

ORDINANCE NO. 2023-06-13

AN ORDINANCE OF THE CITY OF DECATUR, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DECATUR TO REPEAL AND REPLACE CHAPTER 15 “SIGNS” IN ITS ENTIRETY AND ADOPT NEW SIGN REGULATIONS FOR ON-PREMISES AND OFF-PREMISES SIGNS IN THE CITY AND OFF-PREMISES SIGNS IN THE EXTRATERRITORIAL JURISDICTION; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A PENALTY FOR VIOLATIONS HEREOF AND EACH AND EVERY DAY A VIOLATION OCCURS OR CONTINUES SHALL CONSTITUTE A SEPARATE VIOLATION; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Decatur (the “City”) is a home rule municipality acting under its Charter adopted by the electorate pursuant to Section XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 216 of the Texas Local Government Code provides the City with the authority to regulate signs in the City and the extraterritorial jurisdiction (“ETJ”); and

WHEREAS, the City Council previously adopted sign regulations in Chapter 15 of the Code of Ordinances that apply to the City and ETJ (the “Sign Ordinance”); and

WHEREAS, the City Council has investigated and determined it is in the best interest of the public safety, health, and welfare of all citizens to amend and replace the sign regulations to add sign types specifically for downtown Decatur, authorize City staff to approve signs that exceed size or height restrictions in certain circumstances, and improve the general organization of the Sign Ordinance.

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

Section 1. Findings Incorporated.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Amendments.

Chapter 15 “Signs” in the Code of Ordinances of the City of Decatur is hereby repealed and replaced to read as set forth in Exhibit A.

Section 3. Penalty.

Any person, firm, or corporation who intentionally, knowingly, or recklessly violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided,

however, that in all cases involving violation of any provision of this Ordinance or Code of Ordinances, as amended hereby, governing the fire safety, zoning, or public health and sanitation shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

Section 4. Cumulative Repealer.

That this Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the City of Decatur, and this Ordinance shall not operate to repeal or affect the Code of Ordinances of the City of Decatur or any Ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such Code of Ordinance are hereby repealed.

Section 5. Severability Clause.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such 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 of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 6. Effective Date.

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PRESENTED ON FIRST READING THIS 12nd DAY OF JUNE, 2023.

PRESENTED ON SECOND READING AND APPROVED THIS 26th DAY OF JUNE, 2023 BY A VOTE OF 6 AYES, 0 NAYS, 0 ABSTENTIONS, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS.



Mike McQuiston, Mayor

ATTEST:



Asucena Garcia, City Secretary



APPROVED AS TO FORM:



Pam Liston, City Attorney

CHAPTER 15 – SIGNS

ARTICLE I. - GENERAL PROVISIONS

Sec. 15-1. Title and authority.

- (a) This chapter may be known as the “City of Decatur Sign Ordinance.”
- (b) This chapter is adopted under the authority of the Texas Local Government Code, the City Charter, and the City’s inherent police power.

Sec. 15-2. Purpose.

- (a) This chapter is adopted to serve the following purposes:
 - (1) To protect the health, safety, and welfare of the City and its residents.
 - (2) To allow adequate opportunity for free speech in the form of messages or images displayed on signs while balancing that interest against public safety and aesthetic concerns impacted by signs.
 - (3) To establish limitations on signs to ensure they are appropriate and compatible with their surroundings and are adequate for their intended purpose while balancing the community interests.
 - (4) To protect the safety and efficiency of the City's transportation system by reducing confusion and distractions to pedestrians and motorists, while enhancing motorists’ ability to see pedestrians, obstacles, other vehicles, and traffic signs. This chapter allows each business to be adequately identified but does not allow each business to compete for the attention of passing drivers which creates safety hazards.
 - (5) To distinguish between the commercial messages in the Historic Overlay (H) District and other commercial and industrial districts in the City because the H District is historically, culturally, or architecturally important and significant to Decatur.
 - (6) To recognize the unique impact of off-premises signs on public safety, visual aesthetics, and quality of life, to restrict new off-premises signs and minimize the impact of existing off-premises signs.
 - (7) To prevent the inadvertent favoring of commercial messages over noncommercial messages, or favoring of any particular noncommercial message over any other noncommercial message based on its content.






Sec. 15-3. Jurisdiction.




The requirements of this chapter apply to all signs within the corporate limits of the City and to off-premises signs within the extraterritorial jurisdiction (ETJ) of the City.



Sec. 15-3. Definitions.





For purposes of this chapter, the following words, terms, and phrases shall have the meanings indicated. Words, terms, and phrases not defined in this section shall be construed to have the




meaning given by common and ordinary use and shall be interpreted within the context of the sentence or section in which they appear:

	<p>Abandoned sign means a sign that is intentionally not used by the property owner or sign owner for a period of one hundred eight (180) consecutive days or longer.</p>
	<p>Alter means to change the size or shape of a sign and/or its structural components.</p>
	<p>Athletic scoreboard means a sign erected next to an athletic field by the owner or operator of the field and that is visible to spectators.</p>
	<p>Awning sign means a sign attached to or incorporated into an awning that provides shelter over the approach to any door entrance or outdoor service area.</p>
	<p>Banner means a sign made of fabric or other non-rigid material with no enclosing framework.</p>
	<p>Billboard means an off-premises sign.</p>
	<p>Blade banner sign means a sign made of non-rigid material such as canvas or vinyl supported by a single vertical pole or frame mounted on the ground, and shall include a feather, teardrop, wave, or flag sign, or any sign of similar construction and use.</p>
	<p>Building code means the most recent Building Code adopted by the City of Decatur.</p>
	<p>Building Official means the Building Official of the City of Decatur or designee.</p>




	<p>Building frontage means the exterior wall of a building or tenant space that has a primary, public entrance.</p>
	<p>Cantilevered sign means a sign, other than a wall sign, that projects from and is supported by a wall of a building or structure.</p>
	<p>Changeable electronic variable message sign (CEVMS) means a sign that permits light to be turned on or off intermittently or that is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including light emitting diode (LED) or electronic message board or digital sign, and which varies in intensity or color. A CEVMS does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administration.</p>
	<p>Commercial and industrial districts mean signs in the following Zoning Districts in the Zoning Ordinance: C-O, C-1, C-1A, C-2, LI, and HI</p>
	<p>Community event means an activity or event identified as such by the City Council of the City of Decatur.</p>
	<p>Comprehensive Sign Plan means the document containing specific regulations for an entire Planned Development District.</p>
	<p>Digital billboard means an off-premises sign, display, or device that changes the static message or copy by electronic means.</p>
	<p>Digital sign means a sign, display, or device that changes the static message or copy by electronic means.</p>

	<p>Directional sign means a sign erected on private property for the purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including signs marking entrances and exits, circulation direction, parking areas, and pickup and delivery areas.</p>
	<p>Director means the Director of Planning of the City of Decatur or designee</p>
	<p>District means a Zoning District in the Zoning Ordinance</p>
	<p>Electronic message board (EMB) means any sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments. The posting of gasoline prices by digital means is not considered an electronic message board.</p>
	<p>Extraterritorial jurisdiction (ETJ) means the extraterritorial jurisdiction of the City of Decatur as defined by Texas Local Government Code, Section 42.021, as amended.</p>
	<p>Façade means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.</p>
	<p>Fire Code means the most recent Fire Code adopted by the City of Decatur.</p>
	<p>Flashing means, when used to describe a sign, the presence of an intermittent or flashing light source (whether on the face or externally mounted), or the presence of a light source that creates the illusion of intermittent or flashing light by means of animation.</p>
	<p>Freestanding sign means a sign wholly supported by integral pole(s), post(s), or other structure or frame, the primary purpose of which is to support the sign and connect it to the ground. Examples include monument signs and pole signs. A freestanding sign does not include a mobile sign.</p>

	<p>Ghost sign means the remaining image of a previous commercial sign that was painted on a building and associated with an extinct business.</p>
	<p>Historic Overlay District means the Historic Overlay District in the Zoning Ordinance.</p>
	<p>Incidental sign means a small sign of a noncommercial nature that is intended primarily for the convenience of the public, including signs designating restrooms, and entrances to buildings, and so forth.</p>
	<p>Industrial districts mean signs in the following Zoning Districts in the Zoning Ordinance: LI and HI. Industrial districts also include a Planned Development District that includes industrial uses.</p>
	<p>Inflatable advertising device means a sign made from plastic, cloth, canvas, or other light material which assumes a three-dimensional shape when filled with air pressure or helium gas and that may display graphics, symbols, or written copy, or combination of graphics, symbols, and written copy.</p>
	<p>Main Street Advisory Board means the Main Street Advisory Board of the City of Decatur.</p>
	<p>Main Street Manager means the Main Street Manager of the City of Decatur or designee.</p>
	<p>Marquee sign means a sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building, and consisting primarily of changeable panels or words. A marquee sign is generally illuminated.</p>
	<p>Menu board means a sign placed at the beginning of a drive-up service lane of a drive-thru restaurant that includes a two-way speaker system for taking food orders.</p>
	<p>Message board means a panel consisting of a durable plastic or metal backing on which movable characters may be arranged to create a message. A message board is considered a part of the sign face.</p>

	<p>Mobile sign means a sign that is not affixed to a building, other structure or the ground in a permanent manner and is designed to be moved from place to place.</p>
	<p>Monument sign means a sign permanently affixed to the ground at its base, supported entirely by a base structure and not mounted on a pole or as part of a building.</p>
	<p>Mural means an image or series of images or characters constituting artwork that is painted or affixed directly to any wall of a building. A mural does not contain a commercial message.</p>
	<p>Noncommercial message means a message that is not a commercial message.</p>
	<p>Multi-tenant sign means a sign that includes advertising for more than one business.</p>
	<p>National Electrical Code means the most recent National Electrical Code adopted by the City of Decatur.</p>
	<p>Obsolete sign means a sign that no longer services a bona fide use or purpose as determined by the Building Official and that is on a lot with or without a structure.</p>
	<p>Off-premises sign means any sign, including without limitation, signs commonly known as billboards, displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not located or manufactured or sold on the premises on which the sign is located or that directs persons to a location other than the premises where the sign is installed and maintained.</p>
	<p>On-premises sign means any freestanding sign identifying or advertising goods, products, or services that are sold, manufactured, or distributed on or from the premises or facilities on which the sign is located.</p>
	<p>Owner means the person owning title to real property on which a sign is located. Owner also includes the owner of a sign who has a continuing lease of the real property on which the sign is located.</p>

		<p>Painted wall sign means a permanent sign painted directly onto a building wall and having a commercial message or identification.</p>
		<p>Pole sign means a sign that is a freestanding sign connected to the ground by one or more supports.</p>
		<p>Police Chief means the Police Chief of the City of Decatur or designee</p>
		<p>Public right-of-way means travel area dedicated, deeded, or under control of a public agency, including but not limited to, highways, public streets, alleys, and sidewalks.</p>
		<p>Reface means to refurbish or to update the area or display surface used for the message but without altering the sign.</p>
		<p>Residential directional sign means a directional sign for multifamily developments or manufactured home parks or subdivisions.</p>
	<p>Residential districts mean signs in the following Zoning Districts in the Zoning Ordinance: SF1, SF-2, TH, 2F, MF, and MHD. Residential districts also include a Planned Development District that includes residential uses.</p>	
	<p>Residential entrance sign means a sign installed at the entrance of a subdivision, manufactured home park or subdivision, or multifamily development.</p>	
	<p>Roof sign means a sign erected upon, against, or over the roof of any building or structure or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building.</p>	
	<p>Shingle sign means a sign attached under a building canopy, hanging perpendicular to the exterior door of the business.</p>	
		<p>Sidewalk sign means a double-faced, temporary sign composed of two sign boards attached at the top and separated at the bottom, not permanently attached to the sidewalk or impeding pedestrian traffic.</p>

	<p>Sign means a display, illustration, structure, or device that has a visual display visible from a public right-of-way and designed to identify, announce, direct, or inform. The scope of the term “sign” does not depend on the content of the message.</p>
	<p>Sign area means the total area of a box drawn around the entire dimension of a sign background (which is used to distinguish the sign), sign cabinet, message board, or structure. Gasoline price signs on freestanding signs are not included in sign area.</p>
	<p>Sign height means the distance from grade to the topmost point of a freestanding sign, including the supporting sign structure, foundation, and supports.</p>
	<p>Stake sign means a temporary sign supported by a piece of material driven into the ground.</p>
	<p>Street frontage means the property line adjacent to the right-of-way of a public street.</p>
	<p>Temporary sign means a sign that is attached to a building, structure, or the ground for what is expected to be a transitory or temporary period.</p>
	<p>Utility sign means a sign constructed or placed by a public utility on or adjacent to a pole, pipe, or distribution facility of the utility and within the public right-of-way or utility easement.</p>
	<p>Wall sign means a sign that is attached to the exterior wall of a building or a freestanding structure with a roof but not walls, but excludes a mural or ghost sign.</p>
	<p>Window sign means a sign attached to or painted on a window or displayed inside the building so that it is viewable from outside the building.</p>
	<p>Zoning ordinance means the Zoning Ordinance of the City of Decatur.</p>

Sec. 15-5. Compliance required; exceptions.

- (a) It shall be unlawful for any person to violate the provisions of this chapter.
- (b) Noncommercial message substitution.
 - (1) Signs containing a noncommercial message are permitted anywhere that signs regulated by this chapter are permitted, subject to the same regulations applicable to the type of sign used to display the noncommercial message. No provision of this chapter prohibits an ideological, political, or other noncommercial message on a sign otherwise allowed and lawfully displayed under this chapter.
 - (2) The owner of any sign that is otherwise allowed by this chapter may substitute copy with a noncommercial message in lieu of any other commercial or noncommercial message. This substitution may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring any particular noncommercial message over any other noncommercial message.
 - (3) This section does not authorize the substitution of an off-premises sign in place of a noncommercial or on-premises sign.
- (c) This chapter shall not apply to:
 - (1) Signs that are constructed, placed, or maintained by the federal, state, or local government, including, but not limited to, traffic control signs authorized by any governmental agency; signs, notices, placards, certificates, and official papers, authorized or required by any statute, government agency, public school, or court; public utility warning and underground line identification signs; and historical markers/commemorative plaques or cornerstones.
 - (2) Signs required by Federal, State or local law.
 - (3) Signs constructed or placed by a public utility on or adjacent to a pole, pipe, or distribution facility of the utility and within the public right-of-way or utility easement.
 - (4) Wayfinding signs.
- (d) The ultimate liability and responsibility for compliance with this chapter rests with the property owner, the applicant and/or business owner, the sign owner, and the sign installer. These parties are responsible to see that signs comply with this chapter.

Secs. 15-6-15-10. – Reserved.

ARTICLE II. – PERMITS

Sec. 15-11. Sign permit required.

- (a) It shall be unlawful to install, erect, construct, alter, renovate, replace, enlarge, relocate, or demolish a sign within the City without a sign permit issued by the Building Official. The Building Official may request the Director or Main Street Manager review any sign permit application to determine compliance with this chapter.

- (b) A permit is required to reface an approved sign, including changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, except no permit fee shall be charged.
- (c) A permit is required for ordinary maintenance of an approved sign, including the changing or maintenance of movable parts or components of an approved sign, except no permit fee shall be charged.

Sec. 15-12. Application for permit.

To obtain a permit, the applicant shall first file an application for a permit on a form furnished by the Building Official. Applicants shall provide the following information in order for the application to be considered complete:

- (1) The type of sign and cost of sign construction.
- (2) The street address of the property upon which the sign is to be located. In the absence of a street address, a method of location acceptable to the City shall be used.
- (3) Sign details to include a technical drawing or picture of the sign which includes shape and dimensions, text size and design, artwork, and proposed colors. Additionally, a scaled elevation of the size and height of the proposed sign from ground level and adjacent street level shall be provided.
- (4) The square foot area per sign and the aggregate square foot area if there is more than one sign face.
- (5) The name(s) and address(es) of the owner(s) of the real property upon which the sign is to be located.
- (6) Written consent of the property owner, or authorized agent, granting permission for the placement and/or maintenance of the sign on the property.
- (7) The name, address, and phone number of the sign installer.
- (8) For freestanding signs, a site plan drawn to scale showing the proposed location of all sign(s) on the property. The site plan shall include, at a minimum, a plat or a closed boundary survey of the property, gross acreage, the proposed sign location, street right-of-way lines, public and/or private easements, driveway locations, and parking spaces.
- (9) For wall signs, two sets of building elevations, indicating the proposed location of the sign, dimensions and specifications, mounting details, and weight of signs.
- (10) When required by the Building Official, plans for certain signs shall be prepared by a registered professional engineer.
- (11) Proof the sign installer is registered in accordance with Section 4-36 of the Code of Ordinances.
- (12) Permit fee.
- (13) Any other information required by the Building Official.

Sec. 15-13. Inspections.

- (a) All signs for which a permit is required shall be subject to inspection by the Building Official.
- (b) Footing inspections may be required by the Building Official for all signs having footings.
- (c) All signs containing electrical wiring shall be subject to the provisions of the governing National Electrical Code, and the electrical components used shall bear the label of an approved testing agency.
- (d) All signs may be reinspected at the discretion of the Building Official.

Sec. 15-14. Sign permit application fee and review fee.

The permit application fee for each sign permit issued by the Building Official and the review fee for signs reviewed and approved by the Director shall be in the City's adopted Fee Schedule. All fees shall be non-refundable.

Sec. 15-15. Investigation fees; work without a permit.

- (a) Whenever any work for which a permit is required by this chapter has commenced without a permit, a special investigation shall be made before a permit may be issued for such work.
- (b) An investigation fee, in addition to the permit fee, shall be collected, whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee.

Sec. 15-16. No permit.

No sign permit will be issued where illegal signs or violations of the Code of Ordinances exist on the same property.

Sec. 15-17. Expiration of permit.

Every permit issued to install a new sign shall expire one hundred eighty (180) days after its issuance. After one hundred eighty (180) days, a new permit will be required to install the sign.

Sec. 15-18. Permit revocable.

- (a) The Building Official may suspend or revoke any permit issued under the provisions of this chapter if it is determined that the permit was issued:
 - (1) In error;
 - (2) On the basis of incorrect or false information supplied;
 - (3) In violation of any of the provisions of this chapter; or
 - (4) In violation any other ordinance of this City or laws of this State or the federal government.

- (b) The suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the sign owner, or to the property owner upon whose property the sign is located.
- (c) Any signs installed or existing under a revoked permit shall be removed by the permit holder, sign owner, or property owner within ten (10) days of written notice of the revocation.

Sec. 15-19. General standards.

- (a) The following regulations are applicable to all signs:
 - (1) A sign shall be on the same site to which its advertisement refers.
 - (2) Permanent signs shall be attached so that they are not moved by the wind.
 - (3) The sign and surrounding area (three-foot radius) must be kept clean, safe, neatly painted and maintained, and in good repair.
 - (4) Illuminated signs shall not interfere with traffic or traffic devices.
 - (5) An illuminated sign adjacent to a residential district must be separated from the residential district by a distance equal to four (4) times its height measured from property edge to edge.
 - (6) A sign shall be at least ten (10) feet from power lines or the distance required by the National Electrical Code, whichever one requires the most separation.
 - (7) A sign can only have two (2) faces, a front and a back, with a distance of not more than eighteen (18) inches between these faces.
 - (8) The wiring to freestanding signs shall be underground. The wiring to all other signs shall be hidden.
- (b) The following apply to freestanding signs:
 - (1) Freestanding signs over eight (8) feet in height (from grade to top of sign) require structural plans sealed by a civil or structural engineer licensed in Texas.
 - (2) Freestanding signs shall be designed and constructed to receive wind loads as required by the Building Code.
 - (3) Freestanding signs shall be at least five (5) feet away from buildings, driveways, and parking areas.
 - (4) Freestanding signs must have a curbed or protected landscape area that extends three (3) feet from the base of the sign.

Sec. 15-20. Construction and maintenance standards.

- (a) All permanent signs shall be constructed and erected in accordance with the requirements of the Building Code, National Electrical Code, and Fire Code, as applicable.
- (b) All signs and sign support structures, together with all of their supports, braces, guys, and anchors, shall be kept in good repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. The Building Official may order the repair or removal of any sign that is not maintained in accordance with this section.

Sec. 15-21. Prohibited signs.

The construction, placement, existence, or use of signs of the following nature are prohibited. The Director has the authority to prohibit other signage not listed in this section on a case-by-case basis.

- (1) Abandoned signs.
- (2) Changeable electronic variable message signs (CEVMS).
- (3) Digital billboards.
- (4) Mobile signs.
- (5) Obsolete signs.
- (6) Off-premises signs/billboards.
- (7) Prohibited signs:
 - a. Signs attached to natural features, fences, utility poles, refuse or recycling containers, dumpsters, or trash enclosures.
 - b. Sign in the public right of way.
 - c. Signs that are obscene as defined by Texas Penal Code, Section 43.21, as amended.
 - d. Signs that have flashing or flickering lights or moving, rotating or animated parts, except as provided in this chapter.
 - e. Any sign erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, or maintained in violation of this chapter.
 - f. Signs that are located in a manner that could impede traffic on any street, alley, sidewalk, trail, or other pedestrian or vehicular travel way.
 - g. Signs that violate federal, state, or local laws or regulations.
 - h. Signs that are illuminated to an intensity to cause glare or brightness to a degree that could constitute a safety hazard or nuisance in the opinion of the Director, Building Official, or Police Chief.
 - i. Any sign not expressly allowed or defined in this chapter.
- (8) Temporary nuisance sign.

Sec. 15-22. Signs allowed without a permit.

Signs of the following nature shall be allowed in the city without a sign permit issued by the Building Official, provided the Director has reviewed and approved the sign and the applicant has paid the review fee.

- (1) Athletic scoreboards:
 - a. Maximum sign area: Sixty-four (64) square feet.
 - b. Permitted locations: All districts.
 - c. Permit requirement: Electronic signs require an electrical permit.
- (2) Incidental signs:
 - a. Maximum sign area: Two (2) square feet.
 - b. Permitted locations: All districts.
- (3) Stake signs:

- a. Maximum sign area: Two (2) square feet.
 - b. Maximum height: Two (2) feet.
 - c. Permitted locations: All districts.
 - d. Design standards:
 - 1. Materials required: Durable, weather resistant material.
 - 2. Permission: Consent of property owner.
- (4) Street numbers or addresses:
- a. Maximum sign area: Two (2) square feet.
 - b. Permitted locations: All districts.
- (5) Temporary signs displayed during community events or federal or state holidays:
- a. Maximum sign area: Thirty-two (32) square feet.
 - b. Permitted locations: All districts.
 - c. Display period: Not more than then (10) consecutive days.
- (6) Temporary signs during a federal, state, or local election:
- a. Maximum sign area: Thirty-six (36) square feet.
 - b. Maximum height: Eight (8) feet.
 - c. Permitted locations: All districts.
 - d. Display period: Signs shall not be displayed prior to ninety (90) days before and ten (10) days after the election.
- (7) Temporary signs for subdivisions:
- a. Maximum sign area: Sixty-four (64) square feet.
 - b. Maximum number: One (1) per public street access.
 - c. Permitted locations: All residential districts.
 - d. Display period: Permitted after a plat is filed with the County Clerk of Wise County until the subdivision is complete.
- (8) Temporary signs that advertise the sale, rental, availability, or lease of the premises on which the sign is located:
- a. Maximum sign area: Six (6) square feet in residential districts and thirty-two (32) square feet in commercial and industrial districts.
 - b. Maximum sign height: Six (6) feet.
 - c. Permitted locations: All districts.
- (9) Window signs:
- a. Maximum sign area: Seventy-five percent (75%) of the window area where the sign is placed.
 - b. Permitted locations: All commercial and industrial districts.

Sec. 15-23. Signs allowed with a temporary sign permit.

The following signs shall be permitted in commercial and industrial districts with a temporary sign permit from the Building Official:

- (1) Banner signs:
 - a. Maximum sign area: Forty (40) square feet.
 - b. Permitted locations: All districts.
 - c. Maximum height: Six (6) feet, if freestanding, or (10) feet, if affixed to a building.

- d. Design standards:
 - 1. Temporary banners shall be firmly tied down, so they do not blow freely in the wind.
 - 2. Temporary banners shall not be displayed for more than ten (10) consecutive days or a total of thirty (30) days annually. After ten (10) days, the temporary banner must be removed for ten (10) consecutive days.
- (2) Blade banner signs:
 - a. Maximum height: Six (6) feet.
 - b. Maximum number: Four (4) blade banner signs may be displayed on a lot at any time.
 - c. Permitted locations: Commercial and industrial districts.
 - d. Design standard:
 - 1. Blade banner signs shall not be displayed for more than ten (10) consecutive days or a total of thirty (30) days annually. After ten (10) days, blade banner signs must be removed for ten (10) consecutive days.
- (3) Inflatable advertising devices:
 - a. Maximum height: Twenty-five (25) feet.
 - b. Permitted location: Commercial and industrial districts.
 - c. Design standards:
 - 1. Inflatable advertising devices shall be firmly tethered to the ground.
 - 2. Inflatable advertising devices shall not be displayed for more than thirty (30) days annually.
 - 3. Only one (1) inflatable advertising sign may be displayed per business.
- (4) Vertical banner signs:
 - a. Maximum sign area: Banners shall not exceed three (3) feet in width or eight (8) feet in height.
 - b. Maximum number: No more than two (2) banners may be mounted to any one light pole.
 - c. Minimum height: Banners shall maintain a minimum clearance of eight (8) feet from the ground to the bottom of the banner.
 - d. Permitted locations: C-1A.
 - e. Design standards:
 - 1. Vertical banner signs shall be mounted only to permanent, working light standards in the approved parking lot of the premises or to standards in the public right-of-way.
 - 2. Vertical banners shall be mounted using approved hangers and hardware specifically manufactured or listed for hanging vertical banners from light standards. Banners shall be secured to hangers at the top and bottom edges of the banner, hung taut and evenly, and maintained in good condition. Sagging, tattered, torn, dirty or faded banners, or broken or rusted mounting hangers or hardware shall be promptly removed or replaced. Hangers and hardware shall be removed from a light standard when a vertical banner is not in use.

3. Vertical banners may be displayed for a maximum of thirty (30) days annually.

Secs. 15-24-15-30.- Reserved.

ARTICLE III. - SIGNS ALLOWED WITH A PERMIT

DIVISION 1. - COMMERCIAL AND INDUSTRIAL SIGNS

Sec. 15-31. Wall signs.

Wall signs shall be permitted subject to the following regulations:

- (1) Generally: Wall signs are allowed for every building or tenant space that has at least twenty (20) feet of building frontage. Wall signs include signs on the canopy over fuel pumps.
- (2) Maximum sign area: Twenty-five percent (25%) of the building frontage.
- (3) Maximum number:
 - a. Multi-tenant buildings: One (1) sign per street frontage and maximum of two (2) signs per business.
 - b. Single-tenant buildings: Unlimited number of individual signs but total sign area shall not exceed maximum sign area.
- (4) Maximum height: No part of a wall sign shall be installed so as to exceed the height of the building wall, except that signs in C-1A District may exceed the height of the building wall.
- (5) Permitted locations: Commercial and industrial districts.
- (6) Design standards:
 - a. For multi-tenant buildings, the frontage of one tenant space shall not be used for a wall sign on another tenant space. A wall sign cannot encroach into another adjacent tenant space.
 - b. For single-tenant buildings, wall signs are permitted on all sides of the building. No sign permit shall be required for a wall sign that is not visible from the public right-of-way.
 - c. Wall signs shall not be mounted upon the wall of any building which faces any adjoining residential use without an intervening building or street.

Sec. 15-32. Monument signs.

Monument signs shall be permitted subject to the following regulations:

- (1) Generally: Monument signs are allowed on a lot with at least fifty (50) feet of street frontage.
- (2) Maximum sign area: Sixty (60) square feet per face in C-O, C-1, and C-1A Districts and one-hundred twenty (120) square feet per face in C-2, LI, and HI Districts.
- (3) Maximum number: One (1) sign for each street frontage and maximum of two (2) signs for the business.

- (4) Maximum height: Eight (8) feet in C-O, C-1, C-1A Districts and ten (10) feet in C-2, LI, and HI Districts.
- (5) Permitted locations: Commercial and Industrial Districts.
- (6) Design standards:
 - a. Monument signs shall be located at least ten (10) feet from any property line.
 - b. For lots with a hospital use, a monument sign may encroach into the front yard setback so long as the sign location complies with the sight visibility requirements of the Zoning Ordinance.
 - c. Monument signs shall have only two (2) sign faces.
 - d. The structure of the monument sign shall be constructed of materials and colors compatible with those used on the primary building's façade.
 - e. A message board may be incorporated into a monument sign.

Sec. 15-33. Highway monument signs.

Highway monument signs shall be permitted subject to the following regulations:

- (1) Generally: Highway monument signs are allowed on lots that have at least one hundred (100) feet of street frontage on U.S. Highway 81/U.S. Highway 287 or U.S. Highway 380 Bypass, including the frontage road/service road.
- (2) Maximum sign area: One hundred sixty-two (162) square feet per face.
- (3) Maximum number: One (1) per lot and in lieu of all other monument or pole signs.
- (4) Maximum height: Fifteen (15) feet.
- (5) Permitted location: C-2 District.
- (6) Design standards:
 - a. Highway monument signs shall be at least ten (10) feet from any property line.
 - b. Highway monument signs are allowed on the street frontage that is adjacent to the highway.
 - c. Monument signs shall have only two (2) sign faces.
 - d. The structure of the monument sign shall be constructed of materials and colors compatible with those used on the primary building's façade.

Sec. 15-34. Pole signs.

Pole signs shall be permitted subject to the following regulations:

- (1) Generally: Pole signs are allowed on a lot with one hundred (100) feet of street frontage and are in lieu of monument signs.
- (2) Maximum sign area: One hundred twenty (120) square feet per face.
- (3) Number: One (1) per street frontage with a maximum of two (2) signs per business.
- (4) Maximum height: Twenty-five (25) feet.
- (5) Permitted locations: Commercial and Industrial Districts.
- (6) Design standards:
 - a. Pole signs shall be at least ten (10) feet from any property line.
 - b. Pole signs shall have only two (2) sign faces.

- c. Pole signs shall have structural supports covered or concealed with pole covers. The covers shall be architecturally and aesthetically designed to match the building.

Sec. 15-35. Highway pole signs.

Highway pole signs shall be permitted subject to the following regulations:

- (1) Generally: Highway pole signs are allowed on lots that have at least one hundred (100) feet of frontage on U.S. Highway 81/U.S. Highway 287 or U.S. Highway 380 Bypass.
- (2) Maximum number: One (1) per lot and in lieu of all other monument or pole signs.
- (3) Maximum sign area and height:
 - a. Sign area: Maximum two hundred (200) square feet per face.
 - b. Height: Maximum sixty (60) feet.
- (4) Permitted locations: Commercial and Industrial Districts.
- (5) Design standards:
 - a. Highway pole signs are allowed on the street frontage that is adjacent to the highway.
 - b. To qualify as a highway pole sign, the bottom of the sign face must be at minimum twenty-five (25) feet from grade.
 - c. Highway pole signs shall have only two (2) sign faces.
 - d. Highway pole signs shall have structural supports covered or concealed with pole covers. The covers shall be architecturally and aesthetically designed to match the building.
 - e. Highway pole signs shall be at least twenty-five (25) feet from the property line abutting a public street and ten (10) feet from the side and rear property lines.
 - f. A message board may be incorporated into a highway pole sign.

Sec. 15-36. Multi-tenant signs.

Multi-tenant signs shall be permitted subject to the following regulations:

- (1) Required: Multi-tenant signs are required when more than one (1) business shares a common building or parking area, such as a shopping center, office center, or industrial park. In these cases, each business cannot have its own monument or pole sign but must share a multi-tenant sign. This provision is applicable to businesses located on the same lot upon which the sign is located as well as to businesses located upon different lots within the same development, as determined by the Director. Multi-tenant signs can be monument signs or pole signs.
- (2) Maximum sign area:
 - a. Monument sign: Two hundred fifty (250) square feet.
 - b. Pole sign: Two hundred (200) square feet.
- (3) Maximum number: One (1) per lot.
- (4) Maximum height: Thirty (30) feet for monument sign or pole sign.

- (5) Permitted locations: Commercial and Industrial Districts.
- (6) Design standards:
 - a. Multi-tenant signs shall be at least ten (10) feet from any property line.
 - b. Multi-tenant signs shall be located on the lot that one of the advertised businesses occupies.
 - c. Multi-tenant signs shall have only two (2) sign faces.
 - d. Multi-tenant signs shall be designed in the overall architectural style of the buildings in the development.

Sec. 15-37. Directional signs.

Directional signs shall be permitted subject to the following regulations:

- (1) Generally: Directional signs can be wall signs or freestanding signs.
- (2) Maximum sign area: Four (4) square feet.
- (3) Maximum number: One (1) per public street entrance and unlimited number of signs that are internal to the site.
- (4) Maximum height: Three (3) feet for freestanding signs and ten (10) feet from the ground for wall signs.
- (5) Permitted locations: Commercial and Industrial Districts.
- (6) Design standards:
 - a. Freestanding directional signs shall have only two (2) sign faces.
 - b. Directional signs shall be constructed of similar materials and colors with the primary building's façade.
 - c. The placement of directional signs shall not adversely affect adjacent properties (including sight lines or cause confusion for adjacent property ingress or egress) or the general appearance of the site from public right-of-way.

Secs. 15-38-15-40.- Reserved.

DIVISION 2. - RESIDENTIAL SIGNS

Sec. 15-41. Residential entrance signs.

Residential entrance signs shall be permitted subject to the following regulations:

- (1) Generally: Residential entrance signs are allowed at the entrance to residential subdivisions that have ten (10) or more platted lots, manufactured home parks or subdivisions, and multi-family developments. Residential entrance signs may be monument signs or signs attached to a decorative, masonry fence or wall.
- (2) Maximum sign area: Ten (10) square feet.
- (3) Maximum number: Two (2) per public street entrance.
- (4) Maximum height: Eight (8) feet.
- (5) Permitted locations: Residential Districts.
- (6) Design standards:

- a. All components of residential entrance signs, including wiring, lighting and structure, must be located on private property and privately maintained by property or homeowners associations or owners of manufactured home parks and multi-family developments.
- b. Residential entrance signs shall be constructed of masonry, stone, or brick.
- c. Residential entrance signs shall have only one (1) sign face.
- d. Residential entrance signs are prohibited in drainage easements or other easements.
- e. Landscaping must be installed around the base of residential entrance monument signs.
- f. Residential entrance signs shall comply with the sight visibility requirements in the Zoning Ordinance.

Sec. 15-42. Residential directional signs.

Residential directional signs shall be permitted subject to the following regulations:

- (1) Generally: Residential directional signs may be wall signs or freestanding signs.
- (2) Maximum sign area: Four (4) square feet.
- (3) Maximum number: One (1) per public street access and unlimited number of signs that are internal to the site.
- (4) Maximum height: Three (3) feet for freestanding signs and ten (10) feet from the ground for wall signs.
- (5) Permitted locations: MF and MHD Districts.
- (6) Design standards:
 - a. Freestanding residential directional signs shall have only two (2) sign faces.
 - b. Residential directional signs shall be constructed of similar materials and colors as the primary building's façade in the MF District and constructed of similar materials and colors as the permanent buildings in the MHD District.
 - c. The placement of residential directional signs shall not adversely affect adjacent properties (including sight lines or cause confusion for adjacent property ingress or egress) or the general appearance of the site from public right-of-way.

Secs. 15-43-15-45.- Reserved.

DIVISION 3. - SPECIAL SIGNS

Sec. 15-46. Awning signs.

Awning signs shall be permitted subject to the following regulations:

- (1) Maximum sign area: Twelve (12) square feet. The sign area is determined by computing the area of a standard imagery geometric shape or combination of shapes drawn around the sign copy area or graphics.
- (2) Maximum number: One (1) per business.
- (3) Maximum height: No part of awning signs shall extend above the roof of the building.

- (4) Permitted location: H District.
- (5) Design standards:
 - a. Awning signs shall be installed over the business entrance.
 - b. Awning signs shall have an eight (8) foot clearance above the public sidewalks.

Sec. 15-47. Cantilevered signs.

Cantilevered signs shall be permitted subject to the following regulations:

- (1) Generally: Cantilevered signs shall be located over or directly adjacent to the main business entrance.
- (2) Maximum sign area: Twenty-five (25) square feet.
- (3) Maximum number: One (1) per business.
- (4) Maximum height: Cantilevered signs may not project over the roof of the building.
- (5) Permitted location: H District.
- (6) Design standards:
 - a. Cantilevered signs shall not extend over a public sidewalk more than two-thirds (2/3) of the width of the sidewalk.
 - b. Cantilevered signs cannot extend over public streets or alleys.
 - c. Cantilevered signs shall be a minimum of eight (8) feet above the public sidewalk and over or adjacent to the business entrance.
 - d. Before the sign permit is issued, the sign owner shall enter into a license agreement approved by the City Council, provide liability insurance in an amount no less than \$500,000.00 per occurrence and the City shall be named as an additional insured, and agree to indemnify and hold harmless the City, its members, agents, officers, and employees, their successors and assigns, individually and collectively, from and against liability for property damage and personal injury related to the cantilevered sign.

Sec. 15-48. Electronic message board bonus signs.

Electronic message board signs are permitted subject to the following regulations:

- (1) Generally: Electronic message board signs are permitted as a bonus on pole signs or monument signs.
- (2) Maximum sign area: Thirty (30) square feet.
- (3) Maximum number: One (1) per pole sign or monument sign.
- (4) Permitted locations: C-2, LI, and HI Districts along FM 51 and U.S. Business 380. Electronic message board signs are prohibited on all other signs in all other locations, including without limitation, signs located on U.S. Highway 81/U.S. Highway 287 or U.S. Highway 380 Bypass.
- (5) Design standards:
 - a. Electronic message board signs must be installed below the main sign on pole signs or monument signs. (See illustration below.)



- b. Any change of pictures or information on electronic message board signs shall not produce the illusion of scrolling, moving objects, expanding or contracting shapes, rotation, or any similar effect of animation. There must be a static display with no special effect changes between messages.

Sec. 15-49. Ghost signs.

Ghost signs are subject to the following regulations:

- (1) Generally: Ghost signs are encouraged to remain on commercial buildings in the H District. Ghost signs shall not count toward the allowable square footage or allowable number of wall signs for commercial buildings.
- (2) Preservation standards: Applications for ghost sign permits shall provide sign historical information, including photographs, if available, and the method and means of preservation. Sign preservation may be based on standards or guidance from the National Park Service or Texas Historic Commission.
- (3) Permitted location: H District.
- (4) Design standards:
 - a. Preservation of ghost signs shall not alter original design, wording, or size.
 - b. Preservation of ghost signs should avoid restoring to like-new condition, where all evidence of the age would be lost, but use treatments that maintain the character and patina of the sign.

Sec. 15-50. Historic overlay wall signs.

Historic overlay wall signs shall be permitted subject to the following regulations:

- (1) Generally: Historic overlay wall signs are allowed on every building or tenant space that has at least twenty (20) feet of building frontage.
- (2) Maximum sign area: Historic overlay wall signs shall not exceed twenty percent (20%) of the wall area. Wall area is calculated by multiplying the width in feet of the tenant space by the height in feet of the building.
- (3) Maximum number: One (1) sign per tenant per street frontage, up to two (2) signs per tenant. One (1) additional wall sign is permitted on the building wall facing the parking lot or alley.
- (4) Maximum height: Wall signs shall not extend above the wall or building height to which the sign is attached.
- (5) Permitted location: H District.
- (6) Design standard:
 - a. Wall signs shall not be mounted upon the wall of any building which faces any adjoining residential use without an intervening building or street.

Sec. 15-51. Marquee signs.

Marquee signs shall be permitted subject to the following regulations:

- (1) Generally: Marquee signs may be the primary sign or secondary sign of a business.
- (2) Maximum sign area: One hundred fifty (150) square feet in area, including all signs on marquee structure.
- (3) Maximum number: One (1) per building.
- (4) Maximum height: Maximum height shall be equal to the eave line of the building.
- (5) Permitted location: H District.
- (6) Design standards:
 - a. Marquee signs shall be located over the business entrance.
 - b. Marquee signs must not project more than six (6) feet from the building wall.
 - c. A distance of two (2) feet must be maintained from the outer edge of marquee signs and any traffic control signs.
 - d. The lowest portion of marquee signs must be no less than eight (8) feet above the sidewalk.
 - e. Before the sign permit is issued, the sign owner shall enter into a license agreement approved by the City Council, provide liability insurance in an amount no less than \$500,000.00 per occurrence and the City shall be named as an additional insured, and agree to indemnify and hold harmless the City, its members, agents, officers, and employees, their successors and assigns, individually and collectively, from and against liability for property damage and personal injury related to the marquee sign.

Sec. 15-52. Menu boards.

Menu board signs shall be permitted subject to the following regulations:

- (1) Generally: Menu board signs shall be considered an additional sign on a lot with a restaurant with drive-thru service.
- (2) Maximum sign area: Forty-five (45) square feet.
- (3) Maximum number: One (1) per restaurant drive-thru lanes.
- (4) Maximum height: Eight (8) feet.
- (5) Permitted locations: C-1 and C-2 Districts.
- (6) Design standards:
 - a. Menu board signs shall be placed at the entrance to the drive-thru.
 - b. Menu board signs shall have only one (1) sign face.
 - c. Menu board signs shall be at least five (5) feet from side property lines and be located on the same side of the drive thru lane as the restaurant.

Sec. 15-53. Murals.

Murals shall be permitted subject to the following regulations:

- (1) Generally: Murals are permitted to be painted directly on the façade of commercial buildings.
- (2) Maximum area: No maximum.
- (3) Maximum number: One (1) per building.
- (4) Permitted location: H District.
- (5) Design standards:
 - a. Murals must be compatible with the architectural and aesthetic components of the building.
 - b. Murals must not detract from the character of the H District and not be detrimental to the public health, safety, and welfare.
 - c. Murals shall not include any commercial messages, logo, trademark, or any facsimile thereof used to advertise services or products available for any commercial purpose.
 - d. No other sign shall be installed over a mural.
- (6) Maintenance required: Murals shall be kept in a proper state of repair by the building owner. Should a mural become faded, peeled, and/or severely weathered, upon written notice from the Main Street Manager or Building Official, the property owner shall repair, repaint, restore, or remove the mural within sixty (60) days.

Sec. 15-54. Painted wall signs.

Painted wall signs shall be permitted subject to the following regulations:

- (1) Generally: Painted wall signs may be a primary sign or secondary sign of a business.
- (2) Maximum sign area: Twenty percent (20%) of the wall area. The wall area is calculated by multiplying the width in feet of the tenant space by the height in feet of the building.
- (3) Maximum number: One (1) per street frontage and maximum of two (2) signs but painted wall signs are prohibited on building walls with existing wall signs.
- (4) Maximum height: No component of painted wall signs shall exceed the building height.
- (5) Permitted location: H District.
- (6) Design standards:
 - a. Painted wall signs shall be maintained by the property owner, business owner, or sign owner. Any portion of a painted wall sign that is unreadable or unsightly due to weather or sunlight shall be immediately repaired.
 - b. Painted wall signs are permitted only on the exterior building wall of the tenant space.

Sec. 15-55 Planned development districts sign plans.

All applications for Planned Development Districts shall include a comprehensive sign plan for approval by the planning and zoning commission and city council.

Sec. 15-56. Roof signs.

Roof signs shall be permitted subject to the following regulations:

- (1) Maximum sign area: Thirty (30) square feet.
- (2) Maximum number: One (1) per building.
- (3) Maximum height: Not exceed twenty-four (24) feet above the roof level.
- (4) Permitted location: H District.
- (5) Design standards:
 - a. Roof signs shall comply with structural design requirements in Chapter 16 of the Building Code.
 - b. Roof signs shall be placed entirely above a flat roof, cantilever, or awning.
 - c. Roof signs are permitted in lieu of an awning sign for the business.
 - d. Roof signs may be installed on parapet walls.
 - e. Supporting structures for roof signs shall be visually minimized to the greatest extent possible. Roof signs shall be constructed of internally illuminated channel letters without back lighting.

Sec. 15-57. Shingle signs.

Shingle signs shall be permitted subject to the following regulations:

- (1) Maximum sign area: Four (4) square feet.
- (2) Minimum height: Seven (7) feet from the sidewalk.
- (3) Permitted location: H District.

Sec. 15-58. Sidewalk signs.

Sidewalk signs shall be permitted subject to the following regulations:

- (1) Generally: Sidewalk signs shall only be permitted on sidewalks abutting a business for which it advertises.
- (2) Maximum sign area: Thirty-two (32) square feet.
- (3) Maximum number: Two (2) per business; double-sided signs are considered one (1) sign.
- (4) Maximum height: Six (6) feet.
- (5) Permitted location: H District.
- (6) Design Standard:
 - a. A minimum of a forty-eight (48) inch clearance shall be maintained around the sidewalk sign for pedestrian traffic.

- (7) Exception from permit requirements: One (1) sidewalk sign may be displayed by a business without a permit if the sign:
 - a. is removed and properly stored during closed business hours;
 - b. is located within five (5) feet of the primary entrance;
 - c. does not have changeable copy, except that a chalkboard may be used;
 - d. does not interfere with pedestrian or vehicular traffic; and
 - e. does not exceed four (4) feet in height and eight (8) square feet in area.

Secs. 15-59-15-65.- Reserved.

ARTICLE IV. - APPEALS AND VARIANCES

Sec. 15-66. Appeals.

- (a) Decisions and interpretations of this chapter may be appealed to the City Council provided that written notice of such appeal is filed by the sign permit applicant with the Director no later than ten (10) days following the applicant's receipt of the written decision or interpretation. The written decision and interpretation shall become final upon the expiration of the ten (10) day appeal period.
- (b) Upon receipt of the appeal from the Director, the City Secretary shall place the appeal on the next regularly scheduled City Council meeting agenda. The City Council can grant or deny the appeal.

Sec. 15-67. Variances.

- (a) The City Council may grant variances from the requirements of this chapter after determining that:
 - (1) granting a variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated;
 - (2) the variance is necessary because enforcement of the requirement prevents any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site including its dimensions, landscaping, or topography;
 - (3) granting the variance will not have a substantially adverse effect on neighboring properties; and
 - (4) granting the variance will not substantially conflict with the purposes of this chapter.
- (b) The City Council may request the Main Street Advisory Board make recommendations for sign variances in the H District.

Secs. 15-68-15-70.- Reserved.

ARTICLE V. - NONCONFORMING SIGNS

Sec. 15-71. Nonconformities.

- (a) A sign that does not conform to the regulations prescribed in this chapter and that existed lawfully on the date of adoption of this chapter or amendment hereto shall be deemed a nonconforming sign. A nonconforming sign may not be changed to another nonconforming sign, structurally altered so as to prolong the life of the sign, or expanded to increase the size.
- (b) A nonconforming sign may be maintained. Maintained means the process of keeping the sign in good repair, including:
 - (1) cleaning;
 - (2) painting; and
 - (3) repair of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all repairs performed during any consecutive 365 calendar day period is not more than 60 percent of the cost of erecting a new sign of the same type at the same location.
- (c) The right to continue all nonconforming signs shall cease and such sign shall be removed whenever:
 - (1) A sign is altered, moved, or relocated.
 - (2) A sign is damaged or destroyed and the cost to repair exceeds sixty percent (60%) of the replacement cost of the sign and support structure on the date of damage.
 - (3) A sign leans such that an angle between the sign and the ground is seventy degrees (70°) or less.
 - (4) A sign has fallen onto the ground.
 - (5) A sign is modified without a permit pursuant to the provisions of this chapter.
- (d) Signs designated by official action of the City as having special historic or architectural significance are exempt from paragraph (b) of this section.

Secs. 15-72-15-75.- Reserved.

ARTICLE VI. – ENFORCEMENT

Sec. 15-76. Enforcement and implementation.

- (a) The Director shall:
 - (1) authorize signs in accordance with Section 15-77.
- (b) The Building Official shall:
 - (1) issue sign permits;
 - (2) revoke sign permits;
 - (3) conduct inspections to ensure signs comply with this chapter;

- (4) remove or abate or cause the removal, abatement, or impoundment of any sign installed, maintained, or used in violation of this chapter;
- (5) investigate complaints of alleged violations of this chapter; and
- (6) institute legal proceedings to ensure compliance with this chapter.

Sec. 15-77. Authorization to exceed size or height restrictions.

- (a) The Director may authorize installation of a sign that exceeds the applicable size or height restriction by up to twenty percent (20%) of the maximum size or height prescribed by this chapter after determining that:
 - (1) the property owner or sign owner has demonstrated the existence of practical difficulties in complying with this chapter;
 - (2) a unique circumstance exists that makes compliance with the requirements of this chapter impractical;
 - (3) the modification is in conformity with the purposes of this chapter; and
 - (4) the modification does not lessen public safety requirements.
- (b) The Director shall record the details of a modification authorized under this section in the City files.

Sec. 15-78. Removal of temporary signs.

A temporary sign that is placed in the public right-of-way or is imposing an immediate danger shall be removed by the Director, Building Official, or Police Chief without notice. If the sign is removed or caused to be removed, the sign shall be retained for at least ten (10) days before the City disposes of the sign. If during this period the sign owner pays the storage fee in the City's Fee Schedule, the sign shall be returned to its owner.

Sec. 15-79. Abatement of unsafe conditions.

- (a) If the Building Official determines that any sign regulated by this chapter poses a danger to the public due to deterioration, disrepair, structural defect, or other unsafe condition, the Building Official shall give written notice of the unsafe condition to the sign owner, building owner, or property owner. The notice must:
 - (1) be sent by certified mail, return receipt requested, or hand-delivered; and
 - (2) include a statement that the Building Official may enter the property and remove the sign if it is not removed or abated within ten (10) days after the date of the notice.
- (b) The recipient of the notice may appeal the notice of unsafe condition to the Decatur Municipal Court. Notice of appeal must be made in writing and filed with the Decatur Municipal Court within ten (10) days of the date of the notice.
- (c) If the unsafe condition is not abated or the Building Official's determination is not appealed within the period in this section, the Building Official may enter the premises and abate the unsafe condition. The reasonable cost of removal or abatement, together with interest on the unpaid balance at an interest rate of six percent (6%) per annum,

shall be taxed as a lien against the record owner of the property on which the sign is located.

Sec. 15-80. Penalty.

It is an offense for any person to violate or cause, allow, or permit a violation of any provision of this chapter or to commit an act designated as unlawful by this chapter, and the person who violates or causes, allows, or permits a violation of this chapter shall be guilty of a misdemeanor and subject to penalties in Section 1-14 of the Code of Ordinances. Each separate illegal sign placement and each day an illegal sign is posted shall be considered a separate offense. The penal provisions imposed under this chapter shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, State and Federal law.