

ORDINANCE NO. 2007-2

AN ORDINANCE OF THE CITY OF CUMBY, TEXAS, PROVIDING FOR AN ADDITION TO THE PREVIOUSLY ESTABLISHED COMPREHENSIVE PLAN AND ZONING ORDINANCE (2006-8); PROVIDING AND ADOPTING THE FOLLOWING REGULATIONS REGARDING SIGNS WITHIN THE CITY OF CUMBY, TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR A SAVING AND SEVERABILITY CLAUSE; PROVIDING FOR AN EMERGENCY EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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

ARTICLE V.: SITE DEVELOPMENT

5-4 SIGN REGULATIONS

5-4.1 Purpose

In general, the objectives of the standards are to promote the health, safety, welfare, convenience, communication and the landscape quality of the public it shall further be the purpose of this ordinance to achieve the following:

(A) Safety

- (1) No hazard is created due to collapse, fire, collision, decay or abandonment;
- (2) No obstruction is created to fire fighting and police surveillance; and,
- (3) No traffic hazard is created by confusing or distracting motorist, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs;
- (4) To prevent nuisances and invitations to vandalism;
- (5) To avoid obstructions to police, emergency services, and citizen views as a means of crime prevention

(B) Communications

To promote the efficient transfer of information in sign messages by providing that:

- (1) Businesses and services may identify themselves;

- (2) Customers and other persons may locate a business or service; and,
- (3) 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 said messages, according to the observer's purpose.

(C) Landscape Quality and Preservation

To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that signs:

- (1) Do not interfere with scenic views;
- (2) Do not create a nuisance to persons using the public right-of-way;
- (3) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;
- (4) Are not detrimental to land or property value; and,
- (5) Contribute to the special character of particular areas or districts within the City, helping the observer to understand the city and orient oneself within it;
- (6) Will be beneficial and in the best interest of the citizens of Cumby to create a neat and orderly appearance throughout Cumby;
- (7) To create a gateway effect into commercial areas and neighboring residential areas;
- (8) Create a means of safely identifying a place of business and services available on the premises without creating esthetic offenses and harm;
- (9) Ensure a non-commercial atmosphere within residential areas;
- (10) Maintain open spaces by setbacks;
- (11) To create appropriate and orderly commercial and residential atmospheres;
- (12) To enhance property values and psychological well-being for individuals and families.

5-4.2 General Provisions

All signs erected or maintained pursuant to the provisions of this ordinance shall be

erected and maintained in compliance with all applicable federal, state, including the Texas Highway Beautification Act, “Outdoor Advertising Signs”, and local laws or regulations, and with the building code, electrical code and other applicable ordinances of the City, as they exist or may be amended. In the event of conflict between this ordinance and other laws, the most restrictive standard applies.

The terms and conditions of this ordinance shall apply to signs located within the City of Cumby, Texas and extraterritorial jurisdiction.

No sign permit shall be issued under this ordinance for any sign in a district where signs are prohibited by the city’s Comprehensive Zoning Ordinance, as it currently exists or may be amended.

5-4.3 Definitions

ERECT: The term “erect” shall mean to build, construct, attach, hang, place, suspend or affix,

FACE OR SURFACE: The word “Face” or “surface” shall mean the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

GROSS SURFACE AREA OF SIGN: The “gross surface areas of a sign” is the entire area within a single continuous perimeter enclosing the extreme limits of each sign. A sign having (2) surfaces shall be considered a single sign if both the surfaces are located back to back. In the event two (2) or more signs share a single structure, i.e., directory signs, or signs on v-shaped structures, each sign or panel shall be considered separated for square footage purposes, provided that the combined area of such signs cannot exceed the total square footage allowed on a single sign.

HEIGHT: The height shall be measured from common ground level to the highest point of the sign.

ILLUMINATED SIGN: The term “illuminated sign” shall mean any sign illuminated by lighting.

INCOMBUSTIBLE MATERIAL: The term “incombustible material” shall mean any material which will not ignite at 1200 F or below, nor shall it continue to burn or glow at that temperature.

LOGO: A “logo” is a design or insignia commonly used to identify a company or product.

PERMANENT: The word “permanent” shall mean any sign intended to be used for six (6) months or longer.

SETBACK: The minimum distance from the property line to the nearest part of a building structure. No sign requiring a permit may encroach, project, or be constructed on or past this line.

SIGN: The term “sign” shall mean an outdoor or indoor advertising device that is a structure, is attached to or is a display on premises intended to accomplish the purposes customarily assigned to signs.

SIGN, ABANDONED: The term “abandoned sign: shall mean any sign without a valid current permit, or one which is deserted, surrendered or forsaken, unused, given up or relinquished with intention of never resuming a right or interest therein.

OFF SITE: The term “off site” as used in this ordinance, shall mean that the sign referred to reflects goods, products or services provided at a location other than that which the sign occupies.

ON SITE: The term “on site” as used in this ordinance shall mean that the sign referred to reflects goods, products, or services provided at a location which the sign occupies.

SIGN ADVERTISING: An “advertising sign” is any sign which promotes or advertises commodities or services not offered on the premises where such signs are located off site.

SIGNS, AGRICULTURAL: An “agricultural sign” is any sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry *raised* or quartered thereon, on site.

SIGN, APARTMENT: An “apartment sign” is any sign identifying an apartment building or complex of apartments, on site.

SIGN, CONSTRUCTION: A “construction sign” is any temporary sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator, or finances engaged in the design construction or improvement of the premises on which the sign is located, on site.

SIGN, DEVELOPMENT: “Development Sign” is any temporary promotion sign pertaining to the development of land, on site.

SIGN, DIRECTIONAL: “Directional Sign” is any temporary sign which exclusively communicates the location or route to a premise or occupancy, off site.

SIGN IDENTIFICATION: “Identification Sign” is any sign used to identify shopping centers, industrial and commercial parks, and retail districts. These signs are not intended to identify individual businesses or activities within the center or district, on site.

SIGN, INSTITUTION: “Institution Sign” is any sign issued to identify a school, church, hospital or similar public or quasi-public institution.

SIGN, MARQUEE: “Marquee Sign” is any sign erected on a marquee or fixed awning, on site.

SIGN, MODEL HOME: “Model Home Sign” is any temporary sign used to advertise a particular structure represented by a model or show home, on site.

SIGN, MONUMENT: “Monument Sign” is any permanent low profile sign on a monument base, on site.

SIGN, POLITICAL: “Political Sign” is a temporary sign advertising a political candidate or party for elective office.

SIGN, PROJECTION: “Projection Sign” is any sign which projects, either horizontally or vertically, from a building: and which has one end attached to that building or other permanent structure, on site.

SIGN, REAL ESTATE: “Real Estate Sign” is a temporary sign used to advertise the sale of lease of a piece of real property, on site.

SIGN, RESIDENTIAL SUBDIVISION: “Residential Subdivision Sign” is a sign used to identify a specific residential subdivision, on site.

SIGN, TRAFFIC: “Traffic Sign” is a sign used for traffic control purposes, on site.

SIGN, WALL: “Wall Sign” is any sign attached to the face of a building or incorporated thereon, including windows and doors, to advertise businesses in that building.

5-4.4 Permits, Fees and Procedures

(A) Permit Required (Structural Permit)

It shall be unlawful for any person to erect, replace, alter dimension or size or relocate any sign without first obtaining a sign permit to ensure that setback and height requirements and sign regulations are met. A structural permit is not required to repaint, change copy, or resurface an existing sign. All permitted work must be completed within one hundred eighty (180) days from the time of application or the permit becomes void.

(B) Sign License Fee

No person, firm or corporation shall install, or maintain any sign, or contract for such service, until such person, firm or corporation has applied for a license to install, erect,

and maintain signs, and until such license has been approved and issued. Such license shall be one hundred dollars (\$100.00) per year, payable on the first day of January of each year. Excluded from these licensing requirements is a person, firm or corporation who installs or maintains any sign or contracts for such service, on premises owned by that person, firm or corporation.

(C) Permit Fees (Face or Surface)

The fee for permits shall be based on the square footage of said sign in the following manner:

Square Feet

| | |
|----------------------------|---------|
| Up to 50 Square Feet | \$75.00 |
| 51 Sq. Ft. to 100 Sq. Ft. | 95.00 |
| 101 Sq. Ft. to 200 Sq. Ft. | 125.00 |
| 201 Sq. Ft. to 672 Sq. Ft. | 150.00 |

In case any work is started or proceeded with prior to obtaining a permit the above specified fee shall be doubled to obtain the required permit.

If a permit is denied, the sign content permit fee will be refunded.

(D) Sign Erection Bonding

No license for the installation, erection and maintenance of signs shall be issued to any person, firm or corporation until such person, firm or corporation has filed with the Building Inspector/Code Enforcement Officer a surety bond in the sum of five thousand dollars (\$5,000.00). Such bond shall be for the installation and erection of signs and shall provide for the indemnification of the City of Cumby for any and all damages or liability which may accrue against it for a period of one (1) year after installation, erection, demolition, repair, removal or defects in or collapse of any sign.

(E) Engineer Certification

All signs require scale drawings showing a site plan location and design of the sign. Projection, wall and temporary signs not over six (6) square feet in area, constructed of metal or other noncombustible material attached securely to a building or structure and

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not projecting more than twenty-four (24) inches beyond the building wall Structure building line or property line, shall not require civil engineer certification as to its structural soundness. For all other signs, a design and street diagram or plan, containing the necessary information, shall be submitted to the Building Inspector/Code Enforcement Officer to enable him to determine that such sign complies with all the applicable codes and regulations. Wind Pressure and Dead Loads shall be shown where deemed appropriate, and the Building Inspector may require structural drawings which

are designed by and sealed by a civil engineer released by the State of Texas when it cannot be determined that the sign will be structurally sound.

(F) Signs Exempt From Permitting Procedures

Permits and required setbacks shall not be required for the following signs, provided, however, such signs otherwise comply with all other applicable sections of this ordinance.

(1) Temporary Political Signs

(2) Temporary Special Event Signs. Not exceeding sixteen (16) square feet in area for a maximum time period of no more than fourteen (14) consecutive days with a limit of three (3) events each calendar year, or a maximum time period of no more than forty-five (45) consecutive days with a limit of (1) event each calendar year. For thirty (30) days following an event, no temporary special event sign is allowed. The adjacent property owners must have no reasonable objection to the sign, and the sign location must be approved by the Building Inspector/Code Enforcement Officer for safety and setback purposes. Signs must be removed within ten (10) days after the maximum time period allowed.

(3) Occupational Signs. Not exceeding two (2) square feet in area, denoting only the name and profession of an occupant in a commercial or public institutional building.

(4) On-Site Traffic Control Signs. Not exceeding eight (8) square feet used primarily to denote entrances and exits, provided such signs do not contain advertising and are not used as such. Signs shall not exceed three (3) feet in height.

(5) Residential Real Estate Signs. Not exceeding twelve (12) square feet advertising the sale or lease of an individual residential structure.

(6) Business/Industry Real Estate Signs. Not exceeding thirty-two (32) square feet, advertising the sale or lease of business/industrial property.

(7) Temporary Window Signs. Banners. Signs not exceeding the surface area of the window within which it is placed.

(G) Signs Not Regulated

The following types of signs shall be exempt from the provisions of this ordinance. However, regulations regarding sign location in a public right-of-way or public access easement shall apply.

(1) Governmental Signs. Signs erected or maintained pursuant to and in discharge of any governmental function; required by law, ordinance, or governmental regulation; or located on property owned, leased or under control of the federal or state government.

(2) Railway Signs. Signs within or on railway property and placed or maintained in reference to the operation of such railway.

(3) Utility Signs. Signs marking utility or underground communication or transmission lines.

(4) Vehicle Signs. Signs displayed or used upon vehicles, trailers or aircraft, unless such vehicle, trailer or aircraft on which such sign is displayed is permanently stationed for a period of seventy-two (72) continuous hours or more, or regularly used at a fixed location to serve the same or similar purpose of a permanent or portable sign not affixed to a vehicle, trailer or aircraft.

(5) Signs Not Visible From Street. Signs where no part of such sign is visible from any public street.

(6) Holiday Signs. Temporary signs containing only holiday messages and no commercial advertising.

(7) Signs on Persons. Hand held signs or signs, symbols or displays on persons or animals.

(8) Unused Signs. Signs being manufactured, transported or stored and not being used, in any manner or form, for purposes of advertising.

(9) Plaques. Commemorative plaques of recognized historical societies and organizations.

(10) Private Traffic Control. On-premise signs which direct the movement of traffic on private property or warn of obstacles, overhead clearances or control parking. The sign must be less than ten (10) feet in width, less than six (6) feet in height and be placed where it will not interfere with the safe movement of vehicles or pedestrians.

(11) Mail Boxes, Newspaper Racks. Signs located on mail boxes, newspaper vending machines and curbside residential newspaper holders which identify the owner and address of the premises or the name of the newspaper sold or subscribed to; provided that such devices are not placed so as to interfere with the safe movement of pedestrians or vehicular traffic.

(12) Signs on Outdoor Machines, Devices and Equipment. Signs located on outdoor machines, devices, or equipment which display the trademark, trade name, manufacturer, cost or operating or service instructions or similar information, but do not advertise the business where located. This exemption includes, but is not limited to signs on coin-operated vending machines, fuel dispensing pumps, telephone facilities, automatic teller machines, automatic vacuum cleaners, amusement rides and similar machines, devices or equipment.

(13) Athletic Fields. Signs located on the field side of scoreboards and fences of athletic fields.

(14) Signs not exceeding four (4) square feet on outdoor trash containers.

(15) On-site flag and pennant signs not exceeding four (4) square feet with a maximum of five (5) per business.

(16) Flags, banners, pennants, or signs displayed with the cooperation of the City of Cumby in public rights-of-way which promote and encourage tourism and economic development but are not designed to promote or solicit customers for individual businesses nor to promote the sale of any product by a business.

5-4.5 Maintenance/Removal of Unsafe and Unlawful Signs

(A) Maintenance

All signs and their supports, braces, guys, and anchors shall be kept in repair and, if not galvanized or non-corroding metal, shall be thoroughly painted at least once every two (2) years. The Building Inspector/Code Enforcement Officer may order the removal of any sign that is not maintained in accordance with the provisions of applicable codes. Such removal shall be at the expense of the owner or lessee.

(B) Unsafe Signs

The owner or the person or firm maintaining a sign which is insecure or in danger of falling or otherwise unsafe, as determined by the Building Inspector/Code Enforcement Officer, shall receive written notice from the Building Inspector/Code Enforcement Officer to remove such sign or to secure it in a manner to be approved by the Building Inspector/Code Enforcement Officer to conform to applicable codes. If this order is not complied within ten (10) days or immediately in the case of immediate danger, the Building Inspector/Code Enforcement Officer shall remove such sign at the expense of the owner or lessee.

(C) Unlawful Signs

The owner or lessee of any sign installed, erected or constructed in violation of applicable codes or regulations shall be notified by the Building Inspector/Code Enforcement Officer by registered mail or serving written notice personally to alter such sign to comply with applicable codes or regulations, to secure the necessary permit or to remove the sign. If such order is not complied within ten (10) days, the Building Inspector/Code Enforcement Officer shall remove such sign at the expense of the owner or lessee. Any abandoned sign or abandoned supporting structure not removed by the owner or lessee shall be considered an unlawful sign.

5.4.6 Sign Standards

(A) Structural Standards

(1) General Sign Provisions. All signs shall conform to the general provisions set forth in Table II entitled "Functional Standards". The standards of the International Building Code, shall also be applicable to all signs. In addition, the following standards shall apply.

(2) Marquee Signs. Such sign faces shall not exceed seventy-five percent (75%) of the width of such building or store frontage.

(3) Wall Signs. Wall signs may be painted on walls, windows and doors. Wall signs shall not exceed seventy-five percent (75%) of the linear feet of the front area of the building or store, or two hundred (200) square feet, whichever is greater.

(4) Projection Signs. Vertical clearance shall meet the requirements of Paragraph 5 of this Section. The sign face shall not exceed seventy-five percent (75%) of the width of the building or store frontage.

(5) No sign shall extend outward from any building into the public right-of-way for a distance of more than ten (10) feet or to within two (2) feet of the street curb, whichever is more restrictive. Projection or overhang of signs shall have a minimum clearance of fourteen (14) feet.

(6) Free Standing Signs

(a) Any projection or overhanging portion of the sign shall be a minimum of fourteen (14) feet above driveways, sidewalks, walkways and corridors.

(b) Such signs shall be protected by wheel or bumper guards as required by the Building Inspector/Code Enforcement Officer where it is determined that a hazard may exist.

(B) Functional Standards

(1) General Standards. All signs within the City of Cumby shall conform to Table II “Functional Standards”. In addition, the following specific requirements shall be followed,

(2) Advertising Signs (off-site). Advertising signs on lots with frontage on Interstate Highway 30 and intended to be viewed from Interstate 30 shall not exceed six hundred seventy-two (672) square feet in area and shall be spaced fifteen hundred (1,500) feet apart. Off-site advertising signs intended to be viewed from any other roadway except Interstate 30 are prohibited. Off-site advertising billboards shall be setback a minimum of thirty (30) feet from any highway right-of-way.

(3) Agricultural Signs. All agricultural signs shall be a minimum of two hundred (200) feet from any other agricultural sign.

(4) Construction Signs. Construction signs shall be removed from site upon issuance of a Certificate of Occupancy.

(5) Development Signs. Development signs shall be removed from the site upon issuance of a Certificate of Occupancy.

(6) Subdivision Development Signs. Shall be removed from the site at developer’s expense upon seventy-five percent (75%) occupancy of the subdivision.

(7) Directory Signs. The maximum area for directory signs shall not exceed forty (40) square feet per tenant within a site, however, in no case shall the sign area exceed three hundred (300) square feet along Interstate 30 and two hundred (200) square feet along other roads. If the sign is also used as an identification sign, the size may be increased to three hundred sixty (360) square feet along Interstate 30 and two hundred sixty (260) square feet along other roads. Directory and Identification signs may not be separate on the same frontage.

(8) Free-Standing Signs. Each free-standing building shall be allowed one free-standing sign. All signs on any one property must be spaced in intervals of 200 feet. The maximum area for free standing signs shall not exceed 300 square feet along Interstate 30 and 200 square feet along other roads. Free standing signs shall be setback a minimum of thirty (30) feet from Interstate 30 highway right-of-way and a minimum of twenty (20) feet from all other State or Federal maintained right-of-way.

Signs identifying automobile service area, lodging and similar highway related uses may be erected along the frontage of Interstate 30 and Highway 275 and 499 to a maximum height of 75 feet, provided such signs are set back from the front property line a minimum distance of thirty (30) feet, and provided that such signs are set back from side and rear property lines a distance equal to the height of the sign.

(9) Identification Signs. The maximum area for identification signs shall not exceed three hundred (300) square feet along Interstate 30 and two hundred (200) square feet along all other roads. If the sign is also used as a directory sign for site, the size may be increased to three hundred sixty (360) square feet along Interstate 30 and two hundred sixty (260) square feet along other roads.

(10) Model Home Signs. All model home signs shall be removed after a Certificate of Occupancy is issued for the structure.

(11) Balloons or Floating Devices. All balloons or floating devices shall be sufficiently anchored and shall meet all applicable regulations.

(12) Multi-Tenant Signs. Any onsite, permanent sign with the name of the primary onsite facility and a list of the individual stores or businesses mounted on such sign. Examples include signs describing a mall arrangement, a shopping center development, and industrial park complex of buildings with a unifying name and group of businesses.

- a. The maximum number of multi-tenant signs shall be one per street frontage.
- b. A multi-tenant sign on the frontage of Interstate 30 may be a free-standing sign not exceeding seventy-five (75) feet in height. The maximum height of multi-tenant signs on all other roadways shall be forty (40) feet, except as provided in (e,1) below.
- c. Except as provided in (d & c) below, the maximum square footage of a multi-tenant sign shall be one hundred and twenty-five (125) square feet, plus ten (10) square feet per tenant advertised on the sign, or two-hundred (200) square feet, whichever is less.
- d. The maximum square footage of any multi-tenant free-standing pylon sign erected along the frontage of Interstate 30 shall be one hundred and fifty (150) square feet, plus forty (40) square feet per tenant advertised on the sign, or 600 square feet, whichever is less.
- e. All additional multi-tenant signs above one free-standing pylon per site shall be constructed as monument signs. The maximum square footage of a multi-tenant monument sign shall be one hundred and twenty-five (125) square feet, plus ten (10) square feet per tenant advertised on the sign, or one hundred and seventy (170) square feet, whichever is less. The portion of the base of the sign within three feet (3') of the grade of the ground shall not be included in the square footage calculation.
 - 1) The maximum height of any multi-tenant monument sign shall be fifteen feet (15'). The portion of the base of the sign within three feet (3') of the grade of the ground shall not be included in the height calculation.
- f. Each tenant may have a different size sign; each sign does not have to be the same size.

- g. Any tenant in a separate building (as opposed to a lease space) that is not on the multi-tenant sign shall be permitted to erect a separate monument sign. Any tenant in a separate building (as opposed to a lease space) with frontage on Interstate 30, which is not on the multi-tenant sign, shall be permitted to erect a separate free-standing pylon sign.
 - 1) Any tenant that is on a multi-tenant sign shall not be permitted to erect a separate monument or free-standing sign.

5-4.7 Nonconforming/Political/Prohibited Signs

(A) Nonconforming Signs.

Signs lawfully existing upon any premise before the effective date of this ordinance, in accordance with the provisions of any prior ordinance, shall be allowed to remain on that premise as a nonconforming sign if properly registered or permitted and continuously maintained in accordance with the provisions of this ordinance.

(1) All portable signs must have a valid registration/permit tag affixed to them.

(2) Nonconforming portable signs shall be moved to another premise or location and if removed from any premise for any reason, portable signs shall not be allowed to be placed back on that premise.

(3) All unlawful nonconforming portable signs shall at all times be securely anchored so as to prevent overturning or unsafe movement, the sufficiency of such anchorage to be determined by the Building Inspector/Code Enforcement Officer.

(4) Any nonconforming sign, including its supporting structure, which is destroyed, damaged, dilapidated, deteriorated or abandoned, shall not be replaced, repaired or renovated, in whole or in part, if such replacement, repair or renovation would require an expenditure of monies in excess of sixty percent (60%) of the cost of a new sign including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated, deteriorated or abandoned.

(5) No person shall repair, renovate or alter a nonconforming sign without first receiving a sign permit.

(B) Political Signs

All political signs shall be erected no sooner than ninety (90) days prior to any primary or general election and shall be removed ten (10) days after the general or runoff election to which a sign may pertain or after the termination of a candidacy, whichever comes first. A person shall not display political signs until the candidate or person sponsoring an issue

or his authorized representative has filed a written statement with the Building Inspector/Code Enforcement Officer guaranteeing the removal of all signs erected on behalf of the candidate or person sponsoring an issue within ten (10) day period. Political signs shall not exceed six (6) square feet in residential areas. Public property, utility poles, public buildings, or public right-of-way shall not be used for political signs.

(C) Prohibited Signs

(1) Signs illuminated of such intensity or manner as to constitute hazards or nuisances. Signs which move, changing color, or are animated or illuminated by means of flashing, traveling, or blinking lights, or other means not providing constant illumination are prohibited. Excluded from this prohibition are signs which at the time of their original installation, were not in violation of the laws of the State of Texas or the ordinances of the City of Cumby, Texas, and variable message electronic signs which otherwise conform to the following regulations.

- a) Variable message electronic signs may not exceed twenty (20) square feet. Sign characters, must have a minimum height of then ten (10) inches and a maximum height of sixteen (16) inches.
- b) Variable message electronic sings may not be animated, flash, travel, blink, fade, or scroll.
- c) Variable message electronic signs shall remain static for not less than fifteen (15) seconds, except that time and temperature displays shall remain static for not less than three (3) seconds.
- d) Only one variable message electronic sign, either free-standing or attached to a building, is permitted by lot.

(2) Signs which by reason of any attribute such as wording, size, shape, location, movement, content, coloring, or illumination may be confused with or construed as a traffic control sign, signal or device.

(3) Signs which emit sound, odor, or visible matter which serve as a distraction to persons within a public right-of-way.

(4) Goods, wares, merchandise or other advertising objects or structures placed on a suspended from any building, pole, structure, sidewalk, parkway, driveway, or parking area, except as otherwise allowed by ordinance.

(5) Permanent portable signs, twirling signs, sandwich or “A” frame signs, sidewalk or curb signs, cloth, paper, device, or other similar advertising matter are prohibited. Temporary portable signs are permitted for no longer than thirty (30) consecutive days with a limit of three (3) events each calendar year. Temporary portable signs are not allowed for thirty (30) days following event.

(6) Permanent signs attached to a trailer, skid, or similar mobile structure where the primary use of such structure is to provide a base for a sign or constitutes the sign itself.

(7) Signs attached to or upon any vehicle where any such vehicle is allowed to remain parked in the same location or vicinity for a period of seventy-two (72) consecutive hours or more, or at frequent or extended periods of time, where the intent is apparent to use the vehicle and signs for advertising purposes.

(8) No sign shall be located on a public right-of-way or public access easement, except traffic regulatory signs and governmental signs. No sign shall overhang public property unless a variance is granted. Building with zero lot line are excluded from this requirement. For any sign overhanging public property encroachment agreement is executed in accordance with the requirements of this ordinance and applicable codes.

5-4.8 Exclusions

(A) For development which has received any form of approval written prior to the effective date of this ordinance, this ordinance shall not apply to that development to the extent that compliance with this ordinance would require substantial changes from the approval already granted.

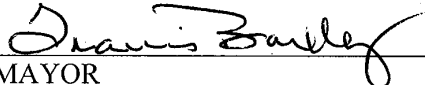
SECTION 2: PENALTIES Any individual, association or corporation violating any portion of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction therefore, shall be punished by the assessment of a fine not exceeding five hundred dollars (\$500.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 3: SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: SEVERABILITY Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Cumby hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5: DECLARING AN EMERGENCY. Whereas an emergency is apparent for the immediate preservation of order, health, safety, and general welfare of the public, all rules and regulations requiring the reading of Ordinances more than one time on more than one occasion are hereby suspended.

PASSED AND APPROVED THIS 6TH DAY OF MARCH, 2007.


MAYOR
CITY OF CUMBY

ATTEST:


CITY SECRETARY

ARTICLE V: SITE DEVELOPMENT**5-4: SIGN REGULATIONS**

| TABLE II – FUNCTIONAL STANDARDS | | | | |
|--|---|-------------------------------|-----------------------------|------------------------------------|
| <i>Type of Sign</i> | <i>Maximum Area (Sq. Ft.)</i> | <i>Lighting Permitted</i> | <i>Maximum Duration</i> | <i>Number of Signs Allowed</i> |
| Advertising/Off Site | | | | |
| I-30 | 672 | Yes | Permanent | No Limit |
| Other | 400 | Yes | Permanent | No Limit |
| Agricultural/On Site | 100 | Yes | Permanent | 1 Per Site |
| Apartment/On Site | 50 | Yes | Permanent | 1 Per Street Frontage |
| Construction/On Site | 60 | Yes | Temporary | 1 Per Site |
| Development/On Site | 400 | Yes | Temporary | 1 Per Street Frontage |
| Directory/On Site | | | | |
| I-30 | 300/360 | Yes | Permanent | 1 Per Street Frontage |
| Other | 200/260 | Yes | Permanent | |
| General Business On Site | — | Yes | Permanent | 2 Per Business |
| Identification/On Site | | | | |
| I-30 | 300/360 | Yes | Permanent | 1 Per Street Frontage |
| Other | 200/260 | Yes | Permanent | |
| Institutional/On Site | 72 | Yes | Permanent | 1 Per Street Frontage |
| Off Site | 16 *Exempt in GR, C, CA, I-1, & I- 2 | Yes | Permanent | 2 Per Institution |
| Model Home/On Site | 16 | Yes | Temporary | 1 Per Home |
| Political/Off Site | | | | |
| Residential | 6 | No | Temporary | No Limit |
| Other | 48 | No | Temporary | No Limit |
| Real Estate/On Site | | | | |
| Residential | 12 | No | Temporary | 1 Per Lot or Street Frontage |
| Business/Industry | 32 | No | Temporary | |
| Residential Subdivision/On Site | 60 | Yes | Permanent/Te mporary | 1 Per Subdivision |
| Traffic/On Site | 8 | Yes | Permanent | No Limit |

