

**CITY OF DOUBLE HORN
SIGN ORDINANCE 2022-ORD035**

AN ORDINANCE OF THE CITY OF DOUBLE HORN, TEXAS ADOPTING A SIGN ORDINANCE OF THE CITY OF DOUBLE HORN, TEXAS, PROHIBITING CERTAIN SIGNS FROM THE CORPORATE AND EXTRATERRITORIAL JURISDICTIONAL LIMITS OF THE CITY; PROVIDING A PENALTY; PROVIDING FOR REPEAL, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Double Horn, Texas, (hereinafter "City Council") finds that public health, safety, welfare, and aesthetic concerns create the need to enact sign regulations; and

WHEREAS, the City of Double Horn, Texas, (the "City") has the legal authority to adopt regulations governing signs and the use of land and right of way within its corporate limits and extraterritorial jurisdiction ("ETJ") of the City; and

WHEREAS, set forth herein in is a proposed ordinance prohibiting certain signs within the corporate limits and the ETJ of the city, the adoption of which City Council finds is beneficial to the orderly development of the City of Double Horn; and

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

SECTION 1. INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. FINDINGS

After due deliberations and consideration of the recommendation of the City Council has concluded that the adoption of the Sign Ordinance serves the best interests of the City of Double Horn, Texas, serves the health, safety, welfare and aesthetic concerns of the public.

SECTION 3. ADOPTION

A. The Double Horn Sign Ordinance, is hereby adopted and shall read as follows:

Section 1. Definitions.

Nonconforming Sign means a sign that was lawfully installed at its current location, but does not comply with the requirements of this Ordinance.

Off-Premise sign means a sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located.

Sign means a display surface, structure, light device, banner, plaque, poster, billboard, pennant, figure, painting, drawing, flag, or other thing, whether mounted on land, air, or water, that is designed, intended, or used to display or draw attention to a communicative visual or graphic image, whether or not the image includes lettering, and that is visible from any portion of the public or private right-of-way open to vehicular or pedestrian traffic. A sign includes both on- and off-premise signs, including billboards, and any moving part, lighting, sound equipment, framework, background material, structural support, or other part thereof. Notwithstanding the generality of the foregoing definition, the following are not signs for purposes of this chapter:

- (a) An image displayed on the interior wall of a building;
- (b) Decorative or architectural features of buildings or onsite landscape features which do not include lettering, trademarks, or moving parts and which do not perform a communicative function;
- (c) Foundation stones and cornerstones which are permanent in nature and incapable or not intended for modification once installed;
- (d) Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;
- (e) Identifying marks on tangible products that customarily remain attached to the product even after sale;
- (f) Merchandise on public display and presently available for purchase on-site;
- (g) News racks and newsstands;
- (h) Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, or similar accessories, other than commercial mascots or hand-held placards or appliances worn for the principal purpose of holding a placard; or
- (i) Vending machines, product dispensing devices, and automated product intake devices which do not display off-premise commercial messages, including depositories for recycled materials, slots for returning lent books, media, or other material, laundry boxes, and similar depositories.

Section 2. Signs Prohibited.

The following signs are prohibited within the corporate limits of the city and its extraterritorial jurisdiction (“ETJ”).

2.1 Off-premise signs are prohibited. No signs shall be erected advertising products or services not available on the site. This provision also includes messages displayed on electronic signs. Electronic signage shall not display advertisement or messages for goods or

services not available on the site.

2.2. Signs and supports (other than those placed by the governmental authority such as street name signs) which are located within any public right-of-way. This section shall not apply to signs on commercial vehicles or commercial trailers lawfully operated or parked in such areas, except that this exception shall not otherwise be used to legitimize the use of advertising vehicles and trailers prohibited herein.

2.3. Any signs which resemble an official traffic-control device or sign, or which bear the words of traffic-control.

2.4. Signs, which by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic-control sign, signal or device or the light of an emergency or road equipment vehicle or which hides from view any traffic or street sign or any signal device.

2.5 Commercial Signs, unless the City has issued a permit to authorize placement of the sign.

Section 3. Nonconforming Signs

3.1 A person may continue or maintain a nonconforming sign at its existing location.

3.2 A person may not change or alter a nonconforming sign except as provided in this subsection.

- (a) The face of the sign may be changed.
- (b) The sign may be changed or altered if the change or alteration does not:
 - increase the degree of the existing nonconformity;
- (c) change the method or technology used to convey a message; or
- (d) increase the illumination of the sign.

3.3 This subsection applies to a nonconforming sign that is damaged by accident, natural catastrophe, or the intentional act of a person other than the sign owner or land owner.

- (a) The sign owner or land owner may repair the damaged sign if the cost of repairing the sign does not exceed 60 percent of the cost of installing a new sign of the same type in the same location. Otherwise, the sign owner or land owner shall remove the sign.
- (b) The sign owner or land owner:
 - (1) must apply to the building official for a repair permit not later than the 30th day after the date of damage, and shall finish the repairs not later than the 90th day after the date the building official approves the permit application; or
 - (2) shall remove the sign.

3.4 The building official shall not issue a permit for repair or maintenance of a nonconforming sign if the repair cost exceeds 60 percent of the cost of installing a new sign of the same type in the same location.

SECTION 4. SAVINGS/REPEALING CLAUSE

All City Ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed or amended ordinance, nor shall the repeal or amendment prevent a prosecution from being commenced for any violation if occurring prior to the repeal or amendment of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Double Horn hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6. CUMULATIVE

That this Ordinance shall be cumulative of all other which are not expressly adopted or repealed hereby in accordance with Section 3 above and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance in accordance with Section 3 above. Except as provided in Section 3 above, Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 7. PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar (\$1.00) nor more than Five Hundred (\$500.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the governing body of the City of Double Horn determines that a violation of this Ordinance creates a threat to the public safety, the City may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

SECTION 8. PUBLICATION

The City Secretary of the City of Double Horn is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 9. EFFECTIVE DATE

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

DULY ADOPTED BY the City Council of the City of Double Horn, Texas on the 8th day of December 2022.


Cathy Bereno, Mayor

ATTEST:


Karen Maxwell, City Secretary

APPROVED AS TO FORM:


Patty Akers, City Attorney