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**Article I. - General Provisions** [29]

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**20.18.010 - Title and authority.**

This chapter shall be known as the "Sign Ordinance for the City of El Paso, Texas." This chapter is authorized by the Texas Local Government Code Chapters 211 and 216, the city's zoning powers, and the city's inherent police powers.

*(Ord. No. 17317, § 1, 5-4-2010)*

**20.18.020 - Applicability.**

- A. This chapter shall apply to the incorporated area of the City of El Paso, Texas, and as to off-premises signs (as defined herein), to the extraterritorial Jurisdiction area of the City of El Paso.
- B. Compliance required. No person shall hereafter erect, construct, reconstruct, alter, repair, locate or relocate a sign, or remove or demolish an off-premises or on-premises sign except in accordance with the provisions of this chapter, and failure to comply with this chapter shall constitute a violation of the code. Signs subject to this chapter may be subject to other requirements stated elsewhere within the code, and if in conflict, the stricter provision shall control. Nothing in this chapter shall be interpreted or construed to conflict with Texas Local Government Code Section 216.903 (Regulation of Political Signs by Municipality).
- C. Regulatory scope. This chapter applies to all signs, as defined herein, which are located on private property within the jurisdictional area of this chapter. This chapter also applies to land owned by a public entity, to include the city, when the city has land use regulatory authority over such land. This chapter applies to signs on city property or the public right-of-way except as modified by Title 13 and/or Chapter 15.08. Nothing herein waives the proprietary rights the city has as a property owner.
- D. Additional Regulations. Signs which are outside the regulatory scope of this chapter or the jurisdiction of the city may be subject to other laws, rules, regulations and policies. A permit issued under the provisions of this chapter does not constitute compliance with county, state or federal laws, rules, regulations and policies and it is the applicant's responsibility to comply with those laws.

*(Ord. No. 17317, § 1, 5-4-2010)*

**20.18.030 - Purposes.**

This chapter provides a comprehensive system for the regulation of signs within the City and its extraterritorial jurisdiction area, to serve the following purposes:

- A. To allow adequate opportunity for the exercise of free speech by the display of a message or an image on a sign, while balancing that opportunity against the community and public interests affected by signs.
- B. To protect the health, safety, and general welfare of the City, its residents and to execute the policies of the City's Comprehensive Plan.
- C. To enhance the aesthetic value of the City's landscape by reducing visual clutter that is potentially harmful to property values and economic development;
- D. To protect adjacent and nearby properties from the impact of excessive or inappropriate signage;
- E. To protect the safety and efficiency of the City's transportation network by reducing confusion and distractions to pedestrians and motorists while enhancing motorists' ability to see pedestrians, obstacles, other vehicles, and traffic signs; and
- F. To preserve, protect and enhance areas of designated historical, architectural and scenic value.

*(Ord. No. 17317, § 1, 5-4-2010)*

#### **20.18.035 - Onsite and offsite distinction.**

Within this chapter, the onsite/offsite distinction applies only to commercial messages. Onsite has the same meaning as "on-premise" and "point-of-sale" and "point-of-purchase."

*(Ord. No. 17317, § 1, 5-4-2010)*

#### **20.18.040 - Findings.**

In adopting this chapter, the city council makes the following findings:

- A. That the number, sizes and height of signs in the city, both off-premises and on-premise, is unduly distracting and confusing to motorists and pedestrians, creates traffic hazards, and reduces the effectiveness of signs needed to direct the public;
- B. That the appearance of the city, particularly that of its residential and light commercial districts, is marred by the excessive number of signs;
- C. That the aforementioned effects detract from the pleasure, safety and economic well-being of the community, and that the number of distracting signs ought to be reduced in order to lessen the detrimental effects;
- D. That the use of signs in the exercise of First Amendment freedoms must be balanced against the community, neighborhood, and social impacts of such signs; and
- E. That the regulations contained in this chapter are the minimum amount of regulation necessary to achieve its purposes.

*(Ord. No. 17317, § 1, 5-4-2010)*

#### **20.18.050 - Definitions.**

Definitions. For purposes of this chapter, the following terms have these specially defined meanings.

If a term is not defined hereunder, the definition contained in chapter 20.02 shall apply, provided, however, where there is conflict the definition contained in this chapter shall apply.

"Add-ons," in the context of billboards, means a design element that extends outside the structural display face on a billboard. Also called "extensions."

"Adopt-a-median sign" means a freestanding sign located in the median of a street right-of-way identifying the entity or organization that is responsible for maintaining the median where the sign is located.

"Aerial sign." See "overhead sign."

"Auxiliary sign." A sign with no commercial advertising, except for the name or logo of the business or establishment, that pertains to the safe and efficient movement of pedestrians and vehicular traffic into and out of a building or premises and that has a directional purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," "emergency entrance," and other similar directives.

"Billboard" means a permanent structure sign which meets any one or more of the following criteria: a) it is used for the display of off-site commercial messages; b) it is used for general advertising for hire; c) it functions as a principal or separate principal use of the land on which it is located, in contrast to functioning as an accessory or auxiliary to a principal use which is not a sign. The term "billboard" applies to all physical parts of the sign, including display faces, structure, support poles, attached ladders, attached catwalks, and appurtenant lighting systems, and visual display systems.

"Bulletin" means a billboard with a sign face area equal to or greater than three hundred square feet of image display area, but less than six hundred seventy-two square feet of image display area.

"Building; marker sign." A sign indicating the name of a building, date of construction, or other incidental information about its construction and/or history. Includes cornerstones, foundation stones, and similar devices.

"Business day" means a day on which City Hall is open to the public for regular business.

"Canopy sign" means a wall sign suspended from, mounted on or otherwise supported by a canopy, arcade or portal.

"CEVMS." See "changeable electronic variable message sign."

"Changeable electronic variable message sign," also referred to by the acronym CEVM, means a sign which uses electronic technology that is capable of displaying changeable or intermittent images, such as by turning on or off various lighting elements. The term includes 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, or which changes the visual image more than one time per twenty-four-hour period. The term includes display technology such as LED (light emitting diode) or digital displays which can vary in color or intensity, or any system which is functionally equivalent even if the message is static. The term also includes any display, or device, which changes the "static" message or copy on the sign, in "slide show" fashion, by electronic means.

"Commercial message" means an image or message which proposes or promotes a commercial

transaction, or concerns the economic interests of the advertiser and/or the audience. Contrast: noncommercial message.

"Commercial mascot" means a person or live animal decorated or attired with commercial advertising insignia and displayed to the public for commercial advertising purposes. Includes sign clowns, sign twirlers, and "human sandwich board" type signs.

"Community service sign." A sign displaying a non-commercial message relating to an event or activity sponsored by a governmental organization.

"Construction sign" means a sign displayed on a construction site during the time that actual construction is continuing.

"Copy" means the visually communicative elements of a sign.

"Directory sign" means a wall or monument sign that provides a listing of names of the tenants and space numbers for a multi-tenant building, lot or park.

"Display face" or "display area" means that portion of a physical structure which can be used for the display of copy.

"Establishment" means any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code and the presence of human beings on the premises more than 20 hours per week. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. The term does not include automated facilities, such as electrical power transformer stations, broadcast towers, vending machines, etc.

"Externally illuminated sign" means the illumination of a surface of a sign from an external source of light intentionally directed upon the sign. Also known as "indirectly illuminated sign." Contrast: internally illuminated sign.

"Extraterritorial jurisdiction" has the meaning stated in Texas Local Government Code 42.021.

"Flag" means any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

"Garage sale" means the irregular selling of used and/or hand made articles on the premises of a dwelling unit. Events commonly known as estate sales, yard sales, moving sales, and their functional equivalents, are within this definition.

"General advertising" means the business of advertising other businesses, establishments or causes, typically for a fee or other consideration. Also known as general advertising for hire. The term applies regardless of whether a given message is commercial, noncommercial, or "public service" in nature.

"Home occupation sign" means a wall sign indicating the name, address or business, in any combination, of a code-compliant home occupation operated by the occupant at that residence.

"Inflatable advertising device" means a device which is inflated with air or another gas, or which is activated by wind, air, or propelled gas, and used for outdoor advertising purposes.

"Internally illuminated sign" means the illumination of an electric sign with a source of light within the sign.

"Junior" means a billboard with a sign face area not greater than seventy-two square feet.

"LED or light emitting diode" means a semiconductor diode that emits light when conducting current; as used in this chapter, the term also includes functionally equivalent technologies.

"Marquee sign" means a wall or projecting sign suspended from, mounted on or otherwise supported by a marquee, such as a canopy entrance.

"Mobile billboard sign" means a motor vehicle or trailer which is used for the display of general advertising for hire.

"Monument sign" means a freestanding sign with a one hundred percent width base; however, the sign may be supported by an internal pipe structure. Base materials may include unpainted brick, stone, or other natural material such as adobe or rammed earth (or similar veneer). Skirts shall also be constructed of a minimum three millimeter aluminum, excluding sheet metal. Also known as "ground sign."

"Multi-tenant sign" means a sign displaying messages sponsored by three or more or establishments, each of which holds a separate certificate of occupancy, located on the same lot or premises.

"Noncommercial message" means a communicative visual image not pertaining to commercial matters. Noncommercial messages commonly concern religion, politics, social commentary and other matters of public debate. Contrast: commercial message.

"Nonconforming sign" means a sign which was legally erected prior to enactment or amendment of this Code and which has been maintained in compliance with the El Paso City Codes in effect at the time of installation, but which does not conform to the current provisions of the sign code or other applicable city ordinances. Also referred to as a legal nonconforming sign.

"Off-premises sign," also called offsite or non-point-of-sale sign means a sign displaying a commercial message that pertains to a business, person, organization, activity, event, place, service or product not principally located, or primarily manufactured, or sold on the premises on which the sign is located. Also known as "off-site sign." The on-premise/off-premises distinction applies only to commercial messages.

"Off-premises temporary subdivision directional sign" means a temporary off-premises sign located on private, unimproved property with the permission of the owner of the property that directs vehicular and pedestrian traffic to a housing project which is under development or in an initial sale program.

"On-premises sign," also called an onsite or point-of-sale sign, means a sign advertising an establishment, business, person, activity, good, product or service located on the premises where the sign is installed and maintained. In the context of construction signs, all establishments involved in the construction are considered on-premises during the time of construction. Products or services which are expected to be offered at the same location in the near future also qualify as "on-premise."

"Overhead sign" means a sign which is visible only from above, as from an airplane or helicopter, and is generally not visible to, or oriented for viewing by, persons on the ground.

"Planning official" shall be as defined in Section 1.04.030 of this Code.

"Planning division" means the planning division of the city development department.

"Pole sign" means a freestanding sign that is supported from the ground by pole(s) or a three-dimensional support structure that is not attached to a building and does not fit the definition of a monument sign.

"Portable sign" means an inanimate sign which, by virtue of its physical structure, is easily moved from one location to another. Common examples include signs on vehicles, trailers, or wheels.

"Poster" means a billboard with a display face area equal to or greater than seventy-two square feet but less than three hundred square feet.

"Primary or principal sign" means the monument or pole sign along a street frontage selected by the establishment as defined in 20.18.450.

"Real estate sign" means a temporary sign whose message pertains to a proposed economic transaction (sale, lease, rent, etc.) of real estate. Signs related to transient occupancy, such as rates and vacancies at hotels, motels, inns, and bed and breakfast facilities, are not within this definition.

"Roof sign" means a sign that is mounted on a roof or projects above the highest point of the roof line, parapet, or fascia of a building. A sign mounted on a mansard roof is a wall sign, not a roof sign.

"Secondary advertising sign" means an on-premises sign placed on private property, which is not the primary sign intended for advertising.

"Shingle sign" means a wall sign that projects from the face of a building and is suspended from a metal structure, awning, canopy or marquee, or wall.

"Sign" means any outdoor display surface, structure, search light, banner, pennant, inflatable and airborne device, whether mounted on land, air, or water, which is visible from any portion of the public right-of-way to vehicular or pedestrian traffic, a principal purpose of which is to attract attention to a communicative visual or graphic image. The term "sign" is inclusive of both on- and off-premises signs, including billboards, and any moving part, lighting, sound equipment, framework, background material, structural support, or other part thereof. A display, device, or thing need not contain lettering to be a sign. Notwithstanding the generality of the foregoing, the following are not within this definition:

- Overhead signs or banners towed behind aircraft.
- Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), which do not perform a communicative function.
- Fireworks.
- Foundation stones and cornerstones which are permanent in nature and incapable or not intended for modification once installed.
- Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased.

- Holiday and cultural observance decorations on private residential property which are on display for not more than 45 calendar days per year (cumulative, per parcel or use or dwelling unit).
- Inflatable games and gymnasiums. Inflatable, temporary, moveable, gymnasium devices commonly used for children's birthday parties, and similar devices. Also called "party jumps."
- Manufacturers' marks. Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale.
- Mass transit graphics. Graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the City Merchandise on public display and presently available for purchase on-site;
- News racks and newsstands;
- Personal appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, masks, etc. (but not including commercial mascots or hand-held signs or appliances worn for the principal purpose of holding a sign);
- Search lights and klieg lights when used as part of a search and rescue or other emergency service operation; this exclusion does not apply to search lights or klieg lights used as attention attracting devices for commercial or special events;
- Shopping carts, golf carts, horse drawn carriages, and similar devices; any motorized or self-propelled vehicle which may be legally operated upon a public road is not within this exclusion;
- Symbols of non-commercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal; by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells, religious statuary, etc.
- Vehicle and vessel insignia on street legal vehicles and properly licensed watercraft or aircraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the establishment of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel;
- Vending machines, product dispensing devices and automated product intake devices which do not display offsite commercial messages or general advertising messages; by way of example and not limitation, "automated product intake devices" means machines which accept recycle materials, or "book return" slots at libraries, or "leave your clothes here" boxes at laundry places;
- Window displays. The display of merchandise in a store window and offered for sale.

"Sign cut-outs" means the following:

- A. The area of sign face extension available to complete the artwork on a billboard.
- B. The portion of the sign structure area of a monument sign that is completely open or void.

"Sign height" means the following:

1. For freestanding signs, the vertical measurement between the highest part of the sign, excluding all billboard add-ons, and the ground level upon which the sign is located;
2. For wall and all other signs, the vertical measurement of the sign area.
3. Small format billboard means a billboard which has a display face of less than 72 square feet.

"Special event directional sign" means a temporary sign providing direction information to a properly authorized special event that is open to the public.

"Static billboard" means a billboard which displays a single visual image that does not change more frequently than once per 24-hour period and does not include LED or CEVM or functionally equivalent technology.

"Structure area" means the entire area of a monument sign structure, which is computed by multiplying the sign height by the sign structure width.

"Structure support width" applies to freestanding signs and means the width of the three-dimensional support structure(s) that extends from the top of the sign structure to the ground.

"Subdivision identification sign" means a monument or wall sign located at a main entrance of a housing subdivision.

"Temporary banner" means a temporary sign composed of lightweight fabric or similar material used to attract visual attention. Flags are not within this definition.

"Temporary active motion inflatable" means a temporary type of inflatable sign utilizing wind baffles and fabric combined with a vortex of air created by a mechanical air system to allow the inflatable to dance and move, and which does not contain any words, numerals, trademarks, pictures, designs, or objects. Such devices are also known as "aircrows," "wind dancers" and "air dancers."

"Temporary construction sign" means a temporary sign located on a construction site, typically used to display messages concerning the owner, occupant, contractor, architect, engineer, financial institution, real estate company or similar entities involved with the construction at that site.

"Temporary sign" means a sign which, by virtue of its construction from lightweight or flimsy materials, and construction or installation by hand or with ordinary hand tools, is not suitable for long term display.

"Temporary inflatable sign" means an inflatable advertising device greater than two cubic feet in volume, used for advertising purposes.

"Temporary special event sign" means a temporary sign advertising a properly authorized special event and located at the site of the event.

"Temporary subdivision sign" means a sign identifying a residential subdivision which is still in construction where the sign is located.

"Tri-vision sign" means a rotating slat sign whose rotation is completed within one second and the message is stationary for at least 8 seconds following a rotation.

"Wall sign" means a sign permanently affixed to any wall or vertical portion of a building not extending beyond the elevation of the building.

"Warning and notice signs" are signs containing information or symbols about regulatory violations, hazardous conditions, or other educational messages; examples include "beware of dog," "high voltage," "no trespassing," "eviction notice," etc.

*(Ord. No. 17317, § 1, 5-4-2010; Ord. No. 17442, §§ 42—44, 10-26-2010; Ord. No. 17585, § 2, 6-14-2011; Ord. No. 17801, § 12, 6-5-2012, eff. 6-11-2012)*

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**FOOTNOTE(S):**

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<sup>(29)</sup> **Editor's note**— Ord. No. 17317, § 1, adopted May 4, 2010, repealed the former Art. I, §§ 20.18.010—20.18.050, and enacted a new Art. I as set out herein. The former Art. I pertained to similar subject matter and derived from Ord. 16761 § 1 (Exh. A)(part), 2007; Ord. No. 17013, § 2, 10-14-2008; Ord. No. 17185, §§ 1—6, 9-1-2009. ([Back](#))