



CITY OF HUDSON, TEXAS

ORDINANCE NO. 20210325-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUDSON, TEXAS, TO AMEND ORDINANCE NO. 04132017-2 THAT ENACTS REGULATIONS FOR OUTDOOR SIGNS IN THE CITY LIMITS AND THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF HUDSON, INCLUDING PROCEDURAL PROVISIONS, AND PENALTIES.

WHEREAS, the City of Hudson, Texas (“City”), is a Type A General Law municipality in Angelina County, Texas, created under the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas;

WHEREAS, the City is a general law municipality empowered under Texas Local Government Code §51.001 to adopt an ordinance or rule for the good government, peace, or order of the City and is necessary or proper to carry out a power granted by law to the City;

WHEREAS, signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation;

WHEREAS, regulation of the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation in the City and its extraterritorial jurisdiction, ensures the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encourage economic development;

WHEREAS, regulation of signs to encourage adequate communication is important while encouraging aesthetic quality in the design, location, size and purpose of all signs;

WHEREAS, the City wishes to establish limitations on signs to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests;

WHEREAS, the City wishes to promote signs: compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings; legible and appropriate to the activity to which they pertain; not distracting to motorists; and constructed and maintained in a structurally sound and attractive condition.

WHEREAS, the City finds that it necessary to amend its prior Sign Ordinance #4132017-2 after a recent decision in Cause No. CV-00481-17-071; *The City of Hudson v. SignAd, Ltd.*, rendered in the 159th Judicial District Court of Angelina County, Texas.



Be it ordained by the City Council of the City of Hudson, the City of Hudson hereby adopts the following:

§114.001 Authority; Short Title

This Ordinance is adopted under the authority of the Texas Constitution and laws of the State of Texas, and shall be known and may be cited as the Sign Regulations.

§114.002 Purpose, Intent

Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this Ordinance is to regulate the size, color, illumination, movement, materials, location, height and condition of signs placed on private property for exterior observation in the City and its extraterritorial jurisdiction, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This Ordinance allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the harms caused by signs. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the State of Texas, the federal government or the City. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

§114.003 Interpretation

This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Ordinance is found by a court of competent jurisdiction to be unlawful,



void, invalid, or enforceable, such finding must not affect the validity of other provisions of this Ordinance which can be given effect without the invalid provision. This Ordinance shall be cumulative of other City ordinances except where provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any right of the City under any section or provisions of any ordinances in effect at the time of passage of this Ordinance.

§114.004 Definitions

City: The City of Hudson and its extraterritorial jurisdiction.

Digital Sign: a sign that is static and changes messages by any electronic process or remote control.

Electric Sign: a sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

Flag: a sign made of fabric, bunting, or similar material, attached along one side to a single pole that is either freestanding or attached to a building.

Flashing Sign: an illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. Any moving illumined sign, except Digital Signs, must be considered a flashing sign.

Flat Wall (Façade-Mounted) Sign: a sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than 12 inches at all points.

Freestanding Sign: a sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including Ground Mounted Signs.

Government Sign: a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

Graffiti: an unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any Graffiti Implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is



otherwise deemed a public nuisance by the City. Graffiti includes Snipe Signs.

Graffiti Implement: an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

Ground Mounted Sign: a sign which extends from the ground, or has support which places the bottom of the sign less than 2 feet from the ground.

Highway Sign: a Freestanding Sign, Integral Sign or Flat Wall Sign is erected and maintained within the view of motorists who are driving on a highway.

Holiday Lights or Mini Lights: light fixtures that use bulbs that are sized C6, C7, or C9, or LED bulbs 8 mm or smaller.

Integral Sign: a sign embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

Marquee Sign: a canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

Minor Sign: a sign described in §114.006F and any sign not larger than 2 square feet that can be removed by hand if abandoned.

Ordinance unless otherwise specifically referenced means this Sign Ordinance.

Original Art Display: a hand-painted work of visual art either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An Original Art Display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

Outdoor Advertising Sign: a sign that advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

Portable Sign: a structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

Projecting Sign: a sign, other than a wall sign, which projects from and is supported by a wall of a



building or structure.

Roof Sign: a sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.

Rope Light: a light that has Holiday Lights or Mini Lights inside of a PVC tube.

Sign: a name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the Sign Face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a sign or Sign Face must be considered to be a sign.

Sign Area: the space enclosed within the extreme edges of the sign for each Sign Face, not including the supporting structure; or where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

Sign Face: the entire display surface area of a sign upon, against or through which copy is placed.

Snipe Sign: a small sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects not erected, owned and maintained by the owner of the sign.

String Lights: a lighting fixture composed of electrical wiring encased in plastic with bulb sockets.

Temporary Sign: a banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and appears to be intended or is determined by the City to be displayed for a limited period of time (rather than permanently attached to the ground or a structure).

Vehicle Sign: a sign attached to or displayed on a vehicle.

§114.005 Prohibited Signs

A. Signs are prohibited in the City unless constructed pursuant to a valid building permit when required under this Ordinance and authorized under any other City ordinance.

B. A property owner may not accept a fee for posting or maintaining a sign allowed under §114.006F. A sign posted or maintained in violation of this provision is prohibited.

C. The following signs or lights are prohibited which:



1. Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;
2. Consist of banners, posters, pennants, ribbons, streamers, String Lights, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless permitted by other legislation;
3. Blink, flash or flutter lights or other illuminating devices which exhibit movement, except Digital Signs as permitted by this Ordinance;
4. Are Roof Signs except as allowed in §114.006P.;
5. Are visible from a limited access highway except as allowed as Highway Signs;
6. Would be an Original Art Display but does not have the permission of the owner of the property on which it is located or is Graffiti;
7. Are Portable Signs not compliant with the location, size or use restrictions of this Ordinance; or
8. Are Graffiti or Clutter Signs.

D. Other Acts Prohibited - it shall be unlawful for any person to do any of the following acts:

1. To post, paint, or otherwise exhibit any advertisement, poster, bill, or other notice or sign, on any property not owned or controlled by him, without the permission of the person owning or in control of said property.
2. To tear down, remove or otherwise interfere with any notice, sign, advertisement, bill or poster erected by another, unless the same was placed or maintained on the property of the person removing the same, without permission previously given.
3. To paint, mark, or write on or post or otherwise affix, any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph, wire pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police system or upon any lighting system, public bridge, drinking fountain, lifebuoy, life preserver, life boat, or any other life-saving equipment, street sign or traffic sign. Any handbill or sign found posted, or otherwise affixed upon any public property contrary to the provisions of this section may be removed by the police department or other department or individual designated by the City. The person responsible for any such illegal posting shall be liable for the cost of removal thereof. The City Administrator is authorized to collect said costs.



4. To place or cause to be placed anywhere within the City, any poster, placard, handbill, or advertising material on any vehicle, or in any location, in such a manner that the same may reasonably be expected to be blown about by the wind. It shall be further presumed if a large number of said items are found scattered and blown about by the wind that the items were placed in such a manner they might reasonably be expected to be blown about by the wind.
5. To erect, maintain, or paint any sign, or other message or outdoor advertising upon a tree, rock, or other natural feature.
6. To maintain any sign required to be registered under the provisions of this ordinance without having registered or kept current the registration of said sign.
7. To remove, alter, change, or obscure an official tag, identification or notice placed on any outdoor advertising material.
8. For a permittee to fail to maintain a permitted sign in good repair and appearance and in conformance with all specifications, conditions, and terms included in a permit for the sign.

§114.006 Authorized Signs

Although these regulations do not apply to signs erected, maintained or posted by the City, State, or federal government, Government Signs which form the expression of that government are allowed in the City and include the signs described and regulated immediately below when erected and maintained pursuant to law. The following signs are authorized in the City:

A. Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration. Because these regulations do not apply to the City, State, or federal government, a failure to comply with this provision by those governments do not constitute evidence of negligence or form the basis for a cause of action.

B. Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this Ordinance or other law the identification may be on the curb and may be on the principal building on the property. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building but in no case larger than ten (10") inches. In cases where the building is not viewable from the public street, the identifier must be on the mailbox or other suitable device visible from the street.



C. Where federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to generally or specifically prohibit access to the property, the owner must comply with federal, state or local law. If the federal, state or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements, otherwise, when not defined, the sign shall be no larger than 2 square feet and in a place on the property to provide access to the sign. Signs posted under this Section are not Snipe Signs.

D. Official notices or advertisements posted or displayed by or under the direction of any public or court officer under official or directed duties; provided such signs must be removed by the property owner no more than 10 days after their purpose has been accomplished or as otherwise required by law. Signs posted under this Section are not Snipe Signs.

E. The signs described in A, B, C, and D above are important measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, complying with legal requirements, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

F. Temporary Signs:

1. A property owner may place one sign with a Sign Face no larger than 2 square feet on the property at any time. This Section does not include Snipe Signs. A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.

2. Two Temporary Signs per acre of land may be on the owner's property for a period of 90 days before and 10 days after an election involving candidates for a federal, state or local office that represents the property's county or an adjacent county or involves an issue on the ballot of an election within the property's county or an adjacent county per issue and per candidate. Where the size of the property is smaller than an acre, these signs may be posted on the property for each principal building lawfully existing on the property. This Section does not authorize Snipe Signs.

3. Three Temporary Sign that is not a Snipe Sign may be located on a property when: the owner consents and the property is being offered for sale or lease through a licensed real estate agent; if not offered for sale or lease through a real estate agent, when the Sign is owned by the property owner and that property is offered for sale or lease by the owner through a multiple listing service or through advertising in a local newspaper of general circulation; and for a period of ten (10) days following the date on which a contract of sale or lease has been executed by a purchaser or lessee.

4. Two Temporary Signs may be located on the owner's property on the day before and on a day



when the property is open to the public; provided, however, the owner may not use this type of sign on more than seven (7) days in a year. For purposes of this section, a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward. This Section does not authorize Snipe Signs.

5. Between December 1 and January 10, a property owner may place three (3) Temporary Signs on the property and may use lights that do not exceed 4,500 lumens as measured at the property line between the hours of 8AM and 10PM to decorate the property even if the lights might be arranged to form a Sign. This Section does not authorize Snipe Signs.

6. A property owner may place and maintain an additional Temporary Sign on the property on July 4. This Section does not authorize Snipe Signs.

7. It is the intent of this Ordinance to limit the aesthetic impact of Signs on properties to prevent clutter and protect streetscapes to preserve property values and protect traffic safety. The accumulation of Signs adversely affects these goals, property values and public safety. Accordingly, a person exercising the right to place Temporary Signs on a property as described in §114.006F must limit the number of signs on the property per acre at any one time to 2 plus a sign in a window allowed in §114.006F.1, or if the property is smaller than an acre then no more than 2 signs plus a sign in a window allowed in §114.006F.1 per principal building on the property unless a court determines additional signs must be permitted and then the signage must be limited to the fewest signs and the smallest accumulated Sign Area permissible under the court's determination.

8. Temporary Signs must not on one property exceed a total of ten (10) square feet in area.

9. Temporary Signs must not be placed in a public right-of-way whether dedicated or owned in fee simple or as an easement.

10. Temporary Signs must only be located on property that is owned (or leased as defined in §114.006G.) by the person whose sign it is and must not be placed on any utility pole, street light, similar object, or public property.

11. Temporary Signs must not blink, fluctuate, or move. Light rays must shine only upon the sign and upon the property within the premises.

G. The lessee of a property is considered the property owner as to the property the lessee holds a right to use exclusive of others (or the sole right to occupy). The lease or other agreement under which the property is occupied determines whether property is occupied exclusively by a lessee. If there are multiple lessees of a property then each lessee must have the same rights and duties as the property owner as to the property the lessee leases and has the sole right to occupy and the size of the property must be deemed to be the property that the lessee has the sole right to occupy under the lease.



H. Signs neither in an enclosed building nor exposed to view from a street or public right of way, public place or other property such as those not visible to a person from a public right of way, public place or other property.

I. Flags as follows: Two flags and one flag pole per premises. Each flag must be a maximum of 15 square feet in area. The flag pole must be a maximum of 25 feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flag poles must meet the minimum yard setback requirements for a principal building.

J. Small flags at vehicle sales and service establishments. One small flag of no more than one square foot in area may be attached to vehicles on display for sale or rent at vehicle sales and service establishments. Such flag must be no higher than two feet above the height of the vehicle as if it were displayed at grade level.

K. Vehicle Signs must be covered if the vehicle is parked on the same property for longer than twenty-four (24) hours so that the sign is not visible from a public way.

L. Signs within ballparks and athletic fields as follows: scoreboards facing inward to the audience; and such other signs as may be affixed to the fence or scoreboard, facing inward to the field of play that are no larger than 32 square feet in area.

M. Notwithstanding any provision in this Sign Ordinance to the contrary, for residential developments (including subdivisions) the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development must comply with the following requirements:

1. Residential developments 4 acres or less may have a sign or signs with a total area of no more than 32 square feet.

2. Residential developments over 4 acres but less than 40 acres may have a sign or signs with a total area of no more than 48 square feet.

3. Residential developments of 40 acres or more may have a sign or signs with a total area of no more than 102 square feet.

4. Permitted signs may be anywhere on the premises, except in a required side yard or within 10 feet of a street right-of-way.

5. If ground-mounted, the top must not be over 4 feet above the ground; and

6. If building mounted, must be flush mounted and must not project above the roof line.



7. Illumination must not blink, fluctuate or move. Light rays must shine only upon the sign and upon the property within the premises.

N. Bench signs are allowed on street benches provided: the benches must not be higher than 4 feet above ground; the sign must be limited to 14 square feet; the benches are not located closer than 5 feet to a street right-of-way line; the benches do not obstruct vision; and must be included as part of the total permitted Sign Area of the premise on which it is located unless located in a public right-of-way.

O. Integral Signs are allowed and there are no restrictions on orientation. Integral Signs must not exceed 72 square feet per façade. Integral Signs may be illuminated externally but not internally.

P. Private traffic direction signs may be illuminated as required by the Manual on Uniform Traffic Control Devices and §114.006R. Horizontal directional signs flush with paved areas are exempt from these standards.

Q. Original Art Displays are allowed provided that they meet the following requirements:

1. Must not be placed on a dwelling;
2. Must not extend more than 6 inches from the plane of the wall upon which it is painted or to which it is affixed;
3. Must be no more than 64 square feet in size, per lot or parcel;
4. The property owner must not be compensated for the display of the original art or the right to place the original art on site; and
5. Must not be illuminated.

R. A property owner may use String Lights or Rope Lights to decorate the property as well as natural objects without a permit if the String Lights and Rope Lights comply with §114.006F.5. and provided:

1. String Lights and Rope Lights are designed to GCFI standards and installed under the National Electric Code.
2. String Lights and Rope Lights must be of standard wattage and designed for outdoor use.
3. String Lights and Rope Lights bulbs may only be white or clear. Colored lights are not allowed.



4. String Lights and Rope Lights must be securely hung from a sturdy fixture.

5. Outdoor lighting of eating or drinking establishments such as restaurants, cafes, coffee houses, and bars must comply with §114.006R.1. through 4. and String Lights and Rope Lights may only be used in outdoor patio areas. All String Lights and Rope Lights must be turned off when the establishment is closed.

Q. Automated teller machines. Where Automated Teller Machine (ATM) signs are allowed signs may be placed on the ATM if the sign is an integral part of the ATM and does not exceed 2.5 square feet in total size, including any border or background color.

R. Temporary Signs if allowed under §114.006F and in addition where an establishment is licensed to serve food, the restaurant owner may display a menu used in the restaurant and is no larger than 2 square feet in the window of the restaurant, or attached to a wall on a portion of a building occupied by the restaurant if it is enclosed in a casing architecturally compatible with the building design and color, and extends no more than 3 inches in depth away from the wall to which it is attached.

§114.007 Permit Required

A sign permit is required prior to the display and erection of any sign except as provided in §114.006.

A. An application for a sign permit must be filed with and on forms furnished by the City. The applicant must provide sufficient information to determine if the proposed sign is allowed under this Ordinance and other applicable laws and regulations. An application for a Temporary Sign must state the dates intended for the erection and removal of the sign. An application for any sign must provide a bond sufficient for the City to remove it if it is not properly maintained or is abandoned. The City must promptly process the sign permit application and approve or reject the application or notify the applicant of deficiencies in the application within 15 days after receipt. Any application that complies with all provisions of this Ordinance and any other applicable laws and regulations must be approved. If the application is rejected, the City must provide a written list of the reasons. An application must be rejected for non-compliance with the terms of this Ordinance or other applicable laws or regulations.

B. Permit fee. A nonrefundable fee as set forth in the City's fee schedule must accompany all sign permit applications. Whenever work for which a permit is required by this Ordinance has been commenced without first obtaining a permit, a special investigation will be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or issued. The investigation fee shall be equal to the amount of the permit fee.

C. The applicant for any sign except a Minor Sign must submit a bond in an amount and from an issuer approved by the City to protect the City from the cost of removing the sign should it no longer be allowed under the laws of the City, state or federal government. If the permit is issued, a condition



of the permit must be that the bond is maintained and increased or decreased based upon the then current estimates of the costs of removal of the sign. If the sign is removed without cost to the City, the City must release the bond but may execute upon it should the City be held responsible for or incur any cost in removing the sign.

D. Duration and revocation of permit. If a sign is not installed and a use permit issued within 6 months following the issuance of a sign permit (or within 30 days in the case of a Temporary Sign permit), the permit must be void. The permit for a Temporary Sign must state its duration, not to exceed 30 days unless another time is provided in this Ordinance or any zoning ordinances. The City may revoke a sign permit when: the City determines information in the application was materially false or misleading; the installed sign does not conform to the permit application; the sign violates this Ordinance or other applicable law or regulation; or the City determines the sign is not being properly maintained or has been abandoned.

E. Permits not required. A sign permit is not required for signs: described in §114.006; official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties, provided, that all such signs must be removed no more than 10 days after their purpose has been accomplished; or Minor Signs when no more than two per parcel.

F. Appeals. If the City denies a permit the applicant may appeal by filing an appeal with the City Administrator or the City's Board of Adjustment if applicable within 30 days after the date of the rejection, conditional approval or other determination. After appeal, the City Administrator and/or the Board of Adjustment may affirm, reverse, or modify the action. A hearing shall be required.

G. Transfer Permit. Upon the sale of a business or property, an existing, valid sign permit may be transferred to the new owner provided that only the lettering, logo, and/or color of the sign is changed. Any changes in the type of construction, type of material of which the sign is fabricated, the structure or size of the sign, or method of attachment to the building or ground will require a new permit application. A transfer of sign application will be filed with the information required in §114.007A. No additional fee is required for the transfer of a sign permit under this section.

H. Extraterritorial Jurisdiction and Registration. Not later than 90 days after the effective date of this Ordinance, each owner of a sign within the extraterritorial jurisdiction of the City shall register the sign with the City; provided, however, that signs for which no permit is required under this Ordinance are excepted from the registration requirements. All signs registered under prior City sign ordinances are not required to be re-registered. The registration shall be on a form provided the City. In the event additional territory is later included within the City's extraterritorial jurisdiction, all signs subject to the registration provisions of this Ordinance shall be registered within 90 days of the date on which such additional territory comes within the City's extraterritorial jurisdiction or becomes party of the City.



§114.008 Signs Requiring Permit

This Section applies to all Signs located in the City of Hudson and its extraterritorial jurisdiction.

A. Number and Size:

1. For each lot or parcel one sign at the listed size may be authorized as follows:

Maximum Sign Area	Street Frontage
32 sq. ft.	85 ft. or less
40 sq. ft.	86-90 ft.
50 sq. ft.	91-99 ft.
72 sq. ft.	100 ft. or more

a. Highway Signs must not exceed 72 square feet per face, nor must the face exceed a length of 12 feet or a height, excluding foundation and supports, of 10 feet. The following minimum spacing must apply to determine these limitations:

Type of Highway	Minimum space from Interchange (in feet)	Minimum space between signs on same side of Highway (in feet)
State Highway	500	1000
Farm to Market Road	500	1000
Other Roads	None	500

To apply the spacing requirements above, distances must be measured parallel to the centerline of the highway. Measurements for the spacing between signs must be based on when the construction of the sign received final approval by the City measuring from the first sign that received approval. If the City has not given final approval to a sign that will be limited by the spacing requirement once it is constructed, then the distance shall be measured from the first sign given a building permit that is not cancelled or void at the time of measurement. When no permit has been issued that is still valid, the distance shall be measured from the first complete application for a building permit received by the City that has not been cancelled or which is void. A back-to-back, multiple signs on one freestanding pole, double-faced or Vtype sign must be considered as one sign.

B. Location:

1. Flat Wall Signs may be on any wall of the building.



2. Freestanding Signs must have a minimum clearance of 8 feet 6 inches above a sidewalk and 15 feet above driveways or alleys.

3. One Freestanding or Ground Mounted Sign per lot or parcel except as provided in §114.008A.1. may be located anywhere on the premises except:

a. A Ground Mounted sign must not be located in a required side yard, rear yard or within 5 feet of a street right-of-way.

b. A Freestanding Sign must not be in a required side or rear yard. A Freestanding Sign may project up to the street right-of-way if there is a minimum ground clearance of 8 feet 6 inches and the location complies with the Manual on Uniform Traffic Control Devices.

4. Marquee Signs or signs located on or attached to marquees must have a minimum clearance of at least 8 feet 6 inches. The maximum vertical dimension of signs must be determined as follows:

Height above Grade	Vertical Dimension
8' 6" up to 10'	2' 6" high
10' up to 12'	3' high
12' up to 14'	3' 6" high
14' up to 16'	4' high
16' and over	4' 6" high

5. Wall signs must not raise above the top of a parapet wall or a roofline at the wall, whichever higher.

6. Permitted Highway Signs may be allowed anywhere on the premises except in a required side yard, rear yard or within 20 feet of a street right-of-way.

C. Height:

1. Ground Mounted Signs must not exceed 4 feet in height from ground level.

2. Freestanding Signs must not exceed 28 feet in height from ground level.

3. Highway Signs must not exceed 35 feet in height from ground level.



D. Illumination

No sign can be erected or maintained without a permit or which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

1. No exposed reflective type bulb, par spot or incandescent lamp, which exceeds 25 Watts, may be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
2. When neon tubing is used on the exterior or interior of a Sign, the capacity of such tubing must not exceed 300 milliamperes rating for white tubing or 100 milliamperes rating for any colored tubing.
3. When fluorescent tubes light the interior illumination of a Sign, the illumination must not exceed the equivalent of 425 milliamperes rating tubing behind a Plexiglas face with tubes spaced at least 7 inches, center to center.
4. Highway Signs allowed pursuant to §114.008A.1.a. must:
 - a. Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;
 - b. Not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of 150 feet;
 - c. Be equipped with a fully operational light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;
 - d. Change from one message to another message no more frequently than once every 10 seconds and the actual change process occurs in 2 seconds or less;
 - e. Be designed to freeze the display in one static position, display a full black screen, or turn off if it malfunctions; and
 - f. Not be authorized until the City is provided evidence that best industry practices for eliminating or reducing uplight and light trespass were considered and built into the digital billboard.
5. An applicant for a permit to illuminate a sign must submit a plan to the City showing the



illumination plan including the effect of the illumination on any other property that might be affected by the light and how the illumination conforms aesthetically to the site and the neighborhood. The application must be reviewed to determine the effect on other properties and the aesthetics of the site and the neighborhood. The application must not be approved if the effect on other properties would create adverse results or if the plan does not conform to the aesthetics of the neighborhood or the site

§114.009 Nonconformity

A. Except as provided in §114.009B., signs lawfully in existence on the date this Ordinance was first advertised, which do not conform to the provisions of this Ordinance, but complied with the applicable regulations at the time they were constructed, erected, affixed or maintained must be regarded as nonconforming. Provided, however, a sign constructed during the period of time following the day on which the Supreme Court released its opinion in *Reed v. Town of Gilbert*, 576 U.S 155 (U.S. 2015) and the date the provisions of this Ordinance were first advertised for adoption must not be considered a non-conforming sign unless it conformed to the regulations in effect on the day immediately preceding the release of the Supreme Court's decision in *Reed v. Town of Gilbert* cited above.

B. Signs which were unlawful under the prior Ordinance and which do not conform to this Ordinance must be removed immediately. Temporary Signs, including Snipe Signs and Graffiti that do not comply with this Ordinance, must be removed immediately.

C. A nonconforming sign is any sign which would be unlawful or nonconforming hereunder, but for the fact that such sign was lawfully in existence on the date of the passage of this ordinance or was previously registered under prior sign ordinances of the City.

D. The City may order that any nonconforming sign be removed; provided that the owner of the sign or of the property on which same is located be paid compensable costs under Texas Local Government Code §§216.001 et seq.

E. The City shall appoint a Sign Control Board before administering those provisions of Texas Local Government Code §§216.005, .008 and .009, related to the removal of non-conforming signs within the City. The Board shall be composed of one council member, one person engaged in the sign business in the City, one person who is an employee of the Texas Department of Transportation or who is familiar with real estate valuation in eminent domain proceedings, one City employee, and one citizen of the City. Board members are appointed for a term of two years.



F. For those non-conforming signs the City determines shall be required to be removed, the Board shall make a diligent effort to provide written notice to the owner of each such sign, and to the owner of the real property on which the sign is located in the case of off-premise signs, by certified mail, return receipt requested, which notice must: advise the sign is non-conforming; describe the sign by general type and location; describe the action required to remove the sign and the procedure to be followed under this Ordinance and to Texas Local Government Code §§ 216.001 et seq., as amended from time to time; set a hearing before the Board to determine the amount of compensable costs to be paid by the City to the owner of the sign and, if applicable, the owner of the property on which it is located. The Board shall give at least 10 days-notice of the hearing to the owner of the real property on which the sign is located. If any party entitled to notice cannot be located, the Board shall publish notice in a newspaper of general circulation within the City with the information set forth in this section.

G. The Board will determine the amount of compensation to which the owner of the sign that is required to be removed under Texas Local Government Code §§ 216.006 through 216.014.

H. The requirements of §114.009D through G do not apply to the following nonconforming signs, and no compensation shall be owing to the owners of such signs, and such signs shall be removed immediately upon the occurrence of the event specified:

1. Except as provided in Section §114.009A, any sign erected in violation of local ordinances or regulations applicable at the time of its erection;
2. A nonconforming sign for a continuous period of at least 90 days: does not identify or advertise a bona fide business, service, owner, product, or activity; advertises or identifies a business that has been closed or has ceased operations; or advertises or identifies goods, products, services or facilities that are no longer available to the public or directs persons to a location where such goods, products, services, or facilities are no longer available;
3. A nonconforming sign for which no legal owner can be found after reasonable efforts have been made to identify and locate the owner;
4. A nonconforming sign that has become obsolete or substandard under any City ordinance or regulation if the sign becomes a danger or hazard; or
5. A nonconforming sign relocated by the owner thereof.

§114.010 Compliance

A. Any sign which is altered, relocated, or replaced must be brought immediately into compliance with all provisions of this Ordinance.



B. The permittee, owner, agent, person or persons having the beneficial use of an unlawful sign, the owner of the land or structure on which the unlawful sign is located, an applicant for a sign permit, a person in charge of erecting the unlawful sign, and any other person who benefits from or exercises control over the placement, removal, maintenance, change, or use of an unlawful sign may be held criminally responsible for a violation of this ordinance. The fact that an unlawful sign is found on public property, in rights-of-way, on utility poles or private property shall be prima facie evidence that such person described above placed or erected the sign.

§114.011 Variances

A. To lessen practical difficulties and prevent unnecessary physical hardships, variances from the regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size, shape, dimensions or location of a structure, from topographic or physical conditions on the site or in the immediate vicinity, or from other physical limitations, locations, or traffic conditions in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with regulations should not be a reason for granting a variance. A variance may be granted from any regulation contained in this Ordinance the below procedure.

B. Application for a variance shall be made upon a City form. The application shall include the application for a sign permit and shall also state the applicant's reasons for requesting a variance under the criteria set forth in this Ordinance. The City Council shall set a variance fee to cover the cost of City staff time and expenses to review the application. The fee shall be paid with the application and is nonrefundable. Upon receipt of a variance application, a date for a hearing before the City Council or if applicable the Board of Adjustments shall be set, and City staff shall notify the applicant of the date and time of the hearing. Within 20 days of the hearing on a variance application, the City Council or the Board of Adjustment may approve the application as submitted or subject to modifications or conditions it deems needed to accomplish the Ordinance's purpose, or may deny the application.

C. Before the City Council or Board of Adjustment acts on a variance application, the applicant must prove physical hardship, and the City Council or the Board of Adjustment must find: special circumstances apply to the land, buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent right-of-way, which would substantially restrict the effectiveness of the sign in question; such special circumstances are unique to the particular business or enterprise to which the applicant desires to draw attention, and do not apply generally to all businesses or enterprises; such special circumstances were not created by the applicant or anyone in privity with the applicant; the granting of the variance will be in harmonious with the Ordinance's purpose, and will not be materially detrimental to the persons who reside or work in the vicinity, the adjacent property, to the neighborhood, or to the public welfare in general; and the variance does not depart from this Ordinance more than is required to identify the applicant's business or use.

§114.012 Liability



A. This Ordinance shall not be construed to relieve or limit the responsibility of any person, firm or corporation who erects or owns any sign from personal injury or property damage resulting from the placing of the sign, or from the negligence or willful acts of such person, firm or corporation, its agents, employees or workmen, in the design, construction, maintenance, repair or removal of any sign erected under a permit issued under this Ordinance. Nor shall it be construed to impose on the City or its officers, employees, boards or commissions, any responsibility or liability from approval of any sign, materials, or devices under this Ordinance.

§114.013 Violations

A person convicted of a violation of any Ordinance provision shall be fined in an amount not to exceed \$500. Each day of violation shall be a separate violation.


§114.014 Effectiveness

This Ordinance shall be and become effective immediately upon its passage and publication as required by law.

Passed and approved this the 25 day of March, 2021.

Attest:


Cheryl Everett, City Secretary


Robert Smith, Mayor
City of Hudson

