

**ORDINANCE NO. 2004-08**

**AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS MODIFYING, AMENDING AND REPLACING CHAPTER 60, SIGNS, OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS; DEFINING WORDS AND PHRASES; PROVIDING REGULATIONS FOR THE CONSTRUCTION, PLACEMENT, EXISTENCE AND USE OF SIGNS AND BILLBOARDS WITHIN THE CITY; SETTING FORTH A PERMITTING PROCESS FOR THE PLACEMENT OF SIGNS AND BILLBOARDS WITHIN THE CITY; PROVIDING CRITERIA FOR THE MEASUREMENT OF SIGN, CALCULATION OF AREA AND MAINTENANCE OF SIGNS WITHIN THE CITY; DESIGNATING THE TYPES OF SIGNS AND BILLBOARDS PERMITTED WITHIN THE CITY; PERMITTING THE GRANTING OF VARIANCES; PROVIDING CRIMINAL PENALTIES OF UP TO \$500.00 FOR VIOLATION OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT ANY ORDINANCE IN CONFLICT HEREWITH IS EXPRESSLY REPEALED; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION, EFFECTIVE DATE AND RELATED PROVISIONS.**

WHEREAS, the City Council of the City of Montgomery has determined that Chapter 60 of the Code of Ordinances of the City of Montgomery should be amended, modified and replaced to:

- (i) promote the safety of persons and property by providing that signs do not create:
  - a. traffic hazards by distracting or confusing motorists, impairing motorists' ability to see pedestrians, other vehicles, obstacles or to read traffic signs; or
  - b. a hazard due to collapse, fire, collision decay or abandonment; and
- (ii) promote the efficient transfer of general public and commercial information through the use of signs by encouraging:
  - a. creative expression of the business owner/operator; and
  - b. readability and interpretation; and
- (iii) protecting the public welfare and enhancing the overall appearance and economic value of the landscape and preserving the unique natural environment that distinguishes the city by promoting:

- a. a sense of order through standardization; and
- b. a new image and sense of place.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS that:

## ARTICLE I. IN GENERAL

### **Definitions**

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

*Abandoned sign* means a sign which was erected on property in conjunction with a particular use which has been discontinued for a period of 30 days or more, or a sign, the content of which pertains to a time, event, or purpose which no longer applies.

*Flashing sign* means a lighted or electrical sign which emits light in sudden transitory bursts. On/of time and temperature signs and message boards shall not be considered to be flashing signs for the purpose of this chapter.

*Garage sale sign* means a sign advertising a garage sale, and such sign may not exceed four square feet in size.

*Illuminated sign* means a sign which is directly lighted by an internal or external electrical source. Such term shall not include signs by street signs or light sources owned by the city or light sources operated for the purpose of lighting the area in which the sign is located rather than the sign itself.

*Leader sign* means a sign which leads a person or persons into a business through the use of promotions advertised by this sign.

*Lot* means and includes plot, parcel or tract.

*Moving message board* means an electrical sign which has a continuous message flowing across its face by utilization of lights forming various words.

*Nonconforming sign* means a sign which is erected or displayed prior to the effective date of the ordinance from which this chapter is derived, or subsequent amendments, which do not conform with the standards of this chapter.

*Off premise sign* means a sign which is located on property and transmits a message

pertaining to a product, use, occupancy or function which is not located on the same property as the sign.

*On premise sign* means a sign that transmits a message pertaining to a product, use, occupancy or function that is located on the same property as the sign.

*Point of sale signage (external)* means signage that is attached to point of sale devices that extend beyond the structure of the building including drive throughs and gas pumps.

*Political sign* means a temporary off premise sign, which refers only to a political candidate or the issues involved in an upcoming political election.

*Portable sign* means a sign which is not permanently affixed to a building, structure or the ground, or which is attached to a mobile vehicle.

*Roof sign* means a sign which is located upon the roof of a structure.

*Sign* means a privately-owned permanent, temporary or portable structure or device, billboard, figure, symbol, insignia, medallion, flag, banner, balloon, etc., which advertises, represents or calls attention to a product, service, person, business, operation, use or event, or transmits information or an idea.

*Sign official* means the city administrator, or the person specifically designated by the city administrator or employed and empowered as the city sign official or code enforcement officer.

*Special event sign* means a sign which transmits information regarding community events, including, but not limited to, a National Night Out, civic association events, open house events, etc.

*Suspended sign* means a shingle-type sign suspended from the underside of a horizontal plane or along a vertical plane wherein the sign is supported by that plane.

*Temporary sign* means a sign or information transmitting structure intended to be erected or displayed for a period of 60 days or less.

*Vehicular sign* means a sign painted on, attached to or pulled by a moving or parked vehicle.

*Wall mounted sign* means a flat sign affixed to the wall of a building, and is capable of displaying a sign message.

## **Prohibited Signs**

The construction, placement, existence, or use of or advertisement on signs of the following nature are expressly prohibited unless specifically authorized by this article:

1. Signs or billboards off-premises from the location of the subject of the advertising content, with the exception of city-approved community commercial signs.
2. Signs which advertise an activity business or service no longer conducted on the premises upon which the sign is located.
3. Signs which move or contain visible moving parts, not to include moving message boards.
4. Signs which contain or have attached thereto posters, ribbons, streamers, strings of light bulbs or other similar devices.
5. Banners and pennants of any kind, other than those permitted for grand opening and store closing events or bona fide special announcement (see Division 3k) displayed for 30 days or less.
6. Signs which contain statements, words, or pictures of an obscene, indecent or immoral character which offend public morals or decency.
7. Signs or portions thereof which are located on or project or extend over any public sidewalk, street, alley or other public property. Signs required or authorized by governmental authority are exempted from this provision.
8. Signs which constitute a hazard to pedestrian or vehicular traffic, or which may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
9. Signs which make use of any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse vehicular traffic.
10. Portable or wheeled signs.
11. Signs with flashing, blinking or traveling lights.
12. Signs attached to or located upon exposed amenities such as benches, trash containers or fences.

13. Signs placed on the side or rear of any building or property when such sign faces upon a contiguous residential area.
14. Roof signs that extend more than 24" above the highest point of the roof.
15. Leader signs, with the exception of city approved sidewalk signs (see Division 3(j)).
16. Hand made signs. All signs must be professionally produced.

Nothing contained in this section shall be construed to prohibit the display of the flag of the United States, the State of Texas, or any political subdivision.

## ARTICLE II. SIGN AND BILLBOARD REGULATIONS

### DIVISION 1. GENERALLY

#### **Penalty.**

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction of any such violation such person shall be subject to a fine of \$50.00 to \$500.00 as provided for in section 1-13 of the Code of Ordinances for the City of Montgomery.

### DIVISION 2. PERMIT

#### **Required.**

It shall be unlawful for any person, unless otherwise provided in this article, to erect, construct, reconstruct, structurally alter or relocate any sign within the city without first obtaining a sign erection permit.

#### **Application.**

All applications for sign erection permits shall be accompanied by a dimensional and sight drawing which shall include the following:

- (1) The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached.

- (2) The dimensions of the sign=s supporting members.
- (3) The maximum and minimum height of the sign.
- (4) The proposed location of the sign in relation to the face of the building in front of which or above which it is to be erected.
- (5) The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated.
- (6) The location of all electrical transmission lines within 30 feet of any part of such proposed sign structure.
- (7) If applicable, plans and specifications for the electrical system of the sign.
- (8) All applicants for permanent signs must have all taxes, fees or charges owed to the city paid in full before final approval of the permit application.

**Issuance; fee.**

Upon the filing of any application for a sign erection permit, the plan, specifications and other data shall be examined by the city building official. If it appears that such proposed sign is in compliance with the requirements of this article, the city building code, and other laws of the city, the city building official shall issue the applicant an erection permit at a fee of \$50.00.

**Exceptions.**

A permit shall not be required for the following:

- (1) The changing of the advertising copy or message of a painted sign.
- (2) The electrical, repairing, or cleaning maintenance of a sign.

**Removal of abandoned signs.**

A condition of approval for all sign erection permits shall be that the permit holder or owner of the building or premises, at his own expense, remove *all* abandoned signs. New signs for a building or property on which an abandoned sign

is located shall not be approved until the abandoned sign is removed. Approval may be given on the condition that the abandoned sign is removed.

**Inspection of sign.**

Each sign will be subject to an annual inspection by the designated sign official. Signs found to be in compliance with all terms of this ordinance will be renewed for a period of one year for an annual fee of twenty-five dollars (\$25.00). The owner of sign(s) determined not to be in compliance with the terms of this ordinance will be so notified and granted thirty calendar days to comply. The owner of sign(s) that remain non-compliant with terms of this ordinance will be notified that the sign(s) may be subject to removal pending City Council consideration.

**Stop work orders.**

The issuance of a sign erection permit shall not constitute a waiver of this article or other ordinances of the city. The city building official is authorized to issue stop orders for any sign which is being constructed in violation of this article or any other ordinance of the city.

DIVISION 3. MEASUREMENT OF SIGNS; PERMITTED SIGNS;  
EXCEPTIONS

**Measurement of wall signs.**

Wall signs (fixed to buildings) shall be measured as follows: the sign facing or surface area of a wall sign shall be computed as including the entire area within a regular geometric form comprising all display area of the sign including all elements of the display and including the frame if applicable.

**Measurement of ground signs.**

Ground signs (freestanding) shall be measured as follows: the sign facing or surface area shall be computed as including the entire area within a regular geometric form comprising all display area of the sign and including all elements of the matter displayed including the frame.

**Calculation of area; maintenance; permitted signs; variances.**

- (a) *Calculation of area.*

(1) *Structural members.* Supporting structural members of a sign not bearing advertising matter, identifying color, symbols, wording or pictures shall not be included in computation of surface area.

(2) *Irregular signs.* In calculating the area of irregular signs or separately mounted signs on one supporting structure, the area shall be that of the smallest regular geometric form that will wholly contain all, if the elements including the frame.

(3) *Multifaced signs.* All faces of a multifaced sign shall be included.

(b) ***Maintenance.*** All signs and sign structures shall be kept in good repair and neat appearance. Signs shall be maintained at reasonable intervals, including replacement of defective parts, painting, repairing, repainting and cleaning. The city building official shall inspect all signs and sign structures at random and shall require corrections of any signs deemed in violation of this section. Business or individuals found in violation shall have 10 calendar days to correct or abate any violations.

(c) **Temporary real estate signs.**

(1) One temporary sign not exceeding six square feet shall be permitted for single-family units in order to give information concerning leasing, renting or selling of such single-family unit on the property upon which such sign is erected while such dwelling is actually available for lease, rent or sale. No permit shall be required for erection of a temporary sign under this provision. Such temporary sign may be located anywhere on the premises except as restricted by this section, provided that such sign may not project beyond the property line and shall not have a height of more than five feet over the natural ground level.

(2) One temporary sign for commercial property not exceeding 32 square feet shall be permitted for each parcel of land in order to give information concerning leasing, renting or selling of such commercial property on which the sign is erected while such property is actually available for lease, rent, or sale. No permit shall be required for erection of a temporary sign under this provision. Such temporary sign for commercial property may be located anywhere on the premises except as restricted by this section, provided that such sign may not project

beyond the property line and shall not have a height of more than five feet over the natural ground level.

**(d) Temporary signs for developments other than residential subdivisions.**

- (1) Temporary signs for developments other than residential subdivision, which are under construction, may be permitted in addition to permanent signs allowed by this section for the district in which the building or complex is located in order to give information concerning leasing, renting, selling, financing and/or contracting. Such temporary sign shall be removed 12 months from the date of its erection or when the development is completed, whichever first occurs.
- (2) Temporary signs under this subsection shall not exceed 50 square feet in area, including frame. Freestanding signs shall have a maximum height of eight feet. Freestanding signs shall be located at least 20 feet from the street right-of-way. Any sign attached to a building shall not be higher than the roofline.
- (3) Developments other than residential subdivisions area allowed one such temporary sign for each major development entrance.

**(e) Temporary signs for residential developments.**

- (1) Temporary signs for residential developments under construction may be permitted in order to give information concerning lot or home sales, financing and/or the development. Such temporary sign shall be removed two years from the date of its construction, or when the development is completed, whichever comes first; provided however, that if the construction or tile residential development is not completed within two years from the date of the construction or such temporary sign, the city council may make special exception to this regulation and permit such temporary sign for an additional period not to exceed two years where to do so will not be contrary to public interest and will not result in substantial injury to surrounding property or the appropriate use thereof.
- (2) Temporary signs under this subsection shall not exceed 50

square feet in area including the frame. Freestanding signs shall have a maximum height of eight feet. Freestanding signs shall be located at least 20 feet from the street right-of-way. Any sign attached to a building shall not be higher than the roofline.

- (3) Residential developments are allowed one such temporary sign for each major subdivision entrance. One off premise sign may be located on private property subject to and with the express permission of the property owner. Each subdivision must be located within the corporate limits of the city.

**(f) Temporary direction signs.** Temporary signs that direct the public to a special event of civic interest such as parades, organized holiday festivities, special events on the behalf of charitable organizations and the like are allowed provided that:

- (1) Such signs do not exceed 16 square feet in area.
- (2) Signs are erected only for a time period not to exceed ten days before and two days after the event.
- (3) Such signs are located on private property with the permission of the property owner. In no case shall the sign be located on a public right-of-way without the consent of the city council.

**(g) Temporary political signs.** Temporary political signs are permitted provided that:

- (1) No political sign shall be posted more than 30 days preceding the date of the election to which the sign pertains.
- (2) All such signs shall be removed within seven days following the date of the election in which the sign pertains.
- (3) No such sign shall be more than 20 square feet in sign area.
- (4) No permit shall be required for erection of a temporary political sign.
- (5) Such temporary political sign shall otherwise comply with all the provisions of this article.

- (h) **Temporary garage sale signs.** Garage sale signs shall be permitted for a period of one day prior to the sale and shall be removed at the conclusion of the sale, and shall only be permitted twice a year. Signs shall be erected on private property only. No signs shall be allowed on the city right-of-way.
- (i) **Special event signs in designated areas.** Special event signs may not be erected sooner than 30 days preceding a special event, and shall be removed within 72 hours following the special event. Applicants for special event signs must submit the sign for approval to the sign official. Signs for special events shall be professionally produced. Applicants for special event signs must agree to all additional terms and fees to this ordinance that may be deemed necessary to protect community health, safety and welfare. Special event signs and/or banners shall be restricted to local organizations within the Montgomery Independent School District.
- (j) **Sidewalk signs.** A uniform, city approved sidewalk sign may be permitted. All approved sidewalk signs must be displayed only during regular store hours. No sign shall obstruct pedestrian or vehicular traffic, or be displayed in public right-of-way.
- (k) **"Grand opening"** signs shall be displayed for a period not to exceed 30 days. "Going out of business" signs may be displayed for a period not to exceed 30 days. Bona fide special event banners or special use banners may be granted at the discretion of the sign official.
- (l) **Point of sale signage (external).** Businesses using traditional drive through or drive up facilities will be allowed to affix minimal point of sale signage to the point of sale devices that extend beyond the structure of the building, including gas pumps. Minimal signage will be determined by the sign official.
- (m) **Permanent signs permitted and regulated in residential districts.**
  - (1) Residential subdivisions are allowed one permanent identification sign at each major entrance. The total surface area at each entrance shall not exceed 50 square feet. The height of such sign shall not exceed eight feet above the average finished grade.
  - (2) In multiple dwelling units one sign totaling not more than 32 square feet in sign area shall be permitted. Permitted signs

may be anywhere on the premises except as restricted by this section. They may not project beyond any property line and, if ground mounted. The top shall not be more than five feet over the natural ground level. If building mounted, such sign shall not be flush mounted and shall not project above the roofline.

**(n) Permanent signs permitted and regulated in commercial districts.**

**(1) Wall signs.**

- (a) Size and number. Flat wall signs are permitted for each business utilizing up to 60 percent of total feet of wall area.
- (b) Location. A wall sign shall not project above the roofline. The sign must be located on the site where the goods or services are offered.

**(2) Ground signs (freestanding).**

- (a) Size and number. One ground sign is permitted for each business with a total sign area calculated at a ration of one square foot per one linear foot of frontage. Signs of less than 32 square feet are exempt from calculation. Sign area shall be no larger than 200 square feet including frame.
- (b) Location and height. The height including any part of the sign or structure shall not exceed 30 feet in height above the average finished grade at the front property line. The sign must be located on the site where the goods or services are offered.

**(3) Suspended signs. A shingle-type sign suspended from the underside of a horizontal plane or a vertical plane wherein the sign is supported by that plane.**

- (a) Size and number. One fixed projecting, swinging, or flat sign face attached to the horizontal or vertical plane, not to exceed 12 square feet in area.**

(b) Location and height. Sign structure must be elevated to where the bottom edge of the sign is at least seven feet above a sidewalk, or 13 feet above a parking lot. Shingle signs hung from an awning or roofline above a porch or deck railing must be contained within the opening between the awning or roof and the railing below. No sign may project over a street or public right-of-way or in any way obstruct pedestrian or vehicular traffic.

**(4) Integrated business developments (shopping centers).**

(a) **Wall signs.** Regulations for wall signs shall be the same as provided in subsection (1) of this subsection.

(b) **Ground signs.** Freestanding community signs shall be permitted for integrated development of two or more separate businesses. If a freestanding community sign is used, individual freestanding signs are not permitted.

(1) **Area.** The total sign area for all freestanding community signs shall not exceed one square foot for each one foot of lot frontage up to a maximum size of 200 square feet.

(2) **Height.** A community sign shall not exceed 30 feet in height.

(5) **Industrial areas.** Industrial areas shall have the same regulations for wall and ground signs as other commercial areas but additionally any have one freestanding community sign for integrated developments of two or more separate businesses. The allowable sign area for such freestanding community sign shall not exceed 200 square feet.

**(o) Permanent signs permitted and regulated for specific uses.**

(1) **Applicability.** This subsection shall apply to areas for specific use such as churches, industrial uses, fraternal organizations and others as provided in this article.

(2) **Size, number and location.** The regulations for wall and

ground signs as established by subsection (j) of this section for commercial areas shall also apply to areas for specific use.

- (p) **Obsolete signs.** Signs which have been abandoned due to closing of business, change in business name, or for any other reason rendering the sign no applicable to the property involved shall be removed or rendered blank by the owner of the building or premises within 60 days from the date of the action that caused the sign to be considered abandoned.
- (q) **Variances.**
- (1) A relaxation of the terms of this section may be permitted where such variance will not be contrary to the public interest and where, because of conditions peculiar to the property and as the result of the actions of the applicant, a literal enforcement of this section would result in unnecessary and undue hardship.
  - (2) A variance is authorized under this subsection only for height and sign area.
  - (3) Any variance obtained under this section shall be granted by the city council.
- (r) **Exceptions and exemptions.** The provisions and regulations of this section shall not apply in, the following classes of signs:
- (1) Professional and commercial nameplates and occupational signs denoting only the name and occupation of on occupant in a commercial building, co-op or lease space or public institutional buildings and not exceeding two square feet in area.
  - (2) Identification nameplates or signs of apartment houses, boarding houses or rooming houses or similar uses, not exceeding two square feet in area.
  - (3) One nameplate denoting only the name of the occupants of the dwelling, and not exceeding two square feet in area, not located closer than two feet, to the property line.
  - (4) Memorial and/or other historical signs designated by federal, state or local governments.

- (5) Traffic or other city signs, legal notices or danger signs posted by federal, state or local governments.
- (6) Non advertising signs or trespassing signs on private property, not exceeding two square feet in area.
- (7) Non advertising signs of public utility companies as may be required in their operations in providing services for the health and welfare of the public, or as required by any law or regulations of the state or any agency thereof.
- (8) For nonprofit civic organizations, one sign up to nine square feet in area to advise the membership of meetings and civic information.
- (9) On-site directional signs for public and private developments denoting the entrance, exit and direction of traffic flow and not exceeding two square feet in area, providing such sign is not prohibited or further regulated by other sections of this article or any other ordinance of the city.
- (10) Identification nameplate or sign on a commercial or industrial establishment not exceeding two square feet in area located near and for the purpose of identifying delivery entrances.

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 with other ordinances regulating and governing the subject matter covered by this ordinance.

If any provision, section, 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, invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this ordinance or their application to other sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

This ordinance shall become effective immediately upon its passage and publication, as the law prescribes.

**PASSED AND APPROVED ON SEPTEMBER 14 , 2004.**

**CITY OF MONTGOMERY, TEXAS**

**By:** \_\_\_\_\_  
Edith L. Moore, Mayor

**ATTEST:**

**By:** \_\_\_\_\_  
Carol Langley, City Secretary

**APPROVED AS TO FORM:**

**By:** \_\_\_\_\_  
William T. Fowler, City Attorney