

**ORDINANCE NO. 2020-003**

**AN ORDINANCE OF THE TOWN OF BROCK, TEXAS, AMENDING AND ADOPTING REGULATIONS RELATED TO THE ERECTION, CONSTRUCTION, RELOCATION, ALTERATION, REPAIR OR MAINTENANCE OF SIGNS IN THE TOWN OF BROCK AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/REPEALING CLAUSE; PROVIDING FOR A PENALTY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, the Town of Brock, Texas is a General-Law Municipality located in Parker County created in accordance with provisions of the Texas Local Government Code and operating pursuant to the legislation of the State of Texas ("Town"); and

**WHEREAS**, the City Commission of the Town of Brock, Texas ("City Commission") has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of the Town to adopt sign regulations; and

**WHEREAS**, it is the purpose of this Ordinance to put in place such regulations as are necessary to preserve and promote the public health, safety, and welfare of citizens; and

**WHEREAS**, this Ordinance shall regulate and apply to outdoor signs within the city limits and within the city's extraterritorial jurisdiction (ETJ) pursuant to the express authority provided in Chapter 216, Texas Local Government Code; and

**WHEREAS**, the Commission previously adopted Ordinance No. 2019-03 in February 2019, relating to signs.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE TOWN OF BROCK, TEXAS:**

**SECTION 1: Findings Incorporated.** The findings set forth above are incorporated as if fully set forth herein.

**SECTION 2: Purpose of Sign Regulation.** It is the intent of this Ordinance:

- A. To protect the safety and efficiency of the Town's transportation network by reducing the confusion or distraction to motorists and enhancing the motorist's ability to see pedestrians, obstacles, other vehicles, and traffic signs;
- B. To preserve, protect, and enhance areas of historical, architectural, cultural, aesthetic, and economic value regardless of whether they are natural or manmade;
- C. To protect the value of adjacent and nearby properties, in particular, residentially zoned properties from the impact of lighting, size, height, movement, and location of signs; and

- D. To integrate sign regulations more effectively with other regulations by establishing regulations for setbacks, height, and spacing to allow for lighting, ventilation, and preservation of views in a manner consistent with land uses in the various zoning districts.

### **SECTION 3: Signs Defined.**

- A. Signs are defined as building mounted signs, portable signs or freestanding.
- B. Freestanding are either monument or pole signs.
  - 1) Monument signs have a lower base affixed to the ground upon which the sign sits.
  - 2) Pole signs have a single or double pole system upon which the sign sits and are generally higher off the ground.
- C. The decision as to what type of sign is being requested and the requirements thereto, rests solely with Texas Department of Transportation (TxDOT) and Brock.

### **SECTION 4. Signs Allowed in the City Limits and in the ETJ.**

Brock controls the placement of signs in its city limits and in its ETJ. Brock allows signs in its city limits and ETJ, both digital/electronic and static in accordance with the provisions of this Ordinance.

### **SECTION 5: Requests for Signs in the City Limits and in the ETJ.**

- A. **Permit Required.** All signs require a permit issued by the City and the permit fee paid prior to being erected regardless of type.
- B. **Sign Requests for ALL Signs WHETHER OR NOT Controlled by TXDOT**
  - A. *All signs whether or not controlled by TxDOT require an application.*
  - B. *Applications* for permits in the city and ETJ shall include each of the following:
    - a) A completed permit application;
    - b) A plot plan declaring all property lines, setbacks, easements, rights-of-way, other existing signs maintained on the lot and the distance separation to the closest sign in any direction scaled to linear feet;
    - c) A scaled drawing of the height, width and display area of the proposed sign;
    - d) A drawing of the lot plan or building façade indicating the proposed location of the sign, its proximity to the applicant's business or use, specifications, materials and any landscaping plan; and
    - e) Electrical plan and load requirements.
  - C. Requests for signage must be submitted at least thirty (30) days before the next Commission meeting.
  - D. Whether or not the Sign is required to be approved by TxDOT and if an approval has been given, attach it to the application.

- C. **TxDOT Approval.** Signs regulated by TxDOT along its controlled roadways require written certification by the Applicant that they will comply with any TxDOT requirements for a permit to be issued by Brock and the paperwork submitted to TxDOT for consideration by the Commission. Brock may hold the issuance of a final permit until TxDOT has approved the application and delegate the Mayor to sign same once received. A preliminary approval may be considered by the Commission, but does not mean that a final will be granted.

#### **SECTION 6: Types of Signs, Pole Sign Placement and Abandoned Signs.**

- A. New pole signs shall only be allowed along the I-20 Corridor.
- B. No pole signs shall be placed on any other roads in Brock.
- C. No existing pole signs may be relocated or replaced without the express consent of the Commission.
- D. Digital/Electronic Signs are preferred over Static Signs.
- E. Off Premise Signage shall only be allowed along I-20 and not I-189 or other Brock Roads. An on-premise business or use should be in close proximity (to be defined in the Commission's sole discretion) in addition to the request for off premise sign usage.
- F. Abandoned pole signs that have been inactive or out of use for a period of ninety (90) consecutive days or longer; or a sign which has a display surface with torn and/or unreadable coverage on the message board which has remained in such state for a period of forty-five (45) consecutive days or more may not be replaced or used. Abandoned pole signs must be removed upon notice by the Commission.

#### **SECTION 7: Inspection, Revocation or Suspension.**

- A. **Inspect.** The Town may inspect annually, or at such other times as it deems necessary, each sign regulated by this Ordinance for the purpose of ascertaining whether the same complies with provisions of this Ordinance, is secure or insecure, whether it still serves a useful purpose, and whether it is in need of removal or repair.
- B. **Suspend or Revoke.** The Town may suspend or revoke any permit issued under the provisions of this Ordinance whenever it shall be determined that the permit is issued, in:
- 1) In error; or
  - 2) On the basis of incorrect or false information supplied; or
  - 3) In violation of any of the provisions of this Ordinance; or
  - 4) In violation of any other Ordinance of this Town, the laws of this state or the federal government.

- C. **Suspension or Revocation Effective Date.** The suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the sign owner, or to the property owner upon whose property the sign is located.
- D. **Removal.** Any signs installed or existing under a revoked permit shall be removed by the permit holder, sign owner, or property owner within ten days of written notice of the revocation.

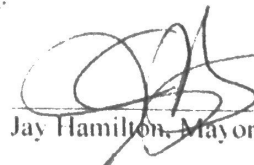
**SECTION 8: Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Brock hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 9: Savings and Repealing.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

**SECTION 10: Penalty.** It is the intent of the City Commission of the Town of Brock in adopting this Ordinance that an offense under this Ordinance be a strict liability offense; in the prosecution of an offense under this Ordinance, no pleading or proof of intent shall be required to establish the guilt of an accused. Any person, firm, corporation or business entity violating this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of \$500.00, unless the violation relates to fire safety or public health and sanitation, including dumping and refuse, in which the fine shall not exceed the sum of \$2,000.00. Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Chapter shall not preclude the Town from filing suit to enjoin the violation.

**SECTION 11: Effective Date.** This Ordinance shall take effect immediately upon and after its passage and publication as provided by law.

**DULY PASSED AND APPROVED BY THE CITY COMMISSION OF THE TOWN OF BROCK, TEXAS** this 16<sup>th</sup> day of November, 2020.

  
Jay Hamilton, Mayor

ATTEST:  
  
Keri Prentice, City Secretary