

CAUSE NO. 22-001122-CV-85

SHANA ELLIOTT AND
LAWRENCE KALKE,
Plaintiffs.

V.

**CITY OF COLLEGE STATION,
TEXAS; KARL MOONEY, IN
HIS OFFICIAL CAPACITY AS
MAYOR OF THE CITY OF
COLLEGE STATION; AND
BRYAN WOODS, IN HIS
OFFICIAL CAPACITY AS THE
CITY MANAGER OF THE CITY
OF COLLEGE STATION,
Defendants.**

IN THE DISTRICT COURT OF

BRAZOS COUNTY, TEXAS

85TH JUDICIAL DISTRICT

**CITY DEFENDANTS' REPLY TO
PLAINTIFFS' MEMORANDUM IN OPPOSITION**

The City of College Station, Texas (the “City”); Karl Mooney, in his official capacity as Mayor of the City; and Bryan Woods, in his official capacity as the City Manager of the City (collectively the “City Defendants”), file this Reply to Plaintiffs’ Memorandum in Opposition to Defendants’ Amended Plea to Jurisdiction.

I.

Plaintiffs have not met their burden to establish jurisdiction.

It is the Plaintiffs' burden to establish the Court's jurisdiction over their claims, and standing and ripeness are essential elements of that jurisdiction.

Patterson v. Planned Parenthood of Houston & Se. Tex., Inc., 971 S.W.2d 439,

442 (Tex. 1998). The Plaintiffs failed to meet that burden in their pleadings, and nothing in their response to the City's Plea to Jurisdiction changes that fact. Rather than present jurisdictional evidence that the City has enforced or threatened to enforce the challenged ordinances, the Plaintiffs simply continue their insistence that hypothetical facts about a potential future enforcement action are sufficient to establish a ripe controversy.

At best, the Plaintiffs allege nothing more than that there are City ordinances on the books that they fear the City might someday enforce against their residential lots in the City's extra-territorial jurisdiction ("ETJ") for actions the Plaintiffs may someday decide to take. They maintain that position despite the uncontested facts that: a) the City has never enforced or threatened to enforce any of the challenged ordinances against them; b) one of the challenged ordinances does not prohibit or regulate activities in the ETJ; and c) the other two ordinances can be enforced only by civil injunction.

If, as the Plaintiffs claim to fear, the City someday files a civil action seeking to enjoin them from putting signs in their yards or reconstructing their driveways, then their claims will be ripe and they will have standing. But, until that day, there will be no live controversy and no jurisdiction to bring those claims.

A. Section 26-2 of the College Station Code of Ordinances does not prohibit any activity in the ETJ, so it does not apply to the Plaintiffs' property.

Plaintiffs allege that they wish to shoot bows and arrows and pellet guns on their property and that Section 26-2 prohibits them from doing so. (A copy of the ordinance is attached as **Exhibit A**).¹ In fact, the only prohibition in Section 26-2 is limited to the City Limits. The relevant language provides that: “It shall be unlawful to willfully or intentionally or otherwise shoot a firearm within the limits of the City, . . .” (Emphasis added). Nowhere in the section does it say that any activity is prohibited in the ETJ. The Plaintiffs are free to practice archery and shoot pellet guns on their properties without any interference from the City.

B. To the extent the City’s driveway and sign regulations are applicable in the ETJ, they can be enforced only by civil injunction.

Plaintiffs also argue that the City’s enforcement of driveway and sign regulations is unconstitutional. To the extent those ordinances are applicable in the ETJ, they present no threat of criminal prosecution because they are enforceable only by civil injunction.

¹ The City asks the Court to take judicial notice of Section 26-2 of the City’s Code of Ordinances and Sections 7.5 and 10.3 of the City’s Unified Development Ordinance. pursuant to Rule 204 of the Texas Rules of Evidence.

The City's authority to regulate driveways in the ETJ is derived from Section 212.003 of the Texas Local Government Code. (A copy is attached as **Exhibit B**). Section 212.003 limits a city's enforcement of regulations in the ETJ to the filing of a civil suit for injunctive relief.

(b) A fine or criminal penalty prescribed by the ordinance does not apply to a violation in the extraterritorial jurisdiction.

(c) The municipality is entitled to appropriate injunctive relief in district court to enjoin a violation of municipal ordinances or codes applicable in the extraterritorial jurisdiction.

The City's sign regulations are contained in Section 7.5 of the City's Unified Development Ordinance ("UDO"). (A copy of Section 7.5 is attached as **Exhibit C**). Under Section 10.3 of the UDO, enforcement of the UDO in the ETJ is limited to the filing of a civil suit for injunction.

Any person violating any provision of this UDO, outside the corporate limits of the City, but within the City's extraterritorial jurisdiction, shall not be considered as committing a misdemeanor, nor shall any fine provided in Section A above be applicable; however, the City shall have the right to institute an action in a court of competent jurisdiction to enjoin the violation of any provision of this UDO.

(A copy of Section 10.3 is attached as **Exhibit D**).

The Plaintiffs allege that at some point they may want to take actions that may violate the City's sign regulations. The Plaintiffs have not alleged that they have taken actions in violation of the City's sign regulations or that the City has instituted an action against them for injunctive relief for violation

of the sign regulations.

II. **Conclusion and Request for Relief**

In their original petition, the Plaintiffs relied on hypothetical facts about future enforcement of the challenged regulations. In their response to the City Defendants' Amended Plea to Jurisdiction, they continue that same reliance and offer no evidence that the City has enforced or threatened to enforce the challenged regulations against them. For that reason, they have failed to meet their burden to establish the Court's jurisdiction. Moreover, under the undisputed facts they cannot meet that burden if they attempt to replead. Accordingly, their claims should be dismissed, with prejudice.

Respectfully submitted,

By: /s/ John J. Hightower
John J. Hightower
State Bar No. 09614200
jhightower@olsonllp.com
Allison S. Killian
State Bar No. 24099785
akillian@olsonllp.com
OLSON & OLSON, L.L.P.
2727 Allen Parkway, Suite 600
Houston, Texas 77019
Telephone: (713) 533-3800
Facsimile: (713) 533-3888

Adam C. Falco, Deputy City Attorney
State Bar No. 24055464

afalco@cstx.gov

College Station City Attorney's Office
P.O. Box 9960
1101 Texas Ave.
College Station, Texas 77842
Telephone: (979) 764-3507
Facsimile: (979) 764-3481

COUNSEL FOR CITY DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2022, a true and correct copy of the foregoing was sent as indicated to all counsel of record in accordance with Tex. R. Civ. P. 21 and 21a, as follows:

Chance Weldon
Robert Henneke
Christian Townsend
TEXAS PUBLIC POLICY FOUNDATION
901 Congress Avenue
Austin, Texas 78701
cweldon@texaspolicy.com
rhenneke@texaspolicy.com
ctownsend@texaspolicy.com

Via electronic service

/s/ John J. Hightower
John J. Hightower

EXHIBIT A

Sec. 26-2. Discharge of firearms.

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

Effective consent means the consent of a person authorized to act, or whom the shooter reasonably believed was so authorized.

Firearm means specifically, but not exclusively, any shotgun, pistol, rifle, air rifle, air pistol, BB gun, bow and arrow, or any other mechanism that discharges or ejects any bullet, buckshot, or any other projectile of any size by force of combustion, mechanism, or air. The term "firearm" does not include pitching machines or similar devices that are designed and used only as a substitute for a human action.

One ownership means an undivided parcel or tract of land that may be owned by a person, corporation, or other entity, or by a combination thereof, or by a tenant in common.

(b) *Unlawful to shoot firearms within City.* It shall be unlawful to willfully or intentionally or otherwise shoot a firearm within the limits of the City, except as provided hereafter. Pursuant to Texas Local Government Code § 229.001, this subsection does not prohibit the discharge of firearms or air guns at a sport shooting range. A person asserting an exception to prosecution under this section shall be required to prove the same as a defense under the provisions of the Texas Penal Code, as amended, and the Texas Code of Criminal Procedures, as amended.

(c) *Excepted from this provision.* The following are excepted from the provisions of this section:

- (1) Shooting a shotgun, air rifle, air pistol, BB gun, or bow and arrow upon a tract of land of ten acres or more under one ownership, with the effective consent of the owner and any tenant residing thereon, and not within 300 feet of any residence or occupied building, provided that the firearm is not discharged in such a manner that it would reasonably be expected to cause any projectile to cross the boundary of the tract onto other premises. Under this subsection, the term "shotgun" shall mean a ten-gauge or smaller shotgun with shot no larger than size seven.
- (2) Shooting a center fire or rim fire rifle or pistol of any caliber upon a tract of land of 50 acres or more under one ownership, with the effective consent of the owner and any tenant residing thereon, and not within 300 feet of any residence or occupied building, provided that the firearm is not discharged in such a manner that it would reasonably be expected to cause any projectile to cross the boundary of the tract onto other premises.
- (3) Shooting any firearm in lawful defense of self, a third person, or property, provided that the firearm is not discharged in such a manner as to unreasonably endanger innocent persons.
- (4) Law Enforcement and Animal Control Officers while in the lawful discharge of their duties.
- (5) The discharge of firearms or other weapons in the extraterritorial jurisdiction of the City or in an area annexed by the City after September 1, 1981, if the firearm or other weapon is:
 - a. A shotgun, air rifle or pistol, or BB gun, discharged:
 1. On a tract of land of ten acres or more and more than 150 feet from a residence or occupied building located on another property; and
 2. In a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or
 - b. A center fire or rim fire rifle or pistol of any caliber discharged:
 1. On a tract of land of 50 acres or more and more than 300 feet from a residence or occupied building located on another property; and

2. In a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

(d) *Penalty.* A violation of this section shall constitute a misdemeanor and upon conviction thereof shall be punished as provided in Section 1-7.

(Code 2011 (Repub.), § 1-16; altered in 2017 recodification)

EXHIBIT B

Vernon's Texas Statutes and Codes Annotated

Local Government Code (Refs & Annos)

Title 7. Regulation of Land Use, Structures, Businesses, and Related Activities

Subtitle A. Municipal Regulatory Authority

Chapter 212. Municipal Regulation of Subdivisions and Property Development (Refs & Annos)

Subchapter A. Regulation of Subdivisions (Refs & Annos)

V.T.C.A., Local Government Code § 212.003

§ 212.003. Extension of Rules to Extraterritorial Jurisdiction

Effective: September 1, 2003

Currentness

(a) The governing body of a municipality by ordinance may extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances adopted under Section 212.002 and other municipal ordinances relating to access to public roads or the pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Section 13.002, Water Code, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health. However, unless otherwise authorized by state law, in its extraterritorial jurisdiction a municipality shall not regulate:

(1) the use of any building or property for business, industrial, residential, or other purposes;

(2) the bulk, height, or number of buildings constructed on a particular tract of land;

(3) the size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square footage;

(4) the number of residential units that can be built per acre of land; or

(5) the size, type, or method of construction of a water or wastewater facility that can be constructed to serve a developed tract of land if:

(A) the facility meets the minimum standards established for water or wastewater facilities by state and federal regulatory entities; and

(B) the developed tract of land is:

(i) located in a county with a population of 2.8 million or more; and

(ii) served by:

- (a) on-site septic systems constructed before September 1, 2001, that fail to provide adequate services; or
- (b) on-site water wells constructed before September 1, 2001, that fail to provide an adequate supply of safe drinking water.

(b) A fine or criminal penalty prescribed by the ordinance does not apply to a violation in the extraterritorial jurisdiction.

(c) The municipality is entitled to appropriate injunctive relief in district court to enjoin a violation of municipal ordinances or codes applicable in the extraterritorial jurisdiction.

Credits

Acts 1987, 70th Leg., ch. 149, § 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, § 46(b), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 822, § 6, eff. Sept. 1, 1989; Acts 2001, 77th Leg., ch. 68, § 1, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 731, § 3, eff. Sept. 1, 2003.

V. T. C. A., Local Government Code § 212.003, TX LOCAL GOVT § 212.003

Current through the end of the 2021 Regular and Called Sessions of the 87th Legislature.

End of Document

© 2022 Thomson Reuters. No claim to original U.S. Government Works.

EXHIBIT C

Sec. 7.5. Signs.

A. Purpose.

The purpose of this Section is to establish clear and unambiguous regulations pertaining to signs in the City of College Station and to promote an attractive community, foster traffic safety, and enhance the effective communication and exchange of ideas and commercial information.

B. Applicability.

The City Council recognizes that signs are necessary for visual communication for public convenience, and that businesses and other activities have the right to identify themselves by using signs that are incidental to the use on the premises where the signs are located. The Council herein seeks to provide a reasonable balance between the right of a person to identify his or her business or activity, and the rights of the public to be protected against visual discord and safety hazards that result from the unrestricted proliferation, location, and construction of signs. This Section will insure that signs are compatible with adjacent land uses and with the total visual environment of the community, in accordance with the City's Comprehensive Plan.

1. The City Council finds that the rights of residents of this City to fully exercise their rights of free speech by the use of signs containing non-commercial messages are subject to minimum regulation regarding structural safety and setbacks for purposes of traffic protection. The City Council seeks herein to provide for the reasonably prompt removal and disposal of such signs after they have served their purpose, and yet to avoid any interference with First Amendment freedoms, especially as to persons who are of limited financial means.
2. The City Council finds that instances may occur in the application of this Section where strict enforcement would deprive a person of the reasonable use of a sign, or the reasonable utilization of a sign in connection with other related property rights, and herein provides for such persons to have the right to seek variances from the requirements of this UDO for good cause. The City Council finds that it is imperative that enforcement officials apply this Section as it is written, in the interest of equality and fair and impartial application to all persons, and that the procedures to appeal a denial of a sign permit to the ZBA shall remain the sole administrative means to obtain any exception to the terms hereof.
3. The regulations of this Section shall apply for developments within the zoning districts listed in Section 12-7.5.C Summary of Permitted Signs. These regulations only apply to special districts within the City of College Station so far as is stated in the following Sections of this UDO:
 - a. Wolf Pen Creek District (WPC), Section 12-5.8.A;
 - b. Northgate Districts (NG-1, NG-2, NG-3), Section 12-5.8.B; and
 - c. Corridor Overlay District (OV), Section 12-5.10.A.

C. Summary of Permitted Signs.

The following signs are permitted in the relevant zoning districts of the City:

[Click here](#) to access a PDF version of the Summary of Permitted Signs table.

	R	WE	E	WRS	R-1B	GS	D	T	MF	MU	R-4	R-6	MHP	O	SC	WC	GC	CI	C-3	BP	BPI	R&D	M-1	M-2
Apartment/ Condominium/ Manufactured Home Park Identification Signs									X	****	X	X	X											

	R	WE	E	WRS	R-1B	GS	D	T	MF	MU	R-4	R-6	MHP	O	SC	WC	GC	C1	C-3	BP	BPI	R&D	M-1	M-2	
Area Identification/Subdivision Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Attached Signs***									X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Campus Way-finding Signs									X	X				X	X	X	X	X	X	X	X	X			
Commercial Banners***									X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	
Development Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Directional Traffic Control Signs										X				X	X	X	X	X	X	X	X	X	X	X	X
Freestanding Signs***														*	**			X	X					X	X
Hanging Signs										X															
Home Occupation Signs	X	X	X	X	X	X	X	X	X	X	X	X	X												
Low Profile Signs***										X				X	X	X	X	X	X	X	X	X	X	X	X
Non-Commercial Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Projection Signs										X	X														
Real Estate, Finance, and Construction Signs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Roof Signs																		X	X					X	X

* One (1) Freestanding Sign shall be allowed in the O Office zone only when the premises has a minimum of two (2) acres.

** Freestanding Signs are permitted for building plots with freeway frontage only. See 7.5.N "Freestanding Commercial Signs" for additional standards.

*** Except as provided for in Section 7.5.Y, Signs for Permitted Non-residential Uses in Residential or Agricultural Districts.

**** Apartment signage is permitted in the MU Mixed-Use district as attached signs only.

D. Prohibited Signs.

The following signs shall be prohibited in the City of College Station:

1. Portable and trailer signs, and temporary freestanding signs.
2. Signs painted on rooftops.
3. Inflated signs, pennants, wind driven devises (excluding flags), tethered balloons, and/or any gas filled objects for advertisement, decoration, or otherwise, except as permitted in Section 7.5.P, Grand Opening Signs and Section 7.5.V, Special Event Signs.
4. Vehicle signs except as permitted in Section 7.5.W, Vehicle Signs.

5. Flags containing copy or logo, excluding the flags of any country, state, city, or school, are prohibited in residential zones and on any residentially-developed property (except when flags are used as subdivision signs).
6. Signs and displays with flashing, blinking, or traveling lights, or erratic or other moving parts, including electronic message boards that change more than once per fifteen (15) minutes, either internal or external to the premise, and oriented and visible to vehicular traffic, provided that time and temperature signs are permissible if the maximum area and setback requirements of this Section are met and if the commercial information or content of such signs are restricted to no more than eight (8) square feet.
7. Signs containing manual change copy which are greater than thirty (30) percent of the allowable sign area.
8. Any signs that are intended to or designed to resemble traffic signs or signals and bear such words as "stop", "slow", "caution", "danger", "warning", or other words, and that are erected for purposes other than actual traffic control or warning to the public.
9. Any sign located within the site triangle in any district as stated in Section 7.2.C, Visibility at Intersections in all Districts. This does not include traffic control or directional signs.
10. Any sign that emits sound, odor, or visible matter.
11. Off-premises signs, including commercial and non-commercial billboards.

E. Exempt Signs.

The following signs are exempt from the requirements of this UDO:

1. Signs that are not easily identified from beyond the boundaries of the lot or parcel on which they are located or from any public thoroughfare or traveled right-of-way, as determined by the Administrator. Such signs are not exempt from the safety regulations contained herein and in City Building and Electrical Codes;
2. Official notices posted by government officials in the performance of their duties: government signs controlling traffic, regulating public conduct, identifying streets, or warning of danger. Bulletin boards or identification signs accessory to government buildings or other buildings are subject to the provisions of this UDO;
3. Signs related to a Primary & Secondary Educational Facility, except that such signs shall adhere to the limitations of Section 7.5.D Prohibited Signs;
4. Temporary signs erected by private property owners for the purpose of warning of a dangerous defect, condition, or other hazard to the public;
5. Non-commercial signs on private property or works of art that in no way identify or advertise a product or business, or by their location and placement impede traffic safety, except as stated in Section 7.5.S, Non-Commercial and Political Signs;
6. Temporary decorations or displays, if they are clearly incidental to and are customarily and commonly associated with any national, local, or religious celebration;
7. Temporary or permanent signs erected by public utilities or construction companies to warn of the location of pipelines, electrical conduits, or other dangers or conditions in public rights-of-way;
8. Non-Commercial Signs carried by a person and not set or affixed to the ground, that in no way identify or advertise a product or business, or by their location and placement impede traffic safety;

9. Commercial Signs carried by a person and not set on or affixed to the ground, provided that the sign is temporary, on-premises, and not used by the person on the premises for more than three (3) consecutive days, more than four (4) times per calendar year;
10. Outdoor advertising display signs for sponsors of charitable events held on public properties. These signs may be displayed for the duration of the event or not more than three (3) days with approval of the City Manager;
11. Flags used as political symbols; and
12. Special District Identification Signs, as defined by Section 11.2 Defined Terms, that in no way advertise a product or a business, or by their location and placement impede traffic safety. Special District Identification Signs must be approved by the appropriate Board or Committee.
13. On-premises and/or off-premises signs where there has been a resolution adopted by the City of College Station or an executed contract with the City of College Station and the display of the signs are for designated locations, a specified time period, and:
 - a. Promotes a positive image of the City of College Station for the attraction of business or tourism;
 - b. Depict an accomplishment of an individual or group; or
 - c. Creates a positive community spirit.
14. Temporary signs erected for a neighborhood event sponsored by a neighborhood group that is registered with the City of College Station, provided that the signage is:
 - a. Located within the perimeter of the neighborhood;
 - b. Provides the name of the association sponsoring the event on the sign;
 - c. In good repair;
 - d. Allowed up to fourteen (14) days prior to the event; and
 - e. Removed within twenty-four (24) hours of the event.
15. Home Tour Event signs, as defined by Section 11.2 Defined Terms, with a limit of two (2) events per calendar year. Such signage shall:
 - a. Be in good repair;
 - b. Display the name of the group sponsoring the event (if applicable);
 - c. Be allowed up to ten (10) consecutive days per event;
 - d. Be removed within twenty-four (24) hours of the end of the event;
 - e. Comply with the following if located within a right-of-way:
 1. Located outside the visibility triangle of intersections as defined in Section 7.2.C Visibility at Intersections in all Districts.
 2. Permitted by the State Department of Highways and Public Transportation if located on any state highway or roadway.
 3. Be constructed of durable material and no sign shall be greater in size than three (3) feet by three (3) feet.

Per Ordinance No. 3280 (September 9, 2010)

F. Sign Standards.

The following table summarizes the sign standards for the City of College Station:

Sign Type	Maximum Area (s.f.)**	Maximum Height (ft.)	Setback From ROW (ft.)	Number Allowed
Apartment/Condominium/Manufactured Home Park Identification Signs	100	10	10	1/frontage
Area Identification Signs	16	4	10	1/10-50 acre subdivision or phase
Attached Signs	Varies, see Section 7.5.I below	Not to exceed one (1) foot from top of wall, marquee, or parapet to which it is attached	--	Any number allowed if within the total allowed square footage of attached signs
Campus Wayfinding signs	30	6	--	See Section 7.5 BB below
Commercial Banners	36	No to exceed the top of structure to which it is attached	10	1/premises
Development Signs		15	10	1/premises
Residential/Collector Street	35			
Arterial Street	65			
Freeway (As designated on Thoroughfare Plan)	200			
Directional Traffic Control Signs	3	4	4	1/curb cut
Freestanding Signs	Varies, see 7.5.N below			1/building plot where lot exceeds 75 feet of frontage
Hanging Signs	4	--	--	1/building entrance
Home Occupation Signs	2	Not to exceed top of wall	--	1/dwelling unit

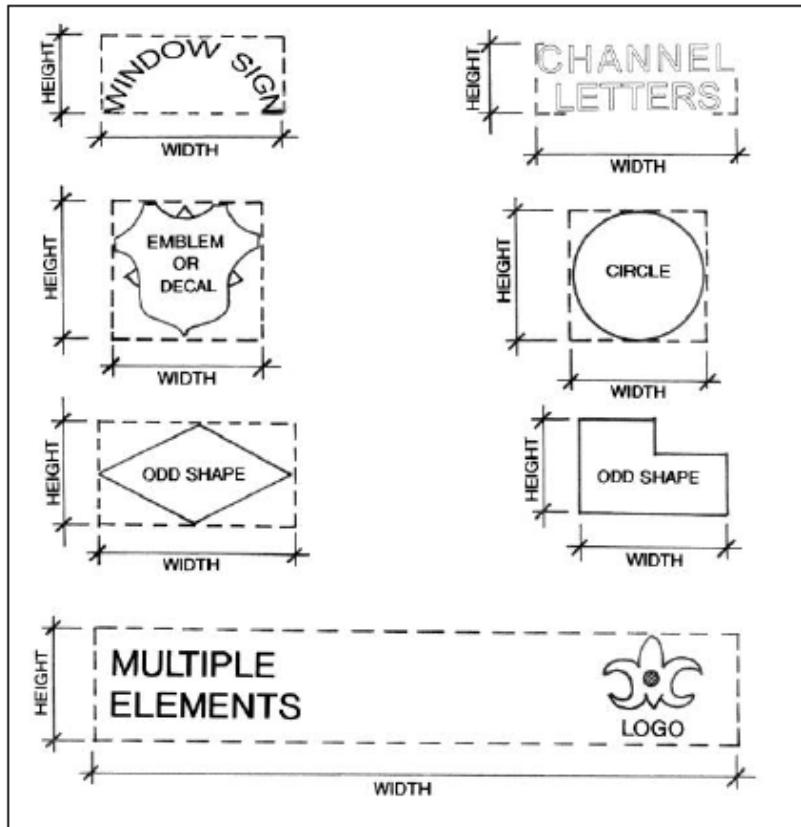
		to which it is attached		
Low Profile Signs	60	4	10	See 7.5 R "Low Profile Signs" below/***
Low Profile Signs (In lieu of permitted Freestanding Sign)	60	4	10	1/150 feet of frontage *
Projection Signs	Varies, see 7.5.U below	Not to exceed one (1) foot from top of wall, marquee, or parapet to which it is attached	--	1/frontage
Real Estate, Finance, and Construction Signs				1/frontage(Real Estate)
Up to 150-foot frontage	16	8	10	1/property (Finance)
Greater than 150-foot frontage	32	8	10	3/property (Construction)
Roof Signs	Determined by frontage. Same as freestanding Max. 100 s.f.	10 feet above structural roof	--	1/building plot in place of a freestanding sign
Subdivision Signs	150	15	10	1/primary subdivision entrance. Not to exceed 2 signs.

* Except as provided for in Section 7.5.N.10, Freestanding Commercial Signs.

** The area of a sign is the area enclosed by the minimum imaginary rectangle or vertical and horizontal lines that fully contains all extremities (as shown in the illustration below), exclusive of supports.

*** In SC Suburban Commercial, WC Wellborn Commercial, BP Business Park, and BPI Business Park Industrial, one (1) low-profile sign per structure is permitted.

Per Ordinance No. 2011-3348 (May 26, 2011), Ordinance No. 2014-3624 , Pt. 1(Exh. K) (Dec. 18, 2014, and Ordinance No. 2016-3792 , Pt. 1(Exh. E), (July 28, 2016))



G. Area Identification and Subdivision Signs.

1. Area Identification Signs shall be permitted upon private property in any zone to identify multiple-lot subdivisions of ten (10) to fifty (50) acres in size and subject to the requirements set forth in Section 7.5.F, Sign Standards above. Area Identification Signs may also be used within a large subdivision to identify distinct areas within that subdivision, subject to the requirements in Section 7.5.F, Sign Standards above.
2. Subdivision Signs shall be permitted upon private property in any zone to identify subdivisions of greater than fifty (50) acres, subject to the requirements set forth in Section 7.5.F, Sign Standards above.
3. Both Area Identification and Subdivision Signs must be located on the premises as identified by a preliminary or master preliminary plat of the subdivision. Subdivision Signs will be permitted only at major intersections on the perimeter of the subdivision (intersection of two (2) collector or larger streets). At each intersection either one (1) or two (2) Subdivision Signs may be permitted so long as the total area of the signs does not exceed one hundred fifty (150) square feet. Flags may be utilized in place of a Subdivision Identification Sign, but the overall height shall not exceed twenty (20) feet and twenty-five (25) square feet in area in a residential zone and thirty-five (35) feet in height and one hundred (100) square feet in area in industrial or commercial districts.
4. Subdivision markers of no more than one (1) square foot in area and used in conjunction with a subdivision or area identification sign are permitted attached to architectural elements within the subdivision.

5. Indirect lighting is permissible but no optical effects, moving parts, or alternating, erratic, or flashing lights shall be permitted. Landscaping valued at two hundred fifty (250) points shall be installed around each Subdivision Sign. Adequate arrangements for permanent maintenance of all signs and any landscaping in conjunction with such signs shall be made, which may be through an owners association if one (1) exists or is created for this purpose.
6. All signs shall be setback as shown in Section 7.5.F, Sign Standards above except in areas where a Private Improvement in Public Right-of-Way permit has been issued.

H. Apartment/Condominium/Manufactured Home Park Identification Signs.

1. One (1) Apartment/Condominium/Manufactured Home Park Identification Sign may be located at a primary entrance on each frontage to a public road.
2. The maximum area allowed for each frontage may be divided among two (2) signs if those signs are single sided and mounted at a single entrance.
3. An Apartment/Condominium/Manufactured Home Park Identification Sign may be either an attached sign or a freestanding monument sign. It shall be placed upon the private property of a particular multi-family project in the appropriate zone as established in Section 7.5.C, Summary of Permitted Signs subject to the requirements set forth in Section 7.5.F, Sign Standards above.
4. The Apartment/Condominium/Manufactured Home Park Identification Sign shall list the name and may list the facilities available and have leasing or sales information incorporated as a part of the sign.
5. An apartment or condominium project must have a minimum of twenty-four (24) dwelling units to qualify for an identification sign.
6. Indirect lighting is permissible, but no optical effects, moving parts, or alternating, erratic, or flashing lights or devices shall be permitted.
7. Any manufactured home parks existing at the time of this UDO that are nonconforming may still utilize an identification sign meeting the provisions of this Section and Section 7.5.F, Sign Standards above.

I. Attached Signs.

1. Attached Signs are commercial signs under this Section.
2. Attached Signs on any commercial building or tenant lease space shall not exceed a total of two and one-half (2.5) square feet per linear foot of all public entry façades, with a maximum of five hundred (500) square feet of attached signage allowed for any one (1) tenant. Multi-story businesses will be allowed one hundred (100) square feet of additional attached signage.
3. The division of allowable building signage amongst building tenants shall be the sole responsibility of the owner or property manager, and not the City of College Station.
4. Signs attached to features such as gasoline pumps, automatic teller machines, mail/package drop boxes, or similar on-site features, if identifiable from the right-of-way, as determined by the Administrator, shall count as part of the allowable sign area of the attached signs for the site. Information contained on such features pertaining to federal and state requirements, and operation/safety instructions are not counted. All other signage on such features shall count towards the allowable attached sign area.
5. Architectural elements, which are not part of the sign or logo and in no way identify the specific business tenant, shall not be considered attached signage.
6. An attached sign:

- a. Shall advertise only the name of, uses of, or goods or services available within the building or tenant lease space to which the sign is attached;
- b. Shall be parallel to the face of the building;
- c. Shall not be cantilevered away from the structure;
- d. Shall not extend more than one (1) foot from any exterior building face, mansard, awning, or canopy;
- e. Shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light; and
- f. Shall not be attached to any tree or public utility pole.

7. Attached Signs may be mounted to site lighting poles located on private property and may be constructed of cloth, canvas, or other flexible material provided such signage is maintained in good condition and complies with the following restrictions:

- a. No part of any sign attached to a light pole will be allowed to overhang or encroach into any portion of the public right-of-way
- b. Light pole signs shall not exceed twelve (12) square feet in area and shall have a minimum of eight (8) feet of clearance from the grade below;
- c. Light pole signs shall only be attached to one (1) side of a light pole;
- d. Light pole signs shall not project more than three (3) feet from the edge of the light pole; and
- e. Light pole signs constructed of cloth, canvas, or other flexible material shall be secured on a minimum of two (2) opposing sides to prevent wind-driven movement.

J. **Commercial Banners.**

- 1. A Commercial Banner:
 - a. Shall be in good repair;
 - b. Shall have the permit number conspicuously posted in the lower right hand corner of the banner;
 - c. Shall be allowed in addition to the signage provided for in Section 7.5.1, Attached Signage;
 - d. Shall advertise only the name of, uses of, or goods or services available within the building or tenant lease space to which the sign is attached;
 - e. Shall be mounted parallel to the face of a building or permanent structure;
 - f. Shall not be located within public road right-of-way of the State of Texas or the City of College Station;
 - g. Shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light; and
 - h. Except for J.2. below, shall be allowed for a maximum fourteen-day period per permit.
- 2. An annual banner permit may be allowed for places of worship meeting in public spaces on a temporary basis. Banners allowed by this Section shall only be displayed on the day of the worship service.
- 3. The applicant shall pay an application fee as established from time-to-time by resolution of the City Council upon submission of a banner permit application to the City. The application fee is waived for a

non-profit association or organization. This fee shall not apply to banners associated with special events as provided for in Section 7.5.X, Special Event Signs.

K. Development Sign.

1. A Development Sign may be placed only on private property subject to the requirements in Section 7.5.F, Sign Standards above.
2. A Development Sign for a building project shall be removed if the project has not received a Building Permit at the end of twelve (12) months. The Administrator may renew the sign permit for one (1) additional twelve-month period upon request. Once a Building Permit for the project is received, the sign may stay in place until seventy-five (75) percent of the project is leased or a permanent sign is installed, whichever comes first.
3. A Development Sign for a proposed subdivision shall be removed if a Preliminary or Final Plat has not been approved by the end of twelve (12) months. The Administrator may renew the Sign Permit for one (1) additional twelve-month period upon request. Once a plat has been approved, the Sign Permit is valid as long as a Preliminary Plat is in effect, or in the absence of a valid Preliminary Plat, for twenty-four (24) months from the date of approval of a Final Plat.

L. Directional Traffic Control Sign.

1. Directional Traffic Control Signs may be utilized as traffic control devices in off-street parking areas subject to the requirements set forth in Section 7.5.F, Sign Standards above.
2. For multiple lots sharing an access easement to public right-of-way, there shall be only one (1) directional sign located at the curb cut.
3. Logo or copy shall be less than fifty (50) percent of the sign area.
4. No Directional Traffic Control Sign shall be permitted within or upon the right-of-way of any public street unless its construction, design, and location have been approved by the City Traffic Engineer.

M. Flags.

1. One (1) freestanding corporate flag per premise, not to exceed thirty-five (35) feet in height or one hundred (100) square feet in area, is allowed in multi-family, commercial, and industrial districts.
2. Flags used solely for decoration and not containing any copy or logo and located only in multi-family, commercial, and industrial districts or developments are allowed without a permit. In multi-family developments, such flags will be restricted to sixteen (16) square feet in area. In all permitted zoning districts such flags will be restricted to thirty (30) feet in height, and the number shall be restricted to no more than six (6) flags per building plot.
3. Flags containing commercial copy or logo, excluding the flags of any country, state, city, school, or church are prohibited in residential zones and on any residentially developed property (except when flags are used as Subdivision Signs).

N. Freestanding Commercial Signs.

1. Any development with over seventy-five (75) linear feet of frontage will be allowed one (1) Freestanding Commercial Sign. All Freestanding Commercial Signs shall meet the following standards:
 - a. **Allowable Area.**

Allowable Area For Freestanding Signs	
Frontage (Feet)	Maximum Area (s.f.)
0—75	Low Profile only
76—100	50

101—150	75
151—200	100
201—250	125
251—300	150
301—350	175
351—400	200
401—450	225
451—500	250
501—550	275
551—600+	300

b. Area.

For the purposes of this Section, area shall be considered the area in square feet of a single-face sign, or one (1) side of a double-face sign, or half the sides of a multi-face sign.

c. Frontage.

1. For the purposes of this Section, frontage shall be considered the number of feet fronting on a public street to which a sign is oriented; and
2. On corner lots, the frontage street shall be the greater street as classified on the thoroughfare plan. Where the two (2) streets are classified the same, the applicant may choose the frontage street.

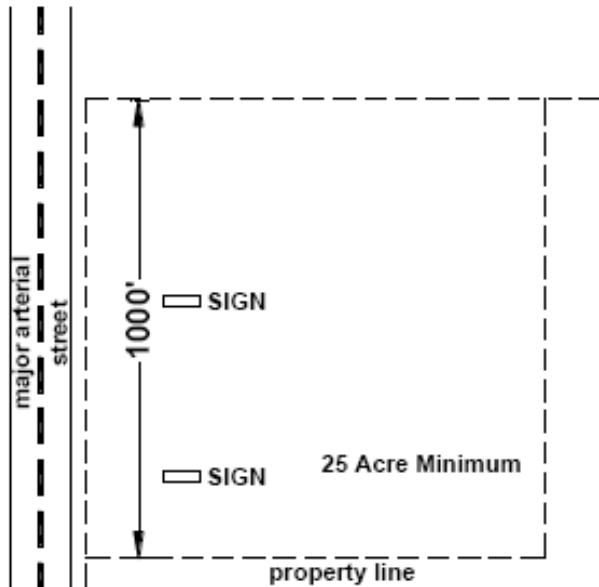
d. Allowable Height.

1. The allowable height of a Freestanding Commercial Sign is determined by measuring the distance from the closest point of the sign to the curb or pavement edge and dividing this distance by two (2). No Freestanding Commercial Sign shall exceed thirty-five (35) feet in height;
2. For the purposes of this Section, height of a sign shall be measured from the elevation of the curb or pavement edge;
3. For the purposes of this Section, the distance from curb shall be measured in feet from the back of curb or pavement edge to the nearest part of the sign; and
4. For properties with Freeway frontage in SC Suburban Commercial districts, the maximum height of the sign may not exceed the eave height of the structure to which it most closely relates. Sign must be adjacent to and orient to the Freeway.

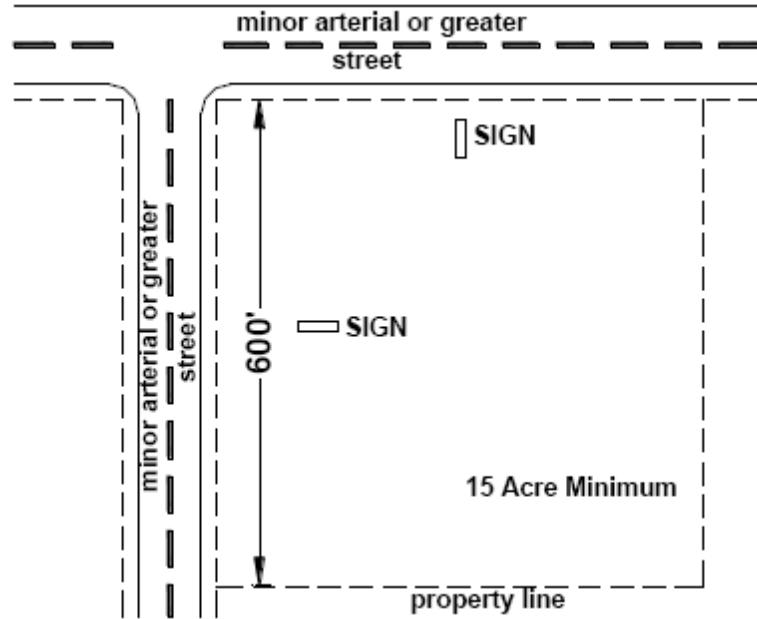
2. Freestanding Commercial Signs are allowed only on developed commercial property established in the appropriate zones as set forth in Section 7.5.C, Summary of Permitted Signs. One (1) freestanding sign shall be allowed in the O zone only when the premises has a minimum of two (2) acres, subject to the requirements set forth in Section 7.5.F, Sign Standards. One (1) Low Profile Sign shall be allowed in the O zone when the premises has less than two (2) acres subject to the requirements set forth in Section 7.5.F, Sign Standards, above.
3. A premises with more than one hundred fifty (150) feet of frontage shall be allowed to use one (1) Freestanding Commercial Sign or any number of Low Profile Signs as long as there is a minimum separation between signs of one hundred fifty (150) feet.

In lieu of one (1) Low Profile Sign every one hundred fifty (150) feet, hospital uses may have one (1) low profile sign located at each driveway.

4. Premises with less than seventy-five (75) feet of frontage may be combined in order to utilize signage corresponding to the resulting frontage as described in the preceding two (2) paragraphs.
5. No more than one (1) Freestanding Commercial Sign shall be allowed on any premises except when the site meets one (1) of the following sets of criteria:
 - a. The building plot, as recognized on an approved Plat or Site Plan, must be twenty-five (25) acres or more in area with at least one thousand (1,000) feet of continuous unsubdivided frontage on any major arterial street or higher (as classified on the Thoroughfare Plan) toward which one (1) additional Freestanding Commercial Sign may be displayed (see diagram below); or



- b. The Building plot, as recognized on an approved Plat or Site Plan, must be fifteen (15) acres or more in area with at least six hundred (600) feet of continuous unsubdivided frontage on any major arterial street or higher (as classified on the Thoroughfare Plan) and the site must have additional frontage on a street classified as a minor arterial or greater on the Thoroughfare Plan, toward which the additional Freestanding Commercial Sign may be displayed.



6. Any sign where two (2) or more panels have separate supports extending to them shall be considered to be more than one (1) Freestanding Commercial Sign, even where only one (1) main support extends to the ground.
7. Sites with limited or no street frontage, due to a proliferation of pad sites, that are not contained within the building plot, as defined by the Administrator, and are fronting along a street classified as a collector or greater on the Thoroughfare Plan, will be allowed the area of the sign to be less than or equal to the square of one-sixth of the distance from the closest portion of the sign to the curb or pavement edge, with the maximum area not to exceed two hundred (200) square feet.
8. Any site defined as a single building plot, and containing one (1) or more pad sites, shall be permitted to erect a Freestanding Commercial Sign in accordance with Section 7.5.N, Freestanding Commercial Signs, and to the standards of Section 7.5.N.1.a, Allowable Area, with the maximum area not to exceed two hundred (200) square feet. In addition, each pad site will be permitted one (1) Low Profile Sign per pad site according to the restrictions of 7.5.F, Sign Standards.

O. Fuel Price Signs.

Facilities with fuel sales will be allowed one (1) additional sign for the purposes of fuel pricing, either freestanding or attached, per premises.

1. The area of the fuel price sign shall not exceed twenty-four (24) square feet.
2. Fuel pricing may be incorporated into the allowable square footage of a Freestanding Commercial Sign or Attached Sign.
3. This sign shall follow the setback requirements for a Freestanding Commercial Sign and shall not be located within the right-of-way.

P. Grand Opening Signs.

1. Flags, commercial banners, and balloons, which advertise a business's grand opening, may be displayed for one (1) consecutive fourteen-day period, selected by the business owner, within sixty (60) days of

the granting of the initial Certificate of Occupancy, a change in the use, or of a change in the name of the business. A permit is required.

2. A Commercial Banner:
 - a. Shall advertise only the name of, uses of, or goods or services available within the building, or tenant lease space, to which the sign is attached;
 - b. Shall be parallel to the face of the building;
 - c. Shall not be cantilevered away from the structure;
 - d. Shall not extend more than one (1) foot from any exterior building face, mansard, awning, or canopy;
 - e. Shall not obstruct any window, door, stairway, or other opening intended for ingress or for needed ventilation or light; and
 - f. Shall not be attached to any tree, fence, or public utility pole.

Q. Hanging Signs.

- a) Hanging signs shall be suspended from canopies or awnings and located in front of building entrances, perpendicular to the façade.
- b) A maximum of one (1) hanging sign per building entrance is allowed.
- c) The hanging sign shall not exceed four (4) square feet in size and shall have a minimum of eight (8) feet of clearance from the walkway grade, four (4) inches of clearance from the building face, and eight (8) inches of clearance from the edge of the canopy/awning.
- d) Hanging signs located in or over the public right-of-way shall require a Private Improvement in the Public Right-of-Way agreement (PIP) in addition to the necessary Building Permit.

R. Home Occupation Sign.

1. A person having a legal home occupation may have one (1) sign on the building or porch of a residence.
2. The sign may contain only the name and occupation of the resident.
3. It shall be attached directly to the face of the building or porch.
4. It shall not exceed two (2) square feet in area, shall not be illuminated in any way, and shall not project more than twelve (12) inches beyond the building.
5. No display of merchandise or other forms of commercial communication shall be allowed within a residential area, unless same are in existence prior to the adoption of the UDO in connection with a use that is presently a lawful nonconforming use within the district.
6. Such a nonconforming sign may be maintained until the nonconforming use of the building ceases, subject to the requirements for maintenance herein. Discontinuance of the use of such a sign for more than three (3) months shall prevent future use, even if the nonconforming use of the premises is continuous.

S. Low Profile Signs.

In addition to meeting the other requirements of this Section, Low Profile Signs are subject to the following:

1. A premises with less than seventy-five (75) feet of street frontage shall be allowed to use one (1) Low Profile Sign in lieu of a Freestanding Commercial Sign;

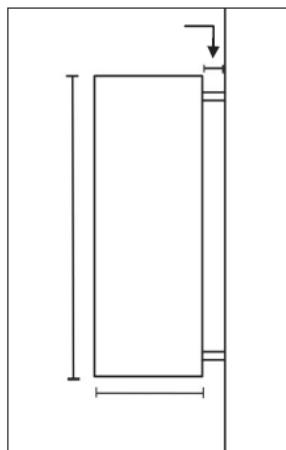
2. Each single building plot containing one (1) or more pad sites, shall be permitted one (1) Low Profile Sign per pad site according to the restrictions of 7.5.F, Sign Standards; and
3. In SC Suburban Commercial, WC Wellborn Commercial, BP Business Park, and BPI Business Park Industrial, one (1) Low Profile Sign per structure is permitted.

T. Non-Commercial and Political Signs.

This Section does not regulate the size, content, or location of non-commercial signs except as follows:

1. No commercial message shall be shown on any non-commercial sign.
2. No non-commercial sign:
 - a. May be greater than fifty (50) square feet in size;
 - b. May be located within public road right-of-way of the State of Texas or the City of College Station;
 - c. May be located off the premises of the property owner who is displaying the sign; and
 - d. May be located within any sight distance triangle as defined in Section 7.2.C, Visibility at Intersections in All Districts, or where determined by the Administrator as a location that would hinder intersection visibility. This provision is necessary to avoid clutter, proliferation, and dangerous distraction to drivers caused by close proximity of such signs to automobile traffic, to avoid damage to automobiles which may leave the paved surface intentionally or by accident, and to avoid the necessity for pedestrians to step into the roadway to bypass such signs. No regulatory alternative exists to accomplish this police power obligation.
3. In the event that any non-commercial sign is located in a public right-of-way of the State or City, the City shall remove it.
4. All non-commercial signs addressing a particular event are allowed up to ninety (90) days prior to the event and shall be removed within ten (10) days after.

U. Projection Signs.



City of College Station, Texas

Projection signs will be allowed in the MU Mixed-Use District with the following restrictions:

- 1) One (1) projection sign per frontage along a public right-of-way will be allowed except where otherwise stated in this Section.

- 2) The total square footage of all projection signs used will be applied toward the total allowable area for attached signage.
- 3) The division and placement of allowable building signage amongst building tenants shall be the sole responsibility of the owner or property manager, and not the City of College Station.
- 4) Projection signs shall be mounted perpendicular to buildings.
- 5) Internally lit plastic signs will not be permitted.
- 6) Projection signs may utilize fabric or other flexible material provided that they remain in good condition at all times.
- 7) Projection signs shall have a minimum of eight (8) feet of clearance from the walkway grade and four (4) inches of clearance from the building face. Excluding the four-inch minimum clearance requirement, no part of a projection sign shall project more than three (3) feet from the building face.
- 8) Projection signs shall not extend above the façade of the building to which it is attached.
- 9) Buildings with one (1) story may have a sign that shall not exceed eighteen (18) square feet in size. For each additional building story, an additional eight (8) square feet of signage is allowed, up to a maximum of fifty (50) square feet per sign.
- 10) Projection signs located in over the public right-of-way shall require a Private Improvement in the Public Right-of-Way agreement (PIP) in addition to the necessary Building Permit.

V. Real Estate/Finance/Construction Signs.

- 1. One (1) Real Estate Sign not exceeding sixteen (16) square feet in total area (exclusive of stakes and posts) may be erected at any time while a property is offered for sale or lease to the public. Properties with a minimum of one hundred fifty (150) feet of frontage shall be allowed one (1) Real Estate Sign not exceeding thirty-two (32) square feet in total area. Properties with a minimum of two (2) acres and frontage on two (2) streets shall be allowed one (1) real estate sign on each frontage street with the area of the sign to be determined by the amount of frontage as stated above.
- 2. One (1) Finance Sign and three (3) Construction Signs (for a total of four (4) signs), not exceeding sixteen (16) square feet in total area each (exclusive of stakes and posts) may be erected once a building permit has been issued on a property. Properties with a minimum of ten (10) acres and one thousand (1,000) feet of frontage shall be allowed one (1) Finance Sign and three (3) Construction Signs not exceeding thirty-two (32) square feet in total area each.
- 3. Real Estate, Finance, and Construction Signs may be either attached or freestanding and only those visible from the street are limited in number.
- 4. All such signs shall be maintained by the persons in control of the premises so as to remain erect and in good repair. Such signs shall be removed by the property owner or other person in control of the premises if they are damaged, broken, or incapable of remaining erect.
- 5. Such signs must be removed by the owner or person in control of the premises when either the property has sold or been leased and/or when performance under the construction contract or subcontract (in the case of Construction Signs) has been completed. In all cases, Financing and Construction Signs shall be removed prior to issuance of a Certificate of Occupancy.

W. Roof Signs.

- 1. Signs mounted to the structural roof shall be regulated as Freestanding Commercial Signs.
- 2. Painted or applied roof signs are prohibited.

X. Special Event Signs.

1. Signs, including commercial banners and balloons, advertising or announcing a Special Event, as defined in Section 4-4.B of the Code of Ordinances, are permitted as a part of the Special Event License and shall be limited to the property holding the event.
2. The Special Event Signage is allowed up to fourteen (14) days prior to the event and must be removed within twenty-four (24) hours of the end of the event.

Y. Vehicle Signs.

1. Signs that are displayed on motor vehicles that are being operated or stored in the normal course of a business, such as signs indicating the name or the type of business, excluding all banners, that are located on moving vans, delivery trucks, trailers or other commercial vehicles are permitted; but only if the primary purpose of such vehicles is not for the display of the signs thereon, and only if such vehicles are parked or stored in areas appropriate to their use as commercial or delivery vehicles, such as service areas or locations close to the business building away from public traffic areas.
2. Signs or advertisements permanently attached to non-commercial vehicles, excluding all banners, are permitted.

Z. Signs for Conditional Uses.

1. Signs for Conditional Uses shall comply with the regulations for the zoning district in which the Conditional Use is permitted.
2. Signs for Conditional Uses in residential or rural zoning districts shall comply with Section 7.5.F, Sign Standards, "Low Profile Signs."

AA. Signs for Permitted Non-residential Uses in Residential or Rural Districts.

1. Signs for permitted non-residential uses in residential or rural zoning districts shall comply with Section 7.5.F, Sign Standards, "Low Profile Signs."
2. Signs for Places of Worship with frontage on a street classified as Freeway/Expressway on the Thoroughfare Plan are allowed one (1) "Freestanding Sign" in accordance with Section 7.5.N, "Freestanding Commercial Signs" or "Low Profile Signs" in accordance with Section 7.5.F, Sign Standards, "Low Profile Signs." The "Freestanding Sign" must be adjacent to and orient to the Freeway/Expressway.
3. Signs for Places of Worship and Government Facilities in residential or rural zoning districts may utilize signage in accordance with Section 7.5.I, Sign Standards, "Attached Signs" and Section 7.5.J, "Commercial Banners."

BB. Abandoned, Damaged, or Unsafe Signs.

1. The provisions of this Section shall apply when in conflict with the provisions of the Building Code; but where the provisions of both ordinances are consistent, the enforcement of either shall be permissible and remedies or penalties cumulative.
2. Nonconforming signs that have become deteriorated or damaged to an extent that the cost of the reconstruction or restoration of such signs is in excess of fifty (50) percent of its replacement value exclusive of foundations, will be required to be removed or brought into full compliance with the current sign regulations.
3. All abandoned signs and their supports shall be removed within sixty (60) days from the date of abandonment. All damaged signs shall be repaired or removed within sixty (60) days. The Administrator shall have authority to grant a thirty-day time extension where he determines there is a reasonable necessity for same.

4. Discontinuance of use or removal of any nonconforming sign or any sign in connection with a nonconforming use shall create a presumption of intent to abandon said sign. A nonconforming sign that is damaged and not repaired within sixty (60) days shall be presumed to be abandoned.
5. When a building is demolished, the associated signs and sign structures shall also be removed.

CC. Signs in the Extraterritorial Jurisdiction.

All off-premise and portable signs shall be prohibited within the Extraterritorial Jurisdiction of the City of College Station.

DD. Campus Wayfinding Signs.

1. A campus wayfinding sign:
 - a. May be utilized as part of a Planned Development District (PDD) or unified development that is at least twenty (20) acres in size, contains multiple buildings and that may include multiple building plots;
 - b. A maximum of one (1) campus wayfinding sign shall be allowed per intersection of two (2) primary circulation drive aisles, when parking is not provided along the drive aisle; or intersection of a primary circulation drive aisle and public way, when parking is not provided along the drive aisle and public way;
 - c. All signs shall be internal to the development and shall not be located along a public right-of-way or at the intersection of a primary circulation aisle or public way and right-of-way.
 - d. Shall be limited in height to no greater than six (6) feet, measured from the elevation of the curb or pavement edge, with a maximum total sign area of thirty (30) square feet;
 - e. Shall not be located within a site visibility triangle.
 - f. All campus wayfinding signs shall be submitted as part of a sign package for the development; and,
 - g. Shall utilize a common design or theme throughout the development and contain no commercial logo or graphics.

Per Ordinance No. 2011-3348 (May 26, 2011)

EE. Electronic Reader Boards.

In addition to meeting the other requirements of this Section, Electronic Reader Boards (ERB) are subject to the following requirements:

1. The sign display (message) change shall be instantaneous; scrolling, fading, or animation between messages is prohibited;
2. No electronic reader board shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a light meter capable of measuring in foot candles at a distance based upon sign area, measured as follows:

Measurement distance = $\sqrt{\text{sign display area of ERB} \times 100}$
3. The sign shall be equipped with automatic brightness control keyed to ambient light levels;
4. In the event of a malfunction, the sign display must go dark; and,
5. Electronic Reader Board size is limited to thirty (30) percent of the allowable sign area.

(Ord. No. 2012-3449 , Pt. 1(Exh. I), 9-27-2012; Ord. No. 2012-3450 , Pt. 1(Exh. E), 9-27-2012; Ord. No. 2013-3521 , Pt. 1(Exh. J), 9-12-2013; Ord. No. 2014-3547 , Pt. 1(Exh. A), 1-9-2014; Ord. No. 2014-3588 , Pt. 1(Exh. A), 7-24-2014; Ord. No. 2014-3624 , Pt. 1(Exh. K), 12-18-2014; Ord. No. 2016-3792 , Pt. 1(Exh. E), 7-28-2016; Ord. No. 2016-3845, Pt. 1(Exh. C), 12-8-2016; Ord. No. 2018-4001 , Pt. 1(Exh. E), 4-12-2018)

EXHIBIT D

Sec. 10.3. Penal Provisions.

A. Within Corporate Limits.

Any person violating any provision of this UDO, within the corporate limits of the City of College Station, shall be guilty of a misdemeanor, and upon conviction, shall be fined pursuant to the General Penalty set out in Section 1-5, of the Code of Ordinances. Prosecution or conviction under this provision shall never be a bar to any other relief for violations of this UDO.

B. Outside Corporate Limits.

Any person violating any provision of this UDO, outside the corporate limits of the City, but within the City's extraterritorial jurisdiction, shall not be considered as committing a misdemeanor, nor shall any fine provided in Section A above be applicable; however, the City shall have the right to institute an action in a court of competent jurisdiction to enjoin the violation of any provision of this UDO.

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kaela Olson on behalf of John Hightower

Bar No. 9614200

kolson@olsonllp.com

Envelope ID: 68283964

Status as of 9/15/2022 12:28 PM CST

Associated Case Party: Shana Elliott

Name	BarNumber	Email	TimestampSubmitted	Status
Yvonne Simental		ysimental@texaspolicy.com	9/15/2022 10:52:02 AM	SENT
Robert Henneke		rhenneke@texaspolicy.com	9/15/2022 10:52:02 AM	SENT
Chance Weldon		cweldon@texaspolicy.com	9/15/2022 10:52:02 AM	SENT
Christian Townsend		ctownsend@texaspolicy.com	9/15/2022 10:52:02 AM	SENT

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kaela Olson on behalf of John Hightower

Bar No. 9614200

kolson@olsonllp.com

Envelope ID: 68283964

Status as of 9/15/2022 12:28 PM CST

Associated Case Party: City of College Station, Texas

Name	BarNumber	Email	TimestampSubmitted	Status
John Hightower	9614200	jhightower@olsonllp.com	9/15/2022 10:52:02 AM	SENT
Adam Falco	24055464	afalco@cstx.gov	9/15/2022 10:52:02 AM	SENT
Allison Killian	24099785	akillian@olsonllp.com	9/15/2022 10:52:02 AM	SENT