

ORDINANCE NO. 316-18

AN ORDINANCE OF THE CITY OF ROMAN FOREST, TEXAS, PROVIDING FOR THE REGULATION OF SIGNS TO BE DISPLAYED WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTIONAL LIMITS OF ROMAN FOREST, TEXAS; CONTAINING DEFINITIONS AND FINDINGS RELATED TO THE SUBJECT; PROVIDING GENERAL PROVISIONS AND REGULATIONS AS TO TYPE, CONSTRUCTION, AND MAINTENANCE OF SIGNS; PROVIDING REGULATIONS CONCERNING BILLBOARDS, PORTABLE SIGNS AND ELECTRONIC SIGNS; PROHIBITING CERTAIN SIGNS; PROVIDING FOR PERMITS FOR SIGNS AND PERMIT FEES; PROVIDING FOR ENFORCEMENT AND PENALTY FOR VIOLATIONS; PROVIDING REPEAL AND SAVINGS CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND SETTING AN EFFECTIVE DATE AFTER PUBLICATION AS PROVIDED BY LAW.

WHEREAS, Section 216.001, *et seq.*, Texas Local Government Code authorizes a municipality to license, regulate, control, or prohibit the erection of signs by Ordinance; and

WHEREAS, Section 216.902, Texas Local Government Code authorizes a municipality to extend the provisions of its sign ordinance to its area of extraterritorial jurisdiction (ETJ); and

WHEREAS, in the interest of the appearance, safety, and welfare of the City of Roman Forest, Texas, the City Council finds that the posting of signs and billboards within the city limits of Roman Forest, Texas, and its extraterritorial jurisdiction (ETJ), should be prohibited except as herein provided; and

WHEREAS, the City has an interest in the appearance of the properties in the City of Roman Forest, Texas and its extraterritorial jurisdiction (ETJ) as it protects property values and enhances the appearance of its residential community; and

WHEREAS, sign obstructions on streets, right of ways and driveway intersections will interfere with mowing by creating impediments and diminishing the overall appearance of the City of Roman Forest, Texas and its extraterritorial jurisdiction (ETJ); and

WHEREAS, the placement of signs, banners and billboards on intersecting streets and driveways will diminish safety of traffic within the city limits of Roman Forest, Texas and its extraterritorial jurisdiction (ETJ);

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROMAN FOREST, TEXAS:

SECTION 1.0: DEFINITIONS:

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 1.01 *Advertising bench* means any bench providing seating to the general public without charge, which may bear advertising. Advertising benches are not regulated by this Ordinance.
- 1.02 *Bill* means an advertising poster or a handbill.
- 1.03 *Building official* means the city code enforcement officer, law enforcement officer or their designees authorized to enforce building codes and the provisions of this Ordinance.
- 1.04 *Developer, residential*, means one who is engaged in the business of assembling, preparing and promoting land for residential real estate development. A developer may or may not actually be involved in residential construction, i.e., homebuilding.
- 1.05 *Electronic sign (a.k.a. changeable electronic variable message sign)* means a sign whose message, content, or display may be changed by means of electronic, computerized programming and which consists of lights, light emitting diodes ("LED"), or other form of illumination that displays a message or picture.
- 1.06 *Embellishments* mean any feature such as a cutout, neon or plastic letters, clock, electric device and space extension which is added to an outdoor advertising structure.
- 1.07 *Fireproof structure* means a sign constructed entirely of steel member, including structural support for the sign face. The sign face and its support members may be constructed of wooden or metal panels.
- 1.08 *May* implies permissiveness and connotes a nonmandatory action.
- 1.09 *Monument sign* means a freestanding sign with no more than two sign faces that have a base mounted directly on the ground or has a maximum of 12 inches of clearance from the adjacent street grade. Monument signs shall not exceed an area of 75 square feet and a height of seven (7) feet.
- 1.10 *Neighborhood* means a distinct segment of the community, usually consisting of essentially similar housing stock, whose boundaries are defined by physical barriers such as major arterial streets and railroads and natural features such as creeks and rivers.

- 1.11 *Outputs* is an industry term referring to reproductions of that portion of the graphic elements of a billboard which project beyond the normal limits of the advertising face to dramatize the copy and the advertising message.
- 1.12 *Park* means a publicly owned tract of land designated and used by the public for active and passive recreation.
- 1.13 *Shall* connotes a mandatory action.
- 1.14 *Sign* means any object, device, display or structure or part thereof situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. The enumeration of signs in this definition shall not be exclusive. The term "sign" includes all other devices or structures as may reasonably be included under it, whether attached or unattached. This definition excludes all national or state flags, nonelectric window displays, graffiti, athletic scoreboards and the official announcements or signs of government. Types of signs include the following:
- A. *Animated or moving sign* means any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
 - B. *Awning, canopy or marquee sign* means a sign that is mounted or painted on or attached to an awning, canopy or marquee that is otherwise permitted by ordinance.
 - C. *Billboard sign* means any outdoor sign, description, device, figure, painting, drawing, message, placard, poster, structure or thing, which directs the attention of the public to a business, entity, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
 - D. *Commercial sign* means a sign which directs attention to a business, product, service or activity which is conducted upon the premises where such sign is located.
 - E. *Electric sign* means any sign on which letters, figures, designs or messages are formed or outlined by electric illumination or by a transparent or translucent medium which is electrically illuminated, whether the illuminating device is contained within or on the sign, all outside building outlining and interim decorative displays and gas tube window outlining.

Signs illuminated by electric lights which are not attached to the sign and signs which are lighted by floodlights or projectors are not classified as electric signs within the meaning of this chapter. Any portable sign that has electrical components attached, connected to or part of the sign or support, whether electrified or not, shall be considered an electric sign and all sections of this ordinance pertaining to electric signs shall apply.

- F. *Flashing sign* means any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.
- G. *Governmental sign* means a sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance or other governmental regulation.
- H. *Nonconforming sign* means a sign which was lawful prior to the passage of this Ordinance, or revision or amendment of this Ordinance but which fails, because of such adoption, revision or amendment, to conform to this Ordinance.
- I. *Overhanging sign* means a sign which is suspended over a sidewalk, street or other public right-of-way. An overhanging sign may or may not be a projecting sign.
- J. *Pole sign* means a sign that is mounted on a freestanding pole or other support.
- K. *Political sign* means a temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.
- L. *Portable sign* means any sign designed or constructed to be easily moved from one location to another, including a sign mounted upon or designed to be mounted on a trailer, wheeled carrier or other nonmotorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign. The term "nonelectric portable sign" means any portable sign which does not have electrical components.
- M. *Projecting sign* means a sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
- N. *Real estate sign* means a sign pertaining to the sale or lease of the premises or a portion of the premises on which the sign is located.

- O. *Roof sign* means a sign that is mounted on and is wholly supported by the roof of a building and which projects above the point of a building with a flat roof; the cave line of a building with a gambrel, gable or hip roof; or the deck of a building with a mansard roof.
 - P. *Temporary sign* means any noncommercial, commercial, not-for-private-profit sign, the use of which is limited to a period of 30 consecutive days, and which meets the requirements set forth in section 7.07. Signs utilized for a longer period must conform to all requirements set forth by this Ordinance for permanent signs.
 - Q. *Wall sign* means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.
- 1.15 *Sign area* means the entire advertising area of a sign, excluding any framing, trim or molding and the supporting structure.
- 1.16 *Sign face* means the area or display surface used for the message.

SECTION 2: STRICT CONSTRUANCE

- 2.01 The provisions and definitions of this Ordinance shall be strictly construed. All Signs, Banners or Billboards shall follow the provisions set forth in this Ordinance to their narrowest interpretation.

SECTION 3: PROHIBITED SIGNS

- 3.01 It shall be unlawful to construct, place, or display any sign, banner, or billboard within the city limits of the City of Roman Forest, Texas or its extraterritorial jurisdiction (ETJ), with the exception of Section 5 and Section 6.02 of this Ordinance and the following exceptions:
- (a) **PROPERTY FOR SALE** - one sign advertising property for sale, not to be placed within fifteen feet of the City street or side property line.
 - (b) **GARAGE/YARD SALE** - one sign advertising a garage/yard sale to be located on the property of the sale, not to be placed within fifteen feet of the City street. Signs are allowed only on the actual day(s) of the sale and must be removed the same day. Garage/Yard sales may only be conducted a maximum of three (3) consecutive days at a time and three (3) times a year.

- (c) BUILDER/CONTRACTOR ADVERTISING SIGNS - one sign used by a builder/contractor to advertise the property during the construction and or sales period, not to be placed within fifteen feet of the City street. One "Open House" sign is allowed only on the actual day of the Open House and must be removed the same day.
- (d) POLITICAL SIGNS – A sign that contains primarily a political message has an effective area no greater than 36 square feet, is no more than eight feet high, is not illuminated, and has no elements that move and that is located on private real property with the consent of the property owner.
- (e) DIRECTIONAL SIGN – Up to five (5) directional signs less than three (3) square feet in size for an event such as an open house, garage sale, or public event is allowed in the median or street corner only on the actual day of the event and must be removed the same day.

SECTION 4: GENERAL PROVISIONS

- 4.01 The terms and conditions of this Ordinance shall apply to signs located within the City of Roman Forest and its extraterritorial jurisdiction (ETJ).
- 4.02 All signs except for garage/yard sale and political signs (due to their temporary nature), shall be constructed of wood, metal, or durable plastic. All signs shall be of professional design and workmanship.
- 4.03 All signs shall be kept in good repair as defined in Section 7.16. No sign shall be attached to a tree or placed on city-owned or maintained property without a permit.
- 4.04 Except as provided for in Section 5.01, 3.01(d), 6.02(c) and 7.07, no sign shall be larger than 24"x30".
- 4.05 The City of Roman Forest as an entity is exempt from the provisions of this Ordinance.
- 4.06 Except as provided for in Section 5.01, 3.01(d), 6.02(c) and 7.07, only one sign of any type is permitted per lot at any given time.
- 4.07 No political signs may be placed on city-owned or maintained property.
- 4.08 *Variances:* Any person may request a variance to any provision of this Ordinance by submitting the request to the city council which shall have the power to grant the variance to the Ordinance at its' discretion.

SECTION 5: BUSINESS COMMERCIAL APPLICATIONS

- 5.01 Commercial Business signs shall comply with the provisions of Section 6 and Section 7 of this Ordinance.

SECTION 6: PERMIT

- 6.01 Required.

- (a) Unless specifically exempted, it shall be unlawful for any person to erect or substantially alter any billboard or commercial sign without obtaining the proper permit from the city secretary. The term "substantially alter" shall not include routine painting, posting or maintenance of a billboard.
- (b) A sign permit shall be renewable annually and subject to inspection by the city building official.
- (c) Additional electrical permit shall apply to electric signs.

- 6.02 Exceptions.

Exceptions to the permit required by this Ordinance are the following:

- (a) Signs not exceeding one (1) square foot of facing attached to a residence or apartment building, stating only the name and/or occupation, if applicable, of the occupant.
- (b) Real estate signs not exceeding 32 square feet on commercial/unrestricted lots or seven square feet on residential lots used solely to advertise the sale of the premises upon which the sign is located, or
 - (1) Off-premises real estate or home building signage not exceeding four (4) square feet and four (4) feet in height is allowed between the hours of 12:00 p.m. Friday and 12:00 p.m. Monday, with the approval of the property owner on whose land the signs are located.
 - (2) A total of two (2) signs per commercial/unrestricted property being marketed are allowed.
 - (3) Off-premises real estate or home building signs must be removed by the real estate company or builder no later than 12:00 p.m. on Monday.
- (c) Governmental signs.

(d) Personal not-for-profit yard sign not exceeding three (3) square feet.

(e) Temporary signs not exceeding 16 square feet.

6.03 Application for Sign Permits.

(a) Application for sign permits shall be made upon forms provided by the city secretary.

(b) The application for commercial and billboard sign permits will contain all information, drawings, specifications, etc., necessary to fully advise the city building official of the type, size, shape, location, construction and materials of the proposed sign and the building structure or premises upon which it is to be placed.

(c) When applying for a billboard permit, the billboard operator shall, in addition to subsections (a) and (b) of this section, furnish the following information at the time of permit application:

(1) The location of the proposed sign in relation to the property lines and any building, fence, etc., on the property.

(2) Building setback lines and the location of any easements on the property.

(3) Distance to the nearest billboard.

(4) Affidavit from the property owner authorizing erection of the sign or an executed lease agreement.

(5) Street address of the sign.

6.04 Fees.

(a) *Schedule of permit fees.* Fees for the permit and inspections required by this section shall be collected by the city at the time of issuing the permit. The permit and inspection fees shall be as established by the city council and set forth in the permit fee schedule.

(b) *Plan Review Fees.* A plan review fee shall be collected by the city at the time the permit application is submitted. The plan review fee shall be equal to one-half of the sign permit fee as set forth in the permit fee schedule. The plan checking fee is in addition to the sign permit fee.

(c) *Reinspection fee.* For all reinspections, an additional charge as established by the city council and set forth in the permit fee schedule shall be made and this

fee shall be paid to the city by the applicant at the time of making application for the extra inspection.

- (d) *Penalties.* Where work for which a permit is required by this Ordinance is started or proceeded prior to obtaining the permit, the fees specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with this Ordinance in the execution of the work nor from any other penalties prescribed in this Ordinance.

6.08 Conditions for issuing.

- (a) No permit for the erection or alteration of any sign over any sidewalk, alley or other public property or on or over any roof or building shall be issued to any person except with the condition that it may be withdrawn for noncompliance at any time, in which case such sign shall be immediately removed by the owner thereof.
- (b) When a billboard permit is issued, the applicant shall be made aware of the stipulation that if, within 180 days of the date the permit is issued, a final inspection of the billboard has not been requested, the permit shall become void. However, one 90-day extension period may be granted if the billboard operator so desires. The request for extension must be made before the 180-day period lapses. If an inspection has not been requested by the end of that extension, the permit becomes invalid. If the operator still desires to place a billboard at the sight in question, the operator must apply for a new permit and pay all required fees.

6.09 Permits issued in violation.

Any permit issued in violation of any section of this Ordinance shall be absolutely void, and no rights whatever shall be accrued.

6.10 Contents; display.

- (a) Each permit issued under this Ordinance shall have a serial number.
- (b) All billboards and commercial signs erected within the city shall have the permit decal affixed to the structure below the sign face. The number must be visible for a distance of twenty feet from the billboard.

SECTION 7: CONSTRUCTION AND MAINTENANCE

A. GENERAL PROVISIONS

7.01 Preventing obstructions.

All signs governed by this Ordinance shall be situated in a manner which does not interfere with or obstruct windows, doors or other means of exit from the building. Further, no signs shall be supported on or attached to any fire escape, door or window casing.

7.02 Creating hazards.

No signs shall be erected on or over public property in a manner which interferes with any fire hydrant, traffic light, fire alarm box or streetlight. Similarly, billboards and commercial signs shall not be erected in any location where, because of traffic conditions, fire or explosion hazards, the sign would imperil public safety or hamper the functions of the fire department as determined by the building official and fire marshal.

7.03 Attachment and wind loads.

All signs shall be securely fastened or anchored to a building wall, structural framing or other foundation with a sufficient number of bolts or anchors to resist the stress resulting from the dead weight of the sign and wind loads. Both commercial signs and billboards shall be constructed to resist a minimal horizontal wind load of 30 pounds per square foot of service area. The use of staples, wires and wood plugs in erecting signs is prohibited.

7.04 Materials; supports.

All signs governed by this section, excluding electrical signs, shall be constructed of durable materials and securely attached to framework and supports made of wood, metal or other similar material of equivalent strength. Commercial signs may be made of pressed wood. All electrical signs shall have metal supports and frames.

7.05 Electrical wiring.

Electrically illuminated signs or signs which are equipped in any way with electrical devices or appliances shall conform to all electrical provisions and requirements of the most current National Electrical Code. The City building official shall have the right to check all wiring for code compliance.

7.06 Overhanging signs.

All permanent signs shall be erected so as not to overhang any street, alley or plaza. Signs may be hung over a sidewalk and over that space between the curb and sidewalk, provided the space is not used for or designed to be used for vehicular ingress and egress to a building.

7.07 Temporary signs.

(a) Temporary signs may be constructed of cloth or wallboard, may be framed and shall, except for banner signs, be staked to the ground or securely affixed to a structure. Unframed cloth banner signs may project over a public street subject to approval by the city administrator. The sign erector shall certify that such sign will not interfere with the public safety. All other temporary signs must be located at least two feet inside private property lines.

(b) Cloth banner signs projecting over and across street rights-of-way must meet the following:

1. The sign must advertise or promote a noncommercial, not-for-private-profit event, a community charitable drive or a community announcement.
2. No part of the banner sign shall be closer to the street grade than 14½ feet.
3. Standard sign hooks, lag screws or expansion bolts and shields shall be used where required to support the sign.

(c) Commercial or promotional cloth banner signs, wherever used, shall be in good state of repair for a maximum of 30 days per banner as defined in Section 7.16 of this Ordinance.

7.08 Wall signs.

(a) The frames and panels of all signs which are to be attached to the wall of a building shall be constructed of wood, metal or other durable materials approved by the building official. Standard sign hooks, expansion bolts or through bolts with the washers on the inside of the wall shall be used, depending on the weight and area of the sign and the condition of the wall to which it is to be attached, as required by the building official. Before the sign can be installed, the commercial sign operator or building owner must ensure that the wall, when the sign is affixed to it, will be able to withstand a wind pressure load of at least 30 pounds per square foot.

- (b) Nonelectric wall signs may not project more than 12 inches from the face of the building. Electrical wall signs may extend no more than 18 inches from the building face.
- (c) Maximum area: The sum of the area of all wall signs on a single tenant building or single occupancy space of a multi-tenant building shall not exceed 15 percent of the total area of the applicable building facade.

7.09 Projecting signs.

A clear space of not less than seven feet shall be provided between the bottom of the sign and the sidewalk grade or ground level.

7.10 Projecting signs installed on a pipe.

A projecting sign may be installed on a pipe overhang, provided:

Projecting signs must comply with the regulation clearances over sidewalks and distances from curb lines.

- (a) No wooden poles or timbers shall be used. Only sound, straight steel, galvanized or iron pipes in good condition, free from all major flaws and defects and painted with weatherproof paint, are authorized.
- (b) All pipes must be set at least three feet in the ground and embedded in concrete.
- (c) The crossarms of angle iron for side guys are to be bolted or welded to the pipes in a secure manner, and side guys are to be of galvanized cable.
- (d) The pipe must extend far enough above the top of the sign to provide space for a suitable headlift, which must be galvanized cable.
- (e) All pipes must be of sufficient diameter and strength to properly support the weight of the signs which are to be installed on them as follows:

Weight in pounds	Size in inches
Up to 75	3
From 75 to 250	4
From 250 to 325	5
From 325 to 400	6

- (f) All pipes used for signs weighing in excess of 100 pounds must be of the well-casing type or the equivalent. Lighter weight pipe may be used for signs weighing 100 pounds or less and situated entirely within the property lines. In no case, however, may a sign be supported by a pipe less than three inches in diameter.

7.11 Pole or pole-mounted signs.

- (a) No pole, post or standard used to support any sign or floodlight shall be set in or upon any sidewalk, street or other public property.
- (b) Pole-mounted, nonlettered, physical representative signs, including without limitation pole-mounted automobiles, boats or airplanes, are prohibited. No pole- or pylon-mounted sign shall exceed 12 feet in height from the adjacent street grade to top edge nor shall such sign exceed 100 square feet in area.

7.12 Roof signs.

- (a) Roof signs may be used for on-premises advertising only.
- (b) A roof sign shall not exceed three (3) feet in total height above that portion of the roof of the building or structure over which it is erected. All such signs shall be constructed of durable material. Adequate provision shall also be made for grounding all metallic parts of all roof signs as a protection against lightning. No roof sign shall be erected so as to extend over a sidewalk, street or other public property.
- (c) No roof sign shall be used as a medium for off-premises advertising.

7.13 Marquee signs.

Marquee signs not to exceed more than six (6) feet tall.

7.14 Electric signs.

All electric signs must comply with the applicable provisions of this Ordinance and the most current National Electric Code requirements.

7.15 Signs on natural features.

No sign shall be erected, maintained or painted upon any tree, rock or other natural feature.

7.16 Maintenance of signs.

All signs shall be kept in a state of good repair. Good repair shall mean the following:

- (a) Copy and print shall be legible.
- (b) Sign face shall be free of tears, rips or other defacements that obscure the copy, lettering or design of the sign.
- (c) The sign frame shall be free of rust, painted if needed, and structurally sound.
- (d) The sign shall not be faded, rotted, rusted or decayed.
- (e) Freestanding signs shall be upright and shall not lean in any direction.

7.17 Abandoned signs, signs on vacant property.

- (a) Existing signs which no longer qualify as on-premises advertising must comply with the requirements for billboard signage. If the sign does not comply with the billboard signage requirements, the sign shall be considered abandoned and shall be removed within 90 days following notice to the property owner.
- (b) Signs on vacant or unoccupied property are allowed if in good repair as defined in Subsection 7.16. If the sign does not meet the criteria of Subsection 7.16, it shall be considered abandoned and shall be removed within 90 days following notice to the property owner.

7.18 Electronic signs (a.k.a. changeable electronic variable message signs).

- (a) Electronic signs shall only be located within monument signs and shall be no larger than 32 square feet except in flood zones.
- (b) Electronic signs located within a flood zone shall not be required to be contained within a monument sign but shall have a maximum height of 12 feet and a maximum area of 32 square feet.
- (c) The maximum number of electronic signs shall be limited to one per lot. Two sided electronic signs are considered as one sign for this section.
- (d) The message or picture conveyed by an electronic sign shall not display flashing, blinking, running lights, animation, streaming video, or special effect transitions other than scrolling text.
- (e) With the exception of scrolling text, no change of message or picture occurs more often than once every three (3) seconds for those portions of a sign that convey date, time, and temperature information brief weather reports, or stock market quotations, more often than every 10 seconds for those portions of a sign that contain traffic or directional information, or more than once every 12 seconds for all other information on the sign. For the portion of the electronic sign required to change no more than every 12 seconds, that change must occur simultaneous on that entire portion of the sign face.
- (f) Electronic signs shall be programmed or equipped so that the intensity of its display shall automatically adjust according to natural ambient light conditions.
- (g) Electronic signs shall be limited to 500 nits after sunset and before sunrise and 6,000 nits after sunrise and before sunset.
- (h) Electronic signs shall not be located within 150 feet of the property line of an existing residence.
- (i) All power to an electronic sign shall be supplied via underground carrier, inside approved conduit, and shall be installed in accordance with city electrical requirements.

B. BILLBOARDS

7.19 Spacing.

- (a) Billboards equal to or less than 50 square feet shall not be permitted closer than 300 feet apart.

(b) *Orientation to streets or roads.* A billboard will be considered to be along a street or road if its sign face is oriented such that its message can be read by drivers using that road, regardless of how far from the public right-of-way it is physically located.

7.20 Height.

(a) All billboards erected within the city and the city's extraterritorial jurisdiction shall conform to the following height limitations:

(1) 12 feet above the adjacent street grade.

(b) The heights listed in subsection (a) of this section are measured from the street grade to the top of the structure.

7.21 All billboards shall be set back a distance of at least 15 feet from the street.

7.22 Nonconforming status.

(a) *Generally.* Any sign or billboard which has been assessed by the building official as being damaged beyond 50 percent of its replacement value must be removed no later than 30 days after notification. After 30 days the owner will be subject to fines up to but not to exceed \$500.00 per day for each day the violation exists after the initial 30-day period following initial violation notification.

(b) Upon removal or destruction of any nonconforming sign or billboard, nonconforming status shall be lost to that site and no new non-conforming sign or structure shall be erected thereon.

7.23 Maximum size of sign face.

The maximum size of the sign face, not including skirting, as viewed from one direction for billboard shall be 50 square feet. The square footage requirements specified pertain to the sign face per se. Embellishments and cutouts may be utilized on billboards, as long as these extensions do not measure more than 20 percent of the allowable square footage on the sign face.

7.24 Prohibited signs.

(a) Billboards with a sign face greater than 50 square feet or higher than 12 feet above the adjacent street grade shall be prohibited.

(b) Billboards containing an electronic sign shall be prohibited on vacant lots.

7.25 Billboards on public property.

No billboard or any part thereof shall be located on or above any public property or street right-of-way, unless approved by the city.

7.26 Construction.

Every billboard shall satisfy the following construction requirements:

- (1) The billboard shall be firmly and solidly constructed to withstand a wind load of at least 30 pounds per square foot of area.
- (2) All exposed wood or metal surfaces, including treated but unpainted stringers, platforms, jacks or other supports, except galvanized metal, shall be painted, both front and back, upon installation of the billboard.
- (3) Billboards shall be designed and placed not to create a traffic hazard near street intersections. Billboards shall not be positioned in a way which obscures or physically interferes with a traffic sign, signal device or a driver's view of approaching, merging or intersecting traffic.
- (4) Billboards shall not be illuminated in a manner which interferes with the effectiveness of or obscures an official traffic sign, signal or device nor may the light emitted from any billboard cause glare to or impede the vision of the driver of any motor vehicle.

7.27 Maintenance.

All billboards must be kept in good repair. If the lot on which the billboard is located is undeveloped, the area between the billboard and the street or highway to which it is oriented, as well as a 25-foot radius around the support pole, must be kept free of all sign materials, weeds, debris, trash and other refuse.

7.28 Location requirement.

All billboards shall be permitted on commercial/unrestricted lots only.

7.29 Offense.

- (a) It shall be considered an offense to erect, construct or allow land to be used for billboard use in violation of the requirements and standards of this division.

(b) An offense under this section does not require any degree of mental culpability.

C. PORTABLE SIGNS

A. Portable Sign Definitions.

7.30 The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Premises means and includes that certain street address where a portable sign is displayed.

7.31 Location.

No portable sign, whether electric or nonelectric, shall be placed on any sidewalk, street or other public thoroughfare or public property, but such sign must be located at least 15 feet from the street.

7.32 Off-premises portable signs.

(a) *Definition.* As used in this section, the term "off-premises portable sign" means any portable sign which directs attention to a business, product, service or activity other than that which is conducted upon the premises where such sign is located.

B. Portable Sign Permit

7.33 Permit Required.

No portable sign shall be displayed on any premises without a permit for such display from the city secretary.

7.34 Application.

The applicant for a permit required under this subdivision shall furnish the following information upon the application for a permit:

(a) The portable sign is either electric or nonelectric.

(b) The premises where the sign is to be located while in use.

(c) The person utilizing the sign.

(d) The consecutive number of days for which the permit is requested.

7.35 Issuance of decal.

Upon completion of the application for a permit required by this subsection, the tender of permit fees and upon investigation and inspection for conformance with this Ordinance and any other applicable provisions of this Ordinance, a permit decal shall be issued which must be prominently affixed upon the sign while it is in use.

7.36 No permit shall be issued for any portable sign if:

(a) The top of the sign, including decorative trim, is more than eight (8) feet above the ground.

(b) The sign utilizes exposed electric bulbs and is found, upon inspection, to be missing one or more bulbs, thus exposing a socket. 7.37 Time limitations.

(a) No portable sign permit shall be issued for the display of an on-premises portable sign for more than 30 days in a 12-month period.

(b) No portable sign permit shall be issued for the display of an off-premises portable sign for more than five (5) days in a one (1) month period.

(c) Upon expiration of the permit period for any portable sign, either a new permit must be issued, if allowed, the sign removed from the premises within three days or the sign must be brought into compliance with all requirements for permanent signs set forth in this Ordinance.

7.38 Offense.

It shall be considered an offense to erect, construct or allow land to be used for a portable sign in violation of the requirements and standards of this section.

SECTION 8: ENFORCEMENT

8.01 Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each violation and each day of violation shall constitute a separate offense.

8.02 This Ordinance is enforceable on the property owner, the owner of the sign, or their agents.

8.03 Any city employee or representative may remove any sign found in violation of this Ordinance and deposit the sign at City Hall. The owner or agent of the sign shall be notified of the removal and shall have twenty-four hours to reclaim the sign. If the

owner/agent does not reclaim the sign in the twenty-four hours after notification, the City of Roman Forest shall dispose of the sign as it may deem fit.

SECTION 9: REPEALING CLAUSE

City Ordinance 316, dated June 11, 2013, and all other ordinances, resolutions, and/or policies of the City of Roman Forest, Texas, whether written or otherwise, which are in any manner in conflict with, or inconsistent with this Ordinance, shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 10: SAVINGS CLAUSE

If any part of this Ordinance shall be held unconstitutional or otherwise invalid by a Court, such part shall be deemed severable and invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 11: TEXAS OPEN MEETINGS ACT

It is hereby officially found and determined that the meeting at which this Ordinance was considered 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 of the Texas Government Code.

SECTION 12. EFFECTIVE DATE AFTER PUBLICATION

This ordinance shall be in full force and effective upon its publication as provided by law.


PASSED AND APPROVED THIS 20th DAY OF MARCH, 2018

CITY OF ROMAN FOREST, TEXAS



Chris Parr, Mayor

ATTEST:



Iliana Bahr, City Secretary