

ORDINANCE NO. 1861

AN ORDINANCE AMENDING CHAPTER 84, “UNIFIED DEVELOPMENT CODE” OF THE CITY OF EULESS, TEXAS, BY REPLACING IN ITS ENTIRETY, ARTICLE VI, “SIGNS AND STREET GRAPHICS REGULATIONS”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Euless is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS the City Council of the City of Euless has a substantial interest protecting the health, safety, welfare, convenience and enjoyment of the general public from injury which may be caused by the unregulated construction of signs; and

WHEREAS the City Council of the City of Euless has a substantial interest in enhancing the economic value of the landscape by avoiding visual clutter which is potentially harmful to property values and business opportunities; and

WHEREAS the City Council of the City of Euless has a substantial interest in promoting the safety of persons and property by providing that signs do not create a hazard due to collapse, fire, collision, weather or negligence; and

WHEREAS the City Council of the City of Euless has a substantial interest in protecting the safety and efficiency of the City’s transportation network by reducing the confusion or distraction to motorists and enhancing the motorists’ ability to see pedestrians, obstacles, other vehicles, and traffic signs; and

WHEREAS the City Council of the City of Euless has a substantial interest in protecting adjacent and nearby properties from the impact of lighting, size, height and location of signs; and

WHEREAS, on July 21, 2009 the Planning and Zoning Commission has conducted a public hearing in conjunction with Case No. 09-02-UDC and has rendered a recommendation to the City Council with respect to this case; and,

WHEREAS, the City Council has conducted a public hearing on August 25, 2009, considered the recommendation of the Planning and Zoning Commission, and has determined that the proposed change is in the best interest of the general welfare of the City of Euless.

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

SECTION 1

That Chapter 84, “Unified Development Code, “Article VI, “Signs and Street Graphics Regulations,” to hereinafter be amended to read as follows:

ARTICLE VI. SIGNS AND STREET GRAPHICS REGULATIONS

DIVISION 1. GENERALLY

Sec. 84-230. Purpose and intent.

The purpose of this Article is to represent a comprehensive, balanced system of street graphics and signs that create safe, easy to understand and aesthetically pleasing communication. To meet this purpose these regulations authorize the use of street graphics and signs which are reflective of the community’s aesthetics as a whole, are compatible with their surroundings, while allowing the expression of the identity of individual proprietors, appropriate to the type of activity to which they pertain, and legible in the environment in which they are seen. Specific objectives are:

Preserve and enhance the City’s own unique set of visual aesthetics which will attract potential residents, commercial customers, and tourists to the area because of the community’s overall appearance; and,

Enhance the visibility and effectiveness of all signs through the elimination of clutter and redundancy; and,

Eliminate and lessen the confusion, unsightliness, or visual obscurity of adjacent properties that could be created; and,

Recognize and appreciate the value of advertising and signage to a successful business climate.

Sec. 84-231. Applicability

All signs within the City Limits of Eulesh shall be subject to the following regulations. The provisions apply to the location, size, use, number, and placement of signs and shall otherwise be considered supplementary to the City codes and ordinances pertaining to the erection, maintenance and operation of signs in the City. Any other codes and ordinances found elsewhere in the Unified Development Code (UDC) that are in direct conflict with these provisions are hereby repealed.

Sec. 84-232. Definitions and Requirements

For the purposes of this Article, the words below shall have the following definitions whether or not capitalized unless the context clearly requires another meaning, ascribed to them and the requirements and regulations set forth for each shall apply in the City.

- (1) **A-FRAME SIGN** – A temporary sign used to identify a business name, telephone number, hours of operation, and/or the business’ website address. An A-Frame Sign is made of two (2) pieces of wood, metal or other similar material approved by the Building Official connected at the top by hinges or similar devices(s) and may collapse when the connecting device(s) are overextended or the two (2) pieces of wood, metal or other similar material are against one another. Also commonly referred as a ‘Sandwich Board Sign’.
- a) *Time* – A sign permit is required. The sign permit Number, in numerals not less than one (1”) inch in height shall be permanently affixed on the sign for the purpose of inspection. A sign permit shall not be issued to install or display an A-Frame Sign until a Certificate of Occupancy has been issued for the place of business that elects to display the sign. After the issuance of a sign permit, an A-Frame Sign may be displayed only during the business hours of the permit holder.
 - b) *Place* – A-Frame Signs are permitted within non-residential areas or Planned Development zoning districts used to incorporate a lifestyle center concept. A-Frame Signs must be placed on a sidewalk or adjacent to a sidewalk adjacent to or fronting the primary structure. A-Frame Signs must provide an unobstructed pedestrian clearance of at least four (4’) feet in width. An A-Frame Sign shall not be placed in any manner to interfere with vehicular traffic or cause a hazard. An A-Frame Sign shall not be placed in any median. An A-Frame Sign shall not be placed within a utility or right-of-way easement.
 - c) *Manner* – The maximum area of an A-Frame Sign is twelve (12) square feet. The maximum height of an A-Frame Sign shall be four (4’) feet. The maximum width of an A-Frame Sign is three (3’) feet. An A-Frame Sign shall not be closer than twenty (20’) feet to another A-Frame Sign. A maximum of one (1) A-Frame Sign may be placed per business or tenant on the property where the A-Frame Sign is located.
- (2) **ABANDONED SIGN** – A sign that had a permit, but the permit has been expired for thirty (30) or more consecutive days and/or does not identify or advertise a bona fide business, lessor, service, owner, product, event, or activity, or pertains to a time, event, or purpose which no longer applies. Abandoned Signs are prohibited in the City.
- (3) **APARTMENT SIGN** – A temporary Stake Sign made of wood, metal, or other similar material used to convey information that relates to the operations of an apartment community or complex. Apartment signs are prohibited within the City.

- (4) **ATHLETIC REGISTRATION SIGN** – A temporary Stake Sign made of wood, metal, or other similar material approved by the Building Official used to convey sport-related Eules based team registrations (organizations that play their games within the City of Eules) that publicizes dates, times, or locations of registrations. Athletic Registration Signs excludes information pertaining to dates, times, and/or/ locations of scheduled games or award ceremonies.
- a) *Time* – No sign permit required, but prior permission of the property owners is required.
- (1) With prior written permission of the Director of Parks & Recreation, or their designee. Athletic Registration Signs may be erected up to seven (7) days prior to the registration and removed no more than forty-eight (48) hours after the registration.
 - (2) With prior permission of a home owners association (HOA), Athletic Registration Signs may be erected up to seven (7) days prior to the registration and removed no more than forty-eight (48) hours after the registration.
 - (3) With prior permission from a public or private school, Athletic Registration Signs may be erected up to seven (7) days prior to the registration and removed no more than forty-eight (48) hours after the registration.
- b) *Place* – Athletic Registration Signs shall not be located within any median, any right of way or easement, or on any other public property, except as allowed herein at public parks and public schools.
- (1) At city-owned parks, Athletic Registration Signs may be located at the City park exits or other City park area approved by the Director of Parks & Recreation or their designee.
 - (2) At HOA maintained parks or open space areas, Athletic Registration Signs shall be located on private HOA maintained property with written approval by the HOA Board or their designee.
 - (3) At public or private school property, Athletic Registration Signs shall be located at a school exit or other area on school property approved by the school authority.
- c) *Manner* – The maximum area of an Athletic Registration Sign shall not exceed six (6) square feet. The maximum height of an Athletic Registration Sign shall not exceed four (4') feet.

- (5) **AUDIBLE SIGN** – Any sign that emits music, talking, words, or other sound amplification with the exception of a Drive-thru or Drive-in menu sign. Audible Signs are prohibited in the City.
- (6) **AWNING** – A retractable or non-retractable projection, shelter, or structure of rigid or non-rigid canvas, metal, wood, or other similar material approved by the Building Official that extends above a window, door, patio, or deck as protection from the weather, used as a decorative embellishment or used for identity, which may be illuminated. An awning requires the issuance of a Building Permit prior to installation, unless approved with the initial building permit.
- (7) **AWNING SIGN** – A permanent sign that is directly applied, attached, or painted onto an Awning that covers a pedestrian walkway, intended for protection from the weather or as a decorative embellishment, projecting from a wall or roof of a structure over a window, walk, door, or the like. An Awning Sign is used to advertise the name of the business, hours of operation, business telephone number, business address, and/or website address.
- a) *Time* – A sign permit is required. A sign permit shall not be issued to erect or place an Awning Sign on to an Awning at a property until a site plan is approved by the City Council for development of the property and after the issuance of Building Permit or Certificate of Occupancy.
 - b) *Place* – In no case shall the supporting structure of an Awning Sign extend into or over the right-of-way, unless by exception within a Planned Development zoning district specifically utilizing a lifestyle center concept, and shall not extend closer than four (4') feet from back of curb. No building shall have both a Wall Sign and an Awning Sign on the same building façade.
 - c) *Manner* - The maximum height of an Awning Sign shall not exceed four (4') feet. The width of an Awning Sign shall not exceed seventy-five (75%) percent in length of any side of an Awning. An Awning Sign shall only be permitted in conjunction with a non-residential use, or in a non-residential zoning district. An Awning Sign shall be secure and may not swing, sway, or move in any manner. An Awning Sign shall not contain any moving devices.
- (8) **AWNING SIGN ATTACHMENTS** – Awning Sign Attachments that cover a pedestrian walkway are accessory, supplemental extensions that are attached above or below an Awning commonly used in conjunction with a Wall Sign. Awning Sign Attachments provide the name of the business.

- a) *Time* – A sign permit is required. Structural drawings(s), as required by the Building Official, sealed by a licensed engineer must be submitted with the permit application.
- b) *Place* – Awning Sign Attachments shall only suspend from or extend above the edge of a pedestrian Awning. Awning Sign Attachments installed for pedestrian display located and attached on the underside of a pedestrian Awning shall be centered.
- c) *Manner* – Awning Sign Attachments shall have a maximum height of twelve (12”) inches. Suspended or extended Awning Sign Attachments shall not alternate up-and-down at a business’ storefront. Suspended Awning Sign Attachments suspended over a pedestrian Awning shall maintain a nine (9’) foot clearance from pedestrian grade measured from the lowest hanging portion of the attachment. Awning Sign Attachments shall not swing, sway, or move in any manner. The structural-engineering of Awning Sign Attachment must be approved by the City before a sign permit can be granted. Awning Sign Attachments shall not be used in conjunction with an Awning Sign. Only one type of Awning Sign Attachment shall be used per storefront.

(9) **BALLOONS AND OTHER FLOATING DEVICE(S)** – A visible airtight or air-flow through apparatus commonly made of latex, mylar or other similar material that extends by a cord, rope, string, wire or other similar material. No person shall erect, maintain, or allow the installation of any floating device(s) anchored to the ground, any vehicle, structure or any other fixed object for the purpose of advertising or attracting attention to a business, commodity, service, sale, or product, except as otherwise permitted in this Article. Balloons and all Other Floating Device(s) are prohibited in the City.

(10) **BANNER** – A temporary sign having characters, letters, or illustrations applied to plastic, cloth canvas, or other light fabric or similar material, with the only purpose of such non-rigid material being for background. A Banner advertises the business’ name, opening dates, telephone number, hours of operation, and/or types of products offered or sold. A Banner may be considered as part of a Special Event Sign Permit. A Banner does not include a Municipal Banner (Sec 84-232 (54)).

- a) *Time* - A sign permit is required for each display period. The sign permit placard must be displayed in a conspicuous place visible from the street for the purpose of walk-up inspection. A sign permit shall not be issued to display a banner at a property until a site plan is approved by the City Council for development of the property and a Building Permit is issued. One (1) banner sign may be placed on a building for three (3) fourteen (14) day periods per calendar year.

The periods may be combined. Each suite within a retail development shall be considered a building and, therefore shall be allowed to erect a banner accordingly. New businesses shall be permitted to place a banner on their building prior to the issuance of a Certificate of Occupancy with the issuance of a sign permit from the Building Official. A new business shall be permitted to place one (1) banner on their building storefront up to six (6) weeks after the date of a Certificate of Occupancy with the issuance of a sign permit. Banner(s) displayed before and immediately following the date of the Certificate of Occupancy shall not count against the allowances for the three (3) fourteen (14) day periods within a calendar year. Banners permitted as part of a Special Sign Permit shall count against the total number of allowed Banners per year for that location. Exemption: Religious organizations that temporarily operate in a school or other non-religious facility may erect a banner no earlier than two (2) hours before worship and remove no later than two (2) hours after worship without the issuance of a sign permit.

- b) *Place* - A Banner shall be securely attached to the front, side, or rear façade of a building. A Banner shall not face a residential neighborhood, unless separated by a major thoroughfare. However, banners are permitted only in conjunction with a non-residential use or in a non-residential zoning district. With permission from the Director of Parks and Recreation, or their designee, banners may be erected during social or athletic events at a public park or other City-owned property attached to pavilions, fences, vehicles, stakes, rails, or poles up to two (2) hours prior to the start of the event and shall be removed no later than one (1) hour after the conclusion of the event.
- c) *Manner* – A Banner shall not exceed forty-eight (48) square feet in area, except that at an individual business with a floor area of fifty-thousand (50,000) square feet or greater, a Banner shall not exceed one-hundred (100) square feet in area. In the case where a individual business or entity has an existing pole/pylon sign, a shroud banner sign or sign wrap which covers the existing pole/pylon sign or a portion of the pole/pylon sign may be permitted as long as the shroud banner sign or sign wrap does not exceed the square footage of the existing pole/pylon sign. A Banner shall be placed a minimum of nine (9') feet above grade at any pedestrian traveled way. Where a building wall is nine (9') feet in height or less, is adjacent to an approved parking surface, and is not a designated pedestrian walkway, one (1) Banner shall be placed a minimum of five (5') feet above the grade above the parking surface.

- (11) **BILLBOARD** – A sign erected in the outdoor environment for the purpose of the display of commercial or noncommercial messages not pertinent to the use of products sold on, or the sale or lease of, the property on which it is displayed. Billboards include any of its support, frame or other appurtenances. Billboards shall be permissible as a permanent sign provided all of the following requirements have been met.
- a) *Time* – A sign permit is required. Structural drawings(s), as required by the Building Official, sealed by a licensed engineer must be submitted with the permit application. Sign permits allowing for the use of Billboards must be renewed on an annual basis.
 - b) *Place* – A Billboard may be erected on subject property which is zoned limited industrial (L1), light industrial (I-1) or heavy industrial (I-2) as per the current zoning ordinance of the City.
 - (1) Billboard signs shall be set back from all property lines a minimum of twenty-five (25) feet. Sign setback shall be measured from the edge of the sign and not the support.
 - (2) Billboards must be located no closer than two-hundred fifty (250) feet measured parallel with the street right-of-way, from any other Billboard whether the existing or a permit for such sign has been authorized.
 - (3) The sign is located a minimum of two-hundred fifty (250) feet from any property used for residential purposes or zoned for residential use.
 - (4) The property on which the Billboard is located is not located within three thousand (3,000) feet of S.H. 183, S.H. 121, or S.H. 360.
 - c) *Manner* – Maximum area of the Billboard shall not exceed one thousand (1,000) square feet per sign face. The maximum height of a Billboard shall not exceed thirty-five (35') feet in height.
- (12) **BUILDING OFFICIAL** – The Building Official or their designee or other City-authorized agent appointed by the City Manager.
- (13) **BUILDING HEIGHT** – For the purposes specific to this Article and to be used for the calculation of certain signs within, building height shall be defined as the distance measured from the average grade to the building plate height at the top of its highest story per elevation. Additional height generated by roof line or by parapet shall not be calculated in the measurement of height. This definition shall not be used in conflict with other measurements of building height for the purposes of zoning standards.

- (14) **CANOPY SIGN** – A sign that is applied, attached, painted or affixed on a canopy or other roof-like cover over gasoline fuel pumps, vacuum area at car detail facilities, or other areas where services are provided to a patron in a vehicle or as an area intended for parking of vehicles to provide protection from the weather or as a decorative embellishment. Canopies may be attached or detached from the primary structure. A Canopy Sign may be used in addition to a Wall Sign.
- a) *Time* – A sign permit is required. A sign permit shall not be issued to erect, install or place a Canopy Sign on a property until the site plan has been approved by the City Council for development of the property and after the issuance of a building permit for a building on the property.
 - b) *Place* – Canopy Signs may only be erected on the canopy band that faces a public right-of-way.
 - c) *Manner* – Canopy Signs may not exceed fifteen (15) square feet in size. Canopy Signs must be attached directly to or painted on the exterior face of the canopy band and shall not project more than eighteen (18) inches from the canopy band. Only the canopy band may be illuminated, not the entire canopy. Canopy Signs attached to a canopy shall not extend above or below the canopy band.
- (15) **CHANGEABLE COPY** – The changing of advertising copy or message on a painted or printed sign, or the changing of advertising copy or message on a changeable reader board such as a theater marquee, electronic message board or similar signs specifically design for use of replaceable copy. The installation and construction of such signs shall be governed by the appropriate sign type; however the Changeable Copy message does not require a sign permit.
- (16) **CITY MANAGER** – The City Manager or their designee or other City-authorized agent appointed by the City Manager.
- (17) **CLOUD BUSTER BALLOON & AIR DEVICES** – Any visible airtight or air-flow through, inflatable apparatus that exceeds one (1) square foot in total area made of latex, mylar, or other similar material that extends higher than ten (10') feet into the sky by a cord, rope, string, wire, or other similar material. A Cloud Buster Balloon or Air Device is commonly used to attract passersby/patrons to a location having a promotion, sale or other function. Cloud Buster Balloons, blimps, and other Air Devices are prohibited in the City of Euless.
- (18) **COMMERCIAL REAL ESTATE SIGN (CRES)** – An on-site, temporary sign made of wood, metal or similar material approved by the Building Official that pertains to the sale or lease of the property where

the sign is located. A V-Shape sign is not a CRES. A CRES generally advertises the name of a building or property for sale or lease, property owner name, realtor information, telephone number, zoning information, and other information relating to the sale or lease of non-residential property.

- a) *Time* – A sign permit is required. The sign permit Number, date installed, and sign contractor’s name shall be placed on the CRES in characters no less than one (1”) inch in height in a conspicuous place for the purpose of walk-up inspection. A CRES requires removal within ten (10) days after the sale or lease of a property or business.
- b) *Place* – A CRES shall be located no closer than fifteen (15’) feet to any property line. A maximum of one (1) CRES per property shall be placed on a lot. For a property with more than five hundred (500’) feet of single street frontage more than once CRES is allowed provide that each CRES is spaced a minimum of two-hundred (200’) feet from other Signs.
- c) *Manner* – A CRES shall not exceed thirty-two (32) square feet in area. A CRES shall not exceed eight (8’) feet in height. The maximum width of a CRES shall not exceed four (4’) feet.

(19) **DEVELOPED** – A developed property is a non-residential property for which a Certificate of Occupancy has been issued by the Building Official to occupy a building on the property or a residential property for which a Certificate of Final Acceptance has been issued by the City.

(20) **DILAPIDATED** – Any surface element, background, or support of any Sign that has finished materials that are missing, broken, bent, cracked, decayed, dented, harmful, hazardous, illegible, leaning, splintered, ripped, torn, twisted, or unsightly.

(21) **ELECTRONIC VARIABLE MESSAGE SIGNS** – Electronic Variable Message Signs are any sign that utilizes changeable copy messages through internal illumination through light emitting diodes (LEDs) or other light sources. Electronic Variable Messages Signs are intended to be static and are subject to the same size and location restrictions as other signs regulated by this Article. The Electronic Variable Message portion of the sign shall not exceed forty (40) percent of the total sign face permitted, nor shall it be the only sign face. In addition, an Electronic Variable Message Sign is subject to the following restrictions:

- a) Any change in information on the Electronic Variable Message Sign shall not produce the illusion of moving objects, scrolling, blinking, flashing, expanding or contracting shapes, rotation or any similar visual effect of animation or movement.

- b) Any Changeable Copy on the Electronic Variable Message Sign shall not change more than every fifteen (15) seconds. Any changes shall occur with an instant on/off cycle.
 - c) Electronic Variable Message Signs are permitted to contain time and temperature displays. The time and temperature shall remain static for not less than three seconds.
- (22) **ERECT or INSTALL** – To build, construct, attach, hang, place, suspend, affix, paint, display, apply, assemble or place in any manner, including but not limited to on the exterior of a building or structure.
- (23) **EXEMPT** – A sign permit is not a requirement; however, compliance with all other City ordinances and the Unified Development Code, as it currently exists or may be amended, is required.
- (24) **EXEMPT SIGN** – Any sign either specifically exempted within this Article or any sign required to be displayed by federal, state or local laws. Exempt signs shall not be included in any numerical, coverage, or size calculation.
- (25) **FEATHER FLAG** – A Wind Device that contains a harpoon-style pole or staff driven into the ground for support. Feather Flags are prohibited in the City unless the Feather Flag is located on a property with single-family or duplex zoning for which a certificate of occupancy has been issued and the Feather Flag is used for the sole purpose of expressing patriotism or for a celebration or holiday decoration. In this case, a Feather Flag may be installed a maximum of thirty (30) days.
- (26) **FLAG / FLAGPOLE** – A piece of fabric or other flexible material attached to a ground-supported staff on one end used as a symbol of a nation, state, political subdivision, or organization.
- a) *Time* – No sign permit required. A Flag shall not be placed on a property until a site plan is approved by the City Council for development of the property.
 - b) *Place* – A Flag and its ground-supported staff shall be located on private property behind the property line. Flags may be placed at parks during social and athletic events.
 - c) *Manner* – At a property that contains a building with less than (<) four (4) floors, the maximum height of a ground supported Flagpole shall be forty (40') feet measured from the ground with the maximum area of the Flag not to exceed sixty (60) square feet in area. At a non-residential property that contains a building with four (4) floors or more above-ground, the maximum height of a Flagpole shall be sixty (60') feet measured from the ground with the

maximum area of a Flag not to exceed ninety-six (96) square feet in area. A maximum of four (4) Flags or Flagpoles may be located on a property. A Flag not displayed on a ground-supported staff shall meet the permit and display requirements of a Banner.

(27) **GARAGE SALE SIGN** – An on-site temporary Sign used to advertise a garage sale, yard sale, patio sale, or estate sale at an occupied residential property that has obtained a Certificate of Occupancy.

a) *Time* – No sign permit required. Garage Sale Signs shall be given to the property owner upon completion and processing of a garage sale permit. A Garage Sale Sign shall not be erected for longer than three consecutive days.

b) *Place* – Garage Sale Signs shall be erected on private property not closer than ten (10') feet from the edge of any street pavement. Garage Sale signs shall not be placed on a vehicle, fence, pole, tree, median, or railing. Garage Sale Signs shall not be Balloons, Wind Devices or other type of Sign, except Signs as issued by the City.

c) *Manner* – Garage Sale Signs shall be of the type and size as issued by the City with the completion of a garage sale permit.

(28) **GASOLINE PRICE** – Gasoline price or credit card sign permanently affixed to pump islands not exceeding twelve (12) square feet. No sign permit is required. Gasoline Price signs associated with Canopy Signs (Section 84-232 (14)), Monument Signs (Section 84-232 (50)), and Pole/Pylon Signs (Section 84-232 (66)) shall be restricted to those specific sign-type regulations.

(29) **GOVERNMENT AWARENESS SIGN** – A Government Awareness Sign is a temporary Stake Sign, Banner, or other apparatus including Flags, used to convey health, safety and welfare information to the public regarding City, County, State, or Federal government requirements and regulations such as water restrictions, burn bans, or other similar information.

a) *Time* – No sign permit required. No restrictions.

b) *Place* – No restrictions.

c) *Manner* – No restrictions.

(30) **GOVERNMENT COMMUNITY EVENT SIGN** – A temporary Stake Sign, Banner, or other apparatus used to convey information to the public regarding City-related activities and events (i.e.: Arbor Daze and the like).

- a) *Time* - No sign permit required. A Government Community Event Sign may be erected up to thirty (30) days prior to the event or activity, and shall be removed within two (2) business days after the event or activity.
- b) *Place* – Government Community Event Signs shall only be placed at a City public park and/or other City government property that contains a public building; within a residential subdivision with written permission from the Homeowner’s Association or its representative; at a private or public educational facility with permission; and at the event location.
- c) *Manner* – A Governmental Community Event Sign shall not be placed in medians, easements, or within the right-of-way of any thoroughfare.

(31) **GRAFFITI** – Pictures, words or slogans, images, or other artwork painted, drawn, scratched or applied in any manner to exterior walls, fences, structures, vehicles, stone, statues, buildings, or other items in public view not authorized by the owner of such property or allowed as a Mural. Graffiti includes the illegal or unauthorized defacing of a building, wall, or other edifice or object by painting, or otherwise marking it with words, pictures, or symbols, advertising, logos, relations with a group, indecent/vulgar images, or offensive language(s). Graffiti is prohibited in the City. This definition shall be used with Section 14-163 Amendments to the International Property Maintenance Code regarding graffiti.

(32) **GRAND OPENING** – A commemoration that promotes the opening of a new business is a Grand Opening. A Grand Opening shall be within one-hundred eighty (180) days of the issuance of a Certificate of Occupancy from the Building Official. Grand Openings after one-hundred eighty (180) days after the issuance of a Certificate of Occupancy requires approval from the Building Official. A Grand Opening may only be located at the business that received a Certificate of Occupancy from the Building Official. A Grand Opening shall not exceed fourteen (14) consecutive days in length.

(33) **GRAND OPENING BALLOON(S) and/or BALLOON ARRANGEMENT** – A Grand Opening Balloon is a visible airtight, inflatable apparatus with a maximum of one (1) square foot in total areas in various shapes and/or designs made of latex, mylar, or other similar material approved by the Building Official. A Grand Opening Balloon is customarily a hand-held device with a maximum ten (10’) foot in length code, rope, string, wire or other similar material. Grand Opening Balloon Arrangements are Grand Opening Balloons tied, twisted, or connected in such a manner to design creative figures, shapes, crescents, and/or other displays.

- a) *Time* – A sign permit is required. Grand Opening Balloon(s) and/or Grand Opening Balloon Arrangements shall only be displayed during a Grand Opening at a business. Grand Opening Balloon(s) and/or Grand Opening Balloon Arrangements shall be removed within two (2) hours after the conclusion of the Grand Opening.
- b) *Place* – Grand Opening Balloon(s) and/or Grand Opening Balloon Arrangements shall only be displayed within twenty (20') feet of the business' public entrance that has obtained a permit for a Grand Opening. Grand Opening Balloon(s) and/or Grand Opening Balloon Arrangements shall not be placed or displayed in front of (or at) other businesses. Grand Opening Balloon(s) and/or Grand Opening Balloon Arrangements shall not be attached to parking signs, bicycle stands, benches, trees, fences, poles, railings, vehicles, existing signage, display items, other structures, or placed in required parking spaces. Grand Opening Balloon(s) and/or Grand Opening Balloon Arrangements shall not block pedestrian or vehicular visibility or cause a safety hazard.
- c) *Manner* – Grand Opening Balloon(s) and/or Grand Opening Balloon Arrangements may not exceed twenty (20') feet in height. Grand Opening Balloon(s) and/or Grand Opening Balloon Arrangements must be secured to the ground.

(34) **HOA-NEIGHBORHOOD SIGN (HOA-NS)** – A temporary Stake Sign used to convey information regarding residential subdivision board meetings, announcements, or other subdivision-related events to residents within the subdivision.

- a) *Time* – No sign permit required.
- b) *Place* – A HOA-NS shall be located on private property within the subdivision. A HOA-NS shall not be located along any major thoroughfare or street artery outside of the subdivision screening wall or perimeter barrier.
- c) *Manner* – The maximum area of a HOA-NS shall not exceed six (6) square feet. The maximum height of a HOA-NS shall not exceed four (4) feet.

(35) **HOLIDAY DECORATIONS** – Signs or materials displayed in a temporary manner on or prior to traditional, civic, patriotic or religious holidays. No sign permit is required.

(36) **HOME IMPROVEMENT SIGN** – An on-site temporary Stake Sign that advertises the name, phone number, website address, and/or type of construction being performed on the property, such as a roof, fence, pool, painting, landscaping, or other home improvement contractor.

- a) *Time* – No sign permit required. A Home Improvement Sign shall be removed within fifteen (15) days of being initially installed or when the home improvement work is completed, whichever occurs first.
 - b) *Place* – A Home Improvement Sign shall be located only on the lot at which the home improvement is occurring. A Home Improvement Sign shall be erected on private property no closer than ten (10’) feet from the edge of any street pavement or designated roadway.
 - c) *Manner* – A Home Improvement Sign shall not exceed six (6) square feet in area. A Home Improvement Sign shall not exceed four (4’) feet in height. A maximum of one (1) Home Improvement Sign shall be erected on a lot.
- (37) **HUMAN SIGN** – A sign held by or attached to a human being who stands or walks on the ground on-site at a business location. A Human Sign includes a person dressed in costume, both for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.
- a) *Time* – No sign permit required. Human Signs may be displayed twenty-four (24) hours each and every continuing day.
 - b) *Place* – Human Signs shall be located on private property where a sale, event, promotion, or the like is taking place. Human Signs may not be off-location from where a promotion, sale, event, or the like takes place.
 - c) *Manner* – Human Signs may not hold or carry Wind Devices, Flags, or Balloons. Human Signs shall only be persons who stands or walks on the ground on private property. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a Human Sign.
- (38) **ILLUMINATED SIGN** – A Sign designed or made that consists of lights, LEDs, or other form of illumination that displays a message or picture that does not scroll, fade, blink, flash, travel, or any other means that does not provide constant illumination.
- (39) **IMPOUNDED SIGN** – A Sign that is legally removed by a City-authorized official, inspector, officer, other City employee(s) or City-authorized person(s) in accordance with the provisions of this Article.
- (40) **INFLATABLE DEVICE SIGN (IDS)** – A Sign manufactured of plastic, cloth, canvas, or other flexible or light fabric, inflated with air, secured to the ground, does not float, and does not exceed thirty (30’) feet in height. An IDS may be considered as part of a Special Event Sign Permit.

- a) *Time* – A sign permit is required. The sign permit must be displayed in a conspicuous place visible from the street for the purpose of walk-up inspection. A sign permit shall not be issued until the City has issued a Certificate of Occupancy for the business that elects to display an IDS. One (1) IDS may be erected on a lot for no more than three (3) fourteen (14) day periods per calendar year. A business can only display one (1) IDS at a time. In the case of multiple businesses or tenants located on a single lot, each business is allowed to erect an IDS on the lot for three (3), fourteen (14) day periods, provided that not more than one (1) IDS is installed along any street frontage at the same time.
- b) *Place* – An IDS shall not be located in required parking spaces, or driveways that provide access to parking spaces or fire lanes, nor shall any IDS or its securing devices encroach into a right-of-way. IDSs are only permitted within a non-residential zoning district.
- c) *Manner* – An IDS shall be secured directly to and not floating from the ground. An IDS shall not be placed on a roof, canopy, parking garage, or awning, or suspended or floating from any building or garage. The maximum height of an IDS shall not exceed thirty (30') feet. One (1) Banner may be applied to an IDS. A Banner applied to an IDS shall not count toward the allotted number of Banners during a calendar year. The maximum area of a Banner applied to an IDS shall not exceed forty-eight (48) square feet. An IDS shall not be installed within two-hundred (200') feet from another IDS measured in a straight line in any direction. Cloud Buster Balloons, blimps, Wind Devices or any similar type of apparatuses are not an IDS. Holiday decorations not specifically associated with a Sign are not considered as an IDS.

(41) **INSTRUCTIONAL / INFORMATIONAL SIGN** –The sole purpose of an Instructional/Informational Sign is to provide instruction, information, or direction to the general public that is essential to the health, safety, and public welfare of the community. An Instruction/Informational Sign shall contain no other message, copy, announcement, or decoration other than the essential instruction, information or direction and shall not advertise or otherwise draw attention to an individual, business, commodity, service activity, or product. Such signs shall include, but are not limited to: a Sign identifying a property address, street address, restrooms, public telephones, handicap parking spaces, reserved parking spaces, freeze warning, no trespassing, no dumping, no loitering, no soliciting, beware of warning, water resource information, neighborhood watch information, lock/take & hide information, construction entrance, and/or exit signage. Instructional/Informational Signs will include a Sign of a warning, directive or instruction erected by a public utility company that operates

under a franchise agreement with the City and/or signs required by Federal, State or other local authorities.

- a) *Time* – A sign permit is not required. No Restrictions.
- b) *Place* – No Restrictions.
- c) *Manner* – The maximum area of an Instructional/Informational Sign is sixteen (16) square feet.

(42) **INTERNAL SIGN** – Sign visible only from the property on which located or visible off the property only through a window or windows from which they are set back at least ten (10') feet. No sign permit is required.

(43) **RESERVED.**

(44) **LOGO** – Any design, insignia or other marking of a company or product, which is used in advertising to identify the company, business or product.

(45) **MAIN STREET SIGN REGULATIONS** – All signs located within the boundaries of the Main Street District (all properties abutting North Main Street between the center lines of South Pipeline Road and Glade Road) or a sign located on an intersecting street, in which the sign is located within three hundred (300') feet of the nearest right-of-way line of Main Street shall conform to the sign regulations as prescribed by Section 84-177 of the UDC.

(46) **MEMORIAL SIGN** – Markers, plates, plaques, etc. when deemed an integral part of a structure building or landscape. No sign permit is required.

(47) **MENU BOARD SIGN** – A sign erected in conjunction with a use that incorporates a drive-thru or drive-in and generally used to provide service and/or product options and pricing for patrons who remain in a vehicle.

- a) *Time* – A sign permit is required. A sign permit shall not be issued to erect or place a Menu Board Sign on a property until a site plan is approved by the City Council for the development of the property and after issuance of a Building Permit for a building on the property.
- b) *Place* – A Menu Board Sign is permitted only in conjunction with a non-residential use or in a non-residential zoning district. The minimum front building setback is twenty-five (25') feet from the property line.
- c) *Manner* –

- (1) *Drive-thru Menu Board Sign* – A Menu Board Sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. The design, materials, and finish of the Menu Board Sign shall match those of the building(s) on the same lot. One (1) Menu Board Sign is permitted per drive-thru use on a lot. The maximum area of a Menu Board Sign is sixty (60) square feet. The maximum height of Menu Board Sign is six (6') feet.
- (2) *Drive-thru Pre-Order Sign* – A Drive-thru Pre-Order Sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. The design, materials, and finish of a Drive-thru Pre-Order Sign shall match those of the building(s) on the same lot. One (1) Drive-thru Pre-Order Sign is permitted at the entrance of the drive-thru lane on a lot. The maximum area of a Drive-thru Pre-Order Sign is twenty-four (24) square feet in area. The maximum height of a Drive-thru Pre-Order Sign is six (6') feet.
- (3) *Drive-in Menu Board Sign* – A Drive-in Menu Board Sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. If the drive-in stalls are covered by a canopy, the Drive-in Menu Board signage may be attached directly to the canopy support columns. The design, materials, and finish of a Drive-in Menu Boards Sign shall match those of the building(s) on the same lot. One (1) Drive-in Menu Board Sign is permitted per ordering station. The maximum area of a Drive-in Menu Board Sign is nine (9) square feet in area. The maximum height of a Drive-in Menu Board Sign is six (6) feet.
- (4) *Noise Level* – A Drive-thru or Drive in Menu Board Sign which engages a speaker or other form of audible communication between the vehicle and store shall conform to Article IV, Chapter 46 Noise of the Code of Ordinances.
- (48) **MERCHANDISE SIGNS AND/OR DISPLAYS** – Any goods, wares, merchandise or other advertising object or structure suspended, applied, erected, installed from or on any building, or pole, structure, sidewalk, parkway, driveway, parking area, fuel pump island or its supports, bridge or overpass for the purpose of advertising such items or attracting patrons. Merchandise Signs and/or Displays are prohibited within the City, except as specifically allowed by any City ordinance or required by Federal or State law.
- (49) **MOBILE ADVERTISEMENT SIGN** – An operable or inoperable vehicle with illuminated or non-illuminated panels, other devices, or appendages used to advertise, promote or draw attention to products,

services, events, or other similar purpose. The primary purpose of a Mobile Advertisement Sign is advertising.

- a) *Time* – No requirement.
- b) *Place* – A Mobile Advertisement Sign is prohibited from being parked, driven, stationed, or moving in any manner on private property within the City for longer than twenty (20) minutes per twenty-four (24) hour day.
- c) *Manner* – A Mobile Advertisement Sign shall only be driven on public streets in the City.

(50) **MODEL HOME SIGN** – A Sign used to identify a builder or contractor model house that is open to the public for inspection by customers and located within a residential zoning district. A Model Home Sign provides a builder’s name, Logo, hours of operation, website information, and/or telephone number.

- a) *Time* – A sign permit is required. A sign permit shall not be issued until a final plat has been approved by the Planning and Zoning Commission for development of the subdivision. A sign permit for a Model Home Sign will not be issued until after a Building Permit has been issued for construction of a dwelling model home or temporary sales trailer.
- b) *Place* – A Model Home Sign is permitted on a lot that has been issued a Building Permit for construction of a residential dwelling or temporary sales trailer. One (1) Model Home Sign is allowed per residential lot. The minimum front setback of a Model Home Sign shall be fifteen (15’) feet from the property line. The minimum side or rear setback of a Model Home Sign shall be ten (10’) feet from the property line.
- c) *Manner* – The maximum area of a Model Home Sign shall not exceed forty-eight (48) square feet. A Model Home Sign shall be supported from the grade to the bottom having a solid base with a one (1’) foot masonry border or decorative embellishment border. All decorative embellishment borders and/or masonry borders will be included in the calculation of the total area of the Model Home Sign. The maximum height of a Model Home Sign shall not exceed five (5’) feet. The average finished grade of the lot shall not be altered to increase the height of the Model Home Sign. Model Home Signs shall not contain Neon.

(51) **MONUMENT SIGN** - A sign supported from the grade to the bottom of the sign having or appearing to have a solid and opaque base and used to

identify tenants or name of a business located within a development or on a separately platted lot within a planned development.

- a) *Time* - A sign permit is required. A sign permit shall not be issued to erect, install or place a Monument Sign on a property until a site plan and/or final plat has been approved by the Planning and Zoning Commission and/or City Council for development of the property and after the issuance of a building permit for a building on the property.
- b) *Place* – Monument Signs are permitted in nonresidential zoning districts or nonresidential areas and on a lot containing an apartment complex, daycare facility, school, community center, amenity center, marketing center, or religious facility. A Monument Sign is permitted on the same lot as a Multi-Tenant Development Sign (MTDS), but the total number of MTDS and Monument Signs located within a development shall generally not exceed the number of lots located within the development. The total number of signs shall not be permitted to exceed the total number of lots in the development when additional Monument Signs or MTDS are permitted on a property. The minimum front yard setback for a Monument Sign is fifteen (15') feet from the property line. The minimum side and rear setback from the property line shall be equal to the height of the Monument Sign. Monument Signs shall not be placed within any designated or dedicated public utility easements without the approval of an Easement Use Agreement from the appropriate utility.
- c) *Manner* -
 - (1) The design, materials, and finish of a Monument Sign shall match those of the buildings on the same lot. A Monument Sign shall contain a minimum one (1') foot masonry with mortar border around all sides. A Monument Sign constructed entirely of masonry materials, as defined in Section 84-181 of this Code, as it currently exists or may be amended, shall satisfy the one (1') foot masonry border requirement. Back-lit Monument Signs shall be inset into the pedestal rather than attached or applied to the pedestal.
 - (2) Monument Signs constructed in conjunction with MTDS shall be consistent with the building elements and materials of the MTDS within the development. Architectural embellishments are also encouraged and may be considered through the review of a Unified Sign Development Plan.

- (3) A lot is allowed a maximum of one Monument Sign per street frontage.
- (4) The maximum area of a Monument Sign, including the one (1') foot masonry border, is sixty (60) square feet.
- (5) The maximum height of a Monument Sign is eight (8') feet.
- (6) Monument Signs are permitted to contain electronic variable messages subject to the following conditions:
 - i.) Electronic variable message Monument Signs shall only be permitted along a major arterial or greater as designated in the city's thoroughfare plan, as it currently exists or may be amended.
 - ii.) Electronic variable message Monument Sign characters shall have a minimum height of ten (10) inches and a maximum height of sixteen (16) inches.
 - iii.) Electronic variable message Monument Signs shall not be animated, flash, travel, blink, fade, or scroll.
 - iv.) Electronic variable message Monument Signs shall remain static for not less than fifteen (15) seconds.
 - v.) Electronic variable message Monument Signs are permitted to contain time and temperature displays. The time and temperature shall remain static for not less than three (3) seconds.
 - vi.) Electronic variable message Wall signs are also permitted, but only one (1) variable message sign, either Monument or Wall, is permitted per lot.

(52) **MONUMENT (INTERNAL) SIGN (MIS-2).** A MIS-2 is a sign that is supported from the grade to the bottom of the sign having, or appearing to have, a solid base and generally used to provide direction to drive-thru lanes, buildings, and tenants within large multi-tenant retail, multifamily, or office developments. A MIS-2 is permissible subject to the following conditions:

- a) *Time* - A sign permit is required. A sign permit shall not be issued to erect, install or place a MIS-2 on a property until a site plan and/or final plat has been approved by the Planning and Zoning Commission and/or City Council for development of the property and after the issuance of a building permit for a building on the property.

- b) *Place* - A MIS-2 is permitted only in conjunction with a nonresidential use or in a nonresidential zoning district. Minimum front setback is seventy-five (75') feet from the property line. The minimum rear and side yard setback shall be equal to the height of the sign.
- c) *Manner* –
 - (1) The design, materials, and finish of MIS-2s shall match those of the buildings on the same lot. MIS-2s constructed in conjunction with MTDS and/or Monument Signs shall be consistent with the building elements and materials of the MTDS and Monument Signs on the same lot and within the same development.
 - (2) If a property averages more than two (2) MIS-2s per acre, a Unified Sign Development Plan must be approved prior to placement of the MIS-2s.
 - (3) The maximum area of a MIS-2 is sixty (60) square feet.
 - (4) The maximum height of a MIS-2 is eight (8') feet.
- (53) **MOVING SIGN** - Any sign, sign appendages or apparatus designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device. Moving signs, and/or any sign appendage that moves, are prohibited in the City.
- (54) **MULTI-TENANT DEVELOPMENT SIGN (MTDS)** - A MTDS is a sign that is supported from the grade to the bottom of the sign having, or appearing to have, a solid base or a sign that is supported by poles or supports in or upon the ground independent of any building and is used to identify multiple tenants within a development. A MTDS is permissible on a nonresidential zoned property subject to the following conditions.
 - a) *Time* - A sign permit is required. A sign permit shall not be issued to erect, install or place a MTDS on a development containing multiple parcels until a Unified Sign Development Plan has been approved. A Unified Sign Development Plan is not required for a MTDS on a single parcel development. A sign permit for a MTDS shall not be issued to erect, install or place a MTDS until a subdivision plat, preliminary site plan, and/or site plan for the property has been approved by the Planning and Zoning Commission, and/or City Council and after issuance of a building permit for a building within the development.
 - b) *Place* –

- (1) MTDS shall be located within a development that may contain multiple tenants and/or multiple lots under a single development.
- (2) A MTDS is permitted on the same lot as a Monument Sign, but the total number of MTDS and Monument Signs located within a development shall generally not exceed the number of lots located within the development. The total number of signs shall not be permitted to exceed to the total number of lots in the development when additional MTDS are permitted on a property.
- (3) The minimum front setback for a MTDS is fifteen (15') feet from the property line.
- (4) No minimum side yard and rear yard setbacks are required for a MTDS, but a MTDS shall not be located closer than 75 feet to another MTDS or a Monument Sign.

c) *Manner* -

- (1) A MTDS shall be constructed of materials and a design consistent with the buildings located on the property.
- (2) The maximum area and height of a MTDS shall be based on the proximity of the development to the adjacent street classification.

	<i>Maximum Area</i>	<i>Maximum Height</i>
Local and Collector Streets	Twenty (20) square feet per tenant up to two hundred sixty (260) square feet inclusive of development identification	Fifteen (15') Feet
Minor Arterials	Twenty five (25) square feet per tenant up to three hundred twenty five (325) square feet inclusive of development identification	Twenty (20') Feet
Major Arterials	Thirty (30) square feet per tenant up to three hundred twenty five (325) square feet inclusive of the development identification	Thirty (30') Feet
Highways	Forty (40) square feet per tenant up to six hundred (600) square feet inclusive of development identification	Forty (40') Feet

- (3) Architectural embellishments for MTDS are encouraged. Exceptions in maximum height and area may be considered through the review of the Unified Sign Development Plan.
 - (4) One MTDS is permitted per street frontage of the development. One additional MTDS is permitted along a street for each additional seven hundred and fifty (750') linear feet, or portion thereof, of street frontage that exceeds seven hundred and fifty (750') linear feet of street frontage.
 - (5) Variable messages are not permitted within MTDS.
- (55) **MUNICIPAL BANNER** - A temporary sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other light fabric or similar material, with the only purpose of such non-rigid material being for background used by the City, either acting alone or in cooperation with another person or entity, to promote the City, aide in economic development or economic activity in the City, promote citizenry and good will, promote awareness of happenings in the City, promote municipal-related places, activities, events, or promote municipal-related information or an event or similar happening determined by the City to directly relate to the City's objectives in speaking on its own property. A Municipal Banner includes ornamentations and seasonal decorations.
- a) *Time* - Written permission from the City Manager or their designee is required. No time restriction.
 - b) *Place* - A Municipal Banner may be erected on any City-owned property, including but not limited to pavilions, fences, walls, vehicles, poles and light poles, and/or any other structure or apparatus approved by the City Manager or their designee.
 - c) *Manner* - Municipal banners shall not be faded, tattered or torn.
- (56) **MURAL** - Pictures or artwork painted, drawn or applied on the exterior walls that does not depict or contain advertising, logos, or images of a product or service available on-site or off-location. Murals are not used to advertise products or services offered or sold off-location or on-site.
- a) *Time* - A sign permit is required. A sign permit shall not be issued to paint, draw, apply or place a mural on a property until a site plan and/or final plat is approved by the Planning and Zoning Commission and/or City Council for development of the property and after issuance of a building permit for a building on the property.

- b) *Place* - A Mural shall be located above grade and below a roof and only be located within a nonresidential zoned district. Murals shall not be applied to a roof or other similar cover of a building or structure.
 - c) *Manner* - The maximum area of a Mural shall not exceed the length or height of the exterior wall on which it is painted, drawn or applied. A Mural shall not face a residential neighborhood, unless separated by a major thoroughfare. Murals are permitted only in conjunction with a nonresidential use or in a nonresidential zoning district.
- (57) **NAME SIGN** – Sign having an area of not more than two (2) square feet, the message of which is limited to conveying the address and/or name of the premises, and/or owner, and/or occupant of the premises. No sign permit is required.
- (58) **NEGLECTED SIGN** - A sign that has any missing panels, burned out lights, missing letters or characters, has rust, has loose parts, has damage, faded from its original color, supports or framework with missing sign or parts, or is not maintained. Neglected signs are prohibited in the City.
- (59) **NEON TUBING** - A discharge tube containing neon that ionizes and glows with various colors when electric current is sent through it.
- (60) **NONCONFORMING SIGN** - Any sign and its supporting structure that does not conform to all or any portion of this Article and was in existence and lawfully erected prior to the effective date of this Article; and was in existence and lawfully located and used in accordance with the provision of any prior ordinances applicable thereto, or which was considered legally nonconforming there under, and has since been in continuous or regular use; or was used on the premises at the time it was annexed into the city and has since been in regular and continuous use.
- (61) **NOTICE** - Notice required by this Article shall be sufficient if it is effected by personal delivery, registered or certified mail, return receipt requested, by the United States Postal Service and/or posting at premises.
- (62) **OFF-LOCATION or OFF-PREMISES SIGN** - A sign that advertises, promotes, or pertains to a business, person, organization, activity, event, place, service, product, etc. at a location other than where the business, person, organization, activity, event, place, service, product, etc. is located. Off-location and off-premises signs are prohibited in the City.
- (63) **ON-SITE** - The property or location on which a business, person, organization, activity, event, place, service, product, etc. is located.

- (64) **OPEN HOUSE RESIDENTIAL SIGN** - A temporary Stake Sign used to advertise the name of a realtor or homeowner, phone number, date, open house address, and/or time of a residential open house.
- a) *Time* - No sign permit required. OHRS shall be erected no earlier than 9:00 a.m. Saturday before the open house and shall be removed no later than 6:00 p.m. Sunday of the open house during the same weekend. OHRS shall not be erected during week days.
 - b) *Place* - OHRS shall be located only on private residential property with the consent of the property owner and the subject property having the open house.
 - c) *Manner* - The maximum area of an OHRS sign shall not exceed six (6) square feet. The maximum height of an OHRS shall not exceed four (4) feet. An OHRS shall not contain balloons, streamers, flags, pennants, or other wind devices. An OHRS shall not be placed on a vehicle, fence, pole, tree, or railing.
- (65) **PENNANT** - Any lightweight plastic, fabric or other material, whether or not it contains a message of any kind, suspended from a rope, wire, cord, string or other similar material designed to move in the wind whether existing in a series or individually. Pennants are generally prohibited in the City unless permitted through a Grand Opening or Special Event Sign Permit.
- (66) **PERSON** - Any person, firm, partnership, corporation, company, limited liability company, organization, business or entity of any kind.
- (67) **POLE/PYLON SIGN** - A sign erected on a vertical framework consisting of one or more uprights supported by the ground independent of support from any building.
- a) *Time* - A sign permit is required. A sign permit shall not be issued to erect, install or place a Pole/Pylon Sign on a property until a site plan has been approved by the City Council for development of the property and after the issuance of a building permit for a building on the property.
 - b) *Place* - Pole/Pylon Signs are permitted in nonresidential zoning districts or nonresidential areas and on a lot containing a daycare facility, school, community center, amenity center, marketing center, or religious facility. The minimum front yard setback for a Pole/Pylon Sign is fifteen (15') feet from the property line. The minimum side and rear setback from the property line shall be equal to ten (10) percent of the lot width. Pole/Pylon Signs shall not be placed within any designated or dedicated public utility easements

without the approval of an Easement Use Agreement from the appropriate utility.

- c) *Manner* – The maximum area and height of a Pole/Pylon Sign shall be based on the proximity of the development to the adjacent street classification.

	<i>Maximum Area</i>	<i>Maximum Height</i>	<i>Maximum Number</i>
<i>Local and Collector Streets</i>	Fifty (50) square feet	Fifteen (15') feet	One (1) per two hundred (200) feet of street frontage or portion of
<i>Minor Arterials</i>	One hundred (100) square feet	Twenty (20') feet	
<i>Major Arterials</i>	One hundred fifty (150) square feet	Thirty (30') feet	
<i>Highways or Freeways</i>	Two hundred fifty (250) square feet	Fifty (50') feet	
<i>Hotels, Retail Fuel Sales and Restaurants within three hundred (300) feet of a Highway</i>	Three hundred (300) square feet	Sixty (60') feet	One (1)

(68) **POLITICAL SIGN** - A sign that relates to the election of a person to a public office, relates to a political party, relates to a matter to be voted upon at an election called by a public body, or contains primarily a political message.

- a) *Time* - No Sign permit required. Signs shall be removed within seven (7) calendar days after the completion of the election.
- b) *Place* - Political signs shall be located only on private property with the consent of the property owner. A Political Sign shall not be erected closer than ten (10') feet from the edge of the street pavement, located on any public property, within a designated easement or right-of-way.
- c) *Manner* - Political Signs shall not exceed eight (8') feet in height measured from the ground to the highest point of the sign. Political Signs shall not exceed thirty-six (36) square feet in area. Political

signs shall not be illuminated. Political Signs shall not contain any moving elements or parts. Political Signs shall not be dilapidated or cause a hazard.

- (69) **PORTABLE SIGNS** - Any sign designed or intended to be relocated from time-to-time, whether or not it is permanently attached to a building or structure, or is located on the ground. Portable Signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, banners, tents or other portable structures, A-frame signs, T-shaped signs, airborne devices, or other devices used for temporary display or advertising. Portable Signs are prohibited in the City except as specifically allowed by this Article of the UDC.
- (70) **PROHIBITED LIGHT/LIGHTS** - Lights are any form of light sources or lumens, whether by electromagnetic radiation, flame, reflection, or any other form of lumens that acts upon the retina of the eye and optic nerve that makes sight possible. Prohibited Lights are lights that blink, strobe, flash, fade, scroll, or anything other than stationary or static that attracts the attention of the general public, or causes light pollution or light trespass. Prohibited Lights placed in any manner where the light is visible from the exterior of a business or other nonresidential use facility are prohibited in the City. Exception: Federal, state and municipal authorized emergency devices or apparatuses, emergency vehicles, utility repair vehicles, fire and building code light devices for emergency and/or security purposes, or other required lighting for public safety purposes are not prohibited and must comply with all applicable ordinances or regulations.
- (71) **PROHIBITED SIGNS** – It shall be in violation of this Article for any person, company or agent to erect, place display or locate any sign having any of the following characteristics. Signs deemed unsafe to the general public either due to location the sign is erected or the condition of the sign may be removed immediately by the Building Official or their designee.
- a) *Unreferenced or No Permit Issued* - Any sign not referenced in or governed by this Article or any sign erected or installed without the issuance of a permit either prior to or after the adoption of this Article (if a permit is required).
 - b) *Odor or Visible Matter Emitting* – No sign shall be permitted that emits odor or visible matter.
 - c) *Blocking of Public Access* – No sign shall block or obstruct public access, fire escapes, traffic visibility, or public utilities. No sign shall be sign erected or installed in or over a public right-of-way or access easement, unless permitted within this Article.

- d) *Imitation Governmental Signs* – No signs shall imitate governmental signs including traffic control signs and/or devices.
- e) *Obscenities* – No sign shall contain obscene, indecent, or immoral words, pictures or other matter.
- f) *Obstruction of Traffic Signal Visibility* – No sign shall be located in the direct line of vision of any traffic control signal from any point in a moving traffic lane within fifty (50') of such signal.
- g) *Painting on Streets* – No painting, marking or attachment of a sign to the street, sidewalk, and building other than house numbers or occupant's name or as provided within this Article.
- h) *Proximity to Power Lines* – No portion of any sign shall be located closer than ten (10') feet to any overhead power or service line.
- i) *Signs on Utility Poles* – No sign shall be placed on or attached to other signs, utility poles, fire hydrants, trees, flag poles, street lamps or other means of support of an outdoor advertising display.
- j) *Decorative Flags* – Flags other than national, state, municipal or corporate flags as permitted by this Article shall not be permitted in commercial or multi-family districts.

(72) **PROJECT/DEVELOPMENT SIGN (PDS)** - A temporary sign used to advertise or display contact information of property owners, opening dates, architects, contractors, engineers, landscape architects, and/or financiers, who are engaged with the design, construction, improvement or financing of a residential subdivision with homes under construction within the subdivision to which it pertains or within a commercial project to which it pertains. PDS is generally constructed of wood, metal or other similar materials approved by the Building Official. A PDS may include zoning information and advertise residential builders selling homes within a subdivision. In no case shall a PDS contain information that pertains to off-premise uses.

- a) *Time* - A Sign permit is required. The sign permit number, date installed, and sign contractor's name must be placed on the sign in no less than one (1") inch in height in a conspicuous place on the sign. PDS signs must be removed when ninety-five (95) percent of the buildings/homes in the commercial project/subdivision have been issued a Certificate of Occupancy.
- b) *Place* - The PDS shall be installed no closer than fifteen (15') feet to any property line. The minimum distance between a PDS and another PDS is two hundred (200') feet.

c) *Manner* - A PDS installed on a lot where a contractor requests a final inspection must be removed prior to the final inspection and issuance of a Certificate of Occupancy. The maximum area of a PDS is ninety-six (96) square feet. The maximum height of a PDS is sixteen (16') feet. A maximum of one PDS is allowed along a major street frontage per subdivision. When a subdivision has more than one (1) major thoroughfare, one (1) PDS may be placed on each major thoroughfare.

(73) **PROJECTING SIGN** - A sign attached and projecting out from a building face or wall, generally at a right angle to the building.

a) *Time* - A sign permit is required. A sign permit shall not be issued to erect or install a Projecting Sign at a property until a building permit is issued for the building where Projecting Sign is to be attached.

b) *Place* - A Projecting Sign is permitted only in conjunction with a nonresidential use or in a nonresidential district provided no portion of the sign extends over the required building line more than twenty-five (25) percent of the minimum building setback requirement for that zoning district. When a projecting sign is constructed over a pedestrian sidewalk, a minimum of nine (9') feet of clearance shall be provided between the grade of the sidewalk and the lowest portion of a Projecting Sign. No Projection Sign shall extend above the top plate line of the associated building.

c) *Manner* - The maximum area of a Projecting Sign is fifty (50) square feet per sign face. No Pole or Monument Sign shall also be located on the property.

(74) **PROPERTY** - An area of real estate designated as a parcel or lot on a final plat approved by the City and filed with the county clerk's office, or an unplatted tract of land as shown on an abstract.

(75) **PUBLIC NUISANCE** - Any sign or similar device that causes annoyance either to a limited number of persons or to the general public or because of its attraction causes a hazard or dangerous condition.

(76) **PUBLIC VIEW** - Visible from any public right-of-way, City right-of-way, or access easement.

(77) **RESIDENTIAL REAL ESTATE SIGN (RRES)** - An on-site, temporary Stake Sign used to advertise a home or residential property for sale or lease. A RRES is used to advertise the name of the owner or realtor, telephone number, property information, and/or website address.

a) *Time* - No sign permit required. A RRES may be erected 24 hours each and every day.

- b) *Place* - A RRES shall be erected only on the lot on which the home or property is for sale or lease. A RRES shall be erected no closer than ten (10') feet from the street pavement.
- c) *Manner* - A RRES shall not exceed six (6) square feet in area. The maximum height of a RRES shall not exceed four (4') feet. A maximum of one RRES shall be erected on a lot.

(78) **REVOLVING SIGN** - Any sign that turns, spins, or partially revolves or completely revolves three hundred sixty (360) degrees on an axis. Revolving signs are prohibited in the City.

(79) **ROADWAY TYPE** – Roadway type shall be defined as per the latest adopted thoroughfare plan of the City and are specifically listed here. Thoroughfares are divided up into the following:

- a) *Highways or Freeways* – Highways and freeways shall include those roadways which are classified as federally aided primary highways. These are more specifically described as S.H. 183, S.H. 121 and S.H. 360.
- b) *Major Arterials* – Major arterials shall include those roadways whose primary function is to carry multi-jurisdictional traffic and, for the purpose of this Article, are hereby specifically limited to S.H. 10, FM 157, and Mid-Cities Boulevard.
- c) *Minor Arterials* – Minor arterials shall include Glade Road, Harwood Road, West Pipeline, Raider Drive, Westpark Way, and Eules Main Street.
- d) *Local and Collector Roads* – Local and Collector roadways shall be considered all other roads not specifically named herein.

(80) **ROOF SIGN** - A sign mounted on and supported by the roof portion of a building or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building or a sign that is painted directly to or applied on the roof or top of a building or structure. A sign that is mounted on mansard roofs, or architectural projections, such as canopies or the façade (wall) of a building or structure shall not be considered to be a Roof Sign.

- a) *Time* - A Sign permit is required. A sign permit shall not be issued to erect or place a roof sign on a property until a sign plan and/or final plat is approved by the Planning and zoning Commission and/or City Council for development of the property, and after the issuance of a building permit at the property.

- b) *Place*. Roof Signs may be erected on nonresidential buildings in commercial or industrial zoning districts. The top of a Roof Sign shall not extend higher than the roof peak.. A Roof Sign may be installed on a parapet wall; provided, the parapet wall extends around the entire perimeter of the building at the same elevation. A Roof Sign may be erected on a secondary canopy or a secondary roof over an entry to a building.
- c) *Manner* – The maximum sign area for Roof Signs shall be limited to fifteen (15) percent of the exterior wall elevation over which the roof sign is oriented.

(81) **SANDWICH BOARD SIGN** - See "A-frame sign", above.

(82) **SCHOOL SIGN** - An onsite temporary Stake Sign used to convey school registrations, enrollments, open houses, award ceremonies, PTA meetings, or other school-related events or functions for a public or private educational facility to where the information pertains. A School Sign excludes information pertaining to dates, times, and/or locations of scheduled athletic games.

- a) *Time* - No sign permit required. A School Sign may be erected up to seven (7) days prior to the event and shall be removed no more than forty-eight (48) hours after the conclusion of the meeting or event.
- b) *Place* - With permission of the owner, a School Sign shall be placed at a private or public school, and/or at an improved property that has received a Certificate of Occupancy. A School Sign shall be erected on private property not closer than ten (10') feet from the edge of any street pavement.
- c) *Manner* - The maximum area of a school sign shall not exceed six (6) square feet. The maximum height of a school sign shall not exceed four (4') feet. A school sign shall not contain any balloons, streamers, pennants, flags, or wind devices.

(83) **SCOREBOARD** - A scoreboard is a structurally-engineered sign erected at an athletic field or stadium and which is generally used to maintain the score or time expired in an event at the field or stadium. This definition includes signs mounted or applied to the outfield wall within a baseball field.

- a) *Time* - No sign permit required. No restrictions.
- b) *Place* - Scoreboards shall be erected within or adjacent to an athletic field or stadium.
- c) *Manner* - No restrictions.

(84) **SEARCHLIGHT or SKYLIGHT** - Any apparatus capable of projecting a beam or beams of light.

- a) *Time* – A sign permit is required. The sign permit must be displayed in a conspicuous place visible from the street for the purpose of walk-up inspection. A sign permit shall not be issued until the City has issued a Certificate of Occupancy for the business that elects to display a searchlight or skylight. One (1) searchlight or skylight may be erected on a lot for no more than three (3) individual periods per calendar year. A single permit for a searchlight or skylight may be issued for only one (1) twenty-four (24) hour period at a time. A business can only display one (1) searchlight at a time.
- b) *Place* – A searchlight or skylight shall not be located in required parking spaces, or driveways that provide access to parking spaces or fire lanes, nor shall any searchlight or skylight or its securing devices encroach into a right-of-way. Searchlights and skylights are only permitted within a non-residential zoning district.
- c) *Manner* – Searchlights (skylights) shall not be located within two hundred (200') feet of a residence and shall not shine into the eyes of occupants in any vehicle or into the any residential window or where the illumination interferes with the readability of any traffic signal or device.

(85) **SEXUALLY ORIENTED BUSINESS (SOB) SIGNS** – Signs utilized to advertise SOBs within the City are governed under Chapter 18 of the City Code regarding the regulation and licensing of Sexually Oriented Businesses.

(86) **SIGN** - Any form of publicity or advertising which directs attention to an individual, business, commodity, service, activity, event, or product by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, or other pictorial matter designed to convey such information and displayed by means of print, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or structures or supports. This definition shall also include any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or communicate information of any kind to the public.

(87) **SKYLIGHT** - See Searchlight (Section 84-232 (84)), above.

(88) **SPECIAL EVENT SIGN PERMIT** – A permit issued for a temporary sign installation approved by the Building Official or their designee, which specifically allows, banners, pennants, balloons, Grand Opening

Balloons, advertising matter and stake signs which may be displayed to alert the public of a Grand Opening, special sales, or similar events. All signage shall be made of materials that are approved by the Building Official.

- a) *Time* – A sign permit is required. Special event signage shall be permitted for a duration of no more than seven (7) consecutive days per permit. No more than four (4) special event permits shall be issued for any one business during any calendar year. Special event permits cannot be issued in a consecutive manner. A minimum thirty (30) day interval must pass from the expiration of one special event sign permit to the issuance of another.
 - b) *Place* – Special event signage shall be confined to the on-site location that has obtained the permit. Special event signage shall be located in such a manner as to not interfere with the movement of sight visibility of pedestrian or vehicle traffic.
 - c) *Manner* – All manner of special event signage requested within the permit shall be in conformance with the dimensional and location restrictions hereby defined by this Article.
 - d) *Permit* – Applications for special event sign permits shall consist of an application fees as established by the City fee ordinance (Chapter 30) and two sets of drawings that depict the nature, size, shape, height, type of materials and location of such requested signage.
- (89) **STAKE SIGN** - A temporary sign that does not exceed six (6) square feet in area with a base/stake commonly made of metal, wood or other similar material approved by the Building Official with an end for driving into the ground.
- (90) **SUBDIVISION IDENTITY SIGN** - A Subdivision Identity Sign is a sign mounted to a screening wall or engraved into a masonry block which identifies a residential development or a planned development, whether residential or noncommercial, and generally refers to the platted name of the subdivision or planned development.
- a) *Time* - A sign permit is required. A sign permit shall not be issued to erect or place a Subdivision Identity Sign on a property until a preliminary plat is approved by the Planning and Zoning Commission for development of the property.
 - b) *Place* - All Subdivision Identity Signs shall be located within the platted limits of the subdivision to which it pertains. A subdivision may contain five (5) or more acres of land or twenty (20) or more platted lots to qualify for a Subdivision Identity Sign. The minimum

- c) *Manner*. Subdivision Identity Signs may be in the form of a sign mounted to a screening wall that does not project from the fascia of the wall more than one inch. Two Subdivision Identity Signs are allowed per entry totaling one (1) per side of the street.

	<i>Maximum Area</i>		<i>Maximum Height</i>	
	<i>Single Family</i>	<i>Commercial Industrial</i>	<i>Single Family</i>	<i>Commercial Industrial</i>
<i>Local and Collector Streets</i>	Thirty (30) square feet	Twenty (20) square feet per gross platted acre	Six (6') Feet	Six (6') Feet
<i>Minor Arterials</i>	Forty (40) square feet	Twenty (20) square feet per gross platted acre	Six (6') Feet	Six (6') Feet
<i>Major Arterials</i>	Fifty (50) square feet	Forty (40) square feet per gross platted acre	Eight (8') Feet	Thirty (30') Feet
<i>Highways</i>	Fifty (50) square feet	Fifty (50) square feet	Eight (8') Feet	Thirty (30') Feet

(91) **SUBDIVISION MONUMENTATION** - Subdivision Monumentation is a physical improvement such as signs, walls, entry features or other similar improvements constructed to draw attention to or enhance a subdivision or its surrounding area.

- a) *Time* - A sign permit and building permit is required. A building permit and/or sign permit shall not be issued to erect or place Subdivision Monumentation on a property until a site plan is approved and issued by the City Council for development of non-residentially zoned property, multifamily or townhome zoned properties, or a preliminary plat or final plat is approved by the Planning and Zoning Commission for development of single-family properties. The requirement to prepare the aforementioned plans may be waived should the owner of the property on which the monumentation is proposed to be located or his representative prepare written documentation and/or graphic illustrations to the satisfaction of City staff to explain the relationship of the proposed monumentation to future land uses on the property.
- b) *Place* - Subdivision Monumentation placed on private property shall observe all building line and setback requirements of the governing zoning district. A non-habitable monument may encroach into a

required setback provided all visibility clips and easements are observed and the monument is deemed by City staff not to negatively impact fire protection of existing or future development. Subdivision Monumentation may be placed in the right-of-way subject to approval of right-of-way use agreements. Subdivision monumentation may not be erected within an area designated as future right-of-way on the city's thoroughfare plan, as it currently exists or may be amended.

- c) *Manner* - The developer of the Subdivision Monumentation must provide a plan for future maintenance of Subdivision Monumentation to the city for review. The maximum height of Subdivision Monumentation shall not exceed the maximum height of the governing zoning district.

(92) **TEMPORARY RELIGIOUS SIGN** - A temporary Stake Sign used to provide the name of and direction to a location occupied by a religious organization or religious group that temporarily operates in a school or other facility. A temporary religious sign identifies the meeting location/address, website information, hours of service, and/or telephone number of a religious organization or group.

- a) *Time* - No sign permit required. A Temporary Religious Sign may be erected during times of worship provided that the sign is placed no earlier than two (2) hours prior to worship and removed no later than two (2) hours after worship.
- b) *Place*. A Temporary Religious Sign shall be placed on private property with consent of the property owner. Temporary Religious Signs shall be erected on private property not closer than ten (10') feet from the edge of any street pavement or designated roadway or right-of-way.
- c) *Manner* - The maximum area of a Temporary Religious Sign shall not exceed six (6) square feet. The maximum height of a temporary religious sign shall not exceed four (4') feet. A temporary Religious Sign shall not contain balloons, streamers, flags, pennants, or wind devices.

(93) **TEMPORARY SIGN** - Any sign used to display information that relates to a land use, or a sign with a limited duration which is not rigidly and permanently installed into or on the ground, attached to a building, or as identified in this Article.

(94) **TRAFFIC LIGHTS AND SIGNAGE** - Any traffic-related sign, light, apparatus, or device installed that provides information to vehicular drivers and/or pedestrian traffic. Traffic-related signs, lights, apparatuses,

or devices requires approval from the Engineering Department, which includes the review and approval of design, size, placement, and any other specifications or requirements prior to installation from the traffic engineer. Exemption: Signs, lighting, apparatuses, and/or devices installed or required by federal or state laws.

(95) **UNDEVELOPED** - An undeveloped residential or nonresidential property for which a certificate of occupancy has not been issued by the Building Official to occupy a building on the property or for which final acceptance has not been issued by the City.

(96) **UNIFIED SIGN DEVELOPMENT PLAN** – A Unified Sign Development Plan is required to be prepared for variance requests. A Unified Sign Development Plan is also required prior to the issuance of a sign permit for certain signs specified in this section, or as otherwise required herein, to determine overall sign locations on a property, the relationship of the signs to surrounding existing and proposed improvements, and to determine consistency and uniformity among buildings and signs within a commercial or residential development. The Unified Sign Development Plan shall be submitted to the Planning and Development Department.

a) A Unified Sign Development Plan shall contain the following information:

(1) Elevations of the signs illustrating the materials of construction, colors, lighting, fonts of letters, and dimensions of the signs. If the sign is to be attached to a building, the elevation shall be a composite of the sign and the building;

(2) Elevations depicting the size of the signs in relation to the size of the buildings within the development;

(3) A plan drawn to the site plan as it currently exists or may be amended, of the site illustrating the location of existing and proposed signs on the property and, if required by City staff, on adjacent properties;

(4) Other information to illustrate the consistency and uniformity of the signs; and

(5) For nonresidential and multifamily developments, the Unified Development Sign Plan shall be submitted to the City for review with a site plan of the property. For single-family and two-family developments, the Unified Development Sign Plan shall be submitted to the city for review with a preliminary plat, or final plat of the property.

- (6) A Unified Development Sign Plan required of certain signs specified in this section, or as otherwise required herein, shall be submitted to the Planning and Development Department. The Unified Development Sign Plan will be reviewed in accordance with the City's development review schedule and considered for approval by the City Council. The City Council may approve or deny the Unified Development Sign Plan. The decision the City Council is discretionary. The City Council's decision is final.
- (97) **V-SHAPED SIGN** - A sign that fronts two street frontages with more than five degrees of parallel.
- (98) **VACANT BUILDING SIGN** - No sign shall be permitted to remain on any vacant building, except a sign pertaining to the lease or sale of the building to which it pertains, or a sign which is under lease from an owner or his authorized agent when such sign is maintained by a person operating under his own bond. Vacant building signage is prohibited in the City.
- (99) **VARIANCE** - An official written request to the Board of Adjustments to allow exceptions to regulations or requirements of this Article.
- (100) **VEHICLE** - Any operable or inoperable motorized machine on wheels, treads, or runners by which any person, materials, commodity, or property is or may be transported.
- (101) **VEHICLE BAY SIGN** – A specific type of Wall Sign either painted or erected against an exterior wall or erected parallel to a wall identifying the vehicle entrance (bay) to a structure.
- a) *Time* – A sign permit is required. A sign permit shall not be issued to erect, place or install a Wall Sign on a property until a site plan is approved by the City Council for development of the property and after issuance of a building permit for a building on the property.
 - b) *Place* – Vehicle Bay Signs shall be placed immediately adjacent to the physical entrance to the building accessible to vehicles. Vehicle Bay Signs may also be painted or attached to the door of the vehicle bay.
 - c) *Manner* – One (1) Vehicle Bay Sign is allowed per vehicle bay. Any Vehicle Bay Sign may not exceed seventy-five (75%) percent of the width of the vehicle bay it is identifying and may not exceed twenty-four (24) inches in height.
- (102) **VEHICLE SIGN** - A sign attached to any vehicle, truck, car, bus, trailer, boat, recreational vehicle, motorcycle or any other vehicle; however, any vehicle, whether operable or not, shall not be parked and/or decorated

where the intent is to use the vehicle as advertising. Vehicle signs shall exclude bumper stickers and state required registration or inspection stickers/identifications.

- a) *Time* - No sign permit required. Vehicle signs are allowed twenty-four (24) hours each and every continuing day.
- b) *Place* - Vehicle signs are permitted provided that during periods of inactivity such vehicle is not parked in the right-of-way or placed in a manner that the vehicle sign is readily visible from an adjacent right-of-way. "For sale" signs placed in or on vehicles when the vehicle is parked or placed in a manner that the vehicle sign is readily visible from an adjacent public right-of-way are prohibited, with the exception that one vehicle may contain a "for sale" sign parked or placed at an occupied single-family, two-family, townhome, or multifamily dwelling unit is permitted.
- c) *Manner*. Vehicle signs are permitted provided that:
 - (1) The primary purpose of the sign is not for display of the sign;
 - (2) The signs are painted upon or applied directly to an integral part of the vehicle;
 - (3) The vehicle is operable, currently registered and licensed to operate on public streets and actively used in the daily function of the business to which such signs relates;
 - (4) The vehicle is not used as a static display, advertising a product or service, not utilized as storage, shelter, or distribution points for commercial products or services for the public; and the vehicle does not meet the definition of a Mobile Advertisement Sign.

(103) **VENDING MACHINE SIGN** - A sign attached to or incorporated as part of a vending machine or gasoline pump and generally advertises products dispensed, offered or sold from the vending machine or gasoline pump.

- a) *Time* - No sign permit required. Vending machine signs may be displayed 24 hours each and every day.
- b) *Place* - Vending machine displaying vending machine signs shall not obstruct pedestrian or vehicular traffic.
- c) *Manner* - Vending machine signs shall be directly attached to a vending machine or gasoline pump. Vending machine signs shall be flat and shall not project from the vending machine or gasoline pump. Unless, otherwise, required by federal, state or local laws,

signs that promote products or other items shall not be attached to light poles, canopy supports, rails, trees, parking signs, vehicles, or other objects.

(104) **WALL SIGN (PRIMARY)** - Any sign either painted or erected against an exterior wall or erected parallel to a wall. A Primary Wall Sign is a sign erected parallel to and extending not more than eighteen (18”) inches from the facade of any building to which it is attached, supported throughout its entire length by the building face. A Primary Wall Sign identifies the name of a business and/or logo of a business. Neon shall not be installed on any wall sign installed below nine feet from grade. A Primary Wall Sign may include neon tubing attached directly to a wall surface when forming a border for the subject matter or when forming letters, logos, or pictorial designs. This definition shall not include painted on murals. Murals are not subject to the Primary Wall Sign regulations contained herein. Primary Wall Signs are permissible subject to the following conditions and upon issuance of a sign permit. No building shall have both a Primary Wall Sign and an Awning Sign on the same building face.

- a) *Time* - A sign permit is required. A sign permit shall not be issued to erect, place or install a Primary Wall Sign on a property until a site plan is approved by the City Council for development of the property and after issuance of a building permit for a building on the property.
- b) *Place* – Primary Wall signs are permitted only in conjunction with a nonresidential use or in a nonresidential zoning district. When projections on the wall face prevent the erection of the sign flat against the wall face, the space between the back of the sign and the wall shall be closed at the top, bottom and ends with incombustible materials. For buildings with a height of five (5) stories or greater, a wall sign may extend above the roofline of the building on which it is attached up to twenty-five (25) percent of the sign's height. The Primary Wall Sign must be located on that portion of the building that is five (5) stories or greater.
- c) *Manner* -

(1) The total number of Primary Wall Signs allowed shall be as follows:

<i>Building (Elevation) Width (in Feet)</i>	<i>Number of Allowed Wall Signs</i>
$\leq 65'$	1
66' up to and including 100'	2
101' up to and including 150'	3
$\geq 151'$	4

(2) The total cumulative size of all allowed Primary Wall Signs per elevation shall be as follows:

<i>Building Height Measured at Plate (Feet)</i>	<i>Maximum Sign Height (Feet)</i>	<i>Maximum Percentage of Wall Length*</i>
0 to 20	4	75
> 20 to 30	6	60
> 30	8	50

*Note: Primary Wall Signs shall not occupy more than the maximum percentage of the length of any wall on which it is erected. Corporate logos may exceed the maximum sign height by 50 percent.

(105) **WALL SIGN (SECONDARY)** - Any sign either painted or erected against an exterior wall or erected parallel to a wall. A Secondary Wall Sign is a sign erected parallel to and extending not more than eighteen (18”) inches from the facade of any building to which it is attached, supported throughout its entire length by the building face.

- a) *Time* – A sign permit is required. A sign permit shall not be issued to erect, place or install a Secondary Wall Sign on a property until a site plan is approved by the City Council for development of the property and after issuance of a building permit for a building on the property.
- b) *Place* – Secondary Wall signs are permitted only in conjunction with a nonresidential use or in a nonresidential zoning district. A Secondary Wall Sign shall not count against the total number of Primary Wall Signs allowed based on the elevation width of the building.
- c) *Manner* – One (1) Secondary Wall sign is allowed per elevation. The Secondary Wall Sign area shall not exceed ten (10%) percent of the maximum area allowed by the Primary Wall Sign.

(106) **WARNING SIGN** – Sign having an area of not more than six (6) square feet nor height greater than six (6’) feet, the message of which is limited to warning of danger or prohibitions or regulations of the use of the property or traffic parking thereon. No sign permit required.

(107) **WEEKEND PARKWAY SIGN** – Any temporary on or off-premise sign located within the public right-of-way. Weekend parkway signs are hereby prohibited within the City with the exception of weekend parkway signs for new construction homebuilders. New construction homebuilders weekend parkway signs may be allowed until such time as the City approves a contract for, and has installed a Kiosk Sign Program. Until a

Kiosk Sign Program has been implemented, new construction homebuilder's weekend parkway signs shall be subject to the following standards:

- a) *Time* – Sign permit required. All new construction homebuilder weekend parkway sign(s) shall be permitted through the City. New construction homebuilder weekend parkway signs shall only be allowed to be placed between 12:00 noon on Friday and 12:00 noon the following Monday. New construction homebuilder weekend parkway signs placed outside of those hours are prohibited.
- b) *Place* - A new construction weekend parkway sign shall not be located within the public right-of-way and shall be located only on private property with the permission of the private property owner. A new construction weekend parkway sign shall be erected no closer than ten (10') feet from the street pavement.
- c) *Manner* - A new construction weekend parkway sign shall not exceed six (6) square feet in area. The maximum height of a new construction weekend parkway sign shall not exceed four (4') feet.

(108) **WINDOW SIGN** - Any sign, poster, window slick, or other similar displayed item, excluding Banners, located on the internal or external surface of a window for the purpose of advertising a business' name, telephone number, website information, services, commodities, and/or products offered or sold that are available within the building that is visible from a public street or sidewalk.

- a) *Time* - No sign permit required. A window sign may be displayed 24 hours each and every continuing day.
- b) *Place* - Window Signs shall only be displayed on the inside or exterior of a window.
- c) *Manner* - The maximum area of a Window Sign shall not exceed fifteen (15) percent of the window where the sign is displayed. Window signs are limited to one sign per window. Illuminated and non-illuminated window signs or its appendages shall not blink, strobe, fade, flash, scroll, or move in any manner. Illuminated window signs shall remain static and stationary. Window Signs placed within windows subject to section 60-05 "Visibility" Eules Code of Ordinances shall be limited to fifteen (15) percent of the remaining window area not constrained by the provisions of section 60-05.

(109) **WIND DEVICE** - Any Pennant, streamer, spinner, Balloon, Cloud Buster Balloon, Inflatable Objects or similar devices made of cloth, canvas, plastic or any flexible material designed to float or designed to move, or

moves freely in the wind, with or without a frame or other supporting structure, used for the purpose of advertising or drawing attention to a business, commodity, service, sale or product. Exception: Flags and Grand Opening Balloons and/or Grand Opening Balloon Arrangements shall not be considered a wind device. Wind devices are prohibited in the City.

(110) **YARD SIGN** - A temporary Stake Sign used to publicize the arrival of a newborn, participation of a family member in a school activity or sport or military activity, the presence of a security system, animals, and seasonal decorations or the promotion of neighborhood activity regarding the leasing of mineral rights.

- a) *Time* - No sign permit required. Yard signs may be erected twenty-four (24) hours each and every day.
- b) *Place* - Yard Signs shall be located only on lots containing an occupied single-family, two-family, or multifamily dwelling. Yard signs shall be erected no closer than ten (10') feet from the street pavement.
- c) *Manner* - Signs advertising the presence of a home security system shall not exceed one (1) square foot in area. Signs advertising the arrival of a newborn, the participation of a family member in a school activity or sport or military activity, or the presence of animals shall not exceed four (4) square feet in area. Seasonal decorations are excluded from place and manner requirements.

Secs. 84-233—84-259. Reserved.

DIVISION 2. PERMITS

Sec. 84-260. Required.

No sign, other than those signs allowed without a permit by section 84-232 of this Article, shall be erected, placed, attached, secured, altered or displayed to/on the ground, any building, or any structure, until a permit for such sign has been issued by the Building Official.

Sec. 84-261. Permit termination.

A permit issued for any sign and its supporting structure shall automatically terminate after the use for which the sign directs attention is discontinued for a period of 180 days or longer. Additionally, an annual permit shall automatically terminate and be deemed void on the first of January of each year. A permit issued for any sign including its supporting structure, shall automatically terminate in the event the sign shall fail and not be corrected within 180 days. Upon cessation of the permit for any sign, such sign and its supporting structure

shall thereafter constitute a non-permitted structure and shall be subject to removal pursuant to the provisions of the building code and the owner thereof or occupant of the premises upon which the sign is situated shall be subject to fine and/or penalty as provided pursuant to the provisions of this code and the building codes of the city.

Sec. 84-262. Application for permit.

An application for a sign permit may be obtained from the City. The Building Official shall approve or deny an application for a sign permit within thirty (30) days of the City's receipt of the application. A sign permit will be issued if a proposed sign conforms to all City ordinances. Upon request by the City, a diagram shall be provided showing the location of all signs on the property and/or adjacent properties. Incorrect information on an application shall be grounds for denial or revocation of a sign permit. Application for a sign permit shall be made in writing upon forms furnished by the Building Official. Such application shall contain the location by street and address number of the proposed sign structure, height, area, sign function, as well as the name, address and phone number of the owner and sign contractor or erector. The Building Official may require the filing of plans or other pertinent information which, in their opinion, such information is necessary to insure compliance with this Article. Standard plans may be filed with the Building Official.

Sec. 84-263. Fees.

A sign permit fee and a plan checking fee shall be paid to the city in accordance with the most current fee schedule adopted by the city.

Sec. 84-264. Maintenance.

- (1) All signs and supporting structures, together with all their supports, braces, guys and anchors shall be kept clean, neatly painted, free from all hazards, including, but not limited to, faulty wiring and loose fastenings, and be maintained in a safe condition at all times so as not to be detrimental to the public health and safety. In the event that a sign fails to meet the qualifications of this section, the Building Official or their designee shall give written notice to the person or persons responsible for such sign. If the sign is not repaired or replaced within sixty (60) days of such written notice, the permit for such sign shall be revoked and the administrator is then authorized to cause the removal of the sign. If such sign cannot be demolished because it is painted on a non-sign structure, such sign shall be painted over or removed by sandblasting. Any expenses incurred shall be paid by the owner of the land, building, or structure on which the sign was removed. The Building Official shall also file a lien against the property in the amount of the cost of any and all such work.

- (2) In the event that the property for which the signage was intended for or on which the signage is located has closed the business for a period of time exceeding sixty (60) days, the Building Official may require the owner of such property to cover all signage so as to make all sign faces blank and free from wording or advertisement.

Sec. 84-265. Inspections.

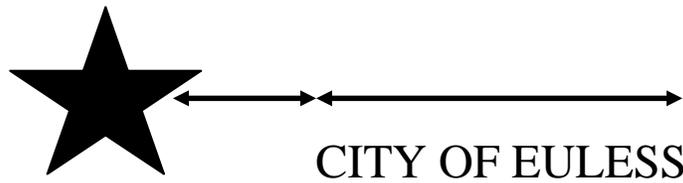
- (1) All signs for which a permit is required shall be subject to inspection by the Building Official.
- (2) Footing inspections may be required by the Building Official for all signs having footings with the exception of poles constructed to display permitted flags.
- (3) All signs containing electrical wiring shall be subject to the provisions of the governing electrical code, and electrical components shall bear the label of an approved testing agency.
- (4) All signs may be re-inspected at the discretion of the Building Official.

Sec. 84-266. Measurement of sign area and height.

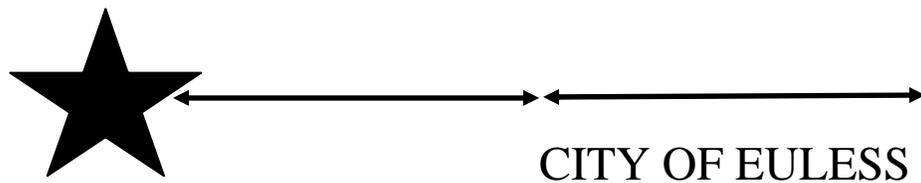
- (1) The area of a sign shall be measured as follows:
 - a) For signs in the shape of a square, rectangle, circle, or similar standard geometric shape, the area shall be calculated by using the standard mathematical formula ([square equals] height multiplied by width, [circle equals] 3.14 multiplied by radius squared, etc.). This method of measurement is most commonly-used for banners, commercial real estate signs, model home signs, monument signs, project development signs, and stake signs.
 - b) For sign with a shape that is irregular, the area shall be measured by enclosing the sign elements to the closest geometric shape. The method of measurement is most commonly used for awning signs and wall signs with individual lettering and for irregularly-shaped signs.
 - c) The area of a spherical, cylindrical, or other three-dimensional sign shall be measured by calculating the area of a two-dimensional drawing of the largest elevation of the sign.
 - d) Where a sign has two faces, the area of both faces shall be used to determine the area of the sign; provided, the two faces are within five degrees of parallel. Where a sign has two or more faces and exceed greater than five degrees from parallel, the sign area shall be

calculated as the sum of the area of each face (a "V-shaped" sign). A V-shaped sign is only permitted at the corner of a property with two-street frontages.

- (2) The area of Primary Wall Signs containing multiple elements shall be calculated as follows:
 - a) Regardless of the spacing between letters, letters forming a word or name shall be considered a single sign.
 - b) When two or more separate items in a sign, such as a word or logo, are separated horizontally or vertically by less than the width or height of the largest item, the items shall be considered a single sign and the area shall be determined by measuring the area enclosing the sign elements with straight, intersecting lines. The following sign elements are considered one sign.



- c) When two or more separate items in a sign, such as a word or logo, are separated horizontally or vertically by more than the width or height of the largest item, the items shall be considered a separate sign and the area of each item shall be determined individually. The following sign elements are considered two signs.



- (3) The supports of a stake sign, A-frame sign, project development sign, or commercial real estate sign shall not be included in calculating the area of a sign, but shall be included in the measurement of the height of a sign.
- (4) The height of all signs shall be measured from the top edge of the sign and/or support structure to the average finished grade below the sign and/or support structure, unless otherwise noted in this article. If a sign is located on a mount, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other

raised area shall be included in the height of the sign. Measurement for a sign height will be determined from the of the curb grade at the property line.

Sec. 84-267. Sign specifications, design and other requirements.

- (1) *Compliance with Unified Development Code, International Building Code, National Electrical Code, and other ordinances.* All sign structures shall comply with the city's Unified Development Code, as it currently exists or may be amended, the International Building Code, the National Electrical Code, and other city ordinances, as they currently exist or may be amended. If the standards as described herein are more restrictive than another ordinance or code, then the provisions of this article shall apply.
- (2) *Visibility.* All signs shall observe all visibility requirements. Signs shall not be placed within visibility triangles, or corner clips as defined in the city's thoroughfare and circulation design requirements, as it currently exists or may be amended. Signs shall not create a hazard.
- (3) *Signs posted in specified areas.* Unless otherwise permitted within this Article , no person shall post or cause to be posted, attach or maintain any sign upon:
 - a) Any City-owned property or right-of-way without written permission of the City Manager or their designated representative;
 - b) Any utility easement. Should a property owner be able to demonstrate to the City Engineer and/or franchise utility company that there is no other viable location for a sign other than a utility easement, a sign may be located within the utility easement subject to written approval from the City Engineer and/or franchise utility company and subject to the providing of a letter to the City releasing the City of any liability for repair or replacement of a sign damaged by work occurring within the utility easement;
 - c) Any tree, utility pole or structure, street sign, rail, or any fence;
 - d) Any fence, railing or wall, except in accordance with Section 84-232 (102) of this Article (Wall Sign (Primary)); or
 - e) Any sidewalk within the right-of-way or sidewalk easement, curb, gutter, or street, except for house numbers or fire lane designation.
- (4) *Signs attached to fire escapes.* No sign shall be attached in any manner to any fire escape or to the supporting members of any fire escape, nor shall it be guyed to or supported by any part of a fire escape.

- (5) *Accumulation of rainwater.* All signs shall be constructed to prevent the accumulation of rainwater in the sign.
- (6) *Location near telephone cable, power line, or street light.* No sign shall be erected nearer than two (2') feet from any telephone cable, power line or any street light standard.
- (7) *Signs not to block or interfere with exits or windows, or pedestrian and vehicular traffic.* No sign shall be erected to block, partially block, or interfere in any way with a required means of exit from any building nor with any window. No sign shall block, interfere, or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement, or a driveway required to access parking.
- (8) *Glass signs over public property or pedestrian area.* Signs constructed of glass or other materials which may shatter upon impact are prohibited over a public right-of-way or pedestrian area.
- (9) *Identification marking required.* All signs that require the issuance of a permit after adoption of this article shall have attached, written, or painted in a weatherproof manner and in a conspicuous place thereon, in letters not less than one (1") inch in height, the date of erection and the sign permit number on the sign.
- (10) *Assumed wind load for design purposes.* For the purposes of design of structural members in signs, an assumed wind load of twenty (20) pounds per square foot shall be used.
- (11) *Multiple signs on a property or building.* The permitting of a sign on a property or building shall not preclude the permitting of other types of signs on a property or building, unless the signs are expressly prohibited herein.

Sec. 84-268. Removal impoundment of prohibited signs.

- (1) All prohibited signs or noncompliant signs shall be considered a public nuisance and are prohibited by this Article in the City. Upon identification of any prohibited sign, the Building Official or their designee shall provide written notification of the violation to the owner of the property on which the prohibited sign is located and/or the installer of the sign. The notification shall state that the offending sign shall be removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within the time period prescribed after written notification to do so by the Building Official. The notification shall further state that if the prohibited sign is not removed within a specific timeframe (not to exceed ten (10) days) a citation may be issued and the City may resort to any civil remedy available up to and including impoundment. If any sign is determined to present an immediate

danger to public health, safety, or welfare, the city shall remove it immediately. Within ten (10) days of the removal of the sign, the Building Official shall notify the owner of the property on which the sign was located of the reasons for the removal of the sign. Signs authorized by a sign permit number with an expiration date shall be removed promptly upon the date of expiration. Signs remaining after the date of expiration shall be deemed prohibited. The sign permit that provides the expiration date shall be considered adequate notice of violation.

- (2) It shall be unlawful for any person, firm, entity or corporation receiving such written notification or having an expired sign permit to fail to comply with the direction of the notification. In the event failure to comply with such notice provided, the Building Official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the land, building or structure upon which such sign was located.
- (3) If a sign is placed within a public right-of-way or on a City-owned property in violation of this Article, the sign may be immediately removed and impounded.

Sec. 84-269. Impounded signs and recovery.

- (1) Impounded signs may be recovered by the owner within fifteen (15) days from the date of the written notification of impoundment by paying a fee as follows:
 - a) A fee of \$200.00 for signs which are six (6) square feet or less in area.
 - b) A fee of \$400.00 for signs which are larger than six (6) square feet in area.
- (2) Impounded signs not recovered within fifteen (15) days of impoundment may be disposed of by the city in any manner it shall elect.
- (3) Illegal signs removed from public property, including the City's right-of-way, park property or other City maintained area may be immediately disposed of by the city in any manner it shall elect.

Sec. 84-270. Neglected and abandoned signs.

- (1) Abandoned signs and neglected signs shall be considered a public nuisance and are prohibited by this Article. Upon written notification by the Building Official or their designee, such abandoned signs shall be removed from the premises and neglected signs shall be repaired or removed from the premises by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is

located. The notification shall state that the offending sign shall be repaired or removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within ten (10) days after written notification to do so by the building official or his representative. The notification shall further state that if the sign is not removed or repaired, a citation may be issued and the City may resort to any civil remedy available to remove or repair the sign, up to and including impoundment. If any sign is determined to present an immediate danger to public health, safety or welfare, the City shall remove it immediately. Within ten (10) days of the removal of the sign, the Building Official shall notify the owner of the property on which the sign was located of the reasons for the removal of such sign.

- (2) It shall be unlawful for any person, firm, entity or corporation receiving such written notification to fail to comply with the direction of the notice. In the event failure to comply with such notice provided under this Section 84-270 of this Article, the Building Official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent, or person having beneficial use of the land, building or structure upon which such sign was located.

Secs. 84-271—84-279. Reserved.

DIVISION 3. NONCONFORMING USES; VARIANCES

Sec. 84-280. Nonconforming uses/signs and sign variances.

It is the declared purpose of this division that nonconforming signs and signs directing attention to nonconforming uses, eventually discontinue and the signage comply with the regulations stated herein, having due regard for the investment in such signs. Any sign that does not conform to the regulations stated herein shall be deemed a nonconforming sign. Any lawfully existing nonconforming use or building may erect and maintain a sign in accordance with the schedule of on-premises signs contained in Section 84-232 herein and other applicable sections of this chapter regardless of the zoning district in which the use the sign serves is located.

Sec. 84-281. Use of lawfully existing nonconforming signs.

Any permanent nonconforming sign that was lawfully erected and operated prior to the effective date of this chapter may be used and maintained exactly as such existed upon the effective date of this chapter. No lawfully existing nonconforming sign shall:

- (1) Be changed to another nonconforming sign except as provided for by or 84-280 of this chapter.

- (2) Have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of messages such as a changeable reader board or electronic message center or billboard.
- (3) Be structurally altered so as to prolong the life of the sign or change the shape, size, type or design of the sign.
- (4) Be reestablished after the activity, business, or usage to which it relates has been discontinued over a period of one hundred eighty (180) days or longer.
- (5) Be reestablished after damage or destruction of said sign if the estimated expense of reconstruction exceeds fifty (50) percent of the reproduction cost.
- (6) All lawfully existing nonconforming wall signs directly painted on the elevation wall shall be required to be in compliance with the standards of Section 84-232 of this Article if the organization, business, company, lessee or other entity is required to apply for a renewal or new Certificate of Occupancy.

Sec. 84-282. Variances to the sign standards.

The board of adjustment may grant variances from the requirements of section 84-233 herein, upon application and finding that the granting of the variance will reduce the degree of nonconformity of an existing sign or will result in the removal of one or more lawfully existing nonconforming signs and replacement by sign or signs more in keeping with the spirit, purpose and provisions of this chapter. Should the board of adjustment grant a variance which permits the erection or maintenance of a nonconforming sign, said sign shall be deemed a lawfully existing nonconforming sign and shall be subject to the requirements for same stated herein.

SECTION 2

This ordinance shall be cumulative of all provisions of ordinances of the City of Euless, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3

All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of any ordinances affecting the regulation and control of the use, occupancy, maintenance, repair, design, construction and quality of materials for

buildings and structures within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 4

SAVING CLAUSE. That the Code of Ordinances, City of Euless, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5

PENALTY FOR VIOLATION. Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1, "General Provisions," Section 1-12, "General Penalty," Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 6

SEVERABILITY CLAUSE. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7

EFFECTIVE DATE. This ordinance shall be in full force and effect from the date of adoption by the City Council of the City of Euless. All businesses possessing a valid Certificate of Occupancy as of the effective date of this ordinance shall have until January 1, 2010 to comply fully with all provisions of the ordinance.

PRESENTED AND APPROVED ON FIRST READING AND FINAL READING at a regular meeting of the Euless City Council on the 25th day of August, 2009, by a vote of 7 ayes, 0 nays and 0 abstentions.

APPROVED:

Mary Lib Saleh
Mayor

ATTEST:

Susan Crim, TRMC
City Secretary

APPROVED AS TO FORM:

Bob McFarland
City Attorney