

ORDINANCE NO. 2015-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS AMENDING CHAPTER 16.5, OF THE CITY'S CODE OF ORDINANCES (THE SIGN ORDINANCE) BY AMENDING SECTIONS 16.5-8(C)(1), 16.5-10(A)(8), AND 16.5-13 (D) AND (E); REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Texas Local Government Code Chapter 51 and Section 216.901, and related statutes as well as the City's inherent authority as a Texas Home Rule Municipality, the City Council of the City of Copperas Cove has, on May 18, 2010, by Ordinance No. 2010-20, adopted sign regulations (the "Sign Ordinance") to ensure the protection of the health safety and welfare of the public; and

WHEREAS, the adoption of the Sign Ordinance caused some signs installed before its enactment to become non-conforming; and

WHEREAS, City Council, while recognizing the property interest vested in the owners of non-conforming signs, but mindful of the limitations on replacement or relocation of such signs, deems it appropriate to amend the existing ordinance to clarify the City's policy in regards to non-conforming sign relocation, replacement, repair and similar activities.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS:

SECTION 1.

- a) That City of Copperas Cove Code of Municipal Ordinances Chapter 16.5 (entitled " Sign Regulations"), Section 16.5-8 (entitled "*Billboards and other off-premises signs*") Subsection (c) (entitled "*Other provisions*") is hereby amended by replacing the existing language in Section 16-5.8(c)(1) with the language, set out in italics, which follows:

Sec. 16.5-8

(c) Other provisions.

- (1) When a sign, or a substantial part of a sign, is damaged by natural causes, or otherwise destroyed, or taken down, or removed for any purpose other than maintenance operation, or as a result of or under the threat of eminent domain, it may not be re-erected, reconstructed, or rebuilt except in full compliance and conformance with this chapter.*

For purposes of this section, substantial shall mean if the cost of repair exceeds sixty (60) percent of the cost of a new sign of the same construction and size.

- b) That City of Copperas Cove Code of Municipal Ordinances Chapter 16.5 (entitled “*Sign Regulations*”), Section 16.5-10 (entitled “*General Exceptions*”) Subsection (a) is hereby amended by adding a new Section 16-5.10(a)(8) which shall include the language, set out in italics, as follows :

Sec. 16.5-10 General Exceptions.

(a)

(8) *Should a billboard or other off premise sign, be required to be relocated as a result of, or under the threat of eminent domain, such billboard or other off premise sign may be relocated at a location approved by the City Council.*

- c) That City of Copperas Cove Code of Municipal Ordinances Chapter 16.5 (entitled “*Sign Regulations*”), Section 16.5-13 (entitled “*Nonconformance and exceptions*”) Subsection (d) (entitled “*Removal of certain nonconforming signs, when required*”) is hereby amended by replacing the existing language in Section 16-5.13(d) with the language, set out in italics, which follows:

Sec. 16.5-13. - Nonconformance and exceptions.

(d) *Relocation of certain nonconforming signs, when required. A nonconforming sign that is required to be relocated, due to public street widening or similar government action may be replaced with a new sign as long as the area of the new sign does not exceed the area of the existing sign.*

- d) That City of Copperas Cove Code of Municipal Ordinances Chapter 16.5 (entitled “*Sign Regulations*”), Section 16.5-13 (entitled “*Nonconformance and exceptions*”) Subsection (e) (entitled “*Repair and renovation of nonconforming signs*”) is hereby amended by replacing the existing language in Section 16-5.13(e) with the language, set out in italics, which follows:

Sec. 16.5-13. - Nonconformance and exceptions.

(e) *Repair or renovation of nonconforming signs. No nonconforming sign shall be enlarged. Normal periodic maintenance or repair is permitted as limited by paragraph (b) above.*

SECTION 2.

That any ordinances or resolutions or part of ordinance or resolutions in conflict with the provisions of this Sign Ordinance are hereby repealed to the extent of such conflict.

SECTION 3.

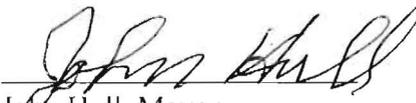
That should any section, clause, or provision of the Sign Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 4.

That this ordinance shall go into effect immediately upon its adoption, approval and publication as required by law.

PASSED, APPROVED, AND ADOPTED on this 1st day of September 2015 at a regular meeting of the City Council of the City of Copperas Cove, Texas which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't Code*, §551.001, et.seq. at which meeting a quorum was present and voting.

CITY OF COPPERAS COVE


John Hull, Mayor

ATTEST:


Mariela Altott, City Secretary

APPROVED AS TO FORM:


Denton, Navarro, Rocha, Bernal,
Hyde & Zech P.C., City Attorney



PUBLIC NOTICE

ON SEPTEMBER 1, 2015, THE CITY COUNCIL OF THE CITY OF COPPERAS COVE AMENDED ITS SIGN ORDINANCE BY AMENDING SECTIONS 16.5-8(C)(1), 16.5-10(A)(8), AND 16.5-13 (D) AND (E) RELATING TO NON-CONFORMING SIGNS. VIOLATION OF THE SIGN ORDINANCE IS A CLASS C MISDEMEANOR PUNISHABLE BY FINE NOT TO EXCEED \$500.00 PER OFFENCE PER DAY.

Chapter 16.5 - SIGN REGULATIONS

FOOTNOTE(S):

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Editor's note—Ord. No. 2010-20, §§ 1, 2, adopted May 18, 2010, repealed former Ch. 16.5, §§ 16.5-1—16.5-11, and enacted a new Ch. 16.5 as set out herein. Former Ch. 16.5 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

Sec. 16.5-1. - Purpose.

Signs use private land near the public rights-of-way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of private signs. All private signs not exempt as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

- (1) Safety. To promote 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 fire fighting, rescue, hazardous material response, 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 traffic signs.
- (2) Communications 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.
 - 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.
 - d. Are not detrimental to land or property values.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10)

Sec. 16.5-2. - Administration.

The provisions of this chapter shall be administered and enforced by the building official and/or his/her authorized representative of the City of Copperas Cove.

- (a) Compliance required. It shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the city or its extraterritorial jurisdiction (ETJ) without first obtaining a sign permit from and paying a permit fee to the building official unless specifically noted otherwise in this article. A change of business requires a new sign permit.
 - (1) No sign permit is required for on-site real estate "for sale" signs, candidate signs, government signs including traffic signs, private traffic-control signs, regulation address numerals, and memorial signs.
 - (2) No sign permit is required for a change of copy on any sign, or for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified.
- (b) No person may install a sign or structurally alter an existing sign except in conformity with this article and other applicable city ordinances.
- (c) The primary beneficiary of any sign installed, moved, structurally altered, structurally repaired, maintained, or used in violation of this section shall be deemed responsible for the violation of this section.
- (d) The director of building inspections or his/her designee shall enforce and implement the terms of this article, including without limitation:
 - (1) Issuing permits and collecting the fees required by this article;
 - (2) Conducting appropriate inspections to insure compliance with this article;
 - (3) Instituting legal proceedings, including suits for injunctive relief when necessary, to insure compliance with this article; and
 - (4) Investigating complaints of alleged violations of this article.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10)

Sec. 16.5-3. - Permit procedures and fees.

- (a) Requirements. No sign shall be erected, constructed, relocated, altered, or substantially repaired except as provided in this chapter until a permit for such has been issued and the fee paid, except as otherwise provided in this chapter. All sign construction shall conform to the adopted codes and ordinances of the City of Copperas Cove.
- (b) Application for permits. All applications for permits shall include a drawing to scale of the proposed sign and all existing signs maintained on the premises and visible from the right-of-way, a drawing of the lot plan or building façade indicating the proposed location of the sign, and sign specifications. Applications shall be made to the chief Building Official or his/her designee on forms provided by the city.
- (c) Fee required. Fees for a permit to erect, alter, replace or relocate a sign shall be as provided in the City of Copperas Cove Fee Schedule.
- (d) Repair permit. It shall be unlawful for any person to repair or make alterations to any sign requiring a permit without first obtaining a repair permit and making payment of the fee required. Fees for a permit to repair shall be as provided in the fee schedule.
- (e) Late fee. When a sign is erected, placed or substantially repaired, or work started thereon before obtaining a sign permit, the permit fee shall be doubled. The late fee does not excuse full compliance with the provisions of this chapter.

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

(Ord. No. 2010-20, §§ 1, 2, 5-18-10)

Sec. 16.5-4. - Special definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Appurtenance. A small panel containing single or multiple words, symbols, or devices that serve to add to or become accessory to the content of the main or larger sign. These are typically smaller signs or panels that are mounted adjacent to the main sign on the supporting structure of the main sign.

Attached sign. A sign attached to, applied on, or supported by, any part of a building (such as a wall or roof) which encloses or covers usable space. (Also called a wall sign.)

Awning sign. A sign made of adhesive vinyl, or other materials, dyed or painted on an awning. Square footage is calculated by multiplying the distance from the sign's lowermost portion to the sign's uppermost portion by the distance from the sign's extreme left to the sign's extreme right. Measurement may be made across curves and angles, but must include all intervening surface area.

Banner. A piece of cloth, paper, plastic or other nonrigid material, upon which a message is painted, printed or affixed. This definition shall not include official flags of a country, state or local government jurisdiction.

Billboard. Any outdoor advertising sign independent of a building which directs attention to a business, commodity, industry or other activity which is sold, offered, or conducted elsewhere than on the premises upon which the sign is located or to which it is affixed or which is sold, offered or conducted on such premises only incidentally, if at all. Further, the term includes all structures, of whatever material the structures may be constructed, which are erected, maintained and established for public display of posters, printed signs, pictures or other pictorial or reading matter

Building. Any structure built for the support, shelter, and enclosure or protection of persons, animals, chattels or movable property of any kind.

Building official. The officer or other designated authority charged with the administration and enforcement of adopted codes and ordinances.

Changeable electronic variable message sign (CEVMS). A sign which permits light to be turned on or off periodically or which is operated in a way whereby light is turned on or off periodically (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, LED (light emitting diode) sign 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 that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the national standard.

Construction sign. A temporary sign that denotes work at a construction site during the period of construction by a contractor, tenant or owner.

Detached sign. A sign connected to the ground which is not an attached sign, inclusive of signs on moveable objects, except signs on vehicles which are moving or are parked only temporarily, incidental to their principal use for transportation. (Also termed "pole sign" or "freestanding sign").

Device sign. A flag, hot air balloon, banner, pennant, streamer, or similar device that moves freely in the wind. All wind devices are considered to be signs, and are regulated and classified as attached or detached, by the same rules as other signs. (Also termed "wind device".)

Directional signs. Signs limited to directional messages, principally for pedestrian or vehicular traffic.

Effective area. The area enclosed by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the sign drawn to scale, exclusive of its supports. The measurement is to be calculated from a viewpoint which gives the largest rectangle of that kind, as the viewpoint is rotated horizontally around the site. The effective area for attached signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular façade (see Appendix - Illustration 1).

Façade. Any separate face of a building, including parapet walls and vertical offsets, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within forty-five (45) degrees of one another, they are to be considered as a part of a single façade.

Flag, corporate. The official flag of a company including logo flags and special event flags supplied by a parent company.

Flag, national. The flag of the United States of America.

Flag, spirit. School flags or flags that contain crests, pictures and such but contain no advertising.

Flag, state. The flag of the State of Texas, or the flags of other states in the United States of America, or its protectorates.

Government sign. Signs which are legally required or necessary to the essential functions of government agencies.

Inflatable devices. Devices filled with air or other gasses either sealed or fed with a constant air supply (fan or pressure fed) designed to attract attention to a business or event. These include but are not limited to balloons that are lighter-than-air and tethered, balloons that are filled with air and anchored or other inflatable devices that are set in motion by a constant air supply (air-powered devices).

Kiosk sign. Kiosk signs shall be approved sign plaza structures and may be located within the city right-of-way, providing directions to subdivisions, homebuilders, and city or government facilities, installed and maintained by the city or a contractor authorized by the city.

Luminance. The brightness of a lamp or sign or a portion thereof expressed in terms of foot-candles.

Monument sign. A freestanding sign having a low profile and made of stone, concrete, metal, routed wooden planks or beams, brick or similar materials. These signs shall be designed to repeat or harmonize with the architecture of the structure of the building it serves

Nit. A unit of luminance also called candela per square meter. Often used to quote the brightness of computer displays, which typically have luminance of fifty (50) to three hundred (300) nits (the sRGB specification for computer monitors targets eighty (80) nits). Modern flat-panel (LCD and plasma) displays often exceed three hundred (300) nits.

Nonconforming signs. Any sign which does not conform to all provisions of this chapter shall be a nonconforming sign if it legally existed as a conforming or nonconforming sign, as the case may be, prior to the adoption of this chapter.

Off-premises sign. Any sign which is not a premises sign.

Political sign. Signs which by their content support or oppose any candidate for public office or any proposition to be voted upon at an election, or which make a political or ideological statement in the nature of constitutionally protected noncommercial free speech.

Portable and/or display sign. A sign or display surface temporarily fixed to a standardized advertising or structure which can be regularly moved from its location at period intervals and is not permanently affixed to the real property.

Premises sign. A freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity. (Also called "on-premises sign".)

Projected sign. A sign which extends out or beyond the face of the building more than eighteen (18) inches with the message or face perpendicular to the face of the building.

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

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

Sign. Any structure, part thereof or device or inscription which is located upon, attached to or painted or represented on any land or on the outside of any building or structure on an awning, canopy, marquee or similar appendage of permanently affixed to the glass on the inside or outside of a window of building or structure and which displays or includes and numeral, letter, word, model, banner, pennant, balloon, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, string of lights or other representation used as or in the nature of an announcement, advertisement, attention arrestor, direction, warning or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, profession, enterprise, industry, activity or any combination thereof. Where the term "sign" is used in this chapter without further modification, the term shall be understood to embrace all regulated signs and replicas. The term "sign" shall include the sign structure.

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

Special events. Any community entertainment, amusement, or recreation event to which the general public is invited, lasting four (4) days or less, that occurs at a single location on a recurring or irregular basis.

Streamers. Streamers, pendants, flags, reflective tinsel and other devices strung on ropes or wires designed to be strung between buildings or poles.

Temporary sign. A sign temporarily supplementing the permanent signs on the premises. Signs indicating a business opening, "For Lease", or "For Rent" are special purpose signs.

Traffic control sign. A sign which directs vehicular or pedestrian movement within or onto the premises on which the movement control sign is located.

Vehicular sign. Any sign on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs that are being transported to a site of permanent erection or identification, company name or logo painted or permanently affixed to the vehicle or signs on vehicles transporting goods or providing services.

Zoning district, business or manufacturing. Any business or manufacturing zoning district designated by the Zoning Ordinance of the City of Copperas Cove.

Zoning district, non-business. Any zoning district not designated as a business or manufacturing district in accordance with the above definition.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10; Ord. No. 2013-48, § 1, 9-3-13)

Sec. 16.5-5. - Provisions for all zoning districts.

(a) Banners.

(1a) Each business shall only be allowed four (4) banners per calendar year.

(1) Banners may be displayed for no more than fourteen (14) consecutive days.

(2) No more than one (1) banner per building may be displayed.

(3) Banners may not exceed twelve (12) square feet.

- (4) Banners may only be attached to the main structure or to poles in a taut manner and must be a minimum of twelve (12) feet from the bottom of the sign above the ground. Temporary poles and fence posts are prohibited. Poles installed in thick sleeves that are removable would be considered permanent poles provided they have a footing.
- (5) Banners may only be made of a non-rigid material
- (b) Changeable electronic variable message signs (CEVMS) standards.
 - (1) The interval of change between each individual message shall be at least ten (10) seconds, not including the time required for one (1) message to transition to the next. A change of message must be accomplished within two (2) seconds or less.
 - (2) The sign shall contain a default mechanism that will freeze the display in a static image if a malfunction occurs.
 - (3) The sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. For purposes of this section, the terms daytime and nighttime shall have the meanings set forth in 541.401, Texas Transportation Code, V.T.C.A, as amended, and light exceeding the following intensity levels (nits) constitute a nuisance:

Intensity Levels (nits)		
Color	Daytime	Nighttime
Red only	3,150	1,125
Green only	6,300	2,250
Amber only	4,690	1,675
Multiple colors	7,000	2,500

- (4) Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory programmed not to exceed seven thousand (7,000) nits and that the intensity level is protected from end-user manipulation by password-protected software, or other method satisfactory to the Building Official.
- (5) The sign shall not:
 - a. Resemble a warning or danger signal;
 - b. Resemble or simulate any lights or official signage used to control traffic in accordance with the current version of the Manual on Uniform Traffic Control Devices, including any revisions, published by the Federal Highway Administration (FHWA); or
 - c. Cause an ordinary driver to mistake the sign for a warning or danger signal.
- (6) Nothing in this section shall be construed to permit light in violation of section 20-25 of the Copperas Cove Zoning Ordinance, or any other applicable regulation. In addition, to the extent of any conflict this section controls over section 16.5-8 of this chapter.

- (7) Location and application alternatives for CEVMS signs. CEVMS signs may be permitted only along U.S. Highway 190, in business districts and manufacturing districts, within the applications explicitly specified below.
- (c) Construction signs. Temporary construction signs are allowed when complying with the requirements of this chapter, providing that such signs shall not be erected prior to the issuance of the building permit for the project to which the sign pertains. Construction signs are allowed upon the property upon which the construction is taking place and shall be removed upon release of the property for occupancy or completion of the project. No permit is required for construction signs.
- (d) Flags.
 - (1) Any time the American flag is displayed, it will be in accordance with public law 94-344, dated July 7, 1976 and will not be torn, tattered or faded.
 - (2) Corporate flags and flags provided by parent companies may be displayed as long as they are fixed to poles or standards provided on the property. When such flags become tattered or faded, they must be removed or replaced.
- (e) Government signs. Nothing in this chapter shall be construed to prevent the display of any signs which are legally required or necessary to the essential functions of government agencies.
- (f) Inflatable devices.
 - (1) Lighter-than-air devices.
 - a. No such device shall be tethered or anchored in or on public right-of-way.
 - b. No such device shall be placed on public property without the written consent of the governing agency.
 - c. Anchorage for any lighter-than-air device must be adequate to keep the device in the desired location with the anchorage device remaining stationary.
 - d. Lighter-than-air devices shall not be filled with any explosive or flammable gas.
 - e. Lighter-than-air devices may not remain aloft during hours of darkness unless they are illuminated.
 - f. Lighter-than-air devices may not be displayed for more than eighteen (18) consecutive hours, and for more than ten (10) consecutive days.
 - (2) Air-filled devices.
 - a. No such device shall be tethered or anchored in or on public right-of-way.
 - b. No such device shall be placed on public property without the written consent of the governing agency.
 - c. No device of this type may be filled with any explosive or flammable gas.
 - d. The tethering or anchorage for this type of device shall be such that if part of the tethering or anchorage becomes unattached, the remaining anchorage or tethering will prevent the device from interfering with vehicles or pedestrians or enter onto public or other private property.
 - e. This type of device may be displayed for no more than ten (10) consecutive days in a calendar year.
 - (3) Air-powered devices.
 - a. No such device shall be tethered or anchored in or on any public right-of-way.
 - b. No such device shall be placed on public property without the written consent of the governing agency.

- c. The tethering or anchorage for this type of device shall be such that if part of the tethering or anchorage becomes unattached, the remaining anchorage or tethering will prevent the device from interfering with vehicles or pedestrians or enter onto public or other private property.
 - d. This type of device may be displayed for no more than ten (10) consecutive days in a calendar year.
 - e. This type of device must be located in a place so as to not interfere with any vehicles or pedestrians or enter onto public or other private property if the air supply fails.
- (g) Lighted signs. Lighted signs shall be allowed in accordance with the following:
- (1) All electrical wiring shall conform to the National Electrical Code edition in effect at the time of permit issuance.
 - (2) No single light bulb shall exceed forty (40) watts.
 - (3) Lighted signs shall not resemble official traffic signals or emergency vehicle lights.
 - (4) Sign lighting shall not move, flash, strobe, blink, rotate, change in intensity, or appear to do any of the foregoing. Exception: Decorative building lighting, including permitted wall signs, when the same are at least twenty-five (25) feet from the property line along any roadway running contiguous with the premises. Also, lighted signs which indicate time and/or temperature shall be excepted.
 - (5) If any sign lighting, including CEVMS signs, shall be reasonably calculated to constitute a hazard to the safety of motorists operating vehicles at night, such lighting shall be altered or changed to eliminate the hazard whether or not such lighting meets the other provisions of this chapter.
 - (6) No lighted sign shall be erected within one hundred and fifty (150) feet of a residential district unless the lighting is shielded from view of the residential district.
- (h) Maintenance. All signs whether on- or off-premises shall be maintained and kept in good repair.
- (1) All signs having a painted face shall be kept free of fading, cracking, and peeling. Signs having more than twenty-five (25) percent of the face damaged shall be repaired, repainted, or removed.
 - (2) All signs having plastic faces shall be kept free of cracks, gaps and holes. Broken or damaged faces must be repaired or the entire sign removed. Signs that have faces removed due to vacancy or the building the sign is intended for must have blank faces installed. Sign poles with open metal frames must be removed.
 - (3) Signs with paper or fabric faces must be maintained free of tears, rips, or voids where part of the text or face is missing. Fabric faces that are held in place with ties shall be kept secured, not allowed loose or missing ties.
 - (4) All poles shall be maintained in a uniform and sound condition. Poles that are dented to point where they are leaning out of plumb or have bent support or hangers shall be repaired or removed. Poles shall be maintained free of rust and be uniform in color. Poles that are multiple colored by design are allowed.
- (i) Political signs.
- (1) Political signs may be placed upon private real property, as defined in the ch. 216, § 903, Local Government Code, V.T.C.A, with the consent of the property owner. The signs may be placed without a municipal permit or municipal fee. If the city should provide a charge for the removal of a political sign, this charge shall be no greater than the charge applied for the removal of any other sign of similar size and configuration.
 - (2) A political sign cannot:
 - a. Have an effective area greater than thirty-six (36) square feet;
 - b. Be more than eight (8) feet high;

- c. Be illuminated; and
 - d. Have any moving elements.
- (j) Portable signs. Portable signs are not permitted.
- (k) Protective signs. The occupant of a premise may erect not more than two (2) protective signs, in accordance with the following provisions:
 - (1) Each sign must not exceed one (1) square foot in effective area.
 - (2) Detached signs must not exceed two (2) feet in height.
 - (3) Letters must not exceed four (4) inches in height.
- (l) Restricted language or wording. Signs shall not display gestures or words that are obscene, profane, or pornographic in nature.
- (m) Searchlights are permitted but the searchlight permit shall expire one (1) week after the beginning date. The building official shall issue no more than four (4) searchlight permits for the same location in one (1) calendar year.
- (n) Sign on fence, wall, etc. No person shall paint a sign or attach a sign, other than a nameplate and address (showing a street number), to the outside of a fence, railing or a wall which is not a structural part of a building, whether or not on the property line. A sign identifying the fence manufacturer, not to exceed one (1) square foot, may be placed on each fence.
- (o) Sign on sidewalk, street, etc. No person shall attach any sign, paper, material, or paint, stencil, or write any name, number (except house or street address numbers) or otherwise mark on or obstruct any sidewalk, curb, gutter, or street.
- (p) Sign on pole, tree, etc. No person shall attach or maintain any sign upon any public utility pole or other public structure to include trees on public property.
- (q) Signs over right-of-way (on-premise). Except traffic control devices, street signs, or directional signs placed by the city or state, signs over or in the right-of-way are prohibited.
- (r) Kiosk sign. Kiosk signs shall be approved sign plaza structures and may be located within the city right-of-way, providing directions to subdivisions, homebuilders, and city or government facilities, installed and maintained by the city or a contractor authorized by the city.
- (s) Streamers and pendants.
 - (1) Such devices may only be strung from buildings or poles.
 - (2) No such devices may be nearer to the ground than fifteen (15) feet at its lowest point.
 - (3) Any such device that is missing twenty-five (25) percent of the flags, pendants or tinsel must be removed or replaced.
- (t) Traffic and directional control signs. Traffic control signs may be erected at any occupancy or any premise, other than a single-family or duplex premise, may be attached or detached, and may be erected without limit as to number, provided that such signs shall comply with all other applicable requirements of this chapter. The occupant of a premise who erects a traffic control sign shall comply with the following requirements:
 - (1) Each sign must be stationary and not exceed two (2) square feet in effective area or as required by MUTCD.
 - (2) If a sign is an attached sign, the words must not exceed four (4) inches in height.
 - (3) Each sign must convey a message that directs vehicular or pedestrian movement within or onto the premise on which the sign is located.
 - (4) The signs must contain no advertising but may have company identification or logo.

- (u) Utility identifications and warning devices. Utility identification markings on poles or for underground pipe and line warnings do not come under the realm of signage for purposes of this section. Warning and identification devices are exempt from this section and may be located in the right-of-way when used to identify equipment in that right-of-way.
- (v) Vehicular signs. Vehicular signs shall conform to the following restrictions:
 - (1) It shall be unlawful to attach any sign to a trailer, skid, or similar mobile structure or vehicle, where the primary use of such structure is to provide a base for such sign or constitute a sign itself. This provision does not restrict the identification signs on vehicles used for any bona fide transportation activity.
 - (2) Signs attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time and where the sole intent is apparent to be one of using the vehicle and signs for purposes of advertising an establishment, service, or product. Vehicles operating under a city franchise or annual permit fee shall be excluded from this provision.
 - (3) Signs shall extend no more than twenty-four (24) inches from the top of any vehicle.
 - (4) Exempt signs: Temporary construction trailers on construction sites and advertisement of any company. Emergency vehicle signs are exempt from this section.
- (w) Signs may not be operated or located in such a manner as to cause a vehicle operator to be distracted or confused or to obscure or interfere with official road signs, or hamper an operator's view of merging or intersecting traffic at road and driveway intersections or a road and railroad intersections.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10)

Sec. 16.5-6. - Business district sign requirements.

- (a) Detached signs (on-premise).
 - (1) Detached signs are permitted in business zoning districts as provided in this chapter.
 - (2) Detached signs must be premise signs; off-premises signs may be allowed according to section 16.5-8, billboards and other off-premises signs.
 - (3) Number of signs—Only one (1) detached sign of any type may be erected on any premise or lot, except that:
 - a. Premises that have more than four hundred fifty (450) feet of frontage along the public right-of-way, other than an alley, may have one (1) additional detached sign for each additional four hundred fifty (450) feet or portion thereof of frontage.
 - b. Properties having frontage on two (2) streets may have two (2) freestanding detached signs, one (1) facing each direction of travel.
 - (4) Design specifications—Pole signs, advertising both single tenant and multi-tenant users, shall be allowed and shall be governed by the following design standards and regulations:
 - a. Detached signs exceeding ten (10) feet in height but not exceeding twenty (20) feet in height and with an effective area of fifty (50) square feet or less may be located as near as ten (10) feet to the public right-of-way as measured from the closest edge of the sign. Total cross-sectional area shall not exceed three (3) square feet.
 - b. A detached sign of an effective area of one hundred fifty (150) square feet or less may be located as near as fifteen (15) feet to the right-of-way, provided that said sign is a premise sign at least ten (10) feet high, and does not exceed thirty (30) feet in height. In the event of back-to-back signs, the space between signs shall not exceed six (6) feet measured horizontally.

- c. A detached sign of an effective area of three hundred (300) square feet or less may be located as near as twenty-five (25) feet to the right-of-way or as near as the building setback line specified by the Zoning Ordinance, whichever is further, provided that the sign is at least ten (10) feet high and does not exceed a height of forty (40) feet. Total cross-sectional area shall not exceed nine (9) square feet.
 - d. No detached sign(s) shall exceed three hundred (300) square feet in effective area or forty (40) feet in height except as hereinafter provided in section 16.5-8 for certain detached non-premise signs.
 - e. All set backs shall be measured from right-of-way to nearest edge of sign (see Appendix—Illustration 2).
- (5) Multiple occupants or establishments.
- a. Detached sign designed to identify multiple establishments and/or advertise multiple occupants within a shopping center, office park or medical center are acceptable but must conform to subsection (4) above.
 - b. Signs for bed and breakfast facilities shall be limited to one (1) on-premise detached sign not exceeding eight (8) square feet.
- (6) Changeable electronic variable message signs (CEVMS) signs may be used in detached sign applications as follows:
- a. The change in message capability of CEVMS signs allows one (1) sign to present multiple messages. Therefore, only one (1) sign may be used per parcel or property (whichever is more restrictive) and no additional signs may be attached to a CEVMS sign or CEVMS sign support.
 - b. On premises detached CEVMS signs are limited to two hundred and twenty (220) square feet in message area.
 - c. The maximum height of a CEVMS sign, including supporting structure, is forty-two and one-half (42½) feet above nearest grade or street height, whichever is lower.
- (7) Monument signs are permitted (see Appendix—Illustration 3).
- (b) Attached signs. Attached signs are permitted in business districts in accordance with the provisions of this chapter.
- (1) All attached signs must be on-premise signs.
 - (2) Maximum effective area. Total effective area of attached signs shall not exceed the following:
 - a. An attached sign located at a height up to thirty-six (36) feet or less shall be limited to two and one-half (2½) square foot of sign area for each linear foot of building frontage on a public street not to exceed one hundred (100) square feet.
 - b. An attached sign located at a height of thirty-six (36) feet or above shall be permitted an increase in maximum effective area. Such increases shall not exceed four (4) square feet in effective area for each additional one (1) foot of height above thirty-six (36) feet, measured from the base of the sign.
 - (3) Specifications for special purpose signs. Any premise or any nonresidential occupancy may temporarily display one special purpose attached sign on each building façade, limited to eight (8) words with characters equal to or exceeding a height of four (4) inches. The total effective area of the combined signage shall contain no more than fifty (50) square feet.
 - (4) Projection from building surface. All attached signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than eighteen (18) inches from the surface except as follows:

- a. Any premise or any nonresidential occupancy may erect not more than one (1) attached sign projecting up to a maximum of four (4) feet from a vertical building surface, but not above the roof, provided that the premise or occupancy maintains no detached sign on the premise, and that the sign does not exceed twenty (20) square feet in effective area and that no part of the sign descends closer to site grade than ten (10) feet, nor projects into or over any public right-of-way (see Appendix—Illustration 4).
 - b. On any premise or nonresidential occupancy, a sign may be erected at the eaves or edge of the roof or on a parapet or edge of a canopy, provided that the sign is parallel to the façade, and does not project more than four (4) feet from the surface to which it is attached (see Appendix—Illustration 5).
 - c. Notwithstanding any of the above requirements, no building front or wall shall exceed thirty-five (35) percent of that wall or front in signage including signs attached to windows.
- (5) Approved metal or wood backing is required for all attached wall or projected signs and shall be adequately anchored.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10)

Sec. 16.5-7. - Provisions for nonbusiness zoning districts.

- (a) Application of division. The provisions of this section apply to all signs in any nonbusiness district, and also to signs which are within twenty-five (25) feet of a nonbusiness district boundary.
- (b) Special purpose and premise signs. An occupant in nonbusiness zoning districts may erect only special purpose signs, and premise signs, which include movement control signs and protective signs. No sign shall exceed eight (8) square feet.
- (c) Detached premise signs—Multifamily. Multifamily premises may have detached signs subject to the following restrictions:
 - (1) Number of signs. Each premise may have no more than one (1) detached premise sign provided however, that premises with more than seven hundred fifty (750) feet of frontage along a public street, other than an alley, may have not more than one (1) additional detached sign for each five hundred (500) feet of additional frontage or fraction thereof. Each premise may display not more than one (1) detached special purpose sign.
 - (2) Setback, effective area, and height. A minimum setback of ten (10) feet is required of all detached signs. A minimum setback of fifteen (15) feet from the public right-of-way is required for signs exceeding ten (10) square feet in effective area or ten (10) feet in height. A minimum setback of twenty (20) feet is required if effective area exceeds twenty (20) square feet. No detached signs shall exceed fifty (50) square feet in effective area and twenty (20) feet in height.
- (d) Attached premise signs—Multifamily. Attached signs are permitted for multifamily premises subject to the following restrictions:
 - (1) All attached signs must be premises signs.
 - (2) All signs erected pursuant to this section shall be limited to one (1) per complex per street frontage.
 - (3) All signs and their words shall be mounted parallel to the building surface to which they are attached. No signs or words shall project more than eighteen (18) inches from the surface to which they are attached. Signs shall not be mounted on roofs and shall not project above the roof.
- (e) Detached premise signs—Single-family or duplex residential. A single-family or duplex residential premise may display one (1) detached special purpose sign referring to the sale or lease of the premise, and may display detached political signs provided that detached special purpose and political

signs must conform to all the restrictions set forth in this section. Detached signs advertising home occupations are prohibited.

- (f) Attached premise signs—Single-family or duplex residential. A single-family or duplex residential premise may display one (1) attached sign referring to the sale or lease of the premise. This sign must conform to all restrictions set forth in this section. Attached signs advertising home occupations are not permitted.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10)

Sec. 16.5-8. - Billboards and other off-premises signs.

(a) Size and height.

- (1) Maximum sign area for billboards shall be six hundred seventy-two (672) square feet, excluding cutouts, with maximum dimensions of twenty-five (25) feet in height and sixty (60) feet in width. Cutouts may not exceed twenty (20) percent of the sign's effective area.
- (2) Maximum sign area for off-premises CEVMS signs shall be two hundred and twenty (220) square feet. If a CEVMS sign larger than two hundred and twenty (220) square feet is requested, it must meet all requirements of an off-premises billboard sign as well as meeting all CEVMS restrictions on sign characteristics. If a conflict between the billboard and CEVMS sign regulations exists, the more restrictive of the two (2) shall be prescribed.
- (3) No sign may have more than one (1) side facing a particular direction of travel on the main traveled right-of-way. Signs, which exceed three hundred (300) square feet, may not be stacked or placed side-by-side. If a sign is erected in a back-to-back or "V" type configuration, it cannot be double-faced, but will be limited to only one (1) face for each direction of travel.
- (4) No off-premises billboard sign shall exceed forty-two and one-half (42½) feet in height measured from the top of the sign to the roadway from which it is to be viewed or existing grade, whichever is higher.

(b) Spacing and location.

- (1) Off-premises signs are allowed only in the following zoning districts:
 - a. B-4—Business 190 District
 - b. B-5—Business Park District
 - c. M-1—Light Manufacturing District
 - d. M-2—Heavy Manufacturing District
- (2) An off-premises billboard sign must not be erected within one thousand five hundred (1,500) feet of another existing or previously approved off-premises billboard sign on either side of the roadway and no closer than fifteen (15) feet to the right-of-way.
- (3) An off-premises CEVMS sign must not be erected within one thousand five hundred (1,500) feet of another existing or previously approved off-premises sign on either side of the roadway, and no closer than fifteen (15) feet of the right-of-way.
- (4) Signs located at an intersection are not in violation of subsections (1), (2), and (3) above if they are on perpendicular streets and are not facing traffic on the same street.
- (5) For spacing purposes, all measurements shall be made along the nearest edge of the highway or street right-of-way.
- (6) No off-premises sign may be erected within two hundred (200) feet of any property zoned for any one- or two-family dwelling.

- (7) Signs may not be operated or located in such a manner as to cause a vehicle operator to be distracted or confused or to obscure or interfere with official road signs, or hamper an operator's view of merging or intersecting traffic at road and driveway intersections or a road and railroad intersections.
- (8) Detached nonpremises signs shall be located not less than two hundred (200) feet from any intersection involving two (2) or more major thoroughfares.
- (9) For purposes of this subsection, "existing or previously approved" off-premises sign or off-premises billboard sign shall include, but not be limited to:
 - a. All previously erected signs in existence at the time of a sign permit application, regardless of whether the previously erected sign:
 - i. Is a legal nonconforming sign;
 - ii. Is an illegal nonconforming sign; or
 - iii. Has received approval or a permit from the Texas Department of Transportation;
 - b. All off-premises signs or off-premises billboard signs, regardless of whether or not construction has begun, which have received a sign permit from the City of Copperas Cove prior to the permit application of another applicant whose sign location would be in violation of this subsection.
- (c) Other provisions.
 - (1) ~~When a sign, or a substantial part of a sign, is damaged by natural causes, or otherwise destroyed, or taken down, or removed for any purpose other than maintenance operation, it may not be re-erected, reconstructed, or rebuilt except in full compliance and conformance with this chapter. For purposes of this section, substantial shall mean if the cost of repair exceeds sixty (60) percent of the cost of a new sign of the same construction and size.~~
 - (1) When a sign, or a substantial part of a sign, is damaged by natural causes, or otherwise destroyed, or taken down, or removed for any purpose other than maintenance operation, or as a result of or under the threat of eminent domain, it may not be re-erected, reconstructed, or rebuilt except in full compliance and conformance with this chapter. For purposes of this section, substantial shall mean if the cost of repair exceeds sixty (60) percent of the cost of a new sign of the same construction and size.
 - (2) Wind loads and structural requirements shall conform to the International Building Code as adopted.
 - (3) All off-premises advertising signs shall be permanently identified with the name of the sign owner or agency in control of the sign. Said identification shall be easily read from the roadway on which the sign is intended to be read and contain a phone number that will connect to the sign owner or agency in control of the sign.
- (d) Off premise sign cap. The number of off-premise signs in the city is limited to the number of such signs legally in existence on July 8, 2010 and/or has been legally permitted by close of business on or before July 8, 2010.
- (e) Relocation. When a sign located in the City of Copperas Cove within the proposed right-of-way of a state highway is to be relocated to accommodate a regulated highway project and the Texas Department of Transportation issues a permit for relocation of the sign. The city will also issue a permit for a sign that meets all current city standards, except that the relocated sign:
 - (1) Must have a permit, but will not require payment of a permit fee;
 - (2) May be erected no less than five (5) feet from any highway right-of-way line;

- (3) May be constructed with the same number of poles and same type of materials as the existing sign; and
 - (4) May be erected without enlarging the sign face.
- (f) Sign construction and maintenance. All signs shall be designed, constructed, and maintained in accordance with the following standards:
- (1) All signs shall comply with applicable provisions of the International Building Code (IBC) at all times.
 - (2) Except for banners. Flags, temporary signs, and window signs conforming in all respects with the requirements of this Code, all signs shall be constructed of durable materials and shall be permanently attached to the ground. A building or another structure by direct attachment to a rigid wall, frame, or structure.
 - (3) All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this Code at all times.
 - (4) All signs shall maintain a minimum clearance from electric power lines of ten (10) feet horizontally and fifteen (15) feet vertically of as may otherwise be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner or as otherwise required by the electrical utility.
 - (5) Any spotlights allowed to illuminate signs or sign illumination shall be shielded such that their light source cannot be seen from abutting roads or properties.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10; Ord. No. 2010-32, § 1, 7-6-10)

Sec. 16.5-9. - Subdivision entry signs.

Subdivision entry signs are allowed at the primary entrance into a subdivision, subject to the following standards:

- (1) Subdivision entry signs are allowed at one (1) primary entrance unless the subdivision has entrances on two (2) different major arterials in such case an entrance sign may be placed on each of the major arterial roadways;
- (2) Subdivision entry signs must be monument signs subject to the definition of this Code and may contain a maximum of forty (40) square feet per sign face with a maximum height of six (6) feet;
- (3) Subdivision entry signs must be constructed of stone, brick and masonry material(s) other than CMU and stucco and must be compatible with surrounding development.
- (4) Subdivision entry signs must be setback a minimum of five (5) feet from the property line outside of the required sight triangle [defined as a sight visibility triangle defined by measuring twenty-five (25) feet to a point along the property lines and joining said points to form the hypotenuse of the triangle and located outside of any public utility easement].
- (5) Subdivision entry signs must provide a landscaped area equal to twice the area of the sign face.
 - a. Irrigation must be provided.
 - b. The owners and subsequent owners of the landscaped property shall be responsible for the maintenance of the landscaped area.
 - c. Must be submitted as part of master sign plan and construction plans.
 - d. All landscape materials shall be maintained so to insure an attractive appearance and a healthy vigorous, growth environment.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10)

Sec. 16.5-10. - General exceptions.

- (a) The following signs may be erected and maintained under the following exceptions and conditions:
- (1) Personal residential property sale, and residential subdivision. Permission is granted as a special privilege for residential dwelling occupants for the erection of one (1) nonilluminated personal real estate property sale sign of each type. No permit shall be required.
 - (2) Temporary real estate directional signs. Off-premises signs are permitted in any district provided each sign does not exceed six (6) square feet.
 - (3) Real estate signs (nonresidential or undeveloped property). Permission is granted to property owners for the erection of a sign to advertise the sale, lease or rent of the property on which the sign is located. Real estate signs for a tract or building shall not exceed thirty-two (32) square feet in total effective area for each street frontage.
 - (4) Monument signs (on-premise).
 - a. A monument sign is a freestanding sign having a low profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves. Monument signs must be built on a monument base as opposed to a pole base. A monument sign may only contain the company or corporation name, logo, address and product or service of the establishment. Such sign may be single or double-faced. Such signs and base shall not exceed seven (7) feet in overall height above the natural or average grade and the actual sign face shall not exceed a total area of forty-eight (48) square feet in area. One (1) monument sign per adjoining street will be allowed. Signs made of plastic or similar materials shall not be considered as monument signs. A minimum, setback of ten (10) feet from the public right-of-way is required.
 - b. Monument signs are permitted in any nonresidential or multifamily district and shall conform to the requirements in subsection a. above. No other detached on-premise signs are allowed.
 - (5) Temporary construction/development signs. Permission is granted to developers and remodelers to erect temporary construction signs designed to identify contractors, financier, architects, engineer, and to advertise the coming of a new business on the premise to which the sign pertains. Such signs shall not be erected prior to the issuance of the building permit of the project to which the sign pertains, and must be removed prior to the issuance of a certificate of occupancy. Such signs shall comply with the provisions of this chapter with the exception that no sign shall contain more than thirty-two (32) square feet in effective area.
 - (6) Aircraft traffic signs. Aircraft traffic signs or directional beacons are exempt.
 - (7) Signs permitted to the city by the Texas Department of Transportation. Signs permitted to the city by the Texas Department of Transportation are permitted subject to the following:
 - a. Only temporary signs advertising activities funded in part by the city shall be allowed;
 - b. Application for use of the signs shall be made no later than sixty (60) days before the date of use;
 - c. The application for the use of the signs shall be in a form approved by the city manager and include at minimum the following information:
 - i. Name of applicant;
 - ii. Address of applicant;
 - iii. Description of event; and
 - iv. Date signs must be removed.

- (8) When a billboard or other off premise sign, as provided for in Section 16.5-8 of this Chapter, is required to be relocated as a result of, or under the threat of eminent domain, such sign may be relocated at a location as approved by the City Council.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10; Ord. No. 2011-21, § 1, 5-3-11)

Sec. 16.5-11. - Signs exempt from regulations.

- (a) The following signs shall be exempt from regulation under this Code:
- (1) Any public notice, or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
 - (2) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the lot or parcel on which such sign is located;
 - (3) Decorative landscape lighting only;
 - (4) Traffic control signs on private property. Such as "Stop", "Yield", and similar signs. The face of which meet department of transportation standards and which contain no commercial message of any sort;
 - (5) Address and postbox numerals conforming to incidental sign regulations;
 - (6) Government signs erected by the city, county, state, or federal government in furtherance of their governmental responsibility;
 - (7) Legal notices;
 - (8) Memorial signs or tablets and building markers displayed on public or private buildings and tablets or headstones in cemeteries;
 - (9) Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance; and
 - (10) Temporary directional signs for special events provided that such signs have a maximum area that does not exceed two (2) square feet, are in place only during the actual hours the special event is in progress. Such signs may be located in a required setback.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10)

Sec. 16.5-12. - Other requirements.

- (a) Contractor registration. Any contractor, including those performing sign construction operations, within the city limits and ETJ of the city shall be required to be registered with the city under chapter 4, article I, section 4-7 of the City Code of Ordinances. Upon registration the contractor shall be considered registered with the city.
- (b) Surety bond.
- (1) Before a sign contractor shall be issued a license, he or she must first post a surety bond in the amount of five thousand dollars (\$5,000.00). The licensee agrees that a surety bond will be provided annually to the city no later than thirty (30) days prior to the expiration of the surety bond currently in force.
 - (2) The surety bond shall insure the full and faithful surety by the licensee of all the covenants, terms and conditions of the zoning ordinance, sign ordinance and building code of the City of Copperas Cove and stands as a security for the payment by the license holder of all valid claims by the city.

- (c) Indemnification. All persons holding a sign operator's license shall agree to indemnify and hold harmless the City of Copperas Cove, its members, agents, officers and employees, their successors and assigns, individually or collectively, from and against all liability for fines, claims, suits, demands, actions or causes of actions of any kind and nature, including, but not limited to, personal injury or death and property damage, in any way arising out of or resulting from any activity or operation of the licensee.

This indemnification shall include the issuance of the sign contractor's license. The license holder shall pay all expenses incurred in defending against any such claims made against the city; provided, however, that the license holder shall not be liable for any injury, damage or loss caused by the sole negligence or willful misconduct of the city, its agents or employees. The licensee and the city shall give prompt and timely notice of any claim made, or suit instituted, which in any way affects or might affect either party.

- (d) Revocation and suspension.

- (1) Grounds. The building official shall have the authority to suspend or revoke the license of any person who is found guilty of:

- a. Any fraud or deceit in obtaining such license.
- b. Securing sign permits in his or her name as a person authorized by law to do sign work and thereafter transferring said permit to a third party without retaining responsibility for construction and maintenance of the permitted sign.
- c. Gross negligence, incompetence or misconduct in the performance of sign work which is addressed under the provisions of this chapter.
- d. If the holder of such license violates any provision of this section relating to the manufacture, installation, maintenance, demolition or repair of any sign.

- (2) Appeal. The decision of the building official may be appealed to the planning and zoning commission by the submission, from the affected persons or parties involved, of a written letter requesting such an appeal. In determining the validity of such charges, the planning and zoning commission shall proceed upon the sworn information furnished by any individual who is of sound mind and legal age. The planning and zoning commission, whenever the information is sufficient to support further action, shall convene a hearing to investigate the charges further. A copy of the planning and zoning commission's order convening the hearing shall be provided to the requesting person or party not less than fifteen (15) days prior to the date of the hearing. The requesting person or party may appear in person or be represented by counsel, or both, and present his or her defense to the planning and zoning commission. The city attorney may provide counsel to the planning and zoning commission. If the requesting person or party pleads guilty, or if the planning and zoning commission finds the charges to be true, then the decision of the building official to suspend or revoke the license shall be upheld by the planning and zoning commission. The hearing before the planning and zoning commission provides the requesting person or party due process with which to resolve the issue.

Note: A fee as adopted in the city's fee schedule shall be required to file an appeal under this chapter.

- (3) Record. When the planning and zoning commission has completed their hearing, they shall file a record of their finding and decision with the city secretary and forward a certified copy for the finding and decision to the accused.
- (4) Length of suspension. Persons may reapply for a sign contractor's license once they have remedied the reasons for which they were suspended.
- (5) Operating while suspended or revoked. It shall be unlawful for any person whose license has been suspended or revoked by the building official to engage in or do sign work for which a permit is required under this chapter.

- (e) Enforcement and penalties.

- (1) Enforcement. The provisions of this chapter shall be administered by the chief building official. The chief building official, any building inspector or code enforcement officer or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making an inspection of buildings or premises necessary to carry out the enforcement of this chapter.
- (2) Violation and penalties. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall be fined not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00) for each offense. Each violation of this chapter shall be deemed a separate offense and each day that a violation exists shall constitute a separate offense. This penalty should not be construed as exclusive, and the city may seek any other remedy available to it, in law or in equity.
- (3) No culpable mental state required. Except as otherwise provided in this chapter, proof of a culpable mental state is not required for a conviction of an offense under this chapter.
- (4) Injunction; civil penalties. The city shall have and retain the right to seek injunctive relief and/or civil penalties against any person, firm or corporation who is in the process of or about to violate any section, paragraph or part of this chapter. Such right of injunctive relief and/or civil penalties shall exist independent of the other penalty provisions of this chapter and not in lieu thereof.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10)

Sec. 16.5-13. - Nonconformance and exceptions.

- (a) Purpose. It is the declared purpose of this chapter that in time, all privately-owned signs shall conform to the provisions of this chapter and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this chapter and all other ordinances of the City of Copperas Cove. Any sign which does not conform to all provisions of this chapter shall be a nonconforming sign if it legally existed as a conforming or nonconforming sign, as the case may be. It is further the intent and declared purpose of this chapter that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time this chapter was adopted shall be discharged or affected by such passage, but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted, and causes presently pending may proceed.
- (b) Condemnation. Notice—Signs adjudged by the building official to be structurally unsafe or to be more than sixty (60) percent destroyed or dilapidated (based upon reconstruction value) may be condemned. A condemnation letter will be sent to the owner of the property stating that the sign must be demolished within fifteen (15) days of the receipt of the letter. If the sign is not removed within the period allotted, the city may remove the sign at the property owner's expense.
- (c) Nuisances. All of the following signs shall be considered a public nuisance and the city may, without notice, remove and impound any of the following signs:
 - (1) Any sign erected or existing that constitutes a traffic hazard;
 - (2) Any sign erected without a permit, either prior to or after the adoption of this chapter, if a permit was required;
 - (3) Any sign erected in violation of the provisions of this chapter;
 - (4) Any sign erected in or over a public right-of-way, either prior to or after the adoption of this chapter.
- (d) Relocation of certain nonconforming signs, when required. A nonconforming sign that is required to be relocated may be replaced with another sign as long as the area of the existing sign is not exceeded by the new sign.
- (e) Repair or renovation of nonconforming signs. No nonconforming sign shall be enlarged. Normal periodic maintenance or repair is permitted as limited by paragraph (b) above.

- (f) Recovery of impounded signs. Signs impounded from within the street right-of-way may be recovered by the owner within fifteen (15) calendar days of the date written notice received of impoundment by paying a fee as follows:
 - (1) A fee of five dollars (\$5.00) for signs which are thirty-two (32) square feet or less in area.
 - (2) A fee of fifty dollars (\$50.00) for signs which are larger than thirty-two (32) square feet in area.
- (g) Disposal of impounded signs. Signs not recovered within fifteen (15) calendar days of impoundment may be disposed of by the city in any manner it shall elect.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10)

Sec. 16.5-14. - Appeals.

- (a) Any appeals of the interpretation of this chapter may be made to the supervisor of the building official. An Appeal shall be requested in writing to the building official requesting the appeal of the interpretation of the chapter within in five (5) business days of the ruling by the building official. If no appeal is filed within five (5) business days of the ruling by the building official, the appellant is considered to have waved their rights of appeal. For the purposes of this chapter, a written appeal may be made in writing by letter or email addressed to the building official.
- (b) The supervisor of the building official will hear all issues and may call a meeting of the applicant for a sign permit or an existing sign permit holder. At this meeting, the supervisor of the building official will attempt to resolve any conflicts through education on the intent of the codes. No code is written and adopted that can possibly predict all circumstances that may arise. The building official and his/her supervisor will seek to identify alternatives to the issues that do not violate the intent of the code but allow individual circumstances to apply using a common sense approach. The supervisor of the building official may elect to have more than one (1) meeting to accomplish a resolution. He/she may also use other resources at his/her discretion to research possible alternatives. These resources may include but are not limited to; other cities with similar ordinances and codes, legal advice from the city attorney, inquiries to other code officials, and consultation with other staff members of the City of Copperas Cove.
- (c) It is generally understood that the appeal meeting(s) will begin within ten (10) business days of the receipt of the appeal.
- (d) This appeal process in no way represents a variance to the chapter. It shall not be interpreted to be a circumvention of the intent of the chapter. It is intended to seek all possible resolutions to interpretation issues while still complying with the intent of the chapter.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10)

Sec. 16.5-15. - Variance.

- (a) Application and fee required. Any person, business or other organization desiring to continue to construct, reconstruct, place, install, repair, maintain, relocate, alter or use any sign which does not conform to the provisions of this chapter may make application to the city council for a variance to the provisions of this chapter. The application will be reviewed by the planning and zoning commission whose decision shall be final. The application shall be filed with the city, accompanied by the appropriate fee established by city council, and conform to all requirements established herein.
- (b) Requests for variances after permit denial. Within ten (10) business days after denial of a sign permit by the city building official, an applicant may file a written request for a variance with the planning and zoning commission.

- (c) Action. Unless an extension or postponement is sought by the applicant, the planning and zoning commission shall consider and take action on the written request for a variance within forty-five (45) days of receipt of the administratively complete application by the city.
- (d) Standards for variances. A variance shall not be granted unless the following affirmative findings, as reflected in the minutes of the meeting, are made by the planning and zoning commission:
 - (1) The variance will not authorize a type of sign which is specifically prohibited by this chapter;
 - (2) The variance is not contrary to the goals and objectives outlined by the city;
 - (3) The variance is not contrary to the public interest;
 - (4) Due to special conditions, applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right-of-way, a literal enforcement of the ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement;
 - (5) The spirit and purpose of the chapter will be observed, and substantial justice will be done.
- (e) Conditions of variances. The planning and zoning may impose such conditions or requirements in a variance as are necessary in their judgment to achieve the fundamental purposes of this chapter. A violation of such conditions or requirements shall constitute a violation of this chapter. A variance, if granted, shall be for a specific event, use or other application of a business and shall not continue with the property. If a variance is granted and the sign so authorized is not under construction within ninety (90) calendar days of the date of approval of the variance, the variance shall lapse and become of no force or effect.

(Ord. No. 2010-20, §§ 1, 2, 5-18-10) ep

APPENDIX

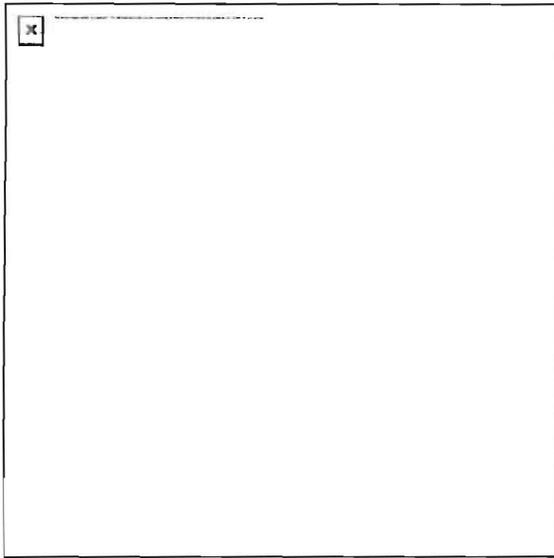


Illustration 1

Illustration 1

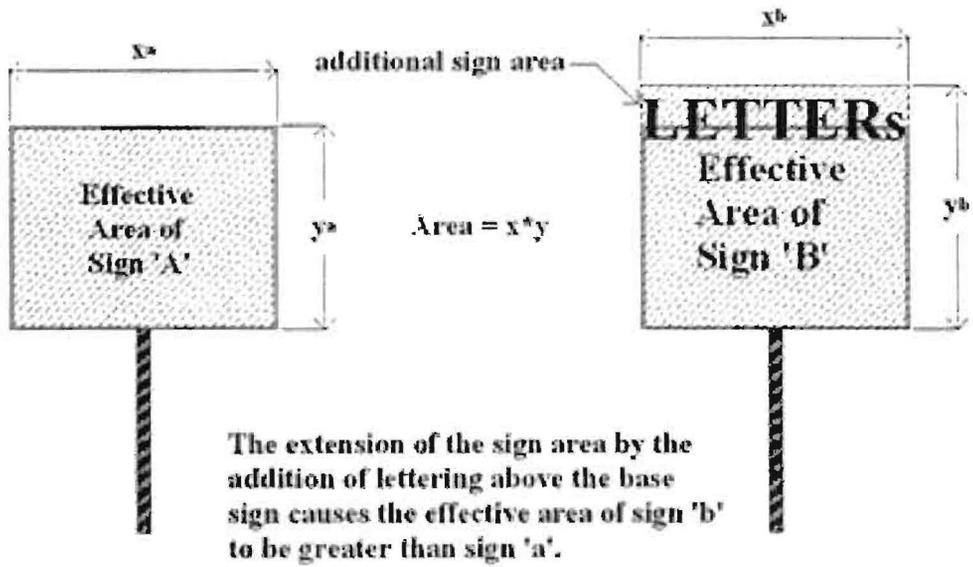


Illustration 2

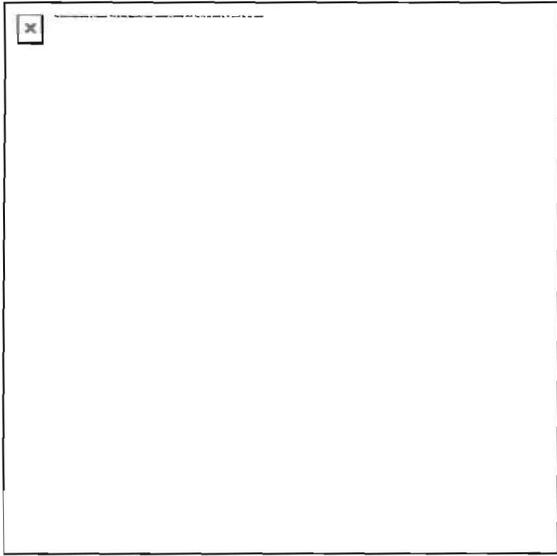


Illustration 2

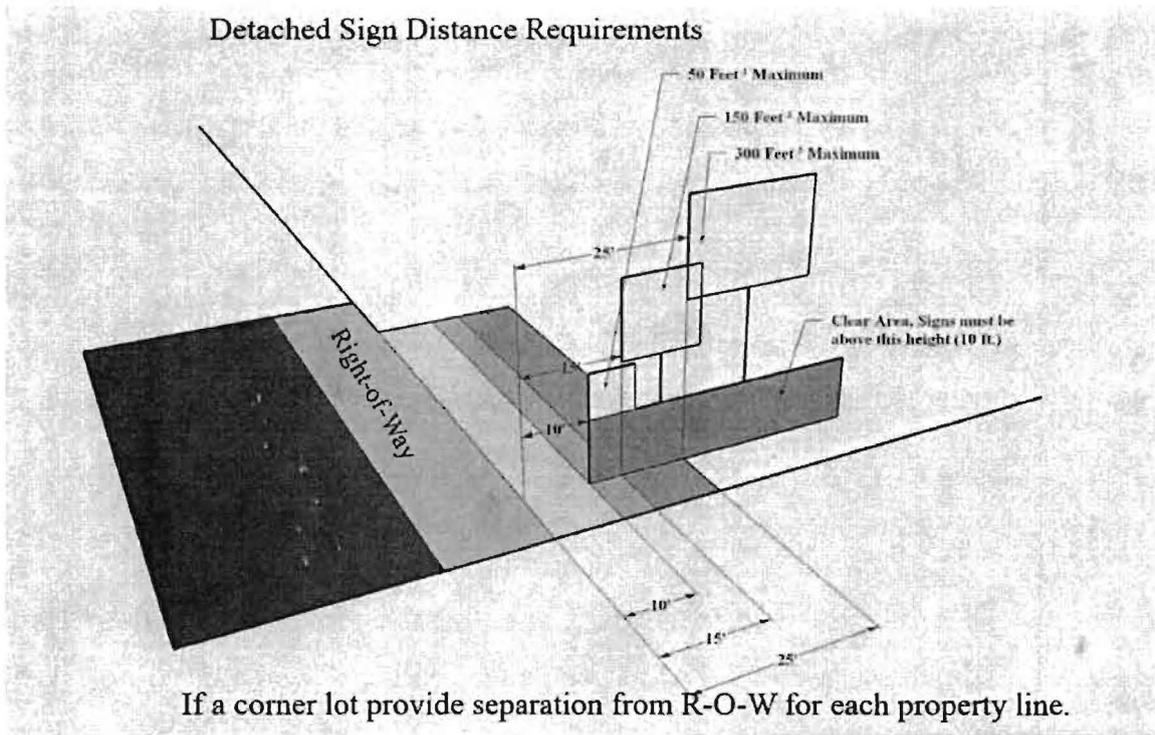
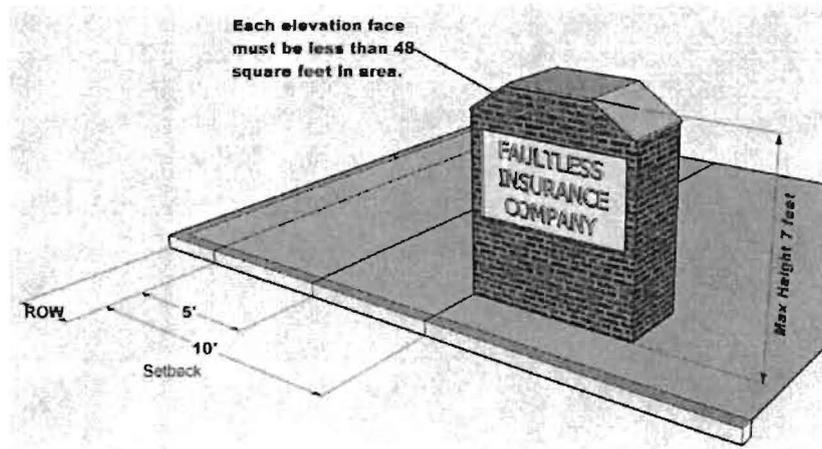


Illustration 3



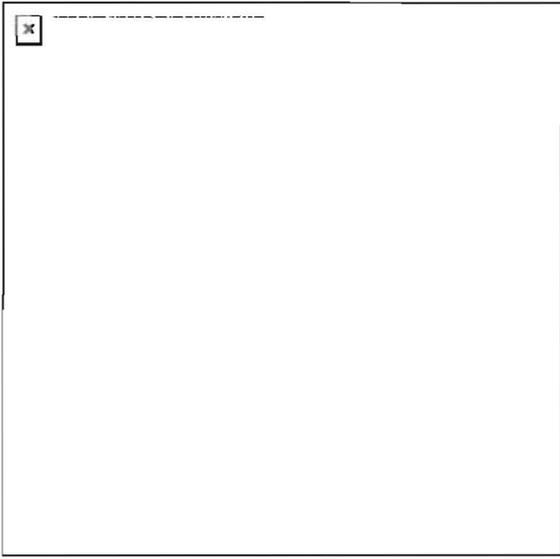
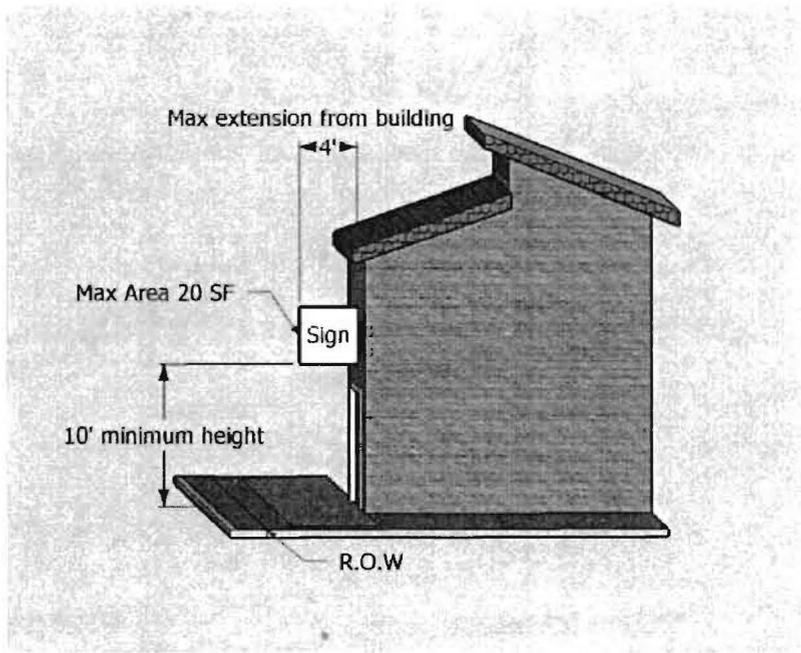


Illustration 4



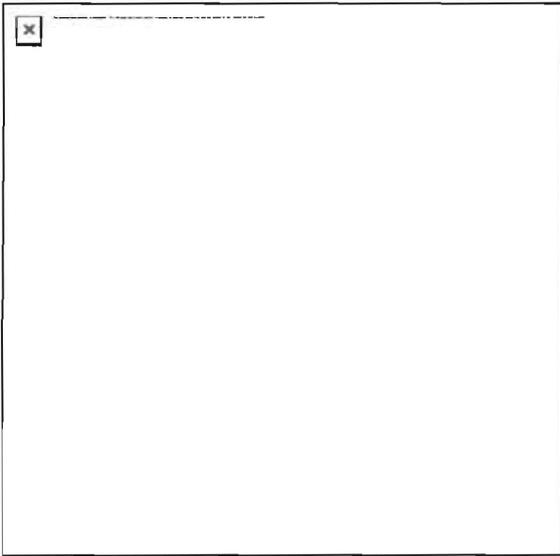


Illustration 5a

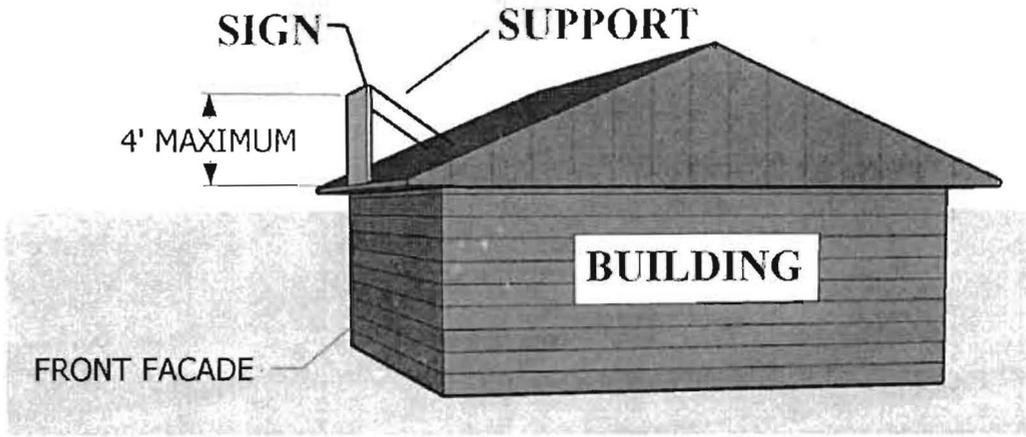
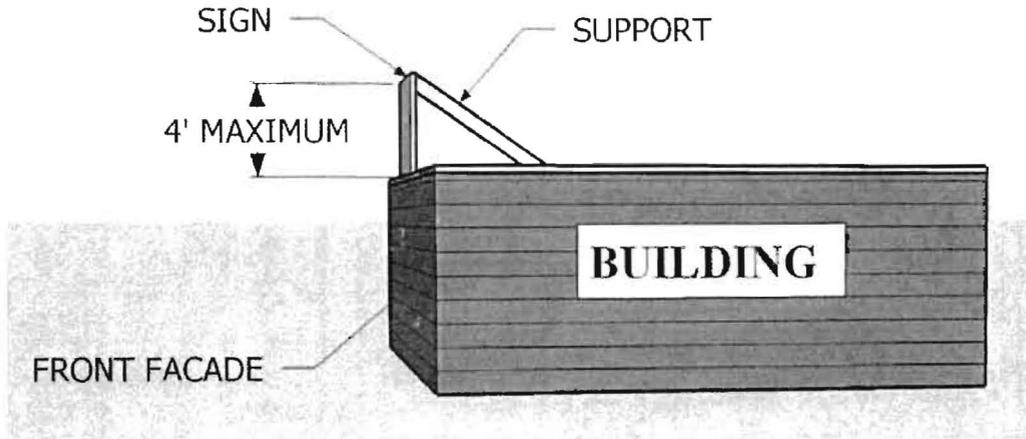


Illustration 5b



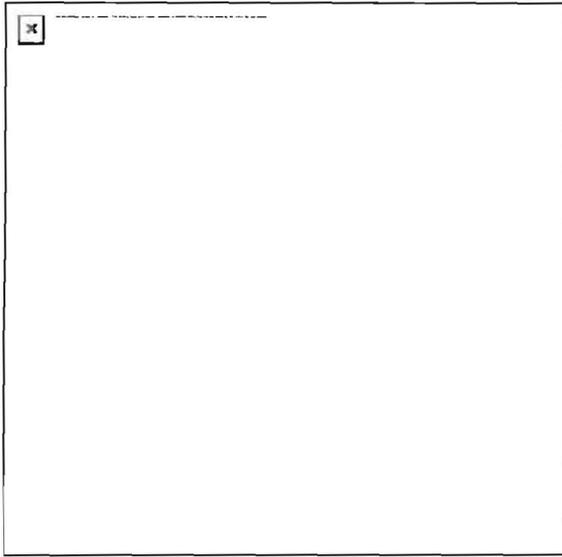
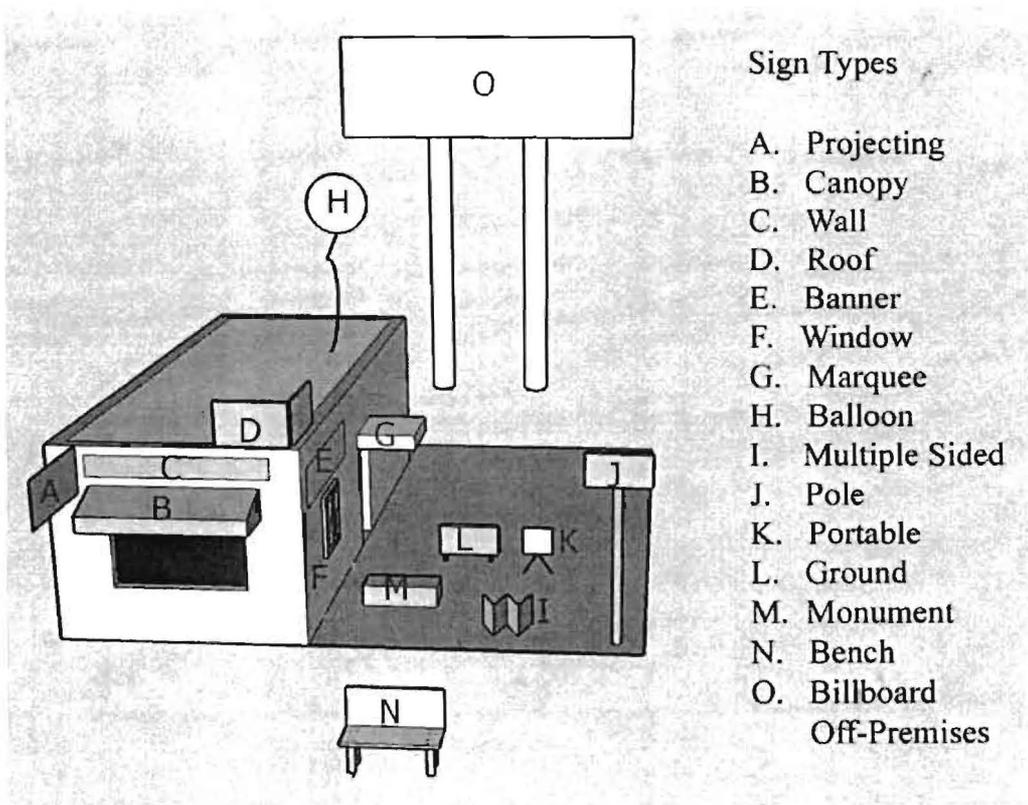


Illustration 6



(Ord. No. 2010-20, §§ 1, 2, 5-18-10)