

Chapter 70 - SIGNS¹¹

Footnotes:

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Editor's note— Ord. No. 633, § 2, adopted Feb. 22, 2010, amended Ch. 70 in its entirety to read as herein set out. Former Ch. 70, §§ 70-1—70-19, pertained to similar subject matter and derived from UDC 1994, art. X, §§ 1—19; and Ord. No. 501, § 2, adopted May 8, 2006; Ord. No. 505, § 2, adopted June 26, 2006; and Ord. No. 506, § 2, adopted June 26, 2006.

Cross reference— Buildings and building regulations, ch. 18; engineering standards, ch. 36; planning, ch. 62; streets, sidewalks and other public places, ch. 78; zoning, ch. 102.

State Law reference— Regulation of signs by municipalities, V.T.C.A., Local Government Code ch. 216; outdoor advertising, V.T.C.A., Transportation Code § 391.031 et seq.

Sec. 70-1. - Purpose.

The town recognizes the need for signs. It is intended that this chapter regulate the location, size, construction, erection, duration, use and maintenance of all signs within the jurisdiction of the town.

(Ord. No. 633, § 2, 2-22-2010)

Sec. 70-2. - Objective.

The town adopted the ordinance from which this chapter is derived, Ordinance No. 159, originally on February 9, 1989, to specifically protect the health, safety and welfare of its citizens, to promote property values, to reduce visual pollution, to promote community environmental setting and appearance, and to support the objectives of the individual zoning districts by providing for a comprehensive regulation of outdoor advertising, specifically to include the erection, structural alteration and maintenance of all types of billboards, signs, bills, posters and other outdoor advertising material within the corporate limits of the town.

(Ord. No. 633, § 2, 2-22-2010)

Sec. 70-3. - General provisions.

It shall be unlawful for any landowner, tenant, contractor or other person having responsibility or control of any premises, to suffer, permit or allow placement, erection or maintenance of any sign or display case of any type within this town other than publicly-maintained street or directional signs, except as specifically provided for in this chapter.

(Ord. No. 633, § 2, 2-22-2010)

Sec. 70-4. - Interpretation.

Nothing in this chapter shall be construed to give the right to any person to erect or maintain any outdoor advertising in any zone or district of the town wherein the particular form of outdoor advertising is prohibited by deed restrictions, zoning or other ordinances, state or federal law or regulations.

(Ord. No. 633, § 2, 2-22-2010)

Sec. 70-5. - Projection over public property or public right-of-way.

No sign shall extend over public property or public right-of-way.

(Ord. No. 633, § 2, 2-22-2010)

Cross reference— Streets, sidewalks and other public places, ch. 78.

Sec. 70-6. - Health, safety, welfare.

Whenever unusual circumstances arising out of unique conditions surrounding a building site or caused by its occupancy give rise to problems of health, safety and welfare that could be substantially alleviated by the use of a sign, such sign as may be necessary for the purpose involved, may be temporarily erected upon approval of the town manager or a designated representative. Such approval may be temporarily given at the time an application is made to the town if formal approval of the sign is required, based on the zoning district or specific site plan standards, by the town council. Such temporary approval shall be granted only for the time period necessary for the routine approval or disapproval of the sign by the town council. Such signs shall be restricted to the minimum area necessary to accomplish the purpose for such signs.

(Ord. No. 633, § 2, 2-22-2010)

Sec. 70-7. - Alarm device signs.

It is essential that when alarm devices are installed on residential buildings that identification be given as to the company, person, representative or agency to be contacted in case of its activation. Only one such sign shall be allowed per street face for each system installed and the sign area shall be limited to 140 square inches, except additional signs may be permitted by the town council upon application, only when such signs are found by the board to be necessary for the safety and welfare of the occupants or property involved.

(Ord. No. 633, § 2, 2-22-2010)

Sec. 70-8. - Construction signs.

Whenever a building permit has been issued for the construction, alteration or repair of a structure, and work is in progress on the site pursuant to such permit, contractors or architects engaged in such work during the time such work is going on, may display on the site their sign, which may be either made of materials permitted for permanent or temporary signs as prescribed in this chapter, provided, however, that the following area requirements are complied with:

- (1) No such individual sign displayed on the building site shall be of an area larger than 20 square feet.
- (2) No individual contractor or architect shall display more than one sign on any building site at any given time.
- (3) The total area of construction signs displayed at any one time on the building site, considered together, shall not exceed 30 square feet.

Exceptions: Signs identifying the property or project, signs used for directional or access control, and signs used for posting of notices required by other ordinances, laws or regulations, may be approved by the town manager or a designated representative.

(Ord. No. 633, § 2, 2-22-2010)

Sec. 70-9. - Temporary real estate signs.

- (a) *Generally* . Temporary real estate signs are such signs as may be needed from time to time to indicate that the premises are for sale or for rent.
- (b) *Number and size*. Such signs shall be limited to one such sign for each property frontage involved and no single sign shall exceed 20 square feet in area or contain lettering exceeding 12 inches in height. Exception: Signs located on property fronting a State Highway or FM 1938 may not exceed 40 square feet.
- (c) *Contents*. Such signs shall contain only the following information:
 - (1) That the property is for sale, lease or exchange by the owner or his/her agent.
 - (2) The owner's or agent's name.
 - (3) The owner's or agent's address and telephone number.
 - (4) When appropriate to the occasion, the words "open house" or "inquire within."
 - (5) The town name provided the majority of the property is located within the Town of Westlake.
 - (6) A graphic or pictorial representation of the proposed development or structures.
 - (7) The name of the project or development, subject to approval by the town manager or a designated representative. The objective being not to permit signage that could be confusing or misleading and not to advertise development outside the Town of Westlake.
- (d) *Conditions*. Such signs shall not be located on or over public property and may only be displayed on the property that is for sale, exchange or lease. Temporary signs may be made of the same material permitted for permanent signs, and in addition, may be made of less durable materials and woods such as pasteboard; but in no event shall be self-illuminated, luminescent, fluorescent, or have any characteristic which will make them glow or shine. Such signs shall be removed upon agreement of sale, exchange or lease. Upon notice of from the town to the property owner that the sign is in disrepair, the property owner shall remedy the disrepair or remove the sign within 30 days.

(Ord. No. 633, § 2, 2-22-2010)

Sec. 70-10. - Temporary business signs.

- (a) *New business grand opening banner*. The following regulations apply to banners allowed at new business locations:
 - (1) A banner allowed under this section may only be placed upon the issuance of the certificate of occupancy for a new business by the town manager or designee. Subject to the time limitation below, the banner may be placed at any time within one year of the issuance of the certificate of occupancy.
 - (2) Only one banner shall be permitted per premises;
 - (3) The banner shall not exceed 50 square feet in size;
 - (4) The banner shall be attached to the principal structure, or leased portion of the building if located in a building that is occupied by more than one tenant;

- (5) Upon placement, the banner must be removed no later than 60 calendar days from the date it was first displayed;

(Ord. No. 806, § 2, 12-12-2016; Ord. No. 818, § 2, 2-27-2017; Ord. No. 821, § 2, 4-24-2017)

Editor's note— Ord. No. 806, § 2, adopted December 12, 2016, enacted a new § 70-10 to read as set out herein; and renumbered §§ 70-10—70-19 as §§ 70-11—70-20.

Sec. 70-11. - Removal of signs, display cases.

- (a) *Generally* . Signs or display cases which have been abandoned due to a closing of a business, a change in business name or for any other reason rendering the sign or display case not applicable to the property involved, shall be removed by the permit holder or the owner of the building or premises within ten working days from the date of the action that caused the sign or display case to be considered abandoned. A condition of approval for all signs or display cases shall be that the permit holder or owner of the building or premises, at his/her own expense, remove all signs or display cases. An abandoned sign or display case may be removed by the town after the ten-working-day period, and the permit holder or owner may be charged for the cost of removal. New signs for a building or property on which an abandoned sign is located shall not be approved until the abandoned sign is removed. Approval may be given on the condition that the abandoned sign is removed before a new sign is erected.
- (b) *Hearing*. The town council shall hold a hearing to determine when a sign or display case is abandoned. Ten days' written notice of the hearing shall be sent by certified mail to the permit holder at his/her last known address, and to any other address at which there is reason to believe he/she might receive mail, and to the owner at his/her address. The notice shall state:
 - (1) A general description of the sign or display case.
 - (2) That upon a finding of abandonment, the sign or display case shall be held by the town for 15 working days and then disposed of by sale if determined to be of a value of \$100.00 or more, or disposed of in any manner if worth less than \$100.00.
 - (3) Where the sign or display case may be reclaimed.
 - (4) That the reasonable costs of removal may be assessed at the hearing along with an administrative charge.
 - (5) That the hearing and assessments can be avoided by the removal of the sign or display case within 72 hours after the date of the notice.
- (c) *Cost assessment*. The town council shall determine the reasonable cost to the town of removing the sign or display case and if an administrative charge should be assessed. Administrative costs shall be \$100.00 unless otherwise determined by resolution of the board. Proceeds shall be first applied to pay assessed costs, administrative costs, and other costs reasonably incurred.

(Ord. No. 633, § 2, 2-22-2010)

Editor's note— Ord. No. 806, § 2, adopted December 12, 2016, renumbered § 70-10 as § 70-11. See editor's note at § 70-10 for more information.

Sec. 70-12. - Time limitation of approved applications.

Approved applications for signs or display cases shall be considered null and void when any of the conditions below are found to exist:

- (1) That such sign or display case was not built or placed in accordance with the approval granted.

- (2) That the sign or display case was not placed on the site within 90 days of approval and no extension of time has been granted by the town manager or a designated representative.
- (3) That the business license has lapsed or become inactive, or the sign is considered abandoned as described in section 70-10.

(Ord. No. 633, § 2, 2-22-2010)

Editor's note— Ord. No. 806, § 2, adopted December 12, 2016, renumbered § 70-11 as § 70-12. See editor's note at § 70-10 for more information.

Sec. 70-13. - Signs and display cases within commercial districts.

- (a) *Generally.* All signs or display cases in the commercial districts require a sign permit. The town manager or a designated representative may, subject to the standards set forth in this chapter, approve an application for a sign or display case. All permits shall be for a specific location and the moving of such signs or display cases shall require a new permit. The regulations in this section shall apply within the commercial districts.
- (b) *Prohibited signs and display cases.* No sign or display case shall be permitted that:
 - (1) Is incompatible in design with the building and space allotted.
 - (2) Is flashing phosphorescent, moving or primarily glossy.
 - (3) Projects or extends above the eave or parapet line, if attached to any structure.
 - (4) Is for a business which does not have a certificate of occupancy on file with the town.
 - (5) Could create confusion to the public or to police and fire response calls in emergencies, or tends to degrade the character of the town, affect the peace, health and welfare of the community or result in a degradation of property values and/or an increase in the cost of municipal services.
- (c) *Maximum allowable sign area.* The maximum aggregate area of all signs shall not exceed the following for buildings within the commercial district:
 - (1) The maximum aggregate sign area of all signs on a building is four percent of the aggregate area of all street facing building facades.
 - (2) The maximum aggregate sign area of all signs advertising any one business is the lesser of (a) 180 square feet or (b) the greater of 20 square feet or four percent of the street facing building facade occupied by such business. Each business that occupies any portion of a street facing building facade shall be entitled, as a minimum, to one 20 square foot sign notwithstanding the aggregate limits set forth herein.
 - (3) Signs must be architecturally consistent with the buildings to which they are attached.
 - (4) A building designed in such a way as to have business locations within the interior of the structure served by an interior mall or by other means of ingress and egress by the public shall be limited to one sign at each entry identifying the building or mall name and a directory which may contain the names of all businesses within the building. Individual businesses within the building shall be limited to one projecting sign not to exceed three square feet in area or one flat sign not to exceed six square feet in area when approved by the town council. Interior business locations shall not be entitled to individual signs on the exterior of the building adjacent to the public way or individual signs within the mall or walkway area of the building other than as permitted in this subsection.
 - (5) The town council may make special exemptions to the allowable areas in this subsection where hardship is incurred or where unusual design of a building requires special consideration.

- (d) *Signs exempt from formal review.*
- (1) Interior signs of 160 square inches or less when the aggregate area does not exceed that allowable for interior signs.
 - (2) Temporary signs as provided for in this chapter.
 - (3) Political signs so long as they do not exceed the maximum square footage provisions of this section. Thirty days after the election, which includes any run-off election, all political signs pertaining to such election shall be removed or be subject to removal by the town. Candidates shall be responsible for removal of their political signs. If the town removes the signs, it may assess the candidate the actual costs of removal.
 - (4) Signs advertising civic events sponsored by the town, Westlake Academy or other local civic clubs provided that no sign shall be allowed to remain posted longer than seven days before the event and be removed within 24 hours of the conclusion of the event. Location of these temporary signs must be approved in advance by the town manager or his designee.
- (e) *Sign area.* In calculating the area of signs, the following shall apply:
- (1) All faces of a multi-faced sign shall be included except for double-faced signs in which case only one face shall be included.
 - (2) For irregular shaped signs, the area shall be that of the smallest rectangle that will wholly contain the sign.
 - (3) That with the exception of signs which are allowed to be painted directly on a wall the area of a sign shall include the board or other material of which the sign is a part, including framing, visual or otherwise, but exclusive of the brackets from which the sign is hung.
- (f) *Standards for display cases.*
- (1) All display cases shall be in size and scale with their surroundings and shall be designed in keeping with the existing architecture.
 - (2) Display cases shall not exceed ten square feet in area or ten cubic feet in total volume.
 - (3) Display cases shall contain but one sign no larger than necessary to identify the owner of the case and direct the public to the store where the merchandise displayed is sold. The sign shall not exceed 24 square inches.
 - (4) Display cases shall be located on the same property as the business premises to which the display case applies.
 - (5) All display cases shall be maintained in accordance with the approval granted for their placement.
 - (6) Merchandise displayed in the case shall be typical of products for sale in the business premise and the case shall not be used to display wares of another business located elsewhere or of merchandise not available in the store to which the display case has been permitted.
- (g) *Special exceptions.* The town council may consider resolutions which grant special exceptions to this subsection where hardship is incurred or where unusual circumstances warrant special consideration.

(Ord. No. 633, § 2, 2-22-2010; Ord. No. 745, § 2, 1-26-2015)

Editor's note— Ord. No. 806, § 2, adopted December 12, 2016, renumbered § 70-12 as § 70-13. See editor's note at § 70-10 for more information.

Sec. 70-14. - Residential districts.

- (a) *Generally.* The regulations in this section shall apply to all signs in the residential districts.
- (b) *Prohibited signs.* The following signs are prohibited in residential districts:
 - (1) Self-illuminated, luminescent, fluorescent signs or signs having any characteristic which makes them glow or shine.
 - (2) Signs other than temporary signs described elsewhere in this chapter, which are made of cardboard or less permanent material.
 - (3) Permanent signs exceeding an aggregate area of four square feet when not otherwise authorized through a use permit.
 - (4) Temporary signs which:
 - a. Exceed four square feet in area.
 - b. Have letters exceeding four inches in height.
 - c. Total more than two such signs on a single-family building site.
 - d. Construction signs exceeding that allowable under this chapter.
 - e. Any sign not expressly allowed in this chapter.
- (c) *Allowable signs.* The following signs are allowable in residential districts:
 - (1) House name signs and occupants' name plates.
 - (2) House name signs and occupants' name plates. Meaning those signs which, by their nature and wording, identify either the house or its occupant, or both. Such signs may include pictorial and decorative designs as well as words, and may be in any shape or form, but shall not exceed four square feet in area. The name of a ranch or farm when incorporated into an entranceway or gate to the property is exempt from these provisions if such has been approved by the town council. The names or designs denoting ranches in existence on May 9, 1994, are exempt from the provisions of this chapter.
- (d) *Home occupation signs.* Home occupation signs are those signs designating a permitted home occupation in the residential district being carried on at the site, and are only permissible in the R-5 Country Residential District. The legend designating the home occupation may be merged with house names or occupant's type sign, thus constituting one sign; or may, at the occupant's option, be stated on a separate sign; providing, however, that such separate sign shall not exceed an area of two square feet.
- (e) *Temporary signs.* Temporary signs shall be as provided for in this chapter. In addition, one garage sale, rummage sale or estate sale sign not exceeding three square feet or having letters exceeding three inches in height may be displayed on the site during the hours of the sale.
- (f) *Political signs.* Political signs may be placed on the property provided they do not exceed four square feet in area provided that:
 - (1) No political sign may be placed in the public roadway or easement adjacent to such roadway or placed in any location which would cause a traffic hazard by obscuring or in any manner blocking the vision of any driver of a vehicle using the public street or entering any such street.
 - (2) Thirty days after the election, which includes any run-off election, all political signs pertaining to such election shall be removed or be subject to removal by the town pursuant to the provisions of this chapter.
- (g) Signs designated "No Handbills Allowed" or "No Soliciting Allowed" shall not exceed two inches by 12 inches

(Ord. No. 633, § 2, 2-22-2010)

Editor's note— Ord. No. 806, § 2, adopted December 12, 2016, renumbered § 70-13 as § 70-14. See editor's note at § 70-10 for more information.

Sec. 70-15. - Construction.

(a) *Generally.*

- (1) All signs shall be constructed and supported to withstand a horizontal pressure of 30 pounds for every square foot of exposed surface. All structural members, hangers, braces, tie rods, cables, anchors and fastenings shall be of sufficient strength to withstand the stresses that may be brought upon them with a factor of safety of six.
 - (2) Signs weighing 20 pounds or less attached to the wall of a building may have the cable or wire hanger anchored with an expansion shield and bolt; provided, that the wall is sound and the projection of the sign is not excessive in relation to the size of the wall and pitch of the hanger. Wall anchors for guy cable or wires for such signs shall be expansion shields and bolts or through bolts fastened on the opposite side of the wall. No staples or nails shall be used for anchoring any guy wire or cable.
 - (3) Where signs and sign frames are supported or suspended with chains or wire, chains or wire of not less than No. 8 B & B standard gauge shall be used. Chain supports shall have welded links of not less than 3/16 of an inch in diameter. No cable shall be tied or loosely twisted around any anchor or any other support, but shall be properly sized around the anchor or joined into a loop and the loose end fastened to the standing part of the cable with approved clips or clamps. Where signs are bolted to supports, the bolts shall be supplied with lock nuts. All cable and wire used in hanging signs shall be galvanized. All other supports and exposed structural parts shall be maintained in a safe condition at all times and kept in good condition and repair.
- (b) *Signs erected upon or anchored to fire wall or coping.* No sign shall be erected upon the fire wall or coping of any building unless such wall is especially designed to carry the additional load. No sign shall be anchored to such wall, but shall be attached to and supported by other structural parts of the building.
- (c) *Glazing: strength of glass.* The glazing of signs shall be done in a substantial manner. Glass shall be well bedded in putty and secured in substantial frames of copper or zinc tracery. Glass may be plate or double strength. In no case shall glass less than one-eighth of an inch in thickness be used. No single light of plate glass shall exceed 200 square inches in area. No light of double strength glass shall exceed 600 square inches in area.
- (d) *Obstruction of lighting and utilities.* No outside advertising shall be so placed as to appreciably obstruct the lighting of any street, alley or public property, or interfere with any public utility service or traffic control device.
- (e) *Obstruction of fire escapes.* No sign of any kind shall be placed in any position in such a manner as to obstruct any fire escape, door, window or other passageway leading to a fire escape or to a street exit, nor shall a sign be fastened in any manner to a fire escape.

(Ord. No. 633, § 2, 2-22-2010)

Editor's note— Ord. No. 806, § 2, adopted December 12, 2016, renumbered § 70-15 as § 70-16. See editor's note at § 70-10 for more information.

Sec. 70-16. - Placement on another's property.

It shall be unlawful for any person to post, paint or otherwise exhibit any billboard, advertisement, poster, bill or other notice or sign, on any property not owned or controlled by him, without the permission of the person owning or controlling such property.

(Ord. No. 633, § 2, 2-22-2010)

Editor's note— Ord. No. 806, § 2, adopted December 12, 2016, renumbered § 70-15 as § 70-16. See editor's note at § 70-10 for more information.

Sec. 70-17. - Placement on vehicles.

It shall be unlawful for any person to place or cause to be placed anywhere in the town, any poster, placard, handbill, or advertising material on any vehicle, or in any location, in such a manner that the poster, placard, handbill, or advertising material may reasonably be expected to be blown about by the wind. It shall be presumed that the person's name that appears on such poster, placard, handbill, or advertising material has knowledge of the location and manner that such item was placed. It shall be further presumed that if a large number of such items are found scattered about and being blown about by the wind that the items were placed in such a manner that they might reasonably be expected to be blown about by the wind.

(Ord. No. 633, § 2, 2-22-2010)

Cross reference— Traffic and vehicles, ch. 90.

Editor's note— Ord. No. 806, § 2, adopted December 12, 2016, renumbered § 70-16 as § 70-17. See editor's note at § 70-10 for more information.

Sec. 70-18. - Placement of outdoor advertising on trees, rocks, other natural features.

It shall be unlawful for any person to erect, maintain or paint any sign, billboard or other outdoor advertising upon a tree, rock or other natural feature.

(Ord. No. 633, § 2, 2-22-2010)

Cross reference— Vegetation, ch. 98.

Editor's note— Ord. No. 806, § 2, adopted December 12, 2016, renumbered § 70-17 as § 70-18. See editor's note at § 70-10 for more information.

Sec. 70-19. - Prohibited advertising devices.

The following types of signs and advertising devices are not permitted within the corporate limits of the town:

- (1) Advertising searchlights.
- (2) All off-premises commercial signs and billboards.
- (3) Sky signs.
- (4) Sandwich or "A-frame" signs.
- (5) Sidewalk or curb signs.
- (6) Tethered pilotless balloons or other gas-filled advertising devices.
- (7) Signs placed on vehicles and used as stationary advertising devices.
- (8) Mobile advertising.

(9) Changeable copy sign.

(Ord. No. 633, § 2, 2-22-2010; Ord. No. 745, § 2, 1-26-2015)

Editor's note— Ord. No. 806, § 2, adopted December 12, 2016, renumbered § 70-18 as § 70-19. See editor's note at § 70-10 for more information.

Sec. 70-20. - Functions of the town council.

Signs that do not comply with all of the applicable regulations contained within this chapter may seek approval by the town council after receiving a recommendation from the planning and zoning commission. The town council may consider resolutions which grant special exceptions to this chapter where hardship is incurred or where unusual circumstances warrant special consideration.

In reviewing the applications, the council will uphold the intent of this chapter and will ensure that the signs will be compatible with the property and use thereof, and will not create hazards, confusion, poor aesthetics, loss of business, clutter and garishness, adversely affect the stability and value of property, or produce degeneration of property with attendant deterioration of conditions affecting the peace, health and welfare of the town.

(Ord. No. 633, § 2, 2-22-2010; Ord. No. 745, § 2, 1-26-2015)

Editor's note— Ord. No. 806, § 2, adopted December 12, 2016, renumbered § 70-19 as § 70-20. See editor's note at § 70-10 for more information.