

ORDINANCE NO. 2016-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS, REPLACING ORDINANCE NO. 2010-03 REGULATING THE CONSTRUCTION AND USE OF SIGNS WITHIN THE CITY LIMITS AND IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY; PROVIDING FOR NON-CONFORMING USES; IMPLEMENTING A PERMIT REQUIREMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 PER DAY PER VIOLATION THEREOF; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to promote a well coordinated, visually pleasing streetscape within the city limits and to aid businesses within this area in promoting their goods and services, and that such purposes can be accomplished by stylistically treating the area in a comprehensive manner to avoid chaotic, redundant, ambiguous, and/or hazardous designs; and

WHEREAS, it is the intent of the City Council to ensure signs are maintained properly to avoid creating safety risks due to abandonment, collapse, decay, deterioration and fire; and

WHEREAS, the City Council wishes to promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic; and

WHEREAS, the City Council wishes to protect pedestrians and motorists from damage and injury caused or attributed to the distractions or obstructions and visual clutter which are the result of improperly situated signs; and

WHEREAS, it is the desire of the City Council to protect the public from damages and injury that may be caused by faulty construction and uncontrolled location of signs; and

WHEREAS, the City Council wants to avoid visual clutter which will interfere with the scenic views and character of the city; and

WHEREAS, the City Council further finds that it is necessary to adopt this ordinance to protect the health, safety and welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Canton, Texas, as follows:

SECTION I. Regulations of Signs

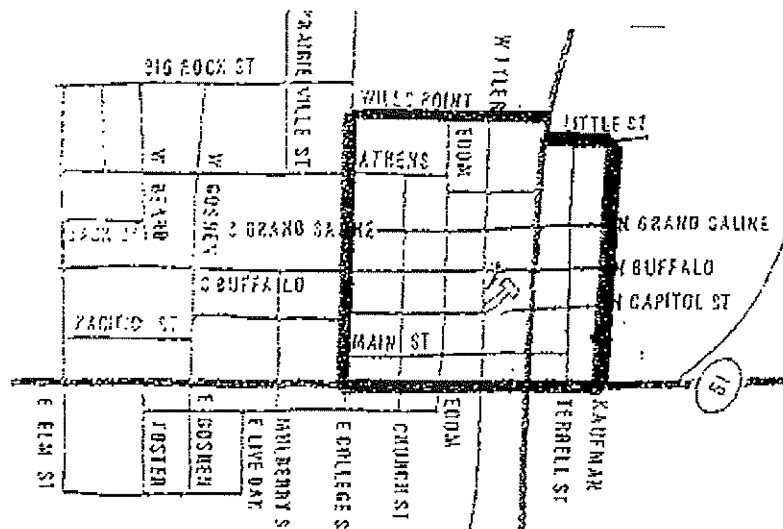
For the purposes of this Ordinance, the following definitions shall apply, unless clearly indicated to the contrary:

- A. *Awning*: A structure hung from the surface of a building designed to provide protection from sun, rain, wind and other weather conditions. An awning may be composed of fabric, steel, wood, Plexiglas, among other materials.
- B. *Banner*: A type of temporary sign that is generally constructed of lightweight plastic, fabric or a similar material, that is over one square foot in size, and that is mounted/tethered to a pole(s), building or other structure at one or more edges. A

banner typically (but not always) exhibits a text message and/or a symbol(s) for the business located on the property or for a product or service provided by that business. National/state or local governmental flags are not considered banners (see "flag" below).

- C. *Billboard*: A sign displaying advertising that pertains to a business, organization, activity, person or persons, event, place, service, product or agency not principally located or primarily manufactured or sold on the premises on which the sign is located. Billboards may not exceed 672 square feet on a single side, with a maximum sign height of twenty-five (25) feet and a maximum sign face length of sixty (60) feet. Any sign over 336 square feet per side shall be considered a billboard. Billboard signs and frames may not exceed thirty-five (35) feet in height.
- D. *Central Business District (CBD)*: The boundaries are: Groves Street on the north, Highway 19 (Trade Days Blvd.) on the east, Little Street and Wills Point Street on the west and College on the south. The accompanying map (Figure 1) delineates the boundaries of the Central Business District.

Figure 1



- E. *City*: For the purposes of this ordinance, the term "city" shall mean the City of Canton, Van Zandt County, Texas.
- F. *Feather Banner / Sign*: A sign that is constructed of lightweight material (such as cloth, canvas, or vinyl) affixed to a pole or building which is similar to a flag, except that it is longer than it is wide. A feather banner resembles a feather, in that it is tall and narrow, having more surface area vertically than horizontally when fully extended.
- G. *Flag*: Any fabric or bunting containing distinctive colors, patterns, words and/or insignia which is used as a symbol for a government, political subdivision, or some other professional religious, educational or nonprofit corporate entity, provided that such device is displayed for noncommercial (*i.e.*, not-for-profit) purposes.

- H. *Flashing*: This includes all signs which alter their illuminated intensity through the use of strobe light, rotating beacons, flashing lights which cause illumination to vary.
- I. *Garage Sales*: Yard sales, rummage sales, estate sales, or sale of anything of value on any premises not considered a retail business establishment and zoned accordingly and/or licensed to do business in the City of Canton and/or the State of Texas.
- J. *Illuminated*: Any sign which has characters, letters, figures, designs or outlines which are illuminated by electrical lights, luminous tubes or any other source of artificial light.
- K. *Logo*: Any formalized design, insignia or trademark of a company or product which is commonly used to advertise that company or product.
- L. *Marquee Sign*: A "theater type" sign in which letters are physically removable to allow for different messages. Marquee signs are generally illuminated.
- M. *Message Sign*: Any sign which through the use of independently illuminated light displays the time, day, date, temperature and brief messages, either in a scrolling, flashing or digital manner.
- N. *Monument Sign*: A sign permanently affixed to the ground at its base, supported entirely by a base structure and not mounted on a pole or as part of a building.
- O. *Obsolete Sign*: Any sign which no longer serves a bona fide use or purpose on a lot with or without a structure.
- P. *Off-Premise Sign*: A sign displaying advertising copy that pertains to a business, person, event, organization, activity, service or product not principally located or primarily manufactured or sold on the premises where the sign is located.
- Q. *On-Premise Sign*: A sign identifying or advertising a business, person or activity and installed and maintained on the same premises as the business, person or activity.
- R. *Pole Sign*: A sign that is permanently supported in a fixed location by a structure of poles, posts, uprights or braces from the ground and not supported by a building, fence, vehicle, base structure or other support. Any sign that has a time limit in accordance with this chapter that is supported by stakes, posts, poles, uprights or braces is not a pole sign within the meaning of this ordinance.
- S. *Political Sign*: A sign upon which the content is primarily related to notice of or advocacy for an election of a person to public office, a political party, a primary election, a matter to be voted upon at an election called by a public body, or an ongoing issue of public concern.
- T. *Portable Sign*: A sign not permanently attached to the ground or a building which is designed to be easily transported or conveyed to different locations. This term includes, but is not limited to: sandwich boards, signs affixed to trailers or signs on metal stands with skids or wheels.
 - 1. Any sign on a vehicle which identifies the business by displaying the name,

address and/or telephone number of such business and/or identifying the type of product or service offered by the business. The primary use of such vehicle shall be for the delivery of persons, products or services in connection with the business and the vehicle must be currently licensed, inspected and registered with the State of Texas and in operable condition. Such vehicles must be parked in a designated parking space and may not be parked within ten (10) feet of the right-of-way. Any vehicle left over twenty-four (24) hours and parked in such a way to be used as a portable sign is prohibited.

2. Any sign on a trailer, back of pick-up truck, flatbed or tractor-trailer rig parked for over twenty-four (24) hours or parked in such a way to cause visual clutter is considered a portable sign and is prohibited. Sandwich boards and any temporary banners, and A-frame type signs are considered portable signs and are prohibited.
 3. Menu boards are considered portable signs. Menu boards not over two (2) feet by two (2) feet used for restaurants, cafes or food service establishments to list items, dishes, meals or specialties for sale are allowed on private property.
- U. *Premises*: A single lot or unplatted tract, or a combination of contiguous lots or unplatted tracts, if the lot or tract (or combination) is under single ownership and is reflected in the plat or deed records of the county
- V. *Projecting Sign*: Any sign which projects from a building and has one end attached to a building or other permanent structure.
- W. *Right-of-Way*: Land reserved, used or to be used for a street, alley, walkway, drainage facility, utility or other public purpose. Right-of-way includes public easements and public waterways.
- X. *Roof Sign*: A sign that is displayed above the eaves and under the peak of a building. This term includes a sign painted, erected, constructed or maintained on the roof of a building.
- Y. *Sign*: Every sign, name, number, display, flag identification, description, announcement, declaration, demonstration, device, banner, pennant, illustration, beacon, light or insignia, and structure supporting any of the same affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land which is used to inform the public of any object, product, service, place, activity, person, institution, organization or business, and is visible from the public right-of-way. Any interior illuminated or moving sign or light which is visible from the exterior may be determined as being erected on the exterior of the building or structure.
- Z. *Temporary (Special Event) Sign*: Signs for specific occasions with a predetermined date, duration and end point. Examples include, but are not limited to: sale, clearance, athletic events, garage sales, yard sales, Open House and Farmers' Market signs.
- AA. *Wall Sign*: Any sign attached to or painted on a wall or façade of a vertical structure with the sign facing parallel to and not more than twelve (12) inches from the wall surface. A sign attached to or painted upon an awning shall be considered a wall sign.
- BB. *Window Sign*: Any sign, banner or painted message which is displayed from the building

interior and is visible through the window of the establishment. This type of sign is one that is intended directly for viewing from the outside and does not include interior signs which may be partially visible from the outside of the establishment.

SECTION II. Prohibited Signs

The following type signs are prohibited in the city limits and in the extraterritorial jurisdiction of the City of Canton:

- A. portable signs;
- B. roof-top signs;
- C. inflatable and tethered balloon signs (except by special exception);
- D. off-premise signs;
- E. obsolete signs;
- F. signs violating the sight triangle of intersections;
- G. signs placed on utility poles;
- H. signs placed in the right-of-way;
- I. three dimensional signs;
- J. flashing;
- K. swinging or rotating signs;
- L. signs which move or have moving parts;
- M. temporary bench signs;
- N. vehicular signs and banners (except by special exception) and/or
- O. temporary signs without permission.

SECTION III. On-Premise Sign Requirements

- A. Wall Signs: One wall sign is allowed per each building side visible from a public roadway. The maximum area allowed for wall signs is as follows:

<u>Building Frontage</u>	<u>Surface</u>
1 - 50 linear feet	40 square foot sign per side
51 - 100 linear feet	50 square foot sign per side
101-150 linear feet	55 square foot sign per side

Over 150 linear feet

60 square foot sign per side

B. Pole Signs:

1. Pole signs are only allowed on commercial property (Zoned B-1, B2, or GI-1).
2. Only one pole sign is allowed per site (platted lot).
3. There shall be only two display faces for each pole sign (back-to-back or splayed).
4. Signs must be set a minimum of five (5) feet outside of an existing right-of-way.
5. No pole sign may be allowed closer than fifty (50) feet of any residentially-zoned area.
6. Signs may not be attached to any structure and must be a uni-pole or bi-pole constructed of steel.
7. Signs must be designed and installed to meet the requirements of the ICC Building Code or current adopted City of Canton Building Code and the Texas Department of Licensing and Regulation.
8. No lighting will be allowed which flashes or creates glare on public streets or on the adjacent property.
9. The maximum area allowed for pole signs is as follows:

<u>Building Frontage</u>	<u>Minimum Ground Clearance</u>	<u>Maximum Surface</u>	<u>Maximum Sign Height</u>
1-50 linear feet	8 feet	100 s.f. per side	18 feet
51-100 linear feet	8 feet	150 s.f. per side	20 feet
101-150 linear feet	12 feet	200 s.f. per side	25 feet
Over 150 linear feet	15 feet	250 s.f. per side	35 feet

10. Pole signs on property located within 660 feet of the I-20 right-of-way require engineered plans stamped by a P.E. The maximum area allowed is as follows:

<u>Minimum Ground Clearance</u>	<u>Maximum Surface</u>	<u>Maximum Sign Height</u>
18 feet	300 s.f. per side	94 feet

C. Marquee Signs: Marquee signs are considered "theater type" signs with blocked case for paper / cardboard signs.

1. Use of a marquee sign shall be limited to entertainment-oriented land uses (movie theaters, civic centers, opera houses, restaurants, etc.). Verification of this fact is required on the sign permit.
2. Marquee signs must not project more than six (6) feet from the building surface. A distance of two (2) feet must be maintained from the outer edge of the marquee sign and any traffic control sign.
3. The lowest portion of a marquee sign must be no less than eight (8) feet and no higher than twenty (20) feet above the sidewalk.
4. Only one marquee sign is allowed per business.
5. Marquee signs must be a minimum of thirty (30) feet from any neighboring sign, measured by the nearest face to the nearest face.

D. Projecting Signs:

1. Projecting signs may not extend more than six (6) feet from the building surface and must be at least eight (8) feet above the sidewalk or walking path and no higher than twenty (20) feet above the sidewalk.
2. Only one projecting sign per business is allowed.

E. Monument Signs: Monument signs shall be set onto a base present a solid, attractive and well-proportioned appearance that complements the building design and materials. Monument signs are not visibly supported by poles or posts. They shall be attached directly to the ground and shall not exceed ten feet in height measured from the adjacent existing grade and zero feet from the ROW. All signs shall be engineered to 2006 IBC or the edition then being used by the City of Canton.

1. Size of Monument signs
 - a. Maximum width of 10 feet, including total structure
 - b. Maximum height of 10 feet. A series of contiguous properties may combine signage and square feet into a single monument sign. However, each individual property would not be allowed their own individual monument sign in addition to the combined sign. Signs must be spaced a minimum of 75 feet apart and 25 feet from another lot. Wall signs may be placed on the building and shall not exceed 5% of the total area of the elevation.
2. Monument signs shall be set into a base presenting a solid and well-proportioned appearance that complements the building design and materials.
3. Monument signs must be at least five (5) feet from the right-of-way.

SECTION IV. Billboards

New billboards are only allowed within the city limits and extraterritorial jurisdiction of the City of Canton within 660 feet of the Interstate 20 right-of-way. All billboards must comply with the Texas Highway Beautification Act as administered by the Texas Department of Transportation. All billboards must be permitted by the State of Texas and the City of Canton. All billboards must be engineered to meet minimum code requirements.

A. Size

1. The maximum size for any off-premise single-faced billboard shall be 672 square feet. Billboard panels may not be stacked or placed side by side. Maximum per side for a double faced billboard is 672 square feet. Billboard signs may not exceed twenty-five (25) feet in height or sixty (60) feet in width with a maximum sign and frame height of thirty-five (35) feet above the grade of the roadway.
2. Signs may not be attached to any building and must be of an approved steel pole design. Uni-poles are required unless another design is approved by the building official. No Billboard in excess of 2 sides shall be allowed.
3. No movement is allowed on billboards. Billboards may not move, rotate, gyrate or give the impression of movement.
4. Off-premise billboards on Interstate 20 may not be closer than 4,500 feet along the right-of-way to another off-premise billboard.
5. Billboards may not be located within 1,500 feet of any public park, public playground or school.
6. Illuminated billboards may be lighted only by lights that are properly installed, shaded or concealed, and are aimed so the light will shine directly on the sign face and will not interfere with the vision of motor vehicle operators, nor shine directly on any residential-zoned property. Illumination of such signs must not be flashing or intermittent.

B. Number

1. The number of billboards in the city limits and extraterritorial jurisdiction of Canton is limited to the number in existence on October 28, 2016.
2. To encourage the reduction of billboards, the owner of a sign that was lawfully erected in compliance with the standards then in effect or lawfully in place at the time it was annexed into the City, or that owner's designee, may be awarded credit for removing such a sign.
 - a. One credit will be awarded for each face that is removed from a lawfully-existing billboard. In order to receive a permit for the erection of a billboard, two credits must be used per each new face. Credits shall be issued equal to each square foot removed, with a minimum face requirement of 336 feet. No credit will be issued for removal of a sign face less than 336 square feet.

- b. The City shall issue a permit to any billboard owner or owner's designee holding sufficient credits for the erection of a billboard in a location approved by the City which meets the requirements of this Ordinance. Replacement billboards shall only be located in current legal non-conforming sign locations or in the areas designated along I-20. Legal conforming signs may not be exchanged for legal nonconforming signs. Billboards in the ETJ may not be exchanged for legal nonconforming signs inside the city limits. The permit must state the number of faces to be erected and address all requirements set forth in this section.
- c. Credits are transferable.
- d. Credit is received when a billboard owner or owner's designee removes a sign voluntarily, except if the reason is loss of the lease. No credit will be issued for a sign in violation of any Federal, State or City laws when erected.
- e. To be awarded a credit under the incentive program, a sign owner or owner's designee must notify the City within sixty (60) days of the removal of a billboard and receive a letter issued by the City awarding the credit. Failure to apply for a credit within sixty (60) days from the removal of a sign bars the awarding of credit for that sign. Any unused credits will be held in reserve indefinitely in order to give incentive for immediate removal of current faces.

SECTION V. Sign Types Permitted by Zoning

A. Gateway District

- 1. Monument signs only
- 2. Single pole signs; portable signs; window signs and painted signs; billboards; banners (except for 15-day grand opening); and feather signs are prohibited in the Gateway District.

B. Restricted Professional and Office District (RPO) Zoned Areas

- 1. Monument signs only

C. Central Business District

- 1. Wall signs
- 2. Marquee signs
- 3. Projecting Signs

D. First Monday Business District

- 1. Permanent signage on city property must be reviewed by the First Monday Committee. All FMBD permanent signage must be properly permitted.
- 2. All types of signs allowed except pole signs and billboards

E. B-1, B-2 and GI-1

1. All signage allowed except billboards

F. R-1, R-2, R-3, R-4, MF-1, MF-2, MH-1

1. Monument signs only

G. The following signs are not regulated by the sign ordinance:

1. Traffic control signs
2. City signs
3. Construction signs - one per lot, no more than forty (40) square feet
4. Information signs - warning signs, security, parking, directional signs and community or school information signs or banners
5. Real estate signs - one (1) sign allowed per lot, ten (10) square feet or less per face
6. Political / Campaign signs – cannot have an effective area greater than 36 square feet, cannot be more than eight feet in height, cannot be illuminated, and cannot have moving elements. Political signs must follow all other state and federal rules and regulations regarding political/campaign signs.
7. Temporary banners and signs to announce the opening of a new business are allowed up to thirty (30) days with the permission of the Building Official.
8. Temporary off-site banners promoting a public event, a charity or non-profit event may be erected subject to special permitting procedures listed below:
 - a. Application for an off-site banner must be submitted to the Building Official at least thirty (30) days prior to the opening day of the event. The applicant must list the size of the banner, the location of the banner, a contact name and information concerning the event. The banner must be placed up and removed by the applicant in the time agreed. Prior to placement of the banner, a permit must be obtained at City Hall. Preference will be given to non-profit organizations, civic organizations, IRS recognized charities, and events held in the Canton city limits. Banners not removed on time will be removed, and the organization sponsor will be charged for a sign permit and will not be allowed to advertise in the future.
 - b. Banners which receive a special permit may be allowed up for a maximum of two (2) weeks. If no other party is scheduled for special events, the banner may go up for an additional two (2) weeks (30-day total). Banners may not be scheduled more than three (3) months in advance of the event.
9. Interior signs not visible from the centerline of the street parallel with the building façade shall be allowed. Signs visible from the street centerline must meet the requirements of the ordinance.

10. Flags of the United States government or the State of Texas, or any other governmental flag, may be displayed in an appropriate, respectful and proper manner according to the U.S. Flag Code and the Texas Flag Code. Flag poles must meet building code requirements and must be set a minimum of fifteen (15) feet off the right-of-way.
11. Historical markers designating a local, state, or national landmark are allowed.

SECTION VI: Signs in General

- A. Content: The City of Canton does not regulate the content of signs; however, no sign shall be allowed which contains slanderous, obscene language or pictures, or inflammatory language or images.
- B. Out-of-Compliance Signs: All signage within the City of Canton shall be maintained as to copy quality, structural integrity and clear of ground foliage. Failure to comply can result in a fine or the required removal of the sign.
- C. Electrical Work on Signs: Prior to the issuance of any permit for signage with external or internal lighting, an electrician licensed with the State of Texas, or a master sign electrician with the State of Texas holding a current license, must obtain a permit.
- D. Signs must be located so a minimum of ten (10) feet clearance exists between any portion of the sign and all overhead power lines. OSHA required regulations must be allowed for working clearances from power lines or energized equipment.
- E. Right-of-Way: No sign may be constructed or posted on a public right-of-way. All legally permitted signs installed must be a minimum of five (5) feet from an existing right-of-way. No sign may be placed on a utility pole, traffic pole, light pole, sign pole or any trees.

SECTION VII. Non-Conforming Signs

A sign that does not conform to the regulations prescribed in this Code and that did not exist lawfully as of the 28th day of October, 2016, shall be deemed a non-conforming sign.

A. Modification

A nonconforming sign or sign structure shall be brought into conformity with this Ordinance if more than fifty percent (50%) of the nonconforming sign is altered, reconstructed or replaced; or if the sign is relocated. A change in copy is not an alteration or replacement for purposes of this Ordinance.

B. Removal

Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, is required when a nonconforming sign, or a substantial part of a nonconforming sign, is blown down, destroyed or, for any reason or by any means, taken down, altered, or removed.

1. As used in this subsection, "substantial" means fifty percent (50%) or more of the

entire sign structure.

2. As used in this section, the term "substantial" also applies if the cost of reconstruction or replacement of the sign, sign structure or building exceeds fifty percent (50%) of the value of the sign, sign structure, or building prior to the event that necessitated its reconstruction or replacement.
3. Nothing contained in this section is intended to prevent the routine repair and maintenance of a nonconforming sign.

C. Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, is required when the condition of the nonconforming sign or nonconforming sign structure has deteriorated or has been damaged and the cost of restoration of the sign to its condition immediately prior to such deterioration exceeds fifty percent (50%) of the value of the sign or sign structure prior to its deterioration.

D. Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, in accordance with this section, must be completed within sixty (60) days of the occurrence in which the nonconforming sign, or a substantial part thereof, was blown down, destroyed, or for any reason or by any means taken down, altered, or removed.

E. Permits for Other Signs

Before any permit may be issued for a new sign under this Ordinance, the responsible party shall modify or remove any nonconforming sign displayed on the same property for which the permit is being sought, so that all the signs on the property conform to the provisions of this Chapter.

F. Redevelopment Permit

Any building addition that increases the gross floor area of a property by fifty percent (50%) or more, or any exterior structural remodeling of a building façade of fifty percent (50%) or more on which a nonconforming sign is located, shall require all nonconforming signs on the property for which the permit is issued to be brought into conformity with the provisions of this Chapter.

G. Separation

No sign that is nonconforming solely because it violates a requirement for the spacing of monument signs shall be required to eliminate that nonconformity if compliance with the spacing regulation on the property is not practicable.

H. Maintenance - A non-conforming sign may be maintained.

1. The right to continue all non-conforming signs shall cease, and such sign shall be removed whenever:
 - a. An approved application for a certificate of occupancy or a change of use for a business occurs per the Building Code and the sign is associated with the previous business.

- b. A sign is altered, renovated, remodeled, moved or relocated without a permit per the requirements of this section.
- c. A sign is destroyed and the cost to repair exceeds 50% of the replacement cost on the date of the damage.
- d. A sign is leaning or has fallen.
- e. A zoning change occurs and a non-conforming off-premise sign or a non-conforming on-premise sign is located on the property.
- f. A sign is deemed obsolete or unsafe.

SECTION VIII. Obsolete Signs and Unsafe Signs

- A. Any sign which the Building Official determines no longer serves a bona fide use conforming to this code or an abandoned use shall be removed by the owner, agent or person having the beneficial use of the land, building or structure upon which the land is located within thirty (30) days after written notification from the Building Official or the City of Canton. Upon failure to comply with such notice, the City of Canton may issue fines or remove such sign, and any expense incident thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected. Abandoned use shall be any sign which is not used for advertising or discontinued for a period of sixty (60) days or more. Abandoned signs shall be considered obsolete. Obsolete signage includes poles, frame or any structure part used to erect or construct the sign.
- B. If the Building Official or the City of Canton determines that any sign is unsafe or unsecure, or is a menace to the public, he shall give written notice to the owner, person or persons responsible for such sign. If the permittee, owner, agent or person having the beneficial use of the premises fails to remove or repair the sign within thirty (30) days after such notice, such sign may be removed by the Building Official or the City of Canton at the expense of the permittee or owner of the property upon which it is located. Fines may also be issued to the owner or person or persons responsible for such unsafe signs. The Building Official may cause any sign, or part of any sign, that is an immediate hazard to persons to be removed summarily and without notice.

SECTION IX. Maintenance of Signs

All signs and sign support structure, together with all its supports, braces, guys and anchors shall be kept in repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

SECTION X. Miscellaneous Signs

- A. Garage Sale, Estate Sale, and Yard Sale Signs
 - 1. Any person who holds a proper permit may erect a sign on his or her own property, or on the property of another person with the owner's permission, for the purpose of advertising a garage, estate, or yard sale. The address, permit number and date

must be shown on the sign. Signs may only be displayed 24 hours prior to the sale and the days the sale is in progress. Signs must be removed 24 hours after the sale ends. **No more than four (4) sales for one calendar year are allowed.**

2. No more than two (2) garage sale, estate sale or yard sale signs may be located on the premises where the sale is conducted.
 3. Signs shall not be located on any public right-of-way, public property, median or any public road, street or highway. Signs shall not be placed on any utility pole, signal pole, sign pole or trees. Signs must be removed within twenty-four (24) hours after the sale ends.
 4. Failure to comply with this ordinance with the proper placement or removal of garage, estate or yard sale signs will result in the person or persons forfeiting the privilege of a sale permit for one (1) year. Continued violations will result in fines.
- B. Vehicles parked at intersections or in public rights of way advertising a sale or decorated in any manner are illegal and prohibited.
- C. Political signs are allowed on private property with the owner's permission. Political signs cannot have the following: (1) cannot have an effective area greater than 36 square feet; (2) cannot be more than eight feet in height; (3) cannot be illuminated; and (4) cannot have moving elements.
- D. Banners, paper, cardboard, foamboard and any painting or stenciling with any name, number or otherwise marked in a manner to advertise on any property without a permit are illegal. No sign or advertising is allowed for a home business use in any residential area of the City of Canton.
- E. Governmental signs (State of Texas, federal signs, school signs at athletic facilities) or the painting of the street address numbers on curbs is allowed.
- F. Temporary announcement or special occasion signs are allowed for five (5) days.
- G. Religious emblems, when installed in compliance with zoning and construction codes, are allowed.
- H. Seasonal decorations are allowed for a maximum of sixty (60) days, provided traffic visibility is not affected.
- I. Changing message signs, such as theater marquees, fuel prices, time and temperature signs, electronic read boards and menus are allowed if the sign itself is not altered or expanded.
- J. Roof top flags are not allowed.
- K. All signs in a Planned Development District may be reviewed and approved as part of the overall development plan. Total signs for all sites in the development may be aggregated and the total allowance redistributed. Sign locations, types and sizes may be varied; however, they must be consistent with site and landscape planning principles and will be part of the review process.

L. Signs for Sexually-Oriented Businesses

1. Signage shall be limited to wall signs only.
2. One wall sign is allowed per each building side visible from a public roadway. The maximum area allowed for wall signs is as follows:

Building Frontage

Surface

1 – 50 linear feet	40 square foot sign per side
51 – 100 linear feet	50 square foot sign per side
101 – 150 linear feet	55 square foot sign per side
Over 150 linear feet	60 square feet sign per side

3. Wall signs may not extend above the roof line of the establishment.
4. Contents of the signs shall not include any offensive or obscene language.
5. Signs may not display any anatomical figures or body parts.
6. Signs may not be illuminated with neon, argon, Krypton, Xenon or any gas-filled tubes except for standard mercury vapor-type fluorescent lighting tubes.
7. Signs may not contain any colored or "glow in the dark" fluorescent lighting or paint.
8. Signs may not contain the letters "X" in any number or form unless it is the name of the business.
9. Signs may not describe sexual activities.
10. Signs may not contain photographic reproductions or any moving or motion picture.
11. No signage inside the establishment shall be allowed to be visible from the exterior of the business.
12. Signs may contain the name of the business, address and type of business (i.e., "Adult Cabaret" or "Adult Motel").
13. Signs must have "opaque" backgrounds and be illuminated internally or with shielded light sources to be energy efficient.
14. White background or yellow background signs which produce light pollution shall be discouraged.
15. Signage must be pre-approved by the City of Canton Building Official prior to issuance of a permit.

M. Signs for Display of Alcoholic Beverages

1. No person shall erect or maintain a billboard, electric sign, or any outdoor advertising

for the sale or consumption of an alcoholic beverage within the city limits.

2. No person shall erect, post or display any signs or other forms of advertisement for the sale or consumption of alcoholic beverages inside the alcoholic beverage establishment if same can be viewed from a public street.

SECTION XI. Variances or Appeals

- A. The Board of Adjustment shall hear all requests for variances or appeals to the decision of the Building Official or to the provisions of the City of Canton Sign Ordinance. Appeals must be filed in a timely manner (within 15 days after the decision of the Building Official or denial of a permit). The Board of Adjustment shall adhere to all local ordinances and State of Texas laws as outlined in the Local Government Code.
- B. All cases shall be heard by a minimum of 75% of the members of the Board of Adjustment. The concurring vote of 75% of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Building Official or to decide in favor of the applicant in any matter which the Board is required to act upon under this Ordinance.
- C. The person requesting the appeal may appear before the Board in person or by agent or attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant a favorable action of the Board on any matter. Any action granting a variance authorizing the issuance of a sign permit shall be valid for only ninety (90) days. If the permit is not secured within ninety (90) days and construction is not commenced in compliance with the Building Code, the Board's decision shall be null and void without prejudice. No appeal may be made to the Board on the same related action or piece of property prior to six (6) months from the previous ruling by the Board, unless the previous property has been changed or altered so as to alter the facts and conditions upon which the Board action was based.
- D. The Board of Adjustment shall hear and decide appeals where it is alleged there is an error on any order, requirement or decision or determination by the Building Official in enforcement of this Ordinance.
- E. The Board may authorize such variances where the literal enforcement of the provisions of this Code would result in an unnecessary hardship (the hardship may not be the result of the applicant's own actions). Economic gain or loss shall never be sufficient grounds for the finding of a hardship or for granting a variance. Variances shall not be granted to permit any person a privilege in placing a sign on a parcel of land not permitted by this Code to other parcels of land in the City of Canton.
- F. The Board may authorize the use of alternative materials, design standards or new methods of construction, where the Board finds the alternative is satisfactory and complies with the provisions of the sign ordinance and finds that the material, design standard or alternative method of construction is at least the equivalent of that prescribed in the Ordinance in quality, strength, effectiveness, durability and safety.

SECTION XII. Permits

- A. It shall be unlawful for any person to erect, replace, enlarge or relocate any sign within the City of Canton or its extraterritorial jurisdiction without first obtaining a permit to do so from the Building Official.
- B. In order to obtain a building permit, a detailed drawing of the sign must be submitted to the Building Official for approval and the site of the sign must be flagged or marked.
- C. The applicant must acquire all required building permits as they apply to the sign. All construction work is subject to City code enforcement.
- D. All applicable State of Texas permits must be obtained prior to applying for a permit from the City of Canton.

SECTION XIII. Enforcement

All new signs or banners constructed, erected, hung or displayed within the City of Canton and/or its extraterritorial jurisdiction after the effective date of this Ordinance must comply with these standards. The Building Official shall be responsible for enforcement.

SECTION XIV. Severability Clause

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 of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION XV. Repealer Clause

Any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of this Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION XVI. Penalty

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

SECTION XVII. Effective Date

The City Manager of the City of Canton is hereby authorized and directed to cause a true and correct copy of the caption, penalties and effective date of this Ordinance to be published in a newspaper having general circulation in the City of Canton, Texas, prior to its effective date. Following the publication, this ordinance shall be in full force and effect.

PASSED, ADOPTED AND APPROVED by a majority of the Canton City Council on this the 28th day of October, 2016.



Lou Ann Everett, Mayor

ATTEST:



Debra Johnson, City Secretary

