

MODEL SIGN ORDINANCE¹
TEXAS

Ensure that as part of your sign ordinance revision process that the City incorporates safety, traffic, and aesthetics studies or otherwise makes determinations of governmental purpose, and how your ordinance revisions are narrowly tailored to those purposes. Each City must create its own preamble with “Whereas” clauses that should include each City’s studies and purposes.

ARTICLE __. - SIGNS

DIVISION 1 — GENERAL PROVISIONS

Section 1: Findings, Purpose and Intent, and Interpretation.

- (a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this ordinance is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the preservation of the character of the various neighborhoods, the creation of an attractive and harmonious community, and protection against interference with the historic character of designated areas, including the downtown district. This ordinance allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. This ordinance shall not be interpreted in a manner inconsistent with the United States Constitution First Amendment guarantee of free speech. If any provision of this ordinance is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this ordinance that can be given effect without the invalid provision.
- (b) Signs not expressly permitted as being allowed by right or by permit under this ordinance, by specific requirements in another portion of this Ordinance, by master sign plan or agreement, or otherwise expressly allowed by the City Council or Board of Adjustment are not allowed within the City Limits or the Extraterritorial Jurisdiction.
- (c) These sign regulations are intended to: (1) promote compatibility with the use of the property to which the signs are appurtenant; (2) promote compatibility with the landscape and architecture of surrounding buildings; (3) be appropriate to the activity to which they pertain; (4) ensure that signs are not distracting to motorists; and (5) ensure that all signs are constructed and maintained in a structurally sound, safe, and attractive condition.
- (d) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the City Limits or Extraterritorial Jurisdiction of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

¹ This ordinance is based on the IMLA Model Sign Ordinance, signs ordinances from various Texas cities, and on federal and state cases and laws from the past thirty years.

(e) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Section 2: Sign Code.

This chapter shall be known as the “Sign Code.”

Section 3: Geographic Scope and Applicability.

This Ordinance applies to all property within the incorporated municipal boundaries (i.e., City Limits) and the Extraterritorial Jurisdiction (ETJ) as they exist at the time this Ordinance is adopted and as may be modified in the future.

Section 4: Definitions.

Sign. A structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other object that is designed, intended, or used that includes text or images designed to communicate. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.

Commented [LM1]: *Law: Reed v Town of Gilbert.* Each City must ensure all of its definitions, including the definition of Sign, does not require reading of the Sign except to determine whether it is commercial or non-commercial.

Sign Area. The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design.

Sign Administrator. The officer appointed by the city manager with the authority to enforce this Ordinance. The City Manager or designee shall review sign regulations and applications. In the absence of designation by the city manager, the city manager shall serve as the sign administrator. The term also includes any person designated to act on behalf of the sign administrator.

Commented [LM2]: *Note:* This should be the person at the City who runs the day-to-day operations. The authority can then designate the person they would like to be in charge of signs. This can be a city planner, deputy city manager, code enforcement officer, or whoever seems appropriate.

Sign face. The entire display surface area of a sign upon, against, or through which copy is placed.

Applicant. The person or entity requesting sign permit approval, a variance, or a master sign plan from the City. All applicants must provide sufficient proof, to be determined by the sign administrator, showing a real property ownership interest in the property on which the sign will be located or sufficient proof of authorization from the real property owner for sign placement on the property.

Billboard. A sign that is freestanding, attached to or part of a building, and is an off-premises sign that is designed for a change in copy, so that the characters, letters, display, or illustrations can be changed or rearranged within a fixed sign face.

Commented [LM3]: *Note:* See definition for Off-premises sign below.

Building. A building means any structure built for the support, shelter and enclosure of persons, animals, goods, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Commission. The planning and zoning commission of the City.

Dilapidation. Dilapidation includes any sign where elements of the sign area or background have portions of the finished material missing, broken, or illegible; where the structural support is visibly bent, broken, dented, rusted, corroded, or loose; or where the sign or its elements are not in compliance with the adopted electrical code and/or the building code.

Downtown District. Central business district in the City designated as the Downtown District by Ordinance and in the Zoning Map.

Electronic Sign. Any sign for which the text, letters, numbers, pictures, or symbols forming the informational portion of the sign consists of flashing, intermittent, or moving lights, including any LED screen or any other type of video display. This definition does not include signs that have internal or indirect illumination that is kept stationary or constant in intensity and color at all times when such sign is in use or any government sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Texas Manual on Uniform Traffic-Control Devices.

ETJ. Extraterritorial Jurisdiction of the City as created and authorized under Chapter 42 of the Texas Local Government Code.

Façade. The principal face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single façade.

Government Sign. A government sign is a sign that is constructed, placed, or maintained by the federal, state, or local government or a sign that is required to be constructed, placed, or maintained by the federal, state, or local government either directly or to enforce a property owner's rights.

Indirect Illumination. A light source not seen directly. The term includes a source of illumination which is not a part of the sign or the sign structure that provides light for the sole purpose of making the sign visible when natural light is not sufficient.

Inflatable Sign. An inflatable device, with or without a message, figure, or design attached to its surface designed to attract attention.

Logo. Graphic symbols used to represent or identify a commercial, institutional, or non-profit entity or organization.

Commented [LM4]: Best Practice: An example of how districts can be treated differently. Some areas of the City may warrant stricter sign requirements.

Commented [LM5]: Note: Regulating government speech differently from other types is still a gray area. However, using government signs is one way to require address signs without worrying about having a content-based exception.

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