

ORDINANCE NO. 55-122017

AN ORDINANCE AMENDING THE CITY OF GARDEN RIDGE SIGN ORDINANCE NO. 55-062017; PROVIDING FOR THE REGULATION, INSTALLATION, AND MAINTENANCE OF SIGNS WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION (“ETJ”) OF THE CITY OF GARDEN RIDGE; PROVIDING FOR DEFINITIONS, EXEMPTIONS, LOCATIONS, AND SIZE AND HEIGHT RESTRICTIONS; REQUIRING PERMITS; PROHIBITING CERTAIN TYPES OF SIGNS; PROVIDING A MEANS FOR VARIANCES THERETO; PROVIDING A REPEALING SECTION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Garden Ridge previously adopted Ordinance No. 55-062017 setting forth comprehensive sign and billboard regulations for the City of Garden Ridge and its extraterritorial jurisdiction (“ETJ”); and

WHEREAS, it has become necessary to revise the existing sign regulations in a manner that provides the citizens of Garden Ridge a content neutral sign code developed based on the United States Supreme Court decision of *Reed v. Town of Gilbert*; and

WHEREAS, the City Council is authorized to regulate signs by virtue of the Texas Constitution, the City of Garden Ridge’s police power, and Texas Local Government Code Chapters 211 and 216; and

WHEREAS, it is the desire of the Planning and Zoning Commission and City Council to adopt this ordinance as a comprehensive amendment to preceding ordinances; and

WHEREAS, City Council finds that it is necessary and proper to amend sign regulations from time to time in support of the health, welfare and safety of the community in providing regulations relative to the use of various signs provided for herein; and

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS:

Section 1. Findings. The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this ordinance for all purposes.

Section 2. Repealing Prior Ordinances. The City of Garden Ridge, Texas, Ordinance No. 55-112004, dated November 3, 2004, and all amendments thereto are hereby superseded.

Section 3. Purpose. The purpose of this ordinance is to provide uniform, content neutral sign standards and regulations in order to ensure public safety and efficient communication and promote a positive city image reflecting order, harmony, and pride, thereby strengthening the economic stability of the City's business, cultural, historical, and residential areas, as follows:

A. Public Safety. To promote the safety of persons and property by ensuring that signs do not:

1. Create a hazard due to collapse, fire, decay, or abandonment;
2. Obstruct firefighting or police surveillance; or
3. Create traffic hazards by confusing, distracting, or obstructing the view of pedestrians or vehicles.

B. Efficient Communications. To promote the efficient transfer of information in sign messages by ensuring:

1. Those signs which provide public safety messages and information are given priority;
2. Businesses and services may identify themselves;
3. Customers and other persons may locate businesses or services;
4. No person or group is arbitrarily denied the use of sight lines from public rights-of-way for communication purposes;
5. Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages according to the observer's purpose; and
6. The right of free speech exercised through the reasonable use of signs is preserved.

C. Landscape Quality and Preservation. To protect the public welfare and enhance the appearance and economic value of the landscape by ensuring that signs:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using public rights-of-way;
3. Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height, or movement;
4. Are not detrimental to land or property values;
5. Do not contribute to visual blight or clutter; and
6. Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

Section 4. Compliance. No person may construct, reconstruct, place, install, relocate, alter, or use a sign after the effective date of this ordinance unless such installation, construction, reconstruction, placement, relocation, alteration, or use meets all the provisions of this ordinance and all other applicable ordinances adopted by the City Council.

Section 5. Area of Jurisdiction. The provisions of this ordinance shall apply within the City limits and ETJ of the city as defined by state law.

Section 6. Definitions. Words and phrases used in this ordinance shall have the meanings set forth in this section. Other words and phrases shall be given their common ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only and shall not be used in the interpretation of this ordinance. In the event of conflicting regulations or definitions thereupon, the stricter definition or regulation shall apply.

Abandoned/obsolete sign. A sign that advertises a product, service, or business no longer available or in operation or not being maintained for a certain period of time as hereinafter described in this ordinance.

Address sign. A sign denoting the designated street number for a building or property. See Ordinance 97 for address sign requirements.

Advertising bench. Any bench providing seating to the general public without charge, which may bear advertising.

A-frame. An A-framed style sign, which is typically but not necessarily foldable or collapsible and meant to be easily moved.

Animated or moving sign. 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.

Area.

- A. The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure.
- B. In cases where a sign is composed only of letters, figures, or other characters, the dimensions used to compute the area are the smallest simple imaginary figure (circle, triangle, rectangle, or other) which fully contains the sign content.

Auxiliary sign. Provides information such as hours of operation, delivery instructions, credit cards accepted, restrictions of sale to minors, "no soliciting," or "beware of dog."

Awning, canopy or marquee sign. A sign that is mounted, painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by this ordinance.

Back-to-back sign. A structure containing two (2) parallel signs whose faces are oriented in opposite directions.

Bandit signs. Any sign not authorized by this ordinance and/or any sign posted on a utility pole, street sign, street furniture, or sign posted in violation of this ordinance in the public right-of-way, of any size, including signs with wood or wire framing, post, or stakes. No sign owned or placed by the City, the State, or a public utility shall be considered a bandit sign.

Banner. Any sign intended to be hung either with or without frames, possessing colors, characters, letters, illustrations, or ornamentation applied to paper, plastic, fabric, or netting of any kind, supported by wire, rope, webbing, or similar means or through the grommets of the sign.

Beacon. Includes any light with a beam directed into the atmosphere or directed at a point which is not on the same property as the light source, or a light with one or more beams that move.

Billboard. All off-premises signs owned by a person, corporation, city, or other entity that engages in the business of selling the advertising space on the sign.

Bill posters. Any advertising poster or handbill.

Changeable copy sign. Any sign or part of a sign, on which content can be changed or rearranged without altering the face or surface of the sign, for example a gasoline price sign.

City. The City of Garden Ridge, Comal County, Texas, an incorporated municipality, and its associated extraterritorial jurisdiction ("ETJ").

Code enforcement officer (CEO). The person or persons designated by the City to enforce city codes and this ordinance.

Commercial complex. Any property such as a shopping center, office park, or industrial park, which consists of two (2) or more establishments on a single platted lot, or which is designed, developed, and managed as a unit.

Electric sign means:

- A. 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;
- B. Outside building outlining;
- C. Any interim decorative displays; and
- D. Any gas tube window outlining.
- E. 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 provisions of this ordinance pertaining to electric signs shall apply to such signs.

Embellishments. Any feature such as a cutout, neon, or plastic letters, clock, electric device, or space extension, which is added to an outdoor advertising structure. All embellishments shall be included when measuring sign perimeter.

Fireproof structure. A sign constructed entirely of steel members including structural support for the sign face. The sign face and its support members shall be constructed of metal panels or other non-combustible materials, and all electric signs on commercial property shall have a fireproof structure.

Flag/patriotic. National, state, church, municipal or school flags, or any other flag that constitutes protected noncommercial free speech. A fabric sheet attached at one end to a pole, cable, or rope.

Flashing sign. Message boards that are electronically controlled by intermittent light impulses or alternating panels consisting of letters, words, or numerals that can either change sequentially or travel across the display area. Other than time and temperature signs, emergency signs, school zone signs, or other governmental signs.

Freestanding sign. Any sign not attached to or part of a building. Including, but not limited to, monument signs and self-supported signs.

Ground. Ground level is the lower of:

- A. the existing grade prior to construction of the sign, or
- B. the newly established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

Historic sign. A sign that is an integral part of the historical character of a landmark building or erected at a historic site or district.

Holiday sign. A temporary display or decoration customarily associated with any national, state, local, or religious holiday or celebration.

Illuminated sign. Any sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.

Monument sign. Any ground-mounted structures of masonry, rock, brick, stone or stucco. See Ordinance 13.

Moving sign. Any sign or part of a sign which is animated or moves.

Municipal property. Means property owned by the City. Except for signs authorized in advance by the City Council, no signs of any kind may be posted in a park or on municipal property.

Non-conforming sign. Signs which have been installed prior to the effective date of this ordinance, are in use as of the effective date of this ordinance, and which do not conform to this ordinance.

Permanent sign. A sign that is affixed or attached to the ground or a structure that is intended for long-term use or which cannot be removed without special handling.

Pole sign. A permanent sign that is mounted on a freestanding pole or other support that is placed on, or anchored in the ground and is independent from any building or other structure.

Portable sign. Any sign that is readily capable of being moved or removed, whether attached or affixed to the ground or any structure that is typically not designed nor intended to be permanently affixed to a building, other structure, or the ground. Portable signs include, but are not limited to:

- A. Signs designed and constructed with a chassis or support with or without wheels;
- B. Menu and "sandwich" board signs;
- C. "A" and "T" frame signs;
- D. Posters, flags or banners affixed to windows, railings, fences, overhangs, trees, hedges, or other structures or vegetation, and homes except for pole-mounted flags;
- E. Signs mounted upon vehicles parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operation of the business, and except for signs advertising for sale the vehicle upon which the sign is mounted;
- F. Searchlights; and
- G. Inflatables.

Premises. A lot or tract within the City or its ETJ, and contiguous tracts in the same ownership, which are not divided by any public highway, street, alley, or right-of-way.

Residential area. Any property within the city limits which is zoned for residential use. Any un-zoned property within the city limits, or any property within the City's ETJ, which is vacant, in any form of agricultural use, on which a residence is the principal use, and any portion within two-hundred (200) feet of any such property.

Responsible party. The owner of the property upon which the sign is located, the lessor of the property, and/or the owner of the sign.

Roof-top sign. A sign placed on the roof of a building.

Safety signs. Signs required by State or Federal statute.

Sail, teardrop, feather, or bow banner. A self-supported wing, feather, blade, cone, or rectangular shaped flag mounted on a flexible pole.

Setback. The area from property lines back to buildings. Signs posted within building setbacks should not be an obstruction to traffic vision.

Sign. any device or surface including exterior walls of buildings, on which figures, letters, photographs, illustrations, logos, designs or outlines are used for such purposes as identification of individuals, partnerships, corporations, or organizations advising of a product and/or a location which is visible to the public. This includes lights, banners, pennants, and similar devices to attract attention, but excludes signs affixed to motor vehicles.

Sign, changeable electronic variable message (CEVMS). A sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the national standard.

Sign code application area. The corporate limits of the City and the area of its extraterritorial jurisdiction as defined by Tex. Loc. Govt. Code section 42.021.

Single commercial building. A structure containing a single commercial establishment, office, business, school, church, nonprofit organization, charity, or government agency.

Sign face. That portion of the sign dedicated to the message, logo, name, etc.; the sign face may be of a different material than the monument it is on. The sign face and its framing, trim molding and/or supporting structure shall not protrude above the premises and shall not be of such a character as to violate any other provisions of this chapter. Other than a monument sign, no sign face shall be deeper than two (2) feet.

Sign height. The dimension of any sign from the ground to the highest point above the around, including any type of framing or supporting structures.

Sign perimeter. The measurement of that part of the sign which contains the textual wording of the sign including any surrounding framing, brickwork, scrollwork, etc. It does not include the supporting posts that extend below and/or surround the textual wording of the sign to the ground.

Sign supports. The structural members which support and/or surround the sign face.

Street banner. A banner suspended above a right-of-way.

Temporary sign. Any sign not permanently affixed or attached to the ground or to a structure, which can be removed without special handling and intended for temporary display.

Trailer sign. A permanent or temporary sign affixed to a trailer. The primary purpose of said display is to attract the attention of the public to the subject matter advertised on the sign rather than to serve the customary identification purpose of said trailer.

Variance. Written approval to depart from the strict application of the provisions of this ordinance.

Vehicular sign. A permanent or temporary sign attached to, affixed to, or otherwise displayed on a vehicle. The primary purpose of said display is to attract the attention of the public to the subject matter advertised on the sign rather than to serve the customary identification purpose of said vehicle.

Vintage sign. A sign that is representative of events or dates from a period older than forty (40) years and is for decorative purposes only.

Wall sign. A sign erected parallel to or painted on the surface or integral with the outside wall of any building.

Window sign. A permanent or temporary sign attached to, affixed to or otherwise displayed on a window.

Section 7. Prohibited Signs. The following signs are prohibited within the City or its ETJ:

- A. Advertising benches
- B. Animated or moving signs
- C. Bandit signs
- D. Billboards
- E. Bill poster
- F. Electric sign
- G. Flashing sign – except in the case of emergency notifications
- H. Inflatable signs
- I. Pole signs

- J. Portable signs – except those used by the City to inform its citizens of special events.
- K. Trailer signs
- L. Changeable electronic variable message signs (CEVMS), including but not limited to a new CEVMS and the conversion of an existing non-CEVMS sign to a CEVMS, within the sign code application area.
- M. Other signs: Painted, mounted or otherwise displayed on any roof surface, walls, or fences or installed so that it faces contiguous residential property or any other signs not specifically authorized under this ordinance.

Section 8. Exemptions for Certain Types of Signs. The following are exempt from regulation under this ordinance:

- A. Any sign attached to a window, not exceeding ten percent (10%) of the gross glass area, or door of a building, for example sign indicating open/closed, business hours or help wanted.
- B. Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a freestanding monument sign when placed or approved by a governmental entity, historical society, religious organization, or other nonprofit entity to commemorate a person, event, or other matter of historical interest.
- C. Any sign installed or required to be installed by any governmental entity or public utility to give information, directions, or warnings to the general public, regardless of the sign's location on public or private property.
- D. Vintage or historic signs.
- E. Holiday signs, lights, or decoration with no commercial message.
- F. Signs or banners primarily displayed on Comal Independent School District or other school property of an accredited public or private school promoting or recognizing student success and school activities.
- G. Signs and monuments displaying the address of a commercial building shall not constitute a sign in terms of limiting or eliminating the rights to a sign as allowed in other sections of this ordinance.

Section 9. General Regulations.

- A. Identification of signs. All signs installed after the date of the adoption of this ordinance shall have the sign permit number affixed.
- B. Historic signs. Historic signs existing prior to the effective date of this ordinance that are part of the unique architectural, historic, or scenic characteristics of the building, that

enhance its visual character, and that are compatible with the building shall be allowed to remain in place after the effective date of this ordinance. Historic sign designation will be at the discretion of the City Administrator.

- C. Prohibited locations and other restrictions. This section shall apply to all signs located within the city limits or the City's ETJ, with the exception of those referenced in section 13 of this ordinance. No sign or part of a sign shall:
1. Be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or pedestal;
 2. Be placed upon real property without the consent of the property owner;
 3. Be located in, on, or over any right-of-way, except for directional or informational signs erected by government agencies. Any such sign, other than informational signs erected by government agencies, shall constitute a nuisance;
 4. Be located so that it blocks vehicle or pedestrian views and/or safe sight distances at any intersection, curve, or corner. This includes signs located on private property. Any such sign shall constitute a nuisance;
 5. Imitate or resemble an official traffic-control device or railroad sign or signal, attempt to direct the movement of traffic, or hide from view or hinder the effectiveness of an official traffic-control device or railroad sign or signal. Any such sign shall constitute a nuisance;
 6. Be placed closer than ten (10) feet to the edge of a road surface. Exception: Monument signs that are placed in the center of a divided roadway as an island;
 7. Have unreasonably bright flashing lights or other distracting features such as balloons, streamers or banners. This does not include signs with slowly changing messages such as time or temperature;
 8. Be located so that it is on, or in any way obstructs, any sidewalk, walkway, or pathway used by the public for normal pedestrian access. Any such sign shall constitute a nuisance.

Section 10. Required Signage. The following signs are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response and protecting property rights or the rights of persons on property and are therefore authorized in every District and do not count against a property's maximum signage square footage:

- A. Traffic control devices on private or public property and directional signs, including but not limited to, signs depicting one-way traffic, entrances, and exits that are erected and

maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state.

- B. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.

Section 11. Flags. Flags may be displayed as provided under the law that adopts or regulates its use and as follows:

- A. Residential Zoning Districts. In a residential zoning district, three flags, one flag pole and one additional mounting/fixture per premises.. The flag pole shall not exceed 25 feet in height, as measured from the ground. Flag poles may not be installed in utility easements.
- B. Non-residential Zoning Districts. In a non-residential zoning district, one flag per 25 feet of frontage on a right-of-way up to a maximum of three flags and three flag poles per premises. Flag poles shall not exceed 35 feet in height, as measured from the ground. Flag poles may not be installed in utility easements.
- C. Flag poles existing at the time of the adoption of this ordinance are grandfathered pursuant to section eighteen of this ordinance.
- D. Flags displayed temporarily in observance of national or state holidays or other events customarily celebrated with a temporary display of flags are excepted from the provisions of this ordinance.
- E. Additional information regarding flag etiquette, including recognized standards for flag size appropriate for height of flagpole may be found at the following websites:

<http://www.usflag.org/flagetiquette.html>
http://www.aflag.com/flag_etiquette.asp

Section 12. Lessor Rights. For purposes of this ordinance the lessor of a property is considered the property owner as to the property the lessor holds a right to use exclusive of others (or the sole right to occupy). If there are multiple lessors of a property then each lessor must have the same rights and duties as the property owner as to the property the lessor leases and has the sole right to occupy and the size of the property must be deemed to be the property that the lessor has the sole right to occupy under the lease.

Section 13. Location, Size, Number, and Design. When determining whether to issue a permit, the following regulations apply:

- A. Business signs. See Zoning Ordinance No. 13 -122008 for requirements.
- B. Church or school signs. See Zoning Ordinance No. 13 -122008 for requirements.

- C. Subdivision signs. See Subdivision Ordinance No. 7-022011 Amendment #3 for requirements.
- D. Changeable copy signs are permitted in areas zoned for commercial, industrial, church, or school use.

Section 14. Number of Signs. Temporary signs not exceeding an effective area greater than thirty-six (36) feet, which are not illuminated and have no moving parts (unless otherwise stated), posted or erected under the following time, place, and manner conditions:

A. Up to two signs:

1. One (1) sign per property road frontage when posted in residential zoning districts; signs may not exceed six (6) square feet in area and three (3) feet in height; or
2. One (1) sign per property road frontage when posted in other zoning districts; signs may not exceed thirty-two (32) square feet in area and eight (8) feet in height; or
3. When posted during time periods when the property on which the signs are located is for sale or lease and do not remain more than twenty-four (24) hours after the property is sold or leased;
4. With the exception of signs provided for in section 14(A)(3) all temporary signs shall be displayed not longer than thirty (30) calendar days.

B. Up to four signs:

1. When posted at least one hundred (100') feet or more apart, within the public right-of-way (outside any travel lanes) between the hours of 8:00 a.m. on Fridays and 8:00 p.m. on Sundays and do not remain more than twenty-four (24) hours after an event ends and not exceeding six (6) square feet in area and three (3) feet in height; or
2. When posted at the nearest intersection with a collector or arterial street during time periods when residential property located nearest that intersection is being used for a commercial purpose, such as a Garage or Yard sale and do not remain more than twenty-four (24) hours after an event ends and not exceeding six (6) square feet in area and three (3) feet in height.

Section 15. Political Signs. Political signs are authorized for display on private property in all zoning districts within the City of Garden Ridge in accordance with state and federal law.

Section 16. Maintenance; Nuisances.

- A. Sign maintenance. All signs must be maintained in a structurally safe condition and in good repair at all times. No permit shall be required for the normal maintenance of any existing sign or repainting of the original sign message, provided that the area of the sign is not enlarged, the height of the sign is not increased, the location of the sign is not changed, and the content of the sign does not materially change. Changing of the

complete sign message, alterations to the sign, or major repairs (replacement of more than twenty (20) percent of the sign to the original condition) shall not be considered normal maintenance and will require a permit. All signs shall be kept neatly painted or otherwise maintained, including all metal parts and supports thereof that are not galvanized or of rust-resistant material. The code enforcement officer shall inspect and have authority to order the painting, repair, alteration, or removal of a sign that constitutes a nuisance or a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. Changing of the sign message (limited to signs originally designed with removable letters) is limited to changing messages without changing the sign or its components and is considered to be normal maintenance.

B. Maintenance of area around sign. The area around the sign shall be kept clean at all times by cutting vegetation around the sign and the supporting structure.

C. Nuisances.

1. A sign shall constitute a nuisance if it causes injury or threatens to injure the public health, peace, or comfort or is a nuisance per se under the law and is declared to be a nuisance by the code enforcement officer pursuant to this ordinance. The code enforcement officer shall notify, by certified mail or hand delivery, the responsible party of any sign that constitutes a nuisance in order to allow the responsible party the opportunity to cure such nuisance. The responsible party shall cure such nuisance by repair or remove the sign or may seek an appeal of the nuisance determination to the City Council within ten (10) days of receipt of the notice. Any appeal must be filed, in writing, and received by the City Secretary no later than the tenth (10th) day after receipt of the notice of nuisance.

2. If the responsible party chooses not to take the instructed action or institute an appeal, the City may remove the sign, to the extent necessary to abate the nuisance. The City may charge to the responsible party all costs associated with the sign's removal.

3. The City may not remove any sign declared to be a nuisance if an appeal of the nuisance determination is pending. If the City Council does not issue a ruling within thirty (30) days after a written appeal is filed with the City Secretary, the code enforcement officer's determination of a nuisance shall be deemed affirmed. Any determination that a sign does not constitute a nuisance does not prejudice the City, foreclose, or prevent a later determination a sign is a nuisance.

D. Imminent hazards. Any sign which in the judgment of the City Council or the code enforcement officer has become an imminent hazard to public health and safety shall be removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal and the notice may be served upon the responsible party by any means available. A sign which constitutes an imminent hazard and is not repaired or removed within the time specified in the notice may be removed by the City. The City may charge to the responsible party all costs associated with the sign's removal.

- E. Removal and impound fees; disposal of impounded signs. The cost of removal and an impound fee as established in Ordinance 11 for the storage of any removed sign shall be charged to the responsible party. If a sign has been removed by the City and the sign remains unclaimed for a period of thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.

Section 17. Nonconforming Signs.

- A. Transfer to new owner or other location. Nonconforming signs are not transferable to a new owner and may not be transferred to another location within the city municipal limits or ETJ without such signs first being brought into full compliance with all requirements of this ordinance, including obtaining a properly authorized permit.
- B. Removal of destroyed or deteriorated signs. A nonconforming sign shall be considered destroyed if the cost of repairing the sign, after a part of it has been destroyed or deteriorated, is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location. It shall be the responsibility of the responsible party to supply the City with a quote from a reputable sign company that shows the replacement value and the cost to restore the sign to full compliance upon request by the City Council or the code enforcement officer within fifteen (15) days of said request. If the sign is determined to be destroyed by the City Council or the code enforcement officer, it must be removed by the responsible party without compensation by the City within ten (10) days of the determination. A replacement sign must fully comply with this ordinance and shall require a permit to be obtained from the City at the set fee.
- C. Continuation of use. All nonconforming signs existing prior to the effective date of this ordinance shall be allowed to remain in place without the requirement of a permit provided that they otherwise comply with the twenty (20) percent repair standard, the general regulations; and regulations for sign maintenance and nuisances.
- D. Temporary signs. Nonconforming signs existing prior to the effective date of this ordinance that are of a type that are limited to a specified time period for use in this ordinance must abide by those specified time periods beginning with the effective date of this ordinance.

Section 18. Grandfather Provisions.

- A. This ordinance is not intended to require the relocation, reconstruction, or removal of a sign which is already in place at the time of the adoption of the ordinance from which this chapter is derived and which was erected in compliance with local ordinances, laws and regulations applicable at the time of its erection, to the extent that Chapter 216 of the Texas Local Government Code preempts the application of this chapter to those signs or to any signs otherwise approved pursuant to this Ordinance, as amended from time to time, or by City Council approval, provided that all such signs are constructed in accordance with such approval. Nor shall the Ordinance apply to signs in the extraterritorial jurisdiction of the City, which are located in a county, which is exempt

from regulation under Chapter 216 of the Texas Local Government Code. Signs specifically grandfathered by this Ordinance must come into conformance with the Ordinance upon complete replacement or upon partial replacement, refurbishment or other changes of more than fifty percent (50%) of the area of the sign face. Signs, sign spaces, billboards, and advertising rights thereon are strictly nontransferable.

B. All school, church, subdivision, and municipal signs which have been previously approved by variance or as part of the platting process are grandfathered and such previously approved signs do not need to come into conformance with this ordinance upon complete replacement or upon partial replacement, refurbishment or other changes of more than fifty (50%) of the area of the sign face, so long as the replacement sign retains the configuration of the originally approved sign.

Section 19. Permit Required; Issuance; Fee.

A. Permit required; fee.

1. Except as otherwise provided in this ordinance, no person may construct, reconstruct, place, install, or relocate any sign without first obtaining a sign permit from the City. Changing of the complete sign message, alterations to the sign, or major repairs (replacement of more than twenty (20) percent of the original sign) shall not be considered normal maintenance and will require a permit. Each application for a sign permit must be accompanied by the appropriate fee established by the City. See Ordinance 11 for a schedule of fees.
2. No permit will be issued for a proposed sign that will cause the aggregate of all signs on the property to exceed the square footage allowed for in this Ordinance.

B. Expiration. Properly issued permits expire within sixty (60) days following the issuance of a permit.

C. Temporary Signs. A permit is not required for temporary signs.

D. Application.

1. A person proposing to erect or display a sign shall file an application for permit with the City Secretary. The application must be made on a form provided by the City and shall contain and have attached to it the following information:
 - a) Name, address, and telephone number of the applicant;
 - b) Name, address, telephone number, and firm of the person erecting the sign;
 - c) If the applicant is not the owner of real property where the sign is proposed to be erected, written consent of and name, address, and telephone number of the property owner and a copy of the executed lease agreement;

- d) Location of the building, structure, address, or legal lot and block to which or upon which the sign is to be attached or erected;
 - e) A site plan indicating position, height, and size of the proposed sign and other existing advertising structures on the property in relation to nearby buildings or structures, north arrow and scale of drawing, property lines, curb lines, adjacent streets, alleys, curb cuts, and setback clearance zone;
 - f) Specifications for the construction and display of the sign;
 - g) Copy of stress diagrams or plans, when needed, containing information as to safety and structural integrity of the sign. The City assumes no liability for safety and structural integrity of any sign;
 - h) Statement indicating whether the sign will require electricity. If so, the sign must comply with the International Electrical Code or any successor code as may be adopted and amended by the City;
 - i) Copy of the permit approved by the state department of transportation, the state transportation commission, the county or successor agencies, if state law requires a state permit;
 - j) Date on which the sign is to be erected or displayed;
 - k) Any variance or special use permit that will be requested; and
 - l) Such other information as the City requests to show full compliance with this ordinance and all other standards of the City.
2. The City is not required to act upon a permit application until it is deemed by the City to be administratively complete.

E. Approval or denial; appeals.

1. The code enforcement officer shall promptly review an administratively complete application upon receipt and upon payment of applicable fees by the applicant. The code enforcement officer shall grant or deny an administratively complete permit application within forty-five (45) days after the date that the application was administratively complete, including the payment of all fees. The code enforcement officer shall examine the application, plans, and specifications and may inspect the premises upon which the proposed sign shall be erected, as needed. The code enforcement officer shall issue a permit if the proposed sign complies with the requirements of this ordinance and all other regulations of the City, to include building, electrical, or other similar codes adopted by the City. If the code enforcement officer denies a permit, the code enforcement officer shall state the reasons for the denial in writing and shall mail a certified letter or hand deliver to the applicant stating the reasons for the denial.

2. Any applicant whose permit application is denied by the code enforcement officer may appeal the denial to the board of adjustment. Such an appeal must be filed, in writing, with the City Secretary, within ten (10) days after receipt of the denial. The board shall review the denial and determine if the code enforcement officer incorrectly concluded the proposed sign did not comply with the requirements of this ordinance and all other regulations of the City. If the code enforcement officer fails to grant or deny any application by the forty-fifth (45th) day after the application is administratively complete, the applicant may appeal the refusal to grant or deny the application to the board of adjustment as if it were a denial.
 3. If the board of adjustment does not issue a ruling within thirty (30) days after a written appeal is filed with the City Secretary, the sign application shall be automatically deemed denied.
- F. Modifications. After a sign permit has been issued by the code enforcement officer or at the direction of the board of adjustment, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of the permit without prior written approval by the code enforcement officer or the board.

Section 20. Variances.

- A. Application. All requests for variances to this ordinance, with exception in (Item B) 6 (herein), shall be made in writing; they must be signed; and they must be filed with the City Secretary for subsequent presentation to the Planning & Zoning Commission for review and consideration. It is the responsibility of the applicant to apply to the Planning & Zoning Commission for a desired presentation of his or her request for variance. The Planning & Zoning Commission shall have a minimum of thirty (30) days and a maximum of ninety (90) days for review and consideration of such requests and will, upon completion of such review and consideration, forward their recommendations to the City Council with a recommendation for approval or disapproval. Any variance approved by the City Council is valid for a period of one year from the date of approval.
- B. Standards for approval. The City may approve a variance only if it makes affirmative findings, reflected in the minutes of the City Council's proceedings, as to all of the following
1. The variance will not authorize a type of sign which is specifically prohibited by this ordinance;
 2. The variance is not contrary to the goals and objectives outlined by the City;
 3. The variance is not contrary to the public interest;
 4. Due to special conditions applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right-of-way, a literal enforcement of this ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly

classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement;

5. The spirit and purpose of this ordinance will be observed and substantial justice will be done; and
6. The applicant has not sought a variance from the Planning and Zoning Commission within the past twelve (12) months.

C. Conditions. The City Council may impose such conditions or requirements in a variance as are necessary in the City Council's judgment to achieve the fundamental purposes of this ordinance. A violation of such conditions or requirements shall constitute a violation of this ordinance. A variance, if granted, shall be for a specific event, use, or other application of a business and shall not continue with the property. If a variance is granted and the sign so authorized is not substantially under construction within three (3) months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

Section 21. Enforcement.

- A. Generally. The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.
- B. Criminal prosecution: penalty. Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding five hundred (\$500.00) dollars, except that the fine for a violation that relates to fire safety, zoning, or public health and sanitation may not exceed two-thousand (\$2,000.00) dollars. Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a Class C Misdemeanor.
- C. Civil remedies. Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law, including but not limited to the following:
 1. Injunctive relief to prevent specific conduct that violates this ordinance or to require specific conduct that is necessary for compliance with this ordinance;
 2. A civil penalty up to two-hundred fifty (\$250.00) dollars a day, except that a fine for a violation that relates to fire safety, zoning, or public health and sanitation may not exceed one thousand (\$1,000.00) dollars, when it is shown that the defendant was actually notified of the provisions of this ordinance and after receiving notice committed acts in violation of this ordinance or failed to take action necessary for compliance with this ordinance; and
 3. Any and all other available relief allowed by law.

D. Removal of sign.

1. In addition to remedies otherwise provided in this ordinance, whenever the City has evidence of a sign which after the effective date of this ordinance was constructed, reconstructed, placed, installed, repaired, maintained, relocated, altered, or used in violation hereof, or is otherwise in violation hereof, the City Council or the code enforcement officer shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within seventy-two (72) hours after being notified to do so or if it appears to the City Council or the code enforcement officer that the sign poses an immediate danger to the public, then such sign may be removed by the City and the City's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.
2. The City shall have the authority to immediately remove and dispose of signs deemed in violation of this ordinance, if such signs are placed on or attached to trees, utility poles, or pedestals, or located on any public land or public right-of-way. The City may enforce this section without notice and without returning the removed signs to the responsible party.

Section 22. Relation to Other Ordinances. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance. This ordinance is specifically subordinate to any ordinance or regulations of the City of Garden Ridge pertaining to building and construction safety or to pedestrian and traffic safety.

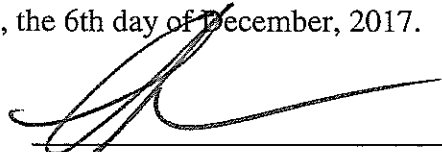
Section 23. Savings Clause. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Garden Ridge under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

Section 24. Cumulative. The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

Section 25. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

Section 26. Effective Date. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PASSED AND APPROVED, this, the 6th day of December, 2017.



Larry Thompson, Mayor

ATTEST:



Shelley Goodwin, City Secretary

Published in the New Braunfels Herald-Zeitung on Wednesday, January 24, 2018.