that do not comply with this Ordinance or other ordinances of the City.

#### **Section 4: Exceptions and exemptions.**

A sign shall not be prohibited, and a permit is not required for the following categories of signs:

- (a) Off-premises signs which lawfully exist on the effective date of this Ordinance, although these signs must be registered with the Sign Administrator;
- (b) Signs erected by, or on property owned by, the federal, state, or a unit of local government, on or off-premise;
- (c) Traffic control devices that are erected and maintained to comply with the Texas Manual on Uniform Traffic Control Devices;
- (d) Signs required by law, including federal, state, or local law;
- (e) Signs that a property owner is required to post by law on property to warn of a danger or to prohibit access to the property;
- (f) Government signs erected or maintained pursuant to and in discharge of any governmental function; or otherwise required by law, ordinance, or governmental regulation; or located on property owned, leased, or under the control of any federal, state, or local government entity or subdivision thereof.
- (g) Utility and hazard signs marking utility or underground communication or transmission lines or pipes and hazards.
- (h) Private traffic control signs on private property that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit signs.
- (i) Signs displayed on trucks, buses, trailers, or other vehicles that are being operated as motor vehicles, provided that the primary purpose of the vehicles is not for display of signs and provided that they are parked in areas appropriate to their use as vehicles, are in operable condition, and carry a current and valid license plate and state inspection tag. Vehicle signs shall conform to the following restrictions:
  - (1) Vehicular signs shall contain no flashing or moving elements.
  - (2) Vehicular signs shall not be attached to a vehicle so that the driver's vision is obstructed from any angle.
  - (3) Signs, lights and signals used by authorized emergency vehicles shall not be restricted.
- (j) Government sponsored historical and commemorative plaques, provided that such signs are less than fifteen square feet in total area.
- (k) Property identification signs erected at the entrance of acreage or residential property that identifies the property by name of the property or name of the owner, as in the case of farm or ranch identification signs.

- (l) One temporary sign, in the form of a banner, not to exceed five (5) feet in height or thirty-two (32) total square feet in sign area, may be displayed for a period not to exceed ninety (90) days. The placement of a temporary banner allowed by this subsection is permitted provided the date and location of the banner are provided to the Sign Administrator.
- (m) Government or POA sponsored and approved community announcement signs located within public right-of-way or property owned by same.
- (n) Signs located within the grounds of public or community facilities, such as baseball fields, stadiums, community centers, and other public or community facilities placed by a governmental entity or POA.

**Section 5: Nonconforming off-premises signs.**

An off-premises sign lawfully existing on the effective date of the ordinance from which this article is derived shall be removed or repaired within sixty (60) days if the sign, or a substantial part of it, is destroyed or dismantled for any purpose other than for maintenance/repair operations or for changing the advertising copy on the sign.

**Section 6: Permit and application requirements for permitted signs.**

- (a) *Permitted sign and permit requirement.* On-premise signs shall be permitted within the City and ETJ; provided, however, no sign shall be erected, posted, painted, or otherwise produced, changed, or reconstructed, in whole or in part, within the City limits and ETJ without first obtaining a permit and complying with the regulations provided for in this Ordinance, except as provided in Section 4 and for the following:
  - (1) Simple routine maintenance, adjustments, replacement of light globes, etc. on existing signs.
  - (2) When a sign has been damaged by fire, windstorm, or other causes, immediate work may be done to prevent damage to property or hazard to persons, and to this extent only. Notice will be given as soon as practical to the Sign Administrator.
  - (3) Changing of permitted copy of an existing sign, provided that no increase occurs with respect to either the sign area or the manner in which the sign is structurally supported.
- (b) *Application required.* No incomplete application shall be granted by the Sign Administrator. Any application for a sign permit shall be submitted to the Sign Administrator with all of the following in order to be deemed a complete application:
  - (1) A complete application on the form provided by the Sign Administrator;
  - (2) A site plan identifying the existing buildings, property lines, easements, and proposed location of the sign;
  - (3) A drawing or description of the sign that does not include the sign message, but identifies the type and size of sign proposed;
  - (4) Proof of ownership of the premises on which the sign is proposed, or proof of permission from the property owner to apply for the permit; and
  - (5) Payment of the permit fee, which shall be \$25.00 unless otherwise provided by City Council.

## **Section 7: Design requirements.**

- (a) *Owner authorization required.* It shall be unlawful for a person to place or locate a sign on the property of another person without the consent of the owner or person in control of the property.
- (b) *Reflective surfaces.* Glare-producing surfaces on signs are not allowed.
- (c) *Lighting.* All lighting of signs shall be indirect lighting as defined herein. All floodlights shall be shielded. No sign shall be illuminated, in whole or in part, where the illumination is intermittent or varies in color or intensity from time to time or appears to be emergency lighting similar to public safety vehicles. The use of searchlights is prohibited. Changeable electronic variable message signs (CEVMS), electronic signs, and light emitting diode (LED) signs that are not traffic control devices are prohibited.
- (d) *Moving parts.* No sign shall contain any moving parts.
- (e) *Inflatable; Electronic signs.* Inflatable and electronic signs are prohibited.
- (f) *Location.* No sign constructed of wood or other combustible material shall be erected within fifty (50) feet of any frame building, nor within twenty-five (25) feet of any building having unprotected openings in the wall on the side nearest the sign.
- (g) *Type.* Monument signs are the only permanent type of signs allowed within the City. No elevated signs shall be permitted.
- (h) *Height.* No sign shall be more than twenty (20) feet in height; provided, a sign located on a lot containing a residential dwelling or abutting a lot containing a residential dwelling shall not extend more than four (4) feet above the building on the same premises as the sign.
- (i) *Sign Area.* No sign shall have a sign area more than thirty-two (32) square feet. Where a sign has more than one sign face, the combined square footage of sign area shall not exceed thirty (32) square feet.
- (j) *Application of other codes and ordinances.* All signs erected or maintained pursuant to the provisions of this Ordinance shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code, property maintenance code, comprehensive plan, and other applicable ordinances of the City. In the event of conflict between this Ordinance and other laws, the most restrictive standard applies.

## **Section 8: Maintenance of existing signs.**

- (a) All signs in the City and ETJ shall be properly maintained at all times. The Sign Administrator shall have the authority to order the painting, repair, or removal of a sign which constitutes a hazard to the safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- (b) It is an offense for a person to fail to correct dilapidation of a sign within thirty (30) days of receipt of notice from the Sign Administrator that a sign does not comply with the provisions of this Ordinance. An owner may request additional time by submitting a written request to the Sign Administrator for an extension of ninety (90) days or less.

**Section 9: Newly annexed signs.**

Signs in areas annexed into the City Limits or newly encompassed by an expanded ETJ shall be treated as nonconforming signs. If required for the type of existing sign, a permit shall be issued upon application.

**Section 10: Abandoned signs.**

An abandoned sign is a sign that advertises a business or project that has ceased operations in excess of ninety (90) days, unless the property is leased, in which case the sign shall be removed after six (6) months. The owner shall remove any sign and/or sign structure that has not been used for advertising or promoting a going concern for at least one (1) year. For the purposes of this section, a business or project has ceased to operate when it is no longer engaged in the sale of products or services in the normal course of business.

**Section 11: Offenses.**

It is an offense for any person to violate or cause, allow or permit a violation any provision of this Ordinance, or commit an act designated as unlawful by this Ordinance, and the person who violates or causes, allows or permits a violation of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$2,000. Each day of violation shall constitute a separate offense.

**Section 12: Appeals.**

Any person aggrieved by a decision of the Sign Administrator may appeal the administrative decision to the City Council by giving written notice to the Sign Administrator within thirty (30) days of the administrative decision.

**Section 13: Publication and effective date.**

This Ordinance shall be effective immediately upon adoption and publication of this Ordinance or a caption that summarizes the purpose of this Ordinance and the penalty for violating this Ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Local Government Code.

**Section 14: Severability.**

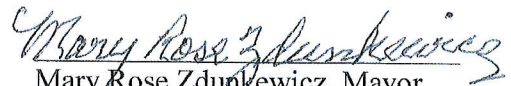
In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Weston Lakes, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or

whether there be one or more parts.

**Section 15: Conflict.**

To the extent a conflict exists between this Ordinance and any other City ordinance, the most restrictive requirement shall apply. This Ordinance shall not apply to the extent Fort Bend County adopts rules and regulations for signs in accordance with Section 216.902 of the Texas Local Government Code.

PASSED, APPROVED AND ADOPTED this 25 day of June, 2019.

  
Mary Rose Zdunkewicz, Mayor

ATTEST:

  
Jenni McJunkin, City Secretary