

ORDINANCE NO. 129

AN ORDINANCE OF THE TOWN OF ST. PAUL, COLLIN COUNTY, TEXAS, PROVIDING FOR THE ADOPTION OF SIGN REGULATIONS RELATING TO PERMITTED SIGNS, PROHIBITIONS, AND REMOVAL; PROVIDING FOR THE REGULATION OF SIGNS IN THE TOWN'S EXTRATERRITORIAL JURISDICTION; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH DAY OF VIOLATION; AND PROVIDING FOR CONFLICTS, SEVERABILITY, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, The Town of St. Paul does not currently have an ordinance addressing the issue of signs within the corporate limits and extraterritorial jurisdiction of the Town;

WHEREAS, The St. Paul Town Council finds that the attached regulations are in the best interest of the Town of St. Paul because such regulations protect the rights of its citizens while protecting the legitimate interests of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. PAUL, COLLIN COUNTY, TEXAS:

SECTION 1. ADOPTION.

The "Sign Regulations" marked and attached hereto as Exhibit "A", and included herein for all purposes, is hereby adopted by the St. Paul Town Council.

SECTION 2. EXTENSION OF SIGN REGULATIONS INTO EXTRATERRITORIAL JURISDICTION

The St. Paul Town Council hereby extends the provisions of its Sign Regulations and the enforcement of such regulations to include the extraterritorial jurisdiction of the Town of St. Paul as defined by the Municipal Annexation Act (Ch. 42, Local Government Code).

SECTION 3. CONFLICTS.

All ordinances and provisions of the Town of St. Paul, Texas, that are in conflict with this Ordinance shall be and the same are hereby repealed, and all ordinances and provisions of ordinances of said Town not so repealed are hereby retained in full force and effect.

SECTION 4. SEVERABILITY.

It is the intent of the St. Paul Town Council that each paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be deemed severable and, should any such paragraph, sentence, subdivision, clause, phrase, or section be declared invalid or unconstitutional for any

reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this Ordinance left standing.

SECTION 5. PUBLICATION.

In accordance with Section 52.011 of the Texas Local Government Code, the caption of this Ordinance shall be published in one (1) issue of the official newspaper of the Town of St. Paul.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect upon publication.

APPROVED AND ADOPTED by the Town Council of the Town of St. Paul, Collin County, Texas, on this 12th day of June, 2000.

APPROVED:

(signed) _____
Joyce Pockrus, Mayor

ATTEST:

(signed) _____
Marie Finley, Town Secretary

APPROVED AS TO FORM:

(signed) _____
James W. Wilson, Asst. Town Attorney

EXHIBIT ‘A’
SIGN REGULATIONS
Of The
TOWN OF ST. PAUL, TEXAS

Section 1. Extension of Sign Regulations Into Extraterritorial Jurisdiction

The provisions of this Ordinance and the enforcement of such regulations extend to and include the extraterritorial jurisdiction of the Town of St. Paul as defined by the Municipal Annexation Act (Ch. 42, Local Government Code).

Section 2. Definitions.

As used in this Ordinance unless the context otherwise indicates:

- A. “Animated sign” means any sign having copy or other images that flash, move, or otherwise change.
- B. “Building Official” means the individual designated and charged by the Town with code and ordinance enforcement.
- C. “Copy” means letters, characters, illustrations, logos, graphics, symbols, writing or combination thereof designed to communicate information of any kind or to advertise, announce the purpose of, or identify the purpose of a person or entity, or to identify or advertise a business or business product, or to advertise the sale or lease of a premise.
- D. “Erect” means to build, construct, attach, hand, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure.
- E. “Freestanding sign” means any self-supporting sign connected to the ground, and which is not attached to a building for reasons of support.
- F. “Gross surface area” means the entire area within a single, continuous perimeter enclosing the extreme limits of each sign.
- G. “Height” as applied to signs, means the vertical distance measured from an average elevation of the finished grade along the area of sign installation, excluding any artificial berm, to the highest part of the sign or its supporting structure, whichever is higher.

- H. “Illuminated sign” means any sign which is directly lighted by an electrical or artificial light source, internal or external. This definition does not include signs that are illuminated by street lights or other light sources owned by any public agency or light source that are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself.
- I. “Lot” means any tract of land designated as a “lot” within a subdivision or any tract of land with one or more adjacent parcels under common ownership.
- J. “Off-premise Sign” means a sign that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
- K. “Person” means and includes any person, firm, partnership, association, corporation, company or organization of any kind.
- L. “Portable sign” means any sign that is not securely connected to the ground in such a way that it cannot easily be moved from one location to another, including signs which are mounted on skids, trailers, wheels, legs or stakes, but not including vehicular signs, political signs, or signs that refer solely to the sale or lease of the premises.
- M. “Sign” means and includes every sign, name, number, identification, description, announcement, declaration, demonstration, device, display, banner, pennant, illustration, beacon, light of insignia and structure supporting any of the same, affixed directly or indirectly to or upon any building, outdoor structure, or erected inside a building in a manner so as to be readily visible from the exterior of said building, or erected or maintained upon a piece of land, which directs attention to an object, product, service, place, activity, person, institution, organization or business, save and except street address letters and numerals.
- N. “Town” means the Town of St. Paul, Texas.

Section 3. Permitted Signs.

The following classifications of signs are herein established and permitted within the Town of St. Paul, in accordance with the following:

- A. *CLASS 1 – Minor Signs.*
 - 1. One (1) non-illuminated sign shall be permitted on any lot within the Town, save and except corner lots which shall be allowed one (1) sign for each side of a corner lot that is contiguous and adjacent to a public right-of-way. The gross surface area of the sign shall not exceed six (6) square feet, and the sign shall not exceed five feet (5’) in height.

2. A permit is not required to erect a CLASS 1 – Minor Sign.
- B. CLASS 2 – *Temporary Signs*.
1. One (1) non-illuminated sign shall be permitted on a building site during construction. The gross surface area of the sign shall not exceed sixteen (16) square feet, and the sign shall not exceed eight feet (8') in height. The temporary sign shall be removed when construction is complete.
 2. A permit is required prior to erecting a CLASS 2 – Temporary Sign.
- C. CLASS 3 – *Permanent Signs*.
1. On property zoned for commercial use only, one (1) sign relating to each separate business located on the premises may be erected on such premises. The gross surface area of the sign shall not exceed forty (40) square feet, and the sign shall not exceed twenty feet (20') in height.
 2. Permanent signs may be illuminated.
 3. A permit is required prior to erecting a CLASS 3 – Permanent Sign.

Section 4. Prohibited Signs.

- A. The following signs or conditions are prohibited.
1. Off-premise signs including, but not limited to, temporary real estate directional signs and billboards.
 2. Signs erected or placed in any right-of-way or easement belonging to the Town or any other agency or branch of government; and whether owned in fee or by easement therein, or by prescription or limitation. This prohibition does not apply to traffic control devices or signals installed by the Town, Collin County or the State of Texas.
 3. Animated signs including, but not limited to, signs that flash, reflect, blink, or which effect changes in hue or intensity of illumination.
 4. Moving signs including, but not limited to, pennants, banners, streamers, signs that rotate or move, and generally, signs having parts which may be set in motion by mechanical electrical or atmospheric means.
 5. Signs which emit sound, odor or visible matter.
 6. Portable Signs.

- B. It shall be unlawful for any person to erect, cause to have erected, or allow to remain erected any sign or condition prohibited in this section, and a person shall remove such sign or correct such condition immediately upon notice by the Town.

Section 5. Exempt Signs.

Except as provided herein, the following signs or conditions are exempt from these regulations.

- A. Displays of official or public notices in accordance with a court order, or local, state, or federal law.
- B. The flag, emblem, or insignia of a nation, political unit, school, or religious group.
- C. Signs located completely within an enclosed building.
- D. Governmental signs for control of traffic or other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and/or aids to service or safety.
- E. Temporary political signs, provided the signs are not erected more than thirty (30) days prior to the election to which they apply, and are thereafter removed within seven (7) days following the election to which they apply.
- F. Temporary holiday lights and decorations which are incidental, customary and commonly associated with any national, local, or religious holiday.
- G. Non-illuminated signs which identify the address and/or name of the owner or occupant of a lot, tract or parcel of land. The gross surface area of such a sign shall not exceed three (3) square feet.

Section 6. General Regulations.

All signs shall conform to the general regulations provided herein:

- A. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape except signs directly relating to such.
- B. No sign shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or device.
- C. The owner of any sign as defined in this Ordinance shall maintain all parts and support of said sign in good condition to prevent deterioration, oxidation, rust, paint peeling, and other unsightly conditions.

- D. Signs in which electrical wiring and connections are used shall comply with the requirements of the Town's electrical and building codes. No electric wiring associated with a sign shall be visible to public view.
- E. A minimum setback of ten feet (10') is required on all free-standing signs.

Section 7. Removal of Signs.

- A. Any sign erected after the effective date of this Ordinance that does not comply with this Ordinance shall be removed by the owner, agent or person having beneficial use of the premises within ten (10) days after the receipt of a notice to remove from the Town.
- B. Any sign which is found to be unsafe or insecure shall be removed or repaired within ten (10) days after notice to the owner or permittee. If the owner or permittee fails to act within ten (10) days, such sign may be removed by the Town at the owner's or permittee's expense. A sign which is an immediate peril to persons or property may be summarily removed by the Town without notice.

Section 8. Sign Permits

- A. When required under the provisions of this Ordinance, it shall be unlawful for any person to erect, place, display, alter or relocate a sign without first obtaining a permit or permits from the Town.
- B. Every application for a sign permit shall be accompanied by a drawing or plot plan in triplicate, together with such other copies as the Building Official may require for review, showing the lot lines, subdivision name, the lot and block numbers, the location of the sign on the lot, accurate dimensions of sign and lot, the means or method of illumination, if any, and such other information as may be necessary to provide for the enforcement of this Ordinance. A copy of the application and plans shall be kept in the office of the Building Official and a duplicate copy of the approved application shall be at the sign at all items during construction.
- C. The Building Official may suspend or revoke a permit issued on the basis of an applicant's material omission or misstatement of fact.

Section 9. Nonconforming signs

- A. Lawfully constructed signs in existence on the effective date of this Ordinance shall be classified as nonconforming if in conflict with the provisions of this ordinance.

- B. A nonconforming sign shall not be altered, enlarged, extended or relocated.
- C. A nonconforming sign shall not be converted to another nonconforming sign by changing copy, except as follows: A lawfully constructed sign in existence on the effective date of this Ordinance which is designed to allow the changing of copy, such as a bulletin or message boards, joint identification tenant signs, or gasoline pricing signs, may be changed where such individual letters, numerals, or name panels are readily interchangeable.
- D. A nonconforming sign that is destroyed by fire, the elements, or other cause, shall not be rebuilt except to conform to the provisions of this Ordinance. A nonconforming sign that is damaged or has deteriorated, by any means, to the extent that the cost of repair or reconstruction exceeds fifty percent (50%) of its replacement cost, shall not be repaired or reconstructed except to conform to the provisions of this Ordinance.
- E. A nonconforming sign shall not be permitted to remain after cessation or change of the business or activity to which the sign pertains.

Section 10. Board of Adjustment

The Board of Adjustment of the Town of St. Paul shall have authority to grant variances from the provisions of this Ordinance in accordance with Article 18, of the Comprehensive Zoning Ordinance of the Town of St. Paul, as amended from time to time.

Section 11. Penalty.

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction in the municipal court, shall be subject to a fine of not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.