

**CITY OF BEEVILLE
ORDINANCE NO. 2033**

AN ORDINANCE OF THE CITY OF BEEVILLE, TEXAS REPEALING CITY ORDINANCE NO. 1585 AND NOW HERETO PROVIDING COMPREHENSIVE REGULATIONS OF ALL OUTDOOR ADVERTISING SIGNS TO PROTECT AND ENHANCE THE HEALTH, SAFETY AND WELFARE OF THE GENERAL PUBLIC AND PROMOTING A POSITIVE CITY IMAGE: AND PROVIDING FOR PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION UPON CONVICTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEEVILLE, TEXAS:

SECTION 1: INTENT AND PURPOSE

It is the intent of this article to provide comprehensive regulation of signs, including the erection, alternation and maintenance of all types of billboards, signs, campaign signs, bills and posters within the City Limits, in order to protect and enhance the health, safety and welfare of the general public, and provide such comprehensive regulations in a manner which will be compatible with all City Ordinances. Further, it is the purpose of this article to provide uniform sign standards which promote a positive City image reflecting order, harmony and pride, thereby by strengthening the economic stability of Beeville's business, cultural and residential areas.

SECTION 2: OBJECTIVES

Objectives to be pursued to applying specific sign standards are as follows:

- A. To identify individual business, residential, and public use without creating confusion, unsightliness, or visual obscurity.**
- B. To assure that all signs are properly related to the overall adjacent land use, character and development lot size, scale, height, and location.**

SECTION 3: SCOPE

The provisions of this article shall apply to all signs, as that term is defined herein, within City Limits, except for the following:

- A. Official government signs and notices.**
- B. National, State, and local governmental flags.**

C. Scoreboards facing an athletic area.

SECTION 4: DEFINITION-SIGN CLASSIFICATION

For the purpose of this article, the term "sign" shall mean any object, display, or part thereof, visible from a public street, which is used to advertise a business, product, service, promoting the election or re-election of any candidate or pro or con on an issue before the local electorate, or any other activity. The term "advertise", when used herein shall include promoting, identifying, or calling attention to a business, product, service, candidate, issue, or activity, through use of words, symbols, figures, or similar means.

The following shall constitute specific types of signs regulated herein:

- A. **ABANDONED sign:** Any sign which no longer correctly advertises a business product, service, or activity.
- B. **BANNER sign:** Any sign other than a pennant which is made from or on cloth or other limp material. Any such sign displayed behind glass or within a building shall be deemed a wall sign.
- C. **BILLBOARD sign:** Any sign, with the exception of portable signs, pertaining to a business, activity, product, or service not being offered or conducted on the premises upon which the sign is located.
- D. **CAMPAIGN SIGN:** Any sign that promotes the election or re-election of any candidate or pro or con on an issue before the local electorate
- E. **CANOPY sign:** Any sign attached to, hung from, or supported by a canopy structure.
- F. **CONSTRUCTION sign:** A sign identifying a business participating in construction on the property on which the sign is located.
- G. **DIRECTIONAL sign:** Any on-premise sign giving directions, instructions, or facility information, such as parking or exit and entrance signs.
- H. **ELECTRONIC MESSAGE sign:** A sign, the copy of which automatically changes at least once every three (3) seconds. Such signs shall be considered on-premise signs if no more than fifty (50)

per cent of the total number of messages displayed on the sign relate to off-premise activities.

- I. **FINANCING sign:** Any sign identifying a financial institution participating in development of the property on which it is located.
- J. **ELECTRICAL sign:** Any sign or sign structure which uses or incorporates electrical wiring, connections, lights or fixtures.
- K. **FREESTANDING sign:** Any on-premise sign permanently affixed to the ground which is not attached to a building.
- L. **NONCOMMERCIAL sign:** Any sign that conveys a political, social, ideological, community service, or similar message.
- M. **ON-PREMISE sign:** Any sign which advertises a business, product, service, or activity offered, sold or conducted on the premises on which the sign is located.
 - M-1. **Campaign Signs** are hereto limited to private property and are prohibited for being lighted or from flashing lighting while on established residential areas.
- N. **PENNANT sign:** Any sign consisting of a series of flags constructed of cloth or other limp material.
- O. **PORTABLE sign:** Any sign not permanently affixed to the ground or to a building, which is designed to permit removal and reuse.
- P. **PROJECTING sign:** Any sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not designed primarily to support a sign.
- Q. **REALTY sign:** Any sign used to advertise a real estate development site or to advertise that real estate is for sale, rent or lease.
- R. **ROOF sign:** Any sign affixed to the roof of a building.
- S. **WALL sign:** Any sign affixed flat against and parallel to a building wall. For the purposes of this definition, wall shall include window areas.

SECTION 5: SAME-GENERAL

For the purpose of this article, the following words and phrases shall have the following meanings:

- A. **AREA:** The area of a sign shall be the area of the sign face. In computing any maximum allowable sign area, only one side of the double sign face shall be considered.
- B. **CLEARANCE:** The smallest vertical distance between the ground or improvements underneath a sign and the lowest point of the sign, including framework and embellishments.
- C. **COPY:** The working, symbols, and figures on a sign face in either permanent or changeable form.
- D. **ERECT:** To construct, build, raise, assemble, emplace, affix, attach, create, paint, draw or in any other way bring into being or establish.
- E. **FACE:** The entire advertising area of a sign excluding framing, trim, or supporting structure.
- F. **FRONTAGE:** The length of the property lines of a lot which abut public streets.
- G. **HEIGHT:** The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average ground level beneath the sign.
- H. **LOT:** A parcel of land legally defined as a lot on a duly approved subdivision plat of record, or a parcel of land defined by a legal record or survey map.
- L. **OCCUPANCY:** The purpose for which a building, lot, or sign, or structure is used or intended to be used.
- J. **PREMISES:** A parcel of land with its appurtenances and buildings, which is devoted to a particular commercial, industrial, or residential use.
- K. **PUBLIC STREET or right-of-way:** Shall mean the entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare publicly maintained when any part thereof is open to the public for vehicular traffic.

- L. SETBACK:** The horizontal distance between a sign and the front lot line, as measured from the part of the sign nearest to the front lot line.

SECTION 6: GENERAL PROVISIONS

- A.** No sign, sign structure, or sign support shall be placed upon or project over any public property or right-of-way; provided, that a wall sign affixed to a building wall located upon a property line may project up to eighteen inches (18") from the back of the curb so long as it maintains a clearance of at least eight feet (8').
- B.** No sign shall be erected, constructed, or maintained so as to obstruct any means of egress, or any opening necessary for required light, ventilation or fire-fighting or for escape from the premises, or as to prevent free passage from one part of a rooftop any other part thereof.
- C.** No sign shall be attached to any exterior stairway, fire escape, fire tower balcony, fire wall, or balcony serving as a horizontal exit.
- D.** No sign shall be erected, constructed or maintained so as to interfere with the free operation of a counterbalanced section of a fire escape, and no projecting sign shall be erected, constructed or maintained without a minimum of seven feet (7') clearance over any such counterbalance section.
- E.** No sign shall obstruct the free use of any window above the first story as a required means of egress to a fire escape.
- F.** The ground surface area under and adjacent to signs shall be kept clean of weeds, high grass, and rubbish.
- G.** Signs shall maintain clearance from telephone, cable television, and electric power line in accordance with utility company standards.
- H.** In the event that more than one (1) sign-related definition applies to a proposed sign, resulting in conflicting regulations thereon, the sign applicant may choose the definition that is to apply, with the qualification that all regulations related to the definition must be adopted. Where the proposed sign is of a type that is prohibited, it shall remain prohibited notwithstanding that it may also come with the definition of an approved type of sign.

- L. All signs shall meet applicable construction standards of the Southern Building Code and the National Electrical Code, as adopted by the City.
- J. A noncommercial sign shall be allowed in any instance in which an on-premises or billboard sign is allowed within this article.

SECTION 7: PROHIBITED SIGNS

The following signs shall be prohibited:

- A. Signs in zones other than "B-2" Secondary and Highway Business District, "B-3" Central Business District, "I-1" Light Industrial District, and "I-2" Industrial District with flashing, blinking, or traveling lights, except for time and temperature or electronic message signs.
- B. Banners, flags, searchlights, twirling signs, sandwich or A-Frame signs, sidewalk or curb signs, balloons or other gas filled objects, except as expressly provided in Section 10.
- C. Signs upon trees, rocks, bridges, power lines (all telephone poles), or signs utilizing such objects for all or part of their support.

SECTION 8: ON-PREMISES SIGNS

- A. Freestanding signs structure shall be subject to the following:
 - A-1. Only one (1) such sign structure shall be allowed for each lot of fifty feet (50') frontage or lease which front only one (1) public street. Lots with fronts of one hundred fifty feet (150') shall be allowed an additional such sign structure and one other such sign structure for every one hundred fifty feet (150') of frontage thereafter. For lots fronting more than one (1) public street, the same regulations shall apply to each street and sign.
 - A-2. Permanent portable signs and portable signs are exceptions and are handled in Section XI and XII.
 - A-3. The maximum height of such signs shall be forty-two and one-half feet (42 ½") from lots fronting on U. S. Loop Business Highway 181, U. S. Highway 181, U. S. Highway 59, Texas Highway 202 and FM 673 within the City Limits of Beeville.

- A-4. Campaign signs shall be restricted to on-premise only and shall not exceed thirty-two square feet (32') and shall be temporary in nature to be removed by the property owner or candidate within seven (7) days following the election.**
- B. Roof signs shall be subject to the following:**
- B-1. Such signs shall not project beyond any exterior wall of the building on which such signs are mounted.**
- B-2. The maximum height of such signs shall be fifteen feet (15') above the building upon which such signs are mounted.**
- C. Canopy signs shall be subject to the following:**
- C-1. The face of such signs shall not exceed six feet (6') in height.**
- C-2. Such signs shall not extend beyond the sides of the canopy.**
- C-3. One (1) sign may be hung beneath a canopy, provided such sign maintains a minimum clearance of eight feet (8').**
- D. Projecting signs shall maintain a minimum clearance of nine feet (9').**
- E. Construction and realty signs shall be subject to the following:**
- E-1. Such signs shall be used only temporarily during relevant periods of development or listing. Such signs shall become abandoned signs upon occupancy of the premises. Realty signs, when anchored or mounted securely to the ground, shall not be considered to be portable signs.**
- E-2. One (1) construction sign up to one hundred twenty eight square feet (128'), and one (1) realty sign up to thirty-two square feet (32'), may be used on a lot; provided that on corner lots, such allowable areas may be divided between two (2) construction and two (2) realty signs oriented towards different streets; and provided further that for lots with frontage exceeding five hundred feet (500'), one (1) such realty sign may be used for each five hundred feet (500') of frontage.**

SECTION 9: BILLBOARDS

- A. No billboards shall be located:**
 - A-1. Within two hundred feet (200') of any on-premises freestanding sign.**
 - A-2. Within one hundred feet (100') of any intersection controlled by a traffic control signal.**
 - A-3. Within three hundred feet (300') of any other billboard on the same side of a street other than a highway designated as a "loop" highway.**
 - A-4. Within five hundred feet (500') of any other billboard on the same side of a highway designated as a "loop" highway.**
- B. Billboards shall have maximum height of forty-two and one-half feet (42 1/2") feet and a minimum clearance of seven feet (7').**
- C. The maximum area of billboards shall vary directly with the setback, in accordance with the following**

| Area of Sign Face | Minimum Setback |
|---------------------------|------------------------|
| Less than 200 square feet | ten feet (10') |
| 200 - 300 square feet | twenty-five feet (25') |
| More than 300 square feet | thirty feet (30') |

Billboard erected after passage of this ordinance shall have an absolute maximum area of three hundred and twenty five square feet (325'). All single-faced billboards shall have their backsides painted with industrial or commercial coating.

- D. Extensions shall be allowed provided such extensions do not exceed twenty-five percent (25%) of the width of the sign, and provided the extension complies with the height limitations in Subsection B.**
- E. Billboards larger than two hundred square feet (200') in area shall be built in compliance with all applicable Southern Building Code requirements.**

SECTION 10: BANNER AND PENNANT SIGNS, SEARCHLIGHTS, FLAGS

- A. On-premise banner signs, flags, balloons, and searchlights may be used subject to the following:**

- A-1. **Such displays shall comply with height and setback requirements applicable to on-premise freestanding signs.**
- B. **Banner signs extending across a public street shall advertise only civic and non-profit activities, and shall be allowed only with written permission of the City Manager or designee and proper agents from the State and utility companies when affected and must be removed no later than 30 days after advertised event ceases. Approved location of said banners shall be based on all aspects of public safety.**

SECTION 11: PERMANENT PORTABLE SIGNS

- A. **Permanent portable signs will be allowed on commercial property subject to meeting wind loads as specified in Southern Building Codes.**
 - A-1. **Lighted permanent portable signs will be wired electrically to meet National Electric Codes.**
 - A-2. **Only one permanent portable sign for every three hundred feet (300') of frontage and not to exceed two (2) will be allowed per front frontage provided except two (2) signs will be allowed if corner property is involved oriented toward different street or street corners.**
 - A-3. **No part of permanent portable sign shall extend into right-of-way nor block adjacent properties on-premise signs nor obscure visibility of any entering and exiting driveway.**
 - A-4. **Permanent portable signs shall require property permits from the City of Beeville prior to installation.**

SECTION 12: PORTABLE TRAILER SIGNS

- A. **Portable trailer signs may be used for short promotions with permit from City of Beeville provided:**
 - A-1. **If such sign is located entirely on private property**
 - A-2. **No electrical connections are made or that connections meet all National Electrical Code requirements.**

SECTION 13: LICENSE AND PERMIT REQUIREMENTS

- A. Only companies engaged in sign construction business with acceptable certificates of insurance with a minimum of \$55,000.00 of liability coverage shall be allowed to erect and construct signs in the City of Beeville.
- B. All lighted signs will require permits prior to installation.
- C. All non-lighted signs structures larger than thirty-two square feet (32') will require permits prior to erection.
- D. Campaign signs, as herein defined shall be exempt from these fees provided they do not exceed Subsection C above and only so long as they confirm to the provisions of Section 8 "On Premise Signs" and all other applicable provisions.
- E. Fees will be based on evaluation of work performed and product provided as with all City of Beeville Building Permits issued.

SECTION 14: EXISTING SIGNS; APPLICABILITY OF ARTICLE

- A. Within this section, the term "existing sign location" shall mean the location of an on-premise sign in existence at the time of adoption of this Ordinance, upon premises where no lapse of business operations exceeding one hundred (100) days has occurred since that date.
- B. The provisions of this article shall not apply to existing sign locations except as follows:
 - B-1. New signs constructed or installed at existing sign locations shall be on the property of the business or activity.
 - B-2. New signs constructed or installed at existing sign locations shall maintain clearance from utility lines in accordance with utility company standards.
 - B-3. New signs constructed or installed at existing sign locations shall not exceed forty-two and one-half feet (42 ½") in height for lots fronting U. S. Loop Highway 181, U. S. Business 181, U. S. 59, Texas Highway 202 and FM 673 and thirty-five feet (35') in height for all other lots, and shall maintain adequate clearance for vehicles passing underneath and traffic viewing.

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 42 1/2 ft
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- C. **On-premise signs on premises where a lapse in business operations exceeding one hundred eight (180) days has occurred shall be deemed to be abandoned signs. Such abandoned signs shall be removed by the owner of the premises within thirty (30) days after written notice to remove is given by the City Manager or designee. The City Manager or designee may cause the removal of any such sign remaining after such time, to be stored at owner's expense unless at discretion of the City of Beeville such sign is allowed to stay with faces blacked out.**
- D. **The provisions of this article shall not apply to billboards in existence at the time of adoption of this Ordinance; provided that any alteration or repair to the structure of such a billboard shall require such billboard to comply with the requirements of Section 9E, and shall not increase the area or height of such billboard.**

SECTION 15: ABATEMENT OF PROHIBITED SIGNS

- A. **All signs, sign structures, and supports placed upon or projecting across public property or right-of-way, as of the time of adoption of this Ordinance shall be removed in accordance with the following:**
 - A-1. **Those which present a danger to the persons or property because of their condition may be removed immediately by the City Manager or designee and stored at the owner's expense.**
 - A-2. **Those which may present a visual obstruction to traffic, as determined by the City Engineer or such engineer's representative, may be removed immediately by the City Manager or designee and stored at the owner's expense.**
 - A-3. **All other such signs which become abandoned signs after such date shall be removed by the owner or user thereof within thirty (30) days after written notice to remove is given by the City Manager or designee. The City Manager or designee may cause the removal of any such sign remaining after such time, to be stored at the owner's expense.**

Any such sign which is removed may be relocated on private property without regard to setback requirements otherwise applicable to such sign.
- B. **All other signs in violation of any provision of Section 11 or Section 7, in existence as of the time of adoption of this Ordinance shall be**

removed by the owner or user thereof within six (6) months after such date. The City Manager or designee may cause the removal of any such sign remaining after such time, to be stored at the owner's expense.

- C. Any sign constructed, installed, or erected after the time of adoption of this Ordinance which becomes in violation of a location restriction contained in Section 9 and Section 10 shall be made to conform to such restriction within six (6) months after it becomes in violation, or such sign shall be removed. The City Manager or designee may cause the removal of any such sign remaining after such time, to be stored at the owner's expense.
- D. Any sign which presents a danger to persons or property because of its condition may be removed by the City Manager or designee and stored at the owner's expense.
- E. All signs shall be maintained in good condition in terms of structure and appearance. No sign owner or user shall allow the copy or face of a sign to become torn, cracked, or otherwise dilapidated. Upon the second or subsequent conviction of the owner or user of a sign for violation of this provision in the Municipal Court, the Court may order the removal of such sign by the City of Beeville.

SECTION 16: NOTICE OF SIGN REMOVAL

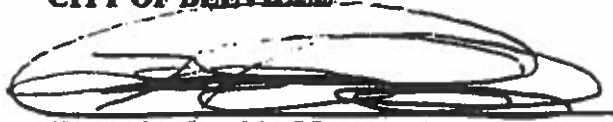
The City Manager or designee shall give written notice to the owner of a sign removed under this article of the right to reclaim such sign within thirty (30) days of the notice of payment of the costs of removal and storage. Any sign not so reclaimed within such time may be disposed of by the City Manager or designee in a reasonable manner.

SECTION 17: PENALTY CLAUSE

Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars (\$200.00).

PASSED AND APPROVED, this the 27th day of July, A.D., 2004.

CITY OF BEEVILLE



Kenneth Chesshir, Mayor

ATTEST:

Tomas P. Saenz, City Secretary

APPROVED AS TO FORM:



Frank W. Warner, City Attorney

PUBLISHED AS REQUIRED BY CHARTER ON 07/31/2004.