

ORDINANCE NO. 2008-E

AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS REPEALING CHAPTER 152 OF THE CITY'S CODE OF ORDINANCES ENTITLED "SIGNS" IN ITS ENTIRETY; ESTABLISHING A NEW CHAPTER 152 OF THE CITY'S CODE OF ORDINANCES RELATIVE TO THE REGULATION OF SIGNS; PROVIDING A PURPOSE AND INTENT, ESTABLISHING APPLICABILITY REQUIREMENTS; ESTABLISHING DEFINITIONS; ESTABLISHING GENERAL PROVISIONS; ESTABLISHING REGULATIONS FOR PERMANENT SIGNS PERMITTED BY LAND USE; PROVIDING ADDITIONAL REGULATIONS FOR PERMANENT SIGNS; ESTABLISHING REGULATIONS FOR TEMPORARY SIGNS PERMITTED BY LAND USE; PROVIDING ADDITIONAL REGULATIONS FOR TEMPORARY SIGNS RELATIVE TO COMMERCIAL AND NON-COMMERICAL SIGNS; ESTABLISHING REGULATIONS FOR NON-CLASSIFIED OUTDOOR DISPLAY; PROHIBITING ENUMERATED SIGNS; ESTABLISHING REGULATIONS FOR CHANGEABLE MESSAGES; ESTABLISHING REGULATIONS FOR SIGN ILLUMINATION; ESTABLISHING REGULATIONS FOR SIGN ILLUMINATION; ESTABLISHING REGULATIONS FOR DOUBLE-FACED SIGNS; ESTABLISHING SIGN PERMIT REQUIREMENTS AND EXEMPTIONS; ESTABLISHING REGULATIONS FOR THE MAINTENANCE AND REMOVAL OF SIGNS; REQUIRING SIGN PERMITS; ESTABLISHING VIOLATIONS, PENALTIES AND PRESUMPTIONS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cockrell Hill, Texas ("Council") has a substantial interest protecting the health, safety, welfare, convenience and enjoyment of the general public from injury which may be caused by the unregulated construction of signs; and

WHEREAS, the Council has a substantial interest in enhancing the economic value of the landscape by avoiding visual clutter which is potentially hazard to property values and business opportunities; and

WHEREAS, the Council has a substantial interest in promoting the safety of persons and property by providing that signs do not create a hazard due to collapse, fire, collision, weather or decay; and

WHEREAS, the Council has a substantial interest in protecting the safety and efficiency of the City's transportation network by reducing the confusion or distraction to motorists and enhancing the motorists' ability to see pedestrians, obstacles, other vehicles and traffic signs; and

WHEREAS, the Council has a substantial interest in enhancing the impression of the City which is conveyed to tourists and visitors; and

WHEREAS, the Council has a substantial interest in protecting adjacent and nearby properties from the impact of lighting, size, height and location of signs; and

WHEREAS, the Council has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Cockrell Hill, Texas ("Cockrell Hill") to adopt this ordinance regulating the use of signs within the City of Cockrell Hill; and

WHEREAS, the City Council of the City of Cockrell Hill, Texas, has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens of the City that the Code of Ordinances provisions relative to the regulation of signs, be established as hereinafter stated

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

Section 1. All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. That Chapter 152, entitled "Signs," is hereby repealed in its entirety and a new Chapter 152 "Signs" shall be adopted to read as follows:

"Chapter 152 Signs

Section 152.01 Regulation of Signs

The purpose of this Chapter is to protect the health, safety, welfare, convenience and enjoyment of the general public from injury which may be caused by the unregulated construction of signs. It is the intent of these regulations to achieve the following:

- (1) Enhance the economic value of the landscape by avoiding visual clutter which is potentially harmful to property values and business opportunities;
- (2) Promote the safety of persons and property by providing that signs do not create a hazard due to collapse, fire, collision, weather or decay;

- (3) Protect the safety and efficiency of the City's transportation network by reducing the confusion or distraction to motorists and enhancing motorists' ability to see pedestrians, obstacles, other vehicles and traffic signs;
- (4) Enhance the impression of the City which is conveyed to tourists and visitors;
- (5) Protect adjacent and nearby properties from the impact of lighting, size, height and location of signs.

Section 152.02 Applicability and Scope

The regulations contained within this Chapter shall govern the placement and construction of all outdoor advertising display within the City of Cockrell Hill.

Section 152.03 Definitions

To the extent a term is not otherwise defined in this Code or in the text of this Chapter, the following definitions shall apply.

- (1) Advertised message area. That portion of a sign used or intended to be used to display commercial copy, convey information or to attract attention to the subject matter of such sign.
- (2) Commercial copy. A message or logo displayed on a sign which relates solely to the economic interests of the advertiser and its audience; a message pertaining to price and product advertising, goods and services.
- (3) Non-advertised message area. That portion of a sign not used or intended to be used to display commercial copy, convey information or to attract attention to the subject matter of such sign.
- (4) Premises. A single tract or platted lot. In addition, multiple adjacent tracts or platted lots under common ownership will be deemed to be a single premises if they meet the following requirements:
 - (a) Lots or tracts are not separated by intervening streets, alleys, utility or railroad rights-of-way or other interruption;
 - (b) Property contains a single primary use; and
 - (c) Property is not used for one or two family residential purposes.

Tracts or platted lots that are at cross corners or that are connected by narrow strips of land too small to serve as emergency access easements shall not be considered to be adjacent.

- (5) Sign. Any surface, fabric, device, display or visual medium, including the component parts, which bears letters, pictorial forms or sculptured matter, including logos, used or intended to be used to convey information or to attract attention to the subject matter of such sign. Graphics or other signs painted upon the side of a building shall be construed to be a sign, Graphics or Signs that are painted on buildings that contain information other than identification of the Premises and identifies the name and type of business and any other information that contains reference as to merchandise or menus is strictly prohibited. The term "sign" includes the sign structure.
- (6) Sign, Animated. A sign employing visible moving parts or the changing of colors.
- (7) Sign, Attached. A sign which is affixed to, supported by or painted on a building.
- (8) Sign, Banner. A temporary banner is a sign which is constructed of pliable materials such as canvas, fabric, vinyl plastic or similar materials which will withstand exposure to wind and rain without significant deterioration.
- (9) Sign, Changeable copy. A sign that is characterized by changeable copy, letters, symbols or numerals that are not permanently affixed to the structure, framing or background allowing the letters, characters, or graphics to be modified from time to time manually or by electronic or mechanical devices, such as but not limited to, a bulletin board, or electronic message board. Changeable copy signs may not be used to display commercial messages relating to products or services that are not offered on the premise.
- (10) Sign, Detached. A sign which is supported by structures, supports or foundations in or upon the ground and independent of support from any building.
- (11) Sign, Flashing. A sign that contains an intermittent or sequential flashing light source.
- (12) Sign, Illegal. Any sign erected, constructed, enlarged or altered which does not conform to the provisions of the zoning ordinance, the sign code or other applicable ordinances in effect at the time of erection, construction, enlargement or alteration.
- (13) Sign, Illuminated. Any sign illuminated in any manner by an artificial light source.
- (14) Sign, Monument. Any sign in which a majority of the structure's width is in contact with the ground.

(15) Sign, Nonconforming. A sign that was lawfully installed in compliance with all city ordinances applicable at the time of installation, but that does not comply with the current provisions of this Ordinance or other applicable ordinances.

(16) Sign, Off-premises. A sign which advertises businesses, commodities, activities, services or persons which are not usually available or present upon the premises upon which such sign is located, or which directs persons to any location not on the premises. Any sign with more than ten percent of the sign devoted to such use shall be deemed to be an off-premises sign.

(17) Sign, On-premises. A sign which advertises the business name, owner and for commodities, activities or services offered on the premises where such sign is located and where at least ninety (90) percent of the sign is devoted to the advertisement of such business name, owner, commodities, activities or services.

(18) Sign, Pole. A detached sign which is supported by one or more poles in or upon the ground.

(19) Sign, Portable. A sign whose principal supporting structure is intended by design, use or construction, to be used by resting upon the ground for support and which may be easily moved or relocated for reuse. Portable signs shall include but not be limited to signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier or other non-motorized mobile structure with or without wheels

(20) Sign, Pylon. A freestanding sign, which has at least fifty (50) percent of the sign structure width in contact with the ground and in which the sign face is separated from ground level by means of one or more supports such as poles, pole covers or columns.

(21) Sign, Revolving. A sign which revolves on, around, or about a structural support. A structural support includes, but not limited to, a pole, building or other type of support. Revolving parts within the sign shall not be construed as a revolving sign.

(22) Sign, Roof. Any sign erected, constructed or maintained on the roof of a building or structure.

(23) Sign, Structure. Any structure which supports or is intended to support any sign.

(24) Sign, Temporary. Any sign intended to be displayed for a limited period of time only as defined by Section 152.02 (2) or 152.03, as applicable, including by way of example but not of limitation, any sign, banner, pennant, valance, or

advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames or wheels.

(25) Sign, Window. Any commercial copy sign located on the internal and or external surface of a window or a glass door, or is located less than ten (10') feet from the window or a glass door of any establishment for the purpose of being visible to and read from the outside of the building.

(26) Secondary Frontage. The part of a corner or end tenant property that is platted to extend and be adjacent to an arterial or collector street and does not have the legal address.

(27) Through lots. A lot, other than a corner lot, having frontage on two (2) parallel or approximately parallel streets.

Section 152.04 Sign permit requirement and exemptions.

No sign shall hereafter be erected, constructed, altered or maintained except as provided by this Article, until a permit for the same has been issued by the Building Official pursuant to Section 152.06, Sign permits; provided, however, that no permit shall be required for the erection or alteration of the following types of signs, providing such signs are in complete compliance with all other applicable provisions of this chapter:

(1) *Vehicle Signs.* Signs on vehicles or trailers; provided, however, signs on vehicles or trailers that are parked or located for the primary purpose of displaying the sign are prohibited.

(2) *Temporary signs.* The following Temporary signs shall be allowed without the requirement of a permit:

- a. Temporary decorative flags.
- b. Warning, security and directional signs for parking or vehicle access.
- c. Government signs, flags, insignia, legal notices or informational, directional or traffic signs.
- d. Political signs referring to the candidates or issues involved in a public election, subject to the following conditions:
 1. The sign is located on private real property with the consent of the property owner;
 2. The sign does not exceed eight feet in height;
 3. The sign may not have an effective area greater than 36 square feet;
 4. The sign shall not be illuminated; and

5. The sign shall not contain any moving elements.

(3) *Window Signs.* Signs in windows are exempt from the permit requirement; however, they are subject to the following regulations:

a. Signs shall not exceed 10% of the window area; and

b. The window area shall be calculated by multiplying the window width times the height of the window, with a maximum calculated height of 15 feet.

(4) Other than electrical, all signs not visible from off the property.

(5) *Identification Signs.* Nameplate and street address signs not exceeding one sq. ft in. area.

(6) *Real Estate Signs.* One non-illuminated real estate sign, temporary in nature, advertising the sale or lease of real property on which the sign is located or announcing contemplated improvements of real property on which the sign is located; provided, however, that said sign shall not exceed eight square feet in area in any one- or two-family dwelling district or 60 square feet in area and eight feet in height in any other district; provided, further, however, on corner lots and through lots, one such sign, shall be allowed for each street on which the lot has frontage. The sign shall be removed within 30 days after the sale or occupancy of the property.

(7) *Garage or Estate Sale Sign.* One non-illuminated estate or garage sale sign, not to exceed two square feet in area, temporary in nature, advertising the sale of items on property for which a garage sale permit has been obtained. The sign shall be removed within 24 hours after the sale ends.

(8) *Construction Sign.* One construction sign, not exceeding four square feet in area in any one- or two-family dwelling district or 40 square feet in area and 12 feet in height in any other district, denoting the owner, architect, financial institution, general contractor, subcontractor or any statement pertaining to the project on the real property on which the sign is located; provided, however, on corner lots and through lots, one such sign shall be allowed for each street on which the lot has frontage. The sign shall be removed within 30 days after completion of the project.

(9) *Warning Signs.* "No Dumping", "No Trespassing", and "No Solicitation" signs, however, that said sign shall not exceed 60 square feet in area and eight feet in height.

(10) *Noncommercial residential signs.* In addition to the other noncommercial signs permitted by this article, a maximum of two signs not exceeding a total of 8 square feet in area may be erected on any lot used for residential purposes and may contain noncommercial copy. No one sign shall exceed four square feet in area.

(11) *Seasonal Signs.* Signs depicting or relating to a national, local or religious holiday or season if installed maintained or displayed for not more than 45 consecutive days.

(12) *Parking Signs.* Signs of not more than two (2) square feet with a ground clearance of not more than four (4) feet within twenty (20) feet of a driveway or other ingress or egress to private property which restricts parking on said property.

(13) *Official Signs.* Signs erected by a public utility or transportation organization operating pursuant to a franchise agreement with the City, where such signs are erected or displayed for the purpose of public instruction, traffic control and similar uses incidental to the public interest.

Section 152.05 Temporary On-Premise Signs Requiring a Permit.

All temporary signs not otherwise exempted from the permit requirement pursuant to Section 152.04 shall require a permit. Temporary signs are permitted only in the “C” and “C-A” Commercial districts. Temporary signs must meet all requirements of this Sign Ordinance including the following requirements:

- (1) Signs shall be a maximum size of 60 square feet.
- (2) Only one such sign shall be allowed per business, not to exceed two signs per platted lot. On lots with more than 300 feet of street frontage, one sign shall be allowed per business, not to exceed three signs.
- (3) No temporary signs shall be located within public right of way.
- (4) One temporary portable sign or banner shall be permitted for a period of 30 consecutive days, provided only one sign or banner shall be permitted during the 30 day period and there must be at least 30 days between the display of each sign or banner.
- (5) New business owners are exempt from Section 152.03 (4) and will be able to pull three (3) consecutive thirty (30) day permits without being subjected to a thirty (30) day lapses as required in section (4)

Section 152.06 Sign Permits.

(1) *Sign permit application.* Application for a sign permit, where such permit is required by this Chapter, shall be made upon forms provided by the City and shall include the following information:

- a. A drawing to scale of the proposed sign and all existing signs located on the premises, visible to the public.

- b. A drawing to scale of the site plan or building facade showing the proposed location of the sign.
- c. Name, address and telephone number of the applicant.
- d. Name, address and telephone number of the owner.
- e. Name, address and telephone number of the person or firm responsible for the erection of the sign.
- f. Location of the building, structure or tract to which, or upon which, the sign is to be attached or erected.

(2) *Sign permit fees and procedures.* No sign permit shall be issued until all appropriate sign permit fees have been paid to the City as provided herein.

- a. *Initial permit fee.* Initial permit fees shall be as follows:

<u>Sign Type or Characteristic</u>	<u>Fee</u>
Detached sign	\$100.00
Wall or window sign	\$75.00
Changeable sign face (additional fee)	\$25.00
On-premise project or development sign	\$100.00
Model home/Sales office sign	\$50.00
Grand opening or coming soon signage	\$25.00
Special event sign*	\$20.00
Neon sign	\$25.00
Now Hiring	\$25.00
Change of Business/Ownership	\$25.00
Portable Sign	\$75.00
Off Premise, Detached	\$175.00

There shall be no permit fee for special event or public announcement signs for bona fide charitable and other non-profit organizations upon proof of tax exempt status under federal or state law.

- b. *Sign repair permit.* Any repair or alteration to any sign requiring a permit by this section shall require an additional repair permit obtained by the building official upon application and payment of a ten dollar (\$10.00) repair permit fee.
- c. *Electrical permit.* Any sign in which electrical wiring and connections are used shall require an electrical permit obtained according to the City's existing fee schedule. The electrical inspector shall examine the plans and specifications submitted with

the application to insure compliance with the electrical code of the City of Cockrell Hill.

- d. *Identification of signs.* All signs erected, constructed or maintained that require a permit shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign and shall have affixed on the front of the sign the number and date of issue of the permit issued for such sign.
- e. *Annual Inspection.* It shall be the duty of the building official or his authorized agent to inspect all permanent signs requiring a permit at least once annually.
- f. *Expiration.* Every permit issued under the provisions of this Code shall expire and become null and void if the work authorized by such permit is not commenced within sixty (60) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of more than one hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained.
- g. *Failure to pay permit fees.* If a sign is installed, erected, replaced, altered, or relocated without a permit for such work, the applicable permit fee shall be doubled.

Section 152.07 Prohibited signs.

The following signs are expressly prohibited within the City of Cockrell Hill:

- (1) Off-premise signs, unless provisions for such signs are contained within these regulations.
- (2) Signs erected in violation of City Building, Electrical or Sign Codes, or other applicable local regulations.
- (3) Signs erected in violation of federal or state law.
- (4) Portable signs, except those allowed under Section 152.04
- (5) Animated signs, flashing signs, running message, and revolving signs or any other sign that moves. Electronic changeable copy signs may be permitted by special exception from the Board of Adjustment in accordance with Section 152.10 (4) below.

(6) Signs illuminated to such intensity or brilliance as to cause glare or impair vision. Lighting shall be shielded prevent beams or rays from being directed at any portion of a traveled roadway or an occupied residential area.

(7) Signs erected in or projecting into the public right-of-way unless an encroachment agreement is executed in accordance with the requirements of the Sign Code and any other ordinances regulating encroachments.

(8) Signs on vehicles or trailers that are parked or located for the primary purpose of displaying the sign. It shall be prima facie evidence that the primary purpose of a vehicle or trailer is to display a sign if the vehicle or trailer is parked on a site for a continuous period exceeding 72 hours.

(9) "V" type signs with a face that protrudes from the opposite face at an interior angle greater than 25 degrees. This restriction shall not be construed to prevent oval, cylindrical or box type signs.

(10) Signs with sign structure larger than is reasonably necessary to support the sign.

(11) Signs that are painted on buildings that contain information other than information that identifies the name and type of business; information painted on a building that identifies merchandise or menus provided by the merchant is strictly prohibited.

(12) Signs that are not permanent structures, as in the case of plastic, paper and wood that is not contained in a conforming and permitted sign structure.

Section 152.08 Measurement of Signs

(1) Measurement of Detached Signs The sign area for a detached on-premise sign shall be the area included within vertical and horizontal line projections of the furthestmost points of any logos, letters, or other symbols, composed of the total area of the message, and any border, trim or surface upon which the message is displayed. One sign area will be calculated for a detached sign no matter how the message is displayed. The sign structure shall not be included in the sign area unless there is a sign displayed thereon.

(2) Measurement of Attached Signs. The sign area for an attached on-premise sign shall be the area included within the vertical and horizontal line projection of any logos, letters or other symbols intended to be read together, composed of the total area of the message and any border, trim or surface upon which the message is displayed. There may be several sign areas on the wall of a building depending upon how a sign is displayed. The following size limits apply to buildings occupied by a single tenant and to individual tenant spaces in buildings with multiple tenants.

- a. One or more attached signs may be erected on each facade of the occupied space.
- b. The signs may have a total area of 10% of the area of the facade to which the signs are attached, with a maximum aggregate area of 500 square feet per facade.
- c. Doors and windows shall be included in the calculation of the facade area. The facade area shall be calculated by multiplying the width times the height, with a maximum calculated height of 15 feet.
- d. For structures exceeding 15 feet in height, allowable sign square footage shall be calculated as 1.5 square feet per linear foot of building facade.
- e. The length of an attached sign is limited to 75% of the lineal footage of the building or commercial space, whichever is less.
- f. The entire length and height of a backlit awnings in which the lighting causes the illumination of the awning, of which the length will be limited to subsection v. above, will be counted toward the allowed square footage of attached signs.
- g. Signs shall not project more than three (3) feet from the building or canopy. No sign projection shall encroach over public property except as permitted by the Sign Code.

Section 152.09 Roof Signs

Signs may be installed upon the roof subject to the following conditions:

- (1) The area of the sign shall not exceed 10 percent of the area of the closest wall of the building above which the sign is placed.
- (2) The sign shall not exceed four feet above the roof or top of the parapet wall at the roof, whichever is higher.
- (3) All roof signs placed upon a building or buildings upon one platted lot shall be similar in size, shape, area, and design.

Section 152.10 Types, Sizes and Construction of Signs.

The following regulations shall apply to all detached on-premise signs erected in districts "C" and "C-A":

- (1) Types of Detached Signs
 - a. Monument signs meeting the following conditions are permitted as a matter of right:
 - 1. Maximum height: 8 feet

2. Maximum width: 16 feet
 3. Maximum advertised message area: 96 square feet
 4. Minimum ground contact: 75% of structure's width
- b. Pylon signs meeting the following conditions are permitted as part of a shopping center exceeding 9,000 square feet of lease space:
1. Maximum height: 30 feet.
 2. Maximum width: 16 feet
 3. Maximum advertised message area: 250 square feet, not to include the identification of a Shopping Center using the name of the center only.
 4. Minimum ground contact: 50% of structure's width

(2) Number of Signs. One detached sign may be erected on each platted lot. For Pylon signs, one sign shall be permitted per street frontage of the center. Additional signs may be erected under the following circumstances:

- a. On corner lots one sign shall be allowed on each street on which the property has frontage.
- b. On lots having more than 100 feet of street frontage, more than one detached sign may be installed provided that such signs are at least 100 feet apart and the total area of all signs does not exceed the maximum allowable sign area set forth herein.

(3) Construction of Signs. A minimum of 25% of the sign face, excluding the base, shall contain non-advertised message area. The non-advertised message area shall be of construction materials similar to the building and shall be non-illuminated.

(4) Electronic Changeable Copy Signs. Electronic changeable copy signs may be permitted by the Board of Adjustment in commercial zoning districts, subject to the following conditions:

- a. A maximum of 25% of the sign face may be devoted to changeable copy.
- b. The message rate shall not change at a rate faster than one message every 20 seconds and the interval between messages shall be a minimum of one second.
- c. Changeable copy signs shall not contain animation, rolling or running letters or message, flashing lights or displays as part of the display.

- d. Changeable copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.

(5) Sales Office and Model Home Signs. Sales office and model home signs (signs identifying a developer's sales of model home sites) are subject to the following:

- a. Signs shall not exceed a maximum size of 32 square feet.
- b. Signs shall be not exceed a maximum height of 6 feet.
- c. No sign shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m.
- d. Only one sign advertising a model home may be permitted per builder in the subdivision.
- e. Sign must be located on the site of the model home sales office and shall be set back a minimum of ten (10) feet from the public right-of-way.
- f. Model home sign shall be allowed only after a certificate of occupancy has been issued for the model home.
- g. No sign may be erected for more than two years.
- h. Signs shall meet all requirements of the Sign Code including permitting requirements.

Section 152.11 Nonconforming Signs

(1) Any sign currently in existence as of February 12, 2008, that does not meet the requirements of this Chapter shall be considered a Nonconforming Sign. A Nonconforming Sign may not be altered or enlarged.

- a. No portion of a Nonconforming Sign may be replaced or repaired commencing thirty (30) days after adoption of this Ordinance, February 12, 2008.
- b. A sign which has been blown down or otherwise destroyed by wind, fire or damages from any other source, or otherwise is not in good repair must be removed within 10 days of notification by the City to the owner. The owner shall remove the sign or bring it into compliance with the zoning ordinance, the Sign Code and all other applicable ordinances.

- c. All Nonconforming Signs must be removed within one year of adoption of this Ordinance, February 12, 2008, or bring the sign into compliance with the zoning ordinance, the Sign Code and all other applicable ordinances.
- (2) Special Exceptions to Nonconforming Signs.
- a. *Pole Signs.* All nonconforming pole signs shall be allowed to remain if all of the following conditions are met;
 - 1. The pole sign must be maintained in good condition and in good working order.
 - 2. The nonconforming pole sign, including the sign face, must be current to the designated business.
 - 3. If the nonconforming pole sign has multiple businesses all aspects of that sign must be current.
 - 4. Failure to maintain a nonconforming pole sign three (3) consecutive times in a period of twelve months will result in the city requiring the nonconforming pole sign to be removed.
 - 5. Once the business, that the pole sign is associated with, ceases to exist this exception shall terminate without the requirement of notice from or any other action by the City.

Section 152.12 Off-Premises Signs.

In order to encourage the removal of off-premises signs, an owner may not change or upgrade an existing off-premises sign. Any Off-Premises sign which has been blown down or otherwise destroyed by wind, fire or damages from any other source or otherwise is not in good repair must be removed by the Owner within ten (10) days.

Section 152.13 Setback Requirement for Permanent Signs

- (1) All permanent signs shall be required to be setback 10 feet from right-of-way.
- (2) All off-premises permanent signs shall be required to be setback 10 feet from the property line adjacent to the right-of-way.

Section 152.14 Violations In or On Public Property - Penalties - Presumptions

(1) It shall be unlawful to construct or install or permit to be constructed or installed any sign within the City limits, except as is expressly permitted in this Chapter.

(2) Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur. Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this Chapter.

(3) If any sign of any nature is erected, constructed or maintained on public property in violation of this Chapter, including, but not limited to, garage sales, neighborhood sales, weekend real estate directional signs, real estate signs, moving services, house keeping services, lawn care services or any other type of service or sales:

- a. When the name of any person appears on such a sign, it shall be prima facie evidence that the person so named is responsible for the offense of erecting, constructing or maintaining said sign, and that person shall be guilty of a misdemeanor, upon conviction;
- b. When any address appears on such a sign, it shall be prima facie evidence that the record property owner at the address so specified is responsible for the offense of erecting, constructing or maintaining said sign, and that person shall be guilty of a misdemeanor, upon conviction; and
- c. In the event that such a sign contains no identifying information other than a telephone number, such information shall be prima facie evidence that the record property owner at the address so specified is responsible for the offense of erecting, constructing or maintaining said sign, and that person shall be guilty of a misdemeanor, upon conviction.

(4) The following evidence relative to the name, address or telephone number contained in the following records is prima facie evidence of the contents of the record.

- a. Name – An authenticated photograph of the sign showing the name of the person allegedly responsible, or the sign itself.
- b. Address – A certified copy of that section of the most recent tax roll which shows the name and address of the record property owner and an authenticated photograph of the sign or the sign itself.

- c. Telephone Number – An authenticated photograph of the sign or the sign itself, showing the telephone number, and a copy of the most recent telephone directory showing the listing, or a letter or other document from the telephone company showing the listed person and address at that telephone number.

(5) Any presumption contained herein is rebuttable and shall have the effects and consequences set forth in Section 2.05 of the Texas Penal Code.”

Section 3. This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Cockrell Hill, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

Section 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. All rights and remedies of the City of Cockrell Hill, Texas, are expressly saved as to any and all violations of the provisions of Ordinance 1989-C which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6. The City Secretary of the City of Cockrell Hill, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Cockrell Hill, Texas, as authorized by Section 52.013, Texas Local Government Code. This ordinance shall take effect upon adoption and publication


Section 7. This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED the 10th day of March, 2008.



Luis D. Carrera, Mayor

ATTEST:



Bret Haney, Executive Asst

APPROVED AS TO FORM:



Robert F. Brown, City Attorney