

such. (Ordinance 11-84-1, Section 6, adopted 11/13/84)

ARTICLE 3.600 SIGN REGULATIONS

§ 3.601 Definitions

Real Estate Sign. Any arrangement of letters, figures, symbols, or other devices used for advertising the sale of property to inform the public that such property is for sale and such sign shall be affixed free standing.

Construction Sign. Signs stating the name of the construction company and a brief description of the project under construction, engineers and architects signs and other similar signs, which are authorized by the building inspector in connection with the construction operations.

Business Sign. Any outdoor advertising sign which directs attention to a business, commodity, service, entertainment, industry or other activity which is sold, offered or conducted, other than incidentally, upon the premises upon which such sign is located, or to which it is affixed.

Height. The vertical distance from the uppermost point of on outdoor sign to the ground immediately below such point. No sign shall be erected, constructed or maintained that shall exceed four (4) feet in height above the ground.

Size. No sign, except business signs approved by the board of aldermen, shall be larger than five (5) square feet in size.

Portable Promotional Sign. A display sign, banner or other advertising device constructed of cloth, canvas, fabric or other light temporary material, with or without a structural frame, including trailer mounted, intended for a limited period of display. Signs are intended to be easily removable or are intended to be erected at successive locations, having regard to usual and customary, practice.

Person. Any individual, firm, corporation, partnership or association of persons of whatever nature or description. (Ordinance 4-90-2, Section 1, adopted 4/10/90)

§ 3.602 Authorized Signs

(a) Only real estate for sale signs should be permitted within the Village of Tiki Island, Texas, except as hereinafter provided.

(b) Only one sign per lot shall be permitted within the Village of Tiki Island, Texas. (Ordinance 7-86-1, Section 2, adopted 7/14/86)

§ 3.603 Exceptions

(a) A construction sign will be permitted only during the duration of the actual construction work.

(b) A portable promotional sign may be displayed for a period of not more than three consecutive days.

(c) A sign for a paid political announcement for an election, the duration of such not to

exceed two (2) days following such announced election when such sign does not exceed five (5) square feet and does not exceed 10 feet in height. However, it shall be unlawful for a candidate for political office and his or her agents, servants, and employees to erect signs within the limits of the Village of Tiki Island, Texas, that exceed a total of ten (10) signs or a total of fifty (50) square feet in area.

(d) A sign erected by or on behalf of the Village of Tiki Island. (Ordinance 2-90-2 adopted 2/13/90)

(e) Business signs approved by the board of aldermen. (Ordinance 4-90-2, Section 2, adopted 4/10/90)

§ 3.604 Permit Required

(a) Any person desiring to erect a portable promotional sign within the Village of Tiki Island, Texas, shall make application for a permit to the building inspector, and such application shall be in writing and shall be accompanied by a sketch of the sign to be displayed, a description of the property upon which the sign is to be located, together with a statement describing the location of the sign upon said property, and accompanied by the written consent of the property owner. No permit shall be issued until the building inspector has satisfied himself that the sign to be displayed meets the requirements and specifications of this article and is not in violation of any of the provisions herein,

(b) A permit fee as set forth in the fee schedule found in the appendix of this code shall be charged for the issuance of such portable promotional sign permit.

(c) No permit shall be required for the erection of the following signs in the village:

- (1) House number;
- (2) Municipal, street, traffic, emergency, or public service signs;
- (3) Real estate for sale signs; and
- (4) Political signs.

(Ordinance 7-86-1, Section 4, adopted 7/14/86)

§ 3.605 Existing Signs

(a) Any outdoor signs, including but not limited to business signs, business directory signs, and spectacular signs, lawfully existing and maintained at the effective date of this article and made unlawful or nonconforming by provisions of this article shall be considered as legal and the continued existence of said nonconforming or unlawful business signs, business directory signs, or spectacular signs is hereby permitted,

(b) Every outdoor advertising sign, including those signs exempted from the terms and prohibition; of this article because said signs were lawfully constructed and in existence at the time of passage of this article which constitutes an immediate danger or threat to human life or property by reason of unsafe structural design or construction or by reason of being a fire hazard, or being a hazard during hurricanes, shall be removed by the building inspector upon giving of notice to the owner, agent or person in control of such sign by certified mail return receipt registered, stating the defects thereof. A copy of such notice shall be posted on the premises. This notice shall require the owner within ten (10) days to

put such sign in a condition which shall eliminate the immediate danger or threat to human life or property by reason of unsafe structural design or construction or by reason of being a fire hazard, or being a hazard during hurricanes, or, alternatively, to demolish and remove such installation or portion thereof, and shall allow ten (10) days from the receipt of such notice for such corrective action to be taken. The owner, agent or person in control of such sign shall have the right of appeal to the board of aldermen at the next regular board meeting or at a special meeting to be held for the purpose of hearing such appeal. Should the board of aldermen determine at said hearing that said outdoor advertising sign constitutes an immediate danger to human life or property by reason of unsafe structural design or construction or by reason of being a fire hazard or hazard during hurricanes, the board shall allow said owner, agent, or person in control of said sign a reasonable time, not to exceed three (3) days, to put such sign in a condition which does not constitute an immediate danger or threat to human life or property by reason of unsafe structural design or construction or by reason of being a fire hazard or a hazard during hurricanes, or, alternative, to demolish and remove such installation or a portion thereof and, should such owner, agent or person in control of such sign fail to act within the time allotted by the board of aldermen, the board of aldermen shall order the building inspector to commence an action or actions, in a court of competent jurisdiction, for the abatement and removal or enjoinder of such signs or portions thereof. Every outdoor advertising sign constructed after the effective date of this article, which violates the provisions of this article or any other article of the village and every outdoor advertising sign which constitutes an immediate danger or threat to human life or property by reason of unsafe structural design or construction or by reason of being a fire hazard or a hazard during hurricanes is declared to be unlawful and a public nuisance and shall be repaired, rehabilitated or demolished in accordance with the above described procedures. Provided, however, that no nonconforming business signs, business directory signs, outdoor advertising signs, billboards, or spectacular signs shall be altered or reconstructed unless the same shall be made to conform with all of the requirements of this article. The terms "altered" or "alteration" and "reconstruction" or "reconstructed" shall mean a replacement of all or any part of the supporting structure for any reason whatsoever, but does not include changing any of the ornamental features, electric wiring or devices, and the advertising policy display. When any outdoor advertising sign, billboard, spectacular sign, business sign or business directory sign which would be unlawful or nonconforming hereunder but for the fact that such sign was lawfully in existence on the date of passage of this article, or any substantial parts thereof is blown down or destroyed, or taken down or removed for any purpose other than routine maintenance operations or for changing the lettering, symbols or other matter on such signs, it shall not be re-erected, reconstructed, rebuilt or relocated except in conformity with the provisions of this article. (Ordinance 7-86-1, Section 5, adopted 7/14/86)

§ 3.606 Placement Of Signs

No sign of any type shall be placed in any right of way within the Village of Tiki Island, Texas. (Ordinance 7-86-1, Section 6, adopted 7/14/86)

§ 3.607 Penalty

The violation of any of the provisions of this article by any person shall be punishable by a fine in accordance with the general penalty provision found in Section 1.106 of this code. Each day a violation of any of the terms of this article, continues shall be deemed to be a separate offense. (Ordinance 7-86-1, Section 7, adopted 7/14/86)

§ 1.106 General Penalty for Violations of Code*

(a) Whenever in this code or in any ordinance of the village, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00), except for:

- (1) violations of municipal ordinances that govern fire, safety, zoning, public health and sanitation, including dumping of refuse, vegetation and litter violations in which the maximum fine shall be two thousand dollars (\$2,000.00) for each offense.
- (2) violations of traffic laws and ordinances which are punishable as a Class C misdemeanor shall be punished by a fine not to exceed two hundred dollars (\$200.00).

However, no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state.

(b) Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. Any violation of any provision of this Code of Ordinances which constitutes an immediate danger to the health, safety, and welfare of the public may be enjoined in a suit brought by the village for such purposes.

§ 1.107 Severability of Parts of Code

It is hereby declared to be the intention of the board of aldermen that the articles, sections, paragraphs, sentences, clauses, and phrases of this code are severable and, if any phrase, clause, sentence, paragraph, article, or section of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of this code, since the same would have been enacted by the board of aldermen without the incorporation in this code of any unconstitutional phrase, clause, sentence, paragraph, article, or section. (Ordinance adopting Code)

ARTICLE 1.200 VILLAGE BOARD OF ALDERMEN[†]**§ 1.201 Meetings**

All regular meetings of the board of aldermen of the Village of Tiki Island, Texas, shall be held on the third Tuesday of each calendar month at 7:00 p.m. at such place designated by the board of aldermen. (Ordinance 5-93-1 adopted 5/11/93)

* State Law reference—Authority of governing body of municipality to assess fines, V.T.C.A., Local Government Code, ch. 105.

† State Law reference—Meetings of the governing body, V.T.C.A., Local Government Code, § 22.038.