

**SIGN ORDINANCE NO. 13-04-29-1
(Amended 12-11-2017)**

AN ORDINANCE OF THE CITY OF LYFORD, TEXAS, REGULATING OUTDOOR SIGNS WITHIN THE CITY LIMITS OF LYFORD; STATING THE PURPOSE OF THIS ORDINANCE; REQUIRING A PERMIT FOR SIGNS; SETTING A PERMIT FEE OF \$30.00; ALLOWING FOR VARIANCES; PROVIDING FOR REVOCATION OF A PERMIT FOR VIOLATION OF THIS ORDINANCE; PROVIDING EXCEPTIONS TO THE REQUIREMENT FOR A PERMIT; SETTING FORTH THE GENERAL REQUIREMENTS FOR SIGNS; ALLOWING FOR TEMPORARY SIGN PERMITS; REQUIRING COMPLIANCE WITH THE UNIFORM SIGN CODE; PROHIBITING CERTAIN SIGNS; PROVIDING FOR EXISTING NONCONFORMING SIGNS; PROVIDING FOR ACTION ON UNLAWFUL SIGNS; PROVIDING A PENALTY OF NOT MORE THAN \$500.00 FOR VIOLATION OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE AND PROVIDING A SAVING CLAUSE

WHEREAS, the City Commission has determined that there is a need to control and regulate the erection, construction, reconstruction, conversion, alteration, enlargement, extension, placement, or moving of any sign or sign structure, or any portion thereof, within the City limits of Lyford; and,

WHEREAS, the City Commission has determined that it is in the best interest of the City and its citizens to regulate the erection, construction, reconstruction, conversion, alteration, enlargement, extension, placement, or moving of any sign or sign structure, or any portion thereof, within the City limits of Lyford.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LYFORD, THAT:

The following rules and regulations shall apply to all outdoor signs, or any portion thereof, as defined below erected, constructed, reconstructed, converted, altered, enlarged, extended, placed or moved within the City limits of the City of Lyford and within its extraterritorial jurisdiction where applicable.

Section 1 – Purpose

The purpose of this ordinance is to establish reasonable regulations for all exterior signs and structures that serve the purpose of a sign within the incorporated limits of the City, in or to:

- (A) Balance the right of individuals to identify businesses and convey messages within the right of the public to be protected against the unrestricted proliferations of signs;

- (B) Protect the public health, safety, and welfare;
- (C) Reduce traffic hazards;
- (D) Provide for an aesthetically pleasing community; and,
- (E) Protect property values.

Section 2 – Permit Fee

Every applicant for a permit under this Ordinance must pay the most current permit fees as approved and established by the City Commission. The current fee schedule shall be maintained in office of the City Secretary. The business permit fee as originally established by this Ordinance is set at \$30.00.

Section 4 – Variances

An applicant may appeal a denial of a permit by the Building Inspector to the City Commission by filing a request for a variance with the City Secretary within 30 days after the date the permit is denied. The City Commission may grant a variance if it finds that the unusual shape or topography of the property prevents signage allowable under this Ordinance from adequately identifying the business or other activity on the property.

Section 5- Revocation

The Building Inspector may revoke a permit if there has been a violation of this Ordinance or a misrepresentation on the permit application.

Section 6 – Exceptions

A permit is not required for:

- (A) Temporary real estate signs not exceeding six square feet in area and three feet in height in residential zoning districts and not exceeding sixty-four square feet in area and twelve feet in height in other zoning districts that advertise the property on which the sign is located for sale or lease. The signs must be removed within seven days after the property is sold or leased.
- (B) Temporary signs advertising a "garage sale" or "yard sale" not exceeding six square feet in area. These signs may not be posted earlier than three days before and must be removed within one day after the sale.
- (C) Government signs regulating traffic, providing directions to public facilities, or giving notices of general interest to the community.
- (D) Temporary signs placed on construction sites to identify the contractor, engineer, architect, or developer not exceeding sixty-four square feet in area. These signs may not be erected prior to approval of a site plan and must be removed within seven days after completion of the project.
- (E) Private signs regulating traffic on the property on which the sign is located.
- (F) Flat signs of solid-face construction that are placed against and attached to the vertical wall of a building located in a non-residential zoning district. These signs may not obstruct any wall opening, may not project beyond the wall to which they are attached, and must be attached at least ten feet above ground level. These

signs may only be located on the street side of any commercial establishment located within 200 feet of a residential zoning district.

- (G) Banners approved by the Building Inspector. These banners must be safely and securely installed with wires or steel cables and must not be permitted to obstruct any public right-of-way.
- (H) Permanent subdivision identifications signs approved by the City Commission.
- (I) Temporary signs for special events such as charitable, church, or community activities. These signs may not be posted earlier than three days before and must be removed within one day after the event.

Section 7 – General Requirements

(A) Size; Height.

- (1) Residential zoning districts. Except for subdivision identification signs approved by the City Commission and model home signs and subdivision marketing signs during the development period, no sign in a residential zoning district may exceed six square feet in area or three feet in height. Model home signs may not exceed thirty-two square feet in area and five feet in height, and residential marketing signs may not exceed thirty-two square feet in area and eight feet in height.
- (2) Other zoning district. No sign in a non-residential zoning district may exceed two hundred square feet in area or twenty-five feet in height.

(B) Location. No sign, other than public traffic control signs and other governmental signs, may be located within the public right-of-way. All signs, including any overhead projections, must be located completely within the boundaries of the property on which they are located.

(C) Spacing. Only one free-standing sign located adjacent to a public street will be permitted for each legal lot, unless the lot has more than two hundred feet of street frontage. If a lot has more than two hundred feet of street frontage, one sign will be permitted every two hundred feet. Private traffic control signs will not be included in this spacing requirement.

(D) Compliance with all applicable codes. All signs must comply with the most current edition of all applicable codes adopted by the City of Lyford, including, but not limited to, the International Building Code, International Residential Code, International Fire Code, International Performance Code for Buildings and Facilities, International Existing Building Code, International Plumbing Code, International Mechanical Code, International Property Maintenance Code, International Fuel Gas Code, International Energy Conservation Code, National Fire Protection Association 70 (National Electrical Code).

Section 8 – Temporary Sign Permits

(A) Temporary signs described in division (B) of this section may be installed or placed on property for one thirty-day period only, subject to compliance with the other provisions of this Ordinance.

(B) (1) Temporary real estate directional signs.

(2) Portable Signs. Portable signs include signs with a display surface utilizing removable letters that are readily movable from site to site and signs that are not permanently attached to the ground, a building, or other fixed object, including those installed on trailers or other mobile structures. Portable signs may not exceed five feet by ten feet in area, and may be used only for the following purposes:

(a) To promote or advertise the opening of a new business; or

(b) To promote or announce charitable, church, community, or public events.

Section 9 – Compliance with Uniform Sign Code

All Signs within the city limits must comply with the requirements of the most current edition of the Uniform Sign Code. In the event of any conflict between the Uniform Sign Code and this Ordinance, this Ordinance controls.

Section 10 – Prohibited Signs

The following signs are prohibited within the City limits.

(A) **Permitted signs.** No sign may be erected or maintained in violation of the permit requirements of this Ordinance.

(B) **Maintenance.** No sign may be inadequately maintained so as to show evidence of deterioration, including peeling, rust, dirt, fading, discoloration, or holes.

(C) **Outdated signs.** No sign may advertise a business or product that is no longer in existence.

(D) **Obstruction to doors, windows, or fire escapes.** No sign may be erected, relocated, or maintained so as to obstruct any door, window, or fire escape. No sign may be attached to a stand pipe or fire escape.

(E) **Traffic hazards.** No sign may:

(1) Obstruct free and clear vision at any street intersection;

(2) Interfere with, obstruct the view of, or be confusingly similar to any authorized traffic sign, signal, or device because of its position, shape, or color; or

(3) Make use of the words STOP, LOOK, DRIVE-IN, DANGER, or other word, phrase, symbol, or character that interferes with, misleads, or confuses traffic.

- (F) **Unsafe signs.** No sign may constitute a hazard to safety or health by reason of inadequate design, construction, repair, or maintenance.
- (G) **Illuminated signs.** No sign may be illuminated with lights which glare into or upon the surrounding area or any residential area or distract operators of vehicles or pedestrians on the public right-of-way.
- (H) **Obscene signs.** No sign may display any matter in which the dominant theme of the material taken as a whole appeals to the prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
- (I) **Vehicular signs.** No sign may be painted on or attached to a motor vehicle which is not road-worthy.
- (J) **Moving signs.** No sign may have visible moving, revolving, or rotating parts, or visible mechanical movement of any kind, except for the movable hands on street clocks, or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for time/temperature/date signs.
- (K) **Flashing signs.** No sign may have lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations.
- (L) **Off-premises signs.** No off-premises signs may be erected, constructed, reconstructed, converted, altered, enlarged, extended, placed, or moved within the City limits of Lyford. Off-premise signs are defined as signs which advertise mainly goods, services, facilities, events or attractions not available on the premises where the sign is located, or does not identify the owner or occupant or direct traffic on the premises.

Section 11 – Existing Nonconforming Signs

- (A) Existing signs outside the City Limits at the time of adoption of this Ordinance that are later taken into the City limits, shall be allowed to remain until they become unsafe, outdated or inadequately maintained.
- (B) Existing nonconforming signs within the City limits at the time of adoption of this Ordinance shall be considered to be in compliance with this Ordinance until they

become unsafe, outdated, or inadequately maintained at which time they must be removed.

- (C) Existing nonconforming signs described in A and B of this section may not be repaired or reconstructed if they are determined, in the sole discretion of the Building Inspector, to be unsafe or inadequately maintained. No existing nonconforming sign may not be altered, enlarged, extended or moved within the City limits of Lyford. For the purposes of this section, altering does not include altering the face of the sign without enlarging or extending the size of the face of the sign. The face of the sign is defined as the entire area of a sign which is visible from one direction as projected on a plane.

Section 12 – Unlawful Signs

If the Building Inspector finds that any sign is prohibited by the provisions of this Ordinance, the Building Inspector will give written notice to the permittee or the owner of the property upon which the sign is located. If the permittee or owner fails to remove or alter the sign so as to comply with this chapter within ten (10) days, the Building Inspector may remove or alter the sign to bring it into compliance and assess the costs to the permittee or owner. The Building Inspector may remove or alter any sign that presents an immediate peril to persons or property immediately and without notice.

Section 13 – Penalty

Any person violating any of the provisions of this Ordinance is guilty of a misdemeanor and, upon conviction, will be subject to a fine not exceeding \$500.00 (five hundred dollars). Each day a violation is committed or permitted to continue constitutes a separate offense.

Section 14 – Effective Date

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

Section 15 – Repealer Clause


Any existing ordinances or parts of existing ordinances in conflict with any terms of this Ordinance are hereby repealed to the extent of their conflict with this Ordinance.

Section 16 – Saving Clause

If any part or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect to the extent practical.

PASSED, APPROVED AND AMENDED on this the 11th day of December, 2017.

CITY OF LYFORD



Jose G. Solis, Mayor

ATTEST:



City Secretary