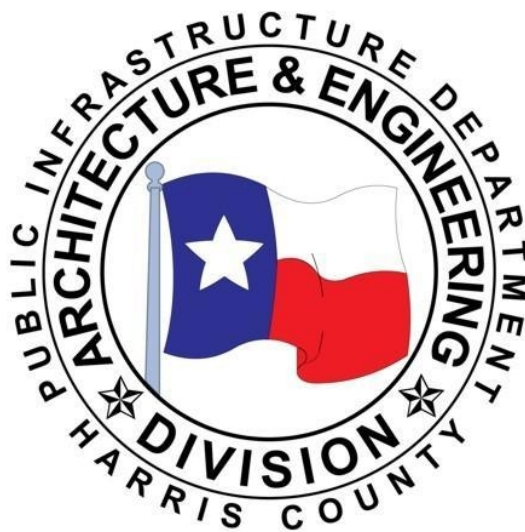


**REGULATIONS OF HARRIS COUNTY FOR
THE
PLACEMENT OF SIGNS VISIBLE FROM THE
MAIN-TRAVELED WAY OF A TOLL
ROAD WITHIN HARRIS COUNTY,
TEXAS**



AS

ADOPTED ON FEBRUARY 10, 1998

AMENDED: DECEMBER 8, 2009

EFFECTIVE: JANUARY 1, 2010

**HARRIS COUNTY
PUBLIC INFRASTRUCTURE DEPARTMENT
ARCHITECTURE & ENGINEERING DIVISION**

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**REGULATIONS OF HARRIS COUNTY FOR THE PLACEMENT
OF SIGNS VISIBLE FROM THE MAIN-TRAVELED WAY OF A
COUNTY TOLL ROAD; PROVIDING A SEVERABILITY CLAUSE;
AND PROVIDING AN EFFECTIVE DATE**

PART 1. STANDARD SIGN REGULATION

Section 01 - Scope

(a) The provisions of these Regulations shall apply to all signs, as defined herein, which are visible from the main-traveled way of a toll road within Harris County and are erected for the purpose of having the message seen from the main-traveled way of a toll road within Harris County.

(b) These regulations are adopted by the Commissioners Court of Harris County, Texas, acting as the governing body of the Harris County Toll Road Authority of Harris County, pursuant to Chapter 395 of the Texas Transportation Code.

Section 02 - Definitions

The following definitions shall apply to these Regulations:

Building – means a structure served by utilities and has normal ingress and egress requirements.

Business – means a commercial enterprise, public building or non-profit organization (including but not limited to schools and churches) occupying real property or building(s).

Commissioners Court - means the Commissioners Court of Harris County, acting as the governing body of the Harris County Toll Road Authority of Harris County.

County Engineer - means the Harris County Engineer or the Harris County Engineer's designated agents and employees responsible for administering and enforcing these Regulations as provided in Section 04 of these Regulations.

County Toll Road - means any toll road in Harris County which was constructed pursuant to Chapter 284 of the Texas Transportation Code.

Frontage – means that portion of any tract of land that abuts a public road or street right of way or permanent access easement.

Grade – means the natural level of the ground upon which the sign structure is placed.

Motorist Information Panel - means a rectangular panel placed on a toll road that contains at least one business sign advertising a business available within a certain distance of that interchange as authorized under Chapter 395 of the Texas Transportation Code.

Off-Premise Sign - means a sign displaying advertising 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.

On-Premise Sign - means a freestanding sign identifying or advertising a business, person or activity, and installed and maintained on the same premises as the business, person, or activity.

Person - means an individual, corporation, association, or any other entity.

Sign - means a structure, display, light device, figure, painting, drawing, message, plaque, poster, billboard, logo or other thing that is designed, intended, or used to advertise or inform, including but not limited to strings, pennants, flags, twirlers, propellers, flares, balloons, noise creating wind devices, inflatable displays and similar devices of carnival character, including wind devices activated by natural or artificial means.

Sign Structure - means any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may or may not be an integral part of a building.

Visible – means when used in connection with visibility of a sign from a County Toll Road, means that any message bearing part of the sign is legible from a County Toll Road. Any sign within six hundred and sixty (660) feet of edge of pavement of main-traveled way of a County Toll Road shall be presumed visible from that road and erected for the purpose of having the message seen from the main-traveled way of a toll road within Harris County; however, there is no presumption that signs beyond six hundred sixty (660) feet of a County Toll Road are not visible from the road.

Section 03 - Sign Classifications

Types of Signs

(a) To enforce the provisions of these Regulations, all signs, whether off-premise or on-premise, shall be classified into one of the following type signs:

(1) 'Berm Sign' shall mean any sign whose components are permanently affixed, constructed with any combination of masonry, wood, concrete, rock, metal or plastic with the sign structure and/or embellishments beginning at grade, or within six inches of grade and, if illuminated, permanently wired for low intensity lighting.

(2) 'Marquee sign' shall mean a projecting sign attached to or hung from a canopy or covered structure projecting from and supported by a frame or pipe support extending beyond a building.

(3) 'Projecting sign' shall mean any sign which is affixed to any building wall or structure and extends beyond the building wall or structure more than 12 inches.

(4) 'Roof sign' shall mean any sign erected, constructed or maintained above the roof of any building.

(5) 'Wall sign' shall mean any sign affixed to or painted upon the wall of any building.

(b) Any on-premise or off-premise sign of any type may also be included within one or more of the following classifications according to special functions:

(1) 'Electrical sign' shall mean any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.

(2) 'Portable sign' shall mean any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign hereunder. For the purpose of these Regulations, trailer signs and signs on benches are portable signs.

(3) 'Spectacular sign' shall mean any sign which has automatically changing advertising, which contains glaring or rotating strobe lights, spot lights, or flashing or blinking lights, or which moves, rotates, or has any moving parts whatsoever. A changing message that does not change more than once every five (5) minutes shall not be considered "automatically changing advertising".

(4) 'Temporary sign' shall mean any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials. Portable signs, however, shall not be considered temporary signs.

Section 04 - Administration and Enforcement

(a) Authority

The Harris County Engineer is hereby authorized and directed to enforce and carry out all provisions of these Regulations. The duties of the County Engineer shall include issuing permits as required by these Regulations,

insuring that all signs comply with these Regulations, making necessary inspections, initiating appropriate action to correct noncompliance with and investigating complaints of alleged violations of these Regulations.

(b) Powers

The County Engineer shall have the power and authority to administer and enforce these Regulations. Included among such powers are the following specific powers:

(1) Every sign for which a permit is required shall be subject to the inspection and approval of the County Engineer

(2) Upon notice and issuance of a stop order from the County Engineer, work on any sign which violates the provisions of these Regulations shall cease immediately. Notice and the order shall be in writing and shall be given to the permit holder or permit applicant, or to the designated agent of the permit holder or applicant, or to the person doing the work, and shall state the conditions under which work may be resumed. After issuing a stop order, the County Engineer shall initiate enforcement proceedings as necessary to obtain compliance with these Regulations, including but not limited to the revocation of any permit issued for the sign consistent with Section 08 of these Regulations.

(3) The County Engineer is hereby granted the power and authority to revoke all permits authorized by these Regulations for violations of any provisions of these Regulations pursuant to Section 08 of these Regulations.

(c) Enforcement

Any person violating any provision of these Regulations shall be punished according to Section 13. In addition, upon the written request of the County Engineer, the Harris County Attorney is hereby authorized to take all equitable actions to assure compliance.

(d) Appeals

Any person wishing to appeal a decision of the County Engineer's Office may within thirty (30) days after the decision deliver notice of appeal to the County Engineer's Office. The County Hearing Examiner shall hold a hearing on the decision, giving the appealing party the opportunity to present relevant facts and legal arguments. The County Hearing Examiner shall be a member of Commissioners Court appointed by the Commissioners Court as hearing examiner, and the hearing shall be held in accordance with the Administrative Procedure Act, Tex. Gov't Code Ann. §§2001.001-2001.902, as amended.

(e) Variances

The Commissioners Court may, in its sole discretion, grant an applicant a variance as to one or more of these regulations, provided the general purpose of this order is maintained, in those instances where compliance with these regulations would create undue hardship on the applicant due to unusual situations which make strict compliance with these regulations unfeasible. The Commissioners Court may consider, but is not limited to, the following criteria:

- (1) Economic hardship of the applicant caused by compliance;
- (2) the effect of compliance or non-compliance on adjacent land;
- (3) the use of the applicant's land and adjacent land; and
- (4) the aesthetic and safety effects of compliance or noncompliance.

Any person desiring to secure a variance must submit a written request to the County Engineer office, citing the specific regulation from which a variance is sought, the specific facts or reasons a variance is needed, and all possible effects of such variance. The Commissioners Court appointed hearing examiner shall conduct the variance process in a public hearing posted in accordance with the Texas Open Meetings Act. The hearing examiner may recommend the granting of the requested variance or alternative variances to the Commissioners Court. The variance may only be granted by a majority of the Commissioners Court present at the meeting at which the variance is

presented. Such variance shall be based on specific findings incorporated in the official minutes of the meeting of Commissioners Court at which the variance is granted.

Section 05 - Sign Permits

(a) Permit Required

No person shall hereafter erect, construct, reconstruct, alter, maintain or use a sign visible from the main-traveled way of a County toll road for the purpose of having the message seen from the main-traveled way of the County toll road without first having secured a written permit from the County Engineer.

(b) Exceptions

No permit shall be required under these Regulations for the following on-premise signs.

(1) signs painted on glass surfaces or windows or doors less than forty (40) square feet in size;

(2) signs erected by the County, State of Texas (including its political subdivisions such as cities and school districts), or the Federal Government and the lessees of such governmental entities;

(3) railroad safety signs;

(4) legal notices and house numbers;

(5) signs not over forty (40) square feet in area explaining that a building or other structure is under repair or construction or advertising the sale, rental, or future development of the premises; provided said signs comply with all other provisions of these regulations related to height and placement.

(6) temporary signs, provided the number of such signs on any premise does not exceed one (1) per frontage road, and provided such signs are displayed on consecutive days for a maximum of seven (7) days in any thirty

(30) day period, and the size of the sign shall not exceed thirty (30) square feet;

(7) signs required by Federal, State, or local laws;

(8) signs erected solely for or relating to a public election for a period commencing sixty (60) days prior to and for ten (10) days following such public election, provided that such unpermitted sign shall be located on private property only, shall be constructed of lightweight material, and shall not exceed fifty (50) square feet in size;

(9) on-premise signs setting forth the location of or directions to parking or buildings located on the premises, or regulating the flow of on-premise traffic provided such signs shall not exceed ten (10) square feet in size. Such directional signs may be lighted, consistent with the requirements of any applicable building codes;

(10) signs which form an integral part of a canopy or marquee entrance and state only the street number, provided that the number of such signs shall not exceed the number of entrances for such premises and the size of such signs shall not exceed ten (10) square feet; or

(11) signs carrying only non-commercial or non-profit messages, provided such signs conform to the requirements in Sections 10, 11, and 12 of these Regulations.

(12) “motorist information panel” signs authorized by order of Commissioners Court pursuant to Subchapter B of Chapter 395 of the Texas Transportation Code.

(c) Prohibited Signs

No permit may be granted for the following:

(1) signs which do not conform to these Regulations;

(2) off-premise signs including billboards, leased signs or other advertising signs, except those authorized by an operating permit as provided in this Section;

(3) roof signs;

(4) projecting signs, except marquee signs, which conform to Section 10;

(5) signs employing a stereoptician or motion picture machine;

(6) signs containing lights which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the main-traveled way of a County Toll Road;

(7) spectacular signs, except otherwise conforming signs which use moving or intermittent lights to give time, date, temperature, weather, or stock market reports; and

(8) The erection and maintenance of strings, pennants, flags, twirlers, propellers, flares, balloons, noise creating wind devices, inflatable displays and similar devices of carnival character, including wind devices activated by natural or artificial means, are prohibited, except:

(i) National, State, and local governmental flags as well as flags of other political subdivisions, provided such flags are properly displayed from either freestanding or wall-mounted flagpoles.

(ii) Corporate and institutional flags properly displayed from permanently located freestanding or wall mounted flagpoles, provided such flags are limited in number to one (1) per frontage road, with a maximum of two (2) per premises.

(iii) Holiday decorations in season, provided such decorations are removed within twenty (20) calendar days of the passing holiday to which they pertain.

(iv) Streamers, pennants, and displays calling attention to the grand opening of a completely new business shall be permitted, provided no premises shall be permitted to utilize such devices for more than sixty (60) consecutive calendar days.

(v) Displays used strictly for non-commercial or non-profit purposes, provided such displays conform to applicable building,

fire, and safety codes, and contain no flashing, blinking, or searching lights or mechanically moving parts.

(9) No portable sign as defined in Section 03(b)(2) of these regulations may be placed along any Harris County Toll Road.

(10) Signs obstructing the view of motorists entering or exiting roads, railroads, on-ramps, off-ramps or toll roads, or interfering with the driver's view of approaching, merging or intersecting traffic.

(11) Any non-governmental sign resembling a public safety warning or traffic sign.

(12) Signs constructed or maintained upon trees and utility poles or painted or drawn upon natural rock formations or other natural features.

(13) Signs that obscure or physically interfere with an official traffic control sign, signal or device.

(14) Signs within any road or toll road right-of-way, with the exception of signs listed in these regulations.

(d) Relocation of Certain On-Premise Signs

Notwithstanding the provisions of this Section, any on-premise sign which has a valid operating permit and which exceeds the height and size limitations contained in these Regulations may be relocated on the same premises, if:

(1) the sign is removed from its present location because Harris County acquired the property upon which the sign is located through eminent domain or purchase; and

(2) the sign is relocated at the height and size indicated on the sign's current permit and without any substantial alterations in the construction materials of the sign; and

(3) the sign otherwise conforms with all other provisions of these Regulations at the time of relocation.

However, nothing in this section shall restrict the right of the County Engineer to remove the sign pursuant to Section 08 of these Regulations.

(e) Existing Signs; Operating Permit

(1) Any existing sign subject to these Regulations which is authorized through a permit issued under a previous version of the Regulations of Harris County for the Placement of Signs Visible from the Main-Traveled Way of a Toll Road Within Harris County, Texas, including an operating permit, are not in violation of these Regulations so long as the sign remains in compliance with the previously secured permit or these amended Regulations. A new permit may be secured for a sign upon submission of an application showing that the sign is in compliance with these Regulations, as amended.

(2) When any sign, or a substantial part thereof, is blown down, taken down, destroyed, or removed for any purpose other than maintenance or the changing of letters, symbols or other matter on the sign, it shall not be re-erected or reconstructed except in full compliance with these Regulations. Any sign blown down or damaged must be fully repaired in compliance with these regulations or completely removed within thirty (30) days.

(3) Voluntary can or cabinet change of an existing sign will require full compliance with these Regulations.

(f) Subterfuge

Any permit secured before or after the effective date of these Regulations which, has been secured through subterfuge and is not in full compliance with the provisions of these Regulations, shall be void. Determination of whether a permit is void shall conform with the revocation provisions of Section 08 regarding notice and hearing.

(g) Identification of Signs

Every sign for which a permit is required shall be plainly marked with the name of the owner, lessee or the sign company erecting and maintaining the sign and shall have affixed a numbered sticker from the County Engineer in a location so as to be conspicuous and easily identifiable from an adjacent public street.

(h) Construction Required

A permit for construction of a sign shall terminate and have no further effect if the sign is not completed within one hundred eighty (180) days from the date the permit was issued.

Section 06 - Permit Application

(a) Application Procedure

The application for a permit shall be submitted in such form as the County Engineer may prescribe and shall be accompanied by drawings and descriptive data to verify compliance with these Regulations. Every application shall be executed and verified by the owner of the premises upon which the sign is to be or has been constructed, or the authorized lessee of such premises. If the sign's plans and specifications conform to all requirements of these Regulations the County Engineer shall issue the permit. A permit issued under these Regulations does not authorize construction of a sign in violation of any other land use restriction, ordinance, regulation or statute.

(b) Address and Agent for Service of Process

Any person applying for a permit under the terms of these Regulations shall at all times maintain an office or an agent within Harris County. The current address of the office or agent shall be filed with the County Engineer or the City of Houston.

Section 07 - Sign Maintenance

All signs shall be kept in good repair and, unless of galvanized or non-corroding metal or treated with appropriate wood preservative, shall be thoroughly painted as often as good maintenance necessitates. All braces, bolts, clips, supporting frame and fastenings shall be free from deterioration, termite infestation, rot or loosening. If any sign is not appropriately maintained, the County Engineer shall give written notice to the permit holder or the

authorized agent to maintain or to remove the sign within thirty (30) days from the date of the notice.

Section 08 - Sign Removal and Relocation; Permit Revocation

(a) Unlawful Signs

If any sign is installed, erected, constructed or maintained in violation of any provisions of these Regulations, the County Engineer may initiate enforcement proceedings against the property owner or other person responsible for the sign as authorized in these Regulations, including but not limited to seeking criminal charges, or initiating revocation proceedings, or requesting that the County Attorney file suit for injunctive relief from the violation. Removal of an unlawful sign, installed, erected, or constructed in violation of a permit or these Regulations shall not be subject to the compensation requirements of Chapter 395.

(b) Removal of Existing Signs

Any sign existing at the date of passage of these Regulations which does not conform to its requirements, if such signs were legally and properly permitted or legally and properly exempt from having a permit prior to passage of these Regulations, may be removed by the County Engineer at any time, provided compensation is paid as provided in Section 395.005 of the Transportation Code, and in accordance with other applicable laws including but not limited to Chapter 21 of the Texas Property Code.

(c) Permit Revocation

The County Engineer may revoke any permit authorized by these Regulations, if the permitted sign is maintained, or constructed, in violation of these Regulations. If a permit is revoked, the owner, lessee, permittee or person responsible for the sign must remove the sign.

Section 09 - Removal and Revocation Procedure

The County Engineer shall give all written notices to alter or remove a sign by certified mail or written notice served upon the property owner, lessee, permittee, or other person responsible for the sign. If the sign is not conforming within ten (10) days, the County Engineer shall give notice to the owner, lessee, permittee, or person responsible for the sign of a hearing to revoke the permit. The owner, lessee, permittee, or person responsible for the sign shall be given the opportunity to present relevant facts and legal arguments at the hearing. The hearing shall be conducted by a member of the Commissioners Court, appointed by the Commissioners Court as hearing examiner.

Section 10 - Construction Requirements

All electrical signs shall be limited to not more than ten (10) bulbs of one hundred (100) watts or less, shall be limited to lighting circuits of one hundred twenty (120) volts, shall contain a sunshade screen dimmer, and shall not use reflectorized lights as part of the face of the sign. For the purpose of this Section, "reflectorized lights" shall mean any lamp constructed with reflector-type materials so as to focus, intensify, flood, or spot such lamp in a certain direction, including, but not limited to, lamps designated by the manufacturers as flood, spot, reflector or flood, reflector spot, reflector light, or clear reflector.

Section 11 - Height, Size, and Quantity Limitations

- (a) No berm sign shall exceed twelve (12) feet in height above grade.
- (b) Signs shall be no larger than prescribed in Table "A" and "B".

TABLE "A"

<u>WALL SIGNS</u>	
<u>Distance From Main-traveled way of County Toll Road (in Feet)</u>	<u>Maximum Square Footage*</u>
<u><100</u>	<u>75</u>
<u>100</u>	<u>100</u>
<u>150</u>	<u>200</u>
<u>200</u>	<u>300</u>
<u>250</u>	<u>400</u>
<u>300</u>	<u>500</u>
<u>350</u>	<u>600</u>
<u>400</u>	<u>700</u>
<u>450</u>	<u>800</u>
<u>500</u>	<u>900</u>
<u>500+</u>	<u>1000</u>
<u>* Intermediate distances shall be rounded down for the maximum square footage of signs.</u>	

TABLE "B"

<u>BERM SIGNS</u>		
<u>Type of Building</u>	<u>Distance From Main-traveled way of County Toll Road (in Feet)</u>	<u>Maximum Square Footage</u>
<u>Single Business</u>	<u>0 - 250</u>	<u>75</u>
	<u>250+</u>	<u>100</u>
<u>Multi-Tenant 2-3 businesses*</u>	<u>infinite</u>	<u>200</u>
<u>Multi-Tenant More than</u>	<u>infinite</u>	<u>300</u>

<u>3 businesses*</u>		
<u>* Individual business sign area shall not exceed 100 square feet.</u>		

(c) Method of Determining the Area of a Sign

In determining the area of any sign, the dimensions of the rectangle enclosing the signboard, excluding the supporting structure, shall be used. If the sign includes cutouts or facings extending beyond the dimensions of the rectangular signboard, the measurement of sign area shall include the actual area of the cutout or extended facings. For double faced, back-to-back, or V-type signs, each face shall be considered a separate sign in computing the face area.

(d) Quantity

Each business may erect one (1) berm sign on each frontage road. Each business with more than 1000 feet of frontage along the Toll road is allowed one (1) additional berm sign per 1000 feet of frontage; and must meet the size requirement in Table “B”, provided the signs are separated a minimum of 500 feet apart. The total number of berm signs shall not exceed five (5) in number per business. In addition, each business may erect one (1) wall sign or one (1) marquee sign for each traveled direction visible from the Toll Road, not to exceed two (2) per business. If the site contains multiple businesses, the allowable square footage of said signs may be combined into one (1) sign provided that the one (1) sign shall be no larger than twice the smallest allowable single wall sign listed in Table “A” for each traveled direction visible from the Toll Road, not to exceed two (2) per business.

Section 12 - Restrictions on Certain Signs

(a) Berm Signs

(1) Lighting reflectors on ground signs may project beyond the face of the sign.

(2) Every ground sign shall provide rigid construction to withstand wind action in all directions.

(b) Wall Signs

The surface face of all sign bulletins must be of sheet metal, wood or plastic, but the ornamental molding surrounding the face may be of wood construction.

(c) Marquee Signs

Marquee signs may be attached to or hung from a marquee. The lowest point of a sign hung from a marquee shall be at least eight (8) feet above the sidewalk or ground level, and further, such signs shall not extend or project beyond the corners of the marquee. Marquee signs may be attached to the sides and front of a marquee, and a sign may extend the entire length and width of said marquee, provided no sign shall extend more than six (6) feet above nor one (1) foot below such marquee, nor have a vertical dimension greater than eight (8) feet.

(d) Signs of V-Type or Back-to-Back Construction

(1) The angle between the faces of V-type signs shall be no greater than forty-five degrees (45°) measured back-to-back and the maximum distance at the nearest point between the two backs, as measured at the apex, shall not exceed one and one-half (1 1/2) feet.

(2) Back-to-back signs must be on common supports and the nearest point between the two backs shall not exceed one (1) foot plus the diameter of the intervening upright or support.

Section 13 - Definition of Offense; Penalties

A person commits an offense under these Regulations by knowingly placing, erecting or maintaining, or causing the placement, erection or maintenance of any sign that violates the provisions of these Regulations. Each day a violation occurs shall constitute a separate offense. Such an offense

is a Class C misdemeanor and may be prosecuted as such pursuant to State law.

Section 14 - Severability

If any provision of these Regulations or their applicability to any person or circumstance is held to be invalid for any reason, the invalidity does not affect any other provision or applicability of these Regulations which can be given effect without the invalid provision or application, and to this end the provisions of these Regulations are declared to be severable.