

**CITY OF THE COLONY, TEXAS  
ORDINANCE NO. 2012-1950**

**SIGN ORDINANCE REVISIONS**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, APPROVING AN ORDINANCE REVISING THE CODE OF ORDINANCES, ARTICLE XI OF CHAPTER 6, ENTITLED “SIGNS,” BY AMENDING SECTION 6-254 ENTITLED “ENFORCEMENT AUTHORITY,” BY REVISING SUBSECTIONS (A) AND (B) AND ADDING A NEW SUBSECTION (C), BY AUTHORIZING THE ISSUANCE OF CITATIONS OR ORDER THE REPAIR OR REMOVAL OF DILAPIDATED, ILLEGAL, UNSAFE, UNLIT, OR PROHIBITED SIGNS, PROVIDING FOR NOTICE TO THE PROPERTY OWNER, TENANT, AGENT, OR PERSON HAVING BENEFICIAL USE OF THE SIGN, PROVIDING THAT THE NOTICE INDICATE THE PERIOD OF TIME FOR COMPLIANCE NOT TO EXCEED TEN (10) DAYS; AMENDING AND RENAMING SUBSECTION 6-255(A), AS “REMOVAL/IMPOUNDMENT OF PROHIBITED AND ABANDONED SIGNS,” AND PROVIDING REGULATIONS FOR REMOVAL AND IMPOUNDMENT OF PROHIBITED AND ABANDONED SIGNS; AMENDING SECTION 6-261 ENTITLED “SPECIFIC SIGN CRITERIA – TEMPORARY SIGNS,” BY AMENDING SUBSECTION (A) ENTITLED “BANNER ADVERTISING A COMMERCIAL USE,” BY REPEALING SUBSECTION (D) ENTITLED “GARAGE SALE SIGN” AND REPLACING IT WITH A NEW SUBSECTION (D)(1) ENTITLED “SIGNS, INDIVIDUAL GARAGE SALE,” (D)(2) ENTITLED “SIGNS, COMMUNITY GARAGE SALES (SUBDIVISIONS AND HOAS)”, AND (D)(3) ENTITLED “SIGNS, GROUP GARAGE SALE (NOT-FOR-PROFIT GROUPS),” AND BY ADDING SUBSECTION (J) ENTITLED “FEATHER SIGNS”; AMENDING SECTION 6-262, ENTITLED “SPECIFIC SIGN CRITERIA – PERMANENT SIGNS”, BY REPLACING SUBSECTION (B) ENTITLED “LIGHTPOST BANNER” WITH A NEW SUBSECTION (B)(1) ENTITLED “LIGHTPOST BANNERS (PRIVATELY OWNED LIGHTPOSTS),” ADDING A NEW SUBSECTION (B)(2) “LIGHTPOST BANNERS (PUBLICLY OR UTILITY OWNED LIGHTPOSTS),” BY ESTABLISHING REGULATIONS FOR BANNERS TO BE PLACED ON LIGHTPOSTS, AND BY ADDING A NEW SUBSECTION (J), ENTITLED “FLAGS AND FLAGPOLES,” BY ESTABLISHING REGULATIONS FOR FLAGS AND FLAGPOLES; AMENDING SECTION 6-263, ENTITLED “DEFINITIONS,” BY ADDING A NEW DEFINITION FOR “ABANDONED SIGN,” “COMMUNITY GARAGE SALE,” “FEATHER SIGN,” “FLAGPOLE,” “GROUP GARAGE SALE,” AND “INDIVIDUAL GARAGE SALE,” AMENDING THE DEFINITION OF “WIND DEVICES,” AND REPEALING THE DEFINITION OF “OCCASIONAL SALES,” PROVIDING A SEVERABILITY CLAUSE; PROVIDING A**

**REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services and facilities in the corporate limits of the City of The Colony, Texas, to encourage the general attractiveness of the community and to protect property values therein; and

**WHEREAS,** the City Council of the City of The Colony, Texas, intends to establish updated regulations governing the display, removal and/or impoundment of signs by providing that signs promote and protect the public health, safety, comfort, morals and convenience, do not obstruct firefighting or police activity, and improve pedestrian and traffic safety; and

**WHEREAS,** the City Council of the City of The Colony, Texas, desires, by establishing updated regulations applicable to signage, to enhance the economy and the business and industry of the City of The Colony, Texas, by promoting the reasonable, orderly and effective display of signs and thereby encourage increased communication with the public, so that businesses and services may identify themselves, customers and other persons may locate a business or service, and by providing regulations to ensure that signs are compatible with their surroundings and are appropriate to the type of activity to which they pertain; and

**WHEREAS,** the City Council of the City of The Colony, Texas, has discussed and considered such revisions and has determined that it is in the best interest of the City to amend the current Chapter 6, Article XI concerning the regulation of signs within the City and extraterritorial jurisdiction of the City in accordance with State law.

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

**SECTION 1.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2.** That Chapter 6, Article XI, Entitled “Signs,” of the Code of Ordinances of the City of The Colony, Texas, is hereby amended by amending Section 6-254, entitled “Enforcement Authority,” to read as follows:

- “(a) The Chief Building Official or his designee is hereby authorized to issue a citation and/or to order the repair or removal of any dilapidated, illegal, unsafe, unlit or prohibited sign from property within the corporate City limits and the extraterritorial jurisdiction (ETJ) of The Colony, in accordance with the enforcement mechanisms set forth in this article.
- (b) If the property owner or tenant, agent or person having beneficial use of the sign refuses to comply with this Article, the City shall give written notice to the property owner and/or the person having beneficial use of the sign. The notice shall be delivered in person or by mail to the property owner or tenant, agent or person having beneficial use of the sign. If delivery to property owner and/or the person having beneficial use of the sign is not possible, a one-time notice shall be published in the City’s official newspaper.

- (c) A notice of violation shall contain a statement setting forth the requirements of this section and include the period of time in which the Chief Building Official or his designee deems appropriate for compliance or correction, but not to exceed ten (10) days. If the sign is brought into compliance within the prescribed time period, no further action will be taken by the City. If the sign is not brought into compliance within the prescribed time period, a citation will be issued to the property owner and/or the person having beneficial use of the sign. Any costs incurred by the City in the reconstruction or removal of a sign found to be in violation shall be reimbursed by the property owner or the person having beneficial use of the sign. Every day in violation constitutes a new violation. If the property owner or the person having beneficial use of the sign fails to reimburse the City for the costs associated with the removal of the sign or for the costs of bringing the sign into compliance, a lien shall be filed against the property.”

**SECTION 3.** That Chapter 6, Article XI, Entitled “Signs,” of the Code of Ordinances of the City of The Colony, Texas, is hereby amended by amending Subsection 6-255(a), entitled “Removal/impoundment of a prohibited sign” to be renamed as “Removal/impoundment of prohibited and abandoned signs,” and shall read as follows:

“(a) *Removal/impoundment of prohibited and abandoned signs.*

- (1) Any prohibited sign or non-compliant sign within the corporate City limits and the extraterritorial jurisdiction (ETJ) of The Colony shall be considered a public nuisance and is prohibited by this Article. Upon identification of any prohibited sign, the Chief Building Official or his/her designee shall provide written notification of the violation to the property owner or tenant, agent or person having beneficial use of the sign. The notification shall state that the offending sign shall be removed by the owner, agent or person having beneficial use of the sign within the time period deemed appropriate by the Chief Building Official or his designee for compliance or correction, but not to exceed ten (10) days. The notification shall further state that if the prohibited sign is not removed or brought into compliance within the timeframe specified within the notification letter (not to exceed ten (10) calendar days), a citation may be issued and the City may resort to any civil remedy available, up to and including impoundment. If any sign is determined to present an immediate danger to public health, safety or welfare, the City shall remove the sign immediately upon receiving a written court order for such removal. The Chief Building Official or his designee shall notify the property owner or tenant, agent or person having beneficial use of the prohibited sign, within ten (10) calendar days following the removal of the sign, the reason(s) for the removal of the sign. Any sign authorized by a sign permit that includes an expiration date shall be removed promptly upon the date of permit expiration. Any sign remaining after the date of permit expiration shall be deemed prohibited and be subject to immediate removal and impoundment by the City. The sign permit that provides the expiration date shall be considered adequate notice of violation and no other notice is required.

- (i) It shall be unlawful for any removable sign that has been determined to be abandoned by the Chief Building Official or his designee to remain in place and shall be removed entirely within thirty (30) calendar days of the

advertising entity's business closure.

- (ii) It shall be unlawful for any monument or pylon sign that has been determined to be either partially or completely abandoned by the Chief Building Official or his designee to have the abandoned portion remain. The abandoned portion of the monument or pylon sign shall be replaced with a blank white fascia within thirty (30) calendar days of the advertising entity's business closure."
- (2) The City reserves the right to deny any new sign permits to any person, business or entity found to repeatedly violate the provisions set forth in removal or remediation requirements of this ordinance."

**SECTION 4.** That Chapter 6, Article XI, Entitled "Signs," of the Code of Ordinances of the City of The Colony, Texas, is hereby amended by amending Section 6-261 entitled "Specific Sign Criteria – Temporary Signs," by amending subsection (a) entitled "Banner Advertising a Commercial Use;" by repealing subsection (d) entitled "Garage Sale Sign" and replacing it with a new subsection (d)(1) entitled "Signs, Individual Garage Sale," (d)(2) entitled "Signs, Community Garage Sales (Subdivisions and HOA's)", and (d)(3) entitled "Signs, Group Garage Sale (Not-For-Profit Groups)," and by adding a new subsection (j) entitled "Feather Signs", which shall read as follows:

(a) Banner Advertising a Commercial Use	
Location	A banner shall be securely attached to the front, side or rear face of a building A banner sign may be located within the front or side landscaped area of a lot, providing the banner is set back from the right-of-way a minimum of 50 feet. In these cases, a scaled site plan drawing shall be submitted to the Development Services Director who will ascertain appropriate placement of the banner
Maximum Effective Sign Area	48 square feet
Maximum Number	1 banner sign is allowed at any given time for any given business
Maximum Number of Occurrences/Year	3 banner permits are allowed per business per calendar year
Minimum Vertical Sidewalk Clearance	7 feet in height when attached where pedestrians would walk beneath the banner
Permit	Required
Fee	Yes
Timeframe	Valid for 30 days During the 30 day time period, the content of the banner may be changed one time No banner may be displayed concurrently with feather signs
Removal	All banners must be removed on the day of the expiration of the permit

**(d)1. Signs, Individual Garage Sale**

Purpose	To regulate the maximum number of signs that may be legally placed within the City for a garage sale hosted by one family
Location	Any garage sale sign must be placed outside the right-of-way and/or street medians and may not be affixed to any signal, traffic, utility or light pole
Maximum Effective Sign Area	3 square feet of effective sign area per sign face (may be double sided)
Maximum Height	3 feet
Maximum Number of Signs	6 signs
Permit	Required
Fee	No
Timeframe:	Friday 8:00 am to Monday 8:00 am* *If applicant wishes to propose alternate three (3) consecutive days for the sale, the alternate days shall be requested on the application.



GARAGE SALE SIGN

**(d)2. Signs , Community Garage Sales (Subdivisions and HOAs)**

Purpose	To regulate the maximum number of signs that may be legally placed within the City for a garage sale hosted by a subdivision, HOA or any similar group
Location	Any garage sale sign must be placed outside the right-of-way and/or street medians and may not be affixed to any public or utility owned signal, traffic, utility or light pole
Maximum Effective Sign Area	3 square feet of effective sign area per sign face (may be double sided)
Maximum Height	3 feet
Maximum Number of Signs	12 signs
Permit	Required
Fee	No
Timeframe:	Friday 8:00 am to Monday 8:00 am* *If applicant wishes to propose alternate three (3) consecutive days for the sale, the alternate days shall be requested on the application.

**(d)3. Signs, Group Garage Sale (Not-for-Profit Groups)**

Purpose	To regulate the maximum number of signs that may be legally placed within the City for a garage sale hosted by a not-for-profit group,
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	generally on a public, commercial site	
Location of Signs	Any group garage sale sign and/or banner must be placed outside the right-of-way and/or street medians and may not be affixed to any signal, traffic, utility or light pole	
Signs for Group Garage Sale	Maximum Effective Sign Area	3 square feet of effective sign area per sign face (may be double sided)
	Maximum Height	3 feet
	Maximum Number of Signs	12 signs
	Permit for Signs	Required
	Fee	Free for regular signs
	Timeframe	Friday 8:00 am to Monday 8:00 am* *If applicant wishes to propose alternate three (3) consecutive days for the sale, the alternate days shall be requested on the application.
Banners for Group Garage Sales	Maximum Number of Banners	Group garage sales may display one (1) banner advertising the sale
	Permit for Banner	Required
	Fee	Per the Development Services Fee Schedule
	Timeframe	May be displayed up to 5 working days prior to the sale in addition to during the sale

#### (j) Feather Signs

Purpose	To allow applicants an alternative method of advertising special events and/or sales
Location	<p>Feather signs may be placed in the front yard of any business within a landscaped and/or grassy area</p> <p>Feather signs shall be located on the same lot as the applicant's business and directly in front of the business</p> <p>In cases where a pad site, another parcel or structure interferes with the usual placement of feather signs directly in front of the business, the Chief Building Official will determine the appropriate placement and his decision regarding placement will be final</p>
	<p>Where a sidewalk exists, the placement of the feather signs shall be located on the opposite side of the sidewalk from the right-of-way and set back a minimum of 2 feet from the sidewalk</p> <p>Where no sidewalk exists, the placement of the feather signs shall be set back a minimum of 10 feet from the back-of-curb</p>



FEATHER SIGNS

	No feather signs shall be placed in the right-of-way or medians No feather sign shall encroach over or onto any public right-of-way or visibility triangle
Maximum Height	15 feet
Maximum Effective Sign Area	30 square feet of effective sign area
Maximum Number of Signs per Business	The maximum number of signs shall be calculated based on the width of the façade or face of the business that will be utilizing the feather signs, as follows: 0 - 50 feet wide – maximum 3 signs 51 - 100 feet wide – maximum 5 signs 101 - 200 feet wide – maximum 7 signs 201 feet and greater – maximum 10 signs  Feather signs shall be spaced a minimum of 15 feet from another feather sign and be located a minimum of 10 feet from any drive providing ingress and egress  A scaled site plan drawing showing the proposed location of the feathers signs shall be submitted to the Development Services Director who will ascertain the appropriate placement of the feather signs
Maximum Number of Permits/Year	3 permits for feather signs are allowed per business per calendar year
Timeframe	Valid for 30 days No feather signs may be displayed concurrently with a banner
Permit /Application	Required
Fee	Yes
Removal	All feather signs must be removed on the day of the expiration of the permit

**SECTION 5.** That Chapter 6, Article XI, Entitled “Signs,” of the Code of Ordinances of the City of The Colony, Texas, is hereby amended by amending Section 6-262 entitled “Specific Sign Criteria – Permanent Signs,” by repealing subsection (b) entitled “Lightpost Banners” and replacing it with subsection (b)(1) entitled “Lightpost Banners (Privately Owned Lightposts)” and (b)(2) entitled “Lightposts Banners (Publicly or Utility Owned Lightposts),” and by adding a new subsection (j) entitled “Flags and Flagpoles,” which shall read as follows:

<b>(b)1 Lightpost Banners (Privately Owned Lightposts)</b>	
Purpose	To regulate the use of lightposts owned by a homeowners association or other similar entities, for display of banners that advertise events or other activities solely sponsored by the entity owning the lightposts and for events or other activities occurring within the City of The Colony
Prohibited Types	Banners for commercial use; political campaigns, or garage sales
Authority	The governing body of the homeowners’ association or another similar entity demonstrating ownership of private lightposts shall have sole

	authority as to the use and appropriateness of the banners placed on said privately owned lightposts
Location	Citywide
Maximum Effective Sign Area	24 square feet of effective sign area per banner
Minimum Clearance	9 feet
Permit	Not required for any banner affixed to a private lightpost
Fee	No
Maximum Number of Signs	2 banners are allowed on any lightpost Each banner may be double-sided
Timeframe	None specified

#### **(b)2 Lightpost Banners (Publicly or Utility Owned Lightposts)**

Purpose	To regulate the use of publicly or utility owned lightposts for display of banners that advertise events or other activities occurring within the City of The Colony
Prohibited Types	Any commercial use (excluding those special events that are sponsored, in whole or in part, by the City); political signs, garage sale signs
Authority	The Development Services Director, or his designee, shall make decisions as to the use and appropriateness of the banners placed on said publicly or utility owned lightposts
Location	Citywide
Maximum Effective Sign Area	24 square feet of effective sign area per banner
Minimum Clearance	9 feet
Permit	Not required for any banner affixed to a public or utility owned lightpost
Fee	No
Maximum Number of Signs	2 banners are allowed on any lightpost Each banner may be double-sided
Timeframe	None specified

#### **(k) Flags and Flagpoles**

Purpose	To allow the display of national, state, local or organizational flags within the city limits.
Location	A flag and flagpole may be placed in the front and/or rear yard of the lot. No flags shall be placed in the right-of-way or medians. Flags in residential zoning districts may be placed in ground or attached to



	the primary structure Flags shall not be attached to fences Flags shall not be attached to trees No flag shall encroach over or onto any public right-of-way
Maximum Height (from ground level)	Residential = 35 feet Commercial less than 4 stories = 50 feet Commercial 4 stories or greater = 75 feet
Maximum Flag Area	Residential = 35 square feet Commercial = 70 square feet
Flagpole Support	Guy wires or similar support features are prohibited.
Maximum Number of Flagpoles	Residential = 1 Commercial = 4; however, no more than 1 corporate identity flag may be flown on any property
Permit /Application	Flagpoles 20 feet in height or less – Not Required Flagpoles over 20 feet in height – Required
Fee	Flagpoles 20 feet in height or less – No Flagpoles over 20 feet in height – Yes
Installation	Flagpoles over 20 feet in height – Requires a professional contractor to install.

**SECTION 6.** That Chapter 6, Article XI, entitled “Signs,” of the Code of Ordinances of the City of The Colony, Texas, is hereby amended by amending Section 6-263, entitled “Definitions,” by adding new definitions for “Abandoned Sign,” “Community Garage Sale,” “Feather Sign,” “Flagpole,” “Group Garage Sale,” “Individual Garage Sale,” and by revising the definition for “Wind Devices” to be inserted and incorporated alphabetically into Section 6-263 and to read as follows:

*“Abandoned Sign.* Any sign that remains in place and continues to advertise a business of entity that has ceased operations or has closed for thirty (30) days or more following said closure or ceasing of operations shall be considered abandoned.”

*“Community Garage Sale.* An occasional sale occurring at the residences of several individuals within one subdivision or in one (1) general geographic area, where the residents work together to share advertising and other costs; and whereby tangible personal property is sold for the monetary benefit of the property owners or residents individually.”

*“Feather Sign.* A device temporarily placed in the ground for the purpose of attracting attention to a business and/or event made of an upright pole and a flexible fabric area on which the signage is placed that is intended to move with wind currents.”

*“Flagpole.* A device permanently placed in the ground for the purpose of flying a flag of the nation, state, political division or organization.”

*“Group Garage Sale.* An occasional sale generally occurring at a commercial site, whereby a not-for-profit group or organization sells tangible personal property for the general purpose of fund-raising.”

*“Individual Garage Sale.* An occasional sale occurring at the residence of an individual, whereby tangible personal property is sold for the monetary benefit of the property owner or resident.”

*“Wind Device.* Any pennant flag, streamer, spinner, balloon, or similar devices made of cloth, canvas, plastic, or any flexible material designed to float or move freely. Flags, inflatable signs, and banners shall not be considered a wind device.”

**SECTION 7.** That Chapter 6, Article XI, entitled “Signs,” of the Code of Ordinances of the City of The Colony, Texas, is hereby amended by amending Section 6-263, entitled “Definitions,” by repealing the definition of “Occasional sales.”

**SECTION 8.** If any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 9.** That all provisions of the Ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 10.** Any person, firm, or corporation knowingly violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of The Colony, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense. Every day a violation occurs shall constitute a separate offense.

**SECTION 11.** This Ordinance shall become effective from and after its date of passage in accordance with law.

**DULY PASSED** by the City Council of the City of The Colony, Texas, this the 3rd day of April, 2012.

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/s/Joe McCourry, Mayor

**ATTEST:**

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/s/Christie Wilson, City Secretary

**APPROVED AS TO FORM:**

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/s/Jeff Moore, City Attorney