

AN ORDINANCE REGULATING SIGNS IN THE CITY OF KIRBY, TEXAS, AND SUPERSEDING ALL PREVIOUS ORDINANCES PERTAINING TO SIGNS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, The City Council of the City of Kirby, Texas, believes that city ordinances concerning signs should be modified, updated, and expanded to more comprehensively regulate signage; and

WHEREAS, the City Council of the City of Kirby, Texas, believes that previous ordinances pertaining to signs should be amended and superseded by a new sign ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRBY, TEXAS, THAT:Section 1. This ordinance amends and supersedes all previous ordinances pertaining to signs and the amendments to the same, adopted by the City Council of the City of Kirby.

Section 2. The following sign ordinance of the City of Kirby is hereby adopted:

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SECTION I. SHORT TITLE

This Ordinance shall be known as the Sign Ordinance of the City of Kirby.

SECTION II. PURPOSE OF ORDINANCE

The sign regulations established in this Ordinance have been adopted for the purpose of:

A. SAFETY: Promoting the safety of persons and property by providing that signs (1) do not create traffic hazards by distracting or confusing motorists, or impairing motorist's ability to see pedestrians, other vehicles, obstacles or to read traffic signs; (2) do not create an impairment to public service; and (3) do promote the aesthetics, safety, health, and general welfare and the assurance of protection of adequate light and air by regulation of the posting, displaying, erection, use and maintenance of signs.

B. INFORMATION: Promoting the efficient transfer of general public and commercial information through the use of signs;

C. PUBLIC WELFARE: Protecting the public welfare, enhancing the overall appearance and economic value of the landscape, and preserving the environment that distinguishes the City and surrounding area.

SECTION III. DEFINITIONS

Except as specifically defined herein, each word used in this Ordinance has its customary dictionary definition. For the purpose of this Ordinance, certain words or terms used are herein defined as follows:

A. ABANDONED SIGN: A permitted sign which was erected on property in conjunction with a particular use which has been discontinued for a period of thirty (30) days or more.

B. ADMINISTRATOR: The City Manager unless the City Council designates another person to administer and enforce the provisions of this Ordinance.

C. AVERAGE GRADE: The grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, in the event that the sign is attached to the structure.

D. BACK-TO-BACK SIGN: A sign constructed on a single set of supports with messages visible on any side.

E. BANNERS AND BALLOONS: Any animated, rotating, fluttering or non-stationary device made of flexible materials designed to attract attention.

F. CANOPY: A structure constructed of rigid materials, including, but not limited to, metal, concrete, plastic, canvas, or glass, which extends over a walkway or driveway and which is attached to and supported by a building.

G. CHANGEABLE COPY SIGN: A sign on which message copy is changed either manually or electronically in the field, through the utilization of changeable letters, numbers, symbols and other similar characters or pictorial panels.

H. COMMUNITY SERVICE SIGN: A sign which solicits support for or advertises a non-profit community use, public use or social institution. Such signs may include, but shall not be limited to, seasonal holidays, school activities, charitable programs, religious activities, sports boosters, or events of community interest. Such signs shall be placed only by units of local, state or federal governments, by non-profit organizations, by schools, by the chamber of commerce, or by normally recognized religious organizations.

I. DIGITAL SIGN: Any digital sign boards, billboards and similar display devices used for displaying visual information, most commonly in outdoor public areas. Digital signage is also known as dynamic signage.

J. DILAPIDATED SIGN: Any sign which is structurally unsound, has defective parts or is in need of painting or maintenance.

K. DIRECTIONAL SIGN: A sign that is free-standing and whose primary purpose is to give directions to parking lots, exits, entrances, drive-through windows or similar locations.

L. DOUBLE-FACED SIGN: a sign with two (2) faces which are usually, but not necessarily, parallel.

M. ELECTRIC SIGN: A self-illuminated or externally illuminated sign or sign structure in which electric wiring, connections and /or fixtures are used as part of the sign, to illuminate the sign.

N. EXISTING SIGN: Any sign that was erected, mounted or displayed prior to the adoption of this Ordinance.

O. FAÇADE: The entire building wall, including street wall face, and parapet, fascia, windows, doors, canopy and roof on any completed building.

P. FIXED PROJECTION SIGN: A sign, other than a flat sign, which extends outward for more than six (6) inches from the façade of any building and is rigidly affixed thereto.

Q. FLASHING SIGN: A sign with flashing, blinking or moving lights, regardless of wattage, whether directly or indirectly illuminated, except for time and temperature signs. This shall include a sign which makes use of traveling lights or traveling lighted messages or flashing lights.

R. FLAT SIGN: A sign erected parallel to and extending not more than six (6) inches from the façade of any building to which it is attached and supported throughout its entire length by the façade of the building and not extending above the building.

S. FREE STANDING SIGN: A sign supported by a sign structure secured in the ground and which is wholly independent of any building, fence, vehicle or other support. Free standing signs may have more than one section, one of which may be changeable.

T. FRONTAGE: The length of the property line of any one premises serving as public right of way line.

U. HEIGHT OF SIGN: The vertical distance measured from the average grade to the top of the sign face or sign structure, whichever is greater.

V.. ILLUMINATED SIGN- EXTERNAL: Any sign which is directly lighted by an external source.

W. ILLUMINATED SIGN- INTERNAL: Any sign which transmits light through its face or any part thereof.

X. INFLATABLE SIGN: A sign that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Y. INGRESS/EGRESS SIGN: A sign which designates only the direction of ingress or egress of a parking area or driveway, such as "in", "entrance", "exit", "out", "one way", "do not enter" or "no exit".

Z. INTERIOR SIGN: A sign that is displayed inside a building and is not within five (5) feet of windows and doors.

AA. MONUMENT SIGN: A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. All other freestanding sign types not meeting the definition of a monument sign shall be either a pole sign or a pylon sign.

BB. MOVING MESSAGE BOARD: Any electrical sign having a continuous message flow across its surface by utilization of lights or other electrical impulses forming various words and /or designs, including but not limited to time and temperature signs.

CC. MULTI-USE SIGN: A commercial sign identifying more than one business or organization located on the premises.

DD. NONCONFORMING SIGN: Except as otherwise defined herein, any sign which has a valid permit, was erected or displayed prior to the effective date of this Ordinance or any subsequent amendment hereto and does not conform with one or more provisions of this Ordinance.

EE. OCCUPANCY: Any use of or activity upon the premises.

FF. OFF PREMISES SIGN: Any sign located or proposed to be located at any place other than upon the property of the business or other activity identified on such a sign. For purposes of this Ordinance, easements and other appurtenances shall be considered outside such property and community service signs approved by the City Council are exceptions to this definition.

GG. ON PREMISES SIGN: Any sign located or proposed to be located at any place, if otherwise permitted by this Ordinance, within the property boundaries for the business or other activity identified on such sign.

HH. PARAPET: A vertical false front or wall extension above the roof line.

II. PARTY RESPONSIBLE: The party responsible for a sign shall be (1) person whose name of business is being identified on the sign, and/or (2) the owner of the premises upon which the sign is located.

JJ. PERMITTED SIGN: A sign for which a valid permit has been issued.

KK. PERSON: Any individual, partnership, corporation, entity, association or other organization.

LL. POLITICAL SIGN: A sign relating the election of a person to public office, relating to a political party, relating to a matter to be voted upon at any election called by a public body, or containing primarily a political message.

MM. PORTABLE SIGN: Any sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

NN. PREMISES: A parcel or tract of land, or one or more platted lots under the same ownership and/or use, together with the buildings and structures located thereon.

OO. PROJECT SIGN: Any temporary sign on a premises which may identify a project under construction and which identifies the project name, address, telephone number, architect, contractor, developer, finance organization, subcontractor and /or materials vendor.

PP. PUBLIC RIGHT-OF-WAY: The line where the premises meets the public right-of-way at a public street, provided that this definition shall not include unimproved alleys, easements of other similar dedicated uses. This definition shall include parking lots, sidewalks and driveways located on the premises.

QQ. REAL ESTATE SIGN: A temporary sign erected by the owner, or his agents, advertising the real property upon which the sign is located for rent, for lease or for sale.

RR. RESIDENTIAL SIGN: Any sign erected at a private residence identifying the address or the resident's name.

SS. ROOF SIGN: A sign erected over or on, and wholly or partially dependent upon, the roof of any building for support.

TT. ROTATING SIGN: Any sign which revolves around one or more fixed axis.

UU. SIDEWALK OR SANDWICH SIGN: A moveable sign not affixed or attached to the ground or any building structure.

VV. SIGN: Any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others. The customary displays of merchandise or objects and materials without lettering which are placed behind a store window are not signs or parts of signs.

WW. SIGN AREA: The square foot area enclosed by the perimeter of the sign. Sign shall include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extension, but shall not include any sign structures so long as the sign structures are aesthetically pleasing.

XX. SIGN STRUCTURE: A supporting structure erected, used or intended for the purpose of identification or attracting attention, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied, provided, however, this definition shall not include a building, fence, wall or earthen berm.

YY. SINGLE BUSINESS USE: A business or organization being the sole business occupant of a premises.

ZZ. SNIPE SIGN: A sign made of any material when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects, and when the subject matter appearing thereon is not applicable to the use of the premises upon which such sign is located.

AAA. SWINGING SIGN: A sign installed on an arm, mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

BBB. TIME AND TEMPERATURE SIGN: An electrical sign utilizing lights going on and off periodically to display the current time and temperature in the community.

CCC. UNDER CANOPY SIGN: A sign suspended from a building and which is located under a permanent canopy projecting from a building.

DDD. VEHICLE SIGN: A permanent or temporary sign affixed to a vehicle. The primary purpose of said display is to attract the attention of the public to the subject matter identified on the sign rather than to serve the customary purpose of said vehicle.

EEE. WINDOW SIGN: Any sign which is painted on, applied to or projected upon or within the exterior or interior of a building glass area, including doors, or located within five (5) feet of the interior of a building glass area including doors, whose identification, message, symbol, insignia, visual representation, logo type, or any other form of information can be read from off premises or from the public right-of-way.

SECTION IV. EXISTING SIGNS

A. ILLEGAL SIGNS: Any sign which does not strictly conform to all requirements of this Ordinance or which does not have a valid permit from the City of Kirby (except for signs classified as nonconforming signs in Section IV, Paragraph C below) is hereby deemed to be an illegal sign and such sign and the party responsible for such sign shall be subject to the enforcement provisions of this Ordinance.

B. LEGAL SIGNS:

1. Any existing and permitted sign which complies with the provisions of this Ordinance and any subsequent amendment hereto is hereby deemed to be a legal sign. Any proposed alteration to or relocation of such sign shall not be undertaken without a new sign permit application under this Ordinance, unless the proposed alteration is specifically exempt from such permit requirement pursuant to Section VI of this Ordinance.

2. Any legal sign which does not comply with the provisions of this Ordinance solely due to the enactment of an amendment hereto subsequent to the effective date of this Ordinance shall, upon the effective date of such amendment, become a nonconforming sign.

C. NONCONFORMING SIGNS:

1. Any sign erected or existing as of the effective date of this Ordinance which has a valid permit from the City of Kirby, but which does not conform to the provisions of this Ordinance, or any sign pursuant to Section IV, Paragraph B, subparagraph 2, is hereby deemed to be a nonconforming sign.

2. A nonconforming sign may be maintained only by painting or refinishing the surface of the sign or the sign structure and other general maintenance.

3. Upon a determination by the City and notice to the party responsible or the permit holder that a nonconforming sign has become dilapidated or structurally unsound, such sign shall be removed within thirty (30) days from the date of said notice, unless an appeal of such determination has been filed within such thirty (30) day period with the City Council pursuant to the City's regulations and/or policies on this subject. Any structural or other substantive change to a nonconforming sign shall be deemed an abandonment of the nonconforming sign, shall render the prior permit void, and shall result in the reclassification of such sign as an illegal sign pursuant to Section IV, Paragraph A of this Ordinance.

4. Any nonconforming sign may become a legal sign if, after compliance with the provisions of Section VII of this Ordinance, it is brought into conformity with the provisions of this Ordinance.

SECTION V. PERMISSIBLE SIGNS

The following is a list of signs permissible for use within the City. Any sign not listed below is prohibited.

- A. Business signs on non-residential property
- B. "Grand Opening", and "Going-out-of-business" signs
- C. Commercial real estate signs
- D. Residential real estate signs
- E. Project signs
- F. Land development signs
- G. Official signs or Notices issued by any Court, public agency, or utility
- H. Traffic Directional, Warning, or Information signs authorized by public agency
- I. Private Street, Road Name, and Residence signs
- J. "No Trespassing", "No Hunting", "No Fishing", "No Loitering", and like signs
- K. Ingress/Egress signs
- L. Community Service signs
- M. Political signs
- N. Time and Temperature signs
- O. Flags
- P. Signs painted on vehicle sides or magnetized signs that attach to vehicle sides
- Q. Athletic Event signs
- R. Garage Sale, Yard Sale, Open House, and Farmers Market signs
- S. Back-to-Back signs
- T. Balloons
- U. Banners on non-residential property
- V. Canopy signs
- W. Changeable copy signs
- X. Double-faced signs
- Y. Flat signs
- Z. Free Standing signs
- AA. Interior signs
- BB. Multi-Use signs
- CC. Roof signs
- DD. Swinging signs

- EE. Under Canopy or Hanging signs
- FF. Window signs
- GG. Digital signs
- HH. Monument signs

SECTION VI. SIGN STANDARDS

A. LOCATION

1. No signs shall be placed off premises of the location of the subject of the advertising content except for community service, church directional, political, athletic, garage sale, yard sale, open house, farmers market, and athletic sponsorship signs, and banners hung within the City limits.

2. Athletic sponsorship signs shall only be located on City of Kirby property or Judson Independent School district (JISD) property, shall be located only on ball field fences and /or score boards facing the playing area, and shall be erected by the City or JISD.

3. Political signs and temporary church and non-profit organization event signs may not be placed on public property owned or controlled by the City of Kirby, except in the following locations:

- (a) With the express consent of the adjacent private real property owner, the front yard extension over the public right-of-way between the front property line of private real property and the curb of the street in front of such private real property.
- (b) With the express consent of the adjacent private real property owner, the side yard extension over the public right-of-way between the side property line of corner private real property and the curb of the street on the side of such private real property.
- (c) Such signs may not exceed four (4) square feet in area. Such signs may not be illuminated or have any moving elements, or extend over sidewalks or driveways.
- (d) During the early voting period through the end of the following Election Day, a maximum of two (2) temporary political signs for each candidate, measure, or political party may be placed within the designated electioneering area of the early voting or voting polling place building's premises, which is also outside the prohibited area. The designated electioneering area is the portion of the grassy strip outlining the city hall parking lot located at 112 Bauman. Such two (2) signs shall each have a maximum area of four feet but may contain the same message on both sides. Such signs must be placed in the designated electioneering area in a manner so as not to block or obscure other political signs. Any signs on public property not permitted may be removed by the City. Any political signs installed prior to the authorized time, placed in a location other than the designated location delineated, or not removed within the time prescribed herein, may be removed by city personnel and discarded or destroyed.

4. Unless otherwise associated with such location, no sign shall be located nearer than twenty (20) feet to any church, cemetery, public building, historic site or district.

B. SETBACK FROM RIGHT-OF-WAY: In order to provide room for future sidewalks and utilities, all sign supporting structures shall be required to be set back at least eight (8) feet from the street right-of-way.

C. SIGN SURFACE AREA LIMITS

1 Business signs: (including back-to-back, changeable copy, double-faced, flat free standing, and roof signs); 80 square feet maximum (sfm);

2. Multi-use signs: 100 sfm for a single directory sign if all identified businesses are within a single building; otherwise 80 sfm for a single complex sign and 24 sfm for a directory sign per building;

3. Real estate signs:	32 sfm
4. Project signs:	32 sfm
5. Land development signs:	32 sfm
6. Private street, road name, and residence signs:	4 sfm
7. No Trespassing, No Hunting, No Fishing, No Loitering, and like signs:	2 sfm
8. Ingress/Egress signs:	6 sfm
9. Community service signs:	32 sfm
10. Political signs:	36 sfm
11. Time and temperature signs:	24 sfm
12. Non-government flags:	32 sfm
13. Athletic event, garage sale, yard sale, and open house signs:	6 sfm
14. Farmers market signs:	6 sfm
15. Banners on non-residential property:	32 sfm
16. Banners hung across within the city limits:	144 sfm
17. Canopy signs:	8 sfm
18. Swinging signs:	8 sfm
19. Under canopy or hanging signs:	8 sfm
20. Athletic sponsorship signs	32 sfm

D. HEIGHT OF SIGNS

1. Free Standing Business signs shall not exceed 15 feet above the average grade (aag).
2. Each Multi-Use sign shall not exceed 20 feet aag for a single directory sign if all identified businesses are within a single building; otherwise 6 feet aag for a single complex sign and 4 feet aag for a directory sign per building.
3. Commercial real estate signs shall not exceed 6 feet aag.
4. Community service signs shall not exceed 6 feet aag.
5. Private street, road name and residence signs shall not exceed 8 feet aag.
6. Banners on non-residential property shall not exceed 15 feet aag.
7. Banners hung within the city limits shall hang a minimum of 18½ feet aag.
8. Flags shall not exceed 30 feet aag.
9. Canopy, under canopy and hanging signs, the base of which shall be a minimum of 8 feet above a walkway open to the public.
10. Roof signs shall not extend above the ridge line of the roof.
11. All other signs shall not exceed 6 feet aag.

E. MATERIAL: Signs shall not have light-reflecting backgrounds, but may use light reflecting lettering.

F. SIGN ILLUMINATION

1. Electrical requirements pertaining to signs shall be prescribed under the most current National Electrical Code.

2. Externally illuminated signs shall meet the following requirements:

a. Illumination shall be a white, steady stationary light of reasonable intensity shielded from being hazardous to pedestrians or auto drivers and directed solely at the sign.

b. Light sources to illuminate signs shall be shielded from all adjacent residential buildings, and streets and shall not be of such brightness so as to create a nuisance to adjacent residential districts.

3. Internally illuminated signs shall not be of such brightness as to cause glare hazardous to pedestrians or auto drivers or so as to create a nuisance to adjacent residential districts.

4. Signs located within the City Limits shall comply with the Electrical and Building Code.

G. QUANTITY

1. Two (2) single business signs per business on non-residential property. Three (3) such signs permissible if business is located on a corner lot.

2. One (1) non-illuminated Commercial Real Estate sign per commercial lot. Two (2) such signs permissible if commercial lot is corner lot.

3. One (1) non-illuminated Real Estate sign per residence. Two (2) such signs permissible if residence is located on a corner lot.

4. One (1) free-standing sign per business per public right-of-way frontage.

5. One (1) free-standing directory sign per multi-use shopping, business, office or professional center or mall if all identified businesses are within a single building; and two (2) such signs are permissible if such center or mall is located on a corner lot. No other free-standing signs are allowed on the multi-use center or mall premises. If, however, the multi-use center or mall consists of multiple buildings, such multi-use complex shall be entitled to one (1) free standing sign identifying the complex [with two (2) such signs permissible if the complex is located on a corner lot] and one (1) free-standing sign per building identifying the businesses located within such building; however, no other types of signs are permitted on or around either the complex or such building other than a single number or letter designation on the building themselves [e.g., A, B, or C; I, II or III; 1, 2, or 3] and a canopy or hanging sign for each individual business over or adjacent to the main door of such business.

6. One (1) banner per business on non-residential property.

H. TIME LIMITS

1. Special event and community service signs may erected no sooner than thirty (30) days preceding a special event and shall be removed within forty-eight (48) hours following the special event. The same or similar special event shall not be advertised more frequently than four (4) times a year.

2. "Grand Opening" and "Now Open" signs may be erected for a period not exceeding thirty (30) days.

3. "Going-out-of-Business" and "Sale" signs may be erected for a period not to exceed six (6) months for "Going-out-of-Business" signs and thirty (30) days for "Sale" signs.

4. Project signs may be erected upon the beginning of construction, may remain on the construction site during the construction and shall be removed within fourteen (14) days following substantial completion of the construction.

5. Signs announcing the subdivision of land may be erected on the land being developed and shall be removed when eighty (80) percent of the development lots are conveyed or a term not to exceed twenty-four (24) months, whichever comes first, unless the twenty-four (24) month term is extended by the City Council.

6. Real estate sign advertising the sale or lease of property shall be removed a the completion of the transaction advertised or within twenty-four (24) months, which ever comes first, unless the twenty-four (24) month term is extended for a period to exceed nine (9) days.

7. Open House and Farmers Market signs may be posted 24 hours in advance of the sale and must be removed within 24 hours after the sale and shall not be erected for a period to exceed nine (9) days.

Signs which relate to a scheduled election or an event held by a church or non-profit organization located within the City of Kirby and may not be erected, used or installed more than twenty (20) days preceding the commencement of early voting for the election or twenty (20) days preceding the church or non-profit organization event to which the sign pertains and shall be removed no later than forty-eight (48) hours after the conclusion of the election or the event to which the sign pertains.

I. OBSTRUCTION: No sign shall be erected so as to obstruct or impair driver or pedestrian vision.

J. VERBIAGE: No sign shall exhibit statements, words, or pictures of obscene or pornographic subjects.

K. BANNERS HUNG WITHIN THE CITY LIMITS:

1. The party responsible must obtain a building permit from the City of Kirby.

2. The permit applicant must submit a sign permit application including the dates for the banner to be hung. A banner may be hung for no more than thirty (30) days.

3. The sign permit application must be submitted to the Administrator at least five (5) working days before, but no more than ninety (90) days before the date requested for the banner to be hung.

4. Banner locations are subject to approval.

5. Banners will be hung and removed on a first come, first serve basis.

6. Once a banner has been removed, it must be picked up at City Hall by the party responsible for it within ten (10) working days. If the responsible party fails to pick up a removed banner, the banner shall be deemed abandoned and the Administrator shall dispose of it.

7. Specifications for Banners:

- a. Banners must be made of a mesh material to insure air flow.
- b. Banners must have two to three foot ropes on each end to attach to poles or supports.
- c. Banners must not exceed four (4) by thirty-six (36) feet.

SECTION VII. ADMINISTRATION

A. SIGNS REQUIRING PERMITS

1. Free-standing business signs
2. Multi-use signs
3. Real estate signs over six (6) square feet
4. Land Development signs over six (6) square feet
5. Non-governmental flags
6. Community Service signs
7. Political signs if such signs exceed 36 square feet, are more than 8 feet high, are illuminated, or have any moving elements
8. Banners hung within the city limits
9. Time and Temperature signs
10. Back-to-back signs
11. Canopy signs
12. Changeable copy signs
13. Double-faced signs
14. Flat signs
15. Roof signs
16. Swinging signs
17. Under-canopy or hanging signs
18. Digital signs
19. Monument signs

B. APPLICATION FOR SIGN PERMIT

1. Any application for a sign permit shall be submitted to the Administrator on a form supplied by the City.

2. The following information shall be submitted with an application for a permit:
 - a. Name, address, telephone and signature of the party responsible.
 - b. Legal description and street address of premises or property upon which the sign is to be located.
 - c. Type of sign for which a permit is being sought.
 - d. A sketch, blueprint, blueline print, or similar presentation drawn to scale and dimensioned, showing proposed text and graphics, location and elevations of the sign as proposed; provided, further, the relationship to other existing adjacent signs shall also be shown. In the case of a free-standing sign, said sketches shall include a site plat showing the proposed location of the sign.
 - e. Such other information as the Administrator may require which is necessary to verify full compliance with all applicable provisions contained in this Ordinance.

C. SIGN PERMIT FEES: Sign permit applications must be submitted with the applicable fee Payment. Fees shall be based on the fee schedule in the 1997 Uniform Administrative Code, table 3A, titled Building Permit Fees.

D. CONTENTS OF PERMIT: Upon approval of the application, the City shall issue a permit for such sign, and/or sign structure. Permits shall be numbered and shall contain the following information:

1. Type of sign
2. Legal property description and the street address of the premises upon which said sign is proposed to be located and the proposed location of the sign on said property.
3. Amount of fee paid for such permit
4. Date of issuance
5. Date the permit expires, if applicable
6. Whether the sign is legal or nonconforming
7. Variance granted, if applicable

E. SIGN INSPECTION: Within ten (10) working days of completion of approved work related to a permitted sign, the party responsible shall notify the Administrator that such sign is ready for a final inspection. The Administrator shall conduct the final inspection for the purpose of verifying that the sign is in compliance with the requirements of the permit and other provisions of this Ordinance. Failure to obtain a satisfactory inspection shall render the permit invalid and the applicant shall be deemed to be in violation of this Ordinance and subject to the other provisions of this Ordinance.

F. SIGN ALTERATIONS EXEMPT FROM PERMIT REQUIREMENT: A permit is not required prior to engaging in sign alterations if such alterations involve only:

1. The changing of copy on a permitted changeable copy sign.
2. The painting or refinishing of the surface of a sign face or sign structure or the general maintenance of a permitted sign.

G. TRANSFER OF OWNERSHIP: The Administrator shall be notified in writing by the party responsible if there is a change in ownership of the business identified by a sign or of the premises on which a sign is located. The permit associated with such sign shall be transferred to the new owner/party responsible upon the payment of a transfer of ownership fee in the amount of \$50.00. If a permitted sign is dismantled or removed as a result of such transfer of ownership, the prior permit shall be deemed abandoned and void.

H. REPLACEMENT OF PERMIT: If a permit is lost, defaced, destroyed or otherwise becomes illegible through normal wear, a replacement application shall be submitted to the Administrator along with a fee of \$50.00.

I. VIOLATION NOTICE

1. The Administrator or his/her designee shall have the authority to issue a sign violation notice and shall be empowered to enter upon the premises of any person within the City of Kirby for the purpose of enforcing the provisions herein.
2. When a sign requiring a permit under the terms of this Ordinance is erected, without a sign permit, the Administrator shall use the following procedures.
 - a. The City shall give written notice of violation to the property owner that the sign is in violation of this Ordinance. The notice shall include the date that such violation was noted, instructions to remove the sign, to bring the sign in conformance with this Ordinance and/or to contact the Administrator to apply for a permit or variance for the sign, and inform the property owner that a citation may be issued and the sign may be removed by the City if the notice is not heeded within ten (10) days from the date of the written notice. The notice is deemed delivered when deposited in the mail, postage paid to the last known address of the property owner.
 - b. If, within ten (10) days from the date of the written notice, the property owner fails to remove the sign, bring the sign into conformance with this Ordinance, or to apply for a permit or variance for the sign, the Administrator may have the sign removed or impounded without further notice, and /or may have a citation issued to the property owner requiring that the property owner appear before the Municipal Judge. If a permit or variance is applied for pursuant to this subsection, the sign shall be removed pending the Council's decision on the permit or variance.
 - c. If a sign is located within the public right-of-way, within the setback from the public right-of-way, or off premises, the Administrator shall give written or verbal notice to the party responsible that any future violation of a similar nature shall not require a violation

notice and shall result in a citation requiring that the party responsible appear before the Municipal Judge.

J. IMPOUNDMENT OF SIGNS

1. The Administrator shall have the authority to remove all signs, without notice to the owners thereof, placed within any street or highway right-of-way, or attached to trees, telephone and utility poles, other natural features or signs otherwise prohibited by this Ordinance, and to impound them for a period of five (5) business days.

2. The owner of a sign impounded may recover same upon payment of an impoundment fee for each sign, prior to the expiration of the five (5) business days impoundment period; in the event such sign is not claimed within five (5) business days, the Administrator shall have authority to dispose of such sign.

K. PENALTIES: Any person who violates the provisions of this Ordinance upon conviction shall be guilty of a misdemeanor and shall forfeit both the sign and any permit associated with the sign; such person shall also pay such penalties as the Municipal Court may decide not to exceed Five Hundred Dollars (\$500.00) for each violation. Each sign and each day or part of a day violation shall constitute a separate violation.

L. CITY SIGNS EXEMPT: This Ordinance shall not apply to signs or banners posted by or for the City.

SECTION VIII. APPEALS AND VARIANCES

A. APPEAL: A party responsible who alleges that the Administrator acted erroneously in enforcing this Ordinance may appeal the decision of the Administrator to the City Council in writing. Such appeal shall be filed within seven (7) business days of the delivery of an official notice of the Administrator's decision; such official notice shall be deemed delivered on the day deposited in the mail, postage paid certified mail return receipt requested to the last known address of the party responsible. At the time the appealing party files written notice of appeal, the appealing party is also required to file a non-refundable cash deposit in the amount of \$300.00 to defray the City's administrative and legal costs for processing the appeal. Enforcement provisions, other than removal of the sign in question, will be stayed until the appeal is heard and decided. Construction on the sign shall not continue until the appeal is heard and decided. Such appeal shall be heard at the next regular or special Council meeting for which the appeal can be posted as an agenda item in compliance with the Texas Open Meetings Act; and the Administrator shall give the appealing party at least three (3) days written notice of such meeting, which notice shall be deemed delivered on the day it is deposited in the mail, postage prepaid certified mail return receipt requested to the last known address of the appealing party. The Council shall determine the merits of the appeal in the same manner as it decides any other matter before the Council.

B. VARIANCES: There shall be a presumption against variances. However, recognizing that the strict application of the requirements of this Ordinance may work an undue hardship on certain applicants, variances may be granted by the City Council.

1. Granting the variance must be based on the City Council's opinion that undue hardship will result from strict compliance with this Ordinance.

2. Granting the variance must not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

3. Each application for any variance shall be submitted in writing and signed by the party responsible for the sign for which the variance is being sought.

4. Each application for any variance shall be submitted to the Administrator with a payment of a variance fee listed in the City Fee Schedule Ordinance.

5. The City Council shall deny the variance or grant the variance with or without conditions within thirty (30) days after the application is filed; and failure of the Council to act within such period shall constitute a denial of such variance.

SECTION IX. INTERPRETATION AND CONFLICT

A. MINIMUM REQUIREMENTS: The standards and provisions of this Ordinance shall be interpreted as being the minimum requirements necessary to uphold the purposes of this Ordinance.

B. OTHER ORDINANCE REQUIREMENTS: Whenever this Ordinance imposes a higher standard than required by any other Ordinance or requirement, the provisions of this Ordinance shall govern.

C. PRIVATE RESTRICTIONS: Whenever this Ordinance imposes a higher standard than required by easements, deed restrictions, covenants or agreements, the provisions of this Ordinance shall govern.

D. STATUTES: Whenever the provisions of any applicable state or federal statute impose a higher standard than required by this Ordinance, the provisions of such statute shall govern.

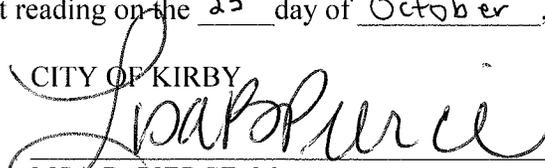
E. EFFECTIVE DATE: This Ordinance shall become effective ten (10) days after the date of approval and publication as provided for by law.

SECTION X. SEVERABILITY CLAUSE

Should any of the various clauses, sentences, paragraphs, sections, or parts of this Ordinance be held for any reason invalid, unconstitutional or unenforceable as applied to a sign or a sign structure, the same shall not be construed to affect any other valid portions hereof and such valid portion shall remain in full force and effect.

PASSED AND APPROVED on first reading on the 25 day of October, 2018.

CITY OF KIRBY


LISA B. PIERCE, Mayor

ATTEST:

Patty Cox

Patty Cox, TRMC, City Secretary

PASSED AND APPROVED on second reading on the 8 day of November, 2018.

CITY OF KIRBY

Lisa Pierce

LISA B. PIERCE, Mayor

ATTEST:

Patty Cox

Patty Cox, TRMC, City Secretary