

**Ordinance #1965
City of Terrell, Texas**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS,
AMENDING ORDINANCE NO. 1905, SECTION 3:
DEFINITIONS; SECTION 23: TEMPORARY AND PORTABLE
SIGNS; AND SECTION 21.2e(1)B: PERMITTED SIGNS
ADJACENT TO INTERSTATE HIGHWAY 20 AND SPUR 557;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
PENALTY AND ESTABLISHING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, THAT:

GENERAL PROVISIONS

Section 3: Definitions

Section 3: Definitions is hereby amended by adding the following definitions:

Banner – A type of temporary sign that is generally constructed of lightweight plastic, fabric or a similar material, that is over one (1) square foot in size, and that is mounted/tethered to a pole(s), building or other structure at one or more edges. A banner typically (but not always) exhibits a text message and/or a symbol(s) for the business located on the property or for a product or service provided by that business. National/state or local governmental flags are not considered banners (see “Flag” below).

Banner, Changeable – A type of banner which is mounted/tethered to the supporting structure in a semi-permanent manner (i.e., it is intended to be changed out periodically using a permanently affixed mounting device such as hooks, brackets, tethers, etc.). Although the message portion of a changeable banner changes periodically, the banner location and mounting device is designed to remain in the same place permanently. The general size and configuration of a changeable banner shall remain the same as the original installation.

Banner, Temporary – A type of banner which is mounted/tethered to the supporting structure in a non-permanent manner (i.e., it is intended and designed to be used for only a short time period after which it is removed, leaving no mounting device or other evidence of its presence in place).

Flag – Any fabric or bunting containing distinctive colors, patterns, words and/or insignia which is used as a symbol for a government, political subdivision or some other professional, religious, educational or nonprofit corporate entity, provided that such device is displayed for noncommercial (i.e., not-for-profit) purposes.

Pennant – A type of temporary sign that is generally constructed of lightweight plastic, fabric or a similar material, that is less than one (1) square foot in size, that is mounted/tethered to a pole(s), building or other structure by a rope, wire, string or similar device, usually in series (i.e., more than one on a string), and that is designed to move in the wind (i.e., flutter) to attract attention. A pennant may or may not exhibit a text message or symbol of any kind, and may be a single color or several colors. For the purposes of this ordinance, a string of multiple pennants and/or streamers, of whatever length, shall also constitute a “pennant”.

Section 23: Temporary and Portable Signs

Section 23.4 is hereby deleted in its entirety and replaced as follows:

- 23.4 Temporary signs including banners for non-residential uses only may be permitted when such signs are located on the premises of the non-residential uses, and are subject to the following restrictions:
- A. No such signs shall be erected unless a permit is first procured from the Building Official. Portable signs shall not be converted to become permanent on-premise signs, unless such conversion conforms to this ordinance and is properly permitted under the provisions of this ordinance as a permanent sign.
 - B. No permit fee is required for temporary signs under this section for public, religious, educational or charitable institutions.
 - C. Sign shall not exceed thirty-two (32) square feet in size, except as provided for banners in subsection I. below.
 - D. The permit for a temporary sign including a temporary banner may be issued for a maximum of thirty (30) days, with a maximum of three (3) temporary sign permit issued each year for each business. No permit for the same location shall be issued until a minimum of thirty (30) days has elapsed since the previous permit expired. Said temporary sign shall be physically removed from the referenced location upon expiration of the permit.
 - E. Temporary signs, including banners, shall be set back a minimum of fifteen feet (15') from the curb or edge of pavement, and completely outside of City right-of-way. Further, said sign shall not be located within the intersection visibility triangle area, and shall not obstruct visibility of motorists or pedestrians.
 - F. **(Such) Temporary** signs, **including banners**, may be internally or indirectly lighted; however, such lighting shall not be of a flashing, intermittent, moving or similar lighting type. Any **temporary (such)** sign located within a residentially zoned district shall not be lighted.

- G. All temporary signs, including banners, shall be securely attached to their mounting structures at all times, shall not project above the roof line of the building on the premises, and shall not be attached to or suspended from any other sign, including poles, a fence/wall, or a structure other than a building (See Section 20.6).
- H. All temporary signs, including banners, shall be kept in good repair (i.e., not tattered, unanchored, faded, frayed or unsightly).
- I. Additional Regulations for Banners:
- (1) Banners shall not exceed forty (40) square feet in size, except when used adjacent to Interstate Highway 20 and Spur 557 banners shall not exceed sixty (60) square feet in size.
 - (2) Pole-mounted banners (i.e., banners affixed to light poles) shall be securely attached to their poles with metal brackets or other suitable mounting device, and shall not be located any closer together than a minimum twenty-foot (20") spacing. Pole-mounted banners shall not be connected together or suspended between their respective poles. A display of more than one (1) pole-mounted banners shall be permitted as a single installation (i.e., one sign permit required); however, each banner to be displayed shall be assessed a separate fee pursuant to Section 8 of the Sign Ordinance. Pole-mounted banners shall have a minimum vertical height clearance of ten feet (10;) over parking areas, sidewalks and landscaped areas, and fourteen feet (14" over street rights-of-way and fire lanes. Such banners shall be allowed to have a text message, logo or symbol identifying the business or its goods/services. The total size of each banner as permitted herein shall not exceed twenty-four (24) square feet (except as provided in (a) below), and the banner shall not be less than two feet (2') in width nor more than ten feet (10') in length (except as provided in (a.) below or greater than twenty percent (20%) of the surface height of the pole to which it is attached.
 - (a) Where used adjacent to Interstate Highway 20 and Spur 557 (inclusive of the interchange of Spur 557 and U. S. Highway 80, for a depth of 660 feet and a distance of _____ feet along U. S. Highway 80 west of the interchange), such banners shall not exceed thirty-six (36) square feet, and they shall not be less than three feet (3') in width nor more than twelve feet (12') in length or greater than twenty percent (20%) of the surface heights of the pole to which it is attached.
 - (3) Linear banners (i.e., banners that are typically longer/wider than they are tall, and affixed to a wall surface or between short poles) shall be securely attached to the building (or their poles), and shall not be located any closer together than a minimum twenty-foot (20') spacing (i.e., cannot be connected together). Each linear banner shall require a separate sign permit, including payment of a separate fee for each banner pursuant to Section 8 of the Sign Ordinance. The size and height of linear banners shall conform with the requirements for attached signs (if mounted on a building face) within the zoning district wherein the banner(s) will be located. Linear banners are limited to one (1) per three (3) acres of property (i.e., the size of the lot) per street frontage (for example, a nine-acre lot can have three linear banners per street frontage). Linear banners shall be allowed to have a text message, logo or symbol identifying the business or its goods/services.
 - (4) Special Provisions for Changeable Banners – The size, location, configuration and general appearance of approved, permitted changeable banners shall not substantially deviate from that of the original installation. A permit for changeable banner shall be valid for a period of one (1) year, and an application must be submitted to the City for renewal each year. Failure to comply with any provision of this ordinance will immediately void any permit then in existence, and will constitute grounds for denial of a renewed permit.
 - (5) Special Provisions for Temporary Banners – Temporary banners shall adhere to all regulations within this ordinance pertaining to other types of temporary signs.

- J. Pennants shall be prohibited in any zoning district, except in conjunction with a grand opening event (see Section 21.2p.(6)).

Section 21: Permitted Signs

Paragraph b. of Section 21.2 E.(1), shall be deleted in its entirety and replaced with the following:

- E. Highway/freeway frontages. Any signs adjacent to a State-owned highway/freeway shall be subject to the Texas Highway Beautification Act, "Outdoor Advertising Signs".
- b. An on-premise, detached sign adjacent to a highway/freeway shall not exceed thirty feet (30') in height, except adjacent to Interstate Highway 20 and Spur 557 (inclusive of the interchange of Spur 557 and U. S. Highway 80, for a depth of _____ feet and a distance of _____ feet along U. S. Highway 80 west of the interchange) where the maximum height shall not exceed seventy feet (70') (fifty feet (50')).as measured from the grade elevation at its base. The City may, at its option, require certification of signs proposed to be erected under this Ordinance that they comply with the size and height requirements as set for the within this Ordinance. Said certification, if required by the City, shall be sealed by a registered professional engineer or surveyor. The City also may, at its option, require similar certification of existing signs which were in existence prior to the effective date of this Ordinance, and may stipulate provisions for remediation for any sign which is determined to not be in compliance with this Ordinance.

Section 26: Responsibility for Violations

The owner or lessor of the sign, the lessee of the sign, the owner of the land or structure where the sign is located, or the person responsible for erecting the sign or structure are all subject to the provisions so this ordinance, and are therefore subject to the penalty(s) hereinafter provided for noncompliance with this ordinance.

Section 27: Penalties

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof after due process of law, shall be fined an amount not to exceed two hundred dollars (\$200.00) per offense. Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder.

PASSED AND APPROVED THIS _____ DAY OF _____ 1999.
PASSED AND ADOPTED THIS _____ DAY OF _____ 1999.

HENRY C. MADGWICK, SR.
MAYOR

ATTEST:

JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY

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PASSED AND APPROVED THIS 6th DAY OF APRIL 1999.
PASSED AND ADOPTED THIS 20th DAY OF APRIL 1999.

HENRY C. MADGWICK, SR.
MAYOR

ATTEST:

JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY

ILLUSTRATIONS

Illustration 1
EFFECTIVE AREA OF SIGN

Illustration 2
TYPICAL MONUMENT SIGNS

Illustration 3
PROJECTING SIGN