

**CITY OF OAK RIDGE**  
**KAUFMAN COUNTY, TEXAS**

**ORDINANCE 13-14**  
**SIGNS**

**AN ORDINANCE OF THE CITY OF OAK RIDGE, ESTABLISHING REGULATIONS FOR THE LOCATION, CONSTRUCTION AND INSTALLATION OF SIGNS IN THE CITY OF OAK RIDGE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Oak Ridge has determined that it is necessary to regulate signs in the City of Oak Ridge; and

**WHEREAS**, it is the obligation and desire of the City Council to protect the safety and property values of the citizens of this City; and

**WHEREAS**, the City Council has determined that outdoor advertising signs, including changeable electronic variable message signs, pose a distraction to drivers, bikers, and pedestrians from the roadway; and

**WHEREAS**, the City Council had determined that in order to preserve and enhance the City as a desirable community in which to live and provide a pleasing, visually attractive environment is of foremost importance; and these regulations are a highly contributive means by which to achieve this desired end and have been prepared with the intent of enhancing the visual environment of the City and promoting safety and continued well-being.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, KAUFMAN COUNTY, TEXAS, THAT:**

**SECTION I.**

**Definitions**

- A. **Administrative Official:** The city secretary or other representative designated by the Mayor.
- B. **Alter:** To change the size, shape or outline, or type of sign or to change the electrical lighting, except for the replacement of lamps not brighter than the original or replacement of a surface panel.
- C. **Attach:** To stick, tack, nail or otherwise affix a sign to any object; to paint, stencil or otherwise mark on an object.
- D. **Building:** A structure that has a roof supported by walls, for the shelter, support or enclosure of persons, animals, or chattel.

- E. **Civic Organization:** An organization which offers community programs to citizens; city or civil affairs groups.
- F. **Commencement of Work for Construction of a Sign:** Shall be the point in time when the sign has been delivered to a site and attachment to a building has begun, or holes excavated for ground installation.
- G. **Dilapidated or Damaged:** Any sign which in the opinion of the Administrative Official has any of the following characteristics:
1. Elements of the surface or background can be seen as viewed from normal viewing distance, to have portions of the finished material or paint, flaked, broken off, or missing, or otherwise not in harmony with the rest of the surface; or
  2. Where the structural support or frame members are visibly bent, broken, dented or torn; or
  3. Where the panel is visibly cracked, or in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition; or
  4. Where the sign or its elements are twisted, or leaning at angles other than those at which it was originally erected; or
  5. Where the message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions.
- H. **Distance:** Distance of signs from right-of-way shall mean the shortest horizontal distance from the nearest row to a vertical line to the ground from the nearest element of the sign, or shortest horizontal distance from the nearest row to a vertical line to the ground from the nearest element of the sign, or the shortest horizontal distance in a straight line between the nearest elements of signs.
- I. **Erect:** To build, construct, attach, hang, place, suspend or affix. This also includes the painting of signs on the exterior surface of a structure.
- J. **Fundraiser:** An activity that takes place for the sole purpose of raising funds to support community service organizations, public charities, or nonprofit organizations.
- K. **Height:** As applied to a sign, height shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and natural grade at the center of the base of the sign.
- L. **Illumination:** The enhancement of a sign utilizing electric lights, luminous tubes or other similar means.

- M. **Logo:** Any registered trademark of an organization, individual, company or product which is commonly used in advertising to identify that organization, individual, company, or product.
- N. **Public Property:** Any property that is owned by a governmental entity. It shall also include property for which the primary use is for the operations of a government entity.
- O. **Safe House Sign:** A sign or placard that indicates that a building or structure has been designated as a “safe house,” which are locations that are open to children who are frightened, injured, lost, victims or witnesses of a crime or involved in an emergency situation.
- P. **Setback:** The distance from the closest portion whether the support or edge of the sign, to the right-of-way.
- Q. **Types of Signs**
1. **Definition:** Every name, number, identification, description and announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light, or insignia, and structure supporting any of the same, affixed directly or indirectly to, or upon any building or outdoor structure, or erected or maintained upon a piece of land, which direct attention to any object, project, service, place, activity, person, institution, organization or business.
  2. **Attached:** Any sign attached to, applied on, or supported by any part of a building.
  3. **Banner:** A temporary sign made of cloth, flexible plastic or canvas material.
  4. **Builder:** A temporary, on-site sign identifying the builder or general contractor of a residential construction site.
  5. **Bulletin Board:** A permanent, on-site sign providing public information to a residential subdivision within which it is located.
  6. **Business:** A permanent, on-site sign that is used to identify a business, profession, organization, institution, service, activity or other non residential use conducted, sold, or offered on the site where such sign is located. This sign may also identify name of site or development or identify the occupants within the site or development.
  7. **Changeable electronic variable message signs (CEVMS):** A sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in

intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and this is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

8. Development: A temporary, on-site sign providing identification or information pertaining to a residential development to include the builder, property owner, architect, engineer, landscape architect, contractor, decorator or mortgagee within that development but shall not include a subdivision marketing sign.
9. Directional: A permanent, on-site sign intended to aid in vehicular movement on the site.
10. Directory: A permanent, on-site sign providing direction to, or identify the buildings in the development.
11. Garage/Yard/Estate Sale: A temporary sign intended to advertise garage sales, yard sales or estate sales.
12. Government: A sign erected by, or on behalf of a federal, state, or local government or an agency thereof.
13. Institutional: A permanent, on-site sign used to identify government and municipal agencies, public schools, churches or similar public institutions, and used to communicate a message of public importance to the general public.
14. Model Home: A temporary real estate sign identifying home builders' model homes open for inspection.
15. Off-Premise Sign: Any sign, commonly known as a billboard, that advertises a person, business, activity, services, goods, or products not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.
16. On-Premise Sign: Any sign identifying or advertising the business, person, activity, goods, products, or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.
17. Political Signs:

- (a) On Private Property: A person commits an offense if the person displays a political sign on private property, unless the person has the permission of the property owner, if the sign:
- (1) has an effective area greater than 36 feet;
  - (2) is more than eight feet high;
  - (3) is illuminated; or
  - (4) has any moving elements.

Political signs located on signs that are available generally available for rent or purchase to carry commercial advertising are prohibited, and not exempt under this section.

- (b) On Public Property: A person commits an offense if the person displays a political sign on public property, unless otherwise provided under state or federal law.

18. Portable: Any sign which is not attached or affixed to the ground, a building, vehicle or other fixed structure or object. Portable signs include those signs installed on wheels, trailers, skids, and similar mobile structures.
19. Reader board (electronic): A sign that utilizes alternating electronic data control components.
20. Reader board (manual): A sign comprised of nonpermanent letters, numerals, or symbols which allow a change of sign copy by adding, removing, or rearranging said letters, symbols or numerals.
21. Real Estate: A temporary sign intended to advertise real estate for sale or lease.
22. Special Purpose: A temporary sign that is either on-site or off-site, that provides identification or information pertaining to a special event or occurrence, sponsored by a nonprofit or civic organization.
23. Subdivision Entry: Any permanent, on-site sign identifying a residential subdivision.
24. Subdivision Marketing: A temporary sign used to market or advertise residential subdivisions within the city and to direct interested persons to the subdivision location.
25. Temporary: Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, and any type sign that is not permanent, attached to the ground, wall, or building intended to be displayed for a short period of time only.
26. Vehicular: Any sign which is affixed to a vehicle.

27. Window: Any sign located on the internal or external surface of the window.
- R. **Site**: A lot, tract or pad site.
- S. **Temporary Structure**: A structure without any foundation or footing.

## **SECTION II.**

The following regulations shall apply to the location, construction, and installation of signs within the City limits of the City of Oak Ridge.

## **SECTION III.**

### **Administration**

- A. **Responsibility for Enforcement**: It is the responsibility of the Administrative Official to interpret and administer the requirements of this ordinance.
- B. **Sign Permit Required**: No person shall erect, alter or display any sign or any person allow the erection, alteration or display of any sign on any property within the City, owned or controlled by him, without first obtaining a permit to do so from the City of Oak Ridge, except as hereinafter provided. No sign permit shall be released until after the building permit on the site has been issued. A drawing or picture of the proposed sign will be required at the time of permit issuance. Signs must comply with the approved drawing or picture. Any modification, change or alteration of any approved sign must be resubmitted for approval with a revised drawing or picture showing the modification, change or alteration.
- C. **Applicability to Extraterritorial Jurisdiction**: The terms and conditions of this ordinance shall apply to signs located within the City of Oak Ridge and its extraterritorial jurisdiction.
- D. **Fees**: A sign permit fee is \$25.
- E. **Application Required**: No person shall install, erect, or maintain any sign or contract for such service until such person has applied to the Administrative Official for a license to install, erect or maintain signs and until such license has been approved or issued. State of Texas license required. If a sign applicant disagrees with the determination of the Administrative Official, the applicant may appeal such determination to the City Council.
- F. **Sign Contractor Bond Required**: No license for the installation, erection and/or maintenance of signs shall be issued to any person, nor shall any person install, erect or maintain any sign or medium of display or advertisement, electric or otherwise, until such person provides City with proof of general liability insurance in the amount of \$100,000 to the administration official, or filed with the City a surety bond in the sum of \$1000. Such bond shall be approved by the City or

mayor and shall be conditioned for the installation and erection of signs in accordance with the ordinances of the City and the laws of the State and shall provide for the indemnification of the City for any and all damages of liabilities with may accrue against it by reason of faulty installation, erection, demolition, repair, removal, or defects in, or collapse of, any sign for a period of one year after erection and for such period of time that such sign is maintained or serviced by, or under the direction of, the maker of such bond. Such bond shall further provide for the indemnification of any person who shall, while on public property or in any public place, incur damage for which the principle name of the bond is legally liable.

- G. **Revocation of Permits:** The Administrative Official may suspend or revoke any permit issued under the provisions of this Ordinance whenever it is determined, that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this Ordinance or any other ordinance of this City or laws of this State or the Federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or owner of the site upon which the sign is located. Upon such revocation all construction related to the revoked permit shall cease.
- H. **Appeal of Revocations:** A person may appeal the revocation of the signed permit to the City Council by filing an appeal in accordance with this Ordinance. The City Council shall affirm, reverse, or modify the suspension or revocation and such decisions shall be final. Upon final determination that the permit is properly revoked, any portion of the sign in place as a result of the permit shall be removed within 10 days by the owner of the sign or site on which the sign is located. Failure to remove the sign shall be deemed a violation of this Ordinance.
- I. **Inspection:** The Administrative Official or his designee shall periodically inspect each sign regulated by this Ordinance for the purpose of asserting whether the same is obsolete and whether it is in need of removal or repair.
- J. **Permit Valid for 180 Days:** If the work authorized by a permit issued under this Ordinance has not been commenced within 180 days after the date of issuance, the permit shall become null and void.

### **Appeals and Variances**

- A. **Appeals:** Any decision rendered by the Administrative Official under this Ordinance may be appealed to the City Council by any person, agent, or representative affected by such decision. Such appeal must be received within 10 days after the placement of a letter by the City, in the United States mail addressed to the address on the permit or the address of the current owner of record in the county tax record which states the written decision which has been rendered by the Administrative Official. Such appeals shall be filed in writing with the Administrative Official specifying the grounds on which the appeal is based. The Administrative Official shall forthwith transmit to the City Council all documents pertaining to the appealed action. The City Council shall hear the appeal at a City Council meeting as soon as practicable

thereafter to determine whether the decision of the Administrative Official was in accordance with all shall be final.

- B. **Variances:** The City Council may authorize variances to any restrictions set forth in this Ordinance including, but not limited to the number, type, area, height or setback of signs or other aspects involved in the sign-permitting process in granting any variance. The City Council shall determine that a literal enforcement of the sign regulation will create an unnecessary hardship or practical difficulty on the applicant. That the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self imposed, that the variance will not injure, and is wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the spirit and purpose of this Sign Ordinance. A person may request a variance from the sign ordinance by filing a request with the Administrative Official. Any request for variance shall be accompanied by a completed application.

**SECTION V.**

**General Sign Provisions**

A. ***Permitted Sign Structures and Regulations***

1. Attached Sign. General:

Unless otherwise specifically provided, the regulations set forth in this Subsection shall be applicable to all attached signs which are allowed under this ordinance. Signs may not be attached to light fixtures, public poles, curbs, sidewalks, gutters, streets, utility poles, public buildings, railings, public telephone poles or trees. The direct painting of signs on buildings or vehicles shall be prohibited. No political signs shall be permitted on City property. Signs are allowed on fences.

2. Minimum/Maximum Letter/Logo Height:

The minimum height allowed for letters or logos shall be 6 inches. The maximum height allowed for letters shall be based on the following criteria:

Distance from ROW	Maximum Letter/Logo Height
Less than 100 ft	12 inches
101-150 ft	18 inches
151-200 ft	24 inches
201-250 ft	30 inches
251-300 ft	36 inches
301 and greater	42 inches

1. Ground Signs:



Unless otherwise specifically provided, the regulations set forth in this subsection, shall be applicable to all ground signs.

2. Minimum Setback: 15 feet from property line  
Maximum Height: 8 feet  
Maximum Area: 20 square feet.
5. Number of Signs: 1 sign per site  
General: billboards, and off-premise (off-site) signs, and all paintboards are prohibited.

B. ***Prohibited Signs***

1. Signs or billboards off premise from the location of the subject of the advertising content.
2. Signs which move or contain visible moving parts.
3. Signs which contain statements, words or pictures of an obscene, indecent or immoral character which offend public morals or decency.
4. Portable or wheeled signs.
5. Signs with flashing, blinking, or traveling lights.
6. Signs placed on the side or rear of any building or property when such sign is within 500 feet of, or faces, a contiguous residential district.
7. Obstructing Doors, Windows and Fire Escapes: No person shall erect or display any sign which prevents free ingress to or egress from any door, window or fire escape.
8. Obstructing Vision/Sight: No person shall erect or display any sign, on any site, in such a manner as to obstruct free and clear vision at any location, street, intersection or driveway.
9. Interference with Traffic: No person shall erect or display on any site any sign which interferes with vehicular or pedestrian traffic as a result of the position, size, shape, movement, color, fashion, manner or intensity of illumination, or any other characteristic causing such interference. Nor shall any person erect or interfere with or obstruct the view of, or be confused with, any authorized traffic sign, signal or device, including without limitation, signs making use of the words "Stop, Go, Look, Slow, Danger" or any other similar word, phrase, symbol or character; or employ any red, yellow, green or other color lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.
10. Certain Illuminated Signs:

- a. No sign shall be illuminated to such an intensity or in any such manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to traffic. Moving, flashing, intermittent lighting, changing color, revolving or similarly constructed signs shall not be allowed.
  - b. No lighted sign shall be erected or displayed within 500 feet of residentially zoned property unless the lighting is shielded from view of the residentially zoned property and indirect light does not exceed  $\frac{1}{2}$  lumen measured from any property line of the residentially zoned property creating a public nuisance.
11. Signs Projecting On/Over Public Property or Public Right-of Way: It shall be prohibited to erect or display any type of sign on or over public right-of-way or other public property unless the same is erected by the City, county, state or other authorized governmental agency, or with the permission of the City for public purposes.
  12. Roof Signs: Any sign erected on a vertical framework supported or located immediately and entirely over the roof of a building, is prohibited, except as allowed on commercial zoned property. Any sign attached to a fascia extending above the projection of the fascia shall be prohibited. The painting or otherwise affixing of signs on a roof is prohibited.
  13. Signs on Utility Poles: No person shall erect or display any sign on any utility pole located upon any public right-of-way or utility easement.
  14. Political Signs on Private Property: A person commits an offense if the person displays a political sign on private property unless the person has the permission of the property owner and the sign:
    - a. Has an effective area of less than 20 sq. ft.;
    - b. Is not illuminated;
    - c. Does not have any moving elements; and
    - d. Is not generally available for rent or purchase and or designed to carry commercial advertisement or other messages that are not primarily political.

Signs may not be placed more than 30 days prior to an election and must be removed within 5 days after an election.

15. Window Signs. Window signs are not allowed.
16. Prohibition of CEVMS Signs: No construction permit shall be issued for the erection of any CEVMS or the conversion of an existing non-CEVMS to a

CEVMS, within the Sign Code Application Area. This provision applies to both on-premise and off-premise signs.

17. Nothing contained herein shall be construed to prohibit the display of the flag of the United States, State of Texas or any political subdivision.
18. No dilapidated signs as defined in Section I., Subsection G.

#### **SECTION VI.**

##### **Removal/Impoundment of Prohibited Signs**

- A. All signs that are considered a public nuisance are prohibited by this Ordinance. Upon identification of these signs, the Administrative Official shall notify the owner of the property on which the sign is located, of the violation. The notification shall state that the offending sign shall be removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within the time period prescribed after written notification to do so by the Administrative Official. The notification shall further state that if the sign is not removed within a specific time frame (not to exceed 10 days) a citation may be issued and the City may resort to any civil remedy available up to and including impoundment.
- B. It shall be unlawful for any person, firm or corporation receiving such notice to fail to comply with the direction of the notice. In the event failure to comply with such notice, the Administrative Official is hereby authorized to cause the removal and impoundment of such sign, any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located.
- C. If a sign is placed in a public right-of-way in violation of this ordinance, the sign may be removed immediately and impounded.

##### **Recovery of Impounded Signs:**

- D. Impounded signs may be recovered by the owner within 15 days after written notification of impoundment, by paying a fee of \$25 to cover cost of removal and disposal.
- E. Signs not recovered within 15 days of impoundment may be disposed of by the City.

#### **SECTION VII.**

##### **Permanent Subdivision Entry Sign**

Subdivision entry signs must be permanent, fixed signs, identifying the subdivision. Must be constructed of brick, stone, wrought iron, and/or concrete. Signs must be maintained and kept in good order by the property owner or the homeowner's association.

### **SECTION VIII.**

#### **Model Home Sign**

Maximum height is 4 ft and has to be on the property.

Maximum area is 16 sq ft per sign face.

Maximum number of signs: 1 sign per builder per subdivision.

### **SECTION IX.**

Permitted, on-premise, agricultural business signs are permissible and subject to Section V. of this Ordinance. On-premise agricultural business signs shall not be erected on any property other than property zoned as agricultural or contiguous to agricultural.

### **SECTION X.**

#### **Temporary Signs Exempt from Permits:**

A permit shall not be required on the following signs:

A. ***Subdivision marketing signs***

1. Permitted sign structure must be on the ground.
2. Maximum number of signs: 1 sign per entrance not to exceed a total of 4 signs.
3. Thirty-two (32) square feet

B. ***Locations of signs:*** no sign may be placed closer than 15 ft from intersecting right-of-way.

C. ***Duration:*** signs shall be valid for 1 year from subdivision approval or upon issuance of a Certificate of Occupancy on 75% of the lots.

D. ***Builders' Sign:***

1. The permitted sign structure is on the ground.
2. Size: 20 square feet

3. Duration: signs may only be placed after issuance of a building permit and must be removed upon the issuance of a Certificate of Occupancy.
- E. **Real Estate Signs:** Will be permitted on the ground. Must be maximum 20 square feet and maximum number of signs is 1 per site.
- F. **Garage/Yard/Estate Sale Signs:** Garage/yard/estate sale signs must be erected on private property with the permission of the property owner, provided that the surface area does not exceed 6 sq. ft. and may not be erected prior to the date of the sale and may not remain beyond the last day of the sale. The date(s) of the sale must be placed on the sign. Signs must be professionally printed, not homemade. Safe House Signs and Placards are allowed.

## **SECTION XI.**

### **Exemptions and Special Conditions**

A. **Exempt Signs:**

The following signs are exempt from the requirements of this ordinance:

1. Vehicular signs, unless the sign is used or intended to be used as an on-site or off-site sign. It shall be prima facie evidence that a sign is used as an on-site or off-site sign, if the vehicle is parked at the same location for a continuous period exceeding 72 hours. No person shall attach any sign to a trailer, skid or similar mobile structure if the primary use of such structure is to provide a base for such sign or constitute the sign itself. This provision shall not be interpreted to prohibit identification signs on vehicles used for business purposes nor shall it be interpreted to prohibit bumper stickers.
2. Warning, Security and Safe House signs.
3. Government signs and signs for nonprofit organizations sponsored by government, including flags, insignia, legal notices, informational, directional and traffic signs which are legally required or necessary for essential functions of government agencies.
4. “No dumping” and “No trespassing signs.”
5. Non-Conforming Existing Signs: All signs that are lawfully in existence on the date of adoption of this Ordinance may exist in their present form, but no such signs shall be altered or moved unless a permit is issued pursuant to the provisions of this Ordinance. Any legal, nonconforming sign which has been substantially destroyed or dismantled for any purpose other than maintenance, shall be deemed as completely destroyed if the cost of repairing the sign is more than 60% the cost of erecting a new sign of the same type at the same location.

Under this provision the sign shall be removed, and a permit shall be required to erect a new sign.

**SECTION XII.**

Any person, firm or corporation who violates a provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine in accordance with the general provision of the code of Ordinances.

**SECTION XIII.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable and if any phrases, clauses, sentences, paragraphs or sections of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrases, clauses, sentences, paragraphs and/or sections.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 2014.

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Al Rudin, Mayor

ATTEST:

seal

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Jan Shedd, City Secretary