



SIGN ORDINANCE- REVISED JULY 2018

Sec. 58-1. - Title, purpose and objectives of chapter.

- (a) *Title.* These regulations shall be known as the "Lampasas Sign Ordinance" or the "Lampasas Sign Code", may be cited as such, and may be referred to herein as "this chapter" or as "this ordinance".
- (b) *Purpose and objectives.* Signs use public land and private land near the public rights-of-way to inform and persuade the general public by publishing a message. This chapter provides standards for the erection and maintenance of public and private signs. All private signs that are not specifically exempt as provided below shall be erected and maintained in accordance with these standards. The general purpose of these standards is to promote and protect the health, safety, welfare, convenience and enjoyment of the public, and to achieve the following objectives:
 - (1) *Safety:* To promote and protect the safety of persons and property by providing that signs:
 - a. Do not create a hazard due to collapse, fire, collision, decay or abandonment;
 - b. Do not obstruct firefighting or police surveillance;
 - c. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read and comprehend traffic signs and other traffic control and safety devices; and
 - d. Are designed, installed, constructed and maintained so that public safety and traffic safety are not compromised.
 - (2) *Communication efficiency:* To promote the efficient transfer of information in sign messages by providing that:
 - a. Those signs which provide messages and information most needed and sought by the public are given priorities;
 - b. Businesses and services may identify themselves;
 - c. Customers and other persons may locate a business or service;
 - d. No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way; and
 - e. Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
 - (3) *Landscape quality and preservation:* To protect the public welfare and to enhance the appearance and economic value of the cityscape, by providing that signs:
 - a. Do not interfere with scenic views;
 - b. Do not create a nuisance to persons using the public rights-of-way;
 - c. Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
 - d. Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape which affects the image of the City of Lampasas.

- (c) *First Amendment Rights.* This article shall not be interpreted nor enforced in a manner to violate First Amendment Rights guaranteed under state and federal law. The building official shall seek the advice and recommendation of the city attorney with respect to the enforcement of any provision related to noncommercial signage.

(Ord. No. 1179, § II (Exh. A), 2-12-2007)

Sec. 58-2. - Administration and jurisdiction.

- (a) *Authority.* The provisions of this Code are adopted pursuant to Texas Local Government Code Section 216 and the City Charter. Notwithstanding any other provision of the article, no legally erected sign shall be required to be relocated, reconstructed or removed except in compliance with the Texas Local Government Code.
- (b) *Jurisdiction and applicability.* This chapter shall be applied to all areas within the corporate limits of the city, as such limits may be changed from time to time, and with regard to billboards and off-premise signs also to those areas within the city's extraterritorial jurisdiction (ETJ), as such areas may also be changed from time to time, as allowed by law.
 - (1) All signs erected, constructed, installed or otherwise placed after the effective date of this chapter shall be in full conformance with all standards and regulations herein.
 - (2) Signs which were in existence and in place on the effective date of this chapter, and which meets all provisions of this chapter, shall be classified as "conforming signs" as that term is defined herein.
 - (3) Signs which were lawfully installed in compliance with all city codes and ordinances that were applicable at the time of installation, but that do not comply with one or more provisions of this chapter and/or other applicable codes or ordinances of the City of Lampasas (such as specific signage regulations in the city's zoning ordinance) that were adopted after such signs were installed, shall be classified as "nonconforming signs" as that term is defined herein (see section 58-6(i)).
- (c) *Chapter not intended to permit violation.* The regulations of this chapter are not intended to permit any violation of the provisions of any other lawful ordinance or of any state or federal law.
- (d) *Conflicting regulations.* In the event of any conflict between the provisions of this chapter and any other city code or ordinance (including, but not limited to, the city's zoning ordinance), the more restrictive regulation shall apply.
- (e) *Administrative official.* The provisions of this chapter shall be administered and enforced by the building official (or designated representative) of the City of Lampasas. For such purposes, the building official (or designated representative) shall have the powers of a code enforcement officer.
- (f) *Inspections.*
 - (1) All signs for which a permit is required shall be subject to inspection by the city.
 - (2) Footing inspections (as designed by a licensed structural engineer) may be required by the city for all signs having footings.
 - (3) All signs containing electrical wiring shall be subject to the provisions of the governing electrical code, and the electrical components used shall bear the label of an approved testing agency (such as UL/Underwriters' Laboratory).
 - (4) The city may order the revocation of any sign permit and/or the removal of any sign that is not maintained in accordance with the provisions of any city ordinance.

- (5) The city has the authority to inspect signs annually, or at such other times as it deems necessary, each sign regulated by this chapter for the purpose of ascertaining whether the sign is secure or insecure, whether it still serves a useful purpose, and whether it needs removal or repair.
- (6) All signs shall comply with the applicable provisions of the adopted versions of the International Building Code ("IBC") and/or the National Electric Code or other standard code adopted by the City of Lampasas. All sign construction shall conform to the city's adopted building code, electrical code, zoning ordinances, and any other applicable codes and ordinances.
- (g) *Right of entry.* Whenever necessary to make an inspection to apply or enforce any of the provisions of this chapter, or whenever the building official (or his/her authorized representative) has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official (or his/her authorized representative) may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this chapter, provided that if such building or premises is occupied, the person shall first present proper credentials and request entry; and if such building or premises is unoccupied, the person shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official (or his/her authorized representative) shall have recourse to every remedy provided by law to secure entry.
- (h) *Responsible party(s).* The permittee, owner, agent and/or person(s) having the beneficial use of any sign, the owner(s) of the land or structure upon which any sign is located, the person(s) responding on behalf of such advertising, and the person(s) in charge of erecting any sign are all subject to the provisions of, and the compliance with, this chapter. It is the responsibility of all such parties to be knowledgeable of, and to follow, all provisions of this chapter.
- (i) *Permitted signs.* All signs not expressly defined, regulated, exempted and/or permitted under this chapter are hereby prohibited within the corporate limits of the City of Lampasas, and with regard to billboards and off-premise signs within the extraterritorial jurisdiction of the City of Lampasas as well (if applicable by law).

(Ord. No. 1179, § II(Exh. A), 2-12-2007; [Ord. No. 1480](#), Pt. 1, 3-14-2016)

Sec. 58-3. - Permit procedures and fees.

- (a) *Requirements.* It shall be unlawful for any person to erect, construct, place, replace, enlarge, repair or relocate any sign regulated by this chapter within the city or any billboard and off-premise signs within its ETJ (as applicable by law) without first obtaining a permit to do so from the building official, except as may be hereinafter provided. Normal maintenance activities on signs do not require a permit.
- (b) *Sign permit for multiple signs.* A single sign permit may be issued for more than one sign, provided that all signs to be covered by the permit are properly and accurately reported and depicted on, or with, the sign permit application that is submitted for review and approval by the city. A sign permit shall, however, apply to only one applicant and to one physical location (i.e., cannot apply to more than one entity or physical location or address).
- (c) *Applications for sign permits.* All applications for sign permits shall include all of the following information and materials:
 - (1) A written application on a form provided by the city, which shall require the following information from the permit applicant:
 - a. Name and signature and complete address, telephone number, fax number and email address of the applicant (i.e., the person or entity who will be responsible for erecting, constructing, placing, replacing, enlarging, repairing or relocating the sign);
 - b. The full legal name, address, phone number, email address, etc. of the business entity for whom the sign advertises;

- c. The street address and legal description of the site/property where the proposed sign will be placed, together with the complete name, address, phone number, email address, etc. of the owner of the site/property; and
- (2) A drawing to scale of each proposed sign and its supporting structure (including accurate size, dimensions, colors, design, type copy, lettering size/dimensions, lighting, electrical and structural specifications, and other details as may be required by the building official to determine if the regulations contained herein are complied with);
- (3) A drawing to scale clearly showing the proposed placement of the sign at the proposed site, including the locations of all existing buildings, property lines, building setback lines, and all other existing signs on the premises, showing accurate distances between the proposed sign and any other existing sign(s) on adjacent property;
- (4) A drawing to scale of the site plan (for all signs) and the building facade (for any wall- or building-attached sign) clearly showing to scale the proposed location of the sign (if site plan approval is required for a development or building, the proposed location for all proposed free-standing signs shall be clearly shown for reference on the site plan drawing, but site plan approval by the city as may be required in the zoning ordinance shall not be construed as approval for any type of sign — all signs must be approved and permitted by the building official in accordance with this chapter);
- (5) Plans, details and specifications for any electrical wiring needed for the sign, as determined by the building official, which demonstrates compliance with the city's electrical code (including a copy of the electrical contractor's license and of the licensed electrician who is going to install the wiring, if it is not on file with the city);
- (6) Plans, details and specifications designed and sealed by a licensed professional structural engineer (if applicable), which shall include a copy of stress sheets and calculations showing the sign and its structure are designed for dead load and wind loads, as may be required by this chapter and as may be required by the city's building official for any sign that is required by subsection 58-6(h), or if otherwise requested by the city's building official.
- (7) Copy of state permit documentation for any highway sign (if applicable);
- (8) Complete technical, design and site information regarding the location of any overhead or underground utilities in the vicinity of the sign's proposed location, and the written acknowledgement of the applicable entity (such as the city or county) or utility provider concerning vertical and horizontal clearance requirements, and the presence of any utility or drainage easements, near the proposed sign's location;
- (9) Any other information or documentation that the building official may require to adequately review the application and to ensure protection of public safety and welfare; and
- (10) The appropriate sign permit fee (and investigation fee, if applicable), per Appendix A (Fee Schedule), as amended, of the City's Code of Ordinances. If a sign permit application is withdrawn during the review period or denied, the sign permit fee shall be nonrefundable and re-submission of such signs shall require an appropriate fee, as if for a new sign.
- (d) *Review and approval process for sign permit applications.* The review and approval process for sign permit applications shall be as follows:
 - (1) Within 14 calendar days after determining that the application for a sign permit is complete, the building official shall examine all materials submitted with the application. Also within this time frame, he/she shall either approve the application or deny the application if it is not in compliance with these regulations, unless the application is submitted in conjunction with an application for a building permit, in which case the building official must render his/her decision no later than the date of final action on such building permit application. If the building official is not able to make such determination within 14 calendar days, city shall notify applicant and indicate amended date, which may not exceed a period of ten additional days.

- (2) If a sign permit application is denied, the building official shall notify the applicant of such denial in writing, and shall cite which section(s) of these regulations the proposed sign does not comply with. The applicant shall then be given an opportunity to correct such deficiencies and re-submit the sign permit application for re-review provided that such re-submission occurs within 30 calendar days following the date of the city's issuance of written notice of denial. Failure to re-submit the corrected sign permit application (or filing of an appeal) within this time frame shall be deemed acceptance by the applicant of the building official's decision and any subsequent re-submission of a sign permit application shall be deemed an entirely new application, and shall be accompanied by a new signed application form and the required drawings, specifications, fees, etc.
 - (3) The applicant may appeal the denial of a sign permit application to the city council provided that such appeal is submitted, in writing, to the city secretary within thirty calendar days following the date of issuance of the written notice of denial. The city council shall consider such appeal at a regular meeting within 45 calendar days after the appeal is filed with the city secretary, and shall render a decision on the appeal within that time frame. The city council's decision on an appeal shall be final.
 - a. In considering the granting of an appeal council shall find:
 - i. The construction of the sign will not add to sign congestion or view of other signs, and
 - ii. The proposed sign will not impede or distract the traveling public.
 - b. An appeal shall not be granted for the following conditions:
 - i. Based on economic gain or loss of owner, or cost or savings of signage.
- (e) *Persons ineligible to receive sign permits.*
- (1) The building official shall not issue a sign permit to any person or entity who has previously failed or refused to pay any fees or costs assessed against him/her under the provisions of this chapter, until all such fees are paid.
 - (2) The building official shall not issue a permit for any type of sign to any entity or business that has not submitted a valid and complete application for a sign permit and paid all associated fees.
- (f) *Expiration of sign permit.* Sign permits are valid for a period of 180 calendar days after issuance. If the sign authorized by a permit issued under this chapter has not been delivered and fully installed on the site and is fully operational within this time period, the permit shall expire and shall be deemed null and void unless a time extension is granted in writing by the building official and is necessitated by factors beyond the applicant's reasonable control, for good cause demonstrated by the applicant. A request for such a time extension must be submitted to the building official in writing prior to expiration of the sign permit. The building official shall have the authority, at his/her sole discretion and upon reviewing the circumstances involved, to approve or deny a time extension of up to 60 calendar days if he/she determines it is appropriate to do so, and if such time extension will not be detrimental to the public health, safety or welfare or to any other nearby property or owner.
- (g) *Sign permits revocable.* The building official may suspend or revoke any permit issued under the provisions of this chapter whenever he/she determines that the permit was issued on the basis of incorrect or false information provided to the city. Such suspension or revocation shall be effective immediately on the date written notice of this action is sent by the city to the person to whom the permit was issued, to the owner or benefactor of the sign, or to the owner of the premises upon which the sign is located. Any sign installed under a revoked permit shall be removed by the permit holder, sign owner or property owner within 15 calendar days following written notice of the revocation. If a sign installed under a revoked permit is not timely/properly removed by the applicable individual then the city shall have the right to remove same and store or dispose of such sign at its sole discretion. A person seeking to recover such a sign from the city shall first reimburse the city for all applicable costs, labor included, in their removal and/or storage.

- (h) *Work without a sign permit; special investigation and investigation fee.*
- (1) Whenever any work on a sign for which a permit is required by this chapter has commenced by any person or entity without first applying for a sign permit and receiving a sign permit from the city, a special investigation by the city shall be made before a permit may be issued for such work, and any such premature and unauthorized work on a sign shall nullify the time frames within which the city must make decisions on sign permit applications cited in all subsections of section 58-3(d) above.
 - (2) A special investigation into premature and unauthorized work on a sign shall impose an investigation fee that is assessed in addition to the sign permit fee. The first time a special investigation is required for a sign contractor or a business, the special investigation fee shall be equal to \$150.00. Each event that requires an additional investigation by the city will result in an investigation/administrative fee equal to \$500.00.
 - (3) A special investigation into premature and unauthorized work on a sign, and payment of its resulting investigation fee, does not excuse full compliance with the provisions of this chapter nor does it confer a sign permit on the persons involved.
- (i) *Electrical permit.* Prior to beginning electrical work for a sign in which electrical wiring and connections are to be used, an electrical permit must be applied for and obtained according to the city's electrical permitting procedures and according to the city's fee schedule, per Appendix A (fee schedule), as amended, of the City's Code of Ordinances. The City's Building Official shall examine the plans and specifications submitted with the sign permit application to insure compliance with the city's electrical code. No sign shall be erected in violation of the city's electrical code or without prior issuance of the proper electrical permit, and any such activity shall impose a special investigation and fee pursuant to section 58-3(h) above. The electrical power supply for a sign shall be placed underground within an acceptable type of conduit, and shall be concealed from view (i.e., no overhead power line or components are allowed). No temporary electrical service for signs shall be allowed.

(Ord. No. 1179, § II(Exh. A), 2-12-2007)

Sec. 58-5. - Definitions and regulations for specific types of signs.

The following definitions and regulations pertain to specific types of signs. The definitions of other general terms used within this chapter may be found in section 58-410 of the Code of Ordinances or in the city's zoning ordinance. The regulations for each specific type of sign in the Downtown Historic District shall be the same as for other areas of the city unless specifically indicated otherwise below.

Animation/Movement (see "Message Center" signs) Any form of movement and/or motion including the changing of lighting to depict action or to create an effect or scene not of a static nature. All NON-Message "EMC" sign may have accent lighting (non-face illumination) that slowly fades in and out with a minimum of 3 seconds from brightest NIT value to brightest NIT value.

Attached sign. A sign that is attached to, applied to, applied on or supported by any part of a building and which encloses or covers usable space (as contrasted to a free-standing or detached sign). Regulations for "attached signs" are provided with the specific type of attached sign to be installed (i.e., awning, canopy, wall and window sign).

Awning sign A sign that is painted or applied directly on an awning.

- (1) Maximum height: Height of vertical face of awning only.

- (2) Maximum size/area: Not to exceed 75 percent of the awning's vertical surface area; the copy/artwork on an awning sign shall not exceed the area and size that are allowed for a wall sign on the wall upon which it is attached, and the total combined area of wall signs and awning signs on any wall surface shall not exceed the area and size allowed for a single wall sign; and shall consist of only the name and/or logo of the business at the awning's location.
- (3) Zoning permitted: In all nonresidential districts.
- (4) Placement/setbacks: On the vertical face only of an awning; minimum vertical clearance of eight feet above any sidewalk/pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface.
- (5) Maximum number: Not applicable.
- (6) Duration: No limit.
- (7) Permit required? Yes.
- (8) In Downtown Historic District: Allowed as above, except that signage cannot exceed 50 percent of the awning's vertical surface area.

Banner A type of temporary sign that is generally constructed of lightweight plastic, vinyl, fabric, canvas or a similar nonrigid material, and that is mounted/tethered to a permanent private improvement located on the property. A banner typically (but not always) exhibits a text message and/or a symbol(s) for the business located on the property, or for a product or service provided by that business. National/state or local government flags are not considered banners (see "flag"). (Also see "temporary sign".)

- (1) Maximum height: Facade height of building on the property.
- (2) Maximum size/area: Sixty square feet per street frontage
- (3) Zoning permitted: In all nonresidential and multi-family districts (for a "grand opening" event only in all other zoning districts, limited to one per street frontage and limited to one time per year).
- (4) Placement/setbacks: Must be securely attached (such that banner does not move, flap, wave, flutter, twirl, etc.) to a permanent private improvement located on the property.
- (5) Maximum number: Two per street frontage per business.
- (6) Duration: 90 day limit; however can be renewed for additional 90 days. (*Note- For multi-family districts duration is limited to 30 days)
- (7) Permit required? Yes
- (8) In Downtown Historic District: Allowed for a "grand opening" event only. Allowed as above, except limited to one per street frontage, one time per year, maximum four-foot height, maximum 40 square-foot size/area.

Billboard sign A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located (i.e., off-premise).

- New billboards are prohibited within the corporate limits and/or the city's ETJ (including land that may be encompassed therein as the city limits and ETJ are extended in the future by annexation and growth). Existing billboards that are continuously maintained in satisfactory and safe condition, and which otherwise fully comply with the standards existing at the time of their installation, are not affected by this prohibition.

Canopy sign A sign that is painted or applied directly on a canopy, or that is designed to be an integral part of the face of a canopy.

- (1) Maximum height: Height of vertical face only of canopy.

- (2) Maximum size/area: Not to exceed ten percent of the area of the face of the canopy of which it is a part or to which it is attached, or a maximum of 25 square feet, whichever is smaller; the copy/artwork may or may not be illuminated, and shall consist of only the name and/or logo of the business at the canopy's location; an illuminated stripe may be incorporated into a canopy along the entire length of the face of the canopy, but the width or thickness of the stripe shall be limited to one-third of the vertical dimension of the face of the canopy, and the internal illumination of a canopy is limited to the portions of the canopy face upon which illuminated copy/artwork or an illuminated stripe is permitted.
- (3) Zoning permitted: In all nonresidential districts.
- (4) Placement/setbacks: On the vertical face only of a canopy (not on roof); minimum vertical clearance of eight feet above any sidewalk/pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface.
- (5) Maximum number: One per canopy face.
- (6) Duration: No limit.
- (7) Permit required? Yes.
- (8) In Downtown Historic District: Allowed as above.

Changeable message sign (also "reader-board sign"). A wall-mounted or free-standing sign (or a portion of a larger sign) that describes and advertises things such as movie listings, fuel pricing, dining and product or service specials, welcome greetings, etc. with manually interchangeable letters and symbols; includes nonelectronic bulletin boards and theater marquees; not a "message center".

- (1) Maximum height: See standard for the type of sign it is part of (monument sign, pole/pylon sign, wall sign, etc.).
- (2) Maximum size/area: See standard for the type of sign it is part of (monument sign, pole/pylon sign, wall sign, etc.).
- (3) Zoning permitted: See standard for the type of sign it is part of (monument sign, pole/pylon sign, wall sign, etc.).
- (4) Placement/setbacks: See standard for the type of sign it is part of (monument sign, pole/pylon sign, wall sign, etc.).
- (5) Maximum number: One per property/lot.
- (6) Duration: No limit.
- (7) Permit required? Yes.
- (8) In Downtown Historic District: Allowed as above. Must be architecturally compatible with the building, its construction type, historical period aesthetic, etc.

Decorative display See "promotional flags/pennants" and "promotional signage".

Directory/informational sign (on-site) A sign used for the purpose of directing vehicular and/or pedestrian traffic to specific occupants/businesses on private property (i.e., within shopping centers, industrial parks, retail districts, office complexes and commercial sites). Sign shall not show any advertising (such as corporate logos, advertised specials, etc.) other than the names of occupants/businesses and arrows directing traffic to those locations.

- (1) Maximum height: Same as for monument sign.
- (2) Maximum size/area: Eighteen square feet.
- (3) Zoning permitted: In all multi-family, single-family attached, manufactured home, and nonresidential zoning districts.

- (4) Placement/setbacks: Ten feet from any property or right-of-way line; must be monument-style only.
- (5) Maximum number: One per property/lot, or one per 25 acres (or portion thereof) for a development that is over 25 acres in size.
- (6) Duration: No limit.
- (7) Permit required? Yes.
- (8) In Downtown Historic District: Allowed as above, except four-foot maximum height, 12-foot maximum size/area, two-foot minimum setback from any property or right-of-way line.

Flyer Any advertising circular or piece that is affixed, glued, nailed, stapled or otherwise attached to a pole, fence, or the exterior portion of a building or other structure. The use of flyers in such locations is prohibited within the corporate limits.

Free-standing sign Any type of sign that is placed on or anchored in the ground, and that is structurally independent of any building or other structure. All types of free-standing signs require a permit (unless otherwise provided in this chapter for a specific type of free-standing sign). All types of free-standing signs shall be located entirely on private property and not within any public right-of-way or easement. Other regulations are provided under the specific types of free-standing signs provided for within this ordinance.

Illuminated sign A sign which has characters, letters, figures and/or designs that are steadily illuminated by electric lights, luminous gaseous tubes or other means, and that are specifically placed to draw attention to, or to provide nighttime viewing of, the subject matter on the sign face. See specific type of sign to be illuminated for regulations.

Inflatable sign. A temporary, hollow sign expanded or enlarged by the use of air, gas or lighter-than-air gas.

Message center. A sign that changes messages electronically with either an alternating light board, flip panels, or similar devices; includes time and temperature signs, electronic fuel pricing signs, electronic movie listing and other changing or alternating signs, etc.; cannot flash or blink.

- (1) Maximum height: See standard for the type of sign it is part of (pole/pylon sign, wall sign, etc.).
- (2) Maximum size/area: (13) Allowable Sign Area for EMC Signs:
 - (a) Signs positioned less than 8 feet to the ground are prohibited.
 - (b) Signs positioned from 8 feet to 15 feet from the ground, as measured to the bottom of the sign: maximum of 32 square feet.
 - (c) Signs positioned 15 feet or more from the ground, as measured to the bottom of the sign: maximum of 60 square feet of area.
- (3) Zoning permitted: In all nonresidential districts.
- (4) Placement/setbacks: See standard for the type of sign it is part of (pole/pylon sign, wall sign, etc.).
- (5) Maximum number: One per property/lot.
- (6) Duration: No limit.
- (7) Permit required? Yes.
- (8) In Downtown Historic District: Not allowed.
- (9) Hold or cycle time: 8 second minimum for advertising messages, with an exception of 5 seconds for charitable or public service messages

(10) Brightness: Not to exceed 10,000 NITS during daylight hours. Not to exceed 2,500 NITS from sundown until sunrise. In case of dispute, sign owners to allow city personnel access to sign system to confirm compliance.

(11) Motion: No moving images that simulate emergency or law enforcement flashing lights.

(12) Imagery: No images allowed that depict traffic or warning signs, or other images that could confuse vehicle drivers.

Monument sign A free-standing sign having a low profile and made of stone, concrete, decorative metal, brick or similar materials which is designed to complement the architecture of the building or complex on the premises where the sign is located. A monument sign shall be solid from the ground up, and all poles and supports shall be concealed.

(1) Maximum height: Five feet, including the monument base, as measured from the average ground level at the base to the topmost portion of the sign. The ground upon which a monument sign is located may be bermed up (or designed as a raised planter with heavy evergreen landscaping to conceal the planter on all sides) a maximum of two feet from the top of the adjacent street curb.

(2) Maximum size/area: Sixty square feet.

(3) Zoning permitted: In all non-residential zoning districts.

(4) Placement/setbacks: Five feet from any property or right-of-way line; up to one-half of a monument sign's allowable size/area can be devoted to a changeable copy sign or up to one-quarter can be devoted to a message center that shows only time/temperature or motor fuel pricing, provided the sign is located in a nonresidential zoning district and is within 25 feet of the street right-of-way line.

(5) Maximum number: One per property/lot per street frontage.

(6) Duration: No limit.

(7) Permit required? Yes.

Municipally-owned sign A type of official sign which identifies a park, an entrance into the city, a place of interest within the city, a city-sponsored event, or any municipally-owned site or facility. A municipally-owned sign does not include traffic or street identification/name signs. (Also see "official sign"). Must comply with the regulations for the type of sign to be installed.

Multi-tenant complex sign A free standing or pole sign which is used to identify the name of a retail shopping center, a business park or an industrial, commercial or office center or complex, and which also includes the names of two or more individual businesses or tenants on the site, mounted on one structural element.

(1) Maximum height: Forty-Five Feet

(2) Maximum size/area: Ninety square feet plus an additional 12 square feet for each additional business/tenant space up to a maximum of 160 square feet/per side

(3) Zoning permitted: In all nonresidential zoning districts on a site that provides for more than one business.

(4) Placement/setbacks: Must be located entirely on the property it serves.

(5) Maximum number: One per multi-tenant complex. Where the multi-tenant sign is a free standing or pole sign, no additional "pole signs" are permitted.

(6) Duration: No limit.

(7) Permit required? Yes.

Mural (also "wall art") A work of art applied directly to a building's wall surface where forms and/or figures and/or land or cityscapes are the dominant elements. Murals are intended for viewing and enjoyment by the public, and shall not be intended for commercial (i.e., "for profit") purpose or advertising unless such intent is specifically approved by city council.

- (1) Maximum height: Height of wall surface.
- (2) Maximum size/area: Area of wall surface.
- (3) Zoning permitted: In all nonresidential zoning districts with city council approval.
- (4) Placement/setbacks: On the vertical face only of a building; must be professionally applied by an experienced mural-painting artisan(s) using paints that will weather well and remain vivid, legible and attractive for at least five years following application.
- (5) Maximum number: Limited to one per building, or one per street frontage for a corner or through lot/property.
- (6) Duration: No limit.
- (7) Permit required? No permit is required; however approval must be granted by City Council
- (8) In Downtown Historic District: Allowed as above, but only by approval of city council.

Neon sign See "illuminated sign".

Official sign A sign erected by a governmental agency within its territorial jurisdiction for the purpose of carrying out an official duty or responsibility, and including, but not limited to, traffic signs and signals, zoning signs and street signs. Special lighting, banners and other promotional signage celebrating seasonal events, civic events, or historical areas of the city that are sponsored and/or endorsed by the city council may be classified as "official signs" provided that they are not for commercial (i.e., "for profit") purpose. Official signs are exempt for the regulations of this ordinance.

Off-premises sign A sign displaying copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located. Off-premise signs are only allowed within the municipal/ corporate limits and ETJ of the city when said Off-premise sign is for a business located within the Lampasas City Limits or has a physical mailing address for the city of Lampasas.

Permanent sign An attached or detached sign affixed to a permanent structure, or placed in a fixed location, that is intended to be displayed for a long period of time which is generally as long as the business, product, service, etc. that the sign advertises is in business, on the site where the sign is located, etc. (i.e., a sign that is not temporary in nature). Regulations for "permanent signs" are provided with the specific type of permanent sign to be installed.

Pole sign A free-standing (i.e., independent of any structure or building) sign supported by a pole (or poles) having no guys or braces to the ground or to any other structure.

- (1) Maximum height: Forty-five feet.
- (2) Maximum size/area: Ninety square feet. For properties abutting Highway 281, North of FM 580 (Avenue J); Highway 281, South of Broad Street; Highway 183, South of Supple Street; and Highway 183 North of Highway 281, maximum size/area shall be 150 square feet.
- (3) Zoning permitted: In all nonresidential zoning districts.
- (4) Placement/setbacks: Must be located entirely on the property it serves.
- (5) Maximum number: One per property/lot. If the property/lot abuts street or highway frontage at least 450 feet, a maximum of two pole signs may be erected no closer than 75 feet apart.
- (6) Duration: No limit.
- (7) Permit required? Yes.

- (8) In Downtown Historic Square District: Not allowed.

Political sign. A temporary sign pertaining to a national, state or local election, which shall be erected, placed or located only on private property (i.e., cannot be erected in public rights-of-way or easements or on property otherwise owned or controlled by a government entity) and only with the property owner's consent for the sole purpose of advertising a political candidate, a political party, a political issue or a ballot measure.

- (1) To the extent regulation of political signs by a municipality is preempted and controlled by Section 216.903 of the Texas Local Government Code, that section applies herein as if fully set forth. To the extent political signs are not subject to such statutory regulation, they shall be regulated as any other noncommercial sign as provided in this chapter.
- (2) No person shall place, or cause to be placed, a political sign on any public property within the corporate limits of the city.
- (3) No person shall place, or cause to be placed, a political sign on any utility pole or tower (e.g., telephone pole, street light standard, street sign poles, electric utility tower, etc.) or on trees or fences within the corporate limits of the city.
- (4) A political sign shall be subject to regulation under this chapter if it:
 - a. Has an effective area greater than 36 square feet;
 - b. Is more than eight feet high;
 - c. Is illuminated; or
 - d. Has any moving elements.
- (5) Duration: Must be removed within five days after election date.

Portable sign (see "Temporary/Vehicle Sign", "Promotional flags, pennants, balloons") A type of temporary or portable sign that is not permanently attached to the ground or other permanent structure and not addressed elsewhere in this chapter, and that is designed such that it can be moved from one location to another (also see "temporary sign"). Includes the following types of signs: vehicle signs, signs constructed as A-frames or T-frames or V-frames, umbrellas with advertising on them, inflatable signs, balloons (over 18 inches in diameter) etc.

Projecting sign A sign that projects from a building more than six inches and has one end attached to a building. Projecting signs shall not encroach into any public right-of-way or over any public easement, and shall have a minimum clearance of eight feet above any sidewalk/pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface.

- (1) Maximum height: Twenty feet (cannot extend above top of wall or roof line).
- (2) Maximum size area: Forty-eight square feet/per side .
- (3) Zoning permitted: In all nonresidential zoning districts.
- (4) Placement/setbacks: Must remain entirely within the buildable area of the lot or tract on which it is located.
- (5) Maximum number: One per property/lot.
- (6) Duration: No limit.
- (7) Permit required? Yes. Engineering is required for all signs over eight square feet in size/per side.

Promotional flags/pennants/balloons (see "promotional signage") A type of temporary sign that is generally constructed of lightweight plastic, fabric or a similar material; that is mounted/tethered to a pole(s), building or other structure by a rope, wire, string or similar device, usually in series (i.e., more than one on a string); and that is designed to move in the wind (i.e., flutter) to attract attention. Balloons refer to those less than 18 inches in diameter, with larger balloons being classified as an "inflatable sign". Promotional flags/pennants may not exhibit a text message, copy, logo or symbol of any kind, and may be a single color

or several colors. For the purposes of this chapter, a string of multiple pennants and/or streamers, of whatever length, shall also constitute a "promotional pennant" (see "promotional signage" for regulations).

Promotional signage A type of temporary signage that is used for special events and promotions or for business grand openings. Promotional signage may include banners, flags, pennants, streamers, balloons, inflatable signs/devices, and any other legal types of signs allowed by this chapter (see "promotional flags/pennants/balloons").

- (1) Maximum height: Any device described as promotional signage shall not exceed an overall height than the maximum building height allowed in that zoning district or 35 feet, whichever is smaller.
- (2) Maximum size/area: Balloons are limited to a maximum diameter of 18 inches.
- (3) Zoning permitted: In all nonresidential zoning districts.
- (4) Placement/setbacks: Promotional signage shall be fully contained on the property of the business which it advertises, and shall not extend into or over public right-of-way or onto or over other adjacent property(s). Signage shall not be located in any sight visibility triangle/area, nor shall any combustible materials be placed in contact with lighted signs or any electrical fixtures.
- (5) Maximum number: Not applicable.
- (6) Duration: Promotional signage is allowed for six, two-week periods each calendar year per on premise, legally operating business. A two-week period will commence on the first day promotional signage is displayed. The six, two-week periods shall not occur within the same or consecutive months. A legally operating business shall include any retail, commercial, industrial or institutional use for which the city building official has issued a certificate of occupancy. In case of a special promotion for a grand opening celebration, the initial display period may be extended to a three-week period (rather than two weeks) provided that the event commences within the first three months of the date of issuance of a certificate of occupancy, and the grand opening event is limited to the premise and address noted on the certificate of occupancy.
- (7) Permit required? No.
- (8) In Downtown Historic District: Allowed as above.

Protective sign (also "security sign"). A sign intended to safeguard the premises, including but not limited to signs that state messages such as "No Parking", "No Trespassing", "Bad Dog", "No Dumping", "No Solicitors", "In Case of Emergency Please Call...", "Hours of Operation...", and the like.

- (1) Maximum height: Six feet.
- (2) Maximum size/area: Eight square feet.
- (3) Zoning permitted: In all zoning districts.
- (4) Placement/setbacks: Five feet from any property or right-of-way line.
- (5) Maximum number: One per street frontage.
- (6) Duration: No limit.
- (7) Permit required? No, however sign specifications/location must be reviewed by Building Official
- (8) In Downtown Historic Square District: Allowed as above, except six-foot maximum height, four-foot maximum size/area, two-foot minimum setback from any property or right-of-way line.

Pylon sign A free-standing sign supported by a solid, ground up, tall masonry monumental structure (see "pole sign" for regulations).

Reader-board sign See "changeable message sign".

Real estate sign A temporary accessory sign that advertises the availability for sale or rental of the premises upon which the sign is located (i.e., not off-premise), and which advertises property only for a use

for which it is legally zoned. A real estate sign shall be removed on or before seven calendar days after the sale or rental of property (as applicable).

- (1) Maximum height: Three feet in any residential zoning district; eight in any nonresidential zoning district.
- (2) Maximum size/area: Eight square feet in any residential zoning district; 32 square feet in any nonresidential zoning district.
- (3) Zoning permitted: In all zoning districts.
- (4) Placement/setbacks: Five feet from any property or right-of-way line.
- (5) Maximum number: One per street frontage.
- (6) Duration: One week after closing on the purchase or rental of property (as applicable).
- (7) Permit required? No.
- (8) In Downtown Historic Square District: Allowed as above, except two-foot maximum height, four-foot maximum size/area, two-foot minimum setback from any property or right-of-way line.

Roof sign A sign affixed to, applied on, or erected upon or above a roof or parapet of a building or structure. Roof signs are prohibited in the City of Lampasas

Stake sign A temporary sign that is not permanently attached to the ground or designed to be permanently attached to the ground, including (but not limited to) temporary real estate directional (i.e., "bandit") signs. A stake sign is typically placed for the off-premise advertising of, and directing traffic toward, a real estate project/subdivision or "flea market" type of event.

- (1) Maximum height: Three feet.
- (2) Maximum size/area: Four square feet.
- (3) Zoning permitted: In all zoning districts.
- (4) Placement/setbacks: Completely on private property (with the property owner's permission), and not within any public right-of-way or easement; all stake signs must be entirely self-supporting and not mounted upon public/utility structures (e.g., telephone poles, street light standards, street sign poles, public buildings, etc.) or on trees, fences, etc.; off-premise stake signs are permitted and must also have the name of the business entity (e.g. home builder) upon them; must be located/placed at least 100 feet from any street intersection, curb lines; must have at least three-foot setback from the back of the curb; must be entirely self-supporting, and must be located/placed within one mile of the advertised real estate or sales event; must have a minimum distance spacing between stake signs of 25 feet; and cannot be located in front of any public property, building, park or school: no stake sign shall be illuminated.
- (5) Maximum number: Five per real estate project or "flea-market" type of event.
- (6) Duration: May be placed no earlier than 5:00 p.m. on the day before the advertised sale, and must be recovered (i.e., removed) by 8:00 a.m. on the day after the last day of the sale (a fine will be assessed for each sign put up before 5:00 p.m. the day before the advertised sale or left after 8:00 a.m. on the required removal date). A sale may not last longer than two days.
- (7) Permit required? No.
- (8) In Downtown Historic District: Not allowed.

Temporary sign Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other like materials with or without frames, and any type sign not permanently attached to the ground, wall, or building intended to be displayed for a short period of time only until a permanent sign is erected.

- (1) Maximum height: Six feet if free-standing, height of building, fence or like structure if not free-standing.

- (2) Maximum size/area: Sixty square feet per street frontage
- (3) Zoning permitted: In all nonresidential districts.
- (4) Placement/setbacks: Five feet from any property or right-of-way line.
- (5) Maximum number: Two per street frontage per business
- (6) Temporary signs must be kept in clean condition and free of damage such as holes or tattered areas. Temporary signs must be kept securely attached. Failure to do so will result in a warning, subsequent citation and fines by the City Building Official
- (7) Permit required? No

Vehicle sign (also "vehicular sign"). A type of portable sign, which is prohibited in the City of Lampasas, that is mounted on or attached to or painted on a vehicle, trailer, skid or otherwise wheeled or mobile structure, and such mobile structure is parked and is visible from public rights-of-way on a regular basis or for any period exceeding 24 hours. Signs on vehicles that are moved daily and used in the normal day-to-day operations of the business; including statues or figures or sign objects situated on a trailer or other wheeled device; signs that are being transported to a site where they will be permanently erected, and vehicle magnetic signs including those that will fit on a door or fender panel and including roof-mounted signs that are no taller than 12 inches taller than the vehicle's roof (e.g., "Taxi", "[name of business] Delivery", etc.) are exempt from this chapter.

Wall sign A sign attached to, affixed upon, or painted upon a wall surface with the sign facing parallel to and projecting not more than 12 inches out from the wall surface. A sign attached to or painted upon an awning or a canopy and visible to the exterior shall be considered in the allowable calculations for wall signs (also see "awning sign" and "canopy sign"). Luminous gaseous tubing attached directly to a wall surface shall be considered a "wall sign" when forming a border for the subject matter, when directing attention to the subject matter, or when forming letters, logos, symbols or pictorial designs of any kind.

- (1) Maximum height: Height of wall surface (cannot extend above top of wall or roofline).
- (2) Maximum size/area: Twenty-five percent of wall surface.
- (3) Zoning permitted: In all nonresidential zoning districts.
- (4) Placement/setbacks: On the vertical face only of a building
- (5) Maximum number: Limited by allowable area.
- (6) Duration: No limit.
- (7) Permit required? Yes.

Window sign. A sign painted or affixed to the exterior (or interior) surface of a window and visible from outside the building (e.g., from the street or parking lot).

- (1) Maximum height: Height of window surface (cannot extend above top of window).
- (2) Maximum size/area: Staying within confines of the window surface area
- (3) Zoning permitted: In all nonresidential zoning districts.
- (4) Placement/setbacks: On window surfaces only
- (5) Maximum number: Limited by allowable area.
- (6) Duration: No limit.
- (7) Permit required? Yes.
- (8) In Downtown Historic Square District: Allowed as above.

Sec. 58-6. - General provisions for signs.

- (a) *Maintenance of signs.* All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of appearance and preservation. No sign will be allowed to be kept in a dilapidated or deteriorated condition. Any sign which the building official determines is in an unacceptable, deteriorated condition shall be repaired and/or improved by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such sign is located within 15 days after written notification to do so from the building official. Upon failure to comply with such notice, the city council is hereby authorized to cause the removal of such sign, and any expense incurred thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.
- (b) *Signs in a planned development (PD) district.* In a PD district, the sign standards shall be as specified in this chapter, unless specifically cited otherwise in the amending ordinance that establishes the PD zoning district.
- (c) *Sign heights and setbacks.* Unless otherwise stipulated in section 58-5 for the specific sign type or in the amending ordinance establishing a PD zoning district, no sign shall be constructed to exceed the maximum building height permitted in the specific zoning district where the sign is located.
- (d) *Noninterference with traffic.* No sign shall be located or constructed as to interfere with or confuse the flow or control of traffic on the public streets, and no sign shall use a rotating beacon, beam or flashing illumination resembling an emergency signal. It shall be unlawful to erect, relocate or maintain any sign in such a manner as to obstruct free and clear vision at any location whereby, by reason of position, size, movement, shape, color, flashing, manner or intensity of illumination, such sign may interfere with vehicular or pedestrian traffic. Further, it shall be unlawful to erect or maintain any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Accordingly, no sign shall make use of the words, "Stop", "Go", "Look", "Slow", "Danger", or any other similar word, phrase, symbol or character or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to cause confusion to or otherwise interfere with, vehicular or pedestrian traffic.
- (e) *Signs projecting into rights-of-way.* No sign shall be erected so as to project into the public right-of-way of any street or alley, except in the Downtown Historic District. In this district, projecting signs shall not extend outward from any building facade into the public right-of-way for a distance of more than five feet or to within 18 inches of the street curb, whichever is more restrictive. Projecting signs shall have a minimum clearance of eight feet above any sidewalk/pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface (including rights-of-way). Projecting signs that are allowed in the Downtown Historic Districts shall be installed solely at the applicant's and/or property owner's risk. In the event that city property is used or involved in the placement of any portion of a projecting sign, then the applicant and/or property owner shall agree and acknowledge through the sign application process that the city shall not be responsible for any damages that may occur as a result of the use of public property, and the applicant/owner acknowledges and agrees that they shall indemnify, release, and hold harmless the city, accordingly.
- (f) *Flags.* American, State of Texas, or local government flags less than 60 square feet shall be exempt from this chapter, except only one of each type shall be permitted per lot or business. The supporting structure for any flag over 60 square feet shall be designed by an engineer to meet wind pressure and dead load requirements. All flags shall be displayed in accordance with accepted flag etiquette.
- (g) *Wind pressure and dead load requirements.* All signs shall be designed and constructed to resist a 100-mile-per-hour lateral wind load and to withstand a wind pressure of not less than 30 pounds per square foot of area, and shall be constructed to receive dead loads as required by the building code.

All signs with a sign height greater than ten feet and/or a sign area greater than 24 square feet shall be designed and sealed by a licensed professional structural engineer;

(h) *Nonconforming signs.*

(1) A legally nonconforming sign shall be allowed to remain as is in the same location wherein it existed on the effective date of this chapter. The right for a legally nonconforming sign to continue existing as is shall cease, and such sign shall be removed within 30 calendar days (unless otherwise provided below), if and when one or more of the conditions stated below exists or occurs.

- a. A sign becomes an illegal sign when it is altered, moved or relocated without a permit pursuant to the provisions of this chapter; or
- b. A sign is damaged, defaced or destroyed and the cost to repair it exceeds 60 percent of the replacement/repair cost of the sign on the date of damage (if an existing nonconforming sign is already in a dilapidated/deteriorated condition or if it represents a public safety hazard as of the effective date of this chapter, then it must either be repaired/refinished to a reasonable state of repair or removed at the owner's expense); or
- c. A sign which is normally perpendicular (90°) to the ground leans such that an angle between the sign and the ground is seventy-five degrees 75° or less (or, for a sign that was purposefully placed at an angle upon installation, its angle to the ground decreases by 15° or more; no sign, regardless of its original installation angle, shall be allowed to exist at less than a 45 degree angle to the ground for public safety reasons).

(2) Any sign designated by official action of the city as having special historic or architectural significance is exempt from the provisions of this chapter.

(3) Illegal nonconforming signs:

- a. The owner of an illegal nonconforming sign which requires a permit must apply for a permit and must upgrade the sign to conforming within 30 calendar days of original notification. If a permit is not granted, then the sign must be removed within 60 calendar days of original notification.
- b. In the case of painted wall signs, such signs shall be removed or painted over within 30 days of original notification of violation.

(i) *Signs exempt from permit.* A permit shall not be required for the following signs provided, however, such signs shall otherwise comply with all other applicable provisions of this chapter and with all other applicable city codes/ordinances:

- (1) Address signs;
- (2) Memorial plaques (wall-attached only);
- (3) Name plates;
- (4) Occupational signs;
- (5) Historical marker signs;
- (6) Building cornerstone signs;
- (7) On-site directional signs;
- (8) Incidental signs;
- (9) Flags (official);
- (10) Garage sale signs;

- (11) Stake signs;
 - (12) Real estate signs;
 - (13) Lamppost signs;
 - (14) Model home signs;
 - (15) Political signs;
 - (16) Protective/security signs;
 - (17) Traffic or other municipal signs, official signs, legal notices, danger and such emergency, temporary or nonadvertising signs as may be approved by the city, or as may be placed in compliance with the "Uniform Manual of Traffic Control Devices" and with applicable city codes/ordinances.
 - (18) Temporary special occasion announcement signs on residential lots (e.g., "It's a Boy/Girl", etc.) for a maximum time limit of five days.
 - (19) Seasonal decorations (such as twinkle lights, yard decorations, etc.) for a maximum of 60 days, provided that traffic visibility is not affected, and provided that such decorations are only related to a holiday season and not a business sales, marketing, grand opening, or other commercial event, and provided that such decorations are only displayed during the period beginning November 1 of each year and ending the first Monday following January 1 of the next succeeding year (seasonal decorations for other holiday periods may be displayed from two weeks prior to the holiday until one week after the holiday).
 - (20) *Signs of not more than 24 square feet and ten feet in height showing only the name of a ranch or farm.*
 - (21) On-site municipal park signage (including scoreboards and other sports field signs, signs at municipal pools and parks identifying donors for amenities to the City of Lampasas, etc.).
 - (22) Unlighted and unanimated on-site signs at a public school or athletic facility operated by the Lampasas Independent School District, or by any other public governmental entity such as Lampasas County, the State of Texas, or the federal government (signs with any lighting or animation are subject to all provisions of this chapter, including permit requirements).
- (j) *Prohibited signs and activities.*
- (1) Traffic. No sign shall be erected in a manner that would confuse or distract motorists, or that would obstruct the view or interpretation of any official traffic sign, signal or device.
 - (2) Obscene, indecent and immoral matter. It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.
 - (3) Billboard signs. The installation of new billboard signs and highway signs are prohibited, within the municipal/corporate limits or the ETJ. (extraterritorial jurisdiction)
 - (4) Miscellaneous advertising matter (scattered or placed on or suspended from buildings, poles, sidewalks, fences and the like):
 - a. No person, firm, corporation, association or person, shall paste, stick, stack, nail, affix or otherwise place any advertisement, handbill, flyer, placard or printed, pictured or written matter or thing (including any goods, wares, merchandise, etc.) for any purpose upon any building, light or utility pole, post, structure, fence or wall, railing, tree, sidewalk, parkway, driveway or parking area, or any other public property other than a sign, as defined, regulated and permitted by this chapter.
 - b. No sign, cloth, paper, banner, flag, flyer, device or other similar advertising matter shall be permitted to be attached to, suspended from or be allowed to hang from, any sign, building or structure, when in the discretion of the city the same shall create a public nuisance, menace or danger.

- c. No advertising matter of any sort (including flyers, handbills, bulletins, coupons, menus, etc.) may be affixed to or placed upon parked cars or scattered on streets, sidewalks or parking areas.
- (5) Inscriptions. Painting, marking, etching or otherwise inscribing streets, sidewalks, utility poles, and the like is prohibited. No person shall attach any sign, paper or other material, or paint, stencil or write any name, number (except address numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure except as otherwise allowed by ordinance.
 - (6) Banners, balloons and other inflatable devices. No person shall allow any type of banner, balloon, inflatable or other advertising device escape its tethers and float or blow away from the premises where it is being used.
 - (7) Vertical clearance. All free-standing and projecting signs must maintain a minimum vertical clearance of eight feet above any sidewalk/pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface (including streets, alleys, drive aisles, fire lanes, parking spaces, etc.).
 - (8) Location outside of easements, visibility areas, and clearance from utility lines. All signs allowed by this chapter shall be placed completely outside of any public easement, off of public property, outside of any required or necessary visibility area, and shall maintain a clearance of at least ten feet from any overhead power line, utility pole or other above-ground utility equipment or structure.
 - (9) Signs in rights-of-way. Unless specifically allowed by this chapter or city council, no sign shall be permitted within any public right-of-way, including street parkways and medians, except for official signs, special events signs that are authorized by city council, and subdivision entrance signs that are specifically authorized by city council.
 - (10) Restricting building ingress/egress. No sign shall be erected, installed, located or maintained in a manner that blocks any fire lane, fire hydrant or other fire hose connection, or any building entrance or door, window or fire escape (except official signs).
 - (11) Signs not permitted by this chapter. Any type of sign not specifically addressed in this chapter shall be prohibited.
- (k) *Illegal signs.*
 - (1) Illegal conforming signs. Owners with/of illegal conforming signs must obtain a permit from the City of Lampasas within 15 days of notification of noncompliance. If the owner has not obtained a permit for the illegal conforming sign by the 30th day following notification, the owner will be cited for noncompliance.
 - (2) Illegal nonconforming signs. (See subsection 58-6(h)(4))
 - (l) *Temporary and portable signs.*
 - (1) Temporary and portable sign permit applications shall be accompanied by a drawing indicating construction of the proposed sign and how it will be secured in place. Temporary and portable signs will be designed and constructed to withstand the same wind and dead loads as other types of signs (see section 58-6(g)). Electrical wiring and related components within and connected to temporary and portable signs shall be installed in accordance with the City of Lampasas Electrical Code, latest edition. Sign illumination will be restricted to nonflashing, nonchanging internal light fixtures with lamps not to exceed a maximum of 60 watts each. External lighting is prohibited.
 - (2) Temporary and portable signs shall not be located within or on any public right-of-way, public property, public sidewalks, driveways, fire lanes or required off-street parking spaces. Temporary and portable signs shall be located a minimum of 35 feet from adjacent fire hydrants, driveways, approaches and street intersections (measured from the property line adjacent to each street), and a minimum of five feet from any street or driveway or parking area curb. Approved temporary and portable signs shall be used only to advertise or promote commodities and services offered

on the premises where the sign will be located. Portable signs shall not be used for off-premise advertising.

The building official is hereby given authorization to enter upon private property which is otherwise generally accessible to the public for the purposes specified in this chapter to examine signs at their location, to obtain information as to the ownership of signs, and/or to remove or cause the removal of a sign declared to be a nuisance pursuant to this chapter.

(m) *Removal of signs.*

- (1) Obsolete or abandoned signs. Any sign which no longer advertises a bona fide business conducted, or a service provided, or a product sold, on the premise containing the sign is an obsolete or abandoned sign. The "sign face" on such signs must be replaced with a blank "sign face" within 30 days after the building or premises is vacated and/or ceases to be used as an ongoing enterprise. The city council may, at their discretion, grant an exception for "historical" or "ghost" signs located within the City of Lampasas.
- (2) Unsafe signs. Any sign that is determined by the building official to be unsafe, insecure, or a potential menace to the public is subject to removal if city council determines that such removal is necessary in order to protect the public health, safety and welfare, upon notice per section 58-6(m)(4) below. The building official, based on the official's sole determination and action, may cause any sign which is deemed to be an immediate hazard to persons or property to be removed immediately and without notice, and any expense incurred in such removal shall be paid by the sign owner, or by the owner of the land, building or structure to which such sign is attached or upon which it is erected.
- (3) Illegal signs. Any illegal sign is subject to removal, upon notice per subsection (4) below (or immediately in the case of a hazardous sign, per section 58-6(m)(2) above).
- (4) Notice to remove sign or to correct noncompliance. Upon a determination that a sign must be removed, or that a sign is not in compliance with one or more provisions of this chapter, the building official shall give written notice to the sign owner (or the owner of the premises upon which the sign is located, as applicable) to remove such sign, or to bring such sign into compliance, on or before 15 days after notice is served. Notice of removal shall be served by sending it via certified mail to the sign owner (or property owner), or by publication at least two times in the official newspaper of the city if the owner cannot be served personally or if the owner's address is unknown. The sign owner (or property owner) shall then remove the sign (or correct any noncompliance, as applicable) within the 15-day period, and failure to do so shall cause the sign to be deemed a nuisance and the owner shall be subject to penalties for violation of this chapter.
 - a. The notice period, and removal/compliance period, for all temporary and portable signs that are not in compliance with this chapter shall be 72 hours rather than 15 days.
- (5) Removal expenses. Following proper notice, if the sign owner and/or property owner does not remove an illegal or dangerous sign (or bring it into compliance, as applicable) within the 15-day period (or 72 hours, for temporary and portable signs), then the building official is hereby authorized to file a complaint in municipal court, and/or to enter the property upon which such sign is located and cause the removal of such sign, as may be determined appropriate and necessary by the building official. The city shall not be liable for any damages, direct, indirect or consequential, that are caused by removal of any sign. The owner of the sign, the owner of the land, building or structure upon which such sign is located, and/or the owner/permit holder of such sign are jointly and severally liable for any expense incurred in removal of the sign, and for any expense associated with its transportation, storage and/or disposal. Failure to pay such expenses within 30 calendar days shall authorize the city to assess such expenses against the property, and a lien shall be filed in Lampasas County against the property upon which the sign is located, unless and until payment is received in full by the city.

- (6) Storage of impounded signs. The city may store impounded signs for a maximum of 15 calendar days, and the owner of such signs may claim them after paying all applicable fines and all costs associated with their removal, transportation and storage, as applicable. Any impounded signs not claimed within 15 calendar days may be destroyed or otherwise disposed of by the city.
- (7) Sign control board. Should the city require removal of any sign that, by law, entitles the sign's owner to compensation under Chapter 216, Subchapter A of the Texas Local Government Code (Subsections 216.001 through 216.015), then such procedures and compensation shall be in accordance with those set forth therein (including formation of a sign control board, if necessary, to ensure compliance with state law).

(Ord. No. 1179, § II(Exh. A), 2-12-2007)

Sec. 58-7. - Reserved.

Editor's note— [Ord. No. 1480](#), Pt. 4, adopted March 14, 2016, repealed § 58-7, which pertained to variances and derived from Ord. No. 1179, § II(Exh. A), 2-12-2007.

Sec. 58-8. - Offenses; penalties.

- (a) *Persons responsible.* Unlawful signs found on private property shall be the responsibility of that property owner, manager, tenant, person in charge of the property, and/or any person associated with the posting or installation of the sign or benefiting from such advertising.
- (b) *Presumption clause.* The fact that an unlawful sign is found on public property, in rights-of-way, on utility poles or other prohibited place, or on private property shall be prima facie evidence that the property owner, manager, tenant, person in charge of the property at the address, and/or any person benefiting from such advertising on the sign unlawfully placed or otherwise authorized the placement of the sign in such location.
- (c) *Penalty clause.* It shall be unlawful for any person to erect and/or install a sign in violation of this chapter, or to conduct other activity in violation of this chapter. Any person found guilty of erecting a sign or conducting other activity in violation of this chapter shall be guilty of an offense and shall be subject to penalties as established in chapter 1 (general provisions), section 1-15 (general penalty) of the Lampasas Code of Ordinances. Each separate illegal sign placement and/or each day an illegal sign is posted shall be considered a separate offense.

(Ord. No. 1179, § II(Exh. A), 2-12-2007)

(Ord. No. 1179, § II(Exh. A), 2-12-2007; [Ord. No. 1480](#), Pt. 2, 3-14-2016)

Sec. 58-4. - Special definitions—General.

The following definitions are generally specific to the regulation of signs, as provided in this chapter. The definitions of other general terms used within this chapter may be found in the city's zoning ordinance.

Alter. To change the size, shape, outline intent or type of sign.

Animation. Any form of movement and/or motion including the changing of lighting to depict action or to create an effect or scene not of a static nature.

Awning. A structure hung from the surface of a building, designed to provide protection from sun, rain, wind and other weather conditions or to provide decoration to the building facade. An awning is typically

composed of canvas, fabric or other similar lightweight material supported and shaped by a metal or wood frame.

Building official. See definition in the City of Lampasas' Zoning Ordinance. For the purposes of this chapter, the building official, or other official duly authorized by the city manager, has the authority to administer and enforce the provisions of this chapter.

Canopy. A roof-like structure which shelters a use, and which is free-standing and supported by columns or which is attached to and supported by a building, and which is generally open on two or more sides.

Conforming sign. A sign that was in existence and in place on the effective date of this chapter and which meets all provisions of this chapter

Copy. Letters, characters, illustrations, logos, graphics, symbols, writing or any combination thereof, that is intended to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product or service, or to advertise the sale, rental or lease of the premises.

Copy area. The area of the sign containing any copy, including the area between the separate lines and letters of text and the area between text and any symbol, illustration, logo or graphic.

Damaged, dilapidated or deteriorated condition. Dilapidated or deteriorated condition shall include instances where:

- (1) Elements of the surface or background that can be seen, as viewed from a normal viewing distance (i.e., the intended viewing distance), to have portions of the finished material or paint flaked, broken off, missing, faded and/or otherwise not in harmony with the rest of the surface; or
- (2) The structural support or frame members are visibly bent, broken, dented, worn, decayed, rusted or torn; or
- (3) The sign panel is visibly bowed, misshapen, 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) The sign and/or its elements are twisted, elevated/sunken or leaning or at angles other than those at which it was originally erected (such as, but not limited to, circumstances that might result from being blown by high winds or from the failure of a structural support); or
- (5) The message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions; or
- (6) The sign and/or its elements are not in compliance with the requirements of the National Electrical Code, the city's electrical code, and/or the current Building Code of the City of Lampasas.

Erect. To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on any surface including the exterior surface of a building or structure.

Face panel or surface. A surface(s) of the sign upon, against or through which the message is displayed or illustrated on the sign.

Facade or elevation. Any separate face of a building, including parapet walls and any other part of a building which encloses or covers usable space that is not classified as the roof. Where separate facades are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as part of a single facade.

Gaseous tubing. Exposed tubes which contain inert luminescent gases including, but not limited to, neon, argon and krypton.

Downtown Historic District- The area which lies south of a line extending from the west margin of Chestnut Street easterly to the east margin of Hackberry Street, bisecting Block 18 of the Old Town of Lampasas Addition, and also bisecting Blocks 32 and 35 of the A.H. Barnes Addition; and which lies north of a line extending from the west margin of Chestnut Street easterly to the east margin of Hackberry Street, bisecting Blocks 12 and 15 of the Old Town of Lampasas Addition, and also bisecting Blocks 29 and 38 of

the A.H. Barnes Addition; and which lies east of the west margin of South Chestnut Street, and west of the east margin of South Hackberry Street.

Illegal sign. Any signage that was erected in violation of any regulation applicable at the time of erection of such sign, including installation without the required permit. Any sign that was lawfully installed in compliance with all city codes and ordinances that were applicable at the time of installation, but that does not comply with one or more provisions of this chapter and/or other applicable codes or ordinances of the City of Lampasas (such as specific signage regulations in the city's zoning ordinance) that were adopted after the sign was installed.

Legal sign. A sign that, when erected, has met all Lampasas codes and ordinances pertaining to signs, including this chapter as well as any applicable provisions pertaining to signs in the city's zoning ordinance.

Nonconforming sign. A sign that was lawfully installed in compliance with all city codes and ordinances that were applicable at the time of installation, but that does not comply with one or more provisions of this chapter and/or other applicable codes or ordinances of the City of Lampasas (such as specific signage regulations in the city's zoning ordinance) that were adopted after the sign was installed.

Obsolete sign (also "abandoned sign"). A sign which no longer serves a bona fide use or purpose, or which advertises or announces a business, product or service that has been closed or otherwise unavailable for 90 calendar days or more; also the structural supports of a sign where the advertising face or copy has been removed for 90 calendar days or longer; also a sign which is illegible, nonfunctional, in disrepair, or hazardous as a result of lack of maintenance; also a nonconforming sign or sign structure that has lost legal status as a result of abandonment or lack of use.

Off-premise sign. A sign displaying copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located.

On-premise sign. A sign identifying or advertising a business, person, organization, activity, event, place, service and/or product that is located or manufactured or sold on the same premises upon which the sign is located.

(Sign) owner. The owner of a sign regardless of share of co-ownership, piece of land or structure, or the person or entity who is responsible for erecting, altering, replacing, relocating, repairing or otherwise modifying a sign or sign structure.

Projecting structure. A covered structure of a permanent nature which is constructed of approved building materials, specifically excluding canvas or fabric material (i.e., an awning), and where such structure is an integral part of the main building or is permanently attached to a main building and does not extend over public property

Property owner. An individual, firm, partnership, association, entity, business, corporation, company or person that owns, leases, controls or otherwise exercises authority over a site or tract/lot of real property.

Property line. The line denoting the limits of legal ownership of property.

Public place. Any and all streets, boulevards, avenues, lanes, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

Setback. The horizontal distance between a sign and the front, rear or side property line, as measured from that part of the sign, including its extremities and supports, nearest to any point on any imaginary vertical plane projecting vertically from the front, rear or side property line.

Sight visibility triangle/area. The areas of property on both sides of the intersection of an alley or driveway with a public street, or the intersection of two public rights-of-way, where visibility must be maintained pursuant to Sections 37.8 and 41.8 of the city's zoning ordinance, as amended. In those circumstances where an adjacent lot or tract of land is vacant, the proposed sign shall be located so as to

assume a sight visibility triangle exists from the edge of any common lot line that intersects with the public right-of-way.

Sign (general). Any medium, including its structure and any component parts, that has or displays a name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light or insignia which is affixed directly or indirectly to or upon any building, window, door, outdoor structure or vehicle, or which is erected inside a building, structure or vehicle and is visible from the exterior of the building, structure or vehicle, or which is erected or maintained upon a piece of land, which directs attention to any object, product, service, place, activity, person, institution, organization or business (See section 58-5, "definitions and regulations for specific types of signs" for each particular type of sign.)

Sign area. The area (i.e., square footage) of a sign including background and letters, words or symbols that are shown or held within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi-faceted signs shall be calculated as the maximum area visible from any single direction at any point in time. Signs may be V-shaped or A-shaped, not to exceed a 45 degree angle, and can have only two sign faces (i.e., one sign face, or panel, in each of two different directions only; the sign cannot have sign panels in three or more different directions).

Sign height. The vertical distance of a sign from the average grade of the property where the sign will be located (as measured on a straight line projected between the main building, through the center of the sign, and to the nearest property line) to the highest point of the sign or its structure, whichever is highest.

Sign support or framework. A support structure which meets all wind and dead load requirements as stated in applicable Lampasas codes and ordinances, and which is designed to support a sign and/or to secure any type of sign to the ground, building or other structure.

Vehicle. For the purpose of this chapter, the term "vehicle" shall mean any automobile, truck, camper, tractor, van, trailer or any other device capable of being wheeled or transported, and shall be considered a "vehicle" in both moving and stationary modes, irrespective of its state or repair or its physical condition.