

ORDINANCE NO. B-2006-09-22

AN ORDINANCE PROVIDING FOR REGULATIONS GOVERNING ALL SIGNS IN THE CITY OF DONNA AND REQUIRING ALL SIGNS TO CONFORM TO SUCH RULES AND REGULATIONS; DEFINING TERMS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT THROUGH THE USE OF SIGN PERMITS; PROVIDING FOR PENALTIES IN THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DONNA, TEXAS:

SECTION 1. IN GENERAL

1.1 Title; Administrative official

This Ordinance shall be known as the "City of Donna Sign Ordinance", and may be cited as such, and will be referred as "Sign Ordinance". The City Building Official is hereby authorized and directed to administer and enforce all the provisions of this Ordinance and shall have the right to enter any premises for inspection purposes during reasonable hours in order to ensure the enforcement of this ordinance.

1.2 Purpose

The purpose of this Ordinance shall be to coordinate the type, placement and physical dimensions of signs within the different land-use zones; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. This shall be accomplished by regulation of the display, erection, use and maintenance of signs. The use of signs is regulated according to the zone. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. No sign shall be erected or maintained by any person except in accordance with the provisions of this Ordinance.

1.3 Scope

This Ordinance is enacted to provide uniform standards for location, spacing, setbacks, lighting, and other regulations of signs in the City of Donna. The

purpose of this Ordinance is to protect the health, safety, welfare, convenience and enjoyment of the general public and to protect the general public from injury that may be caused by unregulated construction of signs. It is the intent of these regulations as provided in this Ordinance to do the following:

- 1) To enhance the economic value of the landscape by avoiding visual clutter which is potentially harmful to property values and business opportunities;
- 2) To promote the safety of persons and property by providing that signs do not create a hazard, due to collapse, fire, collision, weather or decay;
- 3) To protect the safety and efficiency of the city's transportation network by reducing the confusion and distraction of motorists and enhancing motorists ability to see pedestrians, obstacles, other vehicles and traffic signs;
- 4) To enhance the impression that the city should convey to tourists and visitors;

This Ordinance shall not relate to building design. Nor shall the Ordinance regulate official traffic or government signs; the copy and message signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point-of-purchase displays; scoreboards on athletic fields; flag of any nation, government or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; agricultural signs; construction signs; directional or any display or construction not defined herein as a sign. The requirements of this Ordinance are in ADDITION to any state law requirement regulating the placement of signs.

1.4 Compliance with regulations

It shall hereafter be unlawful for any person to erect, place or maintain a sign in the City of Donna except in accordance with the provisions of this Ordinance and all applicable codes. Any person occupying any premises on which a sign is located shall be subject to the same duties and responsibilities hereunder as the owner of such premises.

1.5 Definitions

The following terms as used herein shall have the following meanings:

Abandoned Sign: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, or for which no legal owner can be found.

Accessory Sign: A sign that is incidental to the effective operation of the enterprise to which it pertains, and is not intended to serve as the primary identification of the premises and does not attract the attention of passers-by for the purpose of advertising a product or service available therein.

Area of Sign Face: The entire area within a single continuous perimeter enclosing the total sign message or display area of a sign, excluding supports and excluding border and trim, whose total square footage does not exceed fifty (50) percent of the sign face area; the area of stacked and side-by-side signs shall be computed as the total of sign panels making up such a sign; for multiple-faced signs (back-to-back, triangular, columnar, V-type, etc.) only sign face shall be counted in computing the actual sign area.

Back-to-Back Sign: A structure with two (2) parallel and directly opposite signs with their faces oriented in opposite directions and spaced not more than ten (10) feet apart.

Building Frontage: The linear length of a building facing a public way or which contains a public entrance.

Clearance (of a Sign): The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Construction Sign: A sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator, mortgager or others engaged in the design, construction or improvement of the premises on which the sign is located.

Directional/Information Sign: An on-premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment, not to exceed twenty-five (25) percent of the sign face, but not advertising copy, e.g., parking or exit and entrance signs. A sign containing the work "parking" at any parking lot where any person is charged any fee or other monetary consideration for parking shall be considered an advertising sign, not a directional/information sign.

Freestanding Sign: A sign supported upon the ground by poles or braces and attached to any building. Also referred to as "ground sign", "detached sign" or "pole sign".

Height (of a Sign): The vertical distance measured from the highest point of the sign, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare "clearance").

Highway Control Zone: An area on either side of U.S. Expressway 83, which is within six hundred (600) feet of the nearest edge of the right-of-way of, said highway.

Identification Sign: A sign for the purpose of identifying an apartment building, mobile home park, residential, commercial or industrial subdivision that contains only the name of the development and address.

Institutional Sign: A sign which identifies a school, church, hospital or similar publicly owned building.

Maintenance: For the purposes of this Ordinance, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Off-Premise Sign: A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the premises on which said sign is located, e.g., "billboards", "outdoor advertising", or "off-site-sign".

On-Premise Sign: A sign that pertains to the legal use of the premises on which it is located.

Owner: A person recorded as such an official tax records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign, unless facts to the contrary are officially recorded or otherwise brought to the attentions of the superintendent.

Political Issue Sign: Any sign not including a permanent advertising sign structure, whose sole purpose is the transmittal of information concerning an upcoming referendum election.

Political Candidate Sign: Any sign not including a sign that is affixed to a permanent advertising sign structure, whose sole purpose is the transmittal of information concerning an upcoming political campaign for an elected office.

Portable Sign: A movable sign that is not attached to a permanent support or building, or is designed to be temporary and mobile notwithstanding that the owner or user of such sign renders or modifies it to make it practically mobile. This definition includes signs attached to trailers, but does not include signs permanently placed on the sides of motor vehicles.

Premises: Any lot, tract or parcel of land, whether or not under common ownership, including all buildings thereon and appurtenances thereto.

Right-of-Way: Any property interests dedicated for public use and owned or controlled by the City of Donna. Right-of-Way includes property behind the street, which is part of the dedicated street right-of-way or may be a dedicated utility easement. Right-of-Way includes fee ownership of the City of Donna.

Sign: Any devise, structure, fixture or placard using graphics, symbols and/or written copy designed specifically for the purpose of informing advertising or identifying any establishment, product, goods or services.

Sign Licensee: A person who is engaged in the manufacturing, renting, leasing, sales, erection, installation or servicing of signs and has met the licensing requirements of the City of Donna.

Street Frontage: The length of the property line along the street right-of-way. The total length of the property line along a particular street would be considered one (1) street frontage. A lot abutting upon two (2) or more public streets at their intersection will be considered to have two (2) or more frontages, but the same linear frontage may not be used to determine the permitted area of more than one (1) sign.

V-Type Signs: A structure composed of two (2) signs in the shape of the letter "V" when viewed from above and with their faces oriented in opposite directions.

Wall/Flat Sign: A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and sign on a mansard. Also referred to as "fascia sign".

1.6 Extraterritorial jurisdiction

The City designates the State Highway and Public Transportation Commission to regulate outdoor signs in the city's extraterritorial jurisdiction, as it presently exists or may hereafter be extended.

1.7 Address signs

In order to promote the efficient transfer of directional information and to enhance the efficiency of police and fire protection and other city services, all new residences, commercial and industrial buildings in the city shall be required to have address identification numerals. All owners of existing residences are encouraged to place address numerals in such a way that they are legible from the street in front of the residence. Owners of existing commercial and industrial establishments shall be required to place address numerals on the front of the

premises in such a way that they are legible from the nearest street or driveway. Commercial and industrial establishments shall also have address numerals no less than four inches in height placed at the rear of the establishment. Address identification numerals shall not require sign licenses or permits.

SECTION 2. LICENSE

2.1 Required fee

No person shall erect, construct, reconstruct, install, replace, rent, lease or service any sign for which a license is required within the corporate limits of the City of Donna, until said person has obtained a sign license as required by this Ordinance. The original license fee shall be twenty-five dollars (\$25.00) and the renewal license fee shall be ten dollars (\$10.00) per year with each renewal license fee payable on or before the first day of January of each year.

2.2 Exemption from requirement

No license will be required under this Ordinance for:

- (a) The installation or maintenance of those signs that are exempted in Section 3. 3.5 from requirement to obtain a permit; or
- (b) The installation of non-electrical signs of less than thirty-two (32) square feet to be erected personally by the owner or occupant of a parcel of real estate to advertise the business activity located thereon.

The above exemptions from the license requirement shall not operate to exempt a person from the permit requirements or regulations of this Ordinance nor from any other applicable ordinance, statute or regulation.

2.3 License not transferable

No license issued under this Ordinance shall be transferable. It shall be unlawful for any holder of any license issued under this Ordinance to allow his name to be used by any other party, either for the purpose of doing work requiring such a license, or for the purpose to obtain a permit for such work. It shall further be unlawful for any person not holding a license under this Ordinance to use the name or the license of any other party for the purpose of doing such work, or obtaining a license or permit for such work. The Building Inspection Department shall revoke the license of any license holder who violated this section. It shall further be unlawful for a person not entitled to an exemption from the license or permit requirements of this Ordinance to fraudulently claim such exemption.

2.4 Service Equipment

All service equipment utilized by the licensee and operating within the City of Donna must have the firm's or individuals name, as listed on the sign license on the equipment.

2.5 Bond Requirements

A surety bond issued by a surety company authorized to do business in the state shall be furnished by the applicant for licenses hereunder providing for payment to the city of applicable property owner in the maximum amount of two thousand dollars (\$2,000.00) upon the failure of such license to maintain or construct according to the Ordinance any sign for which such licensee is responsible for.

SECTION 3. PERMITS

3.1 Required

Except as otherwise provided in this Ordinance, no person shall hereby erect, construct, reconstruct, move, install or place a sign until a sign permit has been issued by the City according to this section. No permits are required for the maintenance of a sign or for a change of copy on painted, printed or changeable copy signs.

3.2 Application; Suspension; Revocation of permit

- (a) Application for a sign permit shall be made to the Building Inspection Department upon a form provided and shall include the following information:
- (1) Name and address of the owner of the sign.
 - (2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
 - (3) The type of sign or sign structure, as defined in this Ordinance.
 - (4) A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing signs on the same premises or drawings of buildings showing area where the sign shall be installed.

- (5) Specifications and scale drawings showing the materials, design, dimensions, structural supports and electrical components of the proposed sign.
- (b) If, in the opinion of the Building Inspection Department, the size, shape or design of a proposed sign renders it structurally unsound, he shall disapprove the application for a permit.
- (c) The Building Inspection Department may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application. All signs must be erected in accordance with approved plans, without changes, unless authorized by the Building Inspection Department.

3.3 Fees and Conditions

- (a) All applicants for a general sign permit must tender a required twenty-five dollar (\$25.00) fee.
- (b) Any individual or group wishing to display banners or political signs inside the City of Donna must obtain a permit with the Building Inspection Department for a Fifty Dollar (\$50.00) fee.
- (c) A deposit of One hundred Fifty Dollars (\$150.00) shall be required to ensure that all signs are removed ten (10) days after election. The deposit shall be refunded to the candidate or group fourteen (14) days after the ten (10) day grace period.
- (d) Permits shall expire after one hundred twenty (120) days after date of issuance if it is not used. A permit may be canceled by an applicant at any time but the permit fee may be retained by the City of Donna.

3.4 Inspection

- (a) Any person installing, altering or relocating a sign for which a permit has been issued shall notify the Building Inspection Department upon the completion of the work. The Building Inspection Department may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.
- (b) The Building Inspection Department may require in writing, upon issuance of a permit, that he be notified for inspection prior to the installation of certain signs.

3.5 Signs not requiring permits

The following types of signs, provided the same are not electrified, are exempt from permit requirements, but must be in conformance with all other requirements of this Ordinance:

- (a) Agricultural signs not more than thirty-two (32) square feet.
- (b) Construction signs of thirty-two (32) square feet or less.
- (c) Directional/information signs of eight (8) feet or less.
- (d) Name plates of two (2) square feet or less and fastened directly to the building; one (1) per occupancy.
- (e) Real estate signs not more than twelve (12) square feet in single-family or low density residential districts and thirty –two (32) square feet per face for multi-family residential, commercial, industrial and agricultural.
- (f) Incidental signs.
- (g) Window signs.
- (h) Flags: Non commercial flags bearing the official design of a nation, state, municipality, educational institution or non commercial organization. Commercial flags advertising a business, product or service and limited to one per premise, not to exceed forty-eight (48) square feet.
- (i) Identification signs, wall or ground signs which are limited to not more than two (2) per street frontage; not more than four (4) square feet per sign in area; not more than ten (10) feet in height above grade.
- (j) Repair or maintenance of existing signs: Any sign being repainted where the painting constitutes the only alteration to the sign, where the sign is not being enlarged or structurally altered, and further provided that the painting is done with the sign structure in place. Service of any electric sign consisting only of the replacement of electrically identical components.
- (k) Any changing of copy to be done on poster panels.
- (l) Temporary/special events signs approved by the City Manager after consulting with the Building Inspection Department and Planning Department.

SECTION 4. PROHIBITED ACTS AND SIGNS

4.1 Acts Prohibited

It shall be unlawful for any person to do any of the following acts:

- (a) To place or cause to be placed anywhere in the city, any poster, placard, handbill or advertising material on any motor vehicle, or in any location in such a manner that the same may reasonably be expected to be blown about by the wind.
- (b) To park or cause to be parked any automobile, truck, wagon or vehicle of any kind to which there is attached any character of sign where the main purpose of parking is for advertising purposes.
- (c) To paste, post, attach or otherwise place a sign upon any telephone pole, electric light pole or other structures within the right-of-way or easements of the City of Donna, State of Texas, railroads, or other utility.

4.2 Signs Prohibited

It shall be unlawful for any person to erect or maintain the following types of signs in all districts:

- (a) Abandoned signs.
- (b) Signs imitating or resembling official traffic or government signs or signals not placed by the governmental agency.
- (c) Signs that, due to design, location, illumination obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or interfere with the driver's view of approaching, merging or intersection traffic or otherwise interfere with any driver's operation of a motor vehicle.
- (d) Signs with flashing, intermittent or moving light or lights are expressly prohibited within one hundred (100) feet of any intersection, except for signs providing only time and temperature information.

4.3 Sign Specifications

- (a) Setbacks shall be measured from the right-of-way (except where otherwise explicitly stated) to the edge of the part of the sign that is nearest the curb. No sign may project over the right-of-way line, except projection, marquee,

awning or canopy signs that are attached to a building that has been built up to the right-of-way. Those signs shall not project farther than a point located two (2) feet back from the curb. Clearance over sidewalks for marquee and projection signs shall be nine (9) feet; clearance for canopy signs shall be eight (8) feet.

- (b) No more than three (3) different types of signs shall be located or maintained on any one (1) premises.
- (c) No sign or part of a sign, except supporting structures not to exceed twenty-six (26) inches in a circumference, shall be at a height of less than eight (8) feet above the street flow gutter line on any property are in the form of a triangle, bounded by two (2) intersecting boundaries for a distance of twenty-five (25) feet on each said boundaries from the points of intersection and bounded by a third side determined by drawing a straight line from the points of the two (2) intersecting boundaries twenty-five (25) feet from their intersection. For the purposes of this section, "boundaries" shall refer to streets, roads, alleys, driveways and entrances and exits to parking lots.
- (d) No sign shall be located within the five-foot area surrounding any place of pedestrian ingress or egress to a building or structure or shall be placed so as to prevent free ingress and egress from any window, door, required exit, or fire escape.
- (e) Signs which exceed three hundred fifty (350) square feet in area may not be multiple-faced (stacked or side-by-side).
- (f) Roof signs shall have a clearance of three (3) feet around the ends of the sign. Roof signs that exceed twenty (20) feet in length shall have had plans submitted and approved by the Fire Marshal.

SECTION 5. REGULATIONS OF ON-PREMISES SIGNS BY ZONES

5.1 Signs permitted in all Zoning Districts Generally

The following signs are permitted in all zones of the City of Donna provided that same are otherwise not prohibited or regulated by other ordinances of the City:

- (a) All signs not requiring permits as provided in the Ordinance.
- (b) One (1) construction sign for each street frontage of a construction project, not to exceed twenty-four (24) square feet in sign area in residential zones or sixty-four (64) square feet in sign area in all other zones.

5.2 Signs Permitted in all Residential Zone District (R-1)

The following signs are permitted in the Residential District:

- (1) All signs as permitted in Section 5.1.
 - (2) For permitted and otherwise lawful nonresidential uses, including churches and synagogues, one (1) freestanding sign, not to exceed forty-eight (48) square feet in sign area.
 - (3) One (1) subdivision identification sign per entrance per neighborhood, subdivision or development, not to exceed sixteen (16) square feet in sign area. One (1) identification sign per entrance per apartment or condominium complex, not to exceed sixteen (16) square feet in sign area.
- (a) Special regulations for residential zones are as follows:
- (1) All allowed freestanding signs shall have a maximum height limit of fifteen (15) feet and shall have a setback of zero (0) feet from the property line or ten (10) feet from the back of curb whichever is greater.

5.3 Signs Permitted – Local Business District (B-1)

The following signs are permitted in the Local Business (B-1) Zoning District:

- (a) All signs as permitted in sections 5.1 and 5.2.
- (b) One (1) freestanding sign per premises; provided that an additional sign shall be permitted for each one hundred fifty (150) feet of frontage for a premise, not to exceed two (2) square feet in sign area for each linear foot of primary street frontage up to a maximum of two hundred (200) square feet. Such signs may not exceed a height of twenty (20) feet.
- (c) One (1) under-canopy sign per occupancy, not to exceed eight (8) square feet in sign area.
- (d) One (1) projection or flag mount not to exceed the top edge of the building and two (2) square feet in sign area for each linear foot of an occupancy's building frontage up to a maximum two hundred (200) square feet.

5.4 Signs Permitted – General Business District (B-2)

The following signs are permitted in the General Business (B-2) Zone District:

- (a) All signs as permitted in Sections 5.1, 5.2 and 5.3.
- (b) One (1) freestanding sign per premises; provided that an additional sign shall be permitted for each one hundred fifty (150) feet of frontage for a premise, not to exceed three (3) square feet in sign area for each linear foot of primary street frontage up to a maximum of three hundred (300) square feet. Such signs shall not exceed a height of thirty-five (35) feet, except where said sign is within six hundred (600) feet of Expressway 83, it may have a maximum height of eighty (80) feet.
- (c) Wall signs.
- (d) One (1) awning sign per occupancy.
- (e) One (1) under-canopy sign per occupancy, not to exceed eight (8) square feet in sign area.
- (f) One (1) projection or flag mount not to exceed the top edge of the building and two (2) square feet in sign area for each linear foot of an occupancy's building frontage up to a maximum two hundred (200) square feet.
- (g) Billboard/off-premise signs thirty-five (35) feet above ground or roadway, and fifty (50) feet within six hundred (600) feet of the Expressway, not exceed one thousand two hundred (1,200) square feet and sixty (60) feet in length. Setbacks will be fifteen (15) feet from the property line or twenty (20) feet from curb, whichever is greater. No billboard/off-premise signs may be erected closer than 1,500 feet apart on either side of a street, road and/or expressway; or be located on any premise having less than two hundred (200) feet existing billboard/off-premise sign is located; or contain no more than two (2) sign panels facing the same direction; or be located within five hundred (500) feet from schools, parks, churches or a residentially zoned district; or shall be installed within five hundred (500) feet of any building or structure.

5.5 Special regulations and allowances for signs

The following special regulations and allowances shall apply in Neighborhood Business, Secondary and Highway, Central Business, and Industrial Zoning Districts:

- (a) Freestanding signs shall have a setback of zero (0) feet from the property line or ten (10) feet from the back of the curb, whichever is greater.

- (b) Where a premise is on a corner or has more than one (1) street frontage, one (1) additional freestanding sign will be allowed on the additional frontage, not to exceed the size of the allowed freestanding sign on the primary street frontage.

SECTION 6. CONSTRUCTION SPECIFICATIONS

6.1 Compliance with Building and Electrical Codes

All signs shall be constructed and maintained in accordance with the requirements of the International Building Code and the National Electrical Code, as adopted by the City of Donna.

- (a) Any roof sign more than twenty (20) feet high from the top of the sign to the roof below shall have the plans sealed by a structural or civil engineer licensed to practice in the state.
- (b) Any sign more than twenty-five (25) feet in height shall have the plans sealed by a structural or civil engineer licensed to practice in the state.

6.2 Lighting

Unless otherwise prohibited by this Ordinance, all signs may be illuminated. However, no sign may utilize:

- (a) An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion.
- (b) An exposed incandescent lamp in excess of twenty-five (25) watts unless a screen is attached or unless the sign is placed over ten (10) feet above the ground.
- (c) Any revolving beacon light.

6.3 Maintenance

All signs shall be property maintained. Exposed surfaces shall be clean and painted as required. Defective parts shall be replaced. The Building Inspection Department shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated.

6.4 Severe Weather

In the event that a weather service warning has been issued for a severe thunderstorm, a tornado or a hurricane, it shall be the responsibility of the lessee of a temporary sign or any sign that is not permanently affixed to a building or sign structure to move such sign indoors or otherwise secure such sign until the severe conditions have abated.

SECTION 7. NONCONFORMING SIGNS

7.1 Generally

Where a lawful sign exists at the effective date of adoption or amendment of this Ordinance that could not be building under the terms of this Ordinance by reason of restrictions on area, zoning, size, height, setbacks, location on the lot, spacing, construction or other requirements concerning the sign, such sign may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming sign may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- (b) Should such nonconforming sign be blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations to an extent of more than sixty (60) percent of the cost of erecting a new sign of the same type at the time of destruction and at the same location, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- (c) Should such sign be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- (d) The replacement of plastic-faced signs where the original form is used and the frame size is not altered and the substructure is not altered or moved is permitted for legal nonconforming signs.
- (e) Such nonconforming sign shall be property maintained to that the same does not constitute a danger to the public health and welfare.

SECTION 8. ADMINISTRATION AND ENFORCEMENT

8.1 Revocation of License; Reinstatement

Upon learning of any sign erected, maintained, serviced, sold, rented, leased, altered or neglected in violation of this Ordinance, the Building Inspection Department may give notice of said violation by registered or certified mail, return receipt requested, to the responsible license holder or owner of the sign, as applicable. If the violation involves erection or alteration of such sign, the person who performed the work shall also be responsible. If a license holder or employee of a license holder is responsible, the Building Inspection Department may inform said license holder that continued violation for a period of thirty (30) days from such notice will result in revocation of said license holder's license. If the license holder so notified fails to correct the violation within thirty (30) days of said notice, the Building Inspection Department may revoke such sign license, and request the appropriate state official to revoke the highway department permit of the license holder as applicable. During the time that a license is revoked, the affected license holder shall not be issued any sign permit and no new work shall be commenced under any sign permit which was granted to the affected license holder.

Any person who has his license revoked under the provisions of this Ordinance shall not have this license reinstated nor a new license issued until after the expiration of thirty (30) days from the date of revocation, or the date of correction of the cause of revocation, and upon payment of a license fee in the same amount as is then currently required for an original license.

8.2 Removal of Signs

- (a) Any sign, which shall be in danger of falling or so dilapidated as to be a menace to public safety is hereby declared to be a public nuisance and shall be ordered to be removed immediately by the Building Inspection Department within the time indicated by the department.
- (b) Should the owner of the premise where the sign in question is located fails to remove or repair the sign within the specified time period, the Building Inspection Department may issue citations and assess the penalty and cost of removal in accordance with Section 8.3 of this Ordinance.

8.3 Penalties Generally

- (a) It shall be the obligation of any person owning a sign to inform the person leasing or renting any sign of the requirements set forth in this Ordinance. Any person renting or leasing a sign shall not be hereby absolved,

however, of the responsibility to know and conform to the requirements of this Ordinance.

- (b) Any person who shall violate any provision of this Ordinance or who shall fail to comply therewith or with any of the requirements hereof, shall for each and every violation or noncompliance be deemed guilty of a misdemeanor and upon conviction, shall be fined no less than one dollar (\$1.00) nor more than fifty dollars (\$50.00). Each day such violation shall be permitted to exist constitutes a separate violation.
- (c) The remedies provided in this section should not be construed as exclusive, and the City of Donna hereby provides that any other remedy available to it, in the enforcement of this Ordinance, in law or in equity, is not intended to be, and is not, foreclosed by the provision of such remedies.

8.4 Variances

In obtaining a permit, the applicant may apply to the Building Inspection Department for a variance from certain requirements of this Ordinance. A variance may be granted where the literal application of the Ordinance would create a particular hardship for the sign user and the following criteria are met:

- (a) A literal application of the Ordinance would not allow the property to be used at its highest and best use as zoned.
- (b) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
- (c) The hardship caused the sign user under a literal interpretation of the Ordinance is due to conditions unique to that property and does not apply generally to the city.
- (d) The granting of the variance would not be contrary to the general objectives of this Ordinance.

If granting a variance, the Board of Adjustments and Appeals of Zoning may attach additional requirements necessary to carry out the spirit and purpose of this Ordinance in the public interest.

SECTION 9. POLITICAL SIGNS; ADVERTISING SIGNS AND BANNERS

Section 9 of this ordinance shall apply to political signs, advertising signs and banners on public roadways and public right-of-ways. Said section will set

guidelines, maintenance of the files, registration, adoption of application form and initial fees for renewals, and also will provide penalties for violations.

9.1 Registration required.

Any individual or group wanting to display banners or political signs inside the City Limits of Donna must register with the Building Inspection Department.

9.2 Registration Fees **\$100.00**

A fee of Fifty Dollars (~~\$50.00~~) shall be collected from all persons, groups or individuals that want to display banners or political signs inside the city limits. The fee collected is to cover administrative fees associated with registration thereof.

\$300.00

A deposit of One Hundred and Fifty Dollars (~~\$150.00~~) shall be made to ensure that all signs are removed ten days (10) after election. The deposit shall be returned to the candidate fourteen (14) days after the ten (10) day grace period.

9.3 Files to be maintained, Inspections.

The office of Building Inspections shall maintain a file on each candidate that includes the following:

- Name, Address, Phone Number.
- Position for which said candidate will be running for
- A sketch of the signs that said candidate will be displaying
- Copy of driver's license
- Estimated number of signs that will be displayed

9.4 Advertising signs and banners

~~No person shall be allowed to display or erect a sign or banner for the purpose of advertising alongside or access any roadway or right of way when any portion of sign or banner shall extend above the roadway or right of way.~~

9.5 Political signs and banner shall:

- 1.) Be prohibited on all utility poles and trees located on city roadways, right of ways and/or streets.
- 2.) Be prohibited until political candidate has filed for political office or **90** days prior to election.
- 3.) ~~There shall be no more than one (1) 4 x 4 sign per entity (school, city, county etc.) at any location.~~

- 4.) All political signs must be removed no later than 10 days after a general, special or run-off election.
- 5.) All types of trailers announcing or promoting a candidate shall be prohibited.
- 6.) Two (2) yard signs shall be permitted on each lot.
- 7.) Signs shall be prohibited on vacant lots.

9.6 Denial, Suspension or revocation of registration.

The Building Inspection Department Manager, Supervisor, Director and/or Building official may deny suspend or revoke a business permit based upon any of the following:

- 1.) Failure to provide information requested in the Registration application;
- 2.) Providing false information in the Registration application;
- 3.) Failure to abate any violations within two (2) days of notification
- 4.) More than ten (10) violations

9.7 Notice of violation

Notice of violation shall be made from the Building Inspection/Code Enforcement Department to the candidate that obtained the Political Sign permit.

The candidate that obtained the Political Sign Permit shall sign a notice of violation form.

9.8 Appeal

A person or group whose sign or banner permit is revoked or denied shall have ten (10) calendar days from the date of receipt of notice to appeal such revocation or denial to the City Manager or his assignee. If the City Manager or his assignee upholds the determination of the Building Inspection Department Manager, Supervisor, Director and/or Building Official, to revoke or deny permit, the decision will be final and not appealable.

9.9 Penalties for Violations

The following fines shall be imposed against candidates, persons or organizations promoting or attempting to defeat a referendum issue or proposition.

- 1.) One Hundred dollars (100.00) per political sign if it is posted prior to the approval date
- 2.) One hundred dollars (100.00) per political sign placed on city owned property for the first violation, thereafter a two hundred and fifty

- (\$250.00) fine for the second violation and a five hundred dollars (\$500.00) fine thereafter for continued violations.
- 3.) Fifty dollars (\$50.00) for political and sale signs placed or posted on electrical or telephone poles.

Signs or banners erected or installed that fail to maintain current registration with the Building Inspection department shall be required to remove signs or banners immediately and/or not be permitted to have any signs or banners in the City of Donna.

SECTION 10. CONFLICT

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

SECTION 11. EFFECTIVE DATE

This Ordinance and the provisions hereof shall become effective on the day this Ordinance is passed on second and final reading.

PASSED AND APPROVED upon first reading by the City Council of the City of Donna, Texas on this the 19th day of **September 2006**.

PASSED, APPROVED AND ADOPTED upon second and final reading by the City Council of the City of Donna, Texas on this the 4th day of **October 2006**.



Ricardo L. Morales
Ricardo L. Morales
Mayor

ATTEST:

Martha Alvarado
Martha Alvarado
City Secretary

APPROVED AS TO FORM:

Javier Villalobos
Javier Villalobos
City Attorney

City of
Donna
The Heart of the Valley
Political Sign Application

Name of Person or Group:

Phone numbers:

Address:

Position that said Candidate is running for: _____
(Ex. School / City / Etc. Place #)

Estimated number of signs that will be placed through out the city _____

I do hereby understand the rules and regulations stated in section 9 of ordinance number 2006-09-22.

Signature of candidate / Date

Code Enforcement Officer / Date

Fee: \$50.00 / Deposit: \$15.00 (Deposit shall be returned to the candidate 14 days after the 10 day grace period)

*Signs will be allowed for display 60 days prior to Election Day.

This instrument was acknowledged before me on the _____ day of _____,
2007 by _____

Notary Public, State Of Texas