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ORDINANCE NO. 08-62

AN ORDINANCE OF THE VILLAGE OF PLEAK, TEXAS, ESTABLISHING RULES AND REGULATIONS GOVERNING THE CONSTRUCTION, ERECTION, MAINTENANCE AND USE OF SIGNS WITHIN THE CORPORATE LIMITS OF THE VILLAGE; APPLICATION OF RULES AND REGULATIONS TO CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, the Village Council of the Village of Pleak, Texas (the "Village") finds that the unregulated construction and erection of outdoor signs, billboards and other structures designed to make an announcement to the general public can create structural hazards and can present impediments and dangers to traffic along Village roadways and easements, and

WHEREAS, the Village Council of the Village of Pleak finds that portable signs present special traffic hazards when towed on public streets or displayed on public rights-of-way and present dangers to the health and safety of the citizens of the Village; and

WHEREAS, the Village Council of the Village of Pleak recognizes that protection of the Village's visual environment will benefit both residential and commercial property owners and will promote a positive image of the Village and the Extraterritorial Jurisdiction (ETJ); and

WHEREAS, the Village Council desires to promote the reasonable, orderly, and effective display of signs and to ensure that signs do not create or become hazards; now therefore,

BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PLEAK, TEXAS:

Section 1. Facts and recitations.

The facts and recitations set forth in the preamble of this Ordinance are found to be true and correct.

Section 2. Adoption of ordinance.

The Village of Pleak, Texas (the "Village"), adopts this Ordinance that establishes rules and regulations relating to the construction, erection, maintenance and use of signs.

Section 3. Definitions.

The following terms, when used in this Ordinance, shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning:

Ancillary sign shall mean a sign which conveys information regarding a service, facility, or product subsidiary or ancillary to the main or principal business use of a property, such as telephone signs, restroom signs, credit card signs, open signs, or signs displaying the hours of operation for the business or entity.

Changeable electronic variable message sign (CEVMS) shall mean a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on

or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

Commercial shall mean a project or undertaking which involves the use of any property, building or structure, permanent or temporary, for the primary purpose of conducting on the property a legitimate commercial enterprise, or other nonresidential use, in compliance with all of the ordinances and regulations of the city. Multiple services and/or goods offered by a business establishment shall be considered one business establishment for purposes of this chapter.

Monument sign shall mean any sign mounted on the ground or supported by one or more columns, poles, uprights, or braces anchored in the ground, but not elevated above the ground by any device that holds the sign off the ground and not attached to any building, including reader panels.

Non-commercial sign shall mean a sign that contains a non-commercial message only.

Non-commercial message shall mean a civic, political, religious, seasonal, or personal message that is not displayed for a fee, for compensation, or for the promotion of a product, service or other business, and is located on property owned or lawfully occupied by the person displaying the message.

Off-premise sign shall mean any sign, which directs attention to a business, person, activity, goods, food, product, service, or entertainment sold or offered elsewhere other than on the premises where such sign appears.

On-premise sign shall mean any sign identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

Portable sign shall mean any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, wheeled carrier, or other non-motorized or motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder.

Public street means the entire width between property lines of any road, street, way, alley, bridge or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, and over which the city or other similar public entity has legislative jurisdiction under its police power.

Public right-of-way means any part of a right-of-way not privately owned or controlled and which is the responsibility of the city or other public agency to maintain including the surface, the air space above the surface and the area below the surface of any public street, highway, lane, path, alley, sidewalk, easement or similar property.

Sign shall mean any structure, part thereof, or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an

awning, canopy, marquee, or similar appendage, or permanently affixed to the glass on the outside of the building or structure, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrestor, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, establishment, profession, enterprise, industry, activity, or any combination thereof; where the word sign is used herein without further modification, the same shall be understood to embrace all regulated signs and replicas.

Snipe sign shall mean a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, stake, fence, utility pole, or other like object, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.

Temporary sign shall mean any sign constructed of materials with short life expectancies. A portable sign shall not necessarily be considered a temporary sign.

Wind device sign shall mean any flag, pennant, banner, streamer, balloon, inflatable device or similar-type object made of cloth, canvas, nylon, plastic, or other flexible material, with or without a frame or other supporting structure, that moves, or is intended to move or blow with the wind.

Section 4. Sign application area.

The application of the provisions of this ordinance shall apply to the corporate limits of the Village and the Village's extraterritorial jurisdiction pursuant to Section 42.021 of the Texas Local Government Code.

Section 5. Prohibited signs.

- A. The following signs are prohibited in the Village of Pleak City Limits or within Pleak's ETJ:
1. Off premises signs, including but not limited to billboards.
 2. CEVMS signs or the conversion of existing billboards into CEVMS.
 3. Signs that are erected, maintained, or placed upon, in, or above a public street, public sidewalk, public alley, public right-of-way, public curb or other public improvement in any public street or grounds, a public bridge or part of same, public building or structure or any other public place. Any such signs shall be immediately seized and impounded by the Village. Owner of such signs shall not be entitled to notice or hearing.
 4. Banner signs that are erected over public right-of-ways, or public streets. Any such signs shall be immediately seized and impounded by the Village. Owner of such signs shall not be entitled to notice or hearing.
 5. Signs, which contain statements, words, or pictures of an obscene, indecent, or immoral character as will offend public morals or decency.

6. Signs, which advertise an activity, business, or service no longer, conducted on the premises upon which the sign is located.
7. Signs which contain or have attached thereto banners, steamers, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, balloons, flags, searchlights, beacons, animation, or other similar devices.
8. Signs attached to or located upon exposed amenities such as benches, trash container, fences, trees, shrubs, or utility poles. Any such signs shall be immediately seized and impounded by the Village. Owner of such signs shall not be entitled to notice or hearing.
9. Iridescent painted signs, exposed neon signs, exposed fluorescent or, iridescent signs, illuminated signs, day-glow colored signs, signs that create noise.
10. Pole mounted or pylon signs.
11. Portable signs.
12. Rooftop signs.
13. Temporary signs, including paper signs.
14. Snipe or bandit signs, except those that are placed pursuant to the provisions of this ordinance. Any such signs shall be immediately seized and impounded by the Village. Owner of such signs shall not be entitled to notice or hearing.
15. Balloons signs, except those that are placed pursuant to the provisions of this ordinance pertaining to grand openings.

Section 6. Exceptions

- A. Government Signs. Any Sign:
 1. Erected or maintained pursuant to and in discharge of any governmental function.
 2. Required by law, ordinance or governmental regulation; or
 3. Located on property owned, leased, or under the control of any federal, state or local governmental entity or subdivision thereof.
- B. Private Traffic Control Signs. Signs on private property containing no advertising that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit signs.
- C. Railway signs. Any sign on property owned by a railroad placed or maintained in reference to the operation of the railway.

- D. Utility and hazard signs. Any sign marking utility or underground communication or transmission lines or pipes and hazards.
- E. Plaques. Historical and commemorative plaques of recognized historical societies and organizations, provided that such signs are less than fifteen (15) square feet in total area.
- F. Mailboxes, and addresses. Addresses and names printed in standard size on mailbox.
- G. Real Estate Signs (Commercial or Residential)
 - 1. Real estate signs shall be permitted as follows:
 - a. For undeveloped parcels ten (10) acres in size or smaller, signs not exceeding six (6) square feet in total sign area per sign face and no higher than five feet (5') above natural grade;
 - b. For undeveloped parcels greater than ten (10) acres in size, signs not exceeding eight feet (8') in height above natural grade and not exceeding eight feet (8') in width.

All signs allowed by this subsection shall pertain to the sale or rental of the property on which they are located. Additionally, for all signs allowed by this subsection, any real estate agent posting this sign must have an exclusive listing to market the subject property, or written permission to install the sign from the landowner on which the sign is located. A property owner may post a sign in compliance with this subsection indicating that the property is for sale or lease by the owner. Only one sign per road frontage shall be permitted by this subsection.

- H. Athletic field signs. Signs located on the field side of scoreboards and fences of athletic fields.
- I. Flags of the United States, State of Texas, or any other political subdivision, any flag or banner of a bona fide religion, fraternal, or charitable organization and flags of subdivisions or community associations or organizations, historic flags, military flags and political flags provided that they do not exceed thirty-six (36) square feet in total area.
- J. Holiday signs and lights. Temporary signs, including Christmas lights, containing only holiday messages and no commercial advertising.
- K. Political signs. All signs shall be removed within ten (10) days following the date of the election on which the date of the office or proposition is finally determine. Political signs shall not be allowed on public property, in the right-of-way of any street, utility poles or attached to trees or shrubs. Any such signs located on public property, utility poles or attached to trees or shrubs, shall be immediately seized and impounded by the City. Owner of such signs shall not be entitled to notice or hearing.
- L. Property identification signs. Any sign erected at the entrance of acreage or residential property that identifies the property by name of the property or by name of the owner, as in the case of farm or ranch identification signs.
- M. Grand opening signs. A sign to advertise grand opening celebrations for a new commercial establishment shall be permitted for a period not to exceed ninety (90) days.

Such ninety (90) day period shall begin on the date of erection of the signs, and the signs shall be totally removed on the expiration of the ninetieth (90th) day. Such signage may consist of banners, balloons, streamers or similar attention getting devices, provided that such signage shall not impede the flow of vehicular or pedestrian traffic on or off-site. The size of the sign or banner shall not exceed five feet (5') in height or thirty-two (32) total square feet in sign area.

A permit for the placement of a temporary banner allowed by this subsection shall not be required, provided, however, that any person who erects a grand opening sign shall register said banners with the Village providing the date on which said banner was first placed on site. The location of banner must comply with permit application at all times. Any person who registers a temporary banner allowed by this subsection shall pay to the Village a non-refundable fee in the amount of fifty and no/100 dollars (\$50.00)

- N. Non-profit announcement signs. Signs announcing events or programs by a not-for-profit organization not to exceed five feet (5') in height or thirty-two (32) total square feet in sign area, so long as the sign is erected no more than fourteen (14) days prior to the event being announced and is removed no more than seven (7) days following the event.

A permit for the placement of a non-profit announcement sign allowed by this subsection shall not be required, provided, however, that any person who erects a non-profit announcement sign shall register said sign with the Village providing the date on which said sign was first placed on site. A person who registers a non-profit announcement sign allowed by this subsection shall pay to the Village a refundable fee in the amount of fifty and no/100 dollars (\$50.00). This registration fee will be returned upon proof that the non-profit announcement sign has been removed within the time specified by this subsection.

- O. Temporary Construction – Announcement Signs. An office or retail business shall be permitted to construct a temporary sign announcing the prospective opening of the business at that site while the business is under the permitting process and construction. Such temporary construction signs shall be erected for a maximum of six (6) months and shall be no larger than four feet (4') in height above natural grade by eight feet (8') in width.
- P. Temporary Construction – Additional Signs. Any office or retail business which is permitted a temporary construction announcement sign authorized in subsection O. above, shall be issued a permit for two (2) additional signs which may be used to announce the contractor, subcontractor, architect, engineer, or financial institutions associated with the project. The determination of which entities are permitted to use any such signs authorized by this subsection shall be at the discretion of the owner of the property. Each such sign authorized by this subsection shall be no larger than four feet (4') in height above natural grade by eight feet (8') in width.
- Q. Ancillary Signs. A business or other entity shall be allowed up to three (3) ancillary signs placed on the door or exterior wall or window of the premises. No permit will be required under this Ordinance for such ancillary signs. All ancillary signs shall be no larger than four square feet (4') in total sign area.

- R. Temporary signs advertising occasional noncommercial sales, including but not limited to: garage sales, estate sales provided that such signs shall be removed within one (1) day following the sale. Signs shall not be placed or located on the public property or utility poles. Any such signs shall be immediately seized and impounded by the City. Owner of such signs shall not be entitled to notice or hearing.

Section 7. Commercial signs.

- A. Commercial signs within the Village of Pleak City Limits or ETJ shall be monument signs. No person shall cause a commercial sign to be erected, constructed, relocated, altered, repaired or maintained until a sign permit for such has been issued by the Village of Pleak.
1. The maximum monument sign dimension will be a 4' (feet) high by 9' (feet) long.
 2. For purposes of this section the term "sign" shall refer to the area where graphics are displayed, including the immediate supporting structure. "Graphics" shall refer to the lettering and or logos that will be attached to, or engraved into a sign. "Graphics area" shall be measured by drawing a rectangle around the largest area of actual lettering and or logos and measuring the inside area.
 - a.) Two signs are allowed in tandem with a single base of 18' (feet) maximum.
 - b.) The sign base shall be concrete.
 - c.) Minimum distance between signs is 125' – center to center.
 - d.) The sign base and the frame shall be constructed so that the sign base and the frame shall be complementary in material and design to the principal building.
 - e.) Commercial signs shall not be erected, maintained, or placed upon, in, or above a public street, public sidewalk, public alley, public right-of-way, public curb or other public improvement in any public street or grounds.
 - f.) The sign may be located anywhere on the property provided it shall be set back a minimum of ten (10) feet from the property line.
- B. Maintenance. All signs within the Village shall be erected and maintained in compliance with all applicable federal and state statutes and regulations and with the building code, electrical code, and other applicable ordinances of the Village. In the event of conflict between this ordinance and other statutes, regulations or ordinances, the most restrictive standard shall apply. All signs shall be kept in good repair and neat appearance. Maintenance shall be performed on all signs at reasonable intervals, and shall include replacement of defective parts, painting, repainting, and cleaning. The owner of a sign and the owner of the property upon which the sign is located shall be jointly and severally responsible for the sign's maintenance and repair. The Village, through its designee shall inspect all signs on a regular basis and shall require maintenance or repair of any sign deemed in violation of this Section.

Section 8. Residential subdivision.

- A. Signs shall not be permitted in residential subdivisions except as specifically authorized in this section. No person shall cause a sign to be erected, constructed, relocated, altered, repaired or maintained until a sign permit for such has been issued by the Village of Pleak.
- B. To identify a single family residential development, two (2) detached identification signs may be constructed at each subdivision street entrance on opposite sides. A street intersection with an esplanade may also include a blade sign in compliance with this section. For purposes of this section a "blade sign" shall be referred to as a sign placed in the median of a boulevard street. Such signs will be subject to the following minimum conditions and restrictions:
1. Building wall signs are prohibited.
 2. The signs must be of a masonry composition for permanent identification of a subdivision.
 3. Blade signs shall not exceed 3.5 feet in height above finished grade within a distance of fifteen (15) feet of the nose of the esplanade. Outside of this area, the height of the blade sign shall not exceed seven (7) feet in height above finished grade. Finished grade at a blade sign shall not exceed an elevation as determined by a 4:1 (horizontal: vertical) slope from the top of curb.
 4. Signs that are setback 0- 9.99 feet from the street right-of-way shall not exceed one hundred (100) square feet in area; graphics area shall not exceed fifty (50) square feet.
 5. Signs that are setback 10 – 19.99 feet from the street right-of-way shall not exceed three hundred (300) square feet in area; graphics area shall not exceed eighty (80) square feet.
 6. Signs that are setback over 20 feet from the street right-of-way shall not have a specific limitation on area but shall be reviewed by the Village of Pleak, premised upon safety and the objectives of this section, but the graphics area shall not exceed one hundred (100) square feet.
 7. The bottom of a sign shall not exceed a height of 18 inches above adjacent (natural) grade.
 8. The sign shall not be illuminated except by reflective flood light type illumination. There shall not be any flashing or intermittent lights. Lights which are not effectively shielded to prevent beams of light from being directed at any portion of the traveled way and/or brilliance as to cause glare or impair vision, or which otherwise interfere with the driver's operation of motor vehicle, are prohibited. All lighting shall comply with Fort Bend County regulations and all other state, local and federal regulations and requirements.
 9. The sign shall meet the wind load requirements of the national building code.

10. All signs shall be located in such a manner to:
 - a.) avoid conflicts with utility lines;
 - b.) not encroach upon traffic visibility and appropriate sight distances necessary for the safe movement of traffic and pedestrians; and
 - c.) any other related safety concerns as determined by the Village of Pleak.
11. All signs, trees, shrubs, flowers, grass, vegetation, ferns, watering systems, lighting systems, ornamental gates, columns, or other ornamental features, materials and related landscaping denoting the entrance to a neighborhood or subdivision shall be maintained by the applicant or applicant's assignees, with any such assignment requiring prior authorization of the Village.
12. For purposes of this section the term "sign" shall refer to the area where graphics are displayed, including the immediate supporting structure. "Graphics" shall refer to the lettering and or logos that will be attached to, or engraved into a sign. "Graphics area" shall be measured by drawing a rectangle around the largest area of actual lettering and or logos and measuring the inside area.

Section 9. Nonconforming signs.

- A. Signs which do not conform with this ordinance but which lawfully existed prior to the adoption of this ordinance and were maintained and kept in good repair and visual appearance on the effective date of this ordinance, shall be permitted to remain. However, a non-conforming sign that is destroyed, blown down, or dismantled for any purpose other than maintenance operations, may be replaced provided that the replacement sign conforms to the requirements of this ordinance. For purposes of this section a sign is considered to have been destroyed if the cost to repair the sign is more than 60 percent of the cost to erect a new sign of the same type at the same location.
- B. The installation of any new sign is prohibited on a site while a nonconforming sign remains on the site.

Section 10. Application for permit.

It shall be unlawful for any person to erect, construct, reconstruct, structurally alter or relocate any sign within the Village without first obtaining a sign permit. In addition, it shall be unlawful for any person, unless otherwise provided in this section, to alter the height, shape, style and spacing of any sign without first obtaining a sign permit.

- A. Application. All applications for sign permits shall be accompanied by a plan or plans drawn to scale and shall include the following:
 1. The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached. The dimensions of the sign's supporting members.
 2. The maximum and minimum height of the sign.

3. The proposed location of the sign in relation to the face of the building in front of which or above which it is to be erected.
4. The proposed location and address of the sign in relation to the boundaries of the lot or parcel of land upon which it is to be situated.
5. The location of all electrical distribution or transmission lines within 30 feet of any part of such proposed sign structure.
6. If applicable, plans and specifications for electrical system of the sign.
7. The dimensions and location of all existing signs on the premises, if any.
8. The names and signatures of sign owner(s), landowner(s) and sign erector.
9. The area of the sign face(s).
10. A description of the materials the proposed sign is made of and a description of the materials to be used to erect the sign.
11. The position of the sign in relation to nearby buildings or structures and all streets, curb lines and sidewalks.
12. Wind load calculations and engineered sealed drawings for all ground signs or free standing signs with a sign area greater than 3 feet by 5 feet (3 x 5).
13. Such other information deemed necessary by the city to show compliance with this ordinance.

Section 11. Permits duration.

1. Duration. Permits shall expire after 180 days from the date of issuance. Failure to erect, reconstruct, alter, rebuild or move a permitted sign within 180 days of the granting of the permit shall mean applicant must reapply for a new permit.
2. Non-transferable. The permit shall only be used by the person to whom it is issued and shall be valid only on the sign for which it is issued.
3. Fees. The applicant shall pay a permit fee per sign at the time that the application is submitted in the amount that has been approved by the Village Council and is on file with the Village Secretary.

Section 12. Issuance of permit and inspection.

- A. Issuance. Upon the filing of an application for a sign permit, the application shall be examined by the Village Inspector. If it appears that such proposed sign is in compliance with the requirements of this ordinance, the Village's building code and other laws of the Village and of the State of Texas, the Village Inspector shall approve the application and a permit shall be issued by the Village. The Village Inspector, may at his

discretion, submit the application of a sign permit to the Village Engineer for approval. Applicant will be responsible to pay to the Village all costs incurred for the Village Engineers services pertaining to the applicants sign. All costs for the Village Engineers services must be paid by the applicant before a permit shall be granted.

- B. Windload calculation. The Village Inspector may require the applicant to submit windload calculations and engineered sealed drawings for any sign that the Village Inspector deems to create a possible safety issue because of the size or the type of construction of the sign.
- C. Inspection. A sign inspection shall be required after any sign is erected or installed in the Village. The applicant shall be required to arrange such inspection in advance of the date the sign is to be erected by contacting the Village Inspector.

Section 13. Enforcement authority.

The police chief and/or the Village inspector and/or their designee shall be appointed by the Village council to administer and enforce the terms and conditions of this ordinance and all provision of law relating to signs. Reference to the police chief or the Village inspector shall include any designee appointed by the Village Council to enforce the provisions of this ordinance.

Inspection hours. The police chief or the Village inspector may enter any building, structure, or other premises or property between the hours of 8:00 a.m. and 5:00 p.m., Mondays through Fridays, for the purpose of inspecting and investigating signs or sign structure; provided however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to person, loss of life or severe property damage, and where the owner, agent or tenant in charge of the property is not available after the police chief or the Village inspector has made good faith effort to locate same, the police chief or the Village inspector may enter the aforementioned structures and premises at any time to inspect.

- A. Specific enumerated powers of the police chief and the Village inspector. The Village inspector referred to in this section shall include the police chief, the Village code enforcement officer or any other designee appointed by the Village Council with the authority to administer and enforce the provisions of this ordinance including, but not limited to, the following specific enumerated powers:
 - 1. The approval of an application for a sign permit;
 - 2. Inspection and approval and/or rejection of signs;
 - 3. Issuance of stop work orders;
 - 4. Initiation of revocation proceedings;
 - 5. All powers not specifically enumerated herein necessary to enforce compliance with this ordinance.
- B. Stop work orders. The Village inspector shall have authority to issue stop work orders in cases where a sign is being installed or constructed in violation of this ordinance or any

other ordinance of the Village. Upon issuance of a stop work order from the Village inspector, work on any sign that is being installed shall immediately cease. Such stop work order shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Following the issuance of a stop work order, the Village inspector shall initiate proceedings to revoke any permit issued for the work covered by such stop work order, consistent with the provision of this ordinance, unless the cause for the stop work order is resolved to the Village inspector's satisfaction. Issuance of a sign permit shall not constitute a waiver of the Village inspector's right to issue a stop work order.

- C. Sign removal and revocation procedures. In case any sign is installed, erected or maintained in violation of any term of this ordinance, in addition to the issuance a citation, and other rights and remedies provided herein, the Village inspector shall give written notice of the violation to the owner, permittee or agent of the owner or permittee. Such notice shall order compliance with this ordinance or removal of the sign. Written notice shall be given by certified mail or personally served upon the owner, permittee or owner's or permittee's agent. If the order is not complied with within 30 days of receipt of the notice, the Village inspector shall initiate proceedings to revoke the permit and/or remove the sign at the expense of the owner or permittee.

Proceeding shall be commenced by calling for a hearing before a hearing officer, appointed by the Village council. The person whose sign is under consideration shall be given at least ten (10) calendar days' written notice of the hearing and shall be permitted to present relevant facts and arguments regarding the pending revocation or removal. Following such hearing the hearing officer shall consider the merits of the case and issue a written order therefore. If the hearing officer finds that the sign does not comply with this ordinance it may revoke the permit or order compliance within a specified period of time and authorize the Village inspector to remove the sign if compliance is not effected within a specified time period set by the hearing officer. The hearing officer may also order immediate removal of the sign by the owner or permittee or the Village.

If, in the opinion of the Village inspector, the health, safety or welfare of the citizens is in immediate danger from a violation of this ordinance, the Village inspector may immediately revoke the permit and remove the sign(s). In such a case a hearing shall be held as soon as possible thereafter, but in no case later than 3 business days after the date of the revocation and removal, unless the affected person requests in writing a later date. In a hearing held under this subsection the hearing officer's authority shall include ordering the return of the sign if the facts warrant such action.

The decision of the hearing officer shall be final.

The provisions of these sections shall be in addition to and not in lieu of the issuance of a citation for a violation of this ordinance in the municipal court, or any other remedy provided by law or equity.

- D. Impounded signs. Signs removed in accordance with this ordinance shall be transported to a location designated by the Village for storage. The sign(s) shall be held for a period of not more than 30 days. Any sign so held may be redeemed by the owner thereof upon payment of the impoundment and storage fee(s) based on a daily storage cost. Such fee shall be in addition to and not in lieu of any fine imposed for a violation of this chapter. Any sign not redeemed within 30 days shall be considered abandoned property

and shall become the property of the Village of Pleak. Any such signs shall either be destroyed or transferred to surplus and sold or disposed of in the same manner as surplus property of the Village.

Section 14. Traffic hazards.

It shall be unlawful for any person to erect, structurally alter, or relocate any sign in such manner as to constitute a hazard to pedestrian or vehicular traffic or in such manner as to obstruct free and clear vision, regardless of location, by reason of the position, shape, color or movement which may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device. Nor shall such sign make use of any work, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse vehicular or pedestrian traffic.

Section 15. Illumination of permitted signs.

It shall be unlawful for any person to erect, structurally alter, relocate, or maintain any sign which creates glare upon a public street, driveway, side walk, or adjacent residential property.

Non-energized signs may be illuminated from an independent artificial source provided such illumination is concentrated upon the area of the sign only and does not cause glare upon any street, driveway, parking area, side walk, or adjacent residential property. No strobe lights or flashing lights will be allowed.

Any electrical sign shall conform fully to the applicable requirements of the Electrical Code and shall receive a permit under the provisions of the Electrical Code for Fort Bend County.

Section 16. Obsolete signs.

Signs which have been abandoned or have become obsolete due to closing of a business, change in the nature of the business establishment, or for any other reason rendering the sign non-applicable to the property upon which it is displayed shall be removed by the owner of the building or premises upon which it is situated within 60 days from the date of the action that caused the sign to be abandoned or obsolete. A condition of approval for all sign permits shall be that the permit holder or owner of the building or premises, at his own expense, removes any abandoned or obsolete sign. New signs for buildings or property on which an abandoned sign is located shall not be approved until the abandoned sign is removed.

Section 17. Variance.

A relaxation of the terms of this ordinance with respect to on-premises signs may be permitted by the council where such variance will not be contrary to the public interest and where, because of conditions peculiar to the property, literal enforcement of this ordinance would result in unnecessary and undue hardship.

Section 18. Penalties.

Any person, including the owner, permittee and lessee of real property upon which the sign is located, who violates any provision of this ordinance shall be issued a citation for violation of

this ordinance. Upon conviction thereof in the municipal court, a fine shall be assessed in an amount not to exceed \$2000.00. Each day a violation continues or is allowed to exist shall constitute a separate offense.

In addition to the penalties herein above provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance or any law shall be deemed a public nuisance and may be abated by the Village as provided by law.

In addition to the remedies as herein provided, the Village of Pleak may at any time seek such injunctive relief as shall be necessary to insure compliance with the terms and provisions of this ordinance.

Section 19. Severability.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Village Council of the Village of Pleak, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 21st day of May, 2008.

Margie Krenek, Mayor

ATTEST:

Ruth Ester, Village Secretary