

ORDINANCE #2018-2

AN ORDINANCE OF THE CITY OF BEASLEY, TEXAS, REGULATING SIGNS WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY UP TO \$2,000; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION.

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

Section 1: Geographic scope and applicability.

This ordinance applies to all property within the incorporated municipal boundaries and the extraterritorial jurisdiction (ETJ) as they (the boundaries and ETJ) exist at the time this ordinance is adopted and as may they may be modified in the future.

Section 2: Definitions.

Applicant. The person or entity requesting sign permit approval from the City. All applicants must provide sufficient proof, to be determined by the sign administrator, showing a real property ownership interest in the property on which the sign will be located or sufficient proof of authorization from the real property owner for sign placement on the property.

Billboard. A sign that is freestanding, attached to or part of a building, and is an off-premises sign that is designed for a change in copy, so that the characters, letters, display, or illustrations can be changed or rearranged within a fixed sign.

Building. A building means any structure built for the support, shelter and enclosure of persons, animals, goods, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Dilapidation. Dilapidation includes any sign where elements of the sign area or background have portions of the finished material missing, broken, or illegible; where the structural support is visibly bent, broken, dented, rusted, corroded, or loose; or where the sign or its elements are not in compliance with the adopted electrical code and/or the building code.

Electronic sign. Any sign for which the text, letters, numbers, pictures, or symbols forming the informational portion of the sign consists of flashing, intermittent, or moving lights, including any LED screen or any other type of video display. This definition does not include signs that have internal or indirect illumination that is kept stationary or constant in intensity and color at all times when such sign is in use or any government sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Texas Manual on Uniform Traffic Control Devices.

ETJ. Extraterritorial Jurisdiction of the City as created and authorized under Chapter 42 of the Local Government Code.

Façade. The principal face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the

same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single façade.

Government sign. A government sign is a sign that is constructed, placed, or maintained by the federal, state, or local government or a sign that is required to be constructed, placed, or maintained by the federal, state, or local government either directly or to enforce a property owner's rights.

Indirect illumination. A light source not seen directly. The term includes a source of illumination which is not a part of the sign or the sign structure that provides light for the sole purpose of making the sign visible when natural light is not sufficient.

Inflatable sign. An inflatable device, with or without a message, figure, or design attached to its surface designed to attract attention.

Logo. Graphic symbols used to represent or identify a commercial, institutional, or non-profit entity or organization.

Major thoroughfare. The public right-of-way of Highway 59 and State Highway Loop 540.

Marquee sign. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

Monument sign. A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted to a pole or part of a building. Pole(s) may be used to construct a monument sign so long as the poles are not visible below the sign.

Off-premise sign. Any sign that advertises a business, person, activity, goods, products, or services not located on the property where the sign is installed, or that directs persons to a location other than the property where the sign is located.

Pole sign. A sign that is permanently supported in a fixed location by a structure of poles, posts, stakes, uprights, or braces from the ground and is not supported by a building, fence, vehicle, base structure, or other support.

Portable sign. Any sign without a permanent foundation, or otherwise permanently attached to a fixed location, that can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

Projecting sign. A sign, other than a wall sign, which physically projects from and is supported by a wall of a building or structure.

Property owner. The owner of the property on which a sign is located. A lessor may have the same rights and authority as the property owner if given such authority through written agreement with the property owner.

Residential development. A residential building project that includes multiple residences, also referred to as a neighborhood or subdivision.

Right-of-way. The area on, below, or above a public road, highway, street, public sidewalk, alley, waterway, or utility easement in which a governmental entity has an interest.

Sign. A structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other object that is designed, intended, or used that includes text or images designed to communicate. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.

Sign area. The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design.

Sign administrator. The building officer appointed by the city council with the authority to enforce this ordinance. In the absence of the city manager, the mayor shall serve as the sign administrator. The term also includes any person designated to act on behalf of the sign administrator.

Sign face. The entire display surface area of a sign upon, against, or through which copy is placed.

Temporary sign. A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time.

Vehicle sign. Any sign attached to or displayed on a vehicle.

Wall sign. A sign painted on or otherwise made an integral part of a wall. Typically a wall sign is on the same plane as the wall (i.e. flush with the wall surface). The term does not include a sign that can be removed from the wall and remain substantially intact (e.g., banners or projecting signs as they are defined in this Ordinance).

Section 3: Prohibited signs.

- (a) All signs are prohibited in the city and the extra territorial jurisdiction unless:
 - (1) Constructed, maintained, structurally altered, or improved pursuant to a valid permit when required under this ordinance; and
 - (2) Expressly authorized under this ordinance.

- (b) Signs which cannot be expressly authorized include:
- (1) Signs located in or projected over any public right-of-way or across the public right-of-way line or extended across a railroad right-of-way, except when attached to and projecting no more than 18 inches from a building wall legally located at or near the right-of-way line in the city limits or in the ETJ or are on an authorized marquee sign attached to a building.
 - (2) Portable signs.
 - (3) Electronic signs.
 - (4) Off-premise signs (including billboards).
 - (5) Signs with lights that blink, fluctuate, or move. Light rays must shine only upon the sign and upon the property within the premises.
 - (6) Signs on bus benches.
 - (7) Signs of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
 - (8) Signs that are taller than 42.5 feet.
 - (9) Signs that are attached to any utility pole or wire, traffic sign, or city-owned easement or are placed on city-owned property unless placed by written permission of the city.
 - (10) Signs that obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
 - (11) Feather banners.
 - (12) Handheld signs with a commercial message.
 - (13) Balloon signs.
 - (14) Inflatable signs.
 - (15) Signs located within eight (8') feet of any residence, six (6') feet of any building or side lot line, or fifteen (15') feet of any street.

Section 4: Authorized Signs.

The following signs authorized under this Section are authorized without a permit:

- (a) Government signs.
- (b) Traffic control devices that are erected and maintained to comply with the Texas Manual on Uniform Traffic Control Devices.
- (c) Signs required by this ordinance.
- (d) Signs required by other law, including federal, state, or local law, including a sign that a property owner is required to post on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically; the owner must comply with the federal, state, or local law to post a sign on the property.
- (e) Official governmental notices and notices posted by governmental officers in the performance of their duties, governmental signs to control traffic, or for other regulatory purposes such as neighborhood crime watch areas, to identify streets, or to warn of danger.
- (f) Signs displayed on trucks, buses, trailers, or other vehicles that are less than thirty-two (32) square feet and are being operated as motor vehicles, provided that the primary purpose of the vehicles is not for display of signs and provided that they are parked in areas appropriate to their use as vehicles, are in operable condition, and carry a current and valid license plate and state inspection tag. Vehicle signs shall conform to the following restrictions:
 - (1) Vehicular signs shall contain no flashing or moving elements.
 - (2) Vehicular signs shall not be attached to a vehicle so that the driver's vision is obstructed from any angle.
 - (3) Signs, lights and signals used by authorized emergency vehicles shall not be restricted.
- (g) Vending machine signs where the sign face is not larger than the normal dimensions of the machine to which the sign is attached.

Section 5: Lessors.

For purposes of this ordinance, the lessor of a property is considered the property owner as to the property if the lessor holds a right to use that exclusive of others (or the sole right to occupy). If there are multiple lessors of a property, then each lessor must have the same rights and duties as the property owner as to the property the lessor leases and that the lessor has the sole right to occupy, and the size of the property must be deemed to be the property that the lessor has the

sole right to occupy under the lease. Written authorization from property owner to place signage onsite may be required.

Section 6: Permit required.

A sign permit is required prior to the display and erection of any sign except as otherwise provided in this ordinance.

Section 7: Sign permits not required.

Signs which do not require a permit include:

- (a) Signs described in Section 4 with a total area thirty-two (32) square feet or less and a maximum height of eight (8) feet.
- (b) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties, provided, that all such signs must be removed no more than ten (10) days after their purpose has been accomplished.
- (c) Any sign wholly within the confines of a building and oriented so as to be out of view from outside the building.
- (d) One sign per entrance door in a non-residential district which shall be limited to two (2) square feet in size and located within five (5) square feet of the entrance door.
- (e) Signs located within the grounds of public facilities such as baseball fields, stadiums, community centers, and other public facilities placed by a governmental entity.
- (f) Any sign not expressly requiring a permit under this ordinance.

Section 8: Design review guidelines.

Before a permit may be issued by the sign administrator, all signs must meet the following design review guidelines:

- (a) Reflective surfaces. Glare-producing surfaces on signs are not allowed.
- (b) Lighting. All lighting of signs shall be indirect lighting as defined herein. All floodlights shall be shielded. No sign shall be illuminated, in whole or in part, where the illumination is intermittent or varies in color or intensity from time to time or appears to be emergency lighting similar to public safety vehicles. The use of searchlights is prohibited. Changeable electronic variable message signs (CEVMS), electronic signs, and light emitting diode (LED) signs are prohibited.
- (c) Moving parts. No sign shall contain any moving parts.

- (d) Location. No sign constructed of wood or other combustible material shall be erected in a fire zone or within fifty (50') feet of any frame building, nor within twenty-five (25') of any building having unprotected openings in the wall on the side nearest the sign.

Section 9: Applicability of other codes not in conflict.

All signs erected or maintained pursuant to the provisions of this ordinance shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code, property maintenance code, comprehensive plan, and other applicable ordinances of the city. In the event of conflict between this ordinance and other laws, the most restrictive standard applies.

Section 10: Residential area.

Residential area means an area designated as a residential district by a city zoning ordinance, a subdivision for which a plat is recorded and that contains streets or parts of streets abutted by residential property occupying 75% or more of the front footage, or a subdivision for which a plat is recorded and a majority of the lots are subject to deed restrictions limiting the lots to residential use. No sign shall be permitted or allowed in a residential area unless it meets the following standards:

- (a) General regulations. When a sign is authorized on a property, the sign must not exceed four (4) square feet in area unless otherwise authorized by code or variance for a larger sign.
- (b) Residential developments. For residential developments (including subdivision identification) the sign shall be a monument sign. The sign shall be located at least thirty (30) feet from the right-of-way and may be indirectly lighted. A residential development may have a monument sign or signs with a total area of no more than twenty-four (24) square feet at each entrance onto a major thoroughfare.
- (c) Signs on individual lots.
 - (1) Flags. Flags are authorized to be placed on residential property without a permit, including three flags per premises (each lot). Each flag shall be a maximum of fifteen (15) square feet in area. The flag pole must be a maximum of twenty-five (25) feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flag poles must meet the minimum yard setback requirements for a principal building.
 - (2) Other signs. Signs, including a pole sign, wall sign, or monument sign (unless specifically designated otherwise by this ordinance), allowed at any time on any property without a permit:
 - (A) A property owner may place one sign with a sign face no larger than two

- (2) square feet on the property at any time.
- (B) A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.
 - (C) One additional temporary sign that may be up to nine (9) square feet in size may be located on the owner's property for a period of ninety (90) days prior to an election involving candidates for a federal, state, or local office that represent the district in which the property is located or involving an issue on the ballot of an election within the district where the property is located per issue and per candidate. Any sign covered by this subsection may remain on the property up to seven (7) days after the election at issue. This section does not limit the content on the additional temporary sign.
 - (D) A person having a legal home occupation may display one additional sign on the face of the building or porch. The sign shall be attached directly to, and parallel to, the face of the building or porch. The sign shall not exceed four (4) square feet in sign area, shall not be illuminated in any way, and shall not project more than six (6) inches beyond the building or porch. No permit is required.
 - (E) One additional temporary sign, not exceeding six (6) square feet in sign area, may be located on a property without a permit when the owner consents to the placement of the sign and that property is for sale or lease or if an individual unit or units is for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This subsection does not affect the content of the sign allowed under this subsection.
- (3) General regulations for signs on individual lots:
- (A) No sign may be placed on a residential lot without the consent of the property owner.
 - (B) Other than those signs specifically authorized under this section, a sign under this section shall not be illuminated, electronic, digital, or contain moving elements. If lighting is allowed, no uplighting is allowed and all lighting must be shielded.
 - (C) Unless otherwise specified in this section, permitted signs may be placed anywhere on the premises except in a required side yard within the street or utility right-of-way, or within any other form of public easement.
 - (D) Height. The following maximum heights shall apply to signs on

individual lots in a residential area:

- (1) Unless otherwise specified in this section, if ground-mounted, the top must not be over four (4) feet above the ground.
 - (2) If building mounted, the sign must be flush mounted and must not project above the roof line.
- (E) Each residential lot or unit shall display an address sign. The letters, numbers, and symbols that make up a residential address sign must be a minimum of three (3) inches in height and shall not be larger than eight (8) inches in height.
- (d) Properties in the ETJ that are appraised as residential and that contain single family units shall comply with this section.

Section 11: Signs permitted near major thoroughfares.

The following signs are permitted or allowed for property used as a business within two-hundred 200 feet of a major thoroughfare:

- (a) Types of signs allowed with a permit:
- (1) Wall, canopy, marquee, or projecting signs. Wall, canopy, marquee, and projecting signs may be erected. The total sign area for all signs on each lot shall not exceed sixty-four (64) square feet. Sign area allotment is computed by adding the sign area of all signs allowed by this subsection on the lot. Projecting signs shall project no more than two (2) feet perpendicular from the wall and not more than three (3) feet vertically above the wall of the building. Each sign under this section requires a sign permit. Each sign shall be placed at least thirty (30) feet from any public right-of-way.
 - (2) Monument signs. One (1) non-attached sign per lot may be erected. No sign under this section shall exceed one-hundred (100) square feet in sign area and shall not exceed thirty-five (35) feet in height. The setback shall be a minimum of thirty (30) feet from property lines. Sign placement must comply with any additional setback that may be prescribed by the sign administrator when there is a potential safety issue. A permit is required for this sign.
 - (3) Gasoline pump islands. For a property that contains a gasoline pump island, the owner may exhibit one (1) logo sign not exceeding thirty-two (32) square feet in sign area and one (1) price sign per gasoline pump island not exceeding forty (40) square feet in sign area. The signage under this subsection does not count against a non-residential property's total signage allotment. This sign shall be placed at least thirty (30) feet from any public right-of-way.

- (4) Restaurant menus, detached or attached to a building, used in connection with a drive-in or drive-through, which do not attract the attention of persons not on the premises. Signs under this subsection shall not exceed thirty-two (32) square feet and shall not be illuminated other than internally illuminated. This sign shall be placed at least thirty (30) feet from any public right-of-way.
- (b) Types of Signs allowed without a permit
- (1) Equipment signs. Words may be attached to machinery or equipment which is necessary or customary to the business, including but not limited to devices such as gasoline pumps, vending machines, ice machines, etc., provided that words so attached refer exclusively to products or services dispensed by the device, and project no more than one inch from the surface of the device.
 - (2) One additional temporary sign, which may be a pole sign, wall sign, or monument sign, may be located on a property without a permit when the owner consents to the placement of the sign and that entire property is for sale or lease or if an individual unit or units is for sale or lease. This subsection does not affect the content of the sign allowed under this subsection.
 - (A) Entire property: One additional sign, not exceeding sixty (60) square feet in sign area, while the entire property or property is for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right-of-way.
 - (B) Individual Unit(s): One additional sign, not exceeding sixteen (16) square feet in sign area, where an individual unit or units is being offered for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right-of-way.
 - (3) One flag per twenty-five (25) feet of frontage on a right-of-way up to a maximum of six (6) flags and six (6) flag poles per premises. Each flag must be a maximum of twenty-four (24) square feet in area. Flag poles shall be a maximum of forty (40) feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet, whichever is more restrictive. Any flag with a commercial message shall count towards other total signage for each nonresidential property as square footage related to the maximum amount of square feet for a monument sign or a wall sign.
- (c) No sign may be placed without the consent of the property owner or without a sign permit,

when required.

- (d) Any sign under this section shall not advertise the sale of goods, services, or activities that are not available on the building or property on which the sign is attached or placed.
- (e) Properties in the ETJ that are appraised as or used as commercial property and that contain a business or commercial entity must comply with this section.

Section 12: Permit required.

Applications for a sign permit must be processed through the sign administrator.

- (a) Requirements. Except as otherwise provided for herein, no sign shall be erected, posted, painted, or otherwise produced, changed, or reconstructed, in whole or in part, within the city limits and ETJ without first obtaining a permit.
- (b) Applications. Application for a permit required by this ordinance shall be made upon forms provided by the sign administrator. The application for sign permits shall contain all information, drawings, and specifications necessary to fully advise the sign administrator of the type, size, shape, location, construction, and materials of the proposed sign and the building structure or premises upon which it is to be placed. Drawings shall also show all existing signs on the property. An application is not considered complete until all necessary information listed in this ordinance are provided with the application.
- (c) Application for permit. An application for a sign permit must be filed with the sign administrator. An application for any sign must state the date when the owner intends to erect the sign.
 - (1) An application shall include:
 - (A) Name, address, and telephone number of the owner of the sign;
 - (B) Name, address, and telephone number of lessor sponsoring the sign, if any;
 - (C) Name, address, and telephone number of the contractor, if any, installing the sign;
 - (D) Name, address, and telephone number of the property where the sign is to be installed;
 - (E) Date on which it is to be installed;
 - (F) Any variance that will be requested or has been approved; and

- (G) An illustration including the location, appearance, and dimensions of the proposed sign.
 - (H) An application is not considered complete unless all the above information is provided with the application.
- (2) The sign administrator shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within twenty-one (21) calendar days after receipt. Any application that complies with all provisions of this ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved after inspection and approval of the plans and the site.
 - (3) If the application is rejected, the sign administrator shall provide in writing a list of the reasons for the rejection. An application shall be rejected for non-compliance with the terms of this ordinance, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
 - (4) If no action is taken by the sign administrator within twenty-one (21) calendar days after receipt the city shall not collect a fee for the sign permit application. The sign administrator then shall approve or reject the application as soon as practical after the twenty-one (21) day deadline. However, if the sign administrator has not approved or rejected the permit within forty-five (45) calendar days after the completed application is filed, the applicant can file a complaint as an appeal if the permit has been denied.
- (d) Permit fee. A nonrefundable fee as set forth in the uncodified fee schedule adopted by the city council shall accompany all sign permit applications. In addition, applicant shall pay the fees provided by the applicable city building codes.
 - (e) Duration and revocation of permit. If a sign is not completely installed within six months following the issuance of a sign permit, the permit shall be void. The city may revoke a sign permit under any of the following circumstances:
 - (1) The city determines that information in the application was materially false or misleading.
 - (2) The sign as installed does not conform to the sign permit application.
 - (3) The sign violates this ordinance, building code, or other applicable law, regulation, or ordinance.
 - (4) The sign administrator determines that the sign is not being properly maintained or has been abandoned.
 - (f) Appeals. If the sign administrator denies a permit, the applicant may appeal to the city

council.

- (g) All applications for permits shall include a drawing to scale of the proposed sign and all existing signs maintained on the premises and visible from the right-of-way, a drawing of the lot plan or building facade indicating the proposed location of the sign, and specifications for its construction, lighting, motion, and wiring, if any. All drawings shall be of sufficient clarity to show the extent of the work.
- (h) Qualifications. Only those individuals who properly obtained a permit by the sign administrator, or other statutorily required permit or approval shall receive a permit to erect or alter any sign. Permits for the installation, erection, or alteration of any electrical components on a sign shall be issued only to those individuals who hold a commercial sign operator's license and master electrician's license and who have filed the bond and insurance required.
- (i) Issuance. A permit shall not be issued when:
 - (1) An existing billboard sign is in a deteriorated, unsafe, or unsightly condition as described below in section 14.
 - (2) A sign on the premises is not in compliance with this ordinance.
 - (3) Authorization of the property owner on which the sign is to be placed has not been obtained.
- (k) Inspection. Any sign for which a permit is issued shall be inspected after its erection for conformity to the provisions of this ordinance.
- (l) Fees. No permit shall be issued until applicable fees have been paid to the city. Fees may be subject to change without prior notification. Sign permit fee schedule shall be in accordance with the fee schedule enacted by the city council.

Section 13: Permit not required

A permit shall not be required for:

- (a) Simple routine maintenance, adjustments, replacement of light globes, etc. on existing signs.
- (b) When a sign has been damaged by fire, windstorm, or other causes, immediate work may be done to prevent damage to property or hazard to persons, and to this extent only. Notice will be given as soon as practical to the sign administrator.
- (c) Changing a commercial message to a noncommercial message on any legal sign surface. Any sign surface on which a commercial message may contain a noncommercial message.

- (d) Changing of permitted copy of an existing sign, provided that no increase occurs with respect to either the sign area or the manner in which the sign is structurally supported.
- (e) For any sign or display exempted from the sign ordinance or permit requirement.

Section 14: Maintenance of existing signs.

- (a) All signs in the city and ETJ shall be properly maintained at all times. The sign administrator shall have the authority to order the painting, repair, or removal of a sign which constitutes a hazard to the safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- (b) It is an offense for person to fail to maintain signs and sign structures in a good and sound condition as determined by the building official in accordance with the International Building Code.

Section 15: Newly annexed signs.

Signs in areas annexed into the City Limits or newly encompassed by an expanded ETJ shall be treated as nonconforming signs. If required for the type of existing sign, a permit shall be issued upon application.

Section 16: Off-premise pole signs (billboards).

Off-premise pole signs (billboards) are prohibited in the City. Provided, however, off-premise pole signs (billboards) in existence prior to the enactment of this ordinance shall be exempt from the provisions of this ordinance if they are maintained in accordance with this ordinance. No existing billboard shall interfere with the visibility of pedestrians or drivers of motor vehicles at street intersections or otherwise obstruct traffic or create a traffic hazard.

Section 17: Destroyed nonconforming signs.

An existing non-conforming sign in the city limits or ETJ may not be repaired or rebuilt in the case of total destruction by fire or other causes. In case of partial destruction by fire or other causes, where the cost of repairing the sign is less than sixty percent (60%) of the cost of erecting a new sign of the same type at the same location, the sign administrator may issue a "no fee" permit for the necessary repairs to be made to the sign. If the necessary repairs are not completed within ninety (90) days of the receipt of written notification to the owner by the sign administrator, then the sign shall be removed either by the owner or by the city at the owner's expense. A sign removed by the city under the provisions of this section shall be kept in storage for a period of sixty (60) days, and if it is not claimed within said period, it may be disposed of in a lawful manner by the city.

Section 18: Abandoned or discontinued signs.

An abandoned or discontinued sign is a sign that advertises a business or project that has ceased operations in excess of one (1) year, unless the property is leased, in which case the sign shall be removed after two (2) years. The owner shall remove any sign and/or sign structure that has not been used for advertising or promoting a going concern for at least one (1) year. For the purposes of this section, a business or project has ceased to operate when it is no longer engaged in the sale of products or services in the normal course of business.

Section 19: Signs and modifications.

Signs lawfully in existence on the date the provisions of this ordinance are adopted that do not conform to the provisions of this ordinance, but which (1) were in compliance with the applicable regulations at the time they were constructed, erected, affixed, or maintained or (2) were permitted by the Texas Department of Transportation, must be regarded as nonconforming. A nonconforming sign shall not be enlarged, expanded or extended except in conformity with this ordinance. A nonconforming use may be continued and is inherent in the property; the sale or lease of a nonconforming structure shall in no way limit the use of that structure.

Section 20: Altered, relocated, or replaced signs.

Any sign which is substantially altered, relocated, or replaced must be brought immediately into compliance with all provisions of this ordinance.

Section 21: Temporary signs

Temporary signs may be displayed with the approval of a temporary sign permit. A temporary sign permit is valid for fourteen (14) days. Each lot in the city may have up to three (3) temporary sign permits per year. Square footage of the sign may not exceed forty (40) square feet. Signs must be securely attached to a permanently installed building or wall and they must be kept in good repair throughout the time of their display. Pipes, poles, posts or other materials may be used to erect signs if the signs and supporting materials are kept in good repair. The owner must affix the permit sticker to the back of the sign. A temporary sign must obtain a permit and pay a temporary sign fee as required by the city fee schedule for the number of days for which a temporary will be displayed. A temporary sign under this section shall comply with all setback requirements of other signs on similarly zoned lots.

Section 22: Violations.

Should the owner or persons, after due notice, fail to correct a violation of this ordinance, the sign administrator may cause such signs and supports to be removed. The sign administrator may also take necessary action to file a lien against the property a lien to recover the cost of removal if the removal costs are not paid by the property owner within fifteen (15) days after the property owner is billed. The sign administrator may also pursue criminal and/or civil penalties as provided for under this ordinance.

Section 23: Offenses.

It is an offense for any person to violate or cause, allow or permit a violation any provision of this ordinance, or commit an act designated as unlawful by this ordinance, and the person who violates or causes, allows or permits a violation of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 24: Appeals.

Any person aggrieved by a decision of the sign administrator may appeal the administrative decision to the city council by giving written notice to the city secretary within thirty (30) days of the administrative decision.

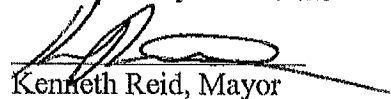
Section 25. Publication and effective date

This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Local Government Code.

Section 26. Severability.

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the city council of the City of Beasley, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED AND ADOPTED this the 17th day of April, 2018.


Kenneth Reid, Mayor

ATTEST:


G. B. Michulka, City Secretary
SB 3-6-18