

AN ORDINANCE OF THE CITY OF WESTON, TEXAS, ADOPTING COMPREHENSIVE REGULATIONS GOVERNING THE PLACEMENT, CONSTRUCTION AND MAINTENANCE OF SIGNS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council has previously adopted Ordinance Nos. 2002-02-01, 2006-12-02 and 2006-04-03, governing the placement, construction and maintenance of signs; and

WHEREAS, the City Council now desires to amend said ordinances to adopt revised comprehensive regulations governing signs; and

WHEREAS, the City Council has determined that the regulations contained herein are in the best interest of the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS, THAT:

SECTION 1. LEGISLATIVE FINDINGS

The City Council of the City of Weston hereby finds that:

1. The proliferation of signs can create commercial confusion and make it difficult for travelers and motorists to locate the goods and services they seek.
2. In order to avoid future problems with tall and visually cluttering signs, the City Council wishes to establish a reasonable limitation on the height of signs, the location of signs, the size of signs and the number of signs. These provisions are necessary to prevent visual pollution, potential windstorm damage, injury or death.
3. Excessive height in signs creates clutter and is unsightly. The establishment of a reasonable maximum height for signs will allow effective communication, prevent altitude competition, and will not penalize smaller business concerns which may not be able to compete for aerial superiority.
4. Reasonable provisions pertaining to size, scale, location, design, lighting, permanency, and maintenance are necessary to avoid visual clutter, preserve and improve the appearance and character of the community, to avoid traffic problems caused by distracting signs or structures in close proximity to streets, which compete with traffic signs and signals for the attention of motorists, and to prevent deterioration, disregard, and abandonment of signs or structures.
5. These provisions will complement the provisions of the Federal Highway Beautification Act of 1972.
6. Signs are necessary for visual communication for public convenience, and businesses and other activities have the right to identify themselves by using signs that are incidental to the use on the premises where the signs are located. The City Council herein seeks to provide a reasonable balance between the right of a person to identify his or her business or activity, and the rights of the public to be protected against visual discord and safety hazards that result from the unrestricted proliferation, location and construction of signs.
7. The rights of residents of this City to fully exercise their rights of free speech by the use of signs containing non-commercial messages are subject to minimum regulation regarding structural safety and setbacks for purposes of traffic protection. The Council seeks herein to provide for the reasonably prompt removal and disposal of such signs after they have served their purpose and avoid any interference with First Amendment freedoms, especially as to persons who are of limited financial means.
8. The Council finds that instances may occur in the application of this ordinance where strict enforcement would deprive a person of the reasonable use of a sign, or the reasonable utilization of a sign in connection with other related property rights, and herein provides for such persons to have the right to seek variances from the requirements of this ordinance for good cause. The Council finds that it is imperative that enforcement officials apply this section as it is written, in the interest of equality and fair and impartial application to all persons, and that the use of the variance procedure shall remain the sole administrative means to obtain any exception to the terms hereof.

SECTION 2. DEFINITIONS

1. *SIGN*: Any written or graphic representation, decoration, form, emblem, trademark, flag, banner, or other feature or device of similar character that is used for the communication of commercial information, or communication of ideas or subjects of political significance, and which:
 - (a) Is a structure or any part thereof, including the roof or wall of a building, or a free standing wall or fence; and/or
 - (b) Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building, board, plate, canopy, awning or vehicle, or upon any material, object or device whatsoever; and
 - (c) By reason of its form, color, wording, symbol design, illumination or motion attracts or is designed to attract attention to the subject thereof, or is used as a means of identification, advertisement or announcement.
2. *APARTMENT/CONDOMINIUM/MOBILE HOME PARK IDENTIFICATION SIGN*: An attached sign or a freestanding sign with permanent foundation or moorings, designed for identification of a multi-family residential project or a mobile home park project, and where adequate provision is made for permanent maintenance hereunder.
3. *RESIDENTIAL AREA IDENTIFICATION SIGN*: A freestanding or wall sign with permanent foundation or moorings, designed for identification of subdivisions of ten (10) to fifty (50) acres, or identification of a distinct area within a subdivision, and where adequate provision is made for maintenance hereunder.
4. *ATTACHED SIGN*: A sign attached to or applied on and totally supported by a part of a building.
5. *BANNER/FLAG*: A piece of fabric used for decoration (contains no copy or logo) or for identification (contains copy and/or logo).
6. *COMMERCIAL SIGN*: A sign, which directs attention to a business, commodity, service, entertainment, or attraction, sold, offered, or existing.
7. *DEVELOPMENT SIGN*: A sign announcing a proposed subdivision or a proposed building project.
8. *DIRECTIONAL TRAFFIC CONTROL SIGN*: A sign utilized as a traffic control device in off-street parking or access areas.
9. *FREESTANDING COMMERCIAL SIGN*: A sign supported by a column, more than one pole or bar extended from the ground or from an object on the ground, or that is erected on the ground; the term includes all signs which are not substantially supported by a building or part thereof, or which are substantially supported by a building or part thereof, when the sole significant purpose of the building or part thereof, is to support or constitute the sign.
10. *FUEL PRICE SIGN*: A sign used to advertise the current price of fuel at locations where fuel is sold.
11. *HOME OCCUPATION SIGN*: A sign used to identify the name and occupation of a person with a legal home occupation.
12. *LOW PROFILE SIGN*: A sign with a permanent foundation which is not attached to a building, but is a stand-alone sign and which does not exceed 60 S.F. in area and 4 feet in height.
13. *NON-COMMERCIAL SIGN*: A work of art or message which is political, religious, or pertaining to a point of view, expression, opinion, or idea that contains no reference to the endorsement, advertising of, or promotion of patronage, of a business, commodity, service, entertainment, or attraction that is sold, offered, or existing.
14. *OFF-PREMISE COMMERCIAL SIGN*: A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the premises where such sign is displayed.
15. *ON-PREMISE COMMERCIAL SIGN*: A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing upon the premises where such sign is displayed. This definition does not include non-commercial signs.
16. *POLITICAL SIGN*: Any sign which promotes a candidate for any public office or which advocates a position on any social issue as its primary purpose. Political signs shall be considered in the category of non-commercial signs except where there are regulations pertaining to their removal after an election.
17. *PORTABLE SIGN*: A sign which is not affixed or attached to real property by poles, stakes or other members which are placed into the ground, or upon some other type of permanent foundation; trailer signs, any

sign with wheels or skids, and any sign which is constructed so as to sit upon the surface of the ground, without subsurface attachment or extension.

18. *PREMISES*: An area of land planned and designed as a single comprehensive project, considered from the time the plan is first submitted to the City either at plat stage or site plan stage.

19. *REAL ESTATE, FINANCE and CONSTRUCTION SIGN*: An attached or freestanding sign erected upon a lot or parcel of land for the purpose of advertising same for sale or lease, or advertising the furnishing of interim or permanent financing for a project, or for the furnishing of labor, materials or the practice of crafts on the job site.

20. *ROOF SIGN*: An outdoor advertising display sign erected, constructed, or maintained on the roof of a building or which is wholly dependent upon a building for support, and which projects above the point of a building with a flat roof, six feet above the eave line of a building with a shed, gambrel, gable or hip roof, or the deck line of a building with a mansard roof. See illustrations at the end of this section.

21. *SUBDIVISION IDENTIFICATION SIGN*: A freestanding or wall sign with permanent concrete foundation or moorings, designed for permanent identification of a subdivision of greater than fifty (50) acres, and where adequate provision is made for permanent maintenance hereunder.

22. *YARD SALE SIGN*: A temporary sign advertising an event located at a residential place or location to which members of the public, at any time, may purchase identifiable or tangible personal property, other than sales activity operated in conjunction with a regularly licensed commercial or retail operation. Also included in this definition are garage sales, patio sales, rummage sales, estate sales or any other similar sales.

SECTION 3. GENERAL PROVISIONS

1. *SIGN PERMITS*: A sign permit shall be required for the following types of signs:

- (a) Apartment/Condominium/Mobile Home Park Identification Signs
- (b) Attached Signs
- (c) Commercial Sign
- (d) Development Signs
- (e) Freestanding Signs
- (f) Roof Signs
- (g) Subdivision and Area Identification Signs
- (h) Home Occupation Signs

Sign Permits shall be issued by the City Secretary in consultation with the Building Official (or designee) upon receipt of a properly completed application demonstrating compliance with the provisions of this section and the City's Building and Electrical Codes. The fee for a Sign Permit shall be in accordance with the current City of Weston Fee Schedule, which does not include any additional fees, including, but not limited to, fees for permits or inspections required under the City's Building and Electrical Codes, where applicable.

No sign permit shall be required for the following signs:

- (a) Real Estate, Finance and Construction Signs
- (b) Directional Traffic Control Signs
- (c) Non-Commercial Signs
- (d) Political Signs

2. *SUBDIVISION AND AREA IDENTIFICATION SIGN*: Area Identification signs shall be allowed upon the private property of which the sign pertains to, in order to identify subdivisions of ten (10) to fifty (50) acres in size.

Subdivisions with greater than fifty (50) acres shall submit multiple applications for each sign.

Both area identification and subdivision signs must be located on the premises as identified by a preliminary plat of the subdivision. Subdivision signs will be permitted only at major intersections on the perimeter of the subdivision (intersection of two collector or larger streets). At each intersection either one or two subdivision signs may be permitted so long as the total area of the signs does not exceed 200 square feet. Banners or flags shall not be allowed as signs for subdivisions or as add-ons to permitted signs.

Indirect lighting is permissible but no optical effects, moving parts or alternating, erratic or flashing lights shall be permitted. Adequate arrangements for permanent maintenance of all signs and landscaping, if any, in conjunction with such signs shall be made, which may be through an owners association if one exists or is created for this purpose.

These signs shall be constructed of at least 75% masonry exterior finishing materials. Masonry is defined as brick, stone, stucco, slate, marble, painted CMU or some derivative. Wood, plastic and EFIS may be used for no more than 25%.

These signs shall not exceed 10 feet in height.

3. APARTMENT/CONDOMINIUM/MOBILE HOME OR HUD CODE MANUFACTURED HOUSING PARK IDENTIFICATION SIGN: An apartment/condominium/mobile home or HUD Code Manufactured Housing park identification sign may be either an attached sign or a freestanding sign. It shall be placed upon the private property of a particular multi-family project and shall be limited to 100 sq. feet.

The apartment/condominium/mobile home park identification sign shall list the name and facilities available and may have leasing or sales information incorporated as a part of the sign. An apartment or condominium project must have a minimum of 24 dwelling units to qualify for an identification sign. A mobile home or HUD Code Manufactured Housing park must have a minimum of 10 dwelling units to qualify for an identification sign.

Indirect lighting is permissible, but no optical effects, moving parts, or alternating, erratic or flashing lights or devices shall be permitted. Adequate arrangements for permanent maintenance of all signs and landscaping, if any, in conjunction with such signs shall be made, which may be through an owners association if one exists or is created for this purpose.

These signs shall be constructed of at least 75% masonry exterior finishing materials. Masonry is defined as brick, stone, stucco, slate, marble, painted CMU or some derivative. Wood, plastic and EFIS may be used for no more than 25%.

These signs shall not exceed 4 feet in height.

4. DEVELOPMENT SIGN: A development sign may be placed only on private property and not in the public right-of-way. Development signs shall only be placed on the properties that are being advertised in the sign.

A development sign for a building project shall be removed if the project has not received a building permit at the end of twelve (12) months. The Building Official (or designee) may renew the sign permit for one (1) additional twelve (12) month period after a new fee is submitted and a new application is submitted, reviewed and approved.

A development sign for a proposed subdivision shall be removed if a preliminary or final plat has not been approved by the end of twelve (12) months. The Building Official (or designee) may renew the sign permit for one (1) additional twelve (12) month period upon request. Once a plat has been approved, the sign permit is valid as long as a preliminary plat is in effect, or in the absence of a valid preliminary plat, for twenty-four (24) months from the date of approval of a final plat.

These signs shall not exceed 15 feet in height.

5. DIRECTIONAL TRAFFIC CONTROL SIGN: Directional Traffic Control signs may be utilized as traffic control devices in off-street parking areas but shall be less than 50% of the area of the directional sign. No directional traffic control sign shall be permitted within or upon the right-of-way of any public street unless its construction, design, and location have been approved by the City Secretary (or designee). These signs shall not exceed 6 feet in height.

6. PORTABLE SIGNS: Portable Signs are not permitted within the City Limits of the City of Weston.

7. REAL ESTATE/FINANCE/CONSTRUCTION SIGNS: One real estate sign not exceeding sixteen (16) square feet in total area (exclusive of stakes and posts) may be erected at any time while a property is offered for sale or lease to the public. Properties with a minimum of 2 acres and frontage on 2 streets shall be allowed one real estate sign on each frontage street with the area of the sign not exceeding sixteen (16) square feet.

One finance sign and three construction signs (for a total of 4 signs), not exceeding 16 square feet in total area each (exclusive of stakes and posts) may be erected once a building permit has been issued on a property. Properties with a minimum of 10 acres and 1,000 feet of frontage shall be allowed one finance sign and three construction signs not exceeding 32 square feet in total area each.

Real estate, finance and construction signs may be either attached or freestanding and only those visible from the street are limited in number.

All such signs shall be maintained by the owner of the premises so as to remain in good condition. Such signs shall be removed by the property owner if the signs are damaged, broken or incapable of remaining erect. The owner may assign these duties to a designee; however, the owner of the property shall be held liable for any violations.

Such signs located in the public right-of-way must be removed by the owner or person in control of the premises when either the property has sold or been leased and/or when performance under the construction contract or subcontract (in the case of construction signs) has been completed. In all cases, financing and construction signs shall be removed prior to issuance of a certificate of occupancy.

These signs shall not exceed 6 feet in height.

8. **NON-COMMERCIAL SIGNS: POLITICAL SIGNS:** This section does not regulate the size, content or location of non-commercial signs, political signs except as follows:

- (a) No commercial message shall be shown on any non-commercial sign.
- (b) No non-commercial sign:
 - (1) May be located within public road right-of-way of the State of Texas; or
 - (2) May be located on private real property without the property owner's consent; or
 - (3) May be located within any sight distance triangle as defined by the City Engineer or the City Council or their designee as a location that would hinder intersection visibility.

This provision is necessary to avoid clutter, proliferation, and dangerous distraction to drivers caused by close proximity of such signs to automobile traffic, to avoid damage to automobiles which may leave the paved surface intentionally or by accident, and to avoid the necessity for pedestrians to step into the roadway to bypass such signs. No regulatory alternative exists to accomplish this police power obligation.

In the event that any political sign is located in a public right-of-way of the State, it shall be removed by the City.

All political signs shall be removed within ten (10) days after the election.

The following non-commercial and political signs are not exempt from the sign permit requirements:

- (a) signs with an effective area greater than 36 feet;
- (b) signs more than eight feet high;
- (c) signs that are illuminated; or
- (d) signs containing any moving elements.

9. **HOME OCCUPATION SIGNS:** A person having a legal home may be permitted to attach a non-intrusive sign on the side of a building or porch of the residence. The sign may contain only the name and occupation of the resident. It shall be attached directly to the face of the building or porch. It shall not exceed 2 square feet in area, shall not be illuminated in any way, and shall not project more than 24 inches beyond the building or porch.

A sign permit shall be required. No display of merchandise or other forms of commercial communication shall be allowed within a residential area, unless same are in existence prior to the adoption of this ordinance in connection with a use which is presently a lawful non-conforming use within the district. Such non-conforming signs may be maintained until the non-conforming uses of the building cease, subject to the requirements for maintenance herein.

10. **ROOF SIGNS:** Roof signs shall be regulated as freestanding signs.

11. **FREESTANDING COMMERCIAL SIGNS:** Freestanding commercial signs are allowed only on property zoned for commercial, office or industrial use.

Property zoned for commercial or industrial use with less than 75 feet of frontage shall be allowed to use one low profile sign.

Property zoned for commercial, office or industrial use with more than 75 feet of frontage shall be allowed to use one freestanding sign of no more than 50 sq. ft. or one low profile sign. If a freestanding sign is used under this provision, the sign shall have a height not to exceed 20 feet.

Property zoned for commercial, office or industrial use with more than 150 feet of frontage shall be allowed to use one freestanding sign and one low profile sign as long as there is a minimum separation between signs of 150 feet. If a freestanding sign is used under this provision, the sign shall have a height not to exceed 35 feet.

All commercial developments with multiple tenants, uses, and/or pad sites shall comply with the following regulations:

- (a) Each separate individual use shall be allowed 1 (one) attached sign that may be displayed as a "hanging" shingle, wall plate, or some other manner that is attached to the confines of the lease space being occupied by that use.
- (b) Each separate individual use shall have the ability to have an additional sign posted on a common "monument sign" which advertises multiple entities.
- (c) Each separate individual use shall have the ability to apply for additional signage based on any unique circumstances; however, off-premise signs shall be prohibited.
- (d) Monument signs shall not exceed 35 feet in height and shall be constructed of at least 75% masonry exterior finishing materials. Masonry is defined as brick, stone, stucco, slate, marble, painted CMU or some derivative. Wood, plastic and EFIS may be used for no more than 25%. The individual signs, plaques, wall plates, or "shingles" shall be constructed of masonry, metal, plastic or some other synthetic material which requires minimum maintenance.

Property zoned for commercial, office or industrial use with less than 75 feet of frontage may be combined with adjacent commercial or industrial use property in order to utilize signage corresponding to the resulting frontage as described in the preceding two paragraphs.

The sign applicant may elect the frontage street where two streets at the corner are classified the same on the thoroughfare plan. If on two differently classified streets, then the greater capacity street shall be considered the frontage street.

No more than one freestanding sign shall be allowed on any premises except when all of the following conditions are met:

- (a) The site must be zoned commercial, office or retail.
- (b) The site must be twenty-five (25) acres or more in area.
- (c) The site must have 1,000 feet (or more) of continuous unsubdivided frontage on any major arterial street (as classified in the thoroughfare plan) toward which one additional freestanding sign is to be displayed.

Balloons or gas-filled objects may be used for display or advertising for special events with an approved sign permit therefor. The maximum height permitted for balloons or gas-filled signage shall be sixty (60) feet. Balloons or gas-filled signage is permitted for up to 3 days, per premise, per 90 day period.

12. **ATTACHED SIGNS:** Attached signs in areas zoned commercial and retail only and are considered commercial signs under this section. An attached sign shall advertise only on-premise activities. Such sign shall be parallel to the face of the building, shall not be cantilevered away from the structure, and shall not extend more than one foot from any exterior building face, mansard, awning or canopy (see Roof Sign definition). Painted roof signs shall be prohibited.

13. **FLAGS:** One freestanding corporate flag per premise, not to exceed 40 feet in height or 100 sq.ft. in area is allowed in multi-family, commercial, office and industrial zones. One freestanding flag shall also be allowed for state and national flags in addition to the one corporate flag.

14. **SIGNS FOR CONDITIONAL USES:** Signs for conditional uses shall comply with the regulations for the zoning district in which the conditional use is permitted. An applicant wishing to propose signage using the requirements of a zoning district different from the one in which the conditional use is permitted must receive approval from the City Council as part of the conditional use permit process.

15. **PROHIBITED SIGNS:** The following signs shall be prohibited in the City of Weston:

- (a) Portable and Trailer signs.
- (b) Single-pole signs
- (c) Off premise commercial signs.
- (d) Signs painted on roof tops.

(e) Banners or flags containing copy or logo, excluding the flags of any country, state, city or school are prohibited in residential zones and on any residentially developed property (except when flags are used as subdivision signs). Flags as described herein shall be permitted.

(f) Signs and displays with flashing, blinking or traveling lights, or erratic or other moving parts, either internal or external to the premise, and oriented and visible to vehicular traffic, provided that time and temperature signs are permissible if the maximum area and setback requirements of this section are met and if the commercial information or content of such signs is restricted to no more than 8 square feet and these signs are located at the intersections of collector streets with arterial streets or greater.

(g) Any signs which are intended to or designed to resemble traffic signs or signals and bear such words as "stop", "slow", "caution", "danger", "warning", "detour", or other words, and which are erected for purposes other than actual traffic control or warning to the public.

(h) Any sign that emits sound, odor or visible matter.

(i) Banners are prohibited in residential zones and on any residentially zoned property. Banners will be treated as attached or freestanding signs, as applicable, when used on commercial or industrial properties.

16. EXEMPT SIGN: The following signs are exempt from the requirements of this Ordinance:

(a) Signs that are not visible from beyond the boundaries of the lot or parcel on which they are located or from any public thoroughfare or traveled right-of-way. Such signs are not exempt from the safety regulations contained herein and in City building and electrical codes.

(b) Official notices posted by government officials in the performance of their duties; government signs controlling traffic, regulating public conduct, identifying streets, or warning of danger. (Bulletin boards or identification signs accessory to government buildings or other buildings are subject to the provisions of this Ordinance.)

(c) Temporary signs erected by private property owners or by public officials or their designees for the purpose of warning of a dangerous defect or condition, or other hazard to the public.

(d) Non-commercial signs on private property with the consent of the property owner or works of art that in no way identify or advertise a product or business, or by their location and placement impede traffic safety.

(e) Temporary decorations or displays, if they are clearly incidental to and are customarily and commonly associated with any national, local or religious celebration.

(f) Temporary or permanent signs erected by public utilities or construction companies to warn of the location of pipelines, electrical conduits, or other dangers or conditions in public rights-of-way.

(g) Signs that are displayed on motor vehicles that are being operated or stored in the normal course of a business, such as signs indicating the name or the type of business, that are located on moving vans, delivery trucks, trailers and other commercial vehicles; but only if the primary purpose of such vehicles is not for the display of the signs thereon, and only if such vehicles are parked or stored in areas appropriate to their use as commercial or delivery vehicles, such as service areas or locations close to the business building(s) away from public traffic areas.

(h) Signs carried by a person and not set on or affixed to the ground.

(i) Flags used as political symbols.

(j) Flags used solely for decoration and not containing any copy or logo and located only in multi-family, commercial, and industrial districts or developments. In multi-family developments, such flags will be restricted to twenty five (25) square feet in area, 30 feet in height, and the number shall be restricted to no more than 12 flags per building plot.

(k) Balloons and/or other gas filled objects located in any zoning district; which balloon and/or gas filled object shall not exceed twenty (20) feet in height and shall not contain or display any logo but shall be used solely for decorative purposes.

17. FUEL PRICE SIGN: Service stations will be allowed one sign per site, the area of which shall not exceed 16 square feet and will not be included in the allowable area of any freestanding sign. This sign cannot be located within the right-of-way. These signs shall be constructed with exterior finishing materials that complement the main structure.

18. STRUCTURAL REQUIREMENTS:

(a) A building permit shall be required in addition to any permit under this section, in accordance with the provisions of the Weston Building Code. The provisions of this ordinance shall control over the provisions of the Building Code only where clearly inconsistent therewith.

(b) **ABANDONED SIGNS:**

(1) The Mayor may order the removal of an abandoned sign as of the first anniversary of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located.

(2) If the premises containing the sign or sign structure is leased, the Mayor may require the removal under this subsection as of the second anniversary after the date the most recent tenant ceases to operate on the premises.

(3) The owner of an abandoned sign shall not be entitled to compensation for the removal of the sign. In addition, should the property owner fail to remove the abandoned sign after notice by the Mayor, the City may remove the sign and charge the sign owner for cost incurred.

(c) **DAMAGED OR UNSAFE SIGNS:**

(1) For purposes of Subsection (c), a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location.

(2) The provisions of this section shall apply when in conflict with the provisions of the Building Code, but where the provisions of both ordinances are not inconsistent, the enforcement of either shall be permissible and remedies or penalties cumulative.

(3) All damaged signs shall be repaired or removed within 30 days. The City Council (or designee) shall have authority to grant a 30-day extension where there is a determination that there is a reasonable necessity for same.

19. MISCELLANEOUS REGULATIONS:

(a) No sign shall be placed in a City of Weston drainage or utility easement unless approval is granted by the City Council. Location in an easement shall be subject to a written agreement entered into by all parties involved. Any damage to or relocation of signs located in easements because of the City's use of the easement shall be the responsibility of the owner of the sign. The City, when possible, shall give the owner prior notice of the use of the easement which will affect the sign. This is also applicable to all exempt signs.

(b) Signs may be internally or externally lighted as long as the light is so designed as to be shielded away from adjoining residential premises and does not impair drivers' visibility on adjoining rights of way.

20. YARD SALE SIGN: The following regulations shall apply to yard sale signs:

(a) Every person, group of persons, or organization desiring to erect a sign notifying the public of a yard sale shall first obtain a yard sale sign permit. The yard sale sign permit must be made available at the residence upon request by the City Code Enforcement Officer.

(b) The yard sale sign permit application shall be available at the Office of the City Secretary and shall require the following information:

(1) Name of the applicant;

(2) Physical address of the yard sale; and

(3) Date(s) of the yard sale.

No fee shall be required for a yard sale sign permit.

(c) An individual address shall only be permitted three yard sale sign permits per calendar year. Each yard sale sign permit shall permit the erection of no more than two yard sale signs for no longer than three consecutive days. No permit issued pursuant to the provisions of this section shall be transferred.

(d) Yard sale signs shall only be located on the premises on which the sale is conducted and shall not be placed within the public right-of-way.

(e) Yard sale signs shall not be installed or displayed sooner than the specified sales period and shall be removed at the end of the sales period.

(f) Any yard sale sign placed in contravention to this section will be removed and the violator subject to criminal citation.

21. **VARIANCES:** The City Council shall have jurisdiction to hear requests for a variance from the terms of this ordinance. For the granting of a variance, a favorable vote of no less than 4 of 5 members of the City Council shall be necessary. The Council shall be authorized to grant a variance from the terms hereof if, and only if, they find that the strict enforcement of this section would create a substantial hardship to the applicant, by virtue of unique or special conditions not generally found within the City, and that the granting of the variance would preserve the spirit and intent of the Ordinance, and would serve the general interests of the public and the applicant. A financial hardship shall not constitute a valid hardship.

SECTION 4. This ordinance shall be cumulative of all provisions of ordinances of the City of Weston, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Ordinance numbers 2002-02-01 and 2006-12-02 are hereby repealed. Section 1 A of Ordinance number 2006-04-03 is hereby amended to reference this Ordinance Number 2007-03-01.

SECTION 5. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7. All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinances governing signs, including Ordinance Numbers 2002-02-01, 2006-12-02 and 2006-04-03 that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8. The City Secretary of the City of Weston is directed to publish the caption, penalty clause, publication clause and effective date of this Ordinance in accordance with the provisions of Section 52.011 of the Local Government Code.

SECTION 9. This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED this the 13th day of March 2007.

Patti Harrington
Patti Harrington, Mayor

ATTEST:
Susan M Coffey
Susan M Coffey, City Secretary

