

ORDINANCE NO. 1139

AN ORDINANCE, ESTABLISHED HEREIN AS CHAPTER 74 OF THE CITY OF KEMAH CODE OF ORDINANCES, AMENDING AND REPLACING ORDINANCE NO. 1111 AND ALL PREVIOUS ORDINANCES REGULATING THE PLACEMENT, ERECTION AND PERMITTING OF ALL OUTDOOR SIGNS WITHIN THE CITY LIMITS OF THE CITY OF KEMAH, TEXAS.

SECTION 74-19 – Applicability of State Law and Purpose of Article

- A. General – All signs under this ordinance shall conform to the provisions of the adopted building code, the laws of Texas, all other applicable ordinances of the City of Kemah and shall conform further with the requirements of this ordinance.
- B. Purpose – The purpose of this Ordinance is to permit such signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, or mislead, or obstruct the vision necessary for traffic safety, and to permit and regulate signs in such a way as to support and compliment land use objectives and maintenance of existing property values within the City of Kemah.

SECTION 74-20 - Definitions

A. Definitions

- a. Bandit Sign – A temporary sign which is staked, tacked, nailed, posted, glued, or otherwise attached to the ground, trees, stakes, fences, or other like objects, the advertising matter of which is not applicable to the present use of the premises on which the sign is located. For the purposes of this ordinance, bandit signs are interchangeable with snipe signs.
- b. Billboard - A sign erected upon singular or multiple pole support structures typically with a sign face of 14 x 48 feet on one side.
- c. Business Establishment - A project or undertaking which involves the use of any property, building or structure, permanent or temporary, for the primary purpose of conducting on said property a legitimate commercial enterprise, or other nonresidential use, in compliance with all ordinances and regulating of the city. Multiple services and/or good offered by a business establishment shall be considered one business establishment for the purpose of this subsection.
- d. Business Frontage - The linear measurement of the side of the building which contains the primary entrance of the building.
- e. Double-faced Sign - A single sign with two parallel sign faces back-to-back.

- f. Freestanding sign - Any sign supported by one or more columns, poles, uprights, or braces anchored in or on the ground and not attached to any building.
- g. Garage Sale - The sale of items which a resident or group of residents wish to dispose of at discount prices, conducted from a garage sale and/or yard, and which items offered for sale are used or discarded by or from those residents offering them for sale.
- h. Irregular Signs - Separately mounted signs on one supporting structure.
- i. Monument Sign - Any sign set on a level foundation and eight feet or less from the natural ground level to the top of the sign.
- j. Multi-faced Sign - A single sign with two or more faces which are not parallel or back-to-back.
- k. New Business - A project or undertaking which involves the use of any property, building, or structure, permanent or temporary, for the primary purpose of conducting in said building or structure of on said property a legitimate commercial enterprise, or other nonresidential use, in compliance with all ordinance and regulations of the City of Kemah, and when such project or undertaking is new to the premises. Provided however, a change in ownership by more than 50 percent of an ongoing project or undertaking shall constitute a new business for the purposes herein and, provided further, expansion of an existing building or structure shall constitute a new business if such expansion increases the size of the area devoted to the primary use, building floor square footage, by more than 50 percent.
- l. Non-advertising Sign - Any sign posted on private property containing thereon a regulatory or warning notice and upon which no advertising matter is displayed.
- m. Off Premise Signs - Any sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises where such signs appear. If such business, commodity, service or entertainment is merely incidental to the use of such property where such sign appears, such sign shall be deemed an off premise sign. Written permission from the property owner of the location of the off premises sign shall be included with the sign permit application.
- n. Office Complex - One or more commercial buildings with multiple businesses providing service and not delivering products directly to customers and consisting of two or more tenants using common driveways.
- o. Open House - A designated period of time during which a property is open for viewing by prospective purchasers.
- p. Portable Signs - Any sign designed or constructed to be easily moved from one location to another, including signs mounted upon a trailer, wheeled carrier, or other non-

motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder.

- q. Reader Board - A permanently constructed changeable copy bulletin board lighted or unlighted with detachable precut letters and figures.
- r. Sign Area - The total square footage of all sign facing, including that portion of the supporting structure or trim which carries any wording, symbols, identifying color, or pictures; providing however, in the case of double-faced signs, only one face shall be computed to determine sign area.
- s. Sign facing or surface - The surface of any sign upon, against, or through which the message is displayed or illustrated.
- t. *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, or on any awning, canopy, marquee, or similar appendage, or permanently affixed to the glass on the outside of the building or structure, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrester, 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 word sign is used herein without further modification, the same shall be understood to embrace all regulated signs and replicas.
- u. Snipe Sign – A temporary sign which is staked, tacked, nailed, posted, glued, or otherwise attached to the ground, trees, stakes, fences, or other like objects, the advertising matter of which is not applicable to the present use of the premises on which the sign is located. For the purposes of this ordinance, bandit signs are interchangeable with snipe signs.
- v. Temporary Sign – Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials with short life expectancies. A portable sign shall not be considered a temporary sign. Temporary signs shall be permitted for only 30 days.
- w. Wall Sign - All flat signs, either of solid face construction or individual letters, symbols, or pictures, which are placed against the exterior wall of the building or structure advertising the business contained therein, parallel to the building or structure, and having the advertisement on one face only.

SECTION 74-21 – Sign Types and Permitting

A. Pre-Existing Signs

- a. Conforming use: If such pre-existing sign meets the requirements of this Ordinance, the sign shall retain status as an existing conforming sign, provided, however, that any addition and/or alteration to said sign not already addressed in this chapter shall be required to obtain a permit from the City of Kemah.
 - b. Non-conforming use: If such pre-existing sign does not meet the requirements of this ordinance, said sign shall have a status as an existing non-conforming sign and shall be allowed to remain in its existing state. Existing nonconforming signs shall not be allowed to be altered in any fashion, save and except for routine maintenance and/or changeable/replaceable copy.
 - c. When any existing non-conforming sign, or more than sixty (60) percent of said nonconforming sign is blown down or otherwise destroyed or taken down or removed for any purpose other than routine maintenance operations, it may not be replaced, re-erected, reconstructed or re-built unless it is in full compliance and conformity with the provisions and requirement of this ordinance.
- B. New Signs - No new sign permits shall be issued by the City unless approved by the Community Services Department. The City shall consider whether said sign application meets the requirements of this ordinance.
- C. Permits - It shall be unlawful for any person to erect, structurally alter, or relocate within the City of Kemah any sign without first satisfying the requirements of this paragraph.
- a. Sign permit – It shall be unlawful for any person, firm or corporation to erect, structurally alter, replace or repair any sign without a sign permit. Sign permit fees shall be established from time to time by the City.
 1. Application - All applications for sign permits shall be accompanied by a plan or plans drawn to scale which shall include the following:
 - (a) The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached.
 - (b) The dimensions of the sign's supporting members.
 - (c) The maximum and minimum height of the sign.
 - (d) The proposed location of the sign in relation to the face of the building. Signs may be located in front of or on top of buildings.
 - (e) The proposed location of the sign in relation to the boundaries of the lot upon which a detached freestanding or ground monument sign is to be located.
 - (f) Issuance - Upon the filing of an application for a sign permit, the plans, specifications, and other data shall be examined by the Community Services

Department. The City may require the production of whatever reasonable additional data deemed necessary to evaluate the application. If it appears that the proposed sign shall be in compliance with the requirements of this ordinance and other applicable laws and ordinances of the City, the City shall approve the sign for construction in a timely manner and issue a Sign Permit which shall authorize the construction and/or erection of a sign. The construction of the sign shall be completed within 6 months of approval of the plans and specifications or the permit shall expire and a new application and permit shall be required. Upon completion of construction and/or erection of the sign, the City shall inspect the completed sign for compliance.

- b. Exceptions - A permit shall not be required for the following:
 - 1. The changing of the advertising copy or message of an existing permitted sign.
 - 2. The changing of the advertising message or copy of an electric sign, if such electric sign is specifically designed for the use of replaceable copy.
 - 3. Garage sale or open house signs.
 - 4. Real estate signs not exceeding thirty six (36) square feet in area per face and 8 feet in height, pertaining to the sale or rental of the property on which they are displayed, but not more than one such sign for each street frontage.
 - 5. A sign erected solely for and relating to a public election, but only if:
 - (a) the sign is on private property;
 - (b) the sign is erected no sooner than the 60th day before the election and is removed no later than the 7th day after the election;
 - (c) the area of the sign does not exceed thirty six (36) square feet per sign face;
 - (d) the sign does not exceed eight (8) feet in height;
 - (e) the sign is self-supporting.
- c. Stop Orders - The issuance of a sign permit shall not constitute a waiver of this ordinance or other ordinance of the city. The Sign Administrator is authorized to issue stop orders for any sign which is being constructed or used in violation of this or any other ordinance of the city.

D. Sign Types

- a. Applicability. This section shall apply to all commercial and nonresidential tracts. In calculating the area of irregular signs or separately mounted signs on one supporting structure, the area shall be that of the smallest regular geometric form that will wholly

contain all of the elements, including the frame. In calculating the area of multi-faced signs, all faces of a multi-faced sign shall be included.

b. Wall signs.

- (1) Wall signs are allowed on each business establishment with an allowable total sign area of 3 square feet for each linear foot of business structure frontage.
- (2) Where two or more business establishments utilize a common building the total allowable wall sign area shall be equal to 3 square feet for each linear foot of business frontage. It shall be the responsibility of the property owner to allocate such sign area to each business establishment. A master sign plan drawn to a standard architectural or engineering scale shall be submitted to the City of Kemah for this type project showing the exact size and location of each sign for this project.
- (3) Each business establishment's wall sign must be attached to that part of the building in which the business establishment is located.

c. Monument signs.

- (1) One on-premises monument sign is allowed for each business establishment with an allowable total sign area of 200 square feet (or 100 square feet per sign face on double-sided signs). The highest part of any such sign or structure shall not be greater than eight feet above the highest finished grade at the front property line. Monument signs must be permitted separately.

Where a business establishment can be accessed via vehicular entrance along more than one street, one on-premises monument sign as described above is allowed per street (provided that said street has a vehicular entrance to the business establishment.)

- (2) Where two or more business establishments utilize a common building they shall collectively only be entitled to one on-premises monument sign that would be authorized for one business establishment. The total sign area of such sign shall not exceed 200 square feet (or 100 square feet per sign face on double-sided signs) plus ten square feet for each business establishment in the complex up to a maximum of 400 square feet (or 200 square feet per sign face on double-sided signs). The highest part of any such sign or structure shall not be greater than eight feet above the highest finished grade at the front property line. It shall be the responsibility of the property owner to allocate such sign area to each business establishment. A master sign plan drawn to a standard architectural or engineering scale shall be submitted to the City of Kemah for this type project showing the exact size and location of each sign for this project.
- (3) Up to 25 square feet of the allowable monument sign area may be used for changeable copy signage.

- (4) A second on-premises monument sign is allowed for buildings consisting of development of 40,000 square feet or more. Consideration and approval of a second monument sign shall be based on the square footage of buildings shown on an approved site plan for the entire development. The second monument sign may be constructed as part of the initial site development but shall not be advertised on until the square footage of the structures constructed on-site exceeds 40,000 square feet. The second monument sign must be permitted separately.

d. Freestanding signs

- (1) One on-premises freestanding sign is allowed for each business establishment with an allowable total sign area of two hundred (200) square feet per face for single-faced sign or four hundred (400) square feet for multi-faced sign total gross area. The highest part of any such sign or structure shall not be greater than fifty feet above the highest finished grade at the front property line. Where a business establishment can be accessed via vehicular entrance along more than one street, one on-premises freestanding sign as described above is allowed per street (provided that said street has a vehicular entrance to the business establishment.)
- (2) Up to 50 square feet of the allowable freestanding sign area may be used for changeable copy signage.
- (3) A second on-premises freestanding sign is allowed for buildings consisting of development of 40,000 square feet or more. Consideration and approval of a second freestanding sign shall be based on the square footage of buildings shown on an approved site plan for the entire development. The second freestanding sign may be constructed as part of the initial site development but shall not be advertised on until the square footage of the structures constructed on-site exceeds 40,000 square feet. The second freestanding sign must be permitted separately.

e. Billboards

- (1) Billboards shall be allowed by special permit only, on a case-by-case basis, to be considered by the City Council. Submittal requirements for billboards shall be in accordance with Section III herein.

f. Option for directory sign in office park and business park districts.

- (1) One monument sign for the sole purpose of uniformly listing the names of the tenants is allowed on-premises for each building in which there are multiple tenants in the office complex.
- (2) Sign area of such sign shall not exceed 240 square inches per tenant.

(3) Such signs shall have an allowable sign area of no more than 50 square feet and not exceed eight feet in height.

g. Fast-food/drive-through menu boards.

Menu reader boards for fast-food/drive-through restaurants shall not be considered as a monument sign if such menu board is screened from adjacent buildings or structures. Landscaping around menu boards shall be required so as to screen to the degree reasonably possible such menu board from abutting properties.

h. Off-premises signs and directional signs.

Off-premises signs and directional signs of up to a maximum of 240 square feet (or 120 square feet per sign face on double-sided signs), are allowed if the property on which the sign is located and the property which is described in the sign are within 2,000 feet of each other, measured in a straight line from the property line to property line. The permit application shall be signed by both property owners. Supporting structural members not bearing advertising matter, identifying color, symbols, wording, or pictures shall not be included in computation of surface area.

i. Temporary signs.

Temporary signs shall be allowed by permit for no longer than 30 consecutive days. Size and location of temporary signs shall comply with regulations contained in Section III herein.

j. Portable signs.

1. One on-premise portable sign shall be allowed by permit for each lawfully operating business upon payment of the permit fee. The permit shall be for a period of 30 days and shall not be reissued. Sign size shall be no larger than 240 square feet (or 120 square feet per sign face on double-sided signs).

2. One off-premise portable sign shall be allowed by temporary permit only. The permit shall be for a period of 30 days and shall not be reissued for said portable sign if said sign remains at the same location or within 2,000 feet of said location, measured in a straight line from property line to property line. Sign size shall be no larger than 240 square feet (or 120 square feet per sign face on double-sided signs).

E. Maintenance - All signs and sign structures shall be kept in good repair and neat in appearance. Signs shall be maintained at reasonable intervals, including replacement of defective parts, painting, repainting, and cleaning. The City shall inspect all signs and sign structures regularly and shall require corrections of any sign deemed in violation of this section.

SECTION 74-22 - Enforcement

A. Sign Administrator - Designation of sign administrator; delegation of duties, and ordinance enforcement.

The City Administrator shall designate the Sign Administrator charged with administering and enforcing the terms and conditions of this ordinance and all other provisions of law relating to signs. The Sign Administrator is empowered to delegate the duties and powers granted and imposed upon him by the ordinance to other person(s). Such other person(s) shall constitute the Sign Administrator. The Sign Administrator is directed to enforce and carry out all provisions of this ordinance.

B. Enforcement Responsibility - The duties of the Sign Administrator shall include not only the issuance of permits as required by this ordinance, but also the responsibility of insuring that all signs comply with this ordinance and any other applicable laws, and that all signs for which a permit is required, do in fact have a permit. The Sign Administrator shall make such inspections as may be necessary and initiate appropriate action to bring about compliance with this ordinance and other applicable law if such inspection discloses any instance of noncompliance. The Sign Administrator shall investigate thoroughly any complaints of alleged violations of this ordinance.

C. Powers of Sign Administrator - The Sign Administrator shall have the power and authority to administer and enforce the conditions of this ordinance and all other laws relating to signs. Included among such powers are the following specific powers:

- a. Every sign for which a permit is required shall be subject to the inspections and approval of the Sign Administrator. When deemed advisable by the Sign Administrator, a sign may be inspected at the point of manufacture if such point is within or adjacent to the City of Kemah.
- b. Upon notice and issuance of a stop order from the Sign Administrator, work on any sign that is being conducted shall be immediately stopped. Such notice and order shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the Sign Administrator. Following the issuance of a stop order, the Sign Administrator shall initiate proceedings to revoke any permit of lessee issued for the work covered by such stop order, consistent with this ordinance, unless the cause of the stop order is resolved to the Sign Administrator's satisfaction. A person commits an offense if he intentionally or knowingly works upon a sign for which a written stop order was issued by the Sign Administration of the City of Kemah.
- c. The Sign Administrator shall have, and is hereby granted, the power and authority to revoke any and all permits and licenses authorized by this ordinance for violation of the terms and provisions of this ordinance. Provided further, however, that if in the opinion of the Sign Administrator, the health, safety, or welfare or the citizens of the City of

Kemah is endangered by any violation of this ordinance, the Sign Administrator may immediately revoke any or all permit and licenses authorized by this ordinance.

SECTION 74-23 - Restrictions

A. General Restrictions - The following General Restrictions Shall Apply to ALL Signs

- a. No person shall erect, construct, suspend, or maintain any sign across or above any public right-of-way, sidewalk, or any portion thereof. No sign shall be erected, constructed, or maintained in any manner that obstructs a means of egress or any opening necessary for required for firefighting. No sign shall be erected in a manner that obstructs the safe flow of pedestrian or vehicular traffic.
- b. No sign confusingly similar to a traffic-control sign or device shall be placed in the view of any street or thoroughfare. The words "stop", "danger", "yield", and similar words, phrases, and symbols that may interfere with, mislead, or confuse vehicular traffic are also prohibited.
- c. Snipe signs and bandit signs as defined in Section II above are prohibited within the City limits, provided, however, that snipe and bandit signs are allowed on a temporary basis if erected by the Texas Highway Department, Galveston County, the City of Kemah, any other governmental entity, election and referendum signs, or by persons or organizations who have obtained specific permission from the City Council under temporary sign provisions. Snipe and bandit signs are also allowed without a permit if said signs direct the public to a special event of civic interest linked to the City of Kemah, such as parades, organized holiday festivities, or other special events which are conducted by and benefit charitable or nonprofit organizations. Such signs advertising special events of civic interest are to be erected only for a time period not to exceed ten days before and two days after the event.
- d. Only indirect, diffuse, or neon lighting shall be permitted.
- e. Lighted strips designed to outline commercial door and window frames, signs and/or commercial structures shall be prohibited.
- f. No signs shall be placed on or above public property, public structures, public right-of-way, water, sewer, and drainage easements except as provided in this paragraph. The following signs are exempted from the restriction of this paragraph: any signs erected by the Texas Highway Department, Galveston County, the City of Kemah, any other governmental entity or by persons or organizations who have obtained specific permission from the City Council under temporary sign provisions.
- g. Unless otherwise approved by City Council the size of the display for any sign in this ordinance shall not exceed two hundred (200) square feet per face for single-faced signs or four hundred (400) square feet for multi-faced signs total gross area.

- h. Signs shall be subjected to a re-inspection. The sign shall be kept in good repair. If portions of the sign face or structure are incomplete or missing, and upon notice to the permit holder, the sign face is not repaired within a period of thirty (30) days or if a structural defect exists and is not repaired within fifteen (15) days from notice, the sign shall be considered to be an abandoned sign.
- i. When a sign has been found to have structural design flaws or to have structural defects constituting a clear and immediate threat to the public or to adjacent property owners, the Sign Administrator shall have the option to take action to secure or dismantle the threatening sign at city expense and to charge the owner such cost. A lien can be secured against the property owner for nonpayment.
- j. The City Council, sitting as a board of adjustment, may hear and decide all applications for variance from the terms and provisions of the sign ordinance and all appeals of decisions by any code enforcement officer regarding what is a sign, whether or not a proposed sign is in compliance with city sign regulations, whether or not a sign permit should have been denied, and whether or not there shall be any reduction or adjustment in sign permit fees due and payable for any reason. Variances shall only be considered when there is an allegation (and proof) that an otherwise reasonable rule works a peculiar hardship on the applicant because of facts or circumstances peculiar to the applicant or his property. Economic hardship alone shall not be grounds for variance based on hardship.

SECTION 74-24 - Violations

- A. Violations - Any person, firm, or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon final conviction, fined in an amount not to exceed one thousand dollars (\$1,000.00). Each and every day any such violation continues or is allowed to exist shall constitute a separate offense and shall be punished hereunder.

SECTION 74-25 - General Provisions

A. General Provisions

- a. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application and to this end the provisions of this ordinances are declared to be severable.
- b. All provisions of prior ordinance of the City in conflict with any provision of this ordinance are hereby repealed, but only to the extent of any such conflict.
- c. The City Secretary is hereby authorized and directed to cause publication by caption only in accordance with Texas Law.

Duly Passed and Approved on First Reading this the 21st day of September, 2016

Duly Passed and Approved on Second and Final Reading this the 19th day of October, 2016



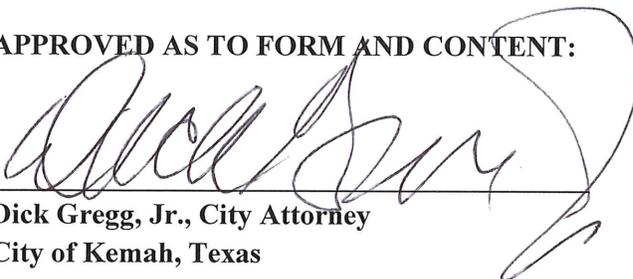
Carl A. Joiner, Mayor
City of Kemah, Texas

ATTEST:



Carolyn E. Anderson, City Secretary

APPROVED AS TO FORM AND CONTENT:



Dick Gregg, Jr., City Attorney
City of Kemah, Texas