

CHAPTER 13

SIGN REGULATIONS

ARTICLE I

IN GENERAL

Sec. 13-1 DEFINITIONS

The following words and phrases shall have meanings respectively ascribed to them by this article. (Ord. 7-72)

"Building" means a structure which has a roof supported by columns, walls or air, for the shelter, support or enclosure of persons, animals, or chattel.

"Effective Area, Attached Sign" means the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular facade. Effective area shall also be referred to as size.

"Effective Area, Monument Sign" means the area enclosed by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the sign exclusive of its supports. The measurement is to be calculated from a viewpoint which gives the largest rectangle of that kind. The effective area for attached signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular facade. (See Appendix Illustration 1)

"Effective Area, Other Sign" - Signs that do not meet the definition of attached signs or monument signs shall be referred to as other signs. The effective area of other signs shall be calculated by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the sign exclusive of its supports. Effective area shall also be referred to as size.

"Facade" means any separate face of a building, including parapet walls and omitted wall line, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the direction within forty-five (45) degrees of one another, they are to be considered as a part of a single facade.

"Premises" means a lot or unplatted tract, or a combination of contiguous lots or unplatted tracts if the lot or tract, or combination, is under single ownership and is reflected in the plat records of the City.

"Premises, Dwelling" means a lot zoned SF, TH, or 2F that is occupied by a residential housing structure.

"Public Right-of-Way" means a dedicated road or street, including the easement for that road or street.

"Sign" means any device, flag, banner, light, figure, picture, letter, word, message, symbol, plaque, or poster visible from outside the premises on which it is located, and designed to inform or attract the attention of persons not on those premises.

"Sign, Attached," means any sign attached to, applied to, or supported by any part of a building (such as a wall, roof, window, canopy, awning, arcade or marquee) which encloses or covers usable space.

"Sign, Banner" means a sign which is not permanently affixed.

"Sign, Detached," means any sign connected to the ground which is not an attached sign, inclusive of signs on movable objects, except signs on vehicles which are moving or are parked only temporarily, incidental to their principal use for transportation.

"Sign, Monument" means any detached sign which is of monolithic or semi-monolithic construction being made from masonry or concrete materials or plastic, provided that a masonry base is incorporated into the sign, with no separation between the base of the sign and grade.

"Sign, Movement Control" means a sign which directs vehicular or pedestrian movement within or onto the premises on which the movement control sign is located.

"Sign, Off-Premises" means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

"Sign, Pole" means any detached sign which is not a monument sign.

"Sign, Political," means any type of sign which refers only to the issue or candidates involved in a political election.

"Sign, Portable," means a sign designed or constructed or used to facilitate the placing or moving of the sign from one location to another and that is not permanently affixed to the real property.

"Sign, on Premises," means a sign identifying or advertising a business, person or activity, and installed and maintained on the same premises as the business, person or activity.

"Sign, Protective," means any sign which is commonly associated with safeguarding the permitted uses of the occupancy, including, but not limited to, "bad dog," "no trespassing," and "no solicitors."

"Sign Support" means any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, provided that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one (1) inch in height, nor is internally or decoratively illuminated.

"Sign, Vehicular," means any sign on a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection.

"Zoning District, Business," means any zoning district designated by the Zoning Ordinance of the City as O, R, C, TC, LI, and HL. Any PD District with the previous listed zoning prefix is also included in this list, unless specifically excluded by its provisions.

"Zoning District, Non-Business," means any zoning district not designated as a business district in accordance with the above definition.

Sec. 13-2 ADMINISTRATION

The provisions of this chapter shall be administered by the Building Official or his authorized representative.

Sec. 13-3 PERMITS

- A. No sign shall be erected, constructed, relocated, altered, repaired or maintained except as provided in this chapter until a permit for such has been issued and the fee paid, except as otherwise provided in this chapter.
- B. It shall be unlawful for any person, firm or corporation to erect any sign adjacent to Interstate Highway 45 within the City without first presenting proof that they hold a valid State of Texas license, if required.

Sec. 13-4 APPLICATIONS

All applications for permits shall include a drawing to scale of the proposed sign and all existing signs maintained on the premises and visible from the right-of-way, a drawing of the lot plan or building facade indicating the proposed location of the sign, and specifications.

Sec. 13-5 FEES

- A. Every applicant, before being granted a permit to erect, alter, repair or relocate a sign, shall pay to the City a permit fee established by resolution of the City Council.
- B. It shall be unlawful for any person to repair or make alterations, excluding repainting or changing the message, to any sign requiring a permit without first obtaining a repair permit and making payment of the fee required.
- C. When a sign is erected, placed or maintained, or work started thereon before obtaining a sign permit, there shall be a late fee equal to twice the amount of the sign permit fee. The late fee does not excuse full compliance with the provisions of this chapter.
- D. A permit for a sign shall expire if the work is not commenced within forty-five (45) days from the date of such permit, or if work authorized by such permit is suspended or abandoned at any time after work is commenced for a period of forty-five (45) days.

Sec. 13-6 ELECTRICAL PERMIT

Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained according to the existing fee schedule. The electrical inspector shall examine the plans and specifications submitted with the application to ensure compliance with the Electrical Code of the City. No sign shall be erected in violation of the Electrical Code.

Sec. 13-7 IMITATION OF TRAFFIC AND EMERGENCY SIGNS PROHIBITED

No person shall cause to be erected or maintained any sign using any combination of forms, words, colors, or lights which imitate standard public traffic regulatory, emergency signs or signals.

Sec. 13-8 EXEMPTIONS

The following signs are specifically exempt from the provisions of this chapter.

A. Movement Control Signs

Movement control signs may be erected at any occupancy or any premises, other than single family or duplex premises, may be attached or detached, and may be erected without limits as to number, provided such signs comply with all other applicable requirements of this chapter. The occupant of premises who erects a movement control sign shall comply with the following requirements:

1. Each sign must not exceed three (3) square feet in effective area;
2. If a sign is an attached sign, the words must not exceed six (6) inches in height;
3. Each sign must convey a message which directs vehicular or pedestrian movement within or onto the premises on which the sign is located; and
4. The sign must contain no advertising or identification message.

B. Protective Signs

The occupant of a premise may erect not more than two (2) protective signs, in accordance with the following provisions:

1. Each sign must not exceed two (2) square feet in effective area;
2. Detached signs must not exceed two (2) feet in height; and
3. Letters must not exceed four (4) inches in height.

C. Vehicular Signs

Vehicular signs shall conform to the following restrictions and shall:

1. Contain no flashing or moving elements;
2. Not project beyond the surface of a vehicle; and
3. Not be attached to a vehicle so that the driver's vision is obstructed from any angle.

D. Government Signs

Flags, insignia, legal notices, or informational, directional, or traffic signs, which are legally required or necessary to the essential functions of government agencies, are permitted.

Sec. 13-9 PROHIBITED SIGNS

The following types of signs are specifically prohibited:

- A. Balloons, streamers, bunting, banners, flags (except flags allowed under Sec. 13-10 of this chapter) or signs that contain moving parts unless otherwise specifically allowed by this chapter;
- B. Signs erected in violation of the Building or Electrical Code of the City;
- C. Signs attached to or maintained upon any tree or public utility pole or structure;
- D. Signs attached to or painted on the outside of a fence, railing or wall that is not a structural part of a building;
- E. Signs attached to or painted on any sidewalk, curb, gutter or street (except house address numbers);
- F. Signs illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance;
- G. Signs that move, flash, light intermittently, change color or revolve, unless specifically allowed by this chapter.
- H. Pole signs and flag poles, unless otherwise specifically allowed by this chapter;
- I. Off-premise signs (except those signs allowed under Sec. 13-35 and Sec. 13-36 of this chapter).
- J. Signs erected in the public right-of-way (except those signs allowed under Sec. 13-35 and Sec. 13-36 of this chapter).

Sec. 13-10 FLAGS

All flags shall conform to the following requirements:

- A. Nothing in this chapter shall be construed to prevent the display of a national, state, or city flag.
- B. Businesses may erect one corporate flag and flag pole, per location, for a bona fide company or corporate office located within the City.

Sec. 13-11 OBSCENITY

No person shall display on any sign any obscene, indecent or immoral matter. Any sign which does contain any obscene, indecent or immoral matter must be removed or the obscene, indecent or immoral matter must be removed within twenty-four (24) hours of notice. The owner of the property on which the sign is located shall be responsible for compliance with this chapter.

Sec. 13-12 MAINTENANCE OF SIGNS

All signs shall be maintained in good condition. Signs which are damaged in any way, rusty or have peeling paint do not meet minimum maintenance criteria. Signs that do not meet minimum maintenance criteria shall be brought into compliance no later than the tenth (10th) day after notice of such violation or the signs must be removed. The owner of the property on which the sign is located shall be responsible for compliance with this chapter.

Sec. 13-13 (Reserved)

Sec. 13-14 (Reserved)

Sec. 13-15 (Reserved)

ARTICLE II
PROVISIONS FOR BUSINESS DISTRICTS

Sec. 13-16 NON-BUSINESS ZONING DISTRICT

Signs which are located within twenty-five (25) feet of a non-business district boundary shall conform to the requirements of non-business zoning district signs found in article III.

Sec. 13-17 DETACHED (MONUMENT) SIGNS

Detached (monument signs are permitted in business districts, as follows:

- A. Shopping centers with multiple tenants located on a premise of one (1) acre or more in size are permitted to erect a maximum of two (2) monument signs, with the following stipulations:

Maximum size	-	75 square feet
Maximum height	-	8 feet
Setbacks	-	15 feet from street right-of-way
	-	75 feet from property lines other than those property lines fronting the street right-of-way
	-	500 feet from other monument signs on the property.

- B. Shopping centers with multiple tenants located on a premise of less than one (1) acre in size are permitted to erect a maximum of two (2) monument signs, with the following stipulations:

Maximum size	-	50 square feet
Maximum height	-	6 feet
Setbacks	-	15 feet from street right-of-way
	-	75 feet from property lines other than those property lines fronting the street right-of-way
	-	500 feet from other monument signs on the property.

- C. Businesses located on individually platted land, including individual pad sites within a shopping center, are permitted to erect one (1) monument sign, with the following stipulations

Maximum size - 36 square feet
Maximum height - 6 feet
Setbacks - 15 feet from street right-of-way
- 75 feet from property lines other than those property lines fronting the street right-of-way.

- D. Gasoline service stations shall mount price per gallon signs on monument signs only. Monument signs that contain the price per gallon of gasoline sold by that business are permitted to erect monument signs, with the following stipulations

Maximum size - 50 square feet
Maximum height - 6 feet
Setbacks - 15 feet from street right-of-way
- 75 feet from property lines other than those property lines fronting the street right-of-way.

Sec. 13-18

ATTACHED SIGNS

Attached signs are permitted in business areas, in accordance with the following provisions

A. Mounting of Signs

All signs shall be mounted parrallel to the building surface, to which they are attached and shall project no more than 60 inches from the building surface and overhead clearance to be no less than 96 inches.

B. Effective Area

Attached signs shall not exceed the following schedules:

1. An attached sign located at a height of thirty-six (36) feet or less shall have a sign area limited to one (1) square foot for each lineal foot of building frontage, not to exceed three hundred (300) square feet.

2. An attached sign located above a height of thirty-six (36) feet shall be permitted an increase in maximum effective area. Such increases shall not exceed four (4) square feet in effective area for each additional one (1) foot of height above thirty-six (36) feet, measured from the base of the sign. Signs may be increased to a maximum size of four hundred (400) square feet.
3. Attached signs may be located on each facade; however, the sum of the effective area of all attached signs shall not exceed twice the allowable effective area, as specified in above paragraphs (1) and (2). The maximum sum of effective area for signs is as follows:
 - a. The maximum sum of effective area for signs located thirty-six (36) feet or less in height shall be three hundred (300) square feet.
 - b. The maximum sum of effective area of signs located at a height above thirty-six (36) feet shall be four hundred (400) square feet.

C. Canopies

Signs shall not be attached to canopies (e.g., gasoline service station canopies).

Sec. 13-19

TEMPORARY BANNER SIGNS

Banner signs shall be constructed of cloth or canvas material and must be anchored in such a way that would prevent the sign from moving freely in the wind. A business shall be permitted to erect one (1) temporary banner sign a maximum of four (4) times. Such signs shall be erected a maximum of fourteen (14) days for each permit. A new permit for such a sign shall not be issued within thirty (30) days of the date that any temporary banner sign was erected at the occupancy. The permit application for the sign must include the date the sign will be erected, the date the sign will be removed, and a drawing showing the location of the sign.

Sec. 13-20

(Reserved)

ARTICLE III
PROVISIONS FOR NON-BUSINESS DISTRICTS

Sec. 13-21 GENERAL PROVISIONS

The provisions of this article apply to all signs in any non-business district, and also to signs which are within twenty-five (25) feet of a non-business zoning district boundary.

- A. No sign shall be illuminated in such a manner so as to produce intense glare or direct illumination across any property line.
- B. Owners of property in a non-business zoning district shall only erect signs listed in the following sections of this article.

Sec. 13-22 DETACHED MONUMENT SIGNS

Churches, model homes, apartments, town homes, schools or government facilities or buildings may have detached monument signs, subject to the following restrictions:

A. Number of Signs

Each premise may have no more than one (1) detached monument sign; provided, however, that a premise with no more than 750 feet of frontage along a public way, other than an alley, may have not more than one (1) additional detached monument sign for each 750 feet of additional frontage. Signs must be a minimum of 750 feet apart.

B. Setback and Effective Area

A minimum setback of fifteen (15) feet from the City right-of-way is required of all detached monument signs. No detached monument sign shall exceed thirty-six (36) square feet.

Sec. 13-23

ATTACHED SIGNS

Churches, model homes, apartments, town homes, schools or government facilities or buildings may have one (1) attached sign, subject to the following restrictions:

A. Location

All signs shall be mounted parrallel to the building surface, to which they are attached and shall project no more than 60 inches from the building surface and overhead clearance to be no less than 96 inches.

B. Effective Area

Attached signs may not exceed thirty-six (36) square feet in effective area.

Sec. 13-24

(Reserved)

Sec. 13-25

(Reserved)

ARTICLE IV
NONCONFORMING SIGNS

Sec. 13-26

PURPOSE OF ARTICLE

It is the declared purpose of this article that, in time, all privately owned signs shall either conform to the provisions of this article or be removed. By the passage of this article and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this article and all other ordinances of the City. Any sign which does not conform to all provisions of this article shall be a nonconforming sign if it legally existed as a conforming or nonconforming sign under prior ordinances, or an illegal sign if it did not exist as a conforming or nonconforming sign, as the case may be. It is further the intent and declared purpose of this article that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time this article was adopted, shall be discharged or affected by such passage, but prosecution and suits for such offenses, liabilities, penalties or forfeitures may be instituted, and causes presently pending may proceed.

Sec. 13-27

IMPOUNDMENT

All of the following signs shall be construed a public nuisance and the City may, without notice, remove and impound any of the following signs:

- A. Any sign erected or existing that constitutes a traffic hazard; and
- B. Any sign erected in or over a public right-of-way, except those signs allowed under Sec. 13-35 and Sec. 13-36 of this chapter.

Sec. 13-28

REMOVAL OF CERTAIN NONCONFORMING SIGNS

Nonconforming signs which have been blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign, shall be removed or brought into compliance with the article if the cost of repairing the sign is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location.

Sec. 13-29

IMPOUNDED SIGNS - RECOVERY/REMOVAL

Impounded signs may be recovered by the owner within ten (10) days of the date of impoundment. Signs that are not recovered within ten (10) days of impoundment will be destroyed.

Sec. 13-30

(Reserved)

ARTICLE V
EXEMPTIONS TO CHAPTER

Sec. 13-31

PURPOSE

The following signs shall be erected and maintained under the conditions listed in the following sections.

Sec. 13-32

REAL OR PERSONAL PROPERTY SALE SIGNS/POLITICAL SIGNS

A. Residential

Permission is granted to owners or occupants for the erection of non-illuminated real or personal property sale signs to be erected in the required front yard of platted property zoned SF or MF until the ownership has been transferred. Lots that abut streets where sidewalks exist shall locate the signs between the sidewalk and the structure. Lots that abut streets where no sidewalks exist shall locate the signs no closer than fifteen (15) feet to any street curb line. Lots shall be limited to three (3) such real or personal property signs not exceeding six (6) square feet each which may be erected on the premises. No permit or permit fee is required.

B. Business

Permission is granted to owners or occupants of business zoned property for the erection of non-illuminated real estate sale signs until the ownership has been transferred. Such signs shall not exceed six (6) square feet and shall be located no closer than fifteen (15) feet from any property line. No more than one (1) sign shall be located for every two (2) acres in a tract of land or portion thereof. No permit or permit fee is required.

C. Political Signs

Political signs shall conform to the following requirements:

1. Political signs may be erected at dwelling premises with no limitation as to their number. Lots that abut streets where sidewalks exist shall locate the signs between the sidewalk and the structure.

- Signs must be removed within ten (10) days of the completion of the election. Political signs that are located on a dwelling premise shall not exceed 32 square feet in effective area per side. No permit or permit fee is required for these signs.

Sec. 13-33

REAL ESTATE SIGNS - TEMPORARY

A. Highway Frontage

Temporary signs advertising the sale of the land upon which the sign is located may be erected on tracts of land fronting Interstate Highway 45, provided that the area of the property is a minimum size of two (2) acres. Such signs shall not exceed 200 square feet in effective area and shall be limited to one (1) sign per tract. Permits allowing such signs shall be limited to a period of one (1) year from the date that the permit is issued. Signs allowed under this subsection shall be deemed a privilege of ownership, and the right to erect any such signs shall be in the owner rather than any particular sales agent. Authorization by the owner to an agent to erect such a sign shall be dated and signed by the owner. Signs erected under the provisions of this paragraph shall be located a minimum of fifteen (15) feet from all property lines.

- B. When any part of any street, avenue, alley or public easement in the City shall be excavated, torn, dug or taken up for any purpose or when an embankment is placed thereon, the person or persons doing the same shall, immediately upon the completion of such purpose, and within at least ten (10) days after the completion of such purpose, return the earth and ram and puddle the same to a firm and solid bearing and in such manner as will entirely prevent the settling of such earth, and shall also relay the paving, macadamizing or gravel in a skillful and permanent manner, and in every case to the satisfaction of the Director of Public Works of the City, or other person designated by the City Council. Failure to comply with the requirements of this section shall constitute an offense, and each and every day such failure continues shall constitute a separate offense. (Ord 7-62)
- C. It is hereby made unlawful for any person, firm or corporation to make any excavation of whatsoever kind in the City, whether the same be in, along or near any street or sidewalk, alley or highway, of any kind without placing proper guard rails and signal lights or other warnings at, in or around the same, sufficient to warn the public of such excavation and to protect all persons using reasonable care from accidents on account of the same. Whenever it becomes necessary to block any street, road, alley, or highway in the City by reason of any such excavation or embankment, the Fire Department and City Hall shall be notified in advance as to the date, time and place of the necessity to block said street, road, alley or highway. The Fire Department and City Hall shall be notified as to the date and time of the removal of such blockade. In no event, however, shall any such street, road, alley or highway be closed overnight, without the approval of the City of Wilmer (Ord. 7-62)
- D. Public utility companies may perform emergency work during the nighttime, but it will be necessary for any such public utility company to obtain the permit therefor as required by this article the next day following such work. (Ord 7-62)

Sec. 13-34

TEMPORARY CONSTRUCTION SIGNS

Permission is granted to builders and developers to erect one (1) temporary construction sign, except on property zoned SF or MF, designed to identify contractors, financier, architects, engineers, or to advertise the coming of a new business on the premises where the sign is located. Such signs shall not be erected prior to the issuance of the building or utility construction permit for the property to which the sign pertains. The sign must be removed prior to the issuance of a Certificate of Occupancy or letter of acceptance of the utility construction work from the City. Such signs shall conform to the following provisions:

- Maximum size - 100 square feet
- Maximum height - 15 feet
- Setbacks - 15 feet from the street right-of-way.

Sec. 13-35

SUBDIVISION SIGNS

Permission is granted to developers and homeowners associations to erect subdivision signs. Subdivision signs must either be detached monument signs or attached signs placed on a screening or decorative wall at the entry to the subdivision. Subdivision signs must be approved by the Building Official. The effective date of subdivision signs shall be limited to thirty-six (36) square feet. The effective area of subdivision signs shall be calculated by drawing the largest possible rectangle around the entire message of words, including artistic designs and logos.

Sec. 13-36

TEMPORARY OFF-PREMISE SIGNS

Builders, developers and real estate agents are granted permission to erect temporary off-premise signs as outlined below:

- A. Builders and developers may erect temporary off-premise signs which refer to a subdivision only. A subdivision shall be defined as a tract of land platted by the City and zoned SF or MF. Separate sections or phrases of a subdivision shall not constitute a new and separate subdivision. Such signs shall not list or refer to any individual or group of builders or developers and shall be erected only between the hours of 12:00 o'clock noon Friday, and 12:00 o'clock noon Monday. Such signs shall not exceed six(6) square feet in effective area and may be placed in the City right-of-way, provided that they do not project out over the street or sidewalk. No sign shall be allowed to be placed within any street median. No more than ten (10) such signs per subdivision may be placed within the City. No permit or permit fee is required.

- B. Real estate agents may erect temporary off-premise signs which refer to open houses. Such signs shall be erected only between the hours of 12:00 o'clock noon Friday, and 12:00 o'clock noon Monday, and shall contain the words, "Open House." Signs shall not exceed six (6) square feet in effective area and may be placed in the City right-of-way, provided that they do not project out over the street or sidewalk. No sign will be allowed within any street median.

ARTICLE VI

VARIANCES

Sec. 13-37

PROCEDURE FOR VARIANCE

- A. The City Council may allow signs to vary from the size, location or construction requirements of this chapter.
- B. An administrative fee, established by the City Council, shall be charged to all applicants requesting a variance from this chapter.
- C. Any sign constructed or which may be hereafter constructed pursuant to any variance heretofore authorized, shall be considered a sign conforming to the provisions of this chapter.