

ORDINANCE NO. 2022-03

AN ORDINANCE AMENDING ORDINANCE 2022-02 REGULATING OFF-PREMISES SIGNS AS DEFINED BY CHAPTER 394 OF THE TEXAS TRANSPORTATION CODE, AND OTHER OUTDOOR SIGNS WITHIN THE CITY LIMITS OF BEACH CITY, CHAMBERS COUNTY, TEXAS TO REDUCE HAZARDS TO MOTORIST AND PEDESTRIANS, TO ENCOURAGE SIGNS WHICH ARE HARMONIOUS TO THE SITES WHICH THEY OCCUPY, TO PROVIDE AN OPPORTUNITY TO ACHIEVE A REASONABLE BALANCE BETWEEN THE NEEDS OF SIGN AND OUTDOOR ADVERTISING WHILE IMPROVING AND PRESERVING THE VISUAL QUALITIES OF THE COMMUNITY, AND TO PROTECT PUBLIC AND PRIVATE INVESTMENT IN BUILDINGS AND OPEN SPACES WHILE IMPROVING THE COMMUNITIES VISUAL ATTRACTIVENESS AND SIGN REGULATIONS; REPEALING CONFLICTING ORDINANCES; CONTAINING A SAVINGS CLAUSE; PRESCRIBING A MAXIMUM PENALTY OF ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) FOR EACH VIOLATION THEREOF; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF.

WHEREAS, The City Council wishes to preserve the community's visual attractiveness and effective outdoor advertising by improving sign regulation; and

WHEREAS, Chapter 216 of the Local Government Code authorizes cities to regulate signs; and

WHEREAS, the City Council finds that this ordinance is in accordance with Chapter 216 of the Local Government Code; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH CITY, TEXAS:

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all parts of the same which are not held void or unconstitutional shall remain in full force and effect.

THAT any person who shall violate a provision of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall erect, alter, repair or relocate any sign, or who has erected, altered, repaired, or relocated any sign, in violation of this ordinance shall

be deemed guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which the violation of any provision of this ordinance is committed, continued or permitted, and upon conviction of any such violation shall be punished by a fine not to exceed \$1,000.00 per day.

THAT the following provisions of this ordinance are as follows:

Section 1. Purpose.

The City recognizes the need for signs. It is intended that this chapter regulate the location, erection, duration, use and maintenance of any billboard advertising signs within the jurisdiction of the City.

Section 2. Objective.

The City adopts this ordinance to specifically protect the health, safety and welfare of its citizens, to promote property values, to reduce visual pollution, to promote community environmental setting and appearance, and to support the objectives of City by providing for a comprehensive regulation of outdoor advertising, specifically to prohibit the erection, structural alteration and maintenance of offsite or off-premises outdoor advertising material within the corporate limits of the City.

Section 3. General provisions.

It shall be unlawful for any landowner, tenant, contractor or other person having responsibility or control of any premises, to suffer, permit or allow placement, erection or maintenance of any off-premises billboard sign as defined in Texas Transportation Code, Chapter 394, Section 394.01, of any type within this City other than publicly maintained street or directional signs. "Off-Premises sign" means a sign displaying advertising that pertains to a

business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

Section 4. Interpretation.

Nothing in this chapter shall be construed to give the right to any person to erect or maintain any outdoor advertising in the City wherein the particular form of outdoor advertising is prohibited by deed restrictions or other ordinances, state or federal law or regulations.

Section 5. Projection over public property or public right-of-way.

No sign shall extend over public property or public right-of-way.

Section 6. Health, safety, welfare.

Whenever unusual circumstances arising out of unique conditions surrounding a building site or caused by its occupancy give rise to problems of health, safety and welfare that could be substantially alleviated by use of a sign, such sign as may be necessary for the purpose involved, may be temporarily erected upon approval of the building official or a designated representative.

Such approval shall be temporarily given at the time an application is made to the City. Such temporary approval shall be granted only for the time period necessary for the routine approval or disapproval of the sign by the City Council. Such signs shall be restricted to the minimum area necessary to accomplish the purpose for such signs.

Section 7. Prohibited advertising devices.

- (1) Advertising searchlights.
- (2) All off-premises commercial signs and billboards.
- (3) Any signs on a single or double pole structure that extend into the air more than twelve feet (12') as measured from the top of the structure to the *road grade* under the sign.
- (4) Mobile advertising.

Section 8. Permissible signs

- (1) Permanent signs shall not exceed thirty-two (32) square feet in area.
- (2) Temporary signs are such signs as may be needed from time to time to indicate that the premises are for sale or for rent.
 - (a) Number and size. Signs shall be limited to one such sign for each property frontage involved and no single sign shall exceed 32 square feet in area.
 - (b) Contents. Such signs shall contain only the following information:
 - (i) That the property is for sale, lease or exchange by the owner or his/her agent.
 - (ii) The owner's or agent's name.
 - (iii) The owner's or agent's address and telephone number.
 - (iv) When appropriate to the occasion, the words "open house" or "inquire within."
 - (c) Conditions. Such signs shall not be located on or over public property and may only be displayed on the property that is for sale, exchange or lease. Temporary signs may be made of the same material permitted for permanent signs. and in addition, may be made of less durable materials and woods such as pasteboard; but in no event shall be self-illuminated, luminescent, fluorescent, or have any characteristic which will make them glow or shine. Such signs shall be removed upon agreement of sale, exchange or lease.
- (3) Electronic Signs
 - (a) Must not exceed height as defined in Section 7, Paragraph 3
 - (b) Must not exceed 50 square feet

- (c) NITS shall not exceed 6500 from sunrise to sunset
- (d) NITS shall not exceed 1250 from sunset to sunrise
- (4) Political signs so long as they do not exceed that maximum square footage provision of this section. Thirty days after the election, which includes any runoff election, all political signs pertaining to such election shall be removed or be subject to removal by the City. Candidates shall be responsible for removal of their political signs. If the City removes the signs, it may assess the candidate the actual cost of removal.
- (5) Signs advertising civic events sponsored by the City, Beach City, or other local civic clubs provided that no sign shall be allowed to remain posted longer than seven days before the Sign Ordinance event and be removed within 24 hours of the conclusion of the event.
- (6) Event signs such as: Garage/yard sale signs; lemonade stand signs; party signs and estate sale (personal property sale) signs cannot occur more than once every 90 (ninety) days and may not be posted more than 3 (three) days prior to the event and must be removed within 24 hours of the conclusion of the event.

Section. 9. Functions of the City Council on Permit Applications.

The City Council will review all applications for signs, grant or deny such applications, and issue sign permits. In reviewing the applications, the City Council shall uphold the provision of this ordinance and shall ensure that the signs will be compatible with the property and use thereof, and will not create hazards, confusion, poor aesthetics, loss of business, clutter and garishness, adversely affect the stability and value of property, or produce degeneration of property with attendant deterioration of conditions affecting the peace, health and welfare of the city. The

City Council shall establish permit fees as well as an application form and procedure for all applications.

Section 10. Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 11. Invalid Provisions.

If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

Section 12. Penalty.

Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One and No/ 100 Dollar (\$ 1.00) nor more than One Thousand and No/ 100 Dollars (\$1,000.00). Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which the violation of any provision of this ordinance is committed, continued or permitted, and upon conviction of any such violation shall be punished by a fine not to exceed \$1,000.00.

Section 13. Existing Signs

All existing signs prior to this ordinance becoming in effect shall be grandfathered. Any repair or changes to a grandfathered sign that exceeds 50% of replacement cost shall lose its grandfathered status and is then subject to the current city ordinance.

Section 14. Publication and Effective Date.

This ordinance shall take effect from and after ten (10) days from its passage by the City Council. The City Secretary is hereby directed to give notice hereof by causing the caption of this ordinance to be published in the official newspaper of the City of Beach City, Texas, at least twice within ten (10) days after passage of this ordinance.

ADOPTED and EFFECTIVE on this the 25th day of October, 2022



RYAN DAGLEY, MAYOR

ATTEST:



EVONNE DONNELLY, City Secretary

APPROVED AS TO FORM ONLY:



DANIEL R. JACKSON, City Attorney