

**ORDINANCE NO. 25-XXX**

**AN ORDINANCE AMENDING CHAPTER 31 OF THE CITY OF KILLEEN CODE OF ORDINANCES; AMENDING THE PERMIT REQUIREMENTS FOR TEMPORARY SIGNS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR 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 Texas Local Government Code;

**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;

**WHEREAS**, the City Council acknowledges that temporary signs are incompatible with the character of certain land uses or traffic corridors but are appropriate in some locations and for some purposes; 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 regulations should be establish for the use of temporary signs within the City of Killeen.

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

**SECTION I.** That Section 31-504 of the code of ordinances, City of Killeen, Texas, is hereby amended to read as follows:

**Sec. 31-504. Signs requiring permits.**

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. The following signs may be permitted in any zoning district:

- (1) Temporary off-premises signs. When a premises is for sale and displays a sign allowed under subsection 31-503(1), the owner may also obtain a permit for temporary off-premises signs in compliance with the following criteria:

- a. Application for a permit to display temporary off-premises 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 twenty-four (24) inches by thirty-six (36) inches.
  - c. The height of any temporary off-premises sign shall be no greater than forty-eight (48) inches.
  - d. Signs shall only be located on private property with the consent of the property owner and the distance between the temporary off-premises sign and the closest temporary 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.
  - e. 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.
- (2) Temporary on-premises signs, including banners and feather flags, shall be allowed as follows:
- a. A permit is required prior to installation of temporary signs. The permit fee shall be in accordance with the adopted fee schedule.
  - b. Except as provided below, only one (1) temporary wall sign and ~~one~~ (1)two (2) temporary ground signs are allowed per street frontage ~~for each lease or business space per property~~ at any given time. Each sign must be permitted separately.
  - c. A business with frontage in excess of three hundred (300) feet may place one (1) additional temporary signs for each three hundred (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 thirty-two (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)~~ninety (90) days. Permits ~~shall not may~~ be issued to a lease space or business space for ~~more than one hundred and twenty days (120)~~ up to three hundred and sixty-five (365) days per calendar year.
  - g. Sign permits for temporary on-premises signs shall be affixed to the back of the sign. Each temporary sign permit shall expire on the date shown on the permit.
- (3) Wall and window signs meeting the requirements of section 31-506.
- (4) Ground signs meeting the requirements of section 31-507.

**SECTION II.** That Section 31-505 of the code of ordinances, City of Killeen, Texas, is hereby amended to read as follows:

**Sec. 31-505. Prohibited signs.**

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

- (1) Any sign except as allowed by this division.
- (2) 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.
- (3) Any flashing sign, strobe, or lights unless specifically allowed in this division.
- (4) Signs 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.
- (5) Signs that occupy a parking space required by the minimum standards provided under article V, division 3 of this chapter.
- (6) Signs attached to any fence or property boundary walls except for signs denoted in section 31-503(9) and signs denoted in section 31-503(10).
- (7) Any banners, pennants, streamers, balloons, festoons, tinsel, staked signs, stringed signs or temporary signs, unless specifically allowed in another section of this division.
- (8) Signs 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.

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

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

**SECTION V.** That this ordinance shall take effect immediately upon passage of the ordinance.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this [XX]<sup>th</sup> day of [Month] [Year], 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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**Debbi Nash-King, MAYOR**

**ATTEST:**

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**Laura J. Calcote, CITY SECRETARY**

**APPROVED AS TO FORM**

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**Holli C. Clements, CITY ATTORNEY**