

ORDINANCE NO. 2006-1452-A

AN ORDINANCE REGULATING SIGNS WITHIN THE CORPORATE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF BROWNSVILLE, TEXAS; PROVIDING A PENALTY FOR THE VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR THE MANNER OF AMENDING CHAPTER 328 OF THE CITY OF BROWNSVILLE CODE OF ORDINANCES, AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the Director of Planning and Community Development in consultation with other relevant departments and authority has reviewed and recommends for approval the proposed amendments;

WHEREAS, the Planning and Zoning Commission and the Commission-appointed Brownsville Beatification Committee also recommend the amendments found herein;

WHEREAS, the City Commission held a workshop for preliminary presentation of the ordinance on January 17, 2006, approved on March 7, 2006 and amended on December 5, 2006;

WHEREAS, these amendments will be in the best interest of the public health, safety, and general welfare of the citizens of Brownsville, Texas, and will provide for the continued orderly development of the community;

BE IT ORDAINED BY THE CITY OF BROWNSVILLE, TEXAS:

Chapter 328, Signs, of the Brownsville Code of Ordinances 2004, Sections 328-1 through Section 328-41 currently part of Chapter 328 of the Brownsville Code are hereby repealed. Chapter 328 is hereby amended and shall follow the exact article and section numberings of this ordinance.

Article I. In General

Sec. 328-1 Title

Chapter 328 of the Brownsville Code of Ordinances shall be known, cited and referred to as the "Sign Ordinance."

Sec. 328-2 Purpose

The purpose of this Ordinance shall be to coordinate the type, placement, and scale of signs within the different land-use zones to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated primarily by type and length of street frontage, though lot size, investment, and surrounding

conditions must also be considered. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Ordinance.

Sec. 328-3 Jurisdiction and Authority

- (a) This chapter shall apply to all property within the corporate city limits.
- (b) The application of this chapter is hereby extended to all of the area under the city's extraterritorial jurisdiction and the provisions of this Chapter shall prevail over any county prohibition or regulation imposed or adopted under Tex. Transportation Code Chapter 394 if there is a conflict.
- (c) This chapter is adopted under the authority of the constitution and laws of the State of Texas.

Sec. 328-4 Scope

This ordinance shall not relate to building design. Nor shall the Ordinance regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Sec. 328-5 Signs Covered

Signs and sign structures, unless exempted under Sec. 328-6, shall comply with the provisions of this Chapter, except that all signs and sign structures must comply with the following provisions:

- (1) Sec. 328-12 (Illegal signs)
- (2) Sec. 328-16 (Encroachments within public right-of-way)
- (3) Sec. 328-17 (Existing sign encroachment)
- (4) Sec. 328-18 (Removal of encroachment constituting obstructions)
- (5) Sec. 328-19 (Unsafe signs declared nuisances; abatement)

Sec. 328-6 Signs Not Requiring Permits

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Ordinance.

- (a) Signs required by law.
- (b) Signs or lettering on busses, taxis, or other vehicles operating during the normal course of business (this does not apply to portable signs or other signs which are parked or located for the primary purpose of displaying, said sign).
- (c) Signs used by churches, synagogues, or civic organizations.
- (d) Temporary construction signs of thirty-two (32) square feet or less.
- (e) Temporary directional/information signs of twelve (12) square feet or less.

- (f) Holiday or special events decorations including State or Country flags.
- (g) Nameplates of three (3) square feet or less.
- (h) Political signs.
- (i) Public signs or notices, or any sign relating to an emergency, including signs erected by local, state, or federal government.
- (j) Real estate signs located on the property advertised by the sign.
- (k) Window signs.
- (l) Incidental signs.

Sec. 328-7 Definitions

Certain terms are defined for the purposes of this Ordinance as follows:

1. **Abandoned Sign** – A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.
2. **Address** – A number placed on the front and back where alley is located.
3. **Administrator** – The Code Administrator or his designated representative.
4. **Animated Sign** – *(see also and note difference from changeable sign)* A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following types:
 - a. **Naturally Energized:** Signs whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.
 - b. **Mechanically Energized:** Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.
 - c. **Electronically Energized:** Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:
 1. **Flashing Signs:** Illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.
 2. **Illusionary Movement Signs:** Illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually stimulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

5. **Architectural, historic, or scenic area.** An area that contains unique architectural, historic, or scenic characteristics that require special regulations to ensure that signs displayed within the area enhance its visual character and are compatible with it.
6. **Area** – (see “*Sign, Area of*”)
7. **Awning** – A shelter projecting from and supported by the exterior wall of a building constructed on non-rigid materials on a supporting framework. (compare “*Marquee*”)
8. **Awning Sign** – A sign painted on, printed on, or attached flat against the surface of an awning.
9. **Back Lit Awning** – (see “*Electric Awning Sign*”)
10. **Banner Sign** - A sign made of fabric or any non-rigid material with no enclosing framework.
11. **Bench Signs** – Non-illuminated signs mounted to the back rest of bench.
12. **Billboard** – (see “*Off-Premise Sign*”)
13. **Billboard Sign Contractor** – Is a person/company that is licensed by the State of Texas and holds a Billboard Sign Contractors License to do work within the city limits of **Brownsville**.
14. **Blade Sign** - (see “*Ground Sign*”)
15. **Bond** – A surety bond issued by a surety company authorized to do business within the State of Texas.
16. **Building** - As defined in City Building Code.
17. **Canopy (Building)** – A rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. May be illuminated by means of internal or external sources. (compare “*Marquee*”)
18. **Canopy (Freestanding)** – A rigid multi-sided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.
19. **Canopy Sign** – A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.
20. **Changeable Sign** – A sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types:
 - a. **Manually Activated:** Signs that have alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
 - b. **Electrically Activated:** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
 - c. **Fixed Message Electronic Signs:** Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.
 - d. **Computer Controlled Variable Message Electronic or Video Displays:** Signs whose informational content can be changed or altered by means of computer-driven electronic impulses.
21. **City** – Unless the context clearly discloses a contrary intent, the work “City” shall mean The City of **Brownsville unless otherwise stated**.
21. **Clear Vision Area** – That portion of a property defined by a right triangle where one side is the Intersection Sight Distance and the adjacent side is the distance between the driver and the path of the vehicles approaching from the side, over which

motorists must see to safely judge and execute a driving maneuver into the intersection and onto the street. No sign shall be installed within a triangle area of 15 feet to the right or the left of the intersection corner. This applies to intersections of two or more streets as obstructions, such as structures, walls, fences, and vegetation, which are higher than three feet and lower than eight feet above the pavement.

21. **Clearance (of a Sign)** – The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
22. **Construction Sign** – A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
23. **Copy** – The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.
24. **Directional/Information Sign** – An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking, or exit and entrance signs. May contain logo provided that the logo may not comprise more than 20% of the total sign area.
25. **Double-Faced Sign** – A sign with two faces, essentially back-to-back.
26. **Electric Awning Sign (also "Back Lit Awning")** – An internally illuminated faced space-frame structure with translucent, flexible reinforced covering designed in awning form and with graphics or copy applied to the visible surface of the awning.
27. **Electrical Sign** – A sign or sign structure in which electrical wiring, connections, or fixtures are used.
28. **Electrical Sign Contractor** – Is a person/company that is licensed by the State of Texas and holds an Electrical Sign Contractors License to do work within the city limits of **Brownsville**.
29. **Electrical Sign Service Contractors** – Is a person/company that is licensed by the State of Texas and holds an Electrical Sign Service Contractors License to do work within the city limits of **Brownsville**.
30. **Electronic Message Center/Video Displays** – (see "*Changeable Signs, Electrically Activated*")
31. **Facade** – The entire building front including the parapet.
32. **Face of Sign** – The area of a sign on which the copy is placed.
33. **Festoons** - A string of ribbons, tinsel, small flag, or pinwheels.
34. **Flashing Sign** - (see "*Animated Sign, Electrically Energized*")
35. **Freestanding Sign** – A sign supported permanently upon the ground by poles or braces and not attached to any building.
36. **Frontage** - The length of the property line of any one premise along a public right-of-way on which it borders.
37. **Frontage, Building** – The length of an outside building wall on a public right-of-way.
38. **Government Sign** – Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.
39. **Ground Sign (also "Blade Sign")** – A sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top. Height and setbacks are to be the same as for freestanding signs.

40. **Height (of a Sign)** – The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. (*compare "Clearance"*)
41. **Identification Sign** - A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.
42. **Illegal Sign** – A sign which does not meet the requirements of this code and which has not received legal non-conforming status.
43. **Illuminated Sign** – A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. All illuminated signs under this Ordinance must comply with the applicable Federal and State law regarding maximum brightness as measured in lumens.
44. **Incidental Sign** – a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.
45. **Insurance** – A Certificate of Liability Insurance issued by an Insurance Company authorized to do business within the State of Texas.
46. **Kiosk** – Small structure with one or more open sides.
47. **Landscaping** – To modify (a natural landscape) by grading, clearing, or decorative planting.
48. **Lot** – A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map.
49. **Low Profile Sign (also "Monument Sign")** – A sign mounted directly to the ground with maximum height not to exceed ten (10) feet.
50. **Maintenance** - For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
51. **Mansard** – A sloped roof or roof-like façade architecturally comparable to a building wall.
52. **Marquee** – A permanent roof-like structure or canopy or rigid materials supported by and extending from the façade of a building. (*compare "Awning"*)
53. **Marquee Sign** – Any sign attached to or supported by a marquee structure.
54. **Master Sign Electrician** – A Master Sign Electrician is one who is licensed by the State of Texas.
55. **Monument Sign** – (*see "Low Profile Sign"*)
56. **Multiple-faced Sign** – A sign containing three (3) or more faces, not necessarily in back-to-back configuration.
57. **Nameplate** – A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
58. **Non-conforming Sign**
 - a. A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
 - b. A sign which does not conform to the sign code requirements, but for which a special permit has been issued.
59. **Non-illuminated Sign Contractor** – Is a person/company that is licensed by the city of Brownsville to install non-illuminated signs.
60. **Occupancy** - The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.
61. **Off-Premise Sign (also "Billboard")** - A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, or produced,

manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising."

62. **Off-Site Directional Sign** – A sign, which provides directional assistance to access an establishment conveniently and safely. Such signs shall be limited by the Administrator in size, height, and placement as justified.
 63. **On-Premise Sign** - A sign, which pertains to the use of the premises and/or property on which it is located.
 64. **Overlay District** - Architectural, historic, or scenic areas as defined by the Zoning Ordinance.
 65. **Owner** - A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company.
 66. **Painted Wall Sign** - Any sign, which is applied with paint or similar substance on the surface of a wall.
 67. **Parapet** – The extension of a false front or wall above a roofline.
 68. **Permits** – A written permission "License" to install a sign subject to all the provisions of **Chapter 328**.
 69. **Person** – Any individual or legal entity who owns the property on which the sign is located or who is designated on the sign, corporation, association, firm, partnership, or similarly defined interest.
 70. **Point of Purchase Display** - Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser, tire display, etc.
 71. **Pole Cover** – Cover enclosing or decorating poles or other structural supports of a sign.
 72. **Political Sign** – A sign that contains primarily a political message that is located on private real property with the consent of the owner. Private real property as used in reference to political signs does not include real property subject to a public use easement.
 73. **Portable Sign** – Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.
 74. **Premises** – A parcel of land with its appurtenances and buildings, which, because of its unity of use, may be regarded as the small conveyable unit or real estate.
 75. **Projecting Sign** – A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.
 76. **Real Estate Sign** – A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.
 77. **Roofline** – The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys, or minor projections.
 78. **Roof Sign** - Any sign erected over or on the roof of a building (*compare "Mansard," "Wall Sign"*)
 79. **Rotating Sign** - (*see "Animated Sign, Mechanically Energized"*)
 80. **Sign** - Any device, structure, fixture, or placard using graphics, symbol, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services.
- Sign, Area of –**
- (1) **Projecting and Freestanding** – The area of a free-standing or projecting sign shall have only one side of any double- or multiple-faced sign counted in

calculating its area. The area of the sign shall be measured as follows if the sign is composed of one (1) or more individual cabinets:

a. A rectilinear line of not more than eight (8) sides shall be drawn around and enclosing the perimeter of each cabinet or module. The area shall then be summed and totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, support structures, etc., provided that there is no written advertising copy on such embellishments.

(2) Wall Sign – The area shall be within a single, continuous perimeter composed of any rectilinear line geometric figure, which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

- 81. Size** – The total area of the face used to display copy or graphics on one face of a sign, not including its supporting pole or structure.
- 82. Special Use Permit** – Is a permit that is granted for a specific time or the life of the use.
- 83. Street** – Public or private with ingress and egress.
- 84. Subdivision Identification Sign** – A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.
- 85. Temporary Sign** - A sign not constructed or intended for long-term use.
- 86. Under-Canopy Sign** – A sign suspended beneath a canopy, ceiling, roof, or marquee.
- 87. Use** – The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.
- 88. "V" Sign** – A sign consisting of two (2) essentially equal faces, positioned at an angle subtending less than one hundred seventy-nine (179) degrees.
- 89. Wall Sign** – A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.
- 90. Window Sign** – A sign installed inside a window and intended to be viewed from the outside.

Article II. Construction, Maintenance, and Landscaping Specifications

All signs shall be constructed and maintained in accordance with the requirements of Standard Building Code, the National Electric Code as adopted by the City of Brownsville.

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Administrator shall have the right under **Sec. 328-28** to order the repair or removal of any sign, which is defective, damaged, or substantially deteriorated, as defined in the Building Code.

All new or remodeling premises, where applicable, must comply with the Landscaping Ordinance.

Sec. 328-8 Overlay Districts

Architectural, historic, or scenic area as defined by the Zoning Ordinance may include requirements for signs subject to the provisions included in this chapter. The overlay districts may include more or less restrictive standards for on- and off-premises signs. In the event of a conflict between a specific overlay district requirement and other provisions of this chapter, the most restrictive shall apply.

Sec. 328-9 Signs Permitted In Residential Zones

Signs are allowed as follows in residential zones:

- (a) Two identification signs per subdivision or development not to exceed a total of sixty four (64) square feet in sign area and that comply with the sign restrictions for public property, right of ways of a public use easement and for intersections.
- (b) One identification sign per entrance to apartment or condominium complex, not to exceed sixty-four (64) square feet in sign area and that complies with the sign restrictions for public property, right of ways of a public use easement and for intersections.
- (c) For permitted nonresidential uses, including churches and synagogues, one freestanding sign, not to exceed sixty-four (64) square feet in sign area, and one wall sign not to exceed thirty two (32) square feet in sign area and that comply with the sign restrictions for public property, right of ways of a public use easement and for intersections.
- (d) Kiosk signage shall not exceed thirty-two (32) square feet around perimeter of kiosk and must comply with the sign restrictions on intersections.

Special regulations for residential zones are as follows:

- (e) All allowed freestanding signs shall have a maximum height limit of six (6) feet and shall have a setback of ten (10) feet from any public right-of-way.

- (f) All allowed monument signs shall have a maximum height limit of six (6) feet and shall have a setback of ten (10) feet from any public right-of-way and must comply with the sign restrictions on intersections.
- (g) Bench signage not to exceed six (6) square feet.
- (h) Temporary signs including banners not to exceed twelve (12) square feet may be used for a period not to exceed twenty (20) days in a calendar year. Such signs require permits and must be installed in accordance with building and electrical codes.
- (i) Address shall be displayed on front of each property a minimum of 2 inches tall.

Sec. 328-10 Signs Permitted In All Other Zones

- a. One freestanding sign per street frontage not to exceed three (3) square feet of sign area for each lineal foot of street property frontage (each premise is allowed a minimum of 100 square feet and a maximum of 630 square feet per premise). Signs must be ten (10) feet behind property lines and not exceed a height of fifty (50) feet in business arterials and eighty-five (85) feet within 600 feet of expressway arterials. One freestanding sign is allowed for each 300 lineal feet of property frontage and must comply with the sign restrictions on intersections.
- b. One Electronic-Video Display per street frontage not to exceed three (3) square feet of sign area for each lineal foot of street property frontage (each premise is allowed a minimum of forty (40) square feet per premise but not to exceed three hundred twenty (320) square feet per premise in business arterials. Signs must be ten (10) feet behind property lines. Within 600 square feet of the expressway arterials forty (40) square feet per premise for each lineal foot of property frontage not to exceed six hundred thirty (630) square feet per premise. All electronic signs must comply with the sign restrictions on intersections and applicable Federal and State law regarding the maximum brightness as measured in lumens.
- c. Wall signs not to exceed thirty (30) percent of the aggregate square footage of the wall area upon which they are installed. Electric awning signs not to exceed thirty (30) percent of the aggregate square footage of the wall area upon which they are installed. The combination of wall signs and electric awning signs shall not exceed thirty (30) percent of the allowed wall area (each premise is allowed a minimum of thirty-two (32) square feet).
- d. Projecting signs may be installed on any wall and shall not exceed the square footage allowed for the wall area provided that the sign does not project beyond the property line and maintain a clearance of eight (8) feet over pedestrian areas, and fourteen (14) feet over vehicular ways.
- e. Roof signs may be allowed (where no other sign types can provide effective identification). Roof signs shall be constructed so as to conceal all structure and fastenings. The height of the roof sign shall not exceed twenty (20) percent of the total height of the building to which it is attached.

- f. One (1) under-canopy sign for each separate occupancy or separate entrance not to exceed eight (8) square feet in sign area. Under-canopy signs must have a minimum clearance of eight (8) feet to grade.
- g. Incidental signs not to exceed twelve (12) square feet.
- h. Directional/information signs as required, including off-site directional signs.
- i. Temporary signs including banners not to exceed thirty-two (32) square feet may be used for a period not to exceed twenty (20) days in a calendar year. Such signs require permits and must be installed in accordance with building and electrical codes.
- j. All signs (freestanding, projecting, awning, marquee, canopy, under-canopy, etc.) must maintain minimum clearances and constructed electrical standards as adopted per city code.
- k. Kiosk signage shall not exceed five-hundred (500) square feet around the kiosk and must comply with the sign restrictions on intersections.
- l. One monument sign per street egress and ingress not to exceed forty (40) square feet or 8 feet tall and must comply with the sign restrictions on intersections.
- m. Bench signage not to exceed six (6) square feet.
- n. No sign may be placed or designed so as to simulate or interfere with traffic control devices or official highway directional/information signs.
- o. Address shall be visibly displayed (a minimum of 2 inches tall) on front and rear of property where alley is located.

Sec. 328.11 Off Premise Signs

Relocation. An application for relocation of an off-premises signs may be submitted in writing to the Director of Planning and Community Development requesting issuance of a permit for the purposes of relocating existing signs and constructing a new sign pursuant to the following requirements:

One relocation permit will be issued for every three (3) off-premises signs removed.

The maximum size of the sign face area of a relocated off-premises sign shall not exceed the average of the three (3) removed signs as viewed from one direction.

The proposed relocation shall not include areas prohibiting off-premises signs as provided by this chapter or pertinent overlay districts.

The sign must comply with all requirements of ground signs.

Upon receipt of a completed application for relocation meeting these requirements, the Director of Planning and Community Development shall present the application to the next regularly scheduled Planning and Zoning Commission for their review. If approval is granted by a majority vote of the Planning and Zoning Commission then appropriate permits will be issued by the Building Official pursuant to the terms of this chapter.

Certificate of Nonconformance. The off-premises company displaying the nonconforming sign shall apply for a Certificate of Nonconformance providing ownership,

size, height, Structural Engineering Report, year built, emergency contact, and estimated market value as of the effective date of this chapter.

Serial Plate. The off-premises company shall affix an 8x12 inch metal plate with the number assigned in the Certificate of Nonconformance.

Abandonment. The nonconforming off-premises sign or sign structure shall be considered abandoned if the sign has not displayed a message for a period of 120 consecutive days or more.

Political Signs. Temporary political signs shall not be displayed prior to the earliest date allowed by applicable Federal or State law for the candidate to file an application for a place on the ballot for the office that the candidate is seeking. Temporary political signs must be removed within ten (10) days after the election. If the candidate is in a run-off election the political signs pertaining to that candidate must be removed within ten (10) days after the run-off election is held. All political signs are subject to all sections of Chapter 328 of the sign ordinance and must conform to both Federal and State law. Any non-candidate political sign must conform to Chapter 328 of the sign ordinance and must include the name of person or parties sponsoring the non-candidate political sign.

All Off-Premise signs must comply with the sign restrictions on intersections.

Sec. 328-12 Illegal Signs

The following types of signs are prohibited in all districts:

- a. Abandoned Signs
- b. Banner, pennants, festoons, search lights (except as allowed in Sec. 328.09 and 328.10).
- c. Signs imitating or resembling official traffic or government signs or signals.
- d. Signs displayed upon any public property or within the right of way of any public use easement except for directional or warning signs placed by an authorized government agency.
- e. Signs placed on vehicles, trailers, or easels, which are parked or located for the primary purpose of displaying, said sign.

Sec 328-13 Nonconforming Signs

Determination of Legal Nonconformity

Existing signs which do not conform to the specific provisions of the Ordinance may be eligible for the designation "legal nonconforming" provided that:

The Administrator determines such signs are properly maintained and do not in any way endanger the public.

The sign was installed in conformance with a valid permit or variance, or complied with all applicable laws on the date of adoption of this Ordinance.

Sec. 328-14 Loss Of Legal Nonconforming Status

A legal nonconforming sign may lose this designation if:

The sign is relocated or replaced.

The structure or size of the sign is altered in any way except toward compliance with this Ordinance. This does not refer to change of copy or normal maintenance.

Sec.328-15 Maintenance And Repair Of Nonconforming Signs

The legal nonconforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. However, if the sign suffers more than fifty (50) percent damage or deterioration, as based on appraisal, it must be brought into conformance with this code or be removed.

Article III. Encroachments, Traffic Hazards, Prohibited Signs, Unsafe Signs, Nuisance and Abatement

Sec. 328-16 Encroachment

- (a) No person or legal entity shall display a sign upon any public property, or within the right of way of a public use easement except for directional and warning signs installed by an authorized government agency.
- (b) No sign with a clearance of less than eleven (11) feet (measured from the bottom of the sign) shall encroach over street right-of-way.
- (c) No sign with a clearance of less than sixteen (16) feet shall project into a public alley.
- (d) The city commission may authorize the city traffic engineer under specified guidelines to permit temporary public interest signs, which encroach into the public right-of-way. Temporary cloth signs which extend over a public street shall have a minimum clearance of twenty (20) feet.
- (e) Hospitals and hospital districts proposing to erect signs prohibited by subsections (b) and (c) of this section shall be permitted to erect same provided that such signs are for the purpose of the public instruction, traffic control and similar uses incidental to the public interest and are not business signs, and provided further that they city commission has approved the location of such signs and that the hospital or hospital district has executed an encroachment agreement with the city and has secured a policy of public liability insurance for such encroachment as proved in the Building Code.

Sec. 328-17 Existing Sign Encroachments

- (a) Requirements. The owner of any existing sign which encroaches into the public right-of-way shall apply for and execute an encroachment agreement with the city and furnish public liability insurance coverage with a minimum of One Million

Dollars within three (3) months from the effective date of this chapter. The owner of any such encroaching sign who fails to comply with this section shall be deemed to be in violation of this Code and shall be subject to the penalties contained herein. In addition, any such sign that is not subject to a valid encroachment agreement within the time stated above shall be deemed an illegal sign and shall be subject to removal at any time.

- (b) Fees. In addition to those fees otherwise required by this chapter an initial application fee and annual inspection fee shall be levied for all approved sign encroachments. Such fees shall be as provided in the Building Code.

(1) Application fee (incl'd 1st inspection): \$200.00

(2) Annual Inspection fee: \$100.00

***Note: All annual inspection fees must be paid by January 1st of each year.

Sec. 328-18 Removal of Encroachment Constituting Obstruction

Any sign encroachment that does not meet the requirements of this Code or the Building Code shall be deemed an obstruction into such right-of-way. The Building Official shall notify in writing the record owner of such sign or record owner of that property upon which such sign is located to correct the violation or to remove such obstruction within thirty (30) days, after which time the city may abate such obstruction and affix a lien against the property for the cost involved.

Sec. 328-19 Unsafe Signs Declared Nuisance; Abatement

- (a) Any sign or sign structure that is structurally unsafe and any electrical system or equipment regulated by this chapter that is unsafe or that constitutes a fire or health hazard, unsanitary condition, or it otherwise dangerous to human life is hereby declared unsafe. Any use of a sign or sign structure or an electrical system or equipment regulated by this chapter constituting a hazard to safety, health or public welfare by reason of improper installation, inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe sign or sign structure or equipment is hereby declared to be a public nuisance and shall be abated by repair (when permitted by this and other City Codes) rehabilitation, demolition, or removal.
- (b) Exception. When done in compliance with this chapter and other applicable laws, ordinances and regulations the nuisance may be abated by repair, rehabilitation, or removal and replacement.
- (c) Should the building official determine that any sign is not properly maintained, is unsafe or insecure or has otherwise been constructed, erected, or maintained in violation of the provisions of this chapter, the official shall give written notice to the permittee or owner thereof. Such notice and order shall contain substantially the following:
- (1) The registration number, if available, location and business name of the sign, sufficient for identification of such sign;
 - (2) A statement that the building official has found such sign to be in violation of this chapter or other laws, together with a general description of such violation;
 - (3) The amount of time required to bring the sign into compliance with this chapter or any other law, said time not to exceed ten (10) days.

- (d) In addition to the above, the building official may issue citations or pursue any other administrative or legal remedy in order to abate any sign which is in violation of this code or any other law.
- (e) Notwithstanding anything contained herein to the contrary, the building official may cause any sign which is dangerous to persons or property to be removed summarily and without notice.
- (f) The owner of all buildings or structures damaged by deterioration or by fire shall notify the Building Official and the Planning and Community Development Director in writing at the earliest possible opportunity, but in any case no later than ten (10) business days of the damage. The Building official shall at the earliest possible opportunity but in any case no later than ten (10) business days inspect such buildings or structures, and all unsafe sign or sign structure or wiring or electrical equipment shall be repaired or replaced. If the Building official learns of the damage the Building official shall conduct an inspection at the earliest possible opportunity, but in any case no later than ten (10) business days. Applicable inspection fees shall be assessed.
- (g) Any work covered or concealed without inspection shall be considered to constitute an unsafe sign or sign structure. Such consideration as an unsafe structure shall exist every day until the work is inspected and approved as being in compliance with this chapter. Inspections will not be performed until a valid active permit is obtained in accordance with this chapter.

Article IV. Administration and Enforcement

Sec. 328.20 Code Administrator

The Administrator and his assistants shall be designated by the city manager and shall be authorized to process applications for permits and variances, as required, and enforce and carry out all provisions of this code. The Administrator is authorized to promulgate regulations and procedures consistent with this function.

The Administrator is empowered, upon presentation of proper credentials, to enter or inspect any building structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

Sec. 328.21 Application For Permits

Application for a permit for the erection or relocation of a sign shall be made to the Administrator and shall include the following information:

Name and address of the owner of the sign.

Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.

The type of sign or sign structure as defined in this Ordinance.

A site plan with measurements including right of ways, property lines and utility easements showing the proposed location of the sign along with the locations of all existing signs on the same premises.

Specifications and drawings showing the materials, design, dimensions, square footage, structural supports, and electrical components of the proposed sign(s) with the following dimensions:

- (a) Wall Signs: Designs must show the rectangular square footage of each word and/or logo.
- (b) Freestanding Signs: All designs must show the square footage of one side only, not including the decorated ornaments etc.

Engineering certification by a licensed professional engineer confirming compliance per applicable International Building Code provisions on all freestanding signs from twenty-five (25) feet or taller with a wind resistance of 130 mph.

Sec. 328.22 Permit Fee

All applications for permits must tender a required fee as following for each sign:

Non-refundable processing fee	\$ 10.00
Banners:	\$ 15.00
All other Non-illuminated signs:	\$ 25.00
Electrical signs:	\$ 50.00
Billboards:	\$200.00

Sec. 328.23 Issuance And Denial

The Administrator shall issue a permit and permit sticker or tag for the erection, structural alteration, or relocation of a sign within five (5) days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the City. The permit must be displayed on site during construction. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied, the Administrator shall within five (5) days, give a written notice to the applicant along with a brief statement of the reasons for denial, citing code sections and interpretation of possible nonconformity. The Administrator may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

Sec. 328.24 Permit Conditions, Refunds, And Penalties

If a permit is denied, the permit fee will be refunded to the applicant.

If no inspections have been made and no work authorized by the permit has been performed, the permit fee may be refunded to the applicant upon request, minus the non-refundable processing fee, provided that the permit and permit sticker or tag are returned to the Administrator within 30 days of issuance.

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this Ordinance.

Sec. 328.25 Inspection Upon Completion

Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator may require a final inspection and inspection.

Sec. 328.26 Variances

When requesting a variance for a permit, the application may apply to the Administrator for a variance from certain requirements of this code. A variance may be granted by the Planning and Zoning Commission where the literal application of the code would create a particular hardship for the sign user and the following criteria are met:

A literal application of the code would not allow the property to be used at its highest and best use as zoned;

The granting of the requested variance would not be materially detrimental to the property owners in the vicinity;

A hardship arising for the sign user under a literal interpretation of the code due to unusual conditions, visual impairment, or other unique conditions to that property not caused by the owner and that do not apply generally to the City;

The granting of the variance would not be contrary to the general objectives of this code and the land use plan.

In granting a variance, the Planning and Zoning Commission may attach additional requirements necessary to carry out the spirit and purpose of this Ordinance in the public interest.

Sec. 328.27 Violations

When, in the opinion of the Administrations, a violation of the code exists, the Administrator shall issue a written order to the alleged violator. The order shall specify those sections of the code, which the individual has 30 days from the date of the order in which to correct the alleged violation or to appeal to the Planning and Zoning Commission.

If, upon inspection, an Administrator finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, and Administrator shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within 30 days of the date of the order.

In cases of emergency an Administrator may cause the immediate remove of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the local building or traffic codes.

Sec. 328.28 Removal of Signs By The Administrator

The Administrator may cause the removal of an illegal sign in case of emergency and signs placed on city owned property or right-of-ways, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Administrator.

If the amount specified in the notice is not paid within 30 days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a 10 percent penalty for collection or the same manner as the real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Administrator, as in the case of a leased sign.

For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

Sec. 328.29 Penalties

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00) for all violations involving fire safety, or public health and sanitation and shall be fined not more than five hundred dollars (\$500.00) for all other violations of this chapter. Each day or any portion thereof during which any violation of this chapter occurs or continues shall be deemed a separate offense and upon conviction thereof shall be punishable as herein provided.

Sec. 328-30 Stop Work Orders

Upon notice from the city code officers/inspectors, work on any sign or sign structure that is being done contrary to the provisions of this chapter or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work or causing such work to be done. Where an emergency exists, the Director of Code Enforcement, after notifying the Building official shall not be required to give a written notice prior to the stopping the work. Such work shall not resume until authorized by the Building official to proceed.

Sec. 328-31 Citations

All city code officers/inspectors have independent authority to issue citations for violations of this chapter.

For each violation, the citation shall state the alleged violation, the date of the violation, and the section of the code violated. The municipal court shall have exclusive original jurisdiction over all such citations.

Sec. 328.32 Abatement of Violation

The imposition of the penalties herein prescribed shall not preclude the City Attorney from instituting action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal usage, structure or premises, or to stop an illegal act, conduct, business or utilization of the sign on or about any premises.

Sec. 328.33 Appeals

Any failure to respond to an application within 30 days of receipt of any decision rendered by the Administrator in denying a permit or variance or in alleging a violation of this Ordinance may be appealed to the city council within 30 days of the Administrator's receipt of application.

The action being appealed shall be held in abeyance pending the decision of the city council.

Article V. Licensing

Sec. 328.34 License Requirements

No person shall erect, construct, reconstruct, install, replace, rent, lease, or service any sign for which a permit is required within the Corporate limits of the City of Brownsville until such person has obtained a sign contractor license as required by this Ordinance.

In addition all persons installing Electrical Sign must obtain a State Electrical Sign Contractor license, permits can only be obtained by a Contractor who has a State Contractors License and Master Sign Electrician.

Sec. 328.35 Bond Requirements

All licensee's are required to obtain a surety bond issued by a surety company authorized to do business in Texas and shall furnish such to the City of Brownsville by the applicant for a Sign Contractor's license providing for payment to the City of Brownsville or the applicant property owner in the minimum amount of \$2,000.00 upon the failure of such a license to maintain or construct according to the City Sign Code of Ordinance, any sign licensee is responsible. A license which has been revoked may be reinstated only if the contractor corrects all violations and furnishes to the director a compliance bond in the amount of five thousand dollars (\$5,000.00) which guarantees compliance with all applicable laws.

Any person whose contractor's license has been reinstated under this section shall renew his or her compliance bond for at least two (2) years following the date the license was reinstated.

Sec. 328.36 Insurance Requirements

All licensees are required to obtain and maintain a Certificate of Liability Insurance from an Insurance Company authorized to do business in Texas naming the City of Brownsville as the Certificate Holder. Should the Insurance Certificate be cancelled before the expiration date thereof, the insurer will endeavor to mail 10 days written notice to the Certificate Holder.

Limits of Coverage shall be a minimum as following:

Non-Illuminated Sign Contractors:
General Liability in a minimum of \$100,000.00

Electrical Sign Contractors:
General Liability in a minimum of \$1,000,000.00

Electrical Sign Service Contractors:
General Liability in a minimum of \$1,000,000.00

Billboard Sign Contractors:
General Liability in a minimum of \$2,000,000.00

Sec. 328.37 License Fee

Non-Illuminated Sign Contractors:
The original license fee shall be \$50.00 for the first (1st) year and the renewal license fee shall be \$25.00 per year with each renewal license fee payable on or before January 1st.

Electrical Sign Contractors:
The original license fee shall be \$100.00 for the first (1st) year and the renewal license fee shall be \$50.00 per year with each renewal license fee payable on or before January 1st.

Electrical Sign Service Contractors:
The original license fee shall be \$100.00 for the first (1st) year and the renewal license fee shall be \$50.00 per year with each renewal license fee payable on or before January 1st.

Billboard Sign Contractors:
The original license fee shall be \$200.00 for the first (1st) year and the renewal license fee shall be \$100.00 per year with each renewal license fee payable on or before January 1st.

Sec. 328.38 Plan Review Requirements

All applications must contain the following information:

1. One (1) copy of the complete application signed by the licensee or company officer.
2. One (1) copy of sign plan drawing to scale and dimensioned to show:
 - a. Dimensions of proposed sign(s)-height, area, and width;
 - b. Dimensions of any existing sign(s) to remain on site;

- c. Cabinet and pole material;
 - d. Certification by a Professional Engineer on all signs over twenty-five (25) feet tall showing compliance per applicable International Building Code standards.
3. One (1) copy of site plan drawn to scale and dimension to show:
 - a. Property line
 - b. Building location(s) and setbacks
 - c. Location of proposed sign(s).....w/dimensions
 - d. Existing sign(s) locations.....w/dimensions
 - e. Building and street frontage.....w/dimensions
 - f. Building and property ingress and egress
 - g. Elevation at base of sign (Free standing, pylon signs only).
 4. One (1) copy of buildings elevations plan (wall signs only) drawn to scale with Dimensions indicating:
Location of proposed and existing signs

Article VI. Conflict, Severability, And Effective Date

Sec. 328.39 Conflict

If any portion of this code is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the City code, the provision, which establishes the higher standard, shall prevail.

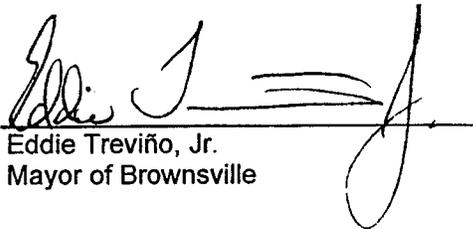
Sec. 328.40 Severability

If any sections, subsection, sentence, clause, or phrase of this code or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this code, or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.

Sec. 328.41 Effective Date

PASSED AND ADOPTED by the City Commission of the City of Brownsville, Texas, this 5th day of December, 2006.



By: 
Eddie Treviño, Jr.
Mayor of Brownsville

ATTEST: 

Estela Von Hatten
City Secretary