

ORDINANCE 22-I

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 17½, SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING THE REGULATION OF SIGNS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin, Texas, finds that it is in the best interest of the health, safety, and welfare of its citizens to amend the regulations of signs; and

WHEREAS, the City Council desires to regulate signs in the manner set forth in this Ordinance.

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

Section 1. That Chapter 17½, Signs, of the Code of Ordinances, City of Alvin, Texas is hereby amended with the language as follows:

ARTICLE I. - IN GENERAL

Sec. 17½-1. - Scope.

The provisions of this chapter shall apply to all signs, as that term is defined herein, within the corporate limits of the City of Alvin, Texas, as defined by Chapter 42 of the Local Government Code, as the same may be hereafter amended.

Sec. 17½-2. - Definitions.

The following definitions shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means any on-premises sign, or any part thereof, which identifies or advertises a business, product, accommodation, service or activity that has ceased to operate on the premises upon which the sign or sign structure is located.

Advertising means to seek the attraction of or to direct the attention of the public to any goods, services or merchandise whatsoever.

Air Dancer means an inflatable moving advertising product comprised of a long fabric tube (with two or more outlets), which is attached to and powered by an electrical fan. Air dancers are also known and sold under names which include, but are not limited to, "tube man," "skydancer," "Tall Boy," etc.

Banner means a temporary sign made of flexible materials, attached or suspended from one or more corners, with rope, wire, nails or other temporary means, so as to allow for ease of installation and removal, and which contains some form of advertising, announcement, design, logo or other message. Banners are prohibited, with very limited exceptions (see exceptions and exemptions, section 17½-5(18) and special event signs, section 17½-58). Banners shall not be considered in lieu of permanent wall signs.

Business establishment means a project or undertaking which involves the use of any property, building or structure, permanent or temporary, for the primary purpose of conducting on the property a legitimate commercial enterprise, or other non-residential use, in compliance with all ordinances and regulations of the city. Multiple services and/or goods offered by a business establishment shall be considered one business establishment for purposes of this chapter.

Business frontage means the linear measurement of the side of the building that contains the primary entrance of the building. *Code Enforcement Officer* means the code official that is designated for the permitting and inspecting of temporary signs within the city. *Double-faced sign* means a single sign with two (2) parallel sign faces back-to-back.

Code Enforcement Officer means the code official that is designated for the permitting and inspecting of temporary signs within the city.

Double faced sign means a single sign with two (2) parallel sign faces back to back.

Flag means a square or rectangular piece of cloth or similar material attached along one edge to a flagpole and used as the symbol or emblem of a country or institution or as a decoration during public festivities.

Feather flag means a freestanding flexible or rigid pole (not a flagpole) temporarily mounted in the ground to which one side of a flexible fabric in the shape of a feather or similar shape, is attached and which is used for the primary purpose of advertising or attention getting. Feather flags are also known and sold under names which include, but are not limited to, “feather sign,” “feather banner,” “feather banner sign,” “quill sign,” “banana banner,” “blade banner,” “flutter banner,” “flutter flag,” “bow flag,” “teardrop banner,” etc. This definition includes functionally similar display devices. Feather flags are prohibited with limited exceptions (see Sec 17 ½ -5(24).

Flagpole means a freestanding structure permanently mounted in the ground or on a building, and designed and constructed for the purpose of hanging flags.

Frontage means that portion of any tract of land that abuts a public street right-of-way.

Garage sale means the sale of items by a resident or group of residents at discount prices, conducted from a garage and/or yard, and which items offered for sale are used or discarded by or from those residents offering them for sale.

General right-of-way means a right-of-way that is not classified as a predominantly residential right-of-way.

Glare means emitted light that exceeds fifty (50) feet lambert.

Grand opening means the formal offering of a new business of its goods, wares, merchandise, service, entertainment, or activity, and shall involve only the time period beginning with the issuance of a certificate of occupancy issued by the city, through a date no later than ninety (90) days after.

Inflatable means a sign of any size capable of being inflated with air, gas, hydrogen, helium, nitrogen or any other means. An inflatable can include but is not limited to latex balloons, mylar balloons or oversized balloons constructed so as to resemble a figure or object when inflated. Inflatables are prohibited with limited exceptions (see exceptions and exemptions, 17 ½-5(18)(i) and special event signs, section 17 ½-58c).

Mobile Food Unit (MFU) means a vehicle mounted, self or otherwise propelled, self-contained food service operation or business establishment designed to be readily movable (including, but not limited to catering trucks, trailers, push carts, and roadside vendors) and used to store, prepare, display, serve or sell food. Mobile units must completely retain their mobility at all times. A mobile food unit does not include a stand or a booth and is not defined as a new business upon relocation. A roadside food vendor is classified as a MFU.

Multiuse subdivision means an approved subdivision that is platted with all unrestricted reserves or a combination of unrestricted commercial or residential reserves.

New business means a business new to the premises on which it is located, a business having a change in ownership of 50 percent (50%) or more, or the expansion of an existing building or structure if such expansion increases the size of the area devoted to the primary use in building floor square footage by 50 percent (50%) or more.

Non-profit organization means an incorporated organization which exists for educational or charitable reasons and from which its shareholders or trustees do not benefit financially. Non-profit status must be verified by submission of supporting documentation, such as an IRS form 501c.

Outdoor advertiser means a person that owns one or more signs for the specific purpose of selling or leasing display space on those signs to other persons (e.g., a billboard company).

Person means an individual, company, corporation, partnership, association, or any other entity howsoever designated.

Predominantly residential right-of-way means a public right-of-way that is between two (2) intersecting public streets or that extends from a cul-de-sac or dead-end to its intersection with the nearest public street, and which contains a greater amount of residential structures than the number of business establishments/structures.

Premises means a lot or tract of land or a series of contiguous lots or tracts of land owned by the same person, and where it may be applicable to this chapter, the lot or tract of land that upon which a business establishment is located.

Public street means the entire width between property lines of any road, street, way, alley, bridge or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, and over which the city or other similar public entity has legislative jurisdiction under its police power.

Reader board means a permanently constructed changeable copy bulletin board with electronic or detachable precut letters and figures that are lighted or unlighted.

Residential purposes means property devoted to use as a single-family or multifamily residence. Residential purposes shall include, but not be limited to, property used for houses, duplexes, townhouses, town homes and patio homes; property used for condominiums, apartments, hotels, motels and boarding houses shall not be considered as used for residential

purposes. Property devoted to both residential and nonresidential use shall be considered as used for residential purposes.

Right-of-way means the surface, the air space above the surface and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, easement or similar property in which the city holds a property interest (fee title, easement, or otherwise) or over which the city exercises any rights of management or control.

Roof line means the height above finished grade of the upper beam, rafter, ridge or purlin of any building.

Secure means to fix, fasten, tie or attach firmly in place so as not to give way, become loose or be lost.

Shopping center or integrated development means a development consisting of two (2) or more interconnected business establishments using common driveways and on-site parking facilities.

Sign means any structure, part thereof or device or inscription which is temporarily or permanently located upon, attached to or painted or represented on any land or on the outside of any building or structure or on an awning, parapet, canopy, marquee or similar appendage or affixed to the glass on the outside of the building or structure and which displays or includes any numeral, letter, word, model, banner, pennant, balloon, inflatable, feather flag, air dancer, handheld sign, A-frame, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, string of lights or other representation used as or in the nature of an announcement, advertisement, attention arrestor, direction, warning or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, profession, enterprise, industry, activity or any combination thereof. Where the term "sign" is used in this chapter without further modification, the term shall be understood to embrace all regulated signs and replicas. The term "sign" shall include the sign structure.

Sign Administrator means the building official or representative that is designated for the permitting and inspecting of permanent signs within the city.

Sign area means the total square footage of all sign facing, including that portion of the supporting structure or trim that carries any wording, symbols, identifying color, or pictures; provided, however, in the case of double-faced signs, only one face shall be computed to determine sign area.

Sign facing or sign surface means the surface of any sign upon, against, or through which the message is displayed or illustrated; provided, however, for signs in which the words, letters, or symbols are independently mounted, the sign surface shall mean the outside dimension of the area containing all the individual words, letter and symbols.

Sign height means the overall vertical measurement of an entire sign, inclusive of its base, foundation and any structural components, from a point level with the finished grade of the property line nearest to the point where the sign is, or is intended, to be displayed, to a point at the uppermost portion of the sign and all of its components.

Sec. 17½-3. - Sign classifications.

- (a) For purposes of this chapter a sign shall be classified first as either an "on-premises sign" or an "off-premises sign" as defined below:

Off-premises sign means any sign placed at a location other than the specific premises or business establishment to which it relates, provides information concerning or advertises on behalf of.

On-premises sign means any sign that provides information for, identifies or advertises a business, person, or activity and is installed and/or maintained on the same premises as such business, person, or activity.

- (b) All signs shall be further classified into one or more of the following types of signs:

Awning means a shelter supported entirely from the exterior wall of a building.

Awning sign means a sign whose message is directly applied, attached, or painted onto an awning of a building.

Canopy means a roof-like structure designed to provide protection for objects, pedestrians, and vehicles.

Canopy sign means a sign mounted on or attached to a canopy.

Civic Sign means a sign that identifies a nonprofit institution or organization that contains:

- (1) The name of the institution or organization;
- (2) The name of the person connected with it; and/or
- (3) Greetings, announcements of events or activities occurring at the institution or similar message.

Directional sign means any sign that directs, instructs, or routes the reader to a location without using any lettering, words or other advertising copy other than the name of the business or the business logo and one directional arrow.

Electrical sign means any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.

Ground sign or *freestanding sign* means any sign supported by one or more columns, poles, uprights, or braces anchored in or on the ground and not attached to any building.

Handheld sign means any sign that is not self-supporting and is carried by or is under the immediate control of a person and shall include sandwich-board signs and persons in costume or otherwise dressed to call attention to a business.

Identification sign means any sign which carries only the firm, business, or corporate name, the major enterprise on the premises, or the principal products offered for sale on the premises.

Irregular sign means a separately mounted sign on one supporting structure.

Kiosk signs shall mean any off-premises sign plaza structures which are approved by the Sign Administrator or designee, located within the city limits, which provide directions to subdivisions, homebuilders and city facilities, installed and maintained by the city or a contractor authorized by the city.

Marquee sign means a permanently constructed changeable copy bulletin board either lighted or unlighted with detachable precut letters and figures.

Monument sign means any ground sign less than six (6) feet from the natural ground level to the top of the sign and whose entire bottom edge is permanently fixed and mounted to the ground in a secure and lasting manner. *Multifaced sign* means a single sign with two (2) or more faces that are not parallel or back-to-back.

Multifaced sign means a single sign with two (2) or more faces that are not parallel or back-to-back.

Parapet sign means any sign of a business establishment that is attached to, or painted upon, a low wall or railing that is attached to a building or other structure and that extends above the structural roofline of the building.

Permanent sign means any sign designed to be attached or installed by any permanent means. Permanent signs may include but are not limited to wall signs, monument signs, pole signs, painted signs, electric signs, etc.

Portable sign means any sign designed or constructed to be easily moved from one location to another, including, but not limited to, signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, A-frame, or other nonmotorized structure and typically allows for some alteration of the text of any displayed message or copy. A portable sign which has its wheels removed shall still be considered a portable sign hereunder (Prohibited).

Projecting sign means any sign which is affixed or attached to and supported solely by a building, wall or like structure, or parts thereof, extending more than eighteen (18) inches and the angle of incidence which to the building, wall, or structure, or parts thereof, is greater than forty-five (45) degrees.

Public service sign means a sign that provides a service or message to the public, such as time, temperature, and public meeting dates. *Snipe sign* or *bandit sign* means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, stakes, fences, utility poles or other like objects, the advertising matter of which is not applicable to the present use of the premises on which the sign is located (Prohibited).

Snipe sign or *bandit sign* means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, stakes, fences, utility poles or other like objects, the advertising matter of which is not applicable to the present use of the premises on which the sign is located (Prohibited).

Spectacular sign means any sign that rotates, oscillates, is animated, contains any moving parts, or contains flashing lights, including lights flashing in sequence to simulate movement. A reader board shall not be considered a spectacular sign (Prohibited).

Temporary sign means any sign constructed of cloth, light fabric, cardboard, wall board, plywood, or other light materials and designed to be attached or installed by any temporary means so as to allow ease of installation and removal. Temporary signs are prohibited with limited exceptions.

Temporary builder sign is a temporary sign (see above) of no more than six (6) square feet that may be displayed by any home builder currently and actively engaged in any permitted residential development project within the city. These signs may be displayed off-premises from

the residential development, but only on private property and only between the hours of Thursdays at 6:00 p.m. and Mondays at 7:00 a.m. Such signs may not be placed in any right-of-way or city easement.

Vehicular sign means any sign, including but not limited to banners, A-frame and/or feather flags, on or in any vehicle or trailer that is parked for any amount of time, incidental to its principle use for transportation. This definition shall not include signs or lettering on company vehicles that advertise only the company name, address, and phone number. This definition exempts vehicle wraps and magnetic signs on the sides and rears of cars. Vehicular signs are prohibited.

Wall sign means all flat signs, either of solid face construction or individual letters, symbols, or pictures, which are placed against any exterior, load-bearing wall of any building or structure, extending not more than twelve (12) inches from the face of such building or structure, that is parallel to the building or structure, and having the advertisement on one face only; inclusive of any sign that is painted, drawn or written on the same described type of wall of a building or structure.

Warning sign means any sign posted on private property containing thereon a regulatory warning notice and upon which no advertising matter is displayed.

Sec. 17½-4. - Violations and penalties.

Any person, including the owner, permit holder, lessee or tenant of real property upon which the sign is located, who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine prescribed by section 1-5. Each and every day any such violation continues or is allowed to exist shall constitute a separate offense. In addition, the city attorney and/or the city council is authorized to take all legal and/or equitable action necessary to enforce compliance with this chapter.

Sec. 17½-5. - Exceptions and exemptions.

The below-listed classes of signs are allowed to be erected or placed within the city:

- (1) Signs which advertise the sale or lease of real property provided that:
 - a. With respect to a sign located on a predominantly residential right-of-way, the dimension does not exceed six (6) square feet per sign face and with respect to a sign located on a general right-of-way, the dimension does not exceed thirty-two (32) square feet per sign face;
 - b. The height does not measure more than six (6) feet above ground level;
 - c. With respect to on-premises signs the sign is displayed on the property for sale or lease and only one sign is placed on each street frontage and may not be placed in a right-of-way or easement;
 - d. No off-premises signs are permissible for the advertisement of any property for lease or sale;
 - e. These signs shall be maintained in good repair and legible condition; and
 - f. Signs shall be removed immediately upon being leased, rented or sold.

- (2) Signs or markers giving information about the location of underground electric transmission lines, telegraph or telephone properties and facilities, pipelines, public sewers or sewer lines, or water lines or other public utilities.
- (3) Signs erected by an agency of the state or a political subdivision of the state, which may or may not be located on public property.
- (4) On-site directional signs and street identification signs not exceeding two (2) square feet which denote the entrance, exit, direction of traffic flow, provided such directional signs do not contain advertising and are not used as such.
- (5) Directional signs not over six (6) square feet per sign face for public, charitable or religious institutions provided that the same are located on the premises of such institutions, and no more than four (4) such signs are erected on the premises.
- (6) One temporary construction sign denoting the architect, engineer, financial institution, contractor, or other principal parties when placed upon the site that is under construction provided that such sign is removed upon completion of the project.
- (7) On-premises temporary signs advertising occasional noncommercial sales (including garage sales, patio and porch sales) limited to one sign for each right-of-way frontage of the premises; each not to exceed three (3) square feet, provided that such signs shall be removed within one day following the sale. Signs shall not be placed or located on public property, easements, utility poles, or at any off-premises location.
- (8) Professional name plates and occupational signs denoting only the name and occupation of an occupant in a commercial building or public institutional building and not exceeding six (6) square feet per sign area.
- (9) Identification name plates or signs on apartment houses, boarding or rooming houses or similar uses not exceeding two (2) square feet in sign area.
- (10) One name plate denoting only the name of the occupants of a dwelling that does not exceed two (2) square feet in sign area and is not located closer than two (2) feet to the property line.
- (11) Memorial and/or historical signs as designated by federal, state, or local government.
- (12) Warning signs or trespassing signs on private property not exceeding six (6) square feet in sign area.
- (13) One sign no more than sixteen (16) square feet in area erected in a private park to give information or to display park regulations.
- (14) On-site directional (non-advertising) signs located on a commercial site that are primarily directional in nature (i.e., traffic flow, entrance, exit, parking). Signs required by law which are necessary for operation of the business, and which contain no advertising matter are permitted. These signs are not counted in the overall footage limits.
- (15) Flags of the United States, State of Texas, or any other political subdivision; or any flag of a religious, fraternal, or charitable organization; flags of a historic, political, religious, or military nature displayed on private property with the consent of the property owner.
- (16) Any sign erected by the City of Alvin.

- (17) Company flags displaying only a commercial insignia, emblem, or wording provided such flag is affixed to a flagpole, are limited to one flag per business location and cannot exceed thirty-five (35) square feet in area.

Flags containing a commercial copy or logo, excluding the flags of any country, state, city, school, or church are prohibited in residential areas and on any residentially developed property.

a. Exceptions:

1. Flags used as subdivision signs.
2. Flags used for open house not to exceed seventy-two (72) hours, and no more than two (2) events per month.

- (18) For business establishments only, one (1) temporary on-premises banner may be allowed and displayed on private property owned by any individual or group, subject to the following restrictions:

- a. No such banner shall be erected unless a permit is first obtained from the Code Enforcement Officer.
- b. Banner shall be constructed of either plastic, fabric or film.
- c. Banner shall not exceed thirty-two (32) square feet and only one banner may be displayed with each permit.
- d. The permit for such banner shall be issued for a maximum of twenty-eight (28) consecutive days four (4) times a year, with a permit for each occurrence. Each occurrence may be taken as one twenty-eight (28) day permit or divided into two fourteen (14)-day permits.
- e. Banners shall be placed firmly against the wall of the building or placed between two stakes in front of the address receiving permit.
- f. At no time shall a banner project above the roofline or hang from awnings, attached with rope between pillars or poles of any building on the premises or in any right-of-way or easement. All banners mounted to buildings shall be flush mounted.
- g. All banners shall be kept in good repair (i.e., not tattered, unanchored, faded, frayed or unsightly). All banners shall be tightly secured and attached at all 4 corners and not obstructing the view of traffic.
- h. If any violations are found or exist, the Code Enforcement Officer has the authority to issue citations and/or discretion to remove the banner without further notice to the property owner. Any banners removed by the Code Enforcement Officer will be immediately disposed of.
- i. Any new business is allowed an additional fourteen (14) consecutive days within ninety (90) days from the date on the Certificate of Occupancy (see Section 17½-59 (c) – Special Event Signs, Grand Opening Signs).

- (19) Temporary on-premises signs that commemorate recognized state holidays, only for a time period not to exceed thirty (30) days before, and ten (10) days after the holiday.

- (20) Special event signs as provided in subsection 17½-58 of this chapter.
- (21) A business establishment whose primary business is the retail sale of newly manufactured automobiles, newly manufactured motorized vehicles and/or equipment (e.g. recreational vehicles, tractors, heavy machinery, all-terrain vehicles, etc.) and that acts as an authorized, licensed dealership for the automobile manufacturer; may display the following types of permanent signage:
- a. One ground sign for each business frontage for each specific vehicle manufacturer sold on the premises. The height of such signs shall be no greater than thirty-five (35) feet above grade and the sign surface area shall be no larger than three hundred (300) square feet. An additional one hundred (100) square feet of electronic reader board may be displayed as well.
 - b. One main wall sign (or canopy sign) for each business frontage that does not exceed one hundred fifty (150) square feet in surface area. Such signs may be illuminated and are considered in addition to other signs permitted elsewhere in this chapter.
 - c. Such signs shall be restricted to advertising only the particular business(es) operating on the property on which the sign is installed.
 - d. No more than one on-premises freestanding sign.
- (22) Sculptures, statues, or works of art; provided, however, that such object or structure is not identifiable in any way by use of a trademark or logo, advertising, campaign link or other business activity.
- (23) Signs containing noncommercial messages or messages otherwise protected by the constitution of the United States or The State of Texas; provided, however, that there shall be no more than four (4) such signs on any one property and the total square footage of all such signs shall not exceed thirty-six (36) square feet.
- (24) For any business establishment, one (1) temporary on-premises feather flag may be allowed and displayed on private property owned by any individual or group, subject to the following restrictions:
- a. No such feather flag shall be erected unless a permit is first obtained from the Code Enforcement Officer.
 - b. Feather flag shall be constructed of plastic, fabric or film.
 - c. Feather flag shall not exceed thirty-two (32) square feet and only one feather flag may be displayed with each permit.
 - d. The permit for such feather flag shall be issued for a maximum of twenty-eight (28) consecutive days four (4) times a year, with a permit for each occurrence. Each occurrence may be taken as one twenty-eight (28) day permit or divided into two fourteen (14) day permits.
 - e. At no time shall a feather flag project above the roofline or hang from awnings, attached with rope between pillars or poles of any building on the premises or in any right-of-way or easement.

- f. All feather flags shall be kept in good repair (i.e., not tattered, unanchored, faded, frayed or unsightly). All feather flags shall be installed in a secure manner and not obstructing view of traffic.
- g. If any violations are found or exist, the Code Enforcement Officer has the authority to issue citations and/or discretion to remove the feather flag without further notice to the property owner. Any feather flags removed by the Code Enforcement Officer will be immediately disposed of.
- h. Any new business is allowed an additional fourteen (14) consecutive days within ninety (90) days from the date on the Certificate of Occupancy (see Section 17½-58 (c) – Special Event Signs, Grand Opening Signs).

25) Handheld signs on private property with permission from the property owner and not displayed upon any public right of way, including but not limited to, any public street, alley or other public property.

Secs. 17½-6—17½-9. – Reserved.

ARTICLE II. – SIGN ADMINISTRATION

Sec. 17½-10. – Enforcement authority.

The Building Official shall be the Sign Administrator charged with administering the terms and conditions of this chapter pertaining to permanent signage (permitting, regulating size, location, etc.). The Code Enforcement Officer is charged with administering the terms and conditions of this chapter pertaining to temporary signage (permitting, regulating size, location, etc.). The Sign Administrator and/or Code Enforcement Officer may enter any building, structure, or other premises or property between the hours of 7:00 a.m. and 6:00 p.m., Monday through Thursday, for the purpose of inspecting and investigating signs or sign structures; provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life or severe property damage, and where the owner, agent or tenant in charge of the property is not available after the Sign Administrator and/or Code Enforcement Officer have(s) made a good faith effort to locate same, the Sign Administrator and/or Code Enforcement Officer may enter the aforementioned structures and premises at any time upon presentation of proper identification to any other person on the premises. Whenever the Sign Administrator and/or Code Enforcement Officer shall enter upon private property, under any circumstances, for the purpose of inspecting and/or investigating signs or sign structures, which property has management in residence, such management, or the person then in charge shall be notified of his/her presence and shown his/her official credentials. Whenever the Sign Administrator and/or Code Enforcement Officer is/are denied admission to inspect any premises, inspection shall be made under authority of a warrant issued by a magistrate authorizing the inspection for violation of this chapter. In applying for such a warrant, the Sign Administrator and/or Code Enforcement Officer shall submit to the magistrate his/her affidavit setting forth his/her belief that a violation of this chapter exists with respect to the place sought to be inspected and his/her reasons for such belief. Such affidavit shall designate the location of such place and the name of the person believed to be the owner, operator or occupant thereof. If the magistrate finds that probable cause exists for a search of the premises in question, he shall issue a warrant authorizing the search, such warrant describing the premises with sufficient certainty to identify

it. Any warrant so issued shall constitute authority for the Sign Administrator and/or Code Enforcement Officer to enter upon and inspect the premises therein.

Sec. 17½-11. – Specific enumerated powers of sign officials.

- (a) The Sign Administrator’s authority to administer and enforce the conditions of this chapter shall include, but not be limited to, the following specific enumerated powers as it pertains to permanent signage:
 - (1) Issuance of permits (new and renewal) and licenses pursuant to this chapter;
 - (2) Inspection and approval and/or rejection of permanent signs (new or existing);
 - (3) Issuance of stop work orders;
 - (4) Initiation of revocation proceedings; and
 - (5) All powers not specifically enumerated herein necessary to enforce compliance with this chapter (permanent signage).
- (b) The Code Enforcement Officer’s authority to administer and enforce the conditions of this chapter shall include, but not be limited to, the following specific enumerated powers as it pertains to temporary signage:
 - (1) Issuance of permits and licenses pursuant to this chapter;
 - (2) Inspection and approval and/or rejection of temporary signs (new or existing);
 - (3) Issuance of stop work orders;
 - (4) Initiation of revocation proceedings; and
 - (5) All powers not specifically enumerated herein necessary to enforce compliance with this chapter (temporary signage).

Sec. 17½-12. – Stop work orders.

A Sign Administrator and/or Code Enforcement Officer shall have authority to issue stop work orders in cases where a sign is being installed or constructed in violation of this chapter or any other ordinance of this city. Upon issuance of a stop work order from the Sign Administrator and/or Code Enforcement Officer, work on any sign that is being installed shall immediately cease. Such stop work order shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Following the issuance of a stop work order, the Sign Administrator and/or Code Enforcement Officer shall initiate proceedings to revoke any permit issued for the work covered by such stop work order, consistent with the provisions of this chapter, unless the cause of the stop work order is resolved to the Sign Administrator’s and/or Code Enforcement Officer’s satisfaction. Issuance of a sign erection permit or sign use permit shall not constitute a waiver of the Sign Administrator’s and/or Code Enforcement Officer’s right to issue a stop work order, nor shall such constitute a waiver of this chapter or any other city ordinance.

Sec. 17½-13. – Sign removal and revocation procedures.

- (a) In case any sign is installed, erected, or maintained in violation of any term of this chapter, in addition to any other rights and remedies provided herein, a Sign Administrator and/or Code

Enforcement Officer shall give written notice of the violation to the owner, permittee or agent of the owner or permittee. Such notice shall order compliance with this chapter or removal of the sign. Written notice shall be given by certified mail or personally served upon the owner, permittee or owner's or permittee's agent. If the order is not complied with within ten (10) days of receipt of the notice, a Sign Administrator and/or Code Enforcement Officer shall initiate proceedings to revoke the permit and/or remove the sign at the expense of the owner or permittee.

- (b) Proceedings shall commence by calling for a hearing before the Building Board of Adjustments and Appeals ("BBOAA"), as the same may be hereafter designated. The person whose sign is under consideration shall be given at least ten (10) calendar days' written notice of the hearing and shall be permitted to present relevant facts and arguments regarding the pending revocation or removal. Following the hearing, the BBOAA shall consider the merits of the case and issue a written opinion. If the BBOAA finds that the sign does not comply with this chapter, it may revoke the permit or designate compliance within a specified period of time and order the city to remove the sign if compliance is not affected within the specified time period recommended by the Board. The Board may also recommend immediate removal by the owner or permittee or the city.
- (c) If, in the opinion of the Sign Administrator and/or Code Enforcement Officer, the health, safety or welfare of the citizens is in immediate danger from a violation of this chapter, the Sign Administrator and/or Code Enforcement Officer may immediately revoke the permit and remove the sign(s). In such case a hearing shall be held as soon as possible thereafter, but in no case later than three (3) business days after the date of the revocation and removal, unless the affected person submits a written request for a later date. In a hearing held under this subsection, the Board's authority shall include recommending the return of the sign if the facts warrant such action.
- (d) The provisions of this section shall be considered subordinate to any action taken by City Council, and not in lieu of the remedy provided by charging a violation of this chapter in municipal court, or any other remedy provided by law or in equity.

Sec. 17½-14. - Appeals to city council.

Any person wishing to appeal a decision of the BBOAA on the grounds that the decision misconstrues or wrongly interprets this chapter may, within ten (10) days after the decision, appeal the same to the City Council provided that the appealing party gives written notice of the appeal to the city secretary within the ten-day period. Such recourse and remedy are afforded to both the permit holder and the city.

Sec. 17½-15-. - Impounded signs.

Permanent signs removed in accordance with this chapter shall be transported to a location designated by the city for storage. The Sign Administrator shall maintain records denoting the location of the signs when they were impounded and the date on which they were impounded and shall hold the same in the storage area for a period of not more than thirty (30) days. However, all temporary signs removed by the Code Enforcement Officer will be immediately disposed of. Any sign so held may be redeemed by the owner upon payment of an impoundment fee and storage fee in an amount as set forth in chapter 28 of this Code. Such fees shall be in addition to and not in lieu of any fine imposed for a violation of this chapter. Any sign not redeemed within thirty (30)

days of the impoundment date, or within ten (10) days of a decision of its conformance to this chapter, whichever occurs later, shall be considered abandoned property and shall become the property of the City of Alvin. Any such signs shall either be destroyed or transferred to surplus and sold or disposed of in the same manner as surplus property of the city.

Sec. 17½-16-. - Reserved.

ARTICLE III. –PERMITS

Sec. 17½-17-. - Sign permits.

- (a) *Sign permits required for permanent and/or temporary signage.* Unless provided otherwise in this chapter, it shall be unlawful for any person, to erect, place, rebuild, reconstruct, structurally alter, move, or use any sign within the city without first obtaining a sign permit and paying scheduled fee(s). Permits shall not be transferable and shall be valid only for the sign for which it is issued. In addition to the penalty provided in section 17½-4 of this chapter, any person convicted of erecting, placing, rebuilding, reconstructing, structurally altering, moving, or using a sign without a sign permit shall not be eligible to obtain any sign permit for a period one hundred eighty (180) days.
- (b) *Application requirements for sign permits pertaining to permanent signage.* Every person desiring a permit for a permanent sign required by this chapter shall file with the Sign Administrator, a written application on forms to be furnished by the city and signed by the applicant or a duly authorized officer or agent of the applicant. All such applications shall contain or require the following:
 - (1) The name, address, and telephone number of the applicant and (if different) additionally the person who owns or will own the sign;
 - (2) The location (address or lot description) upon which the sign will be placed;
 - (3) The name of the person erecting the sign and all related support structures;
 - (4) Any electrical permits required for the sign;
 - (5) The notarized written consent of the owner or his/her duly-authorized agent of the land, building, or structure on which the sign is to be erected (for off-premises signs permitted herein);
 - (6) A plan or plans drawn to scale which shall include the following:
 - a. The dimension of the sign and, where applicable, the dimension of the wall surface of the building to which it is to be attached;
 - b. The dimension of the sign's supporting members;
 - c. The maximum and minimum height of the sign;
 - d. The proposed location of the sign in relation to the face of the building in front of which it is to be erected;
 - e. The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated;

- f. The location of all electrical transmission lines within thirty (30) feet of any part of such proposed sign structure; and
 - g. The position of the sign in relation to nearby buildings or structures and all street curb lines and sidewalks bounding any part of the lot upon which the sign is to be placed/erected.
 - h. Wind load calculations and engineered sealed drawings for all ground signs or freestanding signs with a sign area greater than three (3) feet by five (5) feet.
 - i. The position and location of all public rights-of-way, easements and public utility lines and easements.
- (7) Such other information deemed necessary by the sign administrator to show compliance with this chapter and other ordinances.
- (c) *Issuance of permanent sign permits.* Upon the filing of an application for a sign permit, the plans, the specifications, and other data, as applicable, shall be examined by the Sign Administrator. If it appears that the proposed sign is in compliance with the requirements of this chapter and other applicable laws of the city, the Sign Administrator shall issue a sign permit to the applicant. With the exception of street banner permits, sign permits shall expire after one hundred eighty (180) days from the date of issuance. Failure to erect, reconstruct, alter, rebuild, or move a permitted sign (other than a street banner) within one hundred eighty (180) days of the granting of the permit shall mean the applicant must reapply for a new permit. A street banner permit shall expire one week after the civic event it advertises.

Sec. 17½-18. - Fees.

- (a) The sign permit fees for ground, freestanding, banners, feather flags and all other signs, unless excepted, shall apply and must be paid by the applicant. The fees shall be as set forth in chapter 28 of this Code.
- (b) Reinspection fees shall be in an amount as set forth in chapter 28 of this Code.

Sec. 17½-19. - Exceptions to permit requirements – Permanent Signs

A sign permit shall not be required for the following:

- (1) The changing of the advertising copy or message of a painted sign;
- (2) The changing of the advertising message or copy or message of an electrical sign, if such electrical sign is specifically designed for the use of replaceable copy;
- (3) The electrical, repainting, or cleaning maintenance of a sign; however, all electrical work will require an electrical permit; or
- (4) The repair of a sign; provided, however, that reinspection fees shall apply, and unless the sign is an existing, nonconforming sign (relative to this chapter), whereupon an inspection and assessment of the damage valuation shall be made by a Sign Administrator prior to any repairs being initiated.

Sec. 17½-20. - Special use permits.

- (a) The Building Board of Adjustments and Appeals ("BBOAA") shall be empowered to vary the provisions of this article if it appears that the provisions would work in manifest injustice, considering such factors as sign location and other pertinent factors. Such decision of the BBOAA should not however conflict with the spirit of this article; which is one of safety, provision of adequate light, open space and air, conservation of land and building values and to encourage the most appropriate use of land. All requests to vary any sign regulations will require a special use permit, which requires approval by the BBOAA by a two-thirds (2/3) vote.
- (b) Non-refundable fee. An applicant for a special use permit shall pay a non-refundable fee, in an amount provided for in the fee schedule in chapter 28.

Sec. 17½-21. - Issuance of permits not waiver.

The issuance of a sign permit shall not constitute a waiver of any requirement of this chapter or any other applicable ordinance of the city. The city may avail itself of all lawful remedies in connection with violations of this chapter.

Secs. 17½-22—17½-28. - Reserved.

ARTICLE IV. - CONSTRUCTION, PLACEMENT AND MAINTENANCE

Sec. 17½-29. - Structural requirements.

- (a) *Compliance with other ordinances.* All signs and sign structures shall comply with the applicable requirements of the other ordinances adopted by the city.
- (b) *Transmission lines, minimum spacing.* All signs and sign structures shall have a minimum clearance of fourteen (14) feet vertically and shall have a horizontal clearance equal to its height from any transmission line carrying seven hundred fifty (750) volts or greater.

Sec. 17½-30. - Measurement of signs.

- (a) *Wall signs.* The sign facing or surface area of a wall sign shall be computed to include the entire area on a vertical wall and within a regular geometric form comprising all display area of the sign and all the applicable elements.
- (b) *Ground signs (freestanding sign).* The sign facing or surface area shall be computed to include the entire area within a regular geometric form comprising all the display area of the sign and the frame. Supporting structural members not bearing advertising matter, identifying color, symbols, wording or pictures shall not be included in computation of surface area, but shall be included in the measurement and determination of a sign's height.
 - (1) *Irregular signs.* In calculating the area of irregular signs or separately mounted signs on one supporting structure, the area shall be that of the smallest regular geometric form that will wholly contain all the elements including the frame.
 - (2) *Multifaced signs.* In calculating the area of multi-faced signs, all faces of a multifaced sign shall be included. Each V-shaped sign, the faces of which are mounted at forty-five (45) degrees or less, and double-faced or back-to-back signs, shall be considered a single sign for the purpose of measurement.

- (c) *Signs under canopies.* A sign under a canopy shall not exceed three (3) square feet (1' × 3') and must be at least eight (8) feet above the walkway.

Sec. 17½-31. - Projection of signs.

- (a) A supporting member of a sign shall be located at least three (3) feet from the property line of the property upon which it is situated.
- (b) No sign or any portion thereof shall project or extend more than two (2) feet from the exterior of the building to which it is affixed.
- (c) Signs projecting more than eighteen (18) inches from the face of the building or supporting structure over private property used or intended to be used by the general public shall have a minimum clearance of eight (8) feet above the pavement or finished grade.
- (d) No sign shall be attached to a building in such a manner that the sign surface, or any part thereof, exceeds in height the roofline or parapet wall of such building.
- (e) Building canopy signs must be flush mounted on the canopy and shall not project above or below the face of the canopy and shall not be of a height greater than fourteen (14) feet above finished grade.
- (f) Service station refueling canopy signs shall not project above or below the canopy fascia itself and shall not be of a height greater than twenty (20) feet above finished grade.

Sec. 17½-32. - Illumination of signs.

- (a) It shall be unlawful for any person to erect, structurally alter, relocate, or maintain any sign which creates glare upon a public street, sidewalk, or adjacent residential property.
- (b) Nonenergized signs may be illuminated from an independent artificial source provided such illumination is concentrated upon the area of the sign only and does not cause glare upon any street, driveway, parking area, or adjacent residential property. No strobe lights or flashing lights will be allowed, nor will electronic reader boards be permitted to flash or display anything other than letters, words, text copy and typographical symbols.

Sec. 17½-33. - Fire hazards.

- (a) It shall be unlawful for any person to erect, structurally alter, or relocate any sign in such manner as to obstruct or in all probability cause to obstruct:
 - (1) Ingress or egress;
 - (2) Lighting or ventilation;
 - (3) Fire fighting;
 - (4) Escape from a building;
 - (5) Free passage from one part of a roof to any other part thereof.
- (b) It shall be unlawful for any person to attach any sign to an exterior stairway, fire escape, fire tower, or balcony serving as a horizontal exit.
- (c) It shall be unlawful for any person to erect, structurally alter, or relocate a sign in such manner that all or any portion of such sign or its supporting structure will interfere in any

way with the free use of any fire escape, exit, or standpipe, or obstruct any required ventilator, door, or stairway.

- (d) Any cloth sign or banner that is attached to a building shall be flame retardant.

Sec. 17½-34. - Traffic hazards.

It shall be unlawful for any person to erect, structurally alter, or relocate any sign in such manner as to constitute a hazard to pedestrian or vehicular traffic or in such manner as to obstruct free and clear vision, regardless of location, by reason of the position, shape, color or movement which may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device. Nor shall such sign make use of any word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse vehicular or pedestrian traffic. Further, any public display of any sign resembling, or once used as, a traffic control sign or other traffic device is expressly prohibited by this chapter.

Sec. 17½-35. - Prohibited signs.

Unless specifically authorized in another section of this chapter, signs of the following nature are expressly prohibited from and after the effective date of this chapter:

- (1) Off-premises signs; except that a business shall be allowed one off-premises directional sign. Any such sign must be a freestanding sign not exceeding sixteen (16) square feet and no more than six (6) feet in height. Such signs must be displayed upon private property and shall comply with the other provisions of this chapter.
- (2) Signs which contain statements, words, or pictures of an obscene, indecent, or immoral character as they will offend public morals or decency as determined by the city council, and in accordance with relevant definitions of the Texas Penal Code.
- (3) Signs which advertise an activity, business, or service no longer conducted on the premises upon which the sign is located.
- (4) Signs which move or contain visible moving parts.
- (5) Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, balloons, inflatables, feather flags or other similar devices, either individually or attached to a sign or building.
- (6) Signs attached to or located upon exposed amenities such as benches, trash containers, trees, shrubbery, fences, fence posts or any structure used or intended for any other purpose.
- (7) Any stereopticon or motion picture machine used in conjunction with or attached to any sign in such manner as to permit the images projected therefrom to be visible from any public street or sidewalk.
- (8) Snipe or bandit signs.
- (9) Spectacular signs, iridescent painted signs, signs with fluorescent colors and signs that make or create noise.
- (10) Temporary signs.
- (11) Portable signs.

- (12) Handheld signs are prohibited upon any public rights-of-way, including, but not limited to, any public street, alley, or other public property.

Sec. 17½-36. - Signs on public property.

- (a) Except as provided in subsection (b and c), it shall be unlawful to erect, maintain, or place or cause to be erected, maintained or placed a sign upon, in, or above a public street, public sidewalk, public alley, public right-of-way, public curb or other public improvement in any public street or grounds, a public bridge or part of same, public building or structure or any other public place. Any such sign prohibited herein shall not be subject to the provisions of section 17½-13 and may be seized and impounded by the city in accordance with the provisions of section 17½-15 of this chapter.
- (b) Public athletic facilities may have signs attached to fences surrounding such facility to provide public information or team sponsor advertising. Except for scoreboards, such signs shall not project above the fence line and shall face the athletic facility.
- (c) *Public parks.* Public parks may have signs to give information and/or regulations concerning park use.

Sec. 17½-37. - Signs on predominantly residential rights-of-way.

The following restrictions shall apply to signs on predominantly residential rights-of-way in addition to any other requirements in this chapter:

- (1) Only one on-premises sign not exceeding six (6) square feet in sign area shall be permitted per property. For property that has multiple dwelling units, one additional sign totaling not more than thirty-two (32) square feet in sign area shall be permitted.
- (2) Signs may be placed anywhere on the premises except as restricted in this chapter. Signs may not project beyond any property line and, if ground mounted, the top shall not be more than five (5) feet above natural ground level. If building mounted, such signs shall be flush mounted and shall not project above the roofline.
- (3) Marquee panels are prohibited in platted residential areas with the exception of one reader panel erected for the sole use of the homeowner's association of the subdivision.
- (4) Subdivisions shall be allowed one permanent identification sign at each entrance. The total sign surface area at each entrance shall not exceed fifty (50) square feet.

Signs authorized by this section that do not exceed six (6) square feet in sign area shall not require a permit for installation and erection.

Sec. 17½-38. - Signs on general rights-of-way.

The following provisions and restrictions shall apply to signs adjacent to general rights-of-way in addition to any other requirements in this chapter. Only the following on-premises signs shall be allowed per property:

- (1) *Wall signs.*
- a. *Size and number.* Two wall signs are permitted for each business or integrated business development with an allowable total sign area equal to ten (10) percent of

the total wall area. Exterior window signage, for purposes of this chapter, is included in this size computation for wall surface area and, likewise, any text affixed to windows shall be counted as part of the overall wall sign size. Any window used for signage shall remain at least fifty (50) percent unobstructed.

- b. *Location.* A wall sign shall not project above the roofline. The sign must be located on the site where the goods or services are offered.
- c. *Illuminated signs.* No wall sign may be illuminated if it faces a residential subdivision and is located less than fifty (50) feet from a residential property line.

(2) *Ground signs or freestanding signs.*

- a. *Size and number.* Except as provided below, one ground sign is permitted for each business or integrated business development on each street that abuts the tract or lot upon which the business or integrated business development is located. The allowable total sign area for each business shall be fifty (50) square feet, including the frame; provided, however, that a shopping center or integrated business development shall be limited to a total sign area of three hundred (300) square feet including the frame. In addition, each ground sign may have a reader board of up to forty (40) square feet attached to it. A reader board panel shall be treated as a ground sign or a component thereof. A business or integrated business development shall not be allowed to erect a ground sign or freestanding at any location that is contiguous to or located within three hundred (300) feet of any part of, a residential subdivision; rather, a monument sign shall be permitted. Monument signs containing reader board panels shall not exceed fifty (50) square feet in their entirety (overall sign surface area).
- b. *Location and height.* A ground sign shall be set back so that no part of such sign overhangs public property or easements. The height, including any part of the sign or structure, shall not exceed twenty-five (25) feet in height above the highest finished grade at the front property line, or five (5) feet above the roofline of a business establishment, whichever is lower. The sign must be located on the site where the goods or services are offered.
- c. Open or empty panel spaces must be filled with opaque, blank panels of the same color.

(3) *Canopy signs.* One canopy sign is permitted for each business or integrated business development and the specific sign area is limited to no more than twenty (20) percent of the total canopy area. Each directional surface of a canopy shall be considered one sign surface (e.g., a three-sided (u-shaped canopy) shall equate to three (3) sign surfaces). The edge of the canopy sign shall not extend beyond the length or width of the canopy to which it is attached.

(4) *Awning signs.* One awning sign is permitted for each business or integrated business development and the specific sign area is limited to no more than twenty (20) percent of the total awning area. Each directional surface of an awning shall be considered one sign surface (e.g., a three-sided (u-shaped awning) shall equate to three (3) sign surfaces).

Sec. 17½-39. - Specific use signs.

On-premises wall and ground signs used to advertise bona fide religious, institutional, fraternal or nonprofit organizations shall be subject to the provisions set forth in section 17½-38. Such signs shall be maintained according to the provisions of this chapter and the currently adopted International Building Code.

Sec. 17½-40. - Signs on highway frontage.

All signs in this section shall comply within applicable state requirements. The following provisions and restrictions shall apply to signs adjacent to general rights-of-way in addition to any other requirements in this chapter. Only the following on-premises signs shall be allowed for each business establishment as defined in section 17½-2.

- (1) This section applies to business establishments located along the following highway areas; beginning at the city limits on State Highway 35 North, continuing along State Highway 35 Bypass, and ending at the city limits on State Highway 35 South ("the roadway").
- (2) Ground signs or freestanding signs.
 - a. Size and number. One on-premises sign is permitted for each business establishment. The total sign area shall be no greater than one hundred (100) square feet, including the frame. In addition, each sign may have a reader board attached to it with the total area no greater than seventy (70) square feet.
 - b. Location and height. The sign must be positioned to be viewable from the roadway and located within one hundred (100) feet of the right-of-way of the roadway. The height, including any part of the sign or structure, shall not exceed thirty-five (35) feet in height above the highest finished grade at the front property line. The sign must be located on the business establishment's site.
 - c. All signs shall comply with the applicable provisions of the most current editions of the International Building Code and National Electrical Code adopted by the city.

Sec. 17½-41. - Temporary political signs.

- (a) The purpose of this article is to provide reasonable regulations for electioneering on city owned or controlled public property when such property is used as an election polling place. The regulations contained herein are to mitigate against any safety concerns, prevent damage to public property, and ensure that the property is sufficiently available for its patrons who use the facilities other than for election purposes.
- (b) Political signs shall not be placed on or within the right-of-way. This includes posting signs on trees, telephone poles, traffic signs and other objects in the right-of-way. Signs erected in right-of-way or posing a traffic hazard will be removed without prior notice.
- (c) A temporary political sign may be placed on public property that serves as an early voting location or an election day voting location. Only signs that refer to a candidate or issue that is on the ballot at a particular voting location may be placed at that voting location. A maximum of ten (10) signs per candidate or issue may be placed at each polling location and must be self-supporting and stand alone in nature; not being attached to any other. Each temporary political sign may not:
 - (1) Exceed thirty-six (36) square feet per sign face.

- (2) Exceed eight (8) feet in height.
 - (3) Be illuminated or have any moving elements.
 - (4) Be within one hundred (100) feet of an outside door which a voter may enter the public building.
 - (5) Be placed on the premises earlier than twenty-four (24) hours before the commencement of early voting if being placed at an early voting location or the commencement of election day voting if being placed for an election day voting location.
 - (6) Remain on the premises more than twenty-four (24) hours after early voting has ended if placed at an early voting location or after election day voting has ended if being placed at an election day voting location. Said signs do not have to be removed in the time between early voting and election day.
- (d) All political signs posted on public property in violation of this section are hereby declared to be public nuisances and may be abated as such by the city. All political campaign signs posted on public property shall be deemed to be abandoned and shall become the property of the city and may be disposed of at the discretion of the city.
- (e) Political signs may be placed on private property with the owner's permission ninety (90) days before an election and shall be removed within ten (10) days after the election.

Secs. 17½-42—17½-45. - Reserved.

ARTICLE V. - SIGN TYPES

DIVISION 1. - GENERALLY

Sec. 17½-46. - Painted signs.

Painted signs shall be on permanently weatherproofed materials and all sign surfaces shall be painted or treated with weatherproofed materials.

Sec. 17½-47. - Electrical signs.

Any electrical sign shall conform fully to the applicable requirements of the National Electrical Code (current edition), adopted by section 8-6 of this Code of Ordinances, and shall receive a permit under the provisions of the National Electrical Code (current edition) and this chapter. Electrical signs shall be mounted with internal support and structures.

Sec. 17½-48. - Abandoned signs.

Any on-premises or off-premises sign structure otherwise lawfully erected and maintained which has no copy, transcript, reproduction, model, likeness, image, advertisement, written material, is illegible, or has become unkempt or illegible for a period of ninety (90) consecutive days shall be considered to be in violation of this chapter and shall be rendered blank, restored to use or removed by the owner or permittee within thirty (30) days of receipt of notice from the Sign Administrator and/or Code Enforcement Officer. If the sign is not rendered blank, restored to use or removed within such time period, it shall be considered abandoned and subject to removal by the city. Any on-premises sign which no longer has a business purpose applicable to the property

because of the closure of the business, change in business name or other reason rendering the sign nonapplicable to the property shall be removed or rendered blank by the owner or permittee within ninety (90) days from the date of the action that caused the sign to no longer have a business purpose.

A condition of approval for all sign permits shall be that the permit holder or owner of the building, or premises, at his own expense, removes all abandoned signs. New signs for a building or property on which an abandoned sign is located shall not be approved until the abandoned sign is removed. Approval may be given on the condition that the abandoned sign is removed before a new sign is erected.

Sec. 17½-49. - Nonconforming signs.

- (a) Signs which do not conform to this chapter, but which lawfully existed and were maintained on the effective date of this chapter shall be kept in good repair and visual appearance and no structural alteration shall be made thereto. An off-premises nonconforming sign that is destroyed, blown down or dismantled for any purpose other than maintenance operations or for changing the letters, symbols or other matters on the sign shall not be allowed to be replaced. A nonconforming on-premises sign that is destroyed, blown down, or dismantled for any purpose may be replaced provided that the sign conforms to the requirements of this chapter. For purposes of this section a sign shall be considered to have been destroyed if the estimated cost to repair the sign is more than fifty (50) percent of the cost of erecting a new sign of the same type at the same location.
- (b) Businesses that have one or more nonconforming on-premises signs will not be granted permits for new signs unless the permit is for a conforming on-premises sign that will replace a nonconforming on-premises sign.

Secs. 17½-50—17½-55. - Reserved.

DIVISION 2. - TEMPORARY SIGNS

Sec. 17½-56. - Generally; unlawful to erect, alter or relocate.

Unless otherwise specifically authorized in section 17½-5 of this chapter, it shall be unlawful for any person to erect, structurally alter or relocate a temporary sign. Temporary signs erected in violation of this chapter are subject to removal and/or impoundment according to the provisions of this chapter.

Sec. 17½-57. – Temporary signs for developments under construction.

- (a) *Subdivisions and developments under construction signs.*
 - (1) *Allowed.* One temporary subdivision sign may be located at each of any of the main entrances to any new residential subdivision. One temporary sign for developments under construction shall be allowed for the tract or lot on which the building or complex is located, in order to give information concerning leasing, renting, selling, financing, and/or contracting. Off-premises temporary signs, except kiosk signs, advertising subdivisions or developments under construction are prohibited.

- (2) *Size.* The sign facing for each such temporary subdivision sign shall not exceed fifty (50) square feet in area and be no more than twelve (12) feet in height.
 - (3) *Removal.* All temporary subdivision signs shall be removed when the lots in the subdivision have been sold to homebuyers. All temporary signs for developments under construction shall be removed upon completion of the project.
 - (4) *Permits.* Not required
- (b) *Kiosk Signs.*
- (1) *Allowed.* Kiosk signs provide directions to subdivisions, homebuilders, and city facilities. These signs shall be maintained in good repair and legible condition.
 - (2) *Location.* Signs are placed in various locations throughout the City of Alvin
 - (3) *Removal.* Each kiosk sign may remain until such time deemed appropriate by the City Manager or their designee
 - (4) *Permits.* Not required. Prior approval by the City Manager or their designee is required.

Sec. 17½-58. - Special event signs.

- (a) *Non-profit organizations' temporary signs on private or public property.* Temporary signs that direct the public to or advertise an event of civic interest, such as parades, organized holiday festivities, special events on the behalf of charitable organizations and the like, are allowed on private or public property provided that:
 - (1) Such signs do not exceed thirty-two (32) square feet in area for business establishments and sixteen (16) square feet for residential properties; Such signs shall not be placed in a city or state right of way or easement.
 - (2) Signs are erected only for a time period not to exceed thirty (30) days before and three days after the event;
 - (3) Banners may be used for non-profit special events on property where the event will be held. Such banners shall not total more than thirty-two (32) square feet and the special event site is limited to two (2) banners at all times;
 - (4) Banners at the event site must be attached to a permanent building or between freestanding posts on the property. Such banners may not be placed on benches, fences, shrubs, or the like; and
 - (5) Banners used to advertise a special non-profit event must not, at any time, cause a safety issue or traffic obstruction.
- (b) *Across public rights-of-way.* Banners that advertise civic events may be erected over a city-approved and designated general right-of-way, provided that the following conditions are met:
 - (1) The banner is no more than twenty-five (25) feet in width and not more than four (4) feet in height and has tie-down ropes connected to each corner.
 - (2) The banner shall be at a height more than eighteen (18) feet above the roadway.

- (3) The banner shall only be installed at a dedicated location designated and approved by the city; and the city shall erect the banner in a timely manner, once the required permit has been obtained.
 - (4) Banner permit fees shall be designed to recover the city's expense of erecting and removing the banner in a safe and proper manner. Each banner permit fee shall be as set forth in chapter 28 of this Code and shall be submitted and approved no sooner than sixty (60) days prior to a requested display date, nor later than forty-five (45) days immediately preceding the requested display date.
 - (5) The banner is erected no more than two (2) weeks prior to the event and removed within three (3) days upon conclusion of the event.
- (c) *Grand opening signs.* The purpose of grand opening signage is to allow a new business to benefit from special advertising signage which is not usually permitted by the provisions of chapter 17½. The following provisions contained within this subsection shall apply to grand opening signage:
- (1) All requests for grand opening signage shall be submitted to the Code Enforcement Department no less than three (3) days prior to the grand opening event date. If approved by a Code Enforcement Officer, they will sign the permit request for approval and issuance of the permit;
 - (2) A permit for grand opening signage shall be required by the Code Enforcement Department. The permit shall be issued for a period of no more than fourteen (14) consecutive calendar days. The grand opening signage permit is limited to the address noted on the certificate of occupancy; and
 - (3) Grand opening signage may include any combination of feather flags, air dancer, snipe/bandit signs, oversized banners, streamers, and/or inflatables, which may be in addition to any other sign allowed by the provisions of this chapter.

Sec. 17½-59. - Signs in multiuse subdivisions.

Signs in multiuse subdivisions must comply with all provisions of this chapter where applicable; however, in addition to signs permitted under this chapter, multiuse subdivisions are entitled to the following:

- (1) One permanent identification sign shall be allowed at each main entrance to each commercial reserve or residential reserve located within the subdivision. The sign area at each such entrance shall not exceed fifty (50) square feet.
- (2) The specifications that pertain to temporary subdivision signs in residential subdivisions as outlined in section 17½-57 shall also apply to temporary real estate signs in multiuse subdivisions.
- (3) Temporary signs for a project under construction may be placed for each new commercial building, parcel, or tract of land to be developed within such subdivision. Each such sign must be located on-premises. The provisions of section 17½-57 shall apply to all temporary signs within multiuse subdivisions.
- (4) Directional signs will be allowed within multiuse subdivisions seven (7) days a week under the following regulations:

- a. All directional signs must be on-premises (within the property lines of the subdivision);
- b. All directional signs must be standardized throughout the project with respect to color, lettering, and frame style;
- c. The developer of the subdivision shall be responsible for determining the uniform construction standards for all directional signs within the multiuse subdivision;
- d. All directional signs shall not exceed twelve (12) square feet in sign area or four (4) feet in height; and
- e. All directional signs must be a minimum of two hundred (200) feet apart.

DIVISION 3. - OFF-PREMISES SIGNS

Sec. 17½-60. - Off-premises ground signs prohibited.

All off-premises ground signs are expressly prohibited, unless otherwise specifically excepted in this chapter. This prohibition is continued in effect from Ordinance No. 96-ZZZ enacted on or about September 19, 1996. Off-premises ground signs that were in existence prior to October 4, 1996 (the effective date of Ordinance No. 96-ZZZ) shall be allowed to remain subject to the provisions of this chapter and compliance therewith.

Sec. 17½-61. - Off-premises portable signs prohibited.

Subject to the provisions of this chapter, all portable signs are expressly prohibited. This prohibition is continued in effect from Ordinance No. 92-R enacted on or about September 8, 1992. It shall be unlawful for any person to place, display or allow public view of a portable sign, whether on-premises or off-premises.

Secs. 17½-62—17½-66. - Reserved.

DIVISION 4. - ON-PREMISES PORTABLE SIGNS

Sec. 17½-67. - On-premises portable signs prohibited.

On-premises portable signs shall continue to be expressly prohibited from and after the effective date of December 31, 2003.

Secs. 17½-68—17½-81. - Reserved.

Section 2. That except as amended herein all other provisions of Chapter 17 ½ of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Penalties. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be emended, shall be guilty of a misdemeanor, and on conviction,

shall be fined in an amount not to exceeding \$500.00. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 5. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

Section 7. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

Section 8. Publication. The City Secretary of the City of Alvin is hereby directed to publish this Ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by the City of Alvin Charter.

PASSED and APPROVED on the 3rd day of March 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary