

**AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; AMENDING ARTICLE IV DISTRICT REGULATIONS AND ARTICLE V SUPPLEMENTAL REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the City of Killeen regulates signs under Chapter 31 of the City of Killeen's adopted Code of Ordinances and under the authority granted by the Texas Local Government Code; and,

**WHEREAS**, the City Council acknowledges that signs are appropriate in some locations but incompatible with the character of certain land uses or traffic corridors; and,

**WHEREAS**, the City Council has determined that it is in the best interest of the City, in protection of the public health, safety and welfare, to amend, modify and supplements the City of Killeen's existing sign regulations; and,

**WHEREAS**, under its police powers to promote the health, safety, and welfare of the citizens of this community, the City Council has determined that amended, modified and supplemented regulations should be established for the City of Killeen;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:**

**SECTION I.** That Chapter 31 of the City of Killeen Code of Ordinances is hereby amended to read as follows:

ARTICLE IV. – DISTRICT REGULATIONS

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DIVISION 2. – DISTRICT "A" AGRICULTURAL DISTRICT

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Sec. 31-160. - Sign regulations.

The sign regulations for a district "A" agricultural district shall be the same as for district "R-1" single-family residential district, with the exception of "point-of-sale" on-premises signs in which signs shall not exceed a total of twenty-four (24) square feet in area per premises or eight (8) feet in height ~~and shall advertise only the name of the owner, trade names, products sold and/or the business or activity conducted on the premises where such signs are located~~. There shall be no more than three (3) "point-of-sale" on-premises signs allowed for property in excess of thirty (30) acres in size.

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DIVISION 4. – DISTRICT "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT

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Sec. 31-186. – Use Regulations.

A building or premise in a district "R-1" single-family residential district shall be used only for the following purposes:

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- (13) Accessory buildings and uses, incident to the uses in this section and located on the same lot therewith, not involving the conduct of a retail building.

- a. A sign or outside advertising display (as defined by subsection ~~2301~~101.1 of the ~~Killeen International~~ Building Code) shall not be allowed as an accessory use, except that:
1. ~~An on-premises ground bulletin board~~ sign, limited to the provisions of subsection ~~31-504~~ 31-507(~~1A~~)(3) may be allowed as an accessory use to churches, places of worship, libraries, museums and public buildings.
  2. Any unilluminated signs allowed in section 31-503 may be allowed as an accessory use to any primary use authorized by this chapter.
  3. ~~An on-premises point-of-sale~~ sign, limited to the provisions of subsection 31-503(2), may be allowed as an accessory use to those primary uses authorized by subsection (8), provided that such signs shall be allowable only so long as these specified primary uses are allowed.

No authorized accessory use sign shall be located in a required side or rear yard which is adjacent to any other lot designated for residential use.

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DIVISION 17. – DISTRICT “HOD” HISTORIC OVERLAY DISTRICT

Sec. 31-391. – Definitions.

For the purposes of this division, the following definitions shall apply:

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~~Real estate sign shall mean any sign for which a permit is not required that is used to offer for sale, lease, or rent the property upon which the sign is placed or an off-premises real estate sign that is permitted for a temporary period as outlined in section 31-504 of the city's zoning ordinance.~~

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Sec. 31-398. – Sign guidelines.

All new signs shall be developed with the overall context of the building and the area in mind. Sign materials, location, illumination and size shall be compatible with the architectural features of the building and the distinct character of the district and shall be appropriate to the era in which the building was constructed or the predominant era of neighboring buildings. The HPB may develop and the city council may approve such supplemental sign guidelines as it may find necessary to implement the regulations of the historic overlay district. Unless otherwise stated, permitting requirements established in chapter 31 of the city's zoning ordinance shall be strictly enforced.

A. The following signs shall be prohibited:

1. Signs that eclipse or obstruct significant architectural detail.
2. Off-premises signs.
3. Roof signs.
4. Temporary signs except where provided in this division.
5. Ground signs and detached pole signs except for those erected by the city for traffic control and except where otherwise provided for in this division.
6. ~~Real estate signs~~ Signs allowed without a permit under subsection 31-503(1) larger than 18" x 24" in size. One ~~real estate~~ sign under this subsection is allowed per property, and it must be displayed inside the building's window.
7. Banners except where provided for in this division.
8. Posters.

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## ARTICLE V. – SUPPLEMENTAL REGULATIONS

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### DIVISION 4. - SIGNS AND OUTDOOR ~~ADVERTISING~~-DISPLAYS

#### Sec. 31-501. - Statement of purpose.

The purpose of this division is to permit such signs that will not by their reason, size, location, construction, or manner of display, endanger the public safety, confuse, mislead or obstruct the vision necessary for traffic safety or otherwise endanger public health, safety and morals, and to permit and regulate signs in such a way as to support and complement land use objectives set forth in this chapter.

(Code 1963, Ch. 9, art. 2, § 36-1 [Ord. No. 83-73, § 1, 12-13-83])

#### Sec. 31-502. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign shall mean any lawfully erected on-premises sign ~~that identifies or advertises~~ where the business or activity ~~that~~ has ceased to operate on the premises where the sign or sign structure is located for more than one (1) year on non-leased property or for more than two (2) years on leased property, or a lawfully erected temporary or portable sign where the time period allowed for display of the sign has expired.

~~Announcing sign or construction sign shall mean any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction, structural alteration or repair on the site where the sign is placed, together with other information included thereon.~~

Banner sign shall mean any non-permanent sign usually made from cloth, vinyl or similar material denoting a business related advertisement, name, message, design, emblem, symbol or color that is suspended or displayed for advertisement, or to attract attention.

Bench sign shall mean a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

~~Bulletin board sign shall mean a sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of the individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.~~

Changeable electronic variable message sign (CEVMS) shall mean an off-premises sign which permits light to be turned on or off periodically or which is operated in a way whereby light is turned on or off periodically, including any illuminated sign in 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 that 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), as amended and approved by the Federal Highway Administration as the National Standard.

Dilapidated or deteriorated shall mean any sign:

- a. Where elements of the sign surface or background have portions of the finished material missing, broken or otherwise existing in a condition that they are illegible;
- b. Where the structural support or frame members are visibly bent, broken, dented, torn or loose;
- c. Where the exterior of the support, frame members or sign have rust, corrosion or missing protective coating;
- d. Where the sign panel is visibly cracked, faded or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition;
- e. Where the sign or its elements are twisted, leaning or are at angles other than angles that the sign was originally erected (i.e.: a sign that is out of vertical or horizontal alignment as a result of, for example, being blown over or due to the failure of a structural support); or
- f. Where the sign or its elements are not in compliance with the requirements of the adopted electrical code and/or the building code.

~~Directional and informational sign shall mean a sign that directs attention to the location of a facility or a group of facilities on the same property that the sign is located. Such signs include entrance and exit signs.~~

Electronic message display sign (EMD) shall mean an on-premises sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Flag shall mean a piece of cloth material designed to wave, usually rectangular, ~~of distinctive color and design and secured by one side only, used as a symbol, standard, signal, or emblem. Flags shall include official flags of government jurisdictions, flags indicating weather conditions, official flags of a company including logo flags and special event flags, or flags of religious, charitable, public, or nonprofit organizations.~~

Ground sign shall mean any permanent sign supported by uprights, braces, or poles and attached to the ground.

~~Holiday decoration sign shall mean temporary signs, including flags, in the nature of decorations clearly incidental to, and customarily and commonly associated with, any national, local or religious holiday.~~

Illegal sign shall mean a sign that does not meet the requirements of this division or an ordinance in effect at the time the sign was erected, as applicable.

Illuminated sign shall mean any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes whether such sources of illumination are a part of a sign or not.

Inflatable sign shall mean an individual inflatable device ~~at least three (3') feet in height or width~~, with or without a specific message, figure or design attached to its surface, that is used or intended to be used to attract attention. For the purpose of this division, an inflatable sign shall be considered a temporary sign.

Maintenance shall mean the cleaning, painting and/or repairing of sign parts, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign. Maintenance does not include changing the design of the sign's support construction, changing the type of component materials, or increasing the illumination.

~~Menu board sign shall mean a sign associated with a business with a drive-through or walk-up service. Any business names or logos placed on a menu sign cannot exceed ten percent (10%) of the menu sign face area.~~

Monument sign shall mean a permanent ground sign where the entire bottom of the sign is affixed directly to the ground, but not affixed to a building, pole, or any other structure ~~or pole~~.

Multi-tenant ground sign shall mean a permanent ground sign ~~advertising located on premises where~~ two (2) or more separate tenancies ~~that~~ share the same parcel and/or building.

Mural shall mean any visual depiction or work of art including mosaic, painting or graphic art technique applied, painted, implanted or placed directly onto the exterior of any wall of a building. Such depictions shall not contain words, logos, emblems, trademarks or other similar devices which identify or advertise any product, service or business. Provided, however, such depictions may include a signature or sponsor's identification area within the depiction so long as such area does not exceed ten (10%) percent of the total size of the depiction, or two and one-half (2½%) percent of the surface area of the wall that the mural is attached to or painted upon, whichever is less. A mural shall not be considered a sign.

~~Nameplate sign shall mean a sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.~~

Nonconforming sign shall mean a lawfully erected sign that does not comply with the provisions of this division or other rule enacted at a later date, or that later fails to comply with a law or rule due to changed conditions.

Off-premises sign shall mean a sign visible from any public traveled road or street displaying advertising or other copy that pertains to any business, person, organization, activity, event, place, service or product not manufactured, sold or provided on the same premises on which the sign is located. ~~This definition for off-premises signs shall include any sign that does not qualify as an approved on-premises sign.~~

On-premises sign shall mean a sign displaying advertising or other copy that pertains only to a business, person, organization, activity, event, place, service, or product manufactured, sold or provided on the same premises on which the sign is located. On-premises signs may include information pertaining to civic and registered non-profit organizations. An existing on-premises sign cannot be converted to a nonconforming off-premises sign subsequent to the effective date of the ordinance from which this section is derived.

Outdated copy face shall mean copy mounted on an off-premise sign face that advertises any activity or event that occurred more than 60 days prior to the current date. This definition shall include, but is not limited to any advertisement of a business, a product manufactured, sold or provided, or any type of service provided by any profit or non-profit entity that is no longer available and has not been available for 60 days.

Pennants and streamers shall mean any attention attracting devices consisting of pennants, streamers, tinsel, ribbons, reflectors, fringes, or similar objects strung together on a common line, string or wire that are attached to poles, buildings, or structures.

~~Point-of-sale sign shall mean any sign which carries the name of the firm, major enterprise, services or products offered for sale on the premises, or a combination of these things.~~

~~Political sign shall mean a sign that contains primarily a political message.~~

Portable sign shall mean a sign that is designed to be portable and that may be attached to a transporting mechanism. Should a question arise if a sign is portable, the building official shall determine whether a sign is portable.

Premises ~~shall be interchangeable with the word "occupancy" as used in this division and~~ shall mean a single, legally recorded, undivided tract of real property controlled exclusively by the proprietor, as identified on a recorded certificate of occupancy, of the establishment on the undivided tract.

~~Private sale or event sign shall mean an on-premises temporary sign advertising private, not-for-profit sales of personal property such as "garage sales" in accordance with chapter 15, article III of this code or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows and Christmas tree sales.~~

Projecting wall sign shall mean any sign that projects from and has one (1) end attached to a building, and that does not employ ground support in any manner.

~~Real estate sign may be any sign for which a permit is not required, that is used to offer for sale, lease or rent the property upon which the sign is placed or an off-premises real estate sign that is permitted for a temporary period as outlined in section 31-504.~~

~~Roof sign shall mean any sign erected upon, against or directly above the roof of any building or structure. For the purposes of this division, a roof sign shall be regulated and considered the same as a wall sign.~~

Sign shall mean any identification, description, illustration, object or device, whether illuminated or non-illuminated, that is visible from any public place or is located on private property and exposed to the public and that directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any logo, painting, banner, pennant, streamer, placard or temporary sign designated to advertise, identify or convey information, with the exception of window displays and flags. "Signs" shall also include the sign structure. The term "sign" does not include an official traffic-control sign, an official governmental marker, a national, state, city, or educational institution flag, or governmental signs.

Sign area shall mean that area being the total square footage of the combined message or display surface. This area does not include structural supports for a sign, whether they be columns, pylons, or a building, or a part thereof. On a multisided sign, only one (1) face is counted in computing the sign's area.

Sign structure shall mean anything built or constructed, whether or not permanently attached to a building, structure, the ground or other surface, which supports, or is capable of supporting a sign, and includes, without limitation, the pole, cabinet and decorative cover.

Street shall mean a public highway, road or thoroughfare which affords the principal means of access to adjacent lots. Street classifications utilized in this division shall be as ~~more definitively~~ defined in the city's adopted thoroughfare plan, as amended (i.e.; collector, minor or principal arterial, etc.).

Strobe shall mean a sign where the message or lighting flashes on and off more often than once every second.

~~Subdivision construction announcement sign shall mean any sign giving the name or names of the developers, principal builders, contractors, architects, and/or lending institutions responsible for the development and construction of a new subdivision.~~

Temporary sign shall mean any non-permanent sign or advertising device.

Visible shall mean capable of being seen, whether legible or not, without visual aid by a person with normal visual acuity.

Wall sign shall mean any permanent sign affixed to or painted on the wall or surface of any building or structure that projects no more than twelve (12") inches from the building or structure. For the purposes of this division, a roof sign erected upon, against or directly above the roof of any building or structure shall be regulated and considered the same as a wall sign.

Window display shall mean the interior display of any item, including merchandise, that can be viewed through a window or other glass surface located on a building's exterior wall, provided that such items are located no closer than twenty-four (24") inches from the inside of the window or other glass surface.

Window sign shall mean any sign painted on, affixed to, or attached to a building's exterior wall window(s) or other glass surface(s), or located twenty-four (24") inches or less from the interior side of a building's exterior wall window(s) or glass surface(s). For the purposes of this division, such a sign shall be regulated and considered the same as if it were a wall sign.

(Code 1963, Ch. 9, art. 2, § 36-2 [Ord. No. 83-73, § 1, 12-13-83]; Ord. No. 97-22, § I, 3-25-97; Ord. No. 05-43, § I, 6-14-05; Ord. No. 06-78, § II, 7-11-06; Ord. No. 08-051, § I, 7-8-08; Ord. No. 08-059, § I, 7-22-08; Ord. No. 10-080, § I, 12-28-10; Ord. No. 12-050, § I, 8-28-12)

**Cross reference—** Definitions and rules of construction generally, § 1-2.

Sec. 31-503. - Allowed without permit.

The following signs are permitted in any zoning district without a permit:

- (1) ~~Real estate signs. Signs advertising the sale, lease, or rental of the premises upon which the sign is located. Such~~ When premises is for sale, lease or rent, any sign ~~that shall~~ neither exceed s six (6) square feet in area on residential tracts of one (1) acre or less, nor thirty-two (32) square feet on residential tracts greater than one (1) acre or on commercial tracts and complies with Section 31-507.
- (2) ~~Nameplate signs. A maximum of two s~~ Signs per lease or business space denoting the name and address of the occupants of the premises, which signs shall not exceed four (4) square feet in area.
- (3) One sign per entrance door (illuminated or non-illuminated) shall be limited to two (2) square feet in size and located within five (5) feet of the entrance door.
- (4) One sign per drive entrance limited to maximum of two (2) square feet each.
- (5) Flags as defined in section 31-502 shall be limited to three flags per lot fronting public right of wayspaced at least twenty-five (25) feet apart as measured as a radial distance from the sign's base; however, the flag, in its entirety, must be contained within the owner's property. Flags must be attached to poles of sufficient strength to safely support the flag and materials used. Flags that become tattered or faded must be removed or replaced within 10 days of notice.
- (6) Bench signs, provided the sign face does not extend beyond any bench surface.
- (37) ~~Announcing signs or construction signs. Signs denoting the lending institutions, architect, engineer, or contractor responsible for construction~~ placed on premises where construction, repair, or renovation is in progress. Such signs shall neither exceed six (6) square feet in area on residential tracts of one (1) acre or less nor thirty-two (32) square feet on residential tracts greater than one (1) acre or on commercial tracts.
- (48) ~~Subdivision construction announcement signs. Such~~ After a subdivision has been released for construction, one sign per subdivision entrance which signs shall not exceed sixty-four (64) square feet in area, twelve (12') feet in overall height or sixteen (16') feet in overall width. A subdivision construction announcement sign shall be limited to one (1) sign per subdivision entrance and must be located within the subdivision and within the subdivision phase the sign advertises. A sign shall not be placed until the subdivision has been released for construction and permitted under this subsection must be removed when development of lots and buildings have ceased. The property owner shall be responsible for the maintenance, removal and compliance requirements of such signs.
- (579) ~~Public signs. Signs or commemorative plaques~~ of a public or noncommercial nature, which shall include community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, memorial signs placed by historical agencies recognized by the city, county, or state, signs indicating scenic or historic points of interest, and all signs erected by a public officer in performance of a public duty.
- (6) ~~Special announcement signs. Signs denoting special announcements recognizing a business or entity as the recipient of local, state, or national award may be posted on the property for up to thirty (30) days. These signs may not exceed thirty two (32) square feet and may be placed either on the building, on a post or between posts, and must not interfere with traffic visibility, maneuvering, parking, or fire lanes.~~
- (7) ~~Memorial signs. Commemorative plaques placed by historical agencies recognized by the city, county, or state.~~
- (8) ~~Holiday decoration signs. During appropriate seasons of the year.~~



~~\_\_\_(9) Private sale or event sign. Advertising legally permitted sales and events.~~

~~(10) Bench signs. Provided the sign face does not extend beyond any bench surface.~~

~~(11) Parking and driveway directional and informational signs. Designed to offer assistance to motorists maneuvering into, out of, or within private property. Such signs are limited to maximum of two (2) square feet.~~

~~(3810) A sign~~Signs for a period of time no earlier than ninety (90) days before or ten (10) days after a federal, state, or local election that neither exceeds six (6) square feet in area on residential tracts of one (1) acre or less, nor thirty-twosix (3236) square feet on residential tracts greater than one (1) acre or on commercial tracts and otherwise complies with Section 31-507 ~~;~~

~~(12) Political signs.~~

a. ~~p~~Provided the sign:

- i. has an effective area no greater than 36 square feet;
- ii. is no more than 8 feet in height;
- iii. is not illuminated;
- iv. has no moving element(s); and
- v. is located on private real property with the property owner's consent. For purposes of this provision, "private real property" does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.

~~;~~ and

~~vi. is not carrying the primarily political message on a temporary basis and is not generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.~~

~~b. Signs carrying a primarily political message but not meeting these requirements will be regulated under the appropriate section of this division, depending upon the sign's location, size, and any other relevant information.~~

~~(4311)~~ Parking lot pPole-mounted banner signs. Pole-mounted banner signs shall be mounted to permanent poles two-inches in diameter or larger. Such banners may contain the emblems, names, colors, products sold or services provided of business firms, religious, charitable, public or nonprofit organizations. Pole-mounted banners shall be limited to a maximum of one banner or a pair of banners per pole and each pole shall be spaced a minimum of fifty (50) linear feet apart along the street frontage. Banners shall not exceed a total of sixteen (16) square feet for each pole fronting collector, marginal access or local streets as shown on the city's thoroughfare master plan, or a total of forty-eight (48) square feet for each pole fronting principal arterial or minor arterial roadways as shown on the city's thoroughfare master plan. Banners shall be framed on at least two sides and it must be contained entirely on the property it advertises. Additional banners may be located within the interior of the lot at the same separation and size limits.

~~\_(14) Flags as defined in section 31-502 shall not be limited in size or number; however, the flag, in its entirety, must be contained within the owner's property. Flags must be attached to poles of sufficient strength to safely support the flag and materials used. Flags that become tattered or faded must be removed or replaced.~~

~~(91245)~~ Sponsor advertisements. Signs located within or on the grounds of public facilities such as baseball fields, stadiums, community centers, and other public facilities ~~that advertise local businesses and other sponsors for sporting or community activities.~~

~~(16) Open and closed signs. Signs denoting when a business is either open or closed for business. Such signs may be illuminated but shall be limited to two (2) square feet in size.~~

(Code 1963, Ch. 9, art. 2, § 36-3.1 [Ord. No. 83-73, § 1, 12-13-83]; Ord. No. 08-051, § I, 7-8-08; Ord. No. 10-080, § I, 12-28-10; Ord. No. 12-050, § I, 8-28-12)

Sec. 31-504. - Signs requiring permits.

~~On-premises signs, off-premises signs, portable signs, temporary signs and menu board~~ All signs, require a permit prior to installation with the exception of the sign types listed in section 31-503 above. Signs containing non-commercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs. In addition, ~~t~~The following signs may be permitted in any zoning district:

(1) ~~Bulletin board signs. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, and other publicly owned buildings located in residentially zoned districts. Bulletin board signs that front principal arterial or minor arterial roadways as shown on the city's adopted thoroughfare master plan shall comply with section 31-507(A). Bulletin board signs that front collector, marginal access or local streets as shown on the city's adopted thoroughfare master plan shall comply with the following:~~

~~(a) Shall be limited to one sign per street frontage;~~

~~(b) Sign shall not exceed a total of fifty (50) square feet in face area;~~

~~(c) Shall set back a minimum of ten (10) feet from any street frontage property line and shall be limited to twenty (20) feet overall height;~~

~~(d) May be either static display or fully EMD;~~

~~(e) If an EMD sign, sign illumination shall cease between the hours 11:00 PM and 5:00 AM; and~~

~~(f) If an EMD sign, the sign shall comply with the CEVMS requirements of section 31-507(B)(11), subsections c. through i.~~

(2) ~~Point-of-sale signs. Any sign advertising a commercial enterprise that is allowed by its zoning regulation except that point-of-sale signs located in a district zoned residential shall not exceed a total of twenty-four (24) square feet in area per premises, or six (6) feet in height, and shall advertise only the name of the owner, trade names, products sold and/or the business or activity conducted on the premises where such sign is located. Such signs shall set back a minimum of ten (10') feet from any street frontage or property line.~~

(3) Temporary off-premises signs: When a premises is for sale and displays a sign allowed under Sec. 31-503(1), the owner may also obtain a permit for temporary off-premises real estate sales signs. Any sign advertising the sale or conveyance of residential property that is not located upon the residential property that is the subject of the advertisement, to include directional signs to view an open house, a model home or a home on display incident to a parade of homes, such signs shall be permitted in compliance with the following criteria:

a. Application for a permit to display temporary off-premises ~~real estate~~ signs will be submitted to the building and inspections department. Upon payment of applicable permit and sticker fees, approved permits will be granted a sticker that must be attached to the sign.

b. Signs shall be no larger than 24" x 36".

c. The height of any temporary off-premises ~~real estate sales~~ sign shall be no greater than forty-eight (48) inches.

~~d. Signs may be displayed while the subject property is available for sale and while a sign is displayed on the subject property.~~

~~e. Except as provided in subsection (1), signs shall not be located on public right-of-way or within the visibility triangle defined in section 28-241 of this code as the triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within the adjacent curb lines, and a diagonal line intersecting such curb lines at points thirty-five (35) feet back~~

~~from their intersection (such curb lines being extended if necessary to determine the intersection point). Signs shall be a minimum of ten (10) feet from the edge of the street or curb.~~

~~(1) Signs may be placed in the visibility triangle only if the signs have a height of no greater than two (2) feet as measured from the top of the curb of the adjacent streets within the visibility triangle.~~

~~fd.~~ Signs shall only be located on private property with the consent of the property owner and the distance between the temporary off-premises ~~real-estate~~ sign and the closest temporary off-premises ~~real-estate sales~~ sign or any small or medium off-premises sign shall be greater than thirty (30) feet measured as a radial distance from the existing sign's base.

~~ge.~~ Temporary off-premises signs shall be constructed of durable waterproof materials.

~~f.~~ Temporary off-premises signs shall only be displayed on the following days of the week: Friday, Saturday, Sunday, and Monday.

~~—Off-premises real estate signs that have not been permitted, do not display a valid sticker or display a sticker that shows signs of tampering are subject to enforcement action. Enforcement action includes but is not limited to removal and disposal of the illegal sign and possible citation of responsible individuals or realty offices.~~

~~(2)(4) — Temporary signs.~~ Temporary on-premises signs shall be allowed ~~only~~ as follows:

- a. A permit is required prior to installation of temporary signs. The permit fee shall be five dollars (\$5.00) for the first five (5) day period and an additional five dollars (\$5.00) for each subsequent five (5) day increment.
- b. Except as provided below, only one (1) temporary wall sign and one (1) temporary ground sign are allowed per street frontage for each lease or business space at any given time. Each sign must be permitted separately.
- c. A business with frontage in excess of ~~one hundred fifty~~ three hundred (~~150~~300) feet may place additional temporary signs for each ~~one three~~ hundred ~~and fifty~~ (~~150~~300) feet of street frontage or fraction thereof with a permit for each additional sign.
- d. Except for an inflatable sign, a temporary sign shall be limited to ~~sixty four~~ thirty-two (~~64~~32) square feet.
- e. Temporary sign placement is limited to the owner's premises.
- f. Temporary sign permits shall be issued in increments of five (5) days. Permits shall not be issued to a lease space or business space for more than one hundred and twenty days (120) per calendar year.
- g. Each temporary sign permit shall expire on the date shown on the permit.

~~(23)~~ Wall and window signs meeting the requirements of Section 31-506.

~~(34)~~ Ground signs meeting the requirements of Section 31-507.

(Code 1963, Ch. 9, art. 2, § 36-3.2 [Ord. No. 83-73, § 1, 12-13-83]; Ord. No. 06-78, § III, 7-11-06; Ord. No. 06-134, § I, 12-19-06; Ord. No. 08-095, § I, 11-18-08; Ord. No. 10-080, § I, 12-28-10; Ord. No. 12-050, § I, 8-28-12)

Sec. 31-505. - Prohibited signs.

It shall be unlawful to erect, ~~or maintain,~~ or allow to remain:

~~—(1)—~~ Any sign except as allowed by this division.

(1)

~~(2) Any portable sign, except as permitted under the provisions of section 31-507(A)(5) or any temporary sign permitted under the provisions of section 31-504.~~

~~(3) Any political sign not meeting the requirements of section 31-503(12) for a period of time which is earlier than ninety (90) days before or ten (10) days after the election which is being announced.~~

(42) Signs located on public right-of-way or within the visibility triangle at all intersections, which shall include that portion of public right-of-way and any corner lot within the adjacent curb lines, and a diagonal line intersecting such curb lines at points thirty-five (35) feet back from their intersection (such curb lines being extended if necessary to determine the intersection point). Signs shall be a minimum of ten (10) feet from the edge of the street or curb. Signs shall not be within twenty (20) feet of the intersection of a street curb and the edge of a driveway. Signs permitted in Sections 31-506(1) and (2) are excepted from this restriction, provided that the sign does not encroach into the right of way or street.

Signs may be placed in the visibility triangle only if the signs have a height of no greater than two (2) feet as measured from the top of the curb of the adjacent streets within the visibility triangle.

~~Any sign face or support within ten (10) feet of a street curb line, except as permitted in sections 31-506(1), (2) and 31-507(A)(68).~~

~~(5) Any sign face or support within twenty (20) feet of the intersection of any street curb line and the edge of any driveway, unless it is an otherwise permitted sign that has a height of no greater than two (2) feet as measured from the top of the curb of the adjacent streets and except as permitted in sections 31-506(1), (2) and 31-507(A)(68).~~

~~(6) Any sign face or support within thirty-five (35) feet of the intersection of any street curb line and any other street curb line, unless it is an otherwise permitted sign that has a height of no greater than two (2) feet as measured from the top of the curb of the adjacent streets and except as permitted in sections 31-507(A)(68).~~

~~(7) Any off-premises sign, except as permitted in section 31-507(B).~~

(83) Any flashing sign, strobe, or lights unless specifically allowed in this division.

(94) Any signSigns which have a luminance greater than any traffic signal within two hundred (200) feet of the sign as measured by any light metering device for which a National Bureau of Standards test procedure exists.

(405) A signSigns that occupy a parking space required by the minimum standards provided under article V, division 3 of this chapter.

(446) Signs attached to any fence or property boundary wallsExcept for public signs denoted in section 31-503(537) and political signs denoted in section 31-503(428), ~~no sign shall be attached to any fence or property boundary walls.~~

(427) Any banners, pennants, streamers, tinsel, staked signs, stringed signs or temporary signs, unless specifically allowed in another section of this division.

(438) Any signSigns located in the right-of-way of a public street, alley or thoroughfare; a sign located in the visibility triangle, as defined in chapter 28 of this code; or an illegal sign, unanchored sign or a sign that has been damaged in such a manner that the sign's condition constitutes a threat to the health, safety, and welfare of the public. All such signs are hereby declared to be public nuisances that endanger public health, safety and welfare, and upon discovery, may be abated in accordance with section 31-524 of this division.

(Code 1963, Ch. 9, art. 2, § 36-3.3 [Ord. No. 83-73, § 1, 12-13-83; Ord. No. 87-10, §§ 3,4, 2-24-87]; Ord. No. 97-22, § I, 3-25-97; Ord. No. 97-63, § I, 11-25-97; Ord. No. 08-095, § I, 11-18-08 Ord. No. 10-080, § I, 12-28-10; Ord. No. 12-050, § I, 8-28-12)

Sec. 31-506. - Wall and window signs.

Wall signs shall meet the following requirements:

- (1) An allowable wall sign may not extend more than twelve (12) inches from the facade of a building except as provided in (2) below.
  - (2) When the premises does not maintain the maximum ground signs allowed, one (1) projecting wall sign is allowed and may project no closer than two (2) feet to a street curb. Such alternate sign may not exceed thirty-two (32) square feet in area and no part of the sign may descend closer to grade than nine (9) feet.
  - (3) ~~Wall signs facing street frontage.~~ The total cumulative size of wall signs shall not exceed ~~the following wall area to sign face ratios:~~
    - a. ~~Twenty-five (25%) percent wall area to sign face ratio for principal arterial frontage (maximum size 672 square feet for each sign);~~
    - b. ~~Twenty (20%) percent wall area, which includes windows and doors, to sign face ratio for minor arterials (maximum size 400-500 672 square feet for each sign); and~~
    - c. ~~Fifteen (15 %) percent wall area to sign face ratio for collector, marginal access, or local street (maximum size 200 square feet for each sign).~~
  - ~~(4) Wall signs not facing street frontage shall be allowed fifteen (15 %) percent wall area to sign face ratio with a maximum size of 200 square feet for each sign.~~
  - ~~(5) Rear entry doors may have nameplate signs in accordance with section 31-503(2).~~
  - ~~(6) Buildings facing multiple street frontages may have wall signs for each street frontage in accordance with 31-506(3) above.~~
  - ~~(7) Menu board signs placed on the wall shall be limited to thirty-two (32) square feet.~~
- (84) An EMD wall sign shall be allowed subject to the following restrictions:
- a. Allowed only in "B-1" or less restrictive zoning districts;
  - b. In B-1, B-2, or NBD zoning districts, aAn EMD wall sign face shall not exceed fifty (50%) percent of the allowable sign face area and must comply with requirements of section 31-507(B)(11) subsections a. and b.;
  - c. In B-3 or less restrictive zoning districts, an EMD wall sign face shall not exceed fifty (50%) percent of the allowable sign face area unless it is in compliance with requirements of section 31-507(B)(11) subsections a. and b.;
  - ed. Permissible installation of an EMD wall sign shall be limited to property fronting Principal arterial, ~~or Minor Arterial, or Collector~~ roadway frontages. If an EMD wall sign is installed on property fronting a Collector, the sign shall not be located within three hundred (300) feet of a residential district unless the property operates as an allowable non-residential use;
  - de. An owner shall be able to control the illumination intensity of any EMD sign; and
  - ef. An EMD wall sign allowed under this section shall comply with the CEVMS requirements of section 31-507(B)(11), subsections c. through i.

(Code 1963, Ch. 9, art. 2, § 36-4.1 [Ord. No. 83-73, § 1, 12-13-83]; Ord. No. 10-003, § VII, 2-9-10; Ord. No. 10-080, § I, 12-28-10; Ord. No. 12-050, § I, 8-28-12)

Sec. 31-507. - Ground signs.

~~Ground signs shall not be subject to building lines, but~~ Ground signs shall not be located in publically-held easements encroach into public rights of way or easements, but shall be located entirely within the premises.

- (A) On-premises ground signs in "R-MP," "R-3," "R-3F," or "R-3A," "B-1" or less restrictive districts shall meet the following requirements:
- (1) Only one (1) permanent ~~point-of-sale~~ ground sign structure consisting of one (1) or more sign cabinets, may be erected on any premises zoned "B-1" or less restrictive, except that premises which have more than three hundred (300') feet of combined frontage along a public way or street, other than an alley, may have one (1) additional ground sign for each additional three hundred (300') feet of frontage or fraction thereof. Such signs shall not exceed the area, height, or setback as listed in Table 507(A)(1) below:

Table 507(A)(1)

Sign Type	Maximum Overall Height	Maximum Square footage	Minimum Setback <del>(a)</del>
Single or multi-tenant monument sign	6	50	0
Single-tenant ground or pole sign	35	300	10
Multi-tenant ground or pole sign	40	450	10

~~Ground signs shall not be subject to building lines, but shall not be located in publically-held easements.~~ Ground signs fronting Central Texas Expressway (the frontage road of US Highway 190) may have an overall maximum height of forty-two and one-half (42.5) feet measured from the highest point of the sign to the grade level of Central Texas Expressway.

- (2) In connection with mobile home parks (R-MP) (mobile home park district) or apartment complexes zoned "R-3," "R-3F," or "R-3A," no sign intended to be read from any public way or street adjoining the district shall be permitted except:

~~a. No more than one for one~~ (1) identification-ground sign, not ~~to exceed~~ ing thirty-two (32) square feet in area, for each principal entrance.

~~b. No more than one (1) sign, not exceeding sixteen (16) square feet in area, advertising property for sale, lease, or rent, or indicating "vacancy" or "no vacancy" may be erected at each entrance.~~

~~c.~~ Such signs shall set back a minimum of ten (10') feet from any street frontage and/or property line.

~~(3) For allowable non-residential uses located in residentially-zoned districts, bulletin board on-premises ground signs that front principal arterial or minor arterial roadways as shown on the city's adopted thoroughfare master plan shall comply with section 31-507(A). Bulletin board On-premises ground signs that front collector, marginal access or local streets as shown on the city's adopted thoroughfare master plan shall comply with the following:~~

(a) Shall be limited to one sign per street frontage;

- (b) Sign shall not exceed a total of fifty (50) square feet in face area;
- (c) Shall set back a minimum of ten (10) feet from any street frontage property line and shall be limited to twenty (20) feet overall height;
- (d) May be either static display or fully EMD;
- (e) If an EMD sign, sign illumination shall cease between the hours 11:00 PM and 5:00 AM; and
- (f) If an EMD sign, the sign shall comply with the CEVMS requirements of section 31-507(B)(11), subsections c. through i.

(34) Illuminated ground signs shall not be located within one hundred (100) feet of a residential district unless the property operates as an allowable non-residential use.

(5) In no case may Non-illuminated a ground signs shall not of any kind exceed twenty (20) feet in height if located within fifty (50) feet of a single-family or two-family zoned residential district unless the property operates as an allowable non-residential use.

(46) In addition to the number of ground signs otherwise allowed in this chapter, Menu board ground signs shall be allowed i a business with a drive-through or walk up service n addition to the number of allowed ground signs shall be allowed up to two in section 31-507(A) (1) above additional and ground signs shall be limited to fifty (50) square feet total face area for all menu board sign face areas. each.

(57) Portable signs:

- a. It shall be unlawful to locate a portable sign on any site until the building official has determined that it is in compliance with the provisions of this division, and was issued a permit for such sign has been obtained. All portable signs shall be secured to resist wind loads.
- b. A permit for a portable sign ~~shall not will expire at the end of the calendar year. be issued for more than a one (1) year period.~~
- c. An adequate site plan must be submitted with the application to locate the sign.
- d. The portable sign may not be located in a parking space that is required by division 3 of this article.
- e. The size of the portable sign face shall not exceed five (5) feet high and twelve (12) feet wide.
- ~~f. If the building official finds a violation of any provision of this division, the official shall notify the person responsible to cease such violation within a reasonable time to be determined by the building official.~~
- ~~g. If the violation is not remedied within the time prescribed by the building official, the official may cancel the portable sign permit, if any, and bring action against the party or parties in violation.~~
- ~~h. All existing portable signs in use as of the effective date of the ordinance from which this subsection is derived, and which do not conform to this section, must comply with the provisions of this division within ninety (90) days of the effective date of this division or be found in violation hereof.~~
- i. A property may not have more than one (1) portable sign at a time. A portable ground sign may only be used in place of an allowable ground sign not used per section 507(A)(1) above.



~~(6) Ground signs may be erected within ten (10) feet of a street curb line, but not within twenty (20) feet of the intersection of a street curb and the edge of a driveway, nor within thirty-five (35) feet of the intersection of a street curb line and another street curb line, provided that:~~

- ~~a. The total of the cross-sectional diameters of the supports does not exceed eighteen (18) inches if one (1) support is used or twenty-four (24) inches if two (2) supports are used;~~
- ~~b. A clear height of nine (9) feet is maintained between the ground and the bottom of the sign; and~~
- ~~c. The sign face does not project over a public right-of-way or street.~~

(78) An EMD ground sign shall be allowed as an on-premises ground sign subject to the following restrictions:

- a. Allowed only in "B-1" or less restrictive zoning districts;
- b. In B-1, -or-B-2, or NBD zoning districts, an EMD ground sign face shall not exceed fifty (50%) percent of the allowable sign face area and must comply with requirements of section 31-507(B)(11) subsections a. and b.;
- c. In B-3 or less restrictive zoning districts, an EMD ground sign face shall not exceed fifty (50%) percent of the allowable sign face area unless it is in compliance with requirements of section 31-507(B)(11) subsections a. and b.;

~~An EMD sign face shall not exceed fifty (50%) percent of the allowable sign face area;~~

- ~~c. An EMD sign shall be set back a minimum of one hundred (100) linear feet from the sign's base to the property line along the same side of the road from any A-R1 or residentially zoned districts;~~
- ~~d. Permissible installation of an EMD sign shall be limited to property abutting minor or principal arterial street frontages;~~
- ~~ed. Permissible installation of an EMD wall sign shall be limited to property fronting Principal arterial, Minor Arterial, or Collector roadway frontages. If an EMD wall sign is installed on property fronting a Collector, the sign shall not be located within three hundred (300) feet of a residential district unless the property operates as an allowable non-residential use;~~
- e. An owner shall be able to control the illumination intensity of any EMD sign; and
- ~~ff~~e. An on-premises EMD sign allowed under this section shall comply with the CEVMS requirements of section 31-507(B)(11), subsections c. through i.

(B) Off-premises ground signs are subject to compliance with all the regulatory provisions contained herein, as amended. These regulations apply to all off-premises signs located within the city limits of the city of Killeen and the city's extra territorial jurisdiction (ETJ) as established by state law. Should any restrictions be in conflict, the more stringent shall control.

(1) All new or existing off-premises signs shall be registered with the city of Killeen building and inspections department.

- a. Registration shall be required within 180 days from the effective date of this ordinance and annually each year. The registration shall identify the size of the off-premises sign to be registered and provide a detailed description of its location measured to the closest intersection. In addition, registration is required within ninety (90) days upon any subsequent annexation within the then expanded ETJ.
- b. Registration shall expire December 31 of each calendar year. Registration shall be accompanied by a non-refundable fee of \$40.00 for each off-premises sign to be registered.
- c. Sign registration is not transferable and in event of sale of the sign, the buyer and seller shall be jointly responsible to assure re-registration within 15 days of the sale.



- d. Any off-premises sign removed, structurally altered or repaired shall be reported to the building and inspections department within 15 days of removal or work.
  - e. It shall be an offense for any person to maintain an off-premises sign not lawfully registered as listed above or to allow a registration to lapse for more than 30 days.
  - f. New and existing registered off-premises signs shall permanently affix the sign tag or plate issued by the city visible from the closest roadway. No new off-premises sign may advertise until final approval inspection has been obtained and no new or existing off-premises sign may advertise or continue to advertise without a current sign tag properly affixed.
  - g. Off-premises signs may not be combined with on-premises advertisement.
- (2) A permit shall be obtained prior to the erection, repair, alteration or relocation of any off-premises sign except for routine maintenance or repair and/or replacement of sign face copy.
- a. No off-premises sign may be installed by anyone not registered to perform such work in the city of Killeen.
  - b. Off-premises signs requiring an electrical permit or incorporating any electrical lighting or wiring must have such work performed by a person licensed and registered with the city of Killeen building and inspections department.
  - c. Sign registration is not transferable and in the event of sale of the sign, the buyer and seller shall be jointly responsible to assure re-registration within 15 days of the sale.
  - d. Off-premises signs shall be constructed in accordance with local and state building and electrical codes. Stamped structural engineering plans shall accompany the sign permit applications and shall be subject to wind speed requirements as set forth in the International Building Code, as amended.
- (3) Off-premises signs may be illuminated except for signs that contain, include, or are illuminated by:
- a. Any flashing, intermittent or moving light or lights, including any type of screen using animated or scrolling displays other than those providing public service information such as time, date, temperature or weather;
  - b. Unshielded lights that direct beams or rays of light at any portion of the traveled way;
  - c. Lights of such intensity as to cause glare or vision impairment of the driver of a motor vehicle;
  - d. Lights that interfere with the effectiveness or obscure an official traffic sign, device or signal.
- (4) An off-premises sign shall not be erected within three hundred (300) feet of the property line of any property which is zoned agricultural or residential, used as a public park, public or private school, church, courthouse, city hall, residence, public museum or any building or premises operated by a public entity. Such measurement shall be from the sign's base to the protected property line in the most direct line.

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#### Sec. 31-515. - Application for permit.

- A. The application for a sign permit shall be accompanied by following plans and other information:
- (1) The name, address, and telephone number of the owner or persons entitled to possession of the sign and the sign contractor or erector.
  - (2) The location by street address of the proposed sign structure.

- (3) Complete information as required on application forms provided by the building and inspections division including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application.
- (4) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guide lines, supports and footings, and materials to be used. Structural details and material specifications shall be prepared and sealed by a professional engineer licensed in the State of Texas for any sign installed 20 feet or more in height and/or having a sign area (including the sign cabinet or frame) of 200 square feet or more and as provided in 31-507(B)(2).
- (5) Application for, and required information for such application, an electrical permit for all electric signs if the person building the sign is to make the electrical connection.
- (6) A statement of valuation of each sign.

B. Each ground sign shall be permitted separately. Wall signs shall be permitted as a group per each side of the building.

Sec. 31-517. - Plans review fee.

Except for portable and temporary signs, a plan review fee shall be paid for each sign permit application submitted for review. The plan review fees shall be as follows:

Wall sign \_\_\_\_\_ ~~.....~~ \$1025.00 each \_\_\_\_\_

On-premises ground sign \_\_\_\_\_ ~~.....~~ \$25.00 each

Off-premises ground sign \_\_\_\_\_ ~~.....~~ per section 8-11(d)  
of this code  
[see Fee Schedule]

All plan review fees are to be paid at the time of application to the City and such fees are non-refundable.

(Code 1963, Ch. 9, art. 2, § 36-6.3 [Ord. No. 83-73, § 1, 12-13-83]; Ord. No. 10-080, § I, 12-28-10)

Sec. 31-518. - Expired permit application.

Sign permit applications shall expire forty-five (45) calendar days from the date such permit has been approved and applicable fees remain unpaid, or remains disapproved for more than forty-five (45) calendar days. The building official may grant an additional thirty (30) day extension upon written evidence from the applicant justifying the delay to complete the permit issuance.

(Code 1963, Ch. 9, art. 2, § 36-6.4 [Ord. No. 83-73, § 1, 12-13-83]; Ord. No. 12-050, § I, 8-28-12)

Sec. 31-519. - Permit fees and penalties.

Sign permit fees, related electrical permit fees and related penalties shall be in accordance with section 8-11 of this code of ordinances.

(Code 1963, Ch. 9, art. 2, § 36-6.5 [Ord. No. 83-73, § 1, 12-13-83]; Ord. No. 10-080, § I, 12-28-10)

Sec. 31-520. - Failed inspection charges.

A failed inspection charge will be assessed upon each failed inspection. The failed inspection charge shall be in accordance with re-inspection fees located in section 8-11 of this code of ordinances.

(Code 1963, Ch. 9, art. 2, § 36-6.6 [Ord. No. 83-73, § 1, 12-13-83]; Ord. No. 10-080, § I, 12-28-10)

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Sec. 31-523. - Sign maintenance regulations.

(A) Purpose.

- (1) The purpose of this section is to establish maintenance regulations for signs so that the signs are maintained in a reasonably safe condition and continue to conform to the aesthetic standards established in this division. This section shall apply to all signs that are allowed in this division 4.
- (2) Signs which do not conform to all applicable provisions of this section shall be made to conform by means of alteration, repainting, reinforcing, repairing or any other such operation short of relocation, reconstruction or removal within one hundred eighty (180) days from the effective date of the ordinance from which this section is derived.

(B) Declaration of nuisance. An abandoned sign or a sign determined to be in a dilapidated or deteriorated condition is detrimental to the health, safety and welfare of the public, tending to reduce the value of surrounding property and contributing to urban blight, and is hereby found to be adverse to the vitality, maintenance and continuing development of the city and is hereby found and declared to be a public nuisance.

(C) Maintenance of signs.

- (1) Maintenance. All portions of a sign, including the display surface, shall be kept in good repair at all times so that the entire sign is clearly legible and free of damage, deterioration and/or defacement. Each sign shall be maintained in a safe and presentable manner, including the replacement of defective parts and other acts required for the maintenance of such sign, without altering the basic copy, design or structure of the sign.
- (2) Dilapidated, deteriorated or abandoned signs. No person shall maintain or allow to be maintained on any premises owned or controlled by him or her any sign which is in a dilapidated, deteriorated or abandoned condition as defined herein. Upon notice of violation, any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises where the sign is located in accordance with such notice.
- (3) Sign face required. No person shall maintain or permit to be maintained on any premises owned or controlled by him or her any sign that has had the sign face removed. Such sign shall have a blank face installed.
- (4) Violations.
  - (a) A person, for purposes of this section, shall mean the owner, agent, or any other individual or legal entity having the beneficial use of a sign and/or the owner or lessee of the land or structure where the sign is located.
  - (b) It shall be unlawful for any person to abandon or fail to maintain, or otherwise allow the continued existence of any sign that is in violation of section 31-523 of this division.
  - (c) It shall be unlawful for any person to violate any term or provision of this division.

(Ord. No. 10-080, § I, 12-28-10; Ord. No. 12-050, § I, 8-28-12)

Sec. 31-524. - Enforcement and appeals.

- (A) Authority. The building official is hereby authorized to enforce any violation of this division to include, without limitation, ordering the repair of any dilapidated or deteriorated sign or the removal of any abandoned or illegal sign from property within the corporate city limits of the city of Killeen or its ETJ, in accordance with the enforcement mechanisms set forth in this section or as otherwise provided by this code of ordinances.
- (B) Nuisance abatement. The city may, in conjunction with the enforcement remedies provided in this division or as a separate action, abate a nuisance as follows:
  - (1) Notice of violation (NOV): nuisance.
    - (a) Any owner of any lot, parcel of land, or premises within the city limits having on it a nuisance described in this division shall be required to remove, abate, or cure such nuisance within fifteen (15) calendar days from the date of receipt of a NOV declaring the same from the director. Receipt is presumed to occur five (5) calendar days following the date the NOV is mailed.
    - (b) Any owner of any lot, parcel of land, or premises who receives the NOV described in this subsection (B) who cannot remove, abate or cure the nuisance due to weather conditions or who requires additional time to arrange a contractor to remove, abate or cure the nuisance may request and, at the building official's discretion, may be granted an extension of time, not to exceed fourteen (14) calendar days.
    - (c) A NOV issued under this subsection (B) shall be given to the owner as follows:
      - (i) personally, in writing; or
      - (ii) by letter (regular mail) addressed to the owner at the owner's address as recorded in the tax appraisal district records of the appraisal district in which the property is located; or
      - (iii) if personal service cannot be obtained:
        - a. by publication at least once; or
        - b. by posting the notice on or near the front door of each building on the premises to which the violation relates; or
        - c. by posting the notice on a placard attached to a stake driven into the ground on the premises to which the violation relates, if the premises contains no buildings.
    - (d) A NOV issued under this subsection (B) may also be sent by letter (regular mail) to any operator, lessee, occupant or person in control of the property known to the director, as applicable.
    - (e) If the director mails a NOV to an owner in accordance with this subsection (B), and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.
  - (2) City authorized to abate. If the owner fails to comply with the NOV issued under this subsection (B), within the period prescribed, the city may enter the premises and remove, abate, or cure such nuisance.
  - (3) Emergency removal of sign or removal of sign in right-of-way. The city may immediately remove a sign, without prior notice, which the building official finds to be an immediate and imminent threat to the public safety because of its location or dilapidated, deteriorated or structural condition, or a sign that is located in publicly-held right-of-way, and may dispose of the same. Such removal and disposal shall be at the owner's sole expense, in accordance with this section.

- (4) Lien on property. If the city abates a nuisance under this subsection (B), the owner of such premises shall be notified by regular mail of the expenses incurred therefrom and the administrative fee provided in paragraph (5) of this subsection (B). If such charges are not paid within thirty (30) calendar days of the date of such notice, the director shall cause to be filed with the county clerk documentation of such expenses sufficient to establish a lien against the premises on which the nuisance was abated.
- (5) Remedies, expenses, and citation. Any owner who violates this division shall be subject to abatement restitution, penal fine(s) or both, revocation of permit, or any other relief provided by law. A person who fails to abate such nuisance within the time provided shall be required to pay an administrative fee of one hundred dollars (\$100.00) in addition to the expenses incurred by the city to abate the nuisance.

(C) Enforcement remedies.

- a. Criminal penalties. Any person, firm, corporation or other entity violating any of the provisions or terms of this division shall be deemed guilty of a misdemeanor, and upon conviction thereof, be subject to a fine of not less than \$100 and not exceeding \$2,000 for each offense, and each and every day or portion thereof that such violation shall continue shall constitute a separate offense.
- b. Civil remedies. The city may file a civil action in state district court to enforce the requirements of this ordinance, seeking injunctive relief and/or civil penalties up to \$1,000 per day for each offense as authorized by subchapter B of chapter 54 of the Texas local government code, as amended, or any other applicable law.
- c. Remedies cumulative. All remedies authorized under this division are cumulative of all others unless otherwise expressly provided. Accordingly, the filing of a criminal action shall not preclude the pursuit of a civil or administrative action for violation of this section nor shall the filing of a civil action preclude the pursuit of any other action or remedy, administrative or criminal.

(D) Appeals.

- a. Decisions of the building official may be appealed in writing to city manager or his designee within ten (10) business days of the decision of the building official. The city manager shall issue a written decision within five (5) business days of receiving the appeal. If the city manager does not issue a decision within five (5) business days, the appeal shall be considered denied.
- b. Decisions of the building official or denial of an appeal to the city manager may be submitted to the board of adjustment as provided in article II, division 3 of this chapter.

(Ord. No. 10-080, § I, 12-28-10; Ord. No. 12-050, § I, 8-28-12)

Secs. 31-525—31-549. - Reserved.

**SECTION II.** That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION III.** That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

**SECTION IV.** That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION V.** That this ordinance shall be effective after its passage and publication according to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2017, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

**APPROVED**

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Jose L. Segarra, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

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Dianna Barker, CITY SECRETARY

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Kathryn H. Davis, CITY ATTORNEY