

**CITY OF LUMBERTON, TEXAS  
ORDINANCE NO. 20-1246**

**AN ORDINANCE OF THE CITY OF LUMBERTON, TEXAS, AMENDING CHAPTER 50, ARTICLE VI – SIGNS, TO PROVIDE SETBACKS AND SPACING OF POLE SIGNS CONSTRUCTED WITHIN THE CITY LIMITS; PROVIDING CUMULATIVE AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Council in an effort to promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic;

WHEREAS, the City Council wishes to protect pedestrians and motorists from damage and injury caused or attributed to the distractions or obstructions and visual clutter which are the result of improperly situated signs;

WHEREAS, it is the desire of the City Council to protect the public from damages and injury that may be caused by inadequately spaced pole signs;

WHEREAS, the City Council further wants to avoid visual clutter which will interfere with the scenic views and character of the city caused by inadequately spaced pole signs;

WHEREAS, the City Council further finds that it is necessary to adopt this ordinance amendment to protect the health, safety and welfare of the general public.

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

**Section 1.** The above premises are found to be true and correct legislative and factual determinations of the City of Lumberton and are hereby approved.

**Section 2.** The City's Code of Ordinances, Chapter 50, Article VI. - SIGNS shall be amended to read as follows:

**CHAPTER 50, ARTICLE VI. - SIGNS**

**ARTICLE VI. - SIGNS**<sup>[3]</sup>

Footnotes:

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**State Law reference—** Regulation of signs by municipalities, V.T.C.A., Local Government Code ch. 216. Sec. 50-565. - General.

- (a) *Purpose.* Recognized as a significant and specific use of land for the purpose of protection of places and areas of historical and cultural importance; to increase safety and lessen congestion in the streets; to conserve the value of buildings; to preserve residential values; and to encourage the most appropriate use of land, standards are herein provided for the installation of signs. No sign shall be erected, placed or located except in accordance with the standards of this article.
- (b) *Definitions.* For the purposes of this chapter, the following definitions and regulations shall apply, unless clearly indicated to the contrary:

*Accessory sign:* A sign, which is accessory to the principle use of the premises.

*Apartment:* An accessory sign promoting the sale or rental of apartments.

*Awning:* A structure hung from the surface of a building designed to provide protection from sun, rain, wind and other weather conditions. An awning may be composed of fabric, steel, wood, Plexiglas, among other materials.

*Balloon or inflatable device:* Any sign or form of advertisement in the form of or attached to a balloon or other inflatable, inflated or floating device shall be prohibited, except as provided for in this chapter.

*Billboard:* A sign that exceeds 250 square feet face area and displaying advertising that pertains to a business, organization, activity, person or persons, event, place, service, product or agency not principally located or primarily manufactured or sold on the premises on which the sign is located.

*City:* The City of Lumberton, Texas.

*Construction sign:* A temporary accessory sign relating to the promotion of new developments on the premises upon which the sign is located.

*Electronic message sign:* A sign displaying only alphanumeric characters against a solid, color-contrasting background, the characters of which can be electronically changed by remote or automatic means. Such sign shall be considered on-premises signs if all the messages displayed on the sign relate to on-premises activities.

*Development sign:* Such sign regulations are found in article III, division 11 of this chapter which regulates the specific maximum height, setback, general types and area of such signs permitted.

*Face:* The entire advertising area of a sign excluding framing, trim, or supporting structure.

*Flags or banners:* Any pole-mounted flag, banner, or material of cloth, vinyl, plastic, canvass, leather or other similar material used for the express purpose of attracting attention to a place of business or location shall be prohibited except for coming soon or now open signs, grand opening signs, now hiring signs, change of business/ownership signs, public announcement signs or special event signs. This shall not include public display of a state, national, local, religious or institutional flag or emblem, or a registered corporate logo which shall be allowed in any zoning district classification within the city, provided that the number of flag poles does not exceed three flag poles per platted lot within a maximum height of the flag pole not to exceed 25 feet and the maximum flag area does not exceed 15 square feet per flag in a residential zoning district; and provided the maximum height of the flag poles does not exceed 40 feet and the maximum flag area does not exceed 40 square feet per flag in a nonresidential zoning district. One registered corporate logo flag shall be permitted per platted lot provided that two or more flag poles have been erected on the lot and other flag pole or poles are being used to display the national, state or local flag. A registered corporate logo shall be limited to one flag. The 36 U.S.C.A. §§ 173—176, chapter 10 Patriotic Customs, a copy of which is on file in the office of the city secretary, is hereby adopted and incorporated in this section as if it was copied in its entirety and the provisions thereof shall be controlling within the city, except as amended in this section.

*Flashing:* This includes all signs which alter their illuminated intensity through the use of strobe light, rotating beacons, flashing lights which cause illumination to vary.

*Garage sales:* Yard sales, rummage sales, estate sales, or sale of anything of value on any premises not considered a retail business establishment and zoned accordingly and/or licensed to do business in the City of Lumberton and/or the State of Texas.

*General business:* An accessory sign which directs attention to a business profession, service, product or activity conducted, sold or offered on the premises where such sign is located. General business signs include applicable electronic message signs, flags and banners, ground signs, manufactured housing signs, marquee signs, message signs, monument signs, nonresidential signs, portable or temporary signs, projecting signs, wall signs and window signs.

*Glare:* No sign shall be illuminated to such intensity or in such a manner as to cause glare or brightness to such a degree that it constitutes a hazard or nuisance to traffic. Indirect lighting for signs shall not overshoot the façade of the sign.

*Ground sign:* A freestanding sign supported by one or more uprights, braces, or pylons located in or upon the ground or to something requiring location on the ground. Signs may be temporary or permanent fixture that is adjacent to the ground and does not exceed a height of ten feet and 60 square feet area.

*Height:* The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average ground level beneath the sign.

*Human sign:* All human signs shall be prohibited notwithstanding the foregoing human signs announcing a fundraising event for a charitable, religious, philanthropic, educational or civic institution shall be allowed but are subject to the following restrictions:

- (1) The human sign shall be limited to on-premises display only.
- (2) Human signs shall not be located in the right-of-way.
- (3) Human signs shall only be permitted during the fundraising event.
- (4) The human sign shall not utilize any lighting device or other item that will distract or otherwise interfere with the attention of the driving public.

*Illuminated:* This refers to any sign which has characters, letters, figures, designs or outlines which are illuminated by electrical lights, luminous tubes or any other source of artificial light.

*Intuitional:* An accessory sign relating to a church, school or other public institution.

*Lawful nonconforming sign:* A sign that was correctly permitted and lawfully constructed prior to the adoption of this article according to the ordinances, statutes, and regulations in effect at the time of its construction, and which does not comply with current ordinances, statutes or regulations solely due to intervening regulatory amendments.

*Logo:* Any formalized design, insignia or trademark of a company or product which is commonly used to advertise that company or product.

*Manufactured housing sign:* An accessory sign identifying the name and address of a manufactured housing park and promoting the sale or rental of manufactured home site.

*Marquee sign:* A "theater type" sign in which letters are physically removable to allow for different messages. Marquee signs are generally illuminated.

*Message sign:* Any sign which through the use of independently illuminated lights displays the time, day, date, temperature and brief messages, either in a scrolling, flashing or digital manner.

*Monument sign:* A low-profile sign made of stone, concrete, metal, wood planks or beams, brick or similar materials. A monument sign should be solid from the ground up and its poles or supports shall be concealed.

*Nameplate sign:* An accessory sign identifying the name and address of the owner or occupant.

*Nonresidential:* An accessory sign advertising a nonresidential use which may be permitted in a residential zone or which may be approved by specific use permit.

*Nuisance signs:* Any sign with moving parts, animated features, flashing, blinking or rotating illuminating or any other visual and/or audible features that cause a distraction or public nuisance shall be prohibited.

*Obsolete sign:* Any sign which no longer serves a bona fide use or purpose on a lot with or without a structure.

*Off-premises sign:* A sign displaying advertising that pertains to a business, person, event, organization, activity, service or product not principally located or primarily manufactured or sold on the premises where the sign is located.

*On-premises sign:* A sign identifying or advertising a business, person or activity and installed and maintained on the same premises as the business, person or activity.

*Parapet wall sign:* A sign located along a low protective wall or railing along the edge of a raised structure such as a roof or balcony.

*Pole sign:* Any sign which is freestanding from a structure or building and supported by a form or on top of a pole(s) or beam(s) composed of wood, metal or some other material.

*Portable sign:* Any outdoor advertising display which is moveable from one location to another and which is not attached to a fixed structure or does not have supports embedded permanently into the ground. Portable signs includes applicable electronic message signs, flags and banners, ground signs, general business signs, and real estate signs. The term "portable sign" shall specifically include an outdoor advertising display located in or on a vehicle or trailer except:

- (1) Any sign on a vehicle which identifies the business by displaying the name, address and/or telephone number of such business and/or identifying the type of product or service offered by the business. The primary use of such vehicle shall be for the delivery of persons, products or services in connection with the business and the vehicle must be currently licensed, inspected and registered with the State of Texas and in operable condition. Such vehicles must be parked

in a designated parking space and may not be parked within ten feet of the right-of-way. Any vehicle left over 24 hours and parked in such a way to be used as a portable sign is prohibited.

- (2) Any sign on a trailer, back of pick-up truck, flatbed or tractor-trailer rig parked for over 24 hours or parked in such a way to cause visual clutter is considered a portable sign and is prohibited. Sandwich boards and any temporary banners, and A-frame type signs are considered portable signs and are prohibited.
- (3) Menu boards are considered portable signs. Menu boards not over two feet by two feet used for restaurants, cafes or food service establishments to list items, dishes, meals or specialties for sale are allowed on private property.

*Premises:* A parcel of land with its appurtenances and buildings, which is devoted to a particular land use.

*Projecting sign:* Any sign which projects more than 12 inches from a building façade, wall, fence, and roof and has one end attached to a building or other permanent structure.

*Real estate sign:* A temporary accessory sign pertaining to the sale or rental of the property on which the sign is placed and advertising the property only for a use for which is it properly zoned.

*Right-of-way:* Land reserved, used or to be used for street, alley, walkway, drainage facility, utility or other public purpose. Right-of-way includes public easements and public waterways.

*Roof sign:* A sign that is painted on or erected upon or above the roof of a building. Roof signs are prohibited within the city limits.

*Sign:* The term "sign" shall mean and include every sign, name, number, display, flag, identification, description, announcement, declaration, demonstration, device, banner, pennant, illustration, beacon, light or insignia, and structure supporting any of the same affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land which issued to inform the public of any object, product, service, place, activity, person, institution, organization or business, and is visible from the public right-of-way. Any interior illuminated or moving sign or light which is visible from the exterior may be determined as being erected on the exterior of the building or structure.

*Temporary sign:* Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials, with or without frames, and any type sign not permanently attached to the ground, wall or building, intended to be displayed for a short period of time. Temporary signs may include political signs, non-illuminated real estate signs, special event signs.

*Wall sign:* Any sign attached to or painted on a wall with the sign facing parallel to and not more than 12 inches from the wall surface. A sign attached to or painted upon an awning shall be considered a wall sign.

*Window sign:* Any sign, banner or painted message which is displayed from the building interior and is visible through the window of the establishment. This type of sign is one that is intended directly for viewing from the outside and does not include interior signs which may be partially visible from the outside of the establishment.

(c) *Signs exempt from the regulations contained in article VI include the following:*

- (1) Governmental signs that the city, county, state or federal government erects in furtherance of their governmental responsibilities;
- (2) A sign that has the purpose of protecting life or property;
- (3) A sign that provides information about underground utility lines;
- (4) An official sign that is erected by a public officer, public agency, or political subdivision under the officer's, agency's or political subdivisions' constitution or statutory authority;
- (5) A sign required by the Railroad Commission of Texas at the principal entrance to or on each oil or gas producing property, well, tank or measuring facility to identify or to locate the property if the sign is no larger than necessary to comply with the railroad commission's regulations;
- (6) A sign of a nonprofit service club, charitable association, religious organization, chamber of commerce, nonprofit museum, or governmental entity that gives information about the meetings, services, events, or locations of the entity and that does not exceed an area of 36 square feet;
- (7) No permit shall be required for public and/or private flag poles for the public display of a state, national, local, religious, institutional flag or emblem or a registered corporate logo not

exceeding a height of 25 feet in residential zoning districts and 40 feet in nonresidential zoning property;

- (8) No permit shall be required for memorial signs, markers, plates, plaques, etc., when deemed an integral part of a structure, building or landscape;
  - (9) No permit shall be required for signs or materials displayed in a temporary manner on or prior to traditional civic, patriotic or religious holidays;
  - (10) A public service sign that:
    - a. Is located on a school bus stop seating bench or shelter;
    - b. Identifies the donor, sponsor, or contributor of a shelter;
    - c. Contains a public service message that occupies at least 50 percent of the area of the sign;
    - d. Has no content other than that described in subsections (c)(10)b. and (c)(10)c. of this section;
    - e. Is authorized or approved by law of the entity that controls the highway involved, including being located at a place approved by the entity;
    - f. Has a sign face that does not exceed an area of 36 square feet; and
    - g. Is not facing the same direction as any other sign on that seating bench or shelter.
  - (11) A sign that is erected and maintained by a public school, a college or university, or a nonprofit agricultural fair, but only if the information presented on the sign is limited to information about the meetings, services, events, or on-premises activities of the entity, and the total area of the sign's face facing in a particular direction of travel does not exceed 200 square feet;
  - (12) A sign that shows only the name of a ranch on which livestock are raised or a farm on which crops are grown, and the directions to, telephone number, or internet address of the ranch or farm, and that has a sign face that does not exceed an area of 36 square feet;
  - (13) A sign that relates only to a public election:
    - a. Is erected after the 91<sup>st</sup> day before the date of the election and is removed before the 11<sup>th</sup> day after the election date;
    - b. Has a sign face that does not exceed an area of 50 square feet; and
    - c. Contains no commercial endorsement.
  - (14) A sign that was erected before October 23, 1965, and has been designated as a landmark sign of such historic or artistic significance by the United States Department of Transportation.
  - (d) *Prohibited signs.* Any sign that shall be considered unlawful or illegal by this section and including, but not necessarily limited to, the following signs shall be prohibited:
    - (1) Signs containing obscene, indecent or immoral words, pictures, descriptions or other matters.
    - (2) Signs imitating governmental signs, including traffic control signs.
    - (3) Signs blocking or obstructing public access, fire escapes, traffic visibility, utilities, etc.
    - (4) Signs placed on or attached to other signs, utility poles, fire hydrants, trees, flag poles, streetlamps or other means of support of an outdoor advertising display.
    - (5) Any painting, marking or attachment of a sign to the street, sidewalk or building, other than house numbers or occupant names or as provided by this chapter.
    - (6) Any permanent sign located within the public right-of-way unless specific permission is given.
    - (7) Any sign, permanent or temporary, in violation of this chapter.
    - (8) Any sign that is unsafe or unsecure, abandoned or maintained in a dilapidated condition.
- (Ord. No. 94-1097, § 8-100, 9-26-1994; Ord. No. 15-1220, § 2, 9-28-2015)

Sec. 50-566. - Schedule of sign classifications.

(a) *The permissible sign types are defined as follows and require a permit from the city:*

G	Ground sign
W	Wall sign
PA	Parapet wall sign
P	Pole sign
PR	Projecting sign

M	Marquee sign
WI	Window sign
PO	Portable sign

(b) *Permits.*

- (1) It is an offense for any person to erect, construct, install, place, relocate or maintain or alter, within the city, any sign for which a sign permit is required without first obtaining a sign permit and paying the necessary fees.
- (2) A sign permit is not required for repair, repainting or maintenance that does not entail structural or electrical change.
- (3) In order to obtain a building permit, a drawing of the proposed sign location must be presented for approval.
- (4) The applicant must acquire all required building permits as they apply to the sign. All construction work is subject to city code enforcement.
- (5) All applicable State of Texas permits must be obtained prior to apply for a permit from the City of Lumberton.

(Ord. No. 94-1097, § 8-200, 9-26-1994; Ord. No. 15-1220, § 2, 9-28-2015)

Sec. 50-567. - Standards and regulations.

- (a) The standards and regulations specified in this section shall apply to signs for which sign permits must be obtained under the requirements of the city.
- (b) All signs in all zoning districts shall be set back from streets in accordance with the regulations of the city.
- (c) The provisions herein contained are applicable to location, size and placement of signs and shall otherwise be considered supplementary to the city requirements and no provisions specified herein shall be construed to otherwise amend or nullify any provision of any other city requirements or other regulation pertaining to the erection, maintenance and operation of signs in the city.
- (d) Signs shall be permitted for all nonconforming uses in accordance with the regulations and standards specified in this section.
- (e) A sign in direct line of vision of any traffic control signal from any point in a moving traffic lane within 50 feet of land approaching such signal shall not be permitted.
- (f) No revolving beam or beacon of light resembling any emergency vehicle light shall be permitted to be erected as part of any sign display in any zoning district, nor shall any sign or graphic advertising device be located or placed so as to obstruct the vision or sight distance or motor vehicle drivers or pedestrians at any street intersection, street crossing or point of traffic concentration.
- (g) The area of a sign shall be computed by drawing a line or lines around the sign in such a way as to form not more than four regular geometric figures such as a triangle, circle, rectangle, trapezoid or ellipse. The total area of these figures shall be the total area of the sign.
- (h) *Identification requirements:* All outdoor signs for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting such sign and shall have affixed on the front thereof the permit number issued for such sign or other identification approved by the city.
- (i) An on-premises sign that meets the criteria provided in this article (relating to on-premises signs) cannot be erected earlier than one year before the date that the business for which the sign is erected will be open and conduct business.
- (j) *Temporary/portable signs standards:*
  - (1) Temporary/portable signs on-premises shall be allowed a maximum area of 50 square feet.
  - (2) Only one temporary/portable sign shall be allowed per business, not to exceed two signs per development. For developments with more than 300 linear feet of street footage, one sign shall be allowed per business not to exceed four temporary signs.
  - (3) No temporary/portable sign shall be located within 75 feet of another temporary/portable sign.
  - (4) A temporary/portable sign shall be contained on the property of the legal business and shall not extend into the city right-of-way or be located in any visibility clearance area. In no event shall such sign be erected or placed less than ten feet from the back of the curb.

- (5) Banners must be attached to the face of the building used by the business or organization to which the banner relates.
- (6) Temporary/portable signs off-premises may not exceed 35 square feet in area and may not exceed seven feet in height.
- (7) Temporary/portable signs shall be secured with a minimum of four separate points by metal pins and/or sandbags, where necessary. Such metal pins must penetrate the ground by a distance of not less than ten inches.
- (k) *Special event signs:*
  - (1) Upon request and subject to approval, the city manager may authorize a permit for the display of any temporary sign, or any legal sign allowed by this section to give notice of or direct the public to a special event of civic interest including but not limited to, parades, organized community holiday festivities, and special events organized by charitable and/or nonprofit organizations.
  - (2) The city manager shall consider such things as the size, proposed locations, materials and construction of such after the event.
  - (3) Such signs may be located or placed on or over private property only with the permission of the owner of the property and may be located or placed on or over public property, including streets, only if authorized by the city manager.
- (l) *Wall signs:* Wall signs may not extend above the roof line of a building. Wall signs may not exceed a length of over 75 percent of the width of a building or storefront wall. Wall signs may not exceed four feet in height. Total wall signage on all walls shall not exceed over two times the linear frontage of the building or storefront.
- (m) *Pole signs,* located on-premises or off-premises and do not exceed 250 square feet in area:
  - (1) Pole signs are only allowed on commercial property.
  - (2) Only one pole sign is allowed per site (platted lot).
  - (3) There shall be only two display faces for each pole sign.
  - (4) Signs must be set a minimum of five feet outside of an existing right-of-way.
  - (5) No pole sign with a surface of 125 s.f. or less may be allowed closer than 50 feet to any residentially-zoned area. A pole sign with a surface exceeding 125 s.f. must comply with the additional setback and spacing requirements under Section 50-567(m)(10) below.
  - (6) Signs may not be attached to any structure and must be a uni-pole or bi-pole constructed of steel.
  - (7) Signs must be designed and installed to meet the requirements of the building code or current adopted City of Lumberton Building Code and the Texas Department of Licensing and Regulations.
  - (8) No lighting will be allowed which flashes or creates glare on public streets or on the adjacent property.
  - (9) The maximum area allowed for pole sign is as follows:

Building Frontage	Ground Clearance	Surface	Maximum Sign Height
1—50 linear feet	8 feet	100 s.f.	20 feet
51—100 linear feet	8 feet	150 s.f.	20 feet
101—150 linear feet	12 feet	200 s.f.	25 feet
Over 150 linear feet	15 feet	250 s.f.	30 feet

(10) Additional Setback and spacing for pole signs with surface exceeding 125 s.f.:

- a. Five feet from an existing right-of-way.
- b. 200 feet from any residential zoning district or property line.
- c. 1,500 feet of any public park, public playground or school.
- d. 200-foot radius from any freestanding pole sign.
- e. 4,000 feet from any billboard.
- f. 1,000 feet from an intersection.
- g. Ten feet from the interior side lot lines.
- h. Ten feet from the front property line.

i. Ten feet from the rear property line.

- (n) *Marquee signs:*
  - (1) Use of marquee signs shall be limited to entertainment-oriented land use (movie theaters, civic centers, restaurants, etc.) Verification of this fact is required on the sign permit.
  - (2) Marquee signs must not project more than six feet from the building surface. A distance of two feet must be maintained from the outer edge of the marquee sign and any traffic control sign.
  - (3) The lowest portion of a marquee sign must be no less than eight feet and no higher than 20 feet above the sidewalk.
  - (4) Only one marquee sign is allowed per business.
  - (5) Marquee signs must be a minimum of 30 feet from any neighboring sign, measured by the nearest face to the nearest face.
- (o) *Projecting signs:*
  - (1) Projecting signs may not extend more than six feet from the building surface and must be eight feet above the sidewalk or walking path and no higher than 20 feet above the sidewalk.
  - (2) Only one projecting sign per business is allowed.
- (p) *Use of an electronic message center (EMC) sign:*
  - (1) The display of a static message and/or image and/or the use of scroll/travel to display a message and/or image shall be permitted.
  - (2) The use of any other type of transition, such as dissolve/fade, and the use of frame effects, such as animation whereby text or graphics appear to move or change in size, shall be prohibited except for in accordance with the following:
    - a. Each message or image must be displayed for a minimum of five seconds; and
    - b. The change of message or image must be accomplished within two seconds or less and must occur simultaneously on the entire sign face.
  - (3) An EMC may not exceed 50 percent of the total freestanding sign area as allowed for a city.
- (q) *Billboards.* Billboards, pole signs located on-premises or off-premises which exceeds 250 square feet in area.
  - (1) All billboards must comply with the Texas Highway Beautification Act as administered by the Texas Department of Transportation. All billboards must be permitted by the State of Texas and the City of Lumberton. All billboards must be engineered to meet minimum code requirements.
  - (2) Billboards shall be deemed as a primary use of the property on which they are located. Such signs shall not be located on a lot where other buildings or uses exist.
  - (3) One billboard per platted lot with a required minimum lot size per the base zoning district.
  - (4) The maximum size for any off-premises, single-faced billboard shall be 672 square feet. Billboard panels may not be stacked or placed side by side. Maximum per side for a double-faced billboard is 672 square feet. Billboard signs may not exceed 25 feet in height or 60 feet in width with a maximum sign and frame height of 35 feet above the grade of the roadway.
  - (5) A sign face shall only be visible from one direction of traffic.
  - (6) Signs may not be attached to any building and must be of an approved steel pole design. Uni-poles are required unless another design is approved by the building official. No billboard in excess of two sides shall be allowed.
  - (7) No movement is allowed on billboards. Billboards may not move, rotate or give the impression of movement.
  - (8) Illuminated billboards may be lighted only by lights that are properly installed, shaded or concealed, and are aimed so the light will shine directly on the sign face and will not interfere with the vision of motor vehicle operators, nor shine directly on any residential-zoned property. Illumination of such signs must not be flashing or intermittent.
- (9) *Setback and spacing.*
  - a. Five feet from the right-of-way line of a controlled access freeway.
  - b. 200 feet from any residential zoning district or property line.
  - c. 1,500 feet of any public park, public playground or school.
  - d. 200-foot radius from any freestanding pole sign or wall sign.
  - e. 4,000 feet from any billboard along the right-of-way to another billboard.
  - f. 1,000 feet from an intersection.
  - g. Ten feet from interior side lot lines
  - h. Ten feet from the front property line.



- i. Ten feet from the rear property line.
  - (10) An owner of two or more existing billboards within the city limits which are deemed "legally nonconforming structures" due to size, lighting or spacing, may request council approval to modify a single billboard to a digital billboard if a new permit is obtained, an agreement is made that remaining nonconforming structures will be removed and the action is in full compliance with all applicable provisions of this chapter.
  - (11) *Additional standards for digital billboards.*
    - a. Digital billboard shall obtain an annual inspection and pay the appropriate fee as established in the city's fee resolution;
    - b. Each message for digital billboards shall be displayed for at least eight seconds and change of message shall be accomplished within two seconds or less;
    - c. A change of message must occur simultaneously on the entire sign face;
    - d. The sign shall not display any illumination by flashing, intermittent or moving lights;
    - e. The sign shall not contain or display animated or moving video;
    - f. The sign shall not contain any scrolling elements;
    - g. The sign shall not project a static image upon a stationary object;
    - h. The sign shall automatically adjust the intensity of its display brightness according to the natural ambient light conditions;
    - i. The sign shall contain a default design mechanism that freezes the sign in one position if a malfunction occurs;
    - j. The sign owner shall provide contact information for a person who is available at any time, 24 hours a day, every day of the year, including holidays and weekends. The contact person shall be available at any time to turn off the sign promptly after a malfunction occurs or reduce the intensity of the sign no later than 12 hours of the request by an official from the city or the Texas Department of Transportation. If the request is to reduce the intensity of the lighting, the intensity must be reduced to a level that is acceptable to the Texas Department of Transportation;
    - k. Granting permits for digital billboards:
      - 1. If the applicant satisfies the requirements of this section, a provisional permit granting permission for the digital sign will be issued, subject to the granting of a permit by the Texas Department of Transportation, where applicable.
      - 2. The applicant shall obtain a permit from the Texas Department of Transportation allowing the requested construction or modification, and shall present a true copy of the permit to the city not later than 12 months following the issuance of the provisional permit.
      - 3. If the applicant and the Texas Department of Transportation permit satisfy the requirements of this section, the city shall issue a sign permit for the digital billboard.
      - 4. The provisional permit shall expire 12 months after its issuance without further action by the city if no sign permit has been issued in that time.
  - (r) *Right-of-way:* No sign may be constructed or posted on a public right-of-way. All legally permitted signs installed must be a minimum of five feet from an existing right-of-way. No sign may be placed on a utility pole, traffic pole, light pole, sign pole or any trees.
- (Ord. No. 94-1097, § 8-300, 9-26-1994; Ord. No. 15-1220, § 2, 9-28-2015)
- Sec. 50-568. - Special standards for signs.
- (a) The maximum sign area in square feet as specified in the schedule shall apply to only one sign face. However, if the sign has more than one face, the maximum of all faces shall not exceed the total specified area allowed.
  - (b) Only one building identification sign may be permitted for each street frontage.
  - (c) Sign regulations for any development placed in a planned development district shall be established by article III, division 11 of this chapter and shall specify the maximum height, setback, general types and area of such signs permitted.
  - (d) Illumination light from any exterior source intended to illuminate a sign:
    - (1) Shall be shaded, shielded or directed in such a way so that the light intensity or brightness shall not adversely affect the vision of pedestrian or vehicle operator on public or private streets, driveways or parking areas, or operators of aircraft in the approach path to any airport runway;

- (2) Shall not contain a light source which produces a pulsating strobe-light effect;
  - (3) Shall not interfere with the effectiveness of any official traffic sign, signal or device;
  - (4) Shall not exceed 5,000 nits (candelas per square meter) during daylight hours or 500 nits between dusk and dawn, as measured from the closest property line;
  - (5) Electronic message displays must have an electronic control to produce the required illumination change required in subsection (d)(4) above;
  - (6) No lighted sign shall be erected within 150 feet of a residential development unless the sign is oriented in such a manner as to not be directly viewable from the residential use;
  - (7) Where an illuminated sign is erected or constructed, an inspection by the city inspector shall be made for compliance with city ordinances.
- (e) *Maintenance and removal:*
- (1) The city manager or its authorized agent shall have the authority to inspect any outdoor sign as to determine its structural integrity;
  - (2) All signs and sign structures, both existing and new, and parts thereof, must be maintained in a safe, readable and proper operating condition. Signs which are determined by the city manager or its authorized agent to be in dilapidated or otherwise unsafe condition, shall not be allowed to remain on any premises;
  - (3) For any sign so designated as dilapidated or otherwise unsafe, written notice shall be given to remove the sign or bring the sign into compliance with this article;
  - (4) Any sign which is determined by the city manager or its authorized agent to be abandoned, after receiving written notification by certified mail, the property owner, lessee, or person responsible for the sign shall have 60 working days in which the message portion of the sign must be replaced to identify a bona fide business on the property, be painted over, replaced with an opaque face, modified, or removed so that the remaining sign is left visually unobtrusive, presents a solid facade, and does not appear to be in disrepair or dismantled;
  - (5) Any person occupying any location with a sign shall be subject to the same duties and responsibilities as the owner of the location on which the sign is located, with respect to keeping the site clean, sanitary, inoffensive, and clear of all debris, trash, junk or other noxious substances.
- (f) Signs must be located so to maintain clearances from telephone, cable and electric power lines in accordance with utility company standards. OSHA required regulations must be allowed for working clearances from power lines or energized equipment.

(Ord. No. 94-1097, § 8-301, 9-26-1994; Ord. of 11-22-2004; Ord. No. 15-1220, § 2, 9-28-2015)

Sec. 50-569. - Sign table.

The following table expresses the permitted use of signage within the city:

Purpose	District Permitted in	Maximum Area in Square Feet	Maximum Height in Feet	Type of Sign Permitted	Setback Required	Lighting Permitted	Flashing Permitted	Motion Permitted	Maximum Duration
General business	C-1, C-2, I-1, I-2	50	20	W, PA, PG, M, PR, PO	None, unless otherwise specifically set out in this Chapter	Yes	No	No	Permanent
On-Premises Sign	C-2, I-1, I-2	100—250	30	W, PA, P, G, M, PR, WI, PO	None, unless otherwise specifically set out in this Chapter	Yes	Yes	Yes	Permanent
Off-Premises Signs	C-2, I-1, I-2	672	50	Pole only	Yes	Yes	No	No	Permanent

Purpose	District Permitted in	Maximum Area in Square Feet	Maximum Height in Feet	Type of Sign Permitted	Setback Required	Spacing	Lighting Permitted	Flashing Permitted	Motion Permitted	Maximum Duration	Additional Requirements
Nonresidential	R-1, by specific use permit only	12	6	G, W, P, PR, PA, M, WI, PO	Behind req. setback line	None, unless otherwise specifically set out in this Chapter	Yes	No	No	Permanent	
Institutional	All	30	20	G, W, PA, P, PR, M, WI, PO	Behind req. setback line	None, unless otherwise specifically set out in this Chapter	Yes	No	No	Permanent	
Apartment Wall	All except R-1, I-1, I-2	50	30	W	None	1 for each street frontage	Yes	No	No	Permanent	May be permitted on walls or fences in required front yard
Apartment	All except R-1, I-1, I-2	20	6	G, P, W, PA, PR, M, WI, PO	8	1 for each street frontage	Yes	No	No	Permanent	
Manufactured Housing	MH	96	20	G, W, P	25	1 for each street frontage	Yes	No	No	Permanent	Permitted for mobile home parks only
Nameplate	All	2	3	G, W, P	None	None	Yes	No	No	Permanent	
Real Estate	All	12	6	G, W, P	None	1 each 30 ft. of street front	Yes	No	No	Temp. - remove upon sale/rent	Additional req.
Construction	All	20	6	G, W, P	None		Yes	No	No	Temp. - remove when complete	
Development	R-1	400	30	G, W, P	None	1 each 10 acres or part thereof	Yes	No	No	Temp. - remove when 90% comp.	Permitted in new subdivisions only
	R-2	200	20	G, W, P	None	1 each 10 acres or part thereof	Yes	No	No	Temp. - remove within 6 months after C.O.	
	All other districts	400	30	G, W, P	None	1 each 10 acres or part thereof	Yes	No	No	Temp. - remove within 6 months after C.O.	

(Ord. No. 94-1097, § 8-200, 9-26-1994; Ord. of 11-22-2004; Ord. No. 15-1220, § 2, 9-28-2015)  
Secs. 50-570—50-583. - Reserved.

**Section 5.**     Cumulative. This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Lumberton, 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 6.**     Savings Clause. All rights and remedies of the City of Lumberton are expressly saved as to any and all violations of the provisions of any ordinances affecting the adopted ordinances within the City which have accrued at the time of the effective date of these ordinance amendments; 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 these ordinance amendments but may be prosecuted until final disposition by the courts.

**Section 7.**     Severability. Should any section or part of these ordinances be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 8.**     Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

**Section 9.**     Effective Date. This ordinance shall take effect upon adoption.

**Section 10.**    Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

[Certificate on Following Page]

CERTIFICATE

I hereby certify that the foregoing was presented to the City Council for the City of Lumberton, Texas during a meeting on the 12<sup>th</sup> day of October, 2020 for a first reading and again on the 26<sup>th</sup> day of October, 2020 for a second reading. A quorum of the City Council being then present at both readings, it was then duly moved and seconded that the foregoing be adopted, and such was then adopted.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL FOR THE CITY OF LUMBERTON, TEXAS, on the 26<sup>th</sup> day of October, 2020.

By: \_\_\_\_\_  
Don Surratt, Mayor  
City of Lumberton, Texas

ATTEST:

\_\_\_\_\_  
Susan Collins, City Secretary