



City of Hudson

CITY OF HUDSON, TEXAS

ORDINANCE NO. 20221110

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.

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

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.

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 or registration 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.

§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. One Temporary Sign per 0.25 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

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. 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 or registration. If a sign is not installed and a use permit issued

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)
Interstate Hwy	500	1000
Limited Access (Freeway)	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.

§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 10 day of November, 2022.

Attest:



Cheryl Everett, City Secretary



Robert Smith, Mayor
City of Hudson

