

ORDINANCE 14-09-11

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS, AMENDING ORDINANCE 07-11-05, ARTICLE 1, SECTION 8 "GENERAL SIGN REQUIREMENTS" PERMITTING THE USE OF FLEXIBLE SIGN MATERIALS AND VINYL LETTERING; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PUBLIC HEARING; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission agrees that zoning is critical to ensure growth in Ennis is orderly and attractive; and

WHEREAS, it is important to also develop processes that do not appear to inhibit growth and development; and

WHEREAS, from time to time the Zoning Ordinance should be amended to adjust standards to current development trends;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ENNIS, ELLIS COUNTY, TEXAS:

SECTION 1. That Article 1, Section 8 of Ordinance 07-11-15, City of Ennis Sign Ordinance, be amended as follows:

Section 8 "General Sign Requirements" shall read:

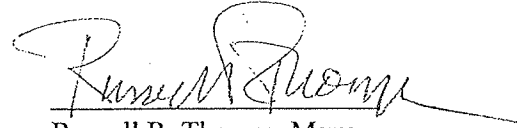
1. All signs permitted from the date of enactment of this ordinance shall comply with these General Sign Requirements.
2. Signs shall be permitted that are constructed with vinyl lettering and/or emblems applied to a flat face or flex face sign. Flex face signs shall be constructed of 20 oz. material and shall be properly maintained in accordance with this ordinance.
3. Signs in cabinets shall be engineered and the cabinet shell be so constructed to withstand weather elements.
4. Individual letters in cases may be mounted to a track that is mounted to the structure. The track shall be painted to blend with the building surface to which it is mounted.
5. Signs in cases may be illuminated in accordance with all applicable codes.
6. Signs shall be illuminated internally if possible but any exterior illumination shall be approved prior to installation and must be mounted below grade with directional beams on the sign.

SECTION 2. That any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdictions, such shall be deemed a separate, distinct, and independent provision and such holdings have no effect on the validity of the remaining portions thereof.

SECTION 3. Public hearings were held during a public meeting in accordance with applicable state and local zoning requirements.


SECTION 4. This Ordinance shall be in full force and effective upon adoption and publication as provided by law; all ordinances and parts of ordinance in conflict with these rules are hereby repealed.

PASSED, APPROVED AND ADOPTED upon the first reading September 15, 2014 and second and final reading October 6, 2014, and it is so ordained.



Russell R. Thomas, Mayor

ATTEST:



Donna Batchler, City Secretary

ORDINANCE 07-11-05

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS ESTABLISHING REGULATIONS AND FEE SCHEDULES FOR ALL SIGNS WITHIN THE CITY OF ENNIS, TEXAS; ABOLISHING ALL CONFLICTING CODES, ORDINANCES, OR PARTS OF ORDINANCES; PROVIDING DEFINITIONS; PROVIDING LOCATION REQUIREMENTS; ESTABLISHING A PERMITTING PROCEDURE; PROVIDING A SEVERANCE AND PENALTY CLAUSE; AND PROVIDING FOR IMMEDIATE EFFECT.

WHEREAS, the Planning and Zoning Commission and the City Commission of the City of Ennis, Texas, in compliance with the State laws with reference to the enactment of regulations for the establishment of such ordinances, and with having given the requisite notices by publication and otherwise, and after holding due hearing and affording a full and fair hearing to all property owners generally, and to all persons interested, the City Commission of the City of Ennis, Texas, is of the opinion that an ordinance for the regulation of signs is warranted; and

WHEREAS, the City Commission of the City of Ennis, Texas, does hereby find and determine it to be in the best interest of the citizens of the City of Ennis, Texas, to establish an ordinance for the regulation of signs within the City of Ennis;

NOW, Therefore, be it ordained by the City Commission of the City of Ennis, Texas, that:

SECTION 1. The City Commission of the City of Ennis, Texas, does hereby find that all of the matters stated in the preamble of this ordinance are true and correct and does hereby adopt and incorporate said findings in the body of this ordinance by reference for all purposes as if copied in their entirety.

SECTION 2. All codes, ordinances, laws and parts thereof previously adopted by the City of Ennis in regards to the placement and construction of signs within the City of Ennis be amended by adding the following:

ARTICLE I

Section 1 Purpose

It is declared that the regulation of signs within the City of Ennis is necessary and in the public interest:

1. to enhance the beauty of the landscape and the unique character of the City of Ennis;
2. to increase property values within the City of Ennis;
3. to facilitate the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City of Ennis;
4. to develop beneficially the tourist industry, which is declared of importance to the economy of the City of Ennis;
5. to protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs within the City of Ennis;
6. to safeguard pedestrians and motorists of the City of Ennis from damage or injury caused by the distractions and obstructions which are caused by improperly situated signs

Section 2 Administration

The provisions of this article shall be administered as directed by the City Manager.

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Section 3 Enforcement

This article shall be enforced by all remedies allowed by law including, but not limited to, removal of the sign and a citation issued to the responsible party. Any sign installed after the effective date of this ordinance, which is in violation of this ordinance, may be removed by the Inspection Services Department without prior notice to the owner and placed in storage. Upon removal of the sign, the owner shall be given either verbal or written notification that the sign has been removed and placed in storage. The owner shall be given ten (10) days after notification to claim the sign. If the sign is not claimed after ten days, the Inspection Services Department may have the sign destroyed. To claim the sign, the owner shall pay a fee before removal from storage of fifteen dollars (\$15.00) plus two dollars (\$2.00) per day for each day the sign is left in storage. If the expense for removal and storage of the sign is greater than the amounts prescribed, the actual cost for removal and storage shall be paid by the owner to claim the sign. The City shall not be held responsible for any damage to the sign caused by its removal and storage. Removal of the sign shall not have any effect on judicial proceedings which may be pursued for violation of this ordinance. The City shall not remove a sign from private property without first providing written notice to the owner of the property.

Section 4 Appeals

Any person, firm, or corporation aggrieved by a decision of the Inspection Services Department may within ten (10) days of such decision, appeal to the Zoning Board of Adjustments and Appeals. Said appeal shall be in writing and state the section of the ordinance from which the appeal is made and the basis for the appeal.

Section 5 Violations

1. Any violation of this ordinance shall be punishable as a Class C Misdemeanor, in addition to any enforcement provisions set out herein.
2. It shall be unlawful for any person, firm or corporation to violate the provisions of this article and any person, firm or corporation violating or failing to comply with any of the provisions of this article shall be fined upon conviction as prescribed herein, and each day any violation or noncompliance continues shall constitute a separate and distinct offense.

Section 6 Permit Required

1. No person shall erect, construct or relocate a sign nor shall a person have a sign erected, constructed, or relocated except as provided in this article until a permit for such has been issued and the fee paid, except as otherwise provided in this article. The permit is valid for ninety (90) days. All work must be completed under a valid permit.
2. There shall be no permit required to restore/repair a sign to its original condition.
3. New signs require a permit. Major structural change of an existing sign requires a permit.
4. Any illuminated sign shall require a permit.
5. The Inspection Services Department may suspend or revoke any permit issued under the provisions of the chapter whenever it is determined that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this chapter or any other ordinance of this City or laws of this state or the federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign or the responsible party of the premises upon which the sign is located.
6. Each establishment doing business within the City of Ennis shall be allowed one (1) banner sign at any given time, per business, and said banner sign may only be used for a period of thirty (30) days. Beginning date will be day of permit issue. Each business may apply for a banner permit no more than three (3) times per year.

Section 7 Permit Procedure

All applications for permits shall be made on forms provided by the Inspection Services Department and shall include:

1. A drawing of the proposed sign with its specifications (to include sign size and dimensions, sign height, and location of sign on property).
2. A drawing of all existing signs (not necessarily to scale), and their relationship to the new sign (to include signs on either side of subject property, all signage on subject property, and signage pertaining to this permit application).
3. Name and address of tenant and/or sign owner, and if known, the property owner.
4. Statement of Sign Permit Applicant that he has permission of tenant/sign owner/or business owner to install said sign.
5. If the ownership or lease interest of any sign for which a permit has been issued changes, the permit holder shall provide this information to the City within thirty (30) days.
6. An engineer's certification shall be required on any sign drawing/s.

Section 8 General Sign Requirements

1. All signs permitted from the date of enactment of this ordinance shall comply with these General Sign Requirements.
2. Signs shall not be permitted that are constructed with vinyl lettering and/or emblems applied to a flat face.
3. Signs shall have an embossed look (raised lettering and logos) and any change in color shall be by painting (not applied vinyl).
4. Signs in cabinets shall be engineered and the cabinet shall be so constructed to withstand weather elements.
5. Individual Letters in cases may be mounted to a track that is mounted to the structure. The track shall be painted to blend with the building surface to which it is mounted.
6. Signs in cases may be illuminated in accordance with all applicable codes.
7. Signs shall be illuminated internally if possible but any exterior illumination shall be approved prior to installation and must be mounted below grade with directional beams on the sign.

Section 9 Signs Exempt from Permitting Procedures

Permits shall not be required for the following signs, provided, however, such signs otherwise comply with all other applicable sections of this article:

1. Temporary Signs--i.e. political signs
2. On Site Business/Industry Real Estate Signs: not exceeding thirty-two (32) square feet, advertising the sale or lease of business/industrial property, up to the point where there is 75% occupancy.
3. Public signs of a non-commercial nature and in the public interest, such as safety, danger, trespassing, traffic, memorial, historical interest and the like, erected by or on the order of a public official in the performance of their public duty, are exempt from all the provisions of this article, except for structural and safety regulations required by the Building and Electrical Codes of the City of Ennis.
4. Signs for City sanctioned events or other festivals/events shall be removed within two (2) working days after the event.

Section 10 Permit Fees

1. Every applicant, before being granted a permit to erect, construct, replace or relocate signage shall pay to the City of Ennis a minimum review fee of fifty (\$50) dollars plus an accelerating rate, as identified in Section 33 Fee Schedule for Signage Permit, dependent on the value of uninstalled signage as outlined on the permit application.
2. If any work is started prior to obtaining a permit, the above specified fee shall be doubled to obtain the required permit. The double fee does not excuse full compliance with the provisions of this article.
3. Refunds shall be at the discretion of the Chief Building Inspector.

Section 11 Inspection

1. The sign contractor/installer shall call for periodic inspections as well as a final inspection within five (5) working days after the erection of the sign is complete to determine if the sign conforms to the City ordinances and code.

Section 12 Electrical Work

1. Any electrical work required or necessary to bring electrical service to a sign or to maintain electrical service to a sign must comply with the City's electrical code and the work performed by a contractor licensed by the City to do electrical work. The name of the electrical contractor shall be named in the sign application.
2. Wiring within a sign must be in accordance with electrical code for the City and must be performed by a licensed and registered electrician..
3. All electrical service to free standing signs shall be underground.
4. All electrical components shall be indicated on the engineered stamped submittal drawing.

Section 13 Maintenance of Existing Signs

1. There shall be no permit required to restore/repair a sign to its original condition. However, major structural change of an existing sign requires a permit.
2. Every sign in the City, regardless of whether any permit is required for such sign, shall be maintained in a safe, presentable and sound structural and operational condition at all times. Signs not meeting the standards of good repair shall be subject to removal or repair after written notification by the Inspection Services Department to the sign owner or lessee. The sign owner or lessee shall be charged for the removal and disposal of said sign. If the sign owner or lessee cannot be notified, the property owner will be notified. If in the opinion of the Inspection Services Department, a sign has been damaged or is found to be in such a state of disrepair that it constitutes a hazard to the health, safety and welfare of the general public, or a nuisance, the sign may be removed without prior notice to the owner or lessee.
3. All signs, together with all supports, braces, guys and anchors shall be kept in good repair and unless of galvanized or non-corroding metal, shall be thoroughly painted as often as needed to maintain a neat appearance. The Inspection Services Department may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee.
4. If, in the opinion of the Inspection Services Department, any sign is structurally unsound, not properly maintained, or is unsightly, the Department will notify the owner or lessee to remedy the problem within ten (10) days. If such order is not complied with within 10 days, the Inspection Services Department may remove such sign at the expense of the owner or lessee.

Section 14 Obsolete Signs

1. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold at said premises, shall be removed by the owner, agent or person having the beneficial use of the building or structure upon which the sign may be found or associated within two (2) months after the said business has been closed.
2. The poles/supports for out-of-business signs may not be left in place.
3. All signs, cabinets and parts to the obsolete sign (Except primary poles/supports, if in compliance) shall be removed from the premises and disposed of. If the obsolete sign or sign parts are not removed within the 2 month period, the Inspection Services Department is hereby authorized to cause removal of such sign, sign parts and sign pole/supports if not in compliance. The Inspection Services Department will send notice of this action to the owner and if owner fails to respond within a two-week period, the City will have the sign removed. All expenses incidental to this sign removal shall be paid by the owner of the land, building or structure to which sign is attached or upon which it is erected.

Section 15 Non-Conforming Signs

1. All legal and permitted signs existing at the time of the enactment of this ordinance that are not conforming to the provisions therein shall be regarded as nonconforming signs. Such signs may be continued in use when properly and safely maintained.
2. Nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with all of the provisions of this article.
3. Any nonconforming sign which is damaged or has deteriorated to a point where its restoration cost exceeds 50 percent of its replacement value shall be removed.

Section 16 Signs not Regulated

The following types of signs shall be exempt from the provisions of this article. 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. Nothing in this article shall be construed to prevent the display of a national flag or state flag, or to limit flags, insignia, legal notices, or informational, directional, or traffic signs which are legally required necessary to the essential functions of government agencies.
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 shall be no more than 32 inches tall.
4. Plaques: commemorative plaques of recognized historical societies and organizations.
5. Mail boxes, provided that such devices are not placed so as to interfere with the safe movement of pedestrians or vehicular traffic.
6. 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 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.
7. Signs required to be posted as a part of the building construction process.

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Section 17 Prohibited Signs

The following signs are hereby declared to be a nuisance and subject to removal by the City and stored as described herein. Any sign declared to be a nuisance shall be removed as soon as possible or within twenty-four (24) hours whichever is sooner.

1. No sign shall be located on a public right-of-way or public access easement, except traffic regulatory signs and government signs. No sign shall overhang public property or right of way. With City approval, buildings with a zero lot line may be permitted to install a sign that extends over the right-of-way for a maximum of eighteen (18) inches. No person shall attach any sign, paper or material, or paint, stencil or write any name, number (except house number) or otherwise mark on any sidewalk, curb, gutter or street, except for City sanctioned events.
2. Any sign that contains statements, words, or pictures of obscene, indecent, or immoral character that will offend community public morals or decency is strictly prohibited.
3. No revolving beam or beacon of light resembling any emergency vehicle light shall be permitted as part of a sign display in any zoning district.
4. No sign shall be located so as to obstruct the vision or sight distance of motor vehicle operators or pedestrians at any street intersection, street crossing or other part of traffic concentration. A 45 ft. sight triangle must be maintained. At no time shall any sign located within the 45 ft. sight triangle have a height of more than 3 ft. or block the vision of any driver.
5. Imitation of traffic and emergency signs is prohibited. No person shall cause to be erected or maintain any sign using any combination of forms, words, colors, or lights, which imitates standard public traffic regulatory, emergency signs, or signals.
6. Portable signs are specifically prohibited.
7. No person shall attach or maintain any sign upon any tree, fence or public utility pole or structure in public right-of-way, alley, or utility easement. No sign may be attached to telecommunication towers.
8. Any sign is prohibited which emits sound, odor, or visible matter which would serve as a distraction to persons within a public right-of-way.
9. Any sign not permanently or adequately attached to a building, approved sign pole or structure is prohibited.
10. Signs in or over right-of-way are prohibited except for special annual festival signs, such as Ennis festivals or events approved by the City of Ennis. No sign shall be erected with the leading edge closer than five (5) feet from existing public right-of-way.
11. Signs on Persons: hand-held signs or signs, symbols or displays on persons or animals; at no time shall signs be allowed to be held, flipped, spun, tilted, or in any other fashion displayed which could distract the attention of vehicular or pedestrian traffic, thereby resulting in an un-safe condition.

Section 18 Temporary Signs, Search Lights (On Site or On Premise)

1. Temporary construction signs are allowed when complying with the requirements of this article. Signs shall not be erected prior to the issuance of the building permit for said project. Such signs must be removed upon completion of project.
2. Temporary political signs shall be removed within five (5) days after the general or run-off election to which a sign may pertain or after the termination of a candidacy, whichever comes first. Public property, utility poles, public buildings, or public right-of-way shall not be used for political signs. Fines shall be assessed per violation according to city code.
3. Real Estate Signs.
 - a. Residential: Signs displayed in residential areas shall not exceed five (5) square feet for the main body of the sign plus an additional three (3) square feet for riders and appendages.
 - b. Commercial: Signs displayed in commercial areas shall not exceed 32 sq. ft.

- c. Subdivision Development: Signs shall be removed from the site upon 75% occupancy of the subdivision.
- d. Signs identifying model homes are considered real estate signs. No more than one sign per model home is permitted.
- e. Directional signs used to direct traffic to houses for sale or to entire subdivisions are not permitted.
- 4. On Site Search lights are allowed and may be permitted (\$100.00 minimum) with a temporary seven (7) day permit. Placement and angle must meet with the approval of the Inspection Services Department.
- 5. Balloons or Floating Devices (On Site): All balloons or floating devices shall be sufficiently anchored and shall require a permit and shall meet all applicable regulations. These types of signs shall be permitted for thirty (30) day intervals and an applicant may only receive three (3) permits in a calendar year.
- 6. Banners (On Site).
 - a. Banners shall not be used for a primary sign.
 - b. Banners are to be used only for special events. A permit must be obtained from the Inspection Services Department (see Article 1, Section 6).
 - c. All banners displayed must be maintained in good repair and be readable.
- 7. Construction Signs (On Site).
 - a. Construction signs may not exceed thirty-two (32) sq. feet in size.
 - b. These signs shall be removed from the site upon issuance of a Certificate of Occupancy or upon completion of the project.
 - c. One stake sign not exceeding 4 sq. feet can be placed for each subcontractor during construction.
- 8. Development Signs (On Site).
 - a. Residential
 - 1. One sign per one street frontage can be placed.
 - 2. Development signs shall be removed from the site upon issuance of a Certificate of Occupancy.
 - b. Commercial
 - 1. One sign per one street frontage can be placed.
 - 2. Development signs shall be removed from the site upon issuance of a Certificate of Occupancy.
- 9. Model Home Signs (On Site).
 - a. All model home signs shall be removed after a Certificate of Occupancy is issued for the structure.
 - b. Model Homes are limited to one (1) sign per home with a maximum area of four (4) sq. ft.
- 10. Sale signs advertising sales such as garage, patio, porch, or estate sales are only permitted on the site of the garage, patio, porch, or estate sale. At no time will these types of signs be allowed to be located off premises. Sale signs shall be removed immediately after the conclusion of the sale.

Section 19 Lighting

- 1. The light from any illuminated sign shall be so shaded, shielded or directed so that the light intensity or brightness will not be hazardous or objectionable to the adjacent or surrounding areas or create a traffic hazard to operators of motor vehicles on public thoroughfares.

Section 20 Construction

- 1. Signs shall be constructed of materials that are not subject to deterioration when exposed to the weather. Internally illuminated signs must be constructed of non-combustible material or approved plastics.
- 2. No sign shall be erected in violation of the building code of the City.

Section 21 Height & Size

1. Guidelines

- a. Make all signs more visible and effective by eliminating the redundancy, clutter and chaotic effect that an overabundance of signs have on the visual environment.
- b. Preserve and enhance the community's image by reducing the number of signs along major corridors and by strengthening limitations on signage along major travel corridors (e.g., height, size, spacing, number, etc.).
- c. Encourage monument-style signage along all major thoroughfares, except within certain designated areas (e.g., where sight visibility is limited such as along Interstate Highway 45 and the US Highway 287 Ennis By-Pass). The maximum allowable height, including the base, for a monument sign should be about six feet (6') or eight feet (8'). The overall surface area of the sign, including the base, should be no more than about eighty (80) square feet per side. This restriction would not apply to temporary real estate, development, or construction signage.
- d. Freestanding "pole" or pylon signs will be allowed on major thoroughfares (Interstate Highway 45 and within 1,200 feet of Interstate Highway 45, and on the US Highway 287 Ennis By-Pass). "Pole" or pylon signs on major thoroughfares shall not exceed a height 85 feet above ground level on Interstate Highway 45 and within 1,200 feet of Interstate Highway 45, and shall not exceed a height of 60 feet above ground level on the US Highway 287 Ennis By-Pass. "Pole" or pylon signs with a maximum height of 34 feet above finished ground level shall be allowed on minor thoroughfares where the speed limit is 45 MPH, or greater.
- e. Monument signage is encouraged and preferred within areas not adjacent to major thoroughfares. As used within these guidelines, a monument sign refers to a sign with a continuous base, which is approximately the same width as the actual sign face, with the signage generally attached directly to the base. If preferred, the signage could be attached to the base by short, one to two foot poles as long as the overall height of the sign and base does not exceed eight feet (8').
- f. Through the design review process, ensure that signage is compatible with corresponding buildings and the general surroundings. Signage should not interfere with sight visibility when entering or leaving the site.

2. Nonresidential Sign Requirements:

- a. Detached Signs (on premise)
 1. Detached signs are permitted in nonresidential zoning districts as provided in this Section.
 2. Detached signs must be on-premise signs.
 3. Number of Signs – Only one detached sign may be erected on any premise or lot, except that individual lots which have more than six hundred (600) feet of frontage along a public right-of-way, other than an alley, may have one (1) additional detached sign per street frontage.

4. Design Specifications – Only on-premise signs advertising single occupancy shall be allowed and shall be governed by the design standards and regulations.

5. Monument Signs (On Premise) – Only monument signs are permitted in nonresidential and multi-family districts. A monument sign is a free-standing sign having a low profile and made of stone, metal, routed wood planks or beams, brick or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves. Monument signs must be built on a monument base as opposed to a pole base. A monument sign contains only the company or corporation name, logo, address and product or service of the establishment. No advertising or promotional information is permitted thereon. However, electronic reader boards may be permitted with Planning & Zoning Commission approval. Such sign may be single or double-faced. Such signs and base shall not exceed eight feet (8') in overall height above the natural or average grade and the actual sign face shall not exceed eighty (80) square feet per side. Total cross sectional area or thickness shall not exceed eight (8) square feet.

6. Materials – Signs shall be constructed of metal, masonry, or durable plastic. Metal signs shall have a baked-on finish. Wood shall not be used as a material except as permitted herein by site plan approval.

7. Freestanding "pole" or pylon signs will be allowed on major thoroughfares (Interstate Highway 45 and within 1,200 feet of Interstate Highway 45, and on the US Highway 287 Ennis By-Pass). "Pole" or pylon signs on major thoroughfares shall not exceed a height 85 feet above ground level on Interstate Highway 45 and within 1,200 feet of Interstate Highway 45, and shall not exceed a height of 60 feet above ground level on the US Highway 287 Ennis By-Pass. "Pole" or pylon signs with a maximum height of 34 feet above finished ground level shall be allowed on minor thoroughfares where the speed limit is 45 MPH, or greater.

Section 22 Setback

1. A sign used as the primary sign for a business will have a set-back of 15 feet (15') from the right-of-way to the leading edge of sign.
2. The set-back of fifteen (15) feet shall not apply to monument signs; however the monument sign shall not be located in the right-of-way or within 8 feet (8') of the curb. The monument sign shall also not be located in an area where a sidewalk would be placed.
3. A forty-five (45) foot sight triangle shall be maintained at all times and no sign within the sight triangle may be taller than three (3) feet above finished grade.

Section 23 Zoning

Types of signs shall be allowed in the zoning classifications as determined in the Zoning Ordinance.

Section 24 Traffic Movement Control Signs

1. Movement control signs may be erected at any occupancy or any premises, other than a single family residence, and may be attached or detached, and may be erected without limit as to number, provided that such signs shall comply with all other applicable requirements of this ordinance or other applicable ordinances. The occupant of a premise who erects a movement control sign shall comply with the following requirements:

- a. Any sign shall not obstruct view of traffic at automobile window height.
 - b. Signs shall not be placed in right-of-way.
 - c. Traffic movement control signs shall be exempt from setback requirements.
 - d. The maximum size shall be six (6) square feet.
 - e. All signs shall be approved for location PRIOR to placement.
2. Movement control signs installed pursuant to a permitted construction project shall abide by the latest edition of the Manual of Uniform Traffic Control Devices for numbers, sizes, colors, locations, and language.

Section 25 Vehicular Signs

1. Signs are not allowed that are 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.
2. Exempt signs: Construction trailers that have current building permits on construction sites.

Section 26 Wall Paintings

1. Any wall painting or mural used for any purpose shall require a permit and have site plan approval from Planning & Zoning Commission.

Section 27 Hand-Painted Signs

1. Any hand-painted sign must be approved by City Staff. Political signs which are in compliance with this article are exempt from this requirement.

Section 28 Free-Standing Signs, Pole or Ground

1. Each free-standing building shall be allowed one free-standing sign.
2. Any multiple-tenant building, strip shopping center, mall or shopping center shall be required to utilize a Multiple-Tenant sign.
3. Any projecting or overhanging portion of a freestanding sign must be a minimum of 10 feet above any walkway and 16 feet above driveways and traffic areas.
4. A free-standing sign shall not exceed 150 feet in area.
5. Multiple-Tenant Signs
 - a. Any multiple-tenant building, strip shopping center, mall or shopping center shall be required to utilize a Multiple-Tenant sign for its tenants.
 - b. In no case shall the Multiple-Tenant sign area exceed 300 sq. ft. along Interstate 45 and 200 sq. feet along other roads.
 - c. If the Multiple-Tenant sign is also used as an Identification sign, the size may be increased to 360 sq. feet along Interstate 45 and 260 sq. feet along other roads.
 - d. Multiple-Tenant and Identification signs may not be separate on the same frontage.
6. Monument Signs.
 - a. In no case shall the monument sign obstruct view of traffic at automobile window height.
 - b. The set-back of fifteen (15) feet shall not apply to monument signs; however, the Monument sign shall not be located in the right-of-way or within 8 feet (8') of the curb. The monument sign shall also not be located in an area where a sidewalk would be place.
 - c. Only one monument sign per each street frontage is allowed.
7. Identification Signs.
 - a. Multiple-Tenant and Identification signs may not be separate on the same frontage.
 - b. The maximum area for Identification signs shall not exceed 300 sq. feet along I-45 and 200 sq. feet along all other roads.

- c. If the sign is also used as a Multiple-Tenant sign for the site, the size may be increased to 360 sq. feet along I-45 and 260 sq. feet along other roads.
- 8. Subdivision Development Signs. These signs shall be removed from the site at developer's expense upon 75% occupancy of the subdivision.
- 9. Apartment Signs.
 - a. The maximum area for apartment signs shall be 80 sq. feet.
 - b. An apartment complex shall be limited to one identification sign for each street frontage.
- 10. Institutional Signs.
 - a. On Site-An institution shall be limited to one sign per each street frontage.
 - b. Off Site-An institution shall have no more than two off-site signs, limited to 16 square feet each.

Section 29 Billboards and Off Site Signs

- 1. Locations allowed
 - a. No billboard or off site sign shall be erected within the city limits of Ennis except along the Interstate Highway 45 road frontage.
 - b. Any billboard or off site sign shall be located in a zoning district with a minimum classification of "C-PD" Commercial-Planned Development.
 - c. Billboards may only be located every fifteen hundred (1,500) ft. For the purpose of this requirement, the 1,500 feet limitation is for the total length of IH45. In other words, the 1,500 feet limitation does not apply to each side of IH45 but rather in total (both sides) length.
 - d. Billboards or off site signs shall only be allowed on lease pads that are a minimum of 100 feet by 100 feet in size and which abut a public road right of way.
 - e. At no time shall a billboard or off site sign be allowed to overhang or encroach into a public right of way, alley, or easement or any other publicly designated or owned land.
- 2. Permit required.
 - a. No person, firm, corporation or entity whatsoever shall be allowed to erect a billboard or off site sign until said person, firm, corporation, or entity shall have first obtained a permit therefore from the Planning & Zoning Commission through the Planned Development Site Plan review procedure.
 - b. The adopted fee schedule in effect at the time of the application for the Site Plan review process shall apply.
 - c. The permit issued by the Planning & Zoning Commission shall be for a period of one (1) year (October 1 thru September 30) and shall be renewable if all conditions set forth within the Site Plan approval have been met and are current.
 - d. The City of Ennis shall receive from every applicant for a billboard or off site sign the fee of twenty-five (\$25.00) dollars plus a sum equal to twenty-five cents (\$0.25) per square foot of sign face to be erected. Each applicant for a billboard or off site sign shall submit its application on a form provided by the Inspection Services Department.
 - e. A Building Permit Application must also be completed for the structure itself. A set of engineered stamped plans shall be submitted to the Inspection Services Department for review. A permit fee based on valuation shall be remitted prior to the construction of the billboard or off site sign.
 - f. Every permitted billboard or off site sign shall display the City of Ennis Billboard number in letters and numbers that are large enough (12 inch minimum) to be viewed from the nearest adjacent public road or thoroughfare.

- g. Any billboard or off site sign presently existing on the effective date of this ordinance shall be declared a legal non-conforming sign; however, every owner of said legal non-conforming sign shall be required to secure a billboard or off site sign permit and shall be required to pay all permit fees required for said billboard or off site sign.
3. Installation requirements
- a. The lease area surrounding each and every billboard or off site sign shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition and free and clear of all obnoxious substances, rubbish, weeds and tall grasses.
 - b. All billboards or off site signs shall be mono pole in design and the entire structure shall be painted in walnut brown.
 - c. A concrete pad (minimum 10 feet by 10 feet by 5 inches) shall be constructed around the pole of the billboard or off site sign. The pole shall be located at the center of the concrete pad.
 - d. Irrigated landscape shall be placed around the concrete pad as per the approved Site Plan. Alternative methods of landscaping may be considered by the Planning & Zoning Commission.
 - e. All electrical service to the structure shall be in accordance with the adopted code of the City of Ennis.
 - f. Illumination of the billboard or off site sign shall be such that light pollution to adjoining property owners or public roads or thoroughfares does not occur.
 - g. No billboard or off site sign shall be installed closer than five hundred (500) feet to property that is residentially zoned or on the adopted Land Use Plan as being a potentially designated residentially zoned property.
 - h. Billboards or off site signs shall not display or contain statements, words, or pictures of obscene, indecent, or immoral character that would offend community morals or decency.

Section 30 Wall-Mounted Signs

- 1. Wall signs shall not exceed 40 square feet or the product of 2 times the lineal footage of the wall area available to such signs or store frontage for which such signs are intended, whichever is greater. Such wall signs shall not exceed 75% of the width of the available wall area or store frontage. Wall signs shall not extend above the wall to which they are attached.
- 2. The exposed face of the sign shall be not more than twelve (12") inches from said wall at the nearest point. However, electric wall signs may project not more than eighteen (18") inches from said wall.
- 3. Wall signs must be located on the building of the business they are advertising.
- 4. Buildings with a zero lot line may install a sign that extends over the right-of-way for a maximum of eighteen (18) inches. Signs which extend over the right-of-way shall not be any closer than five (5) feet to the traffic lanes and must maintain a minimum of ten (10) feet clearance under the sign. For any sign overhanging in public property, an encroachment agreement is executed in accordance with the requirements of this article and applicable codes.

Section 31 Historic Downtown District

- 1. Signs located in the district defined as the Historic Downtown District shall be subject to this article with compliance to be determined by the Historic Landmark Commission, and City Staff.
- 2. The sign must reflect the style and period of the early Ennis era and maintain the theme for which the Historic Downtown District was designated.
- 3. The sign must pass building and safety codes.

Section 32 Definitions

1. Advertising Sign Any sign which promotes or advertises commodities or services not offered on the premises where such signs are located off site.
2. Apartment Sign Any sign identifying an apartment building or complex of apartments, on site.
3. Approved Accepted by the Inspection Services Department as safe, structurally sound; not unsightly.
4. Banner A temporary sign containing a worded message or graphic image composed of light-weight material secured or mounted so as to allow movement caused by wind.
5. Billboard (Offsite) Sign The term off-site sign as used in this ordinance is defined as a sign which directs attention to a business, commodity, service, product, goods, merchandise, entertainment, or attraction sold, offered or existing elsewhere other than upon the same lot where such sign is displayed. The term off-site sign does not include political yard signs erected without compensation for a limited time for the purpose of showing support for a candidate or for the defeat or passage of a particular measure. The term off-site sign shall also include and shall also be construed to include all outdoor advertising signs or billboards on which space is leased or rented by the owner thereof to persons, firms, corporations, or other entities for the purpose of conveying a commercial or non-commercial message.
6. Construction Sign A 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.
7. Development Sign Any temporary promotional sign pertaining to the development of land, on site.
8. Freestanding Sign A detached sign permanently anchored in or attached to the ground.
9. Height Measurement from the top of the curb of the nearest street adjacent thereto, or if there is no curb, from a point six inches (6") above the edge of the road surface, to the top of the sign structure.
10. Historic Downtown District That portion of the City of Ennis that is designated and described in City of Ennis Ordinance #94-2-1.
11. Identification Sign 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.
12. Interstate 45 Corridor That area parallel to Interstate Highway 45 within one thousand feet (1,000) of the right-of-way and which is zoned for business.
13. Illuminated Sign Any sign internally illuminated by electric lights.
14. Incombustible Material Any material which will not ignite at 122 degrees Fahrenheit or below, nor shall it continue to burn or glow at that temperature.
15. Institution Sign Any sign used to identify a school, church, hospital or similar public institution.
16. Model Home Sign Any temporary sign used to advertise a particular structure represented by a model or show home, on site.
17. Monument Sign Any permanent, low profile sign on a monument base, on site.
18. Multiple-Tenant Sign A pole, monument or ground sign consisting of building identification and general business signs of the individual tenants.
19. Non-Profit Organization An entity with funds and programs managed by its own trustees or directors, established to maintain or aid social, educational, charitable, religious or other activities serving the common welfare, i.e., schools, churches, YMCA, etc.
20. Obsolete Sign 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.
21. Off Site The sign referred to reflects goods, products or services provided at a location other than that which the sign occupies.

22. On Site The sign referred to reflects goods, products, or services provided at a location which the sign occupies.
23. Pole Sign A sign supported by and placed upon poles or standards.
24. Political Sign A temporary sign advertising a political candidate or party for elective office.
25. Portable Signs A sign whose principal supporting structure is intended, by design, use or construction, to be used by resting upon the ground for support and which may be easily moved or relocated for reuse. A sign commonly recognized as a "portable sign".
26. Primary Sign A sign left in place four (4) months or longer, the principal sign of a business.
27. Real Estate Sign A temporary sign used to advertise the sale or lease of a piece of property, on site.
28. Required Set-Back The distance from the property line or right-of-way line of all streets adjacent to the premises on which a sign is located.
29. Sign Any surface, material or device visible from a public street and used for advertising with or without the display of letter, words, characters, designs, pictures or other information.
30. Sign Support any pole, post, strut, cable or other structural fixture or framework necessary to hold and secure a sign in a safe, structurally sound, and attractive manner.
31. Special Event A particular occasion or purpose that only happens once a year, or less often; An event that has a definitive beginning date, and ending date, not to exceed thirty (30) days. Must not be used to simply signify an item currently sold, traded, or housed in the establishment, that is offered at the regular price, (Example: beer for sale here; soft drink products sold here); (Acceptable Examples: grand opening, store closing, 25-year anniversary, etc.)
32. Stake Sign A sign whose supporting structure is so designed and shaped, usually by making one end pointed, so as to be erected and used by pushing, pounding, hammering or forcing it into the ground so as to allow quick and easy placement, removal or relocation.
33. Subdivision Sign A permanent sign used to identify a specific subdivision, on site.
34. Temporary Any sign displayed less than three (3) months.
35. Traffic Movement Control Sign A sign which directs vehicular or pedestrian movement within or into the premises on which the movement control sign is located.
36. Vehicular Sign Any sign on a vehicle.
37. Wall Sign Any sign attached to the face of a building or incorporated thereon, to advertise businesses in that building.

Section 33 Fee Schedule for Signage Permits

Total Valuation	Fee
\$-0-to \$15,000	\$100.00
\$15, 001 to \$50,000	\$100.00 for first \$15,000 + \$5.00 for each additional thousand
\$50,001 to \$100,000	\$273 for first \$50,000 + \$4.00 for each additional thousand
\$100,001 and up	\$473 for first \$100,000 + \$2.50 for each additional thousand

FEES ARE BASED UPON THE VALUE OF THE SIGN ITSELF AND SHOULD NOT INCLUDE OTHER COSTS OF INSTALLATION.

ARTICLE II

Section 1 Severance Clause

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.


Section 2 Penalty Clause

Violation of this ordinance will result in a Class C misdemeanor.

Section 3 Effective Date

Because of the nature of the interest and safeguard sought to be protected by this ordinance and in the interest of the health, safety, and welfare of the citizens of the City of Ennis, Texas, this ordinance shall take effect immediately after its passage, approval, and publication, as required by law.

PASSED, ADOPTED AND APPROVED by the City Commission of the City of Ennis, Texas on this the 3rd day of DEC, 2007.


RUSSELL R. THOMAS
MAYOR

ATTEST:


SHIRLEY TRULL, CITY SECRETARY



“Listed” Sign Information

The NEC, National Electric Code, Article 600.3, requires that for electrical, structural, and installation safety all electrical signs shall be "Listed" (tested, and labelled with an appropriate Listing Mark.)



Underwriter's Laboratory ("UL" Listing Mark) and Intertek ("ETL" Listing Mark – originally Edison Testing Laboratory founded by Thomas Edison) are the premier certification organizations and 80% of all things electrical are tested by them.



Both these certification organizations have testing laboratories in Plano. MET Labs, another OSHA approved electrical testing laboratory, has a testing facility in Austin.

ISO (International Organization of Standardization) Standards, such as ISO 9001, are *NOT* electrical safety listings (similar to a UL, MET, or ETL Listing.)



There are different test standards for a LED electronic message center (EMC) compared to all other electrical signs.

Unlike all other Listed signs, components used in an EMC are not Listed, except potentially the power supplies. Even so they are not a Class 2 power supply. NO Outdoor EMC sign meets the Class 2 Power-Limited Circuits standards of NEC Article 725-III. Their electrical system has fire and electrocution hazard potential. No Outdoor EMC sign can currently be rated as an "enclosure" so exposed wiring is not allowed, even inside Listed EMC signs, unless the circuit meets Class 2 standards.

All LED Electronic Message Centers are separately Listed, and the signs separately Marked.

A sign structure that has any other type of lighted sign in conjunction with an LED Electronic Message Center *will have at least 2 Listing labels* (every cabinet a separate Listing label, the EMC a separate Listing label.) The listing labels might be from different certification laboratories.

There are about 50 Listed electrical sign manufacturers in North Texas. Only a FEW that manufacture Listed lighted signs also manufacture Listed electronic message centers (EMC.)

Many sign companies and sign installers, including Listed sign companies, are importing Chinese signs that are not Listed. Virtually all actual manufacturers of EMC's in the USA manufacture Listed signs.

In some cities the AHJ, according to their electrical ordinance adopting and possibly waiving parts of the NEC, must decide if non-Listed EMC Signs can be installed and serviced while maintaining effective safety.

Most non-Listed EMC signs are not "Marked" (labeled per Article 600.4) with the manufacturer's name, input voltage, and current rating information, making evaluation difficult.

Their internal wiring is not to Code, especially since they are not Class 2, but most are even wired as if they are a rated enclosure (exposed internal primary wiring, exposed secondary wiring leading from the power supplies, none of the wire rated for wet location use.) They are also not usually internally wired to meet the NEC 600.5(B)2 requirement for 20 amp maximum branch supply circuits for all signs except those with neon loads.

Non-Listed signs usually contain none of the OSHA mandated electrical safety information labeling or installation instructions.

Non-Listed EMC signs, if allowed by the AHJ, should have electrical supplied to meet the Markings for ALL the internal components as a "continuous" load, often a 100-200 amp requirement.

Non-Listed signs have obviously not had their structure, wiring, and electronics tested and approved for use in Damp or Wet (Outdoor) locations. The AHJ must determine their safety.

Listed signs are tested and Marked, usually externally, with their approved input voltage and current rating, and internally with the number of branch supply circuits required, including their required rating and wire size.

Listed EMC signs have modified secondary circuits that meet Class 2 standards, and these circuit modifications have been tested and approved. The sign does not meet Class 2 standards, but all exposed wiring does. The sign is proven to present no fire or electrocution hazard. There's a lot of exposed wiring inside an EMC.

Listed signs are also internally Marked as to whether or not they have been tested and are approved for use in Damp or Wet (Outdoor) installations, or only approved for Indoor use. (The many other required safety labels will also be present.)

If you suspect illegal use of Listing labels, a label inappropriately placed on ANY sign, you can contact the Listing laboratory on the label; all labels are traceable and they will pursue unauthorized use of their labels, saving you time.