

ORDINANCE NO. 73

AN ORDINANCE PROVIDING A SIGN ORDINANCE WHICH WILL BE CONSISTENT WITH STATE AND FEDERAL LAWS AND REGULATIONS CONTROLLING OUTDOOR ADVERTISING WITHIN SIX HUNDRED AND SIXTY FEET OF THE NEAREST EDGE OF THE RIGHT-OF-WAY PRIMARY SYSTEMS HIGHWAYS WITHIN THE CITY OF WALLIS, BY REQUIRING LICENSES AND PERMITS FOR OUTDOOR ADVERTISING ANYWHERE WITHIN THE CITY LIMITS, WITH EXCEPTIONS, AND BY PROVIDING REGULATIONS FOR OUTDOOR ADVERTISING ANYWHERE WITHIN THE CITY LIMITS; ~~DECLARING AN EMERGENCY; AND WAIVING THREE SEPARATE READINGS.~~

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLIS:

ARTICLE I. IN GENERAL.

IA. Purpose.

It is the purpose of this ordinance to provide regulation of outdoor advertising, specifically to include the erection, structural alteration, and maintenance of all types of billboards, signs, bills, posters, and other outdoor advertising material, within the incorporated limits of the City of Wallis, whatever those limits may be from time to time, in order to protect and enhance the health, safety and welfare of the general public, and to provide such regulations in a manner which will be compatible with both federal and state law, specifically to include the Federal Highway Beautification Act of 1965, as amended (Public Law 89-285), and the Texas Highway Beautification Act of 1972 (V.A.C.S., Art. 6674 v-1, sections 1-15). This ordinance shall be so construed as to be consistent with the above cited acts.

IB. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context requires a different definition:

Billboard. Any flat surface erected on a framework or on any structure, or attached to posts and used for, or designed to be used for, the display of bills, posters, or other advertising material, for the purpose of advertising a business or activity not located on the same premises as the said advertising material. Mobile advertising, hand carried signs, and political signs, as defined in this section, shall not be considered a billboard for purposes of this chapter.

City outdoor advertising license. A license issued under the authority of the City of Wallis to engage in outdoor advertising within the City of Wallis except in a highway control zone whether existing presently or later established.

Electric sign. Any sign which utilized electric illumination.

Federal aid primary system. Any highway which is a portion of the federal aid primary highway system as defined in, and as designated pursuant to, Title 23 of the United States Code. The term "primary system" may be used herein interchangeably with the term "federal aid primary system."

Glass sign. Any sign having letters or designs painted, stamped or applied on glass, or metal tracery of letters or designs with glass, or metallic surfaces enameled with glass or vitreous substance.

Hand carried sign. Any picket, poster, sandwich sign, or other advertising or message carrying device which is carried on the person of a person while it is so carried.

Highway control zone. An area on either side of any federal aid primary system, which is within six hundred and sixty feet of the nearest edge of the right-of-way of said highway, and as to outdoor advertising, to be within the highway control zone, the advertising material must be visible from the main traveled way of said highway.

Highway Department license. A license issued by the Texas Highway Department to engage in outdoor advertising within the highway control zone.

Landowner. The term landowner shall include any person having the right of possession of real property. If that person is a corporate entity, the term landowner includes the executive officer of the corporation. The term "owner" may be used interchangeably herein with the term "landowner" when it refers to the right of possession of real property.

Mobile advertising. Any visual advertising device placed on a merchandizing rack, stand, or cart, or on a vehicle or trailer, which vehicle or trailer is used primarily for transporting persons or goods other than the outdoor advertising device.

Outdoor advertising. Any means of visual advertising located outdoors, set, placed, or affixed to a structure, post or real estate, to include, but not limited to signs, temporary mobile signs, private directional signs, regardless of the content of the message or wording thereon, billboards, and posters. Mobile advertising, hand carried signs, vending machine signs, and political signs, each as defined in this section, shall not be considered outdoor advertising for purposes of this chapter.

Permit. A permit issued under the authority of the City of Wallis to erect, move, structurally alter or repair any specific billboard, sign or other outdoor advertising, within the City of Wallis.

Political sign. Any device announcing or promoting the candidacy of one or more persons for elective public office, or concerning any political issue appearing or to appear on the ballot in any public election.

Private directional sign. A sign not erected by or under authority of any governmental agency, which contains only information designed to direct pedestrian or vehicular traffic and which contains no advertising material or business name. Examples of private directional signs include signs bearing only the word "entrance" or "exit", located on or near a parking lot. No sign which contains the name of a business or activity, or any other advertising material, shall be considered a private directional sign, even though such sign may also contain the word "entrance" or "exit." A sign containing the word "parking" at any parking lot where any person is charged any fee or other monetary consideration for parking shall be considered any advertising sign, not a private directional sign.

Sign. Any device or surface on which letters, illustrations, designs, figures or symbols are painted, printed, stamped, raised, projected or in any manner outlined or attached, and used for advertising purposes; temporary mobile signs and private directional signs shall be considered signs for purposes of this chapter, regardless of the content of the message or wording thereon. Mobile advertising, hand carried signs, vending machine signs, and political signs, each as defined in this section, shall not be considered signs for purposes of this chapter.

Sky sign. Any sign supported or attached wholly or in part over or above any wall, building or structure.

Swinging sign. Any sign so hung or constructed that any part thereof can swing.

Temporary mobile sign. A freestanding and portable sign, not to be left in place more than thirty days at one location; this definition includes signs attached to trailers which are not "mobile advertising" as defined in this section.

Vending machine sign. Advertising material affixed to a coin operated vending device, which advertising pertains only to the goods or services sold or dispensed by the vending device to which it is attached.

Visible. When used in connection with visibility of a sign from a highway, the term visible shall mean that the advertising material is visible from said highway; if a sign is located within six hundred and sixty feet of a highway, but is so situated that it is readable only from another street, and not readable from the highway, it shall not be considered to be visible from the highway even though the structure supporting the sign can be seen from the highway.

IC. Application to existing outdoor advertising.

(a) No criminal prosecution shall be sought under this ordinance for any acts or omissions which predate the effective date hereof.

(b) The provisions hereof which regulate only outdoor advertising located within the highway control zone shall be applied retroactively only to the extent required by state or federal law.

(c) The provisions hereof which empower the city to remove or cause to be removed outdoor advertising which is on or over any public street, sidewalk area, or property owned by the City of Wallis, shall apply to any outdoor advertising without regard to the date on which such outdoor advertising was erected.

ARTICLE II. ACTS PROHIBITED; PENALTIES.

IIA. Acts prohibited.

It shall be unlawful for any person to do any of the following acts:

(a) To post, paint, or otherwise exhibit any billboard, advertisement, poster, bill, or other notice or sign, on any property not owned or controlled by him, without the permission of the person owning or controlling the same.

(b) To tear down, remove, or otherwise interfere with any billboard, notice, sign, advertisement, bill or poster erected by another, unless the same was placed or maintained on the property of the person removing the same, without permission previously given.

(c) To place or cause to be placed anywhere in the City, any poster, placard, handbill, or advertising material, on any car, or in any location, in such a manner that the same may reasonably be expected to be blown about by the wind.

(d) To erect, maintain or paint any sign, billboard, or other outdoor advertising upon a tree, rock, or other natural feature; this provision shall not apply to political posters which are so placed as to be removable without damaging the feature on which there are placed.

(e) To engage in outdoor advertising within the city limits of the City of Wallis, without then holding a valid current license therefor issued by either state authority or the authority of the City of Wallis, as applicable, except as specifically exempted by the provisions of this chapter.

(f) To erect the city limits of the City of Wallis any sign, billboard, or other outdoor advertising, without having prior thereto obtained from the City of Wallis a permit therefor, except as specifically exempted by the provisions of this chapter.

(g) To remove, without authorization of the director of the building inspection department, any official tag which was placed on any outdoor advertising material pursuant to the provisions of this chapter.'

IIB. Penalty and other remedies for violations.

Any person convicted of a violation of any provision of this chapter shall be fined in the amount not to exceed two hundred dollars. Additionally, the City or its designate, shall have the authority, and the duty, to remove or cause to be removed any sign, poster, handbill or outdoor advertising erected, placed, altered, maintained, or neglected in violation of this chapter, if the same is located on, in, or above any public street or sidewalk area, or other public property. The cost of any such removal shall be chargeable to the person or persons, jointly and severally, who were responsible for or who caused the erection or placement of the offending sign or advertising, and their sureties, unless the offense was one of neglect of maintenance, in which case such cost shall be chargeable to the owner of the sign.

ARTICLE III. LICENSES AND PERMITS.

IIIA. Licenses and Permits Required.

No sign board, billboard, or electric sign on any building or on the ground, such as hereafter described in this Ordinance, except as otherwise provided for herein, shall be erected or reconstructed within the City limits of Wallis, Texas, unless a permit shall have been first secured from the Head of the City Engineering Department. All applications for permits for such sign boards, billboards, or electrical signs shall be accompanied by such drawings or descriptions as are necessary to fully advise the Head of the City Engineering Department as to the location, construction, weight, materials, and manner of securing of such proposed sign board, billboard, or electric sign. If these drawings and descriptions conform to the regulations in this Ordinance, then the Head of the City Engineering Department shall issue the permit to erect the sign upon payment of the required fee. This permit is non-transferable and the license may be terminated by the City if the transfer is made unauthorized.

Before permission is granted for the erection of an electric sign, an additional permit shall be obtained from the Head of the City Engineering Department for the electrical wiring of the sign.

IIIB. Permits Not Required.

Permits shall not be necessary for temporary sign boards to be placed on buildings or vacant space, advertising the sale or renting of such buildings or property on which there are placed, when such sign boards or billboards do not exceed sixty (60) square feet of area.

IIIC. No sign permit shall be required for the following:

(1) for temporary signs less than sixty square feet in area attached to the face of the wall of a building, advertising showcase, or awning, and left in place for not more than thirty days;

(2) temporary signs displayed on the premises of building under construction by any person connected with the work, and left in place not more than thirty days after the construction is completed;

(3) display signs not exceeding two square feet of display surface on a residence or apartment building stating only the name and occupation of an occupant;

(4) signs or markers used by a public utility to designate bus stops, cab stands, or to mark the location of underground utilities;

(5) official signs placed by the state or any political subdivision thereof.

IIID. Application for permit.

Application for sign permits shall be made upon forms provided by the City, and shall contain or be accompanied by such plans, drawings and specifications as are necessary to describe all of the type, size, shape, location, construction and material of the proposed sign, and the building, structure or premises upon which it is to be placed.

IIIE. Prerequisites to permit.

Prerequisites to the issuance of a permit are:

(a) That the applicant for the permit holds any applicable license as required by this chapter or by state law;

(b) That the plans submitted with the application show that the proposed sign does comply with the applicable ordinances and laws;

(c) Plans signed by a structural engineer certifying to the structural soundness of the proposed outdoor advertising may be required by the City, if the size, shape or design of the proposed outdoor advertising requires structural analysis to determine the structural soundness of the proposed outdoor advertising for which a permit is sought.

IIIF. Inspection; issuance of certificate of acceptance; permit or license tags.

(a) Any person who caused a sign to be erected shall immediately notify in writing the City and request a final inspection. If upon final inspection the said City finds the sign to be erected according to the requirements of this chapter, it shall issue a certificate of acceptance without further charge. Service for electrical signs shall not be ordered turned on until the City has accepted the final inspection.

(b) The City may place on any outdoor advertising any type of tag which will indicate the whether and when it was lawfully erected, so as to aid in enforcement of this chapter.

ARTICLE IV. SIGN SPECIFICATION

IVA. Size of certain signs and billboards.

Within the highway control zone no sign or billboard, except on-premises signs, shall exceed a maximum area of twelve hundred square feet, a maximum height of twenty-five feet, a maximum length of sixty feet, including border and trim but excluding supports from the dimensions. The maximum size limitation shall apply to each side of a sign structure or structures which is visible to approaching traffic. Signs may be back-to-back, side-by-side, stacked or V-type construction with not more than two displayed to each facing and each structure shall be considered one sign. Signs which exceed three hundred and fifty square feet in area, however, may not be stacked or built side-by-side.

IVB. Spacing of signs and billboards.

(a) Within the incorporated limits of the City of Wallis, no sign or billboard shall be located in such a manner as to obscure or interfere with the effectiveness of official traffic signs, signals, or devices, nor in such a manner as to obstruct or interfere with the view by a driver of a motor vehicle or other vehicle, of approaching, merging, or intersecting traffic.

(b) Signs and billboards located within a highway control zone within the city limits of Wallis and visible from the main traveled portion of said highways, are further subject to the following regulations:

(1) Such signs and billboards may not be located within five hundred feet of any public park, public forest, public playground or scenic area designated by the State Highway Department, or other governmental agency having and exercising such authority, to include the City of Wallis.

(2) Signs and billboards may not be erected on an interstate

and freeway primary systems closer than five hundred feet apart on the same side of the highway, nor closer than one hundred feet apart from the same side of any nonfreeway primary systems highway; these spacing requirements do not apply to signs separated by buildings, natural surroundings, or other obstructions which cause only one sign located within the specified spacing to be visible at one time from one location.

(3) The above spacing rules do not apply to on-premise, or directional or other official signs.

IVC. Lighting.

(a) Signs and billboards, except on-premises signs, located within six hundred and sixty feet of the nearest edge of the right-of-way of any federal, primary systems highways and visible from the main traveled portion thereof, may not be lighted by any flashing, intermittent, or moving light or lights.

(b) Throughout the City those signs which are lighted and which are visible from any public street, must be so designed and so maintained that the lights are effectively shielded so as to prevent beam rays of light from being directed at any portion of the traveled ways, or of such intensity or brilliance to cause glare, or to impair the vision of the driver or any vehicle.

(c) No sign may be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, signal or device.

IVO. Construction requirements.

All signs shall be constructed and supported to withstand a horizontal pressure of thirty pounds for every square foot of exposed surface. All structural members, hangers, braces, tie rods, cables, anchors and fastenings shall be of sufficient strength to withstand the stresses that may be brought upon them with a factor of safety of six.

Signs weighing twenty pounds or less attached to the wall of a building may have the cable or wire hanger anchored with an expansion shield and bolt; provided, that the wall is sound and the projection of the sign is not excessive in relation to the size of the wall and pitch of the hanger. Wall anchors for guy cable or wires for such signs shall be expansion shields and bolts or through bolts fastened on the opposite side of the wall. No staples or nails shall be used for anchoring any guy wire or cable.

Where signs and sign frames are supported or suspended with chains or wire, chains or wire of not less than No. 8 B & B standard guage shall be used. Chain supports shall have welded links of not less than three-sixteenths of an inch in diameter. No cable shall

be tied or loosely twisted around any anchor or joined into a loop and the loose end fastened to the standing part of the cable with clips or clamps. Where signs are bolted to supports, the bolts shall be supplied with lock nuts. All cable and wire used in hanging signs shall be galvanized. All other supports and exposed structural parts shall be painted with metallic weatherproof paint which shall be renewed at least once in every two years.

IVE. Signs erected upon or anchored to fire wall or coping.

No sign shall be erected upon the fire wall or coping of any building unless such wall is especially designed to carry the additional load. No sign shall be anchored to such wall, but shall be attached to and supported by other structural parts of the building.

IVF. Construction and location of sky signs.

All sky signs shall be constructed entirely of metal including the supports and braces. When signs are erected on flat roofs there shall be maintained a three foot passageway around the ends of the sign and between its lower edge and the roof. No sign placed upon the roof of any building shall be at any part nearer than three feet to the plane of any outer wall of the building. Clearances provided for in this section shall not apply to one-story buildings placed ten feet or more back from the right-of-way line, but no sign erected under this exception shall exceed six feet in height.

IVG. Glazing; strength of glass.

The glazing of signs shall be done in a substantial manner. Glass shall be well bedded in putty and secured in substantial frames of copper or zinc tracery. Glass may be plate or double strength. In no case shall glass less than one-eighth of an inch in thickness be used. No single light of plate glass shall exceed six hundred square inches in area. No light of double strength glass shall exceed two hundred square inches in area.

IVH. Projection over public property or public way.

Any outdoor advertising which is on or which shall extend outward and project over any public street, sidewalk area or property owned by the City is subject to removal at the sign owner's expense at any time the City determines that the sign constitutes a danger to the public or an interference with the public's use of the street, sidewalk or public property, after notice, to said sign owner. A letter to the sign owner's last known address shall constitute sufficient notice under this section.

Any sign so projecting over any public street, sidewalk or property owned by the City must be so hung that the lowest part of the sign will not be less than nine feet above grade under the sign.

IVI. Exception to height requirements for certain projecting signs; indemnity contract required.

If under any permanent awning erected prior to April 30, 1931, a sign not exceeding twelve inches in depth cannot be placed under such awning so as to allow a clearance between the lowest part of the sign and the sidewalk grade or ground level under the sign of not less than nine feet, then, in such event, on proper application to the building official, a sign not more than twelve inches in depth may be placed under such awning; provided, that such sign shall be so placed that the lowest part of the sign will be not less than seven feet above the sidewalk grade or ground level under the sign.

IVJ. Billboards - Not to be erected in or projected over public ways.

No billboard shall be erected in or project over any street, alley or public property.

IVK. Same - Obstruction of lighting.

No billboard shall be so placed as to obstruct the lighting of any street, alley or public property, or interfere with any public utility service.

IVL. Obstructing fire escapes prohibited.

No sign of any kind shall be placed in any position in such a manner as to obstruct any fire escape, door, window or other passage-way leading to a fire escape or to a street exit, nor shall a sign be fastened in any manner to a fire escape.

IVM. Size of cloth, beaverboard, etc., signs.

Cloth signs, beaverboard signs and other signs of light material shall be not larger than two square feet in area for each linear foot of store front on which they are displayed and shall be securely fastened in accordance with the provisions of this chapter for the support of signs. Only one such sign may be displayed at a time; except, that more than one sign may be displayed at one time if the total area of all the signs does not exceed two square feet for each linear foot of store front. This section shall not apply to temporary mobile signs.

IVN. Flags and banners exempt from this chapter.

This chapter shall not prohibit the displaying of flags, banners and other emblems not for profit or commercial purposes and not otherwise prohibited by this Code or any other ordinances of the city or state law; provided, that the flags, banners or emblems, when suspended over a street or public property, are securely fastened to a supporting cable by one edge only and allowed to swing free; and that permission to display the flag or emblem has been obtained from the city.

The supporting cable shall be of sufficient strength and anchorage to resist the stresses brought upon it using a factor of safety of six.

IVO. Swinging signs over public property prohibited.

No swinging sign shall be constructed, placed or altered over public property.

IVP. Barber poles, support for signs, etc., on public property prohibited.

No barber pole, and no post or any other device for the purpose of supporting any sign, shall be set, placed, constructed, altered or repaired upon any street, sidewalk, alley or other public space.

IVQ. Signs of combustible material in Fire Zones No. 1 and No. 2.

No sign greater than sixty square feet in area, constructed of wood or other combustible material, shall be erected within the limits of Fire Zone No. 1 or Fire Zone No. 2; provided that posts, braces and skeleton frame of a sign not exceeding sixteen feet in height above the curb level or above the ground under the sign in case the curb level cannot be determined may be of wood. There may also be a wood molding or border not over sixteen inches wide around the edge of such billboard.

IVR. Duties of person maintaining billboard on vacant lots; responsibility of occupant.

Any person occupying any vacant lot or premises with a billboard or other advertising structure or device shall be subject to the duties and responsibilities as the owner of the lot or premises on which the structure is located with respect to keeping the site clean, sanitary, inoffensive and clear of all weeds and noxious substances. Such structures shall be maintained in a safe condition at all times and kept in good condition and repair. They shall be painted at least once in two years.

IVR. Repair and removal of dangerous signs; removal by city; costs of removal.

Whenever a sign shall be in danger of falling or whenever it shall become so dilapidated as to be a menace to the public, the owner shall promptly, upon notice from the director of the building inspection department remove the dangerous structure, or repair and make it safe in accordance with the requirements for new signs.

Should the owner of any dangerous sign refuse or neglect to remove or repair it upon being notified to do so, then the director of the building inspection department shall notify the owner or agent of the property on which the dangerous sign is located to remove or

make it safe.

Should the owner or the agent of the property on which the dangerous sign is located refuse or neglect to act within twenty-four hours after the service of such notice, then the City may enter on the premises and remove or cause to be removed the dangerous sign. The cost of the removal of such sign shall be taxed against the owners of record of the real property from which it is removed, and such costs shall constitute a lien against said real property.

This Ordinance shall be in full force and effect from and after passage and publication as required by law.

PASSED AND APPROVED IN ITS THIRD AND FINAL READING at a regular meeting of the City Commission on the 14th day of September, 1982, 5 members present voting for passage of same.

Frank B. Letter
MAYOR

APPROVED:

BY:


CITY ATTORNEY

ATTESTED:

BY:

Betty Marek
CITY CLERK

AMENDMENT TO ORDINANCE #73

WHEREAS, on the 14th day of September, 1982, City Council of Wallis, Texas, enacted Ordinance #73; and

WHEREAS, it appears such ordinance had certain provisions contrary to the best interest of the City of Wallis and its citizens and certain proposed changes and versions were carefully reviewed and considered by the City Council and it was found such changes and revisions setout below are necessary to best serve the interests of said citizens and the City.

THEREFORE, IT IS ORDAINED AND APPROVED that the existing Ordinance #73 be and is revised and amended as follows:

(A) Article III-A and III-B are hereinafter deleted and struck from Ordinance #73.

(B) The following provisions are enacted and approved as an amendment to the said ordinance:

- 1) Owners of signs located and/or to be placed and situated within the city limits of Wallis, Texas, must obtain a Sign Permit from the City. Owners of temporary signs, defined as signs to be in place thirty (30) days or less, must apply for a temporary permit and pay a permit fee of \$12.00 for each monthly period the sign is in place. Owners of permanent signs, defined as signs to be in place for more than thirty (30) days, must apply for a permanent sign permit and shall pay an annual fee of \$75.00.
- 2) Owners of temporary or permanent signs must regularly mow, clean and neatly maintain their sign or signs as well as the grounds around said sign consisting of all of the maximum area within (10) feet of the sign from any point

of said sign. Upon the failure by owner to properly maintain the sign and/or the immediate area surrounding the sign, the City will either maintain the area as is necessary and will bill the owner for all actual costs plus a penalty fee of \$50.00 per incident of cleaning or maintenance by the City and/or, alternatively, the City may remove the sign and cancel the permit, and the City shall not be required to return said sign to the owner.

- 3) Said owners who are local Civic, Charitable, Church, and/or Service Organizations are exempted from payment of any fees for their signs. However, they must obtain a permit and shall maintain the sign and the immediate surrounding area in accordance with this ordinance and comply with all other provision of this ordinance and be subject to the same action by the City in the event of their failure to comply herewith. Signs to be placed by such organization for advertising a specific event may be placed not sooner than sixty (60) days prior to the date of the event and must be removed by owner within ten (10) days after event is over. Failure to comply herewith shall constitute a violation of the ordinance and shall be subject to \$25.00 penalty and fine per incident, per day.
- 4) Exemptions:
 - (a) Temporary signs in place less than four (4) days (shall be exempt from obtaining a permit and/or paying a fee.)
 - (b) Signs may be placed on privately owned property if same is not a public nuisance, public health hazard and obscene as defined by United State Supreme Court. Such signs must be located ten (10) feet off of any public right-of-way. Private property is all property not owned or controlled by governmental entities and/or rail road or other public transportation company.
- 5) No signs except those placed by the City or State Highway Department shall be permitted along or on State Highway 36, between the intersection of First and Second Streets, which is being reserved as a public City Beautification Area.

EXECUTED AND APPROVED this 10th day of September, 1985.

CITY OF WALLIS, TEXAS

BY: August D Zurek
AUGUST ZURE, Mayor

ATTEST:

BY: Betty Marek
BETTY MAREK, City Secretary

BY: [Signature]
V. O. "BUTCH" CARDEN, Jr.
Attorney for City