

"City of Choice"

**ORDINANCE NO. 1047**

**AN ORDINANCE REPEALING CERTAIN PROVISIONS OF THE CITY OF CIBOLO CODE OF ORDINANCES RELATED TO SIGNS; PROVIDING FOR THE REGULATION, INSTALLATION, AND MAINTENANCE OF SIGNS WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION ("ETJ") OF THE CITY OF CIBOLO; PROVIDING FOR DEFINITIONS, EXEMPTIONS, LOCATIONS, AND SIZE AND HEIGHT RESTRICTIONS; REQUIRING PERMITS; PROHIBITING CERTAIN TYPES OF SIGNS; PROVIDING A MEANS FOR VARIANCES THERETO; PROVIDING A REPEALING SECTION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Cibolo seeks to provide for the orderly development of land and use of property within its corporate limits and extraterritorial jurisdiction ("ETJ"); and

**WHEREAS**, the City Council seeks to maintain the value of the City's natural resources, which are the keystones of the City's economic strength and quality of life, through a comprehensive regulatory program that includes land use and development ordinances regulating signs; and

**WHEREAS**, the City Council finds that improperly constructed and poorly maintained signs are safety hazards that constitute a public health risk and can devalue adjacent properties; and

**WHEREAS**, the City Council finds that certain signs overwhelm the public, unduly distract and confuse motorists by diverting attention away from the roadway, and result in safety threats to vehicular and pedestrian traffic; and

**WHEREAS**, the City Council finds that certain signs constitute aesthetic harm by cluttering the rural landscape and highway corridors and adversely affecting the naturally scenic views and native environment; and

**WHEREAS**, the City Council finds that certain signs may conceal or obstruct windows, doors, or significant architectural features or details of buildings; and

**WHEREAS**, the City Council finds that properly constructed and maintained signs create a pleasing environment for residents, visitors, shoppers, and the entire community; and

**WHEREAS**, the City Council finds it to be in the best interest of the public safety, health, and general welfare to regulate the construction, design, repair, demolition, maintenance, and use of signs so as to preserve the quality of life for the City of Cibolo's residents, visitors, and property owners, maintain the public rights-of-way, prevent threats to public safety, prevent traffic hazards, restrict signs that unduly interfere with scenic

views and constitute a public nuisance, and deter signs that are detrimental to property values; and

**WHEREAS**, the City Council finds it to be in the best interest of the public to regulate signs so as to promote roadway and pedestrian safety, encourage effective communication with the public, improve the appearance of the City of Cibolo, uphold the principles of free speech, including commercial speech, and enhance the community's small city character and country living atmosphere while preserving the authentic cultural heritage of the area within the boundaries of the City of Cibolo; and

**WHEREAS**, the City Council is authorized to regulate signs by virtue of the Texas Constitution, the City of Cibolo's police power, and Texas Local Government Code Chapter 216; and

**WHEREAS**, it is the desire of the City Council to have this Signs and Billboards Ordinance as a stand alone ordinance and as a new chapter in our Code of Ordinances and to repeal the previous sign regulations from the City's Code of Ordinances; and

**WHEREAS**, the City Council finds that durational limitations on certain sign displays is necessary based upon the particular type of event referenced by the sign regardless of content of the sign; and

**WHEREAS**, the City of Cibolo's Code Enforcement Officer compiled a photographic inventory of all visible signs within the City of Cibolo's municipal limits and extraterritorial jurisdiction which the City Council considered; and

**WHEREAS**, the City Council recognizes that studies have been performed in other municipalities, including the City of Houston, which found a positive correlation between the proliferation of signs along a roadway and the accident rate at the same location, that billboards are an added distraction to motorists, that billboards cause visual pollution, and that a reduction in the number of off-premise billboards enhances the aesthetic appearance of the community and traffic safety. The City Council hereby adopts these findings:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:**

**I.  
REPEAL**

This Ordinance repeals Sections 58-1 through 58-9, and 59-12 of the City of Cibolo's Code of Ordinances.

**II.  
Code Amendment**

**Chapter 58 is hereby amended as follows:**

Section 58-10 Historic Districts is renumbered as 58-16.

Section 58-11 Criteria Manual is renumbered as 58-17.

**58-1. RELATION TO OTHER ORDINANCES.**

This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance. This ordinance is specifically subordinate to any ordinance or regulation of the City of Cibolo pertaining to building and construction safety or to pedestrian and traffic safety.

**58-2 PURPOSE.**

The purpose of this Ordinance is to provide uniform sign standards and regulations in order to ensure public safety, efficient communication and promote a positive city image reflecting order, harmony, and pride, thereby strengthening the economic stability of the City of Cibolo's business, cultural, historical, and residential areas as follows:

**A. Public Safety:** To promote the safety of persons and property by ensuring that signs do not:

1. Create a hazard due to collapse, fire, decay, or abandonment;
2. Obstruct firefighting or police surveillance; or
3. Create traffic hazards by confusing, distracting, or obstructing the view of pedestrians or vehicles.

**B. Efficient Communications:** To promote the efficient transfer of information in sign messages by ensuring:

1. Those signs which provide public safety messages and information are given priority;
2. Businesses and services may identify themselves;
3. Customers and other persons may locate businesses or services;
4. No person or group is arbitrarily denied the use of sight lines from public rights-of-way for communication purposes;
5. Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages according to the observer's purpose; and
6. The right of free speech exercised through the reasonable use of signs is preserved.

**C. Landscape Quality and Preservation:** To protect the public welfare and enhance the appearance and economic value of the landscape by ensuring that signs:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using public rights-of-way;
3. Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height, or movement;
4. Are not detrimental to land or property values;

5. Do not contribute to visual blight or clutter; and

6. Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

### **58-3. GENERAL.**

No person may construct, reconstruct, place, install, relocate, alter, or use a sign after the effective date of this ordinance unless such installation, construction, reconstruction, placement, relocation, alteration, or use meets all the provisions of this and all other applicable ordinances adopted by the City Council of the City of Cibolo.

### **58-4. JURISDICTION.**

The provisions of this ordinance shall apply within the city limits and ETJ of the City of Cibolo, as defined by state law.

### **58-5. DEFINITIONS.**

Words and phrases used in this ordinance shall have the meanings set forth in this section. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only and shall not be used in the interpretation of this ordinance. In the event of conflicting regulations or definitions thereupon, the stricter definition or regulation shall apply.

**ABANDONED/OBSOLETE SIGN** - A sign that advertises a product, service, or business no longer available or in operation or not being maintained for a certain period of time as hereinafter described in this ordinance.

**A-FRAME** - An A-framed style sign, which is typically, but not necessarily, foldable or collapsible and meant to be easily moved.

**AREA** -

1. The entire sign surface within a single contiguous perimeter, excluding support structures. A sign structure with two faces back-to-back, oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, shall be counted as a single sign.

2. In cases where a sign is composed only of letters, figures, or other characters, the dimensions used to compute the area are the smallest simple imaginary figure (circle, triangle, rectangle, or other) which fully contains the sign content.

**AUXILIARY SIGN** - Provides information such as hours of operation, delivery instructions, credit cards accepted, restrictions of sale to minors, "no soliciting," or "beware of dog."

**BANNER** - Any sign intended to be hung either with or without frames, possessing colors, characters, letters,

illustrations, or ornamentation applied to paper, plastic, fabric, or netting of any kind, supported by wire, rope, webbing, or similar means or through the grommets of the sign.

**BEACONS** - Includes any light with a beam directed into the atmosphere or directed at a point which is not on the same property as the light source, or a light with one or more beams that move.

**BILLBOARDS** - Means all off-premises signs containing at least two hundred square feet face area and owned by a person, corporation or other entity that engages in the business of selling the advertising space on the sign.

**BUILDING** - Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including but not limited to tents, awnings or vehicles situated on private property and used for purposes of a building.

**BUILDING OFFICIAL** - The person(s) employed by the City to perform the duties of the Building Permit/Inspection department.

**CHANGEABLE COPY SIGN** - A sign, or part of a sign, on which content can be changed or rearranged without altering the face or surface of the sign, including but not limited to, a theater marquee or a gasoline price sign.

**CITY OF CIBOLO, CIBOLO, OR CITY** - The City of Cibolo, Guadalupe and Bexar Counties, Texas, an incorporated municipality and its associated ETJ.

**CODE ENFORCEMENT OFFICER (CEO)** - The person(s) employed to enforce City codes and this ordinance.

**COMMERCIAL COMPLEX** - Any property such as a shopping center, office park, or industrial park, which consists of two or more establishments on a single platted lot, or which is designed, developed, and managed as a unit, or are the members of a commercial association which contributes to the joint maintenance and promotional efforts of the center.

**COMMUNITY SERVICE SIGN** - A sign which solicits support for or participation in a non-profit, non-political, community, public, social event, or activity.

**COMPREHENSIVE SIGN PROGRAM** - A development process designed for integrated commercial, institutional and industrial developments that generally have multiple uses, multiple shared points of access, or that may be a part of large scale development

**DAILY DISPLAY/PROMOTIONAL SIGNS** - Non-permanent signs relating to the business conducted on the premises.

**ELECTRONIC SIGNS** - a sign, display or device that exhibits its message, words, letters, numbers, images, symbols, or copy by programmable, mechanical, or electronic process including, but not limited to LED electronic signs and static electronic displays.

**EVENT SIGNS, OFF-SITE** - Signs giving directions to an occasional event at another location, other than a

business event at an establishment, such as directions to a civic or other noncommercial ceremony, to an event for the members of an organization, or to an event at a residence such as a garage sale or private party.

**EVENT SIGNS, ON-SITE** - A sign which is placed to advertise or mark the location of an occasional event on the same site, other than a business event at an establishment, such as a civic or other non-commercial ceremony, an event for the members of an organization, an event at a residence such as a garage sale or private party.

**EXTRATERRITORIAL JURISDICTION (ETJ)** - As defined by Texas Local Government Code §42.021, land that is not within the corporate limits of the City of Cibolo, Texas, but land over which the City has jurisdiction by virtue of the Texas Local Government Code.

**FLAG/PATRIOTIC** - National, state, church, school flags, or any other flag that constitutes protected non-commercial free speech. A fabric sheet attached at one end to a pole, cable, or rope.

**FLASHING SIGN** - Message boards that are electronically controlled by intermittent light impulses or alternating panels consisting of letters, words, or numerals that can either change sequentially or travel across the display area. Other than time and temperature signs, emergency signs, school zone signs, or other governmental signs.

**FREESTANDING SIGN** - Any sign not attached to or part of a building, including but not limited to, monument signs and self-supported signs.

**HEIGHT/GROUND CLEARANCE** -The distance from ground level to the bottom of the sign structure, exclusive of structural supports. The ground level is the lower of: (1) the existing grade prior to construction of the sign; or (2) the newly-established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

**HEIGHT/MAXIMUM** - The distance from ground level to the top of the sign structure. The ground level is the lower of: (1) the existing grade prior to construction of the sign; or (2) the newly-established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

**HISTORIC SIGN** – A sign that is an integral part of the historical character of a landmark building or historic district.

**HOLIDAY SIGN** - A temporary display or decoration customarily associated with any national, state, local, or religious holiday or celebration.

**HOME OCCUPATION SIGNS** - Signs that advertise for a business that is operated in a home platted as residential.

**ILLUMINATED SIGN** - Any sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result

of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.

**LED SIGN** - A semiconductor diode that emits light when a voltage is applied to it and that is used especially in electronic devices, such as signs and related visual messaging devices.

**MONUMENT SIGN** - A sign which is mounted on a base at least as wide as the sign. The opening between the base and the sign must be no greater than two inches.

**MOVING ELEMENTS** - Balloons, streamers, banners, mechanical arms, or the like.

**MOVING SIGN** - Any sign or part of a sign which is animated or moves, including moving elements.

**NON-CONFORMING SIGNS** - Signs which have been installed prior to the effective date of this ordinance and in use as of the effective date of this ordinance, and which do not conform to this ordinance.

**NOTICE** - Actual notice by personal delivery or written notice sent by registered or certified mail.

**OFF-PREMISE SIGN** - A sign displaying advertising copy 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.

**ON-PREMISE SIGN** - A sign identifying or advertising a business, person, or activity that is installed and maintained on the same premises as the business, person, or activity.

**POLE/PYLON SIGN** - A self supporting freestanding sign that must adhere to the requirements of construction using durable building materials utilizing, but not limited to, masonry, stucco, painted pipe, aluminum clad piping, or other complimentary materials.

**POLITICAL SIGN** - Signs which by their content supports or opposes any candidate for public office or any proposition to be voted upon at an election or which makes a political or ideological statement in the nature of constitutionally protected, non-commercial free speech.

**PORTABLE CHANGEABLE COPY SIGN** - A transportable sign, whether on attached wheels or otherwise, of durable construction, skids, legs, or framing, including trailers and searchlights, the principal intent of which is for advertising or promotional purposes, and which is not designed nor intended to be permanently affixed to a building, other structure, or the ground. A portable sign that only has its wheels removed shall be considered a portable sign.

**POSTER SIZE ENCLOSURE SIGN** - A metal or plastic frame, with or without glass, or Plexiglas and which can be secured or locked (not to exceed three foot in width, four foot in height, and five inches in depth (3'X4'X5")), and is affixed to the outside of a building, which permits an individual to insert a paper advertisement into the enclosure for outside display and regularly change out the paper display. It is the intent of the City Council for such poster size enclosure signs to be similar to the enclosures typically and traditionally used to display movie posters outside of movie theaters.

**PREMISES** - A lot or tract within Cibolo or its ETJ, and contiguous tracts in the same ownership, which are not

divided by any public highway, street, alley, or right-of-way.

**RESIDENTIAL AREA** - Any property within the city limits which is zoned residential.

**RESPONSIBLE PARTY** - The owner of the property upon which the sign is located, the lessor of the property, and/or the owner of the sign.

**ROOFTOP SIGNS** – A sign placed on the roof of a building.

**SIGN** - Any medium for visual communication or its structure used or intended to attract the attention of the public.

**SINGLE COMMERCIAL BUILDING** - A structure containing a single commercial establishment, office, business, school, church, non-profit organization, charity, or government agency.

**STREET BANNER** - A street banner is a banner suspended above a right-of-way.

**SUBDIVISION SIGN** - Any sign used to advertise a specific subdivision. A temporary sign designed in such a way as to indicate the name and location of the specific community.

**TEMPORARY SIGN** - Not permanent; signs meant to be exhibited on a limited basis as outlined in the ordinance.

**TRAFFIC CONTROL SIGN** - A sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

**TRAILER SIGN** - A permanent or temporary sign affixed to a trailer. The primary purpose of said display is to attract the attention of the public to the subject matter advertised on the sign rather than to serve the customary identification purpose of said trailer.

**VARIANCE** - Written approval to depart from the strict application of the provisions of this ordinance.

**VEHICULAR SIGN** - A permanent or temporary sign affixed to a vehicle. The primary purpose of said display is to attract the attention of the public to the subject matter advertised on the sign rather than to serve the customary identification purpose of said vehicle.

**VINTAGE SIGN** - A sign that is representative of events or dates from a period older than forty years and is for decorative purposes only.

**WALL PAINTED SIGNS** - A sign painted directly on the exterior wall of a building.

#### **58-6. GENERAL REGULATIONS.**

A. Inventory of Signs - The City of Cibola shall inventory all permanent signs within the city limits and ETJ.

B. Identification of signs - If applicable, signs shall have the sign permit number affixed.

C. Historic signs existing prior to the effective date of this ordinance that are part of the unique architectural, historic, or scenic characteristics of the building, that enhance its visual character, and that are compatible with the building shall be allowed to remain in place after the effective date of this ordinance.

D. This section shall apply to all signs located within the city limits of the City of Cibolo or its ETJ, with the exception of those referenced in Section 14. No sign or part of a sign shall:

1. Be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or pedestal;
2. Be placed upon real property without the consent of the property owner;
3. Be located in, on, or over any right-of-way, except for directional or informational signs erected by government agencies. Any such sign, other than informational signs erected by government agencies, shall constitute a nuisance;
4. Be located so that it blocks vehicle or pedestrian views and/or safe sight distances at any intersection, curve, or corner. This includes signs located on private property. Any such sign shall constitute a nuisance;
5. Imitate or resemble an official traffic-control device or railroad sign or signal; attempt to direct the movement of traffic; or hide from view or hinder the effectiveness of an official traffic-control device or railroad sign or signal. Any such sign shall constitute a nuisance;
6. Be located within a public right-of-way or be placed closer than ten (10) feet to the edge of a road surface. Exception: Monument signs that are placed in the center of a divided roadway as an island;
7. Have unreasonably bright flashing lights or other distracting features. This does not include signs with slowly changing messages such as time or temperature;
8. Be located so that it is on, or in any way obstructs, any sidewalk, walkway, or pathway used by the public for normal pedestrian access. Any such sign shall constitute a nuisance; or
9. At the time of installation be located closer than specified in the National Electric Code and as may be amended from time to time.
10. Be located within ten (10') feet of an easement with underground utilities. No signs shall be located within a ten-foot radius of any power line, pole, or crossbar or creating a hazard to vehicular or pedestrian safety.

#### **58-7. PROHIBITED SIGN TYPES.**

The following signs are prohibited within the City of Cibolo or ETJ:

**A. Abandoned/Obsolete Signs.** A sign that advertises a product, service, or business no longer available or in operation or not being maintained for a period of one (1) year after the cessation of a product, service, or

business at said location (or in the case of leased premises, two (2) years after the most recent tenant ceases to operate on the premises) shall be presumed abandoned. Related off-premise signs pertaining to same shall also be presumed abandoned.

If a sign is determined to be abandoned and/or obsolete under this ordinance by the Code Enforcement Officer, sign(s) shall be removed by the owner/lessor of the property. The City of Cibola may agree with the owner/lessor of the sign(s) or sign structure to remove only a portion of the sign(s) or sign structure.

**B. Beacons.**

**C. Billboards.**

**D. Flashing signs.**

**E. Illuminated Signs** (illuminated from the exterior or within). Signs that are illuminated in such a manner, to such intensity, or without shielding, so as to constitute a hazard to the operation of motor vehicles upon any public street or road or substantially interferes with the reasonable enjoyment of residential property or interferes with the effectiveness of traffic control, which shall include, but not be limited to, incandescent bulbs exceeding forty (40) watts each.

Exception: Neon or similar tube type of illumination exceeding thirty (30) milliamps shall be permitted.

**F. Moving signs.**

There shall be no movement of the sign body or any segment thereof such as rotating, scrolling, moving up and down or any other type of action involving a change in position of the sign body or segment thereof, whether caused by mechanical or any other means. No flashing, blinking or rotating lights shall be permitted, nor shall the sign contain audible sound or odor.

Exception: For LED signs or other signs where the message on the sign is adjustable, each new message shown on the sign must be static, with no movement, for at least six (6) seconds before a new message is displayed on the sign face. Governments and school districts shall be permitted to install signs with a scrolling message to inform the public of upcoming public and school events.

Exception: Inflatable signs are allowed pursuant to Section 58-11.c of this ordinance.

**G. Off-Premise Signs (except as provided for within this ordinance).**

**H. Satellite.** Any type of satellite dish that's primary use is for advertising, rather than to serve the customary purpose.

**I. Trailer Sign.**

**J. Vehicular Sign.** When the vehicle is used with the intent to substitute a stationary sign instead of to be used as a vehicle or when a sign is erected in the bed of a truck or on the roof of a vehicle and intended to advertise a business, person, or event. Vehicle signs which are either painted onto the body of the vehicle for advertising purposes or are affixed to the vehicle by magnetic means for advertising purposes are

permitted.

#### **K. Wall Painted Signs.**

Exception: Wall Painted Signs in the Old Town District may be permitted, provided they are consistent with the documented historical context of the building on which it is painted and receive prior approval from the Director of Community Development Services Department.

#### **L. Other Signs:**

1. Painted on any roof surface or installed so that it faces contiguous residential property;
2. That are placed upon a building or structure in a manner which would disfigure, damage, or conceal any significant architectural feature or detail of the building;
3. That are brighter than necessary to permit the sign to be read from a reasonable distance. No sign shall be illuminated to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a traffic hazard;
4. That are hung with less than eight (8) feet of vertical clearance above the sidewalk or less than eighteen (18) feet of vertical clearance above the street, drive, or parking area. (This applies to any part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive, or parking area, whether on public or private land);
5. Any other signs not specifically authorized under this ordinance.

#### **M. Home Occupation Signs.**

#### **58-8. EXEMPTIONS FOR CERTAIN TYPES OF SIGNS.**

The following are exempt from regulation under this ordinance:

- A.** Any sign attached to a window or door of a building.
- B.** Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a free-standing monument sign when placed or approved by a governmental entity, historical society, religious organization, or other non-profit entity to commemorate a person, event, or other matter of historical interest.
- C.** Any sign installed or required to be installed by any governmental entity or public utility to give information, directions, or warnings to the general public, regardless of the sign's location, on public or private property.
- D.** Signs displayed on trucks, buses, trailers, or other vehicles which are being operated in the normal course of a business, indicating the name of the owner, business and location, (e.g. delivery trucks, service vehicles, rental trucks and trailers and the like); provided, that the primary purpose of the vehicle is not for display of

signs, and provided that they are parked in areas appropriate to their use as vehicles, are normally used in the course of business and are in operable condition, carry a current and valid license plate and state inspection tag.

#### **58-9. SIGN PERMITS.**

**A. Permit and fee required.** Except as otherwise provided in this ordinance, no person may construct, place, install, or relocate any sign without first obtaining a sign permit from the City of Cibolo. Each application for a sign permit must be accompanied by the appropriate fee as listed in Appendix A (Fee Schedule) of the City's Code of Ordinances.

1. Construction, reconstruction, placement, installation, or relocation of any sign shall require a permit and remittance of the appropriate fee which shall not be refundable.
2. Subdivision temporary signs, inflatable temporary signs, banner temporary signs, or new business temporary signs shall require remittance of the appropriate fee which shall not be refundable.
3. A permit is required for replacing a previously permitted sign (excluding billboards) with another sign that is of like content, size, location, and that is otherwise compliant with this ordinance.
4. A permitted billboard shall renew the billboard permit annually. The annual fee is due by January 1<sup>st</sup> of each calendar year. No fee will be assessed for routine changes of the sign face.
5. ~~No permit will be issued for a proposed sign that will cause the aggregate of all signs on the property to exceed the square footage provided for in this ordinance.~~

**B. Expiration of Permits.** Properly issued permits shall expire as provided by law and/or city ordinance.

**C. Application for Sign Permit.** A person proposing to erect or display a sign shall file an application for permit with the City Building Official. The application must be made on a form provided by the City of Cibolo and shall contain and have attached to it the following information:

1. Name, address, and telephone number of the applicant;
2. Name, address, telephone number, and firm of person erecting sign;
3. If applicant is not the owner of real property where sign is proposed to be erected, written consent of and name, address, and telephone number of the property owner and a copy of the executed lease agreement;
4. Location of building, structure, address, or legal lot and block to which or upon which the sign is to be attached or erected;
5. A site plan indicating position, height, and size of the proposed sign and other existing advertising structures on the property in relation to nearby buildings or structures, north arrow, and scale of drawing, property lines, curb lines, adjacent streets, alleys, curb cuts, and setback clearance zone;

6. Specifications for the construction and display of the sign;
7. Copy of stress diagrams or plans, when needed, containing information as to safety and structural integrity of sign. The City of Cibolo assumes no liability for safety and structural integrity of any sign;
8. Statement indicating whether the sign will require electricity. If so, the sign must comply with the National Electrical Code or any successor code as may be adopted and amended by the City of Cibolo;
9. Copy of permit approved by Texas Department of Transportation in Guadalupe or Bexar County, Texas or successor agencies, if state law requires a state permit;
10. Date on which the sign is to be erected or displayed;
11. Any variance that will be requested; and
12. Such other information as the City of Cibolo requests to show full compliance with this and all other standards of the City.

The City of Cibolo is not required to act upon a permit application until it is deemed by the City to be administratively complete.

**D. Approval and Denial of Permit.** The Building Official shall promptly review an administratively complete application upon receipt and upon payment of applicable fees by the applicant. The Building Official shall grant or deny an administratively complete permit application within forty-five (45) days after the date that the application was administratively complete, including the payment of all fees. The Building Official shall examine the application, plans, and specifications and may inspect the premises upon which the proposed sign shall be erected, as needed. The Building Official shall issue a permit if the proposed sign complies with the requirements of this ordinance and all other regulations of the City of Cibolo, to include building, electrical, or other similar codes adopted by the City. If the Building Official denies a permit, the Official shall state the reasons for the denial in writing and shall mail a certified letter or hand deliver to the applicant stating the reasons for the denial.

Any applicant whose permit application is denied by the Building Official may appeal the denial to the Planning and Zoning Commission. Such an appeal must be filed, in writing, with the Building Official within ten (10) days after receipt of the denial. The Planning and Zoning Commission shall review the denial and determine if the Building Code Official incorrectly concluded the proposed sign did not comply with the requirements of this ordinance and all other regulations of the City.

**E. Modifications.** After a sign permit has been issued by the Building Codes Official, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the permit without prior written approval by the Building Code Official.

#### **58-10. SIGNS ALLOWED WITHOUT PERMIT.**

The following are exempt from the requirement to obtain a permit, provided that they comply with all other provisions of this and other ordinances of the City of Cibolo. Signs shall be allowed without a permit as follows:

- A.** Signs depicting a single or multi-family residential real property for sale, lease, or rent which are not greater than eight (8) square feet in area. No more than one (1) sign on the property for sale, lease, or rent except for a corner lot property, may have one (1) sign on each street front.
- B.** Signs depicting residential real property for sale within a subdivision, placed at the entrance(s) of such subdivision, which are erected by the owner of the subdivision and are not greater than thirty-two (32) square feet in area.
- C.** Signs depicting commercial real property for sale, lease, or rent which are not greater than thirty-two (32) square feet in area.
- D.** Signs in residential areas measuring no more than three (3) square feet denoting the name of the residents and the address of the premises.
- E.** Signs denoting the architect, engineer, or contractor that are placed on the premises where construction, repair, or renovation is in progress. Such signs may not exceed eight (8) square feet in area. All such signs must be removed within five (5) days after the completion of the project.
- F.** Auxiliary Sign - The area of such individual signs shall not exceed eighteen (18) inches square and the aggregate area of all such signs cannot exceed six (6) square feet for any commercial establishment or residence.
- G.** Political Sign. Political signs located on private real property cannot have an effective area greater than thirty-six (36) square feet; be more than eight (8) feet high; be illuminated; or have any moving elements.
- H.** Daily Promotional Signs and A-Frame Signs – Shall be placed out-of-doors during business hours for display and returned indoors during off hours; and
  1. Cannot be larger than eight (8) square feet;
  2. Must not have more than one (1) such sign per business;
  3. Must be located on the owned, leased, or rented premises of the business advertised; and
  4. Placement cannot impede pedestrian or vehicular traffic or interfere with parking.
- I.** Changeable Copy Sign and Poster Size Enclosure Sign. No permit is required to change the copy on a changeable copy sign, provided the original Changeable Copy Sign was constructed under a valid City of Cibolo permit. No permit is required to change the paper advertisement in a Poster Size Enclosure Sign, provided the original Poster Size Enclosure Sign was constructed under a valid City of Cibolo permit.
- J.** Event Signs, Off-Site. Off-site Event Signs may be placed only on private property and only with the

consent of the owner of the property. Such signs may not exceed eight (8) square feet each and may be erected no more than thirty (30) days prior to the event and must be removed within two (2) days after the event.

**K. Event Signs, On-Site.** On-site Event Signs may not exceed an area of eight (8) square feet at a residence or sixteen (16) square feet at any other location

1. For residence - may be erected two (2) days prior to the event and must be removed within one (1) day after the event.
2. For all other locations - may be erected thirty (30) days prior to the event and must be removed within two (2) days after the event.

There shall be no more than two (2) on-site event signs for any event.

**L. Community Service Signs.** Community Service Signs may:

1. Be placed only on private property and only with the consent of the owner of the property.
2. Be erected only by a unit of government, school, chamber of commerce, religious organization, or other non-profit agency.
3. The area of a community service sign may not exceed eight (8) square feet in a residential area or sixteen (16) square feet in all other areas.
4. A community service sign, other than a Holiday sign/street banner sign, that promotes any particular event may not be erected more than thirty (30) days prior to the event and all such signs must be removed by the responsible party not more than two (2) days after the event.
5. A community service sign that promotes a weekly occurring event may be erected one (1) day prior to the event and all signs must be removed by the responsible party within one (1) day after the event.
6. Holiday Street Banners – Community service banners which are not advertising in nature and promote a recognized holiday event, provided that such decorations are maintained in an attractive condition, do not constitute a fire, traffic, or pedestrian hazard, are placed no earlier than thirty (30) days prior to event or celebration, and are removed within two (2) days after the event or celebration has occurred. Street banners must conform to Texas Department of Transportation rules and regulations and must have the approval of the City's Code Enforcement Officer. No more than four (4) street banners may be in place at any one time within the city limits or city ETJ.

**M.** Vintage signs which are not advertising a product or service provided by an establishment, or which only advertise a discontinued product or service that is no longer provided by an establishment, shall be allowed without a permit. Such vintage signs shall be for decoration only, be maintained in an attractive condition, and enhance the visual character of the building.

**N.** Private property traffic directional signs, including but not limited to, signs depicting one-way traffic,

entrances, and exits, which are not greater than ten (10) square feet per sign.

O. Garage sale signs which are not greater than six (6) square feet in area are placed no more than two (2) days prior to sale and removed one (1) day after the sale.

#### **58-11. PERMITTING REGULATIONS.**

When determining whether to issue a permit the following regulations apply:

**A. Signs on property in other than residential areas.** All pole, pylon, and façade (wall) signs that exceed forty-eight (48) square feet must be certified by a state Registered Engineer as being able to withstand a wind pressure load of at least thirty (30) pounds per square foot and support the weight of the sign.

##### **1. Single commercial building.**

a. Signs on the façade and each side of a building shall not exceed forty eight (48) square feet, unless they are certified by a state Registered Professional Engineer as being able to withstand a wind pressure load of at least thirty (30) pounds per square foot and support the weight of the sign.

b. One pole/pylon sign per premises may be permitted that does not exceed fifty (50) square feet in area. The maximum height of such a sign shall not exceed twenty-five (25) feet. If the commercial establishment borders two (2) or more streets, then only one additional freestanding sign will be permitted on the secondary street, and the square footage of the sign may not exceed the allowable square footage of (1.b) and (1.c).

c. A premise that displays a monument sign in lieu of a pole/pylon sign may increase its size to one hundred (100) square feet.

d. One additional freestanding sign not to exceed the allowable square footages described in (1.b) and (1.c) of this section may be permitted for premises with frontages of one hundred and forty (140) feet or more.

##### **2. Commercial Complex**

a. Signs on the façade or on the side of a building identifying the complex may not exceed forty-eight (48) square feet, unless they are certified by a state Registered Professional Engineer as being able to withstand a wind pressure load of at least thirty (30) pounds per square foot and support the weight of the sign, but in no case shall the sign exceed 10% of the building façade on which it is mounted.

b. Signs on the façade or on the side of a building identifying a business within a commercial complex is limited to 10% of the tenant store front and may not exceed forty-eight (48) square feet.

c. Size allowances for pole/pylon signs for commercial complexes:

i. A commercial complex under five (5) acres in size and having less than one hundred and forty (140) linear feet of road frontage may have one pole/pylon sign that does not exceed twenty five (25) feet in height, has a minimum ground clearance of six (6) feet with the primary complex or anchor tenant identification sign, not to exceed seventy five (75) square feet in size and the individual business signs in the complex sign not to exceed one hundred and fifty (150) square feet collectively with no one tenant individually exceeding fifty (50) square feet.

ii. A commercial complex over five (5) acres in size and having one hundred and forty (140) linear feet or more of road frontage may have one pole/pylon sign that does not exceed thirty five (35) feet in height, has a minimum ground clearance of six (6) feet with the primary complex or anchor tenant identification sign not exceeding one hundred twenty eight (128) square feet in size and the individual business signs in the complex sign not to exceed two hundred and fifty (250) square feet collectively with no one tenant individually exceeding fifty (50) square feet.

d. If the structure of a freestanding sign (monument or pole/pylon) contains or supports more than one (1) sign, then each sign shall be of the same construction.

e. For businesses with linear road frontages in excess of one hundred and forty (140) feet, only one (1) additional freestanding sign not to exceed the allowable square footages described in (2.c) and (2.f) of this section is permitted for the site regardless of any amount of additional linear road frontages or additional streets.

f. A premise displaying a monument sign in lieu of a pole/pylon sign cannot exceed one hundred and fifty (150) square feet in size.

g. For commercial complexes with primary and secondary streets, one (1) additional freestanding sign will be permitted on the secondary street. The freestanding sign is not to exceed the allowable square footages specified in (2.c) and (2.f) of this section.

h. Industrial parks are permitted to display a monument sign not to exceed one hundred and fifty (150) square feet or a pole/pylon sign not to exceed twenty five (25) feet in height having a minimum ground clearance of six (6) feet with the primary complex or anchor tenant identification sign not to exceed seventy-five (75) square feet in size and the individual business signs in the complex sign not to exceed one hundred and fifty (150) square feet collectively with no one tenant individually exceeding fifty (50) square feet. The sign must be located at the street intersection access to the industrial park. The name of the industrial park must be included on the sign.

**B. Temporary Subdivision Signs.** Signs announcing the subdivision of land may be erected on the land being developed and shall be removed when eighty (80) percent of the development lots are conveyed or a term not to exceed twenty-four (24) months, whichever comes first, unless the twenty-four (24) month term is extended by the City Council. These signs shall not exceed thirty two (32) square feet of sign area and shall not exceed ten (10) feet in height.

**C. Temporary Inflatable Signs.** Business-related inflatable signs with a volume no greater than twenty-seven (27) cubic feet may be permitted but may not be displayed for more than fourteen (14) days in succession and must be removed no more than one (1) day following any event to which they relate. This type of sign shall be limited to three (3) events a year at the address to which it was permitted. The permit fee shall be applicable for one year.

**D. Temporary Banner Signs:**

1. Banners must be kept in good repair throughout the time of their display;
2. No more than one banner may be displayed at any one time at an establishment;
3. Banners may not exceed twenty four (24) square feet in area;
4. Banners may not be displayed for more than thirty (30) days in succession and must be removed no more than two (2) days following any event to which they relate. Such banners may not be placed on any site more than six (6) times within a twelve (12) month period;
5. On-premise banners that announce the location or relocation of newly-located or relocated businesses are permitted. The banner may be exhibited no more than thirty (30) days commencing at the time that the temporary banner permit is issued. Such banners may not exceed twenty four (24) square feet in area.

6. Community Service Street Banners – Community service banners representing an event sponsored by a unit of government, school, chamber of commerce, religious organization, or other non-profit agency provided that such banners are maintained in an attractive condition, do not constitute a fire, traffic, or pedestrian hazard, are placed no earlier than thirty (30) days prior to the event or celebration, and are removed within two (2) days after the event or celebration has occurred. Street banners must conform to Texas Department of Transportation rules and regulations and must have the approval of the City's Code Enforcement Officer. No more than four (4) street banners may be in place at any one time within the city limits or ETJ. There shall be no fee for this permit.

**E. New Business Temporary Signs:** Temporary signs constructed of wood, metal, or other solid material type announcing the locating or relocating of a newly located or relocated business are permitted. The sign shall not exceed forty-eight (48) square feet in area nor be more than eight (8) feet high. The sign shall not be illuminated or have any moving elements. The sign shall be exhibited during a period of no more than six (6) months commencing at the time the temporary sign permit is issued. The sign must be removed within one (1) day upon the installation of the permanent sign.

**F.** The location and installation of the sign shall be in compliance with the regulations of the Unified Development Code (UDC) regarding the site triangle (line of site).

**G. Comprehensive Sign Program Regulations.**

The use of comprehensive sign program is designed for integrated commercial and industrial developments that generally have multiple uses, multiple shared points of access, or that may be a part of a large scale development, such as a shopping mall or industrial park that is identifiable by a single development name, or by a school or hospital that may have multiple buildings and/or special signage needs; to allow site or development project signage that is appropriate to the character of the development in order to adequately identify the development in a form so as to provide a good visual environment, promote traffic safety, and minimize sign clutter in a form that is appropriate to the development and consistent with the purpose and intent of these sign requirements.

**1. Criteria.**

Comprehensive sign programs shall be subject to Planning and Zoning Commission review and approval. The Planning and Zoning Commission shall have the discretion and authority to approve or to deny any request, or to impose any reasonable and appropriate conditions of approval, on the basis of how the sign program conforms to the spirit and intent of these sign regulations.

**2. Process.**

Applications for Comprehensive Sign Programs shall follow all procedural requirements described in the City of Cibolo Unified Development Code (UDC) for a Zoning Variance in terms of notice to adjoining property owners, published notice in the newspaper, a public hearing, and the application filing fee. Applicants are not required to demonstrate or prove that a hardship exists to justify the approval of a sign program, but should assume that there will be an added burden to justify each additional degree of deviation from the actual requirements and the spirit and intent of the sign ordinance. A simple majority vote of the Planning and Zoning Commission shall be required to approve a sign program.

**3. Compatibility Required.**

The comprehensive sign program shall promote compatibility for all signs within the specific development. Architectural theme, materials, and color should be consistent with or complement the overall character of the development in which the signs are proposed to be located and the area surrounding the development in which the signs would be located.

**4. Size and Height.**

Signs proposed under the comprehensive sign program shall be no larger than a maximum of 50% of the standards of the sign regulations unless the applicant can demonstrate a site specific consideration, or considerations, why a deviation in excess of the 50% standard is justified.

**5. Off-Site Signs.**

Developments within a shared/common approved commercial or industrial subdivision plat, may apply for off-site signage within the area described in that commercial or industrial plat. An industrial park is an example of such a development. The signs may be placed on parcels where an existing master site plan has

been established. In those developments that do not have an existing master sign plan, the Comprehensive Sign Program process may be utilized to establish a sign program for the development, provided that the application form for the Comprehensive Sign Program is signed by all property owners on which signs are proposed to be located. This section shall not be construed to allow the installation of a billboard type sign

#### **6. Placement.**

Signs proposed under the comprehensive sign program shall be placed appropriately in areas visible and readable. Review of location is considered by traffic movement of surrounding streets, traffic volumes and access points, AASHTO and engineering standards, visibility triangles, sign orientation and topographic features.

#### **7. Integration.**

All signs must be integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project. The means of integrating freestanding signs with the architecture of the building may be achieved through replication of architectural embellishments, colors, building materials, texture, and other elements found in the building design. Integration shall also include the use of sign graphics that are consistent in terms of lettering style, colors, and method of attachment as used for wall-mounted signing found on the building.

#### **H. LED Sign Regulations.**

**The LED signs shall be permitted subject to the following requirements:**

1. The sign shall contain no motion, twirling, rotation, spinning, continuous scrolling or any other like form of motion or action. Images and text shall dissolve from one message or image to the next image or text.
2. Digital signage is limited to non-animated images and each image must be displayed ("dwell") for a minimum of **six (6) seconds**.
3. During the daytime, based on normal daylight illumination, a maximum limit of 5,000 nits is permitted to keep luminous signage balanced with the surrounding landscape. During nighttime hours, a maximum luminosity is limited to 150 nits.
4. If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 200 nits for this method of calibration and testing is suitable.
5. Incremental luminance limits between the nighttime limit and the full sunlight limit may also be specified for overcast or foggy days, or for dusk; or regulations may require an automatic control of sign luminance based on the ambient lighting condition, to throttle the sign luminance between the sunny-day and night maximums.
6. Surface luminosity measurements should be made directly with a calibrated luminosity meter, following the instrument manufacturer's instructions. Readings should be taken from the area (generally of roadway) where the sign in question will be visible from, and which is closest to being directly in front of the sign

(where the luminosity output is most focused).

7. Outdoor signage should obey light trespass regulations. Into areas zoned for any type of residential zoning district, including parks and preserves so zoned, a trespass limit of 0.1 foot-candles should be enforced, at the property line.

#### **58-12. SIGN MAINTENANCE AND NUISANCES.**

**A.** All signs must be maintained in a structurally safe condition and in good repair at all times. No permit shall be required for the normal maintenance of any existing sign or repainting of the sign message, provided that the area of the sign is not enlarged, the height of the sign is not increased, the location of the sign is not changed, and the content of the sign does not materially change. Alterations to the sign, or major repairs (replacement of more than twenty (20) percent of the sign to the original condition) shall not be considered normal maintenance and will require a permit. All signs shall be kept neatly painted or otherwise maintained, including all metal parts and supports thereof that are not galvanized or of rust resistant material. The Code Enforcement Officer shall inspect and have authority to order the painting, repair, alteration, or removal of a sign that constitutes a nuisance, a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

Changing of the sign message is limited to changing messages without changing the sign or its components and is considered to be normal maintenance.

**B.** The area around the sign shall be kept clean at all times by cutting vegetation around the sign and the supporting structure.

**C.** A sign shall constitute a nuisance if it causes injury or threatens to injure the public health, peace, or comfort or is a nuisance per se under the law and is declared to be a nuisance by the Code Enforcement Officer pursuant to this ordinance. The Code Enforcement Officer shall notify, by certified mail or hand delivery, the responsible party of any sign that constitutes a nuisance in order to allow the responsible party the opportunity to cure such nuisance. The responsible party shall cure such nuisance by repair or remove the sign or may seek an appeal of the nuisance determination to the Planning and Zoning Commission within ten (10) business days of receipt of the notice. Any appeal must be filed, in writing, and received by the Building Official no later than the tenth (10<sup>th</sup>) business day after receipt of the notice of nuisance.

If the responsible party chooses not to take the instructed action or institute an appeal, the City of Cibola may remove the sign, to the extent necessary to abate the nuisance. The City may charge to the responsible party all costs associated with the sign's removal.

The City of Cibola may not remove any sign declared to be a nuisance if an appeal of the nuisance determination is pending. Any determination that a sign does not constitute a nuisance, does not prejudice the City, foreclose, or prevent a later determination a sign is a nuisance.

**D. Imminent Hazard.** Any sign which in the judgment of the Building Code Official or Code Enforcement Officer has become an imminent hazard to public health and safety shall be removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal and the notice may be served upon the responsible party by any means

available. A sign which constitutes an imminent hazard and is not repaired or removed within the time specified in the notice may be immediately removed by the City of Cibolo. The City may charge to the responsible party all costs associated with the sign's removal as provided for in Subsection E. below.

E. The cost of removal and impound fees for the storage of any removed sign shall be charged to the responsible party. If a sign has been removed by the City of Cibolo and the sign remains unclaimed for a period of thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.

The City shall not be held liable for damage to said sign(s) during the removal or storage of the sign(s) by the City.

#### **58-13. NON-CONFORMING SIGNS.**

A. Except as otherwise provided by this section, nonconforming signs are not transferable and may not be transferred to another location within the City of Cibolo municipal limits or ETJ without such signs first being brought into full compliance with all requirements of this ordinance, including obtaining a properly authorized permit. However, a previously permitted nonconforming sign, excluding portable changeable copy signs, already in existence may be transferred to a new owner upon the transfer of the property upon which the nonconforming sign is located to such new owner. In such cases, the new property owner must submit a permit application (no fee assessed) to indicate the change in ownership.

B. Removal of Destroyed/Deteriorated Signs. A non-conforming sign shall be considered destroyed if the cost of repairing the sign, after a part of it has been destroyed or deteriorated is more than fifty-one (51) percent of the cost of erecting a new sign of the same type at the same location. It shall be the responsibility of the responsible party to supply the City of Cibolo with a quote from a reputable sign company that shows the replacement value and the cost to restore the sign to full compliance upon request by the Code Enforcement Officer within fifteen (15) days of said request. If the sign is determined to be destroyed by the Code Enforcement Officer, it must be removed by the responsible party without compensation by the City within ten (10) days of the determination. A replacement sign must fully comply with this ordinance and shall require a permit to be obtained from the City at the set fee.

C. All nonconforming signs existing prior to the effective date of this ordinance shall be allowed to remain in place, provided that they otherwise comply with: Section 58-6. General Regulations; and Section 58-12 Sign Maintenance and Nuisances.

D. Nonconforming signs existing prior to the effective date of this ordinance that are of a type that are limited to a specified time period for use in this ordinance must abide by those specified time periods beginning with the effective date of this ordinance.

#### **58-14. VARIANCES.**

A. **Application and Fee Required.** Any person, business, or other organization desiring to continue to construct, reconstruct, place, install, relocate, alter, or use any sign which does not conform to the provisions of this ordinance may make application to the Planning and Zoning Commission for a variance to the provisions of this ordinance. If received in the appropriate time, the application will be reviewed at the next regularly-scheduled Planning and Zoning meeting. The application shall be filed with the Building Official,

accompanied by a non-refundable variance fee as listed in Appendix A (Fee Schedule) of the City's Code of Ordinances, and conform to all requirements established in Section 15 of this ordinance relating to sign permit applications.

**B. Requests for Variances after Permit Denial.** Within ten (10) business days after denial of a sign permit by the Building Official, an applicant may file a written request for a variance with the Planning and Zoning Commission.

**C. Action.** Unless an extension or postponement is sought by the applicant, the Planning and Zoning Commission must consider and take action on the written request for a variance.

**D. Standards for Variances.** The City of Cibolo may approve a variance only if it makes affirmative findings, reflected in the minutes of the Planning and Zoning Commission's proceedings, as to all of the following:

1. The variance will not authorize a type of sign which is specifically prohibited by this ordinance;
2. The variance is not contrary to the goals and objectives outlined by the City of Cibolo;
3. The variance is not contrary to the public interest;
4. Due to special conditions applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right-of-way, a literal enforcement of the ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly-classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement;
5. The spirit and purpose of the ordinance will be observed and substantial justice will be done; and
6. The applicant has not sought a variance from the City within the past twelve (12) months.

**E. Conditions of Variances.** The Planning and Zoning Commission may impose such conditions or requirements in a variance as are necessary in the Planning and Zoning Commission's judgment to achieve the fundamental purposes of this ordinance. A violation of such conditions or requirements shall constitute a violation of this ordinance. A variance, if granted, shall be for a specific event, use, or other application of a business and shall not continue with the property. If a variance is granted and the sign so authorized is not substantially under construction within three (3) months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

#### **58-15. ENFORCEMENT.**

**A. Civil and Criminal Penalties.** The City of Cibolo shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

**B. Criminal Prosecution.** Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$1,000, except that the fine for a violation that relates to fire safety, zoning, or public

health and sanitation may not exceed \$2,000. Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a Class C Misdemeanor.

**C. Civil Remedies.** Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law, including, but not limited to the following:

1. Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
2. A civil penalty up to \$500 a day, except that a fine for a violation that relates to fire safety, zoning, or public health and sanitation may not exceed \$2,000, when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and
3. Any and all other available relief allowed by law.

**D. Removal.** In addition to remedies otherwise provided in this ordinance, whenever the City has evidence of a sign which after the effective date of this ordinance was constructed, reconstructed, placed, installed, repaired, maintained, relocated, altered, or used in violation hereof, or is otherwise in violation hereof, the Building Official or Code Enforcement Officer shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within seventy two (72) hours after being notified to do so or if it appears to the Building Official or Code Enforcement Officer that the sign poses an immediate danger to the public, then such sign may be removed by the City of Cibola and the City's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.

The City of Cibola shall have the authority to immediately remove and dispose of signs deemed in violation of this ordinance, if such signs are placed on or attached to trees, utility poles, or pedestals, or located on any public land or public right-of-way. The City may enforce this section without notice and without returning the removed signs to the responsible party.

The City shall not be held liable for damage to said sign(s) during the removal or storage of the sign(s) by the City.

### III. EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

### IV. SAVINGS CLAUSE.

The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights

of the City of Cibolo under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

**V.  
CUMULATIVE.**

The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

**VI.  
SEVERABILITY.**

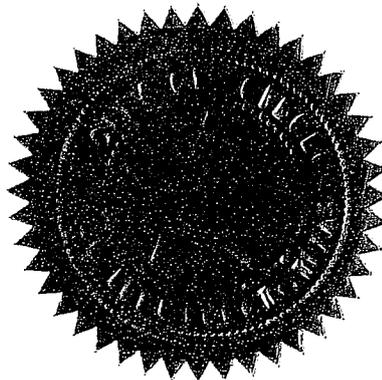
It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

**VII.  
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED**, this, the 26 day of Feb, 2013.

Jennifer Hartman  
Jennifer Hartman  
Mayor



**ATTEST:**

Peggy Cimics  
Peggy Cimics  
City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney