

Agenda

CITY OF NEVADA

424 E FM 6 NEVADA, TX 75173 | 972-853-0027



AGENDA

CITY COUNCIL MEETING

Tuesday, November 7, 2023

7:00PM at City Hall

Mayor – Benito Ponce

Council Member Place 1 – Mike Laye

Council Member Place 2 – Donald Deering

Council Member Place 3 – Kerrie Longoria

Council Member Place 4 – Clayton Laughter

Council Member Place 5 – Frank Hudson

REGULAR MEETING

1. Call to Order and Declaration of Quorum- Time:
2. Invocation.
3. Pledge of Allegiance to the United States of America -
I pledge Allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with Liberty and Justice for all.
4. Pledge of Allegiance to the Texas Flag -
Honor the Texas flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.
5. Public Comment –

Citizens are invited to address the meeting with public comments. Comments regarding items for which notice has not been given will be limited to three minutes. Responses shall be in accordance with Sec. 551.042 of the Texas Government Code. Comments regarding an item on the agenda may be given before or during discussion of that item when recognized by the Chair. An intentional act intended to disrupt a government meeting is a violation of law.

REPORTS

6. Reports:
 - a. City Secretary Report
 - b. City Attorney Report
 - c. Code Enforcement Report
 - d. Financial Report (2nd Council Meeting)
 - e. Mayor Pro Tem Report
 - f. Mayor's Report/Status
 - g. NVFD Report (2nd Council Meeting)

CONSENT AGENDA: ACTION

7. Approval of Previous Meeting(s) Minutes – October 17, 2023

REGULAR AGENDA

8. Discuss and consider action on City of Nevada citizen, Jose Valencia's Board & Committee application for the Planning & Zoning Commission.
9. Discuss and consider action on Ordinance O110723; Sign Regulations
Summary: An ordinance of the City of Nevada, Collin County, Texas, establishing regulations and requirements for signage in the city; providing a repealing clause; providing a severability clause; providing for a penalty of fine not to exceed the sum of five hundred dollars (\$500.00) for each offense; and providing an effective date.
10. Discuss and consider action on the quote provided by North Texas Paving LLC, for the grading and paving of the Nevada City Hall parking lot.
Summary: City Secretary, Morgan Kowaleski can speak on this agenda item
11. Discuss and consider action on the Audit Engagement Letter for 2023 provided by Murrey Paschall & Caperton PC.

FUTURE AGENDA ITEMS

12. Future Agenda Items

Future agenda items shall be designated by the Mayor. In addition, a motion and a second from any two Councilpersons shall be sufficient to add an agenda item for a future meeting. Staff and counsel shall have prior consent of the Mayor to add an agenda item for a future meeting.

- | | | |
|----|-----|-----|
| 1. | 6. | 11. |
| 2. | 7. | 12. |
| 3. | 8. | 13. |
| 4. | 9. | 14. |
| 5. | 10. | 15. |

13. Executive Session - Time: _____

14. Regular Session: Reconvene from Executive Session - Time: _____

15. If required, act on items reviewed in Executive Session.

16. Adjournment / Closing - Time: _____

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting, the Council reserves the right to adjourn into executive session on any of the above-posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of an interest in real property], 551.073 [contract for gift to City], 551.074 [certain personnel deliberations] or 551.076 [deployment/ implementation of security personnel or devices] 551.087 [deliberation regarding economic development negotiations].

The City of Nevada is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. **Please call the City Secretary at (469) 788-7610 Ext: 102 for information.**

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the other boards, commissions and/or committees shall not deliberate or decide any matters relating to items listed on this agenda and no minutes shall be prepared.

A member or member of the government body holding this meeting may attend via videoconference pursuant to the provisions of Tex. Gov't Code 551.127. In the event that a member or members of the government body holding this meeting attends via videoconference, a quorum of the government body holding this meeting will be physically present at the location identified above.

I certify that the above agenda for this meeting of the City Council of the City of Nevada, Texas, was posted on the bulletin board at City Hall, in Nevada, Texas, on **Friday, November 3, 2023, at 5:00 pm** pursuant to Chapter 551 of the Texas Government Code.



Morgan Kowaleski
Morgan Kowaleski, City Clerk

Agenda Item #6 a.
City Secretary's
Report

**Documents will be
available at the City
Council meeting.**

Agenda Item #6 b.
City Attorney
Report

Agenda Item #6 c.

Code

Enforcement

Report

**Documents will be
available at the City
Council meeting.**

Agenda Item #6 e.
Mayor Pro Tem
Report

**Agenda Item #6 f.
Mayor's Report**

Agenda Item # 7



MINUTES

CITY COUNCIL MEETING

Tuesday, October 17, 2023
7:00PM at City Hall

Mayor – Benito Ponce

Council Member Place 1 – Mike Laye
Council Member Place 2 – Donald Deering
Council Member Place 3 – Kerrie Longoria

Council Member Place 4 – Clayton Laughter
Council Member Place 5 – Frank Hudson

City Staff:
Morgan Kowaleski, City Secretary
Jim Shepherd, City Attorney

Citizens:
Eric Wellwood, Russell Newton

REGULAR MEETING

1. **Call to Order and Declaration of Quorum –**

Time: 7:05 PM

2. **Invocation –**

Mayor Benito Ponce led the invocation.

3. **Pledge of Allegiance to the United States of America –**

I pledge Allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with Liberty and Justice for all.

Those in attendance pledged allegiance to the United States of America.

4. **Pledge of Allegiance to the Texas Flag –**

Honor the Texas flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.

Those in attendance pledged allegiance to the Texas Flag.

5. **Public Comment –**

Citizens are invited to address the City Council with public comments. Comments regarding items for which notice has not been given will be limited to three minutes, prior to discussion of agenda items, and Council responses shall be in accordance with Sec. 551.042 of the Texas Government Code. Comments regarding an item on the agenda may be given before or during discussion of that item. An intentional act intended to disrupt a Government meeting is prohibited.

No public comment.

6. Reports:

a. City Secretary Report –

Good Evening everyone. I have a quick update for you.

1. I have received an update on the new website design by Revize. After approving the initial design concept, we will now be moving into the development stage. This stage is where Revize will be converting the approved designs into a functional website. I will keep the Council updated as we move forward.
2. I have reached out to JDS Pavement Marking & Repair, the company that Deuce was previously working with on the street signs project. I have not received an email back from him yet; I called their office directly and am expecting Darrell to return my call tomorrow.
3. OARS reporting has been a big topic here at City Hall. I have been in contact with Kathleen, a program specialist for TCEQ, and I am happy to say that Nevada is now current on reporting, back to January 2023. The City is required to submit their activity report by the 10th of each month. So I have put a reminder on my calendar to make sure that deadline is not missed.

b. City Attorney Report –

City Attorney Jim Shepherd spoke on the Bear Creek Development and informed the City Council that a joint meeting with the Planning & Zoning Commission is possible to help expedite the development process. Mr. Shepherd also spoke on Code Enforcement and Municipal Court activity.

c. Code Enforcement Report –

No report at this time.

d. Financial Report (2nd Council Meeting) –

No report at this time.

e. Mayor Pro Tem Report –

No report.

f. Mayor's Report/Status –

Mayor Ponce spoke on the recent cleanup of trees within the City of Nevada

g. NVFD Report (2nd Council Meeting) –

No report at this time.

CONSENT AGENDA

7. Approval of Previous Meeting Minutes – October 10th, 2023 –

Council Member Mike Laye made a motion to approve the minutes as written. Mayor Pro Tem Longoria seconded the motion. The motion was carried with a 6-0 vote.

REGULAR AGENDA

8. Discuss and take any necessary action on amending Ordinance Number 22-02; Vendors, Peddlers and Solicitors –

City Council deliberated over changes needing to be made to Ordinance Number 22-02. Mayor Benito Ponce tabled Agenda Item #8 until City Attorney Shepherd has a rough draft prepared.

9. Discuss and consider quotes provided by North Texas Paving LLC for the remainder of the pothole repairs & grading and paving for the parking lot at Nevada City Hall –

City Secretary Morgan Kowaleski and City Attorney Jim Shepherd spoke on this agenda item. Council Member Laye made a motion to table Agenda Item #9 until the Council has been provided with an updated quote, a list of streets for repair, and examples of the company's previous work. Council Member Deering seconded the motion to table. The motion was carried with a 6-0 vote.

10. Future Agenda Items –

Future agenda items shall be designated by the Mayor. In addition, a motion and a second from any two Councilpersons shall be sufficient to add an agenda item for a future meeting. Staff and counsel shall have prior consent of the Mayor to add an agenda item for a future meeting.

- | | | |
|-------------------------------|-----|-----|
| 1. Solicitation Ordinance | 6. | 11. |
| 2. Bid on Road Repairs | 7. | 12. |
| 3. Advertising Sign Ordinance | 8. | 13. |
| 4. | 9. | 14. |
| 5. | 10. | 15. |

11. Executive Session –

12. Regular Session: Reconvene from Executive Session –

13. If required, act on items reviewed in Executive Session –

14. Adjournment/Closing –

Time: 8:27 PM

Benito Ponce, Mayor

Attest:

Morgan Kowaleski, City Secretary

Agenda Item # 8



Board & Committee Application

PLEASE NOTE: This application is considered to be public record.

I am interested in being considered for appointment to the following Boards & Committees:



Planning & Zoning Committee



Economic Development Committee



Land Use Committee

Name of Nominee: JOSE MANUEL MIER Y TERAN VALENCIA

Home Address: 544 HUBBARD CIR

City: NEVADA State: TX Zipcode: 75173

E-mail: jm10dallas@gmail.com

Number of years as a Nevada Resident: one

Nominated by (if not nominated by self): _____

Occupation: Builder/Contractor

Business/Company Name: Mitova Construction Services LLC

Work Address: 544 Hubbard Cir

City: Nevada State: Tx Zipcode: 75173

Work Phone: _____ Cell Phone: 2147795153

Degree(s) Earned and School Attended (i.e. Bachelor of Science from UTA)

Bachelors Degree in Architecture- Universidad UNIVER

Professional experience: (include professional memberships and previous employment)

With over 20 years of experience in the construction industry, including 7 years as a superintendent at Carleton Companies LLC, specializing in multifamily projects, I bring a wealth of expertise in project management, planning, coordination and execution. I prioritize safety, quality, and timely completion to deliver exceptional results.

Community activities: (include civic clubs, volunteer activities, service organizations, etc.)

During Winter Break, we enjoy helping homeless people in Dallas downtown. We provide food and clothing on shelters. We also prepare meals to take to people in need. In addition we frequently volunteer in different non-profit organizations.

Comments/Special qualifications:

I believe that my skills and knowledge would be valuable in contributing to the committee's objectives.

I am committed to actively participating in the planning and decision-making processes to ensure the best outcomes for our community.

Thank you for considering my application.

Agenda Item # 9

ORDINANCE NO. 0110723
(Sign Regulations)

AN ORDINANCE OF THE CITY OF NEVADA, COLLIN COUNTY, TEXAS, ESTABLISHING REGULATIONS AND REQUIREMENTS FOR SIGNAGE IN THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Nevada has determined its sign regulations should be revised, and established as a separate ordinance from the Comprehensive Zoning Ordinance; and

WHEREAS, the purpose of this ordinance is to establish reasonable regulations for the design, construction, installation, and maintenance of all exterior signs within the City in order to:

- A) Balance the right of individuals to convey their messages and the right of the public to be protected against the unrestricted proliferation of signs;
- B) Further the objectives of the City's Comprehensive Plan;
- C) Protect the public health, safety, and welfare;
- D) Reduce traffic hazards;
- E) Facilitate the creation of an attractive and harmonious community;
- F) Protect property values;
- G) Preserve the right of free speech exercised through the use of signs containing noncommercial messages.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, COLLIN COUNTY, TEXAS:

SECTION 1. DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BULLETIN BOARD. A sign containing information where a portion of that information may be periodically changed, provided that the change shall be effected by the replacement or interchange of letters, numbers, or other graphic symbols by insertion, attachment, or similar means. The use of slate, chalkboard, cardboard, or similar material with pencil, chalk, crayon, or similar types of marking is prohibited.

CANOPY. A roof-like structure which extends horizontally more than 1 foot from the face of a building wall and does not have a structural border.

CHIEF BUILDING OFFICIAL. The person designated by the The Mayor. In the event no Chief Building Official is named or available, the City Code Enforcement Officer shall perform the Building Official's duties described in this Ordinance.

COPY. Logos, characters, symbols, or any other portion of a sign which conveys a message or information.

ERECT. To build, construct, attach, hang, place suspended, or affix, and shall also include the painting of signs on the exterior surface of a building or structure, and also includes the painting or affixing of signs to the exterior or interior surface of windows, and includes signs located interior to a building but readily visible from the exterior.

ILLUMINATED SIGN. Any sign which has characters, letters, figures, designs, or outline illuminated directly or indirectly by electric lights, luminous tubes, or other means.

Monument Sign. A freestanding sign supported permanently upon the ground in a fixed location by a solid base and not attached to any building and significant to an entrance or street frontage and which is 5 feet in height or less, with a maximum area of 40 square feet.

Moving sign. Any sign, sign appendages or apparatus designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device. Moving signs, and/or any sign appendage that moves, are prohibited in the City and its extraterritorial jurisdiction.

Mural. Pictures or artwork painted, drawn or applied on the exterior walls that does not depict or contain advertising, logos, or images of a product or service available on-site or off-

location. Murals are not used to advertise products or services offered or sold off-location or on-site.

Neglected sign. A sign that has any missing panels, burned out lights, missing letters or characters, has rust, has loose parts, has damage, faded from its original color, supports or framework with missing sign or parts, or is not maintained. Neglected signs are prohibited in the City and its extraterritorial jurisdiction.

Nonconforming sign. Any sign and its supporting structure that does not conform to all or any portion of this chapter and was in existence and lawfully erected prior to the effective date of this chapter; and was in existence and lawfully located and used in accordance with the provision of any prior ordinances applicable thereto, or which was considered legally nonconforming there under, and has since been in continuous or regular use; or was used on the premises at the time it was annexed into the City and has since been in regular and continuous use continuously existed as a nonconforming sign.

Nonresidential zoning district. A zoning district in which property is zoned or used for purposes other than only residential purposes as defined by the Zoning Ordinance, as it exists or may be amended. Mixed use properties shall be considered to be within a nonresidential zoning district.

Notice. Notice required by this chapter shall be sufficient if it is affected by personal delivery, registered or certified mail, return receipt requested, by the United States Postal Service and/or posting at premises.

Off-premise Sign. Any sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or other commercial message which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where the sign is located. For purposes of this definition, any portion of a lawfully permitted special event where public streets have been closed to traffic in accordance with this Code shall be considered a single premises.

ON-PREMISES SIGN. 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, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

PROJECTING STRUCTURES. Covered structures of a permanent nature which are constructed of approved building material, specifically excluding canvas or fabric material, and where those structures are an integral part of the main building or permanently attached to a main

building and do not extend over public property. **PROJECTING STRUCTURES** include marquee, canopy, and fixed- awning-type structures.

ROOF LINE. The height which is defined by the intersection of the roof of the building with the wall of the building; except, for mansard-type roofs, the **ROOF LINE** means the top of the lower slope of the roof. Roofs with parapet walls completely around the building and not exceeding 4 feet in height may be considered as the **ROOF LINE** for the purposes of this ordinance.

SIGN. An outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

STRUCTURAL TRIM. The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.

VEHICLE. Any automobile, truck, camper, tractor, van, trailer, or any device capable of being transported, and shall be considered a **VEHICLE** in both moving and stationary modes, irrespective of state of repair or condition.

SECTION 2. SIGN REGULATIONS

A. GENERAL

1. No sign shall use a rotating beacon, beam or flashing illumination resembling an emergency signal. No sign shall be erected so as to project into the public right-of-way or obstruct the view of the public right of way by those traveling any street or alley.
2. No person may affix, paste, stick, scatter, throw, place or display banners, signs or other advertising media upon any telephone or electric light pole or other public property or within any easement or designated right of way of any public street or easement.
3. **No sign may be in any street right-of-way or public easement, including medians, and/or obstruct vision of traffic or pedestrians or drivers, unless as specifically authorized by this ordinance.**

SECTION 3. CHURCHES AND PUBLIC SCHOOLS

Churches or schools may have illuminated signs, but not of a flashing or intermittent type. Such signs shall not exceed thirty-six (36) square feet in area when attached to the building or when erected where allowed on the property; provided, however, that no such sign shall be erected above the height of six feet; and provided further, that no such sign shall be erected above or upon, or be attached to the roof of any building. (Two signs per church or school are permitted, unless city council approval is requested, and received.)

SECTION 4. GARAGE SALE, REAL ESTATE, OTHER SIGNS

Nevada residents desiring to may place signs, each of them no more than 4 square feet in area, nor more than 4 feet in height, as measured from grade level to the top of the sign to advertise the sale , in the yard of their home..

SECTION 5. TEMPORARY POLITICAL SIGNS

All political signs shall comply with all state and federal requirements, including Tex. Election Code, Chapter 255, and Tex. Transportation Code, Chapters 392 and 393.

<http://www.statutes.legis.state.tx.us/Docs/EL/htm/EL.255.htm>

SECTION 7. (RESERVED FOR FUTURE USE)

SECTION 8. NONCONFORMING SIGNS.

A permanent sign erected within the City prior to the effective date of this ordinance, which does not conform to the regulations of this ordinance, shall be deemed to be a nonconforming sign which shall be allowed to continue, with normal maintenance and repair only; provided, however, a nonconforming sign may not be enlarged upon, expanded, or extended, except as otherwise provided herein. It is not the intent of this section to encourage the survival of nonconforming signs; to the contrary, nonconforming signs are discouraged and contrary to the intent and purpose of this ordinance.

(A) *Obsolescence or destruction.* A nonconforming sign shall not be enlarged, expanded, extended, replaced, or rebuilt in case of obsolescence or total destruction by any means or cause.

(B) *Repair or reconstruction if damaged.* In the event a nonconforming sign is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50% of the fair market value of the sign at the time of the damage, it must be removed or brought into compliance with this ordinance.

(C) *Removal of unlawful signs.* In case any nonconforming sign is enlarged, expanded, extended, replaced, or rebuilt in violation of any of the terms of this ordinance, the The Mayor or City Secretary shall give written notice by personal service or by certified mail, return receipt requested, to the owner, lessee, or person responsible for the sign to remove the sign or bring the sign into compliance with this ordinance. If the order is not complied with within 10 days, the The

Mayor or City Secretary shall revoke the sign permit, if any, and/or cause a complaint to be filed in the Municipal Court.

(D) *Placement and removal of signs.* All signs shall be placed by the owner or the party in control of the property or with the permission of the owner or party in control, and the owner or party in control shall be responsible for the prompt removal of any sign in accordance with the provisions of this ordinance.

(E) Nonconforming temporary business signs and portable signs shall be removed or made to conform to the provisions of this ordinance within 30 days after the effective date of this ordinance.

(F) Any powers and duties of the Building Official assigned in this ordinance may be assigned or shared with the Code Enforcement officer, at the Mayor's discretion.

SECTION 9. EXEMPT SIGNS.

- (1) Signs erected by or on behalf of the City in the operation of its services that include but are not limited to public safety, health and general welfare.
- (2) Signs required by Federal, State, or local law.
- (3) Signs containing government messages that are approved by the City on any sign, both on and off City property.
- (4) Signs erected or placed as part of a City activity and/or sponsorship. These include but are not limited to municipal banners, special events, kiosks, monument signs and government awareness signs.
- (5) Any sign specifically authorized by the City Council because of a compromise of litigation or other lawful disputed claim.
- (6) A sign required to be located by Federal, State or local law in order to enforce a property owner's rights.

SECTION 10. PERMIT REQUIRED.

- (1) Sign permit required. No sign, other than those signs allowed without a permit, shall be erected, placed, attached, secured, altered, or displayed to/on the ground, any building, or any structure, until a permit for such sign has been issued by the City. The applicant for a permit shall provide plans, documents and other information required by the Building

Official in connection with the application to demonstrate compliance with all City regulations.

(2) Interpretation and administration. The Building Official shall be responsible for interpreting and administering this chapter.

(3) Temporary exemptions. The Building Official shall have the authority to approve temporary exceptions to the regulations set forth in this chapter in emergency circumstances or in the interest of public safety.

(4) Permit fee. Every application for a permit fee shall be submitted along with a nonrefundable fee in an amount determined by the Department's current consolidated fee schedule as approved by the City Council. If no fee is stated in the fee schedule, the fee per sign shall be \$50.00. The permit fee for a sign permit shall be doubled when the installation or alteration of a sign is commenced or completed before the necessary permit is obtained.

SECTION 11. VARIANCES.

Variances

- (1) Requests for variances to sign regulations shall be made in writing and heard by the Zoning Board of Adjustment (ZBA), which may be composed of the City Council; at a public hearing. An application requesting a variance to the sign regulations may be obtained from Development Services. The application requires written authorization from the property owner before being filed.
- (2) Before the 10th calendar day of the date of the public hearing conducted by the ZBA, written notice of the public hearing shall be sent by its deposit in the United States mail to each owner, as indicated by the most recently approved municipal tax roll of property within 200 feet of the property on which the variance is proposed. The notice shall include a description of the time and place of such hearing, a description of the location of the subject property, and a description of the requested variance. In addition, the notice shall be published in the official newspaper of the City stating the time and place of such hearing, a minimum of 10 calendar days prior to the date of the public hearing.
- (3) To approve a request for a variance, the ZBA shall determine that the request meets not less than three of the following four criteria:
 - a. The proposed sign shall not adversely impact the adjacent property

- (visibility, size and the like).
 - b. The proposed sign shall be of a unique design or configuration.
 - c. The variance is needed due to restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected; or
 - d. The variance will substantially improve the public convenience and welfare and does not violate the intent of this chapter.
- (4) The applicant may appeal the ZBA's decision to deny or grant the variance by submitting an appeal in accordance with state law.

SECTION 12. Precedent of regulations

Where the rules and regulations of any other ordinance conflict with this chapter, the regulations contained herein shall prevail and take precedence over any other regulation, including provisions as recorded in any zoning overlay district.

SECTION 13. Revocation of permit

The Building Official may suspend or revoke any sign permit issued in error or on the basis of incorrect or false information supplied, or whenever such permit was issued in violation of any provision of this chapter, any other ordinance of the City, the laws of the State or the Federal government. Any sign that is the subject of a revoked permit shall be immediately removed by the person in control of the sign or the property on which the sign is located. Such decision may be appealed within 15 days to the City Council, by filing a written appeal with the City Secretary within the 15 day period.

SECTION 14. Changes

After a sign permit has been issued by the Building Official, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of said sign permit without prior approval by the Building Official.

SECTION 15. Removal of signs in violation

(1). Removal/impoundment of prohibited signs.

All prohibited signs or noncompliant signs shall be considered a public nuisance and are prohibited by this chapter in the City and its extraterritorial jurisdiction. Upon identification of any prohibited sign, the Building Official shall provide written notification of the violation to the owner of the property on which the prohibited or noncompliant sign is located and/or the installer of the sign. If any sign is determined to present an immediate danger to public health, safety, or welfare, the City may remove it immediately upon receiving a written court order for such removal.

It shall be unlawful for any person receiving such written notification or having an expired sign permit to fail to comply with the direction of the notification issued under subsection (1). In the event the person fails to comply with such direction, the Building Official is authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the property on which such sign was located.

(2) Impounded signs and recovery.

Impounded signs may be recovered by the owner within seven calendar days from the date of the written notification of impoundment by paying a fee determined by the City's current consolidated fee schedule as approved by the City Council. The fee is \$10.00 per sign if not otherwise stated in the fee schedule.

(3) Impounded signs not recovered within seven calendar days from the date written notification of impoundment is sent, may be disposed of by the City in any manner the City so elects.

(a) Temporary nuisance sign.

(1) Violation and removal. It is unlawful for a person to erect or place temporary nuisance signs. Temporary nuisance signs are prohibited. A temporary nuisance sign may be immediately removed and impounded by any City employee or any person or organization authorized by the City to remove such temporary nuisance signs.

(2) Disposal of temporary nuisance signs. Temporary nuisance signs may be disposed of as follows:

- a. Signs made of paper, cardboard, plastic or other similar materials and their supports may be disposed of or destroyed immediately.
- b. Signs made of materials other than paper, cardboard, plastic or other similar materials shall be stored for seven calendar days. The person responsible for the sign may reclaim the sign and its supports within such time period. If the sign and/or supports have not been claimed by the expiration of the storage period, the City may discard them or dispose of them at the sole discretion of the Mayor.
- c. Responsible person. The person(s) physically placing the temporary nuisance sign and/or the owner of the temporary nuisance sign are both individually and severally responsible for the posting and removal of said sign. It is prima facie evidence of a person's ownership of a temporary

nuisance sign that the person's name, address, telephone number or other contact information is on a temporary nuisance sign, or the person is otherwise described or identified on the sign.

- d. Obligation to remove. The City, at the Mayor's sole discretion, may require the person responsible for a temporary nuisance sign to remove the sign. If so directed, the person responsible for the temporary nuisance sign must remove the sign at their own cost within 24 hours of the City sending notice to remove such sign. The City may provide notice under this section in person, by email, by mail or by telephone. A person's failure to remove a temporary nuisance sign after receiving such notice from the City shall constitute an offense separate from that of the violation of posting the temporary nuisance sign.

(b) Maintenance of signs and neglected and abandoned signs.

- (1) All signs, including but not limited to nonconforming signs, shall be maintained to consistently have a neat appearance. Sign panels and/or sign graphics shall be secured and maintained so that they do not separate from, hang from or fall from a sign. Sign panels and sign graphics shall not be faded, ripped or have any other damage.
- (2) Abandoned signs and neglected signs shall be considered a public nuisance and are prohibited by this chapter. Upon written notification by the Building Official, such abandoned signs shall be removed from the premises, and neglected signs shall be repaired or removed from the premises by the owner, agent or person having beneficial use of the property on which such sign is located. The notification shall state that the offending sign shall be repaired or removed by the owner, agent or person having beneficial use of the property on which such sign is located within 10 calendar days after written notification to do so by the Building Official. If any sign is determined to present an immediate danger to public health, safety or welfare, the City shall remove it immediately upon obtaining a written court order for such removal. Within 10 calendar days of the removal of the sign, the Building Official shall notify the owner of the property on which the sign was located of the reason(s) for the removal of such sign.
- (3) It shall be unlawful for any person receiving such written notification to fail to comply with the direction of the notice. In the event a person fails to comply with such notice provided under this section, the Building Official is authorized to cause the removal and impoundment of such sign upon the issuance of a written court order authorizing the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person

having beneficial use of the property on which such sign was located. The City shall invoice the owner, agent or person having beneficial use of the property for such expenses incurred by the City.

Sec. 16. Nonconforming signs

(1) A nonconforming sign may not be:

- a. Changed to another nonconforming sign;
- b. Structurally altered so as to prolong the life of the sign;
- c. Expanded to increase the size;
- d. Changed to use a different method or technology to convey a message;
- e. Re-established after its removal for a period of more than 30 calendar days;
- f. Moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to all of the regulations of this chapter;
- g. Re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of its fair market value prior to the time of destruction;
- h. Maintained if the sign has fallen to the ground; or
- i. Maintained if the sign leans such that the angle between the sign and the ground is 70 degrees or less.

(2) Maintenance. A nonconforming sign may be maintained as follows:

Maintenance operations may be performed on the sign. For purposes of this section, "maintenance operations" means the process of keeping a sign in good repair. Maintenance operations include:

- a. Cleaning;
- b. Painting;
- c. Repair of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all repairs performed during any consecutive 365 calendar day period is not more

- than 60 percent of the cost of erecting a new sign of the same type at the same location; and
- d. Replacement of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all replacement of parts performed during any consecutive 365 calendar day period is not more than 60 percent of the cost of erecting a new sign of the same type at the same location. The 365 calendar day period limitation shall not apply to a sign that has been blown down or otherwise destroyed as described in subsection (a) above. Examples of actions that are not maintenance operations and are therefore prohibited include, without limitation:
- i. Converting a sign from a multiple pole structure to a monopole structure.
 - ii. Replacing wooden components with metal components.
 - iii. Increasing the area or height of a sign.
 - iv. Adding illumination to a nonilluminated sign.
 - v. Adding additional display faces.
 - vi. Converting a sign to utilize animated display or moveable copy technology, including but not limited to signs featuring Tri-Vision technology; and
 - vii. Updating the technology in an already existing animated display or moveable copy signs. If a sign is dismantled for any purpose other than an alteration or maintenance operation permitted hereunder, the sign may not be altered, reconstructed, repaired, or replaced, and the owner shall remove the sign or bring it into compliance with this chapter and all other applicable ordinances.
- (2) Ordinary repairs and maintenance, including the removing and replacing of the outer panels are permitted, provided that the panels are replaced with identical panels and that no structural alterations or other work which extends the normal life of the nonconforming sign shall be permitted.
- (3) Single panels on multi-panel monument signs for multi-tenant shopping centers may be changed to reflect tenant changes.
- (4) A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair that is authorized under this chapter. In order to preserve the nonconforming sign status, the person removing the sign must inform the Building Official, in writing, before the sign is removed. If the responsible party fails to inform the Building Official, any re-erected sign will be considered a new sign and must comply with the then-existing requirements under this chapter.

- (5) Notwithstanding any other provision of this chapter, any sign that is a legally existing nonconforming sign hereunder may be relocated on the same lot or tract of land if the sign is required to be removed from its present location because the property on which the sign is located is acquired by any governmental agency or other entity which has or could have acquired the property through the exercise of its power of eminent domain or because such removal is necessary to accommodate a City capital improvement project, provided, however, such relocated sign shall be placed to comply with all setbacks and other locational requirements as set forth in this chapter.
- (6) Change to a conforming sign. A nonconforming sign may be altered to become or be replaced with a conforming sign by right. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.
- (7) If there is no sign in place on a sign structure or building wall for six consecutive months, the nonconforming rights are lost and a nonconforming sign may not be re-established. If the sign structure is unused for less than six consecutive months, a nonconforming sign may be re-established.

Nonconforming sign registration and amortization.

- (1) Registration. The operator and/or owner of any nonconforming sign shall register such nonconforming sign and obtain from The Mayor a certificate of nonconforming rights within 12 months after the sign becomes nonconforming or 12 months after the date of publication of the 2010 version of this chapter, whichever occurs later. If a sign qualifies as a nonconforming sign and the operator and/or owner registers the sign with the City, The Mayor shall issue a certificate of nonconforming rights. Failure to obtain this certificate of nonconforming rights within the requisite time shall terminate the sign's status as a nonconforming sign and such sign shall be considered an illegal sign.
- (2) Amortization. Any nonconforming sign may be amortized and removed by the City in accordance with applicable law.

Sec. 17 Signs allowed; permit required

For the purpose of this chapter, the words below shall be defined as set forth in this chapter, whether or not capitalized, unless the context clearly requires another meaning, and the requirements and regulations set forth in this chapter for each shall apply in the City and its extraterritorial jurisdiction:

(1) Awning/canopy sign - Nonresidential.

- a. Time. A sign permit is required and shall not be issued before the issuance of a building permit or Certificate of Occupancy.
- b. Place. Awning/canopy signs shall only be flush against the face of the awning or canopy or suspended from or extended above the edge of the awning or canopy. Awning/canopy signs shall not extend above the roofline of the adjacent building. Awning/canopy signs are permitted only in nonresidential zoning districts.
- c. Manner. The maximum height of an awning/canopy sign shall not exceed 48 inches. Suspended awning signs attached over a pedestrian walking surface shall maintain an eight-foot clearance from the pedestrian walking surface measured from the lowest hanging portion of the attachment. Awning and canopy signs shall not swing, sway or move in any manner. The width of an awning/canopy sign may extend the length of any canopy and awning but shall not extend horizontally past the edge.

(2) Banner (Wall) signs.

- a. Time.
 - i. A sign permit is required for each 14 calendar day period of display. A sign permit shall not be issued to display a banner at a property before a site plan is approved by the Planning & Zoning Commission for development of the property and a building permit or Certificate of Occupancy is issued.
 - ii. One banner sign may be placed on a building for four, i4 calendar day periods per calendar year. The periods may be combined.
 - iii. A building owner or lessee shall be permitted to place one banner on its building any time before and up to six weeks after the date of issuance of a new Certificate of Occupancy. Banner(s) displayed before and immediately following the date of issuance of the Certificate of Occupancy shall not count against the allowances for the four, i4 calendar day periods per calendar year.
 - iv. No building may have more than one banner sign at any time, whether commercial or noncommercial. Each tenant within a retail development shall be considered a building and, therefore, shall be allowed to erect a banner accordingly.
- b. Place. A banner shall be securely attached to building with a minimum of four corners attached to the surface of the building. Banners shall be

located only on primary entrance elevations of buildings or elevations facing major thoroughfares. Banners are permitted only in nonresidential zoning districts, mixed-use zoning districts or noncommercial and nonresidential uses within residential zoning districts.

- c. Manner. Banners shall not exceed the dimensions allowed for wall signs as specified in Table i. A banner shall not be placed where it blocks or impedes use of any pedestrian-traveled way.

(3) Directional signs- Mixed use.

- a. Time. A sign permit is required and shall not be issued to erect a directional sign on property before a site plan is approved by the Planning and Zoning Commission for development of the property or before issuance of a building permit for a building on the property.
- b. Place. A directional sign may be freestanding, mounted to a wall, projecting or mounted to a vertical support. Directional signs are permitted only in mixed use developments.
- c. Manner. A directional sign shall not exceed 36 square feet. The bottom of the sign shall be no closer than seven feet from the ground surface.

(4) Inflatable device signs (IDS).

- a. Time. A sign permit is required for each 14 calendar day period of display and shall not be issued before the issuance of a Certificate of Occupancy. One IDS may be erected on a lot for no more than three, 14 calendar day periods per calendar year. Only one IDS may be displayed on a lot at any given time. In the case of multiple users located on a single lot, each user is allowed to erect an IDS on the lot for up to three, 14 calendar day periods.
- b. Place. An IDS shall not be placed in required accessible parking places, or driveways that provide access to parking spaces or fire lanes, nor shall any IDS or its securing devices encroach into a public right-of-way. An IDS is permitted only in nonresidential or mixed-use zoning districts and in noncommercial and nonresidential uses within residential zoning districts.
- c. Manner. An IDS shall be secured directly to, and not suspended or floating from, the ground. An IDS shall not be placed on a roof, canopy, parking garage or awning, or suspended or floating from any building or garage. The height of an IDS shall not exceed 30 feet. Banners may be applied to an IDS. A cloud buster balloon, blimp, wind device or other similar type of apparatus is not an IDS. Temporary electrical to an IDS shall be protected from vehicle traffic where it crosses a drive aisle or parking area.

(5) Monument (individual) sign (MIS).

- a. Time. A sign permit is required and shall not be issued before the issuance of a building permit or Certificate of Occupancy.
- b. Place. An MIS is permitted in nonresidential zoning districts and on a lot within a residential zoning district that contains multi-family, daycare, school, community center, amenity center, marketing center or religious facility uses.
- c. Manner.
 - i. The design, materials, and finish of an MIS shall be masonry or match those of the primary building elements on the same lot. Sign cabinets shall be provided with borders equal to the depth of the cabinet but need not be more than one foot. Monuments shall have the appearance of a fully supported base. Architectural embellishments shall be allowed and may contribute to the required borders. Monuments may consist of freestanding channel and metalwork letters with a solid base.
 - ii. An MIS constructed in conjunction with a UDMS shall be consistent with the building elements and materials of the UDMS within the unified development on the same lot and within the unified development.
 - iii. A lot is allowed a maximum of one MIS per street frontage.
 - iv. The maximum area of an MIS is 60 square feet.
 - v. The maximum height of an MIS is eight feet.
 - vi. Tenant panels within an MIS do not require a permit, but a Certificate of Occupancy or a building permit must be issued for the tenant/user.
 - vii. An MIS is permitted to contain an electronic variable message display subject to the following conditions:
 - (A) Variable message monument displays shall only be permitted on lots adjacent to a major thoroughfare or

greater as designated in the City's thoroughfare plan, as it currently exists or may be amended.

- (B) Variable message displays integrated into wall signs are also permitted, but only one variable message display, either monument or wall, is permitted per lot.
- (C) Variable message monument displays shall comply with section 70-27 of this chapter.

(6) Monument (unified development) sign (UDMS)- Nonresidential.

- a. Time. A sign permit is required and shall not be issued to erect a UDMS on property before a sign coordination plan has been approved and a subdivision plat, preliminary site plan, and/or site plan for the property has been approved by the Planning and Zoning Commission or before issuance of a building permit for a building within the unified development zone.
- b. Place.
 - i. A UDMS shall be located within a unified development zone within a nonresidential zoning district.
 - ii. A UDMS is permitted on the same lot as an MIS, but the total number of all UDMS and MIS located within a unified development zone shall not exceed the number of lots located within the unified development zone.
 - iii. A UDMS shall not be located closer than 75 feet to another UDMS or an MIS on the same lot.
- c. Manner.
 - i. A UDMS shall be constructed of materials and a design consistent with the buildings located on the property.
 - ii. The maximum area of a UDMS shall be based on the size of the unified development zone. The maximum area of a UDMS for a development zone of five acres or less is 60 square feet. For every whole acre over five acres, the area of the UDMS may be increased by 12 square feet but in no event shall the maximum area of a UDMS exceed 168 square feet.
 - m. The maximum height of a UDMS is 16 feet.
 - iv. Exceptions to maximum height of a UDMS to accommodate architectural embellishments may be considered through the review of a sign coordination plan.

- v. One UDMS is permitted per street frontage of the unified development zone. One additional UDMS is permitted along a street for each additional 750 linear feet, or portion thereof, of street frontage that exceeds 750 linear feet of street frontage.
- vi. Prior to City consideration of a unified development zone, all property owners located within a proposed unified development zone must submit notarized letters to the City authorizing the creation of the unified development zone. A lot may not be located in more than one unified development zone.
- vii. Variable messages display within a UDMS are not permitted.
- viii. Tenant panels within a UDMS do not require a permit, but a building permit or Certificate of Occupancy must be issued for the tenant/user.

(7) Monument (residential) sign (MRS).

- a. Time. A sign permit is required.
- b. Place. Monument signs may be placed on private property within a residential zoning district only at the entrance to subdivisions and shall not be issued before the issuance of a building permit or Certificate of Occupancy. Monument signs may be placed in the public right-of-way with the approval of a sign coordination plan.
- c. Manner. One monument sign, no larger than 32 square feet and four feet in height, may be located on a property having a valid permit for a model home.

(8) Mural - Nonresidential.

- a. Time. A sign permit is required and a mural facade plan shall be approved by the Building Official before placement of a mural.
- b. Place. A mural shall be located above grade and below the roof of the building and may only be located within a nonresidential zoning district. Murals shall not be applied to a roof or other similar cover of a building or structure.
- c. Manner. The maximum area of a mural shall not exceed the length or height of the exterior wall on which it is painted, drawn or applied. A mural shall not face a residential neighborhood, unless separated by a major thoroughfare.

(9) Portal - Mixed Use.

- a. Time. A sign permit is required and shall not be issued to erect a portal sign on a property before a site plan has been approved by the Planning

and Zoning Commission for development of the property or before the issuance of a building permit for a building on the property.

- b. Place. A portal may be located on private property within a mixed use development only and as approved on a site development plan. Portals which span across the public right-of-way may be erected subject to City approval and demonstration by the applicant that the portal complies with all applicable traffic engineering regulations.
- c. Manner. A portals shall not be located closer than i4 feet above all portions of public right-of-way and fire lane and utility access easements.

(10) Projecting sign -Nonresidential.

- a. Time. A sign permit is required and shall not be issued before the issuance of a building permit or Certificate of Occupancy.
- b. Place. A projecting sign is permitted only in conjunction with a nonresidential use or in a nonresidential zoning district. A projecting sign may project into the public right-of-way but shall be located no fewer than three feet back from a curb of any adjacent street or drive. A projecting sign may extend a maximum of six feet, six inches from the facade of a building. When a projecting sign is constructed over a pedestrian walkway or drive, a minimum of eight foot clearance shall be provided between the grade of the walkway or drive and the lowest portion of the projecting sign. A projecting sign shall not extend above a building wall.
- c. Manner. The maximum area of a projecting sign is 60 square feet.

(11) Sloping roof sign - Nonresidential.

- a. Time. A sign permit is required and shall not be issued until the issuance of a building permit or Certificate of Occupancy.
- b. Place. A sloping roof sign must be attached at the edge of a sloping roof structure and shall not extend above the roofline of the structure or element. A sloping roof sign is permitted only in nonresidential zoning districts.
- c. Manner. Sign height shall not exceed the lesser of one-third of the height of the sloping roof or as allowed by Table i for wall signs as seen in elevation view.

Panel Sign - Residential.

- a. Time. A sign permit is required and shall not be issued until a valid subdivision permit or site plan for construction within a residential zoning

district only are approved and issued. Panel signs must be removed when 75 percent or more of the homes in the subdivision have been issued a building permit.

- b. Place. One panel sign may be located on property having a major street frontage.
- c. Manner. Panel signs shall be no larger than 96 square feet and 16 feet in height. Panel Signs 60 square feet and 10 feet in height may be located in the public right-of-way through the approval of a sign coordination plan. Additional panel signs may be located on property through the approval of a sign coordination plan.

(16) Panel Sign - Nonresidential.

- a. Time. A sign permit is required.
- b. Place.
 - i. Panel signs are permitted only in nonresidential zoning districts. Two panel signs per major street frontage may be located on property where the owner consents and that property is being offered for sale or lease or if an individual unit or units is/are for sale or lease. A sign posted in this location must be removed within 10 calendar days following the date a contract of sale has been executed or a rental agreement has been executed.
 - ii. One panel sign no larger than 96 square feet and 16 feet in height may be located on property having a major street frontage where the owner consents and where valid permits or site plans for construction are approved and issued. The sign shall be removed before permits and site plans for construction are completed or expired.
 - iii. One panel sign may be located on property containing drive-thru and/or walk-up service locations. Two panel signs are allowed per service location. A panel sign may be attached to the exterior of the building. A freestanding panel sign may be supported by poles of no more than one foot in height and complementary in color or supported from the grade to the bottom of the sign having or appearing to have a solid base.
- c. Manner. Panel signs no larger than 32 square feet and 16 feet in height each may be located on property being offered for sale, lease or under

construction. Panel signs at drive-thru, walk-up and attached to service locations shall be no larger than 60 square feet. Additional panel signs may be located on property through the approval of a sign coordination plan.

Portable variable message display (PVMD).

- d. Time. A sign permit is required and shall not be issued before the City has issued a Certificate of Occupancy. A PVMD may be erected on a lot for no more than one, seven calendar day period per calendar year. In the case of multiple users or tenants located on a single lot, each user is allowed to place a PVMD on the lot, provided that not more than one PVMD is installed along a street frontage at any given time.
- e. Place. A PVMD shall only be placed on the lot on which the user is located. A PVMD shall not be placed in required accessible parking places, or driveways that provide access to parking spaces or fire lanes, nor shall any PVMD or its securing devices encroach into a public right-of-way. PVMDs are only permitted within a nonresidential zoning district and on a lot within a residential zoning district containing a school, community center, amenity center or a religious facility.
- f. Manner. The maximum height of an PVMD shall not exceed 14 feet. The maximum sign area of a PVMD is 50 square feet. Temporary electrical to an PVMD shall be protected from vehicle traffic where crossing a drive aisle or parking area.

(17) Wall signs.

- a. Time. A sign permit is required and shall not be issued until the issuance of a building permit or Certificate of Occupancy.
- b. Place. Wall signs are permitted in nonresidential zoning districts and on a lot within a residential zoning district containing multi-family, daycare, school, community center, amenity center, marketing center or a religious uses. A wall sign may not be erected or placed on a parapet wall unless the parapet wall extends around the entire perimeter of the building at the same elevation or of such construction that provides for the appearance of being part of the building envelope. For buildings with a height of five stories or greater, a wall sign may extend above the roofline of the building on which it is attached up to 25 percent of the sign's height. The wall sign must be located on that portion of the building that is five stories or greater.

c. Manner.

i. Wall signs generally.

- (a) The height of vertical and horizontal wall signs shall not exceed the specifications listed in Table I; and wall signs shall not project greater than 18 inches from the wall.
- (b) Color-changing illumination that changes visual spectrum subtly and with consistent intensity to where it is not a distraction that would pose a risk shall be permitted as an illuminated wall sign. This shall not apply to signs that change color in a manner that changes the content or message of the sign.
- (c) In nonresidential zoning districts, neon tubing used for the sole purpose of accentuating the outline of a building shall not be considered a wall sign.
- (d) Wall signs may be illuminated only on building facades facing perpendicular to a nonresidential zoning district or public thoroughfare. Variable message displays shall comply with section 70-26 of this chapter.

ii. Multi-story office wall signs special conditions.

- (a) Wall signs attached to multi-story offices may be located on any section of wall regardless of tenant/user adjacency as approved by building management.
- (b) Each floor level of a building shall be considered a separate wall for application of the horizontal placement of Table i.
- (c) Multi-story office wall signs shall be limited to three signs per elevation for each floor above the ground floor.
- (d) Not more than one vertical sign shall be located on an elevation, but the sign shall not count toward the number of horizontal-allowed wall signs.

d. The size of wall signs shall be as follows:

Table i.

Horizontal Sign Placement^c	
Building Height	Maximum Sign Height
0 feet to 20 feet	4 feet maximum
> 20 feet to 30 feet	6 feet maximum
> 30 feet to 80 feet	8 feet maximum
>80 feet	8 feet + 8 inches for every whole 10 feet of additional building height above 80 feet

Actual Sign Height	Maximum% of Wall length^{abd}
4 feet	75%
6 feet	60%
2:8 feet	50%

Vertical Sign Placement	
Building Height	Maximum% of Wall Height^a
0 feet to 20 feet	75%
> 20 feet to 30 feet	60%
> 30 feet	50%

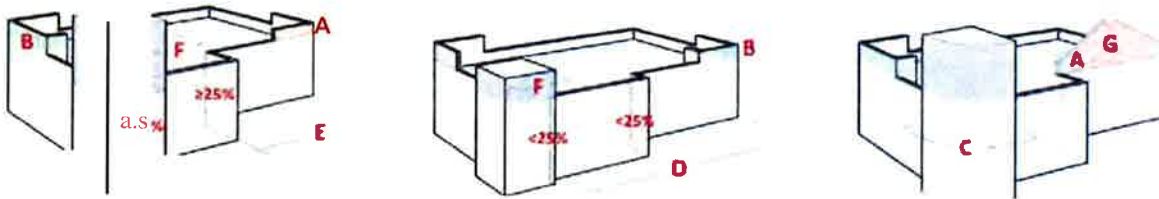
Actual Sign Height	Maximum Sign Width^d
75% or less	4 feet maximum
60% or less	6 feet maximum
50% or less	8 feet maximum
Building in excess of 80 feet in height	8 feet + 8 inches for every whole 10 feet of additional building height above 80 feet

- a. The combination of the sign widths or heights, when placed side by side or on top of one another, shall not exceed the width or height percentage of the wall elevation available if they were a single sign.
- b. Contiguous parallel wall lines may be considered as a single wall length where the non-linear section is less than 25% of either parallel section. Non-linear wall lengths are measured across

the entire arc of a wall line. Wall signs shall not project past the end of a wall.

- c. Corporate logos may exceed the maximum sign height by 40%.
- d. Table interpolation is allowed.

Figure i. Location and Measurement of Walls



Determination and measurement of walls.

- (A) Wall signs are prohibited on parapet walls.
- (B) Wall signs are permitted on portions of parapet wall that extends around the entire perimeter of the building at the same elevation or of such construction that provides for the appearance of being part of the building envelope. Parapets must return a minimum of three feet to be considered to provide an architectural appearance of a building envelope.
- (C) Non-linear wall lengths are measured across the entire arc of a wall line.
- (D) Contiguous parallel wall lines may be considered as a single wall length where the non-linear section is less than 25% of length of either parallel section.
- (E) Contiguous parallel wall lines are considered as individual wall length where the non-linear section is 25% or greater length of either parallel section.
- (F) Architectural tower projections above a roof line shall be measured as an individual wall length.
- (G) Signs shall not be located above the roof line on a parapet.

- e. Changeable framed box wall signs. One framed changeable box sign may be placed on each elevation of a building with a maximum area of six square feet. Signs shall not project greater than four inches when located less than six feet above grade. Theaters are permitted to have framed changeable box sign equal to 1.5 times the number of screens or live theater productions at a location and limited to nine square feet each.

Section i8. Signs allowed; no permit required

For the purpose of this chapter, the words below shall be defined as set forth in this chapter, whether or not capitalized, unless the context clearly requires another meaning, and the requirements and regulations set forth in this chapter for each shall apply in the City and its extraterritorial jurisdiction:

(1) A-frame/sidewalk sign.

- a. Time. An A-frame/sidewalk sign may be displayed only during the hours of the business, activity or use of the sign owner.
- b. Place.
 - i. A-frame/sidewalk signs must be located a minimum of three feet from any curb of any adjacent street or drive aisle. A-frame signs must be placed within 40 feet of the main entrance to the business, activity or use the sign advertises.
 - ii. A-frame/sidewalk signs must provide an unobstructed pedestrian clearance of at least four feet in width and must not be placed in any manner to interfere with vehicular traffic or cause a hazard.
 - iii. A-frame/sidewalk signs are permitted only in nonresidential zoning districts, mixed-use zoning districts or in noncommercial and nonresidential uses within residential zoning districts.
- c. Manner.
 - i. The maximum area of an A-frame/sidewalk sign shall be 12 square feet.
 - ii. The maximum height of an A-frame/sidewalk sign shall be four feet.
 - iii. A maximum of one A-frame/sidewalk sign may be placed per business, activity or use on the property where the A-frame/sidewalk sign is located.
 - iv. The sign must be constructed of materials that present a finished appearance (rough-cut plywood is not acceptable).
 - v. A-frame/sidewalk signs shall not swing, sway or move in any manner.

(2) Accessory sign - Nonresidential.

- a. Time. No restrictions.
- b. Place. Signs shall be directly attached and shall not be projected in any direction. Accessory signs are permitted only in nonresidential zoning

districts.

- c. Manner. A sign no larger than six square feet may be attached to an accessory use, appliance or other device appurtenance.

(3) Banner (Pole and Building) sign - Mixed Use.

- a. Time. Management in control of and responsible for maintenance of developments shall coordinate and be responsible for compliance with sign standards.
- b. Place. A maximum of two banners per light pole standard or building elevation. Banners shall be securely attached at the ends to prohibit movement. Banners shall be limited to displaying noncommercial messages, artwork or special district event information. Banner signs are permitted only in mixed use developments.

- c. Manner. Each banner shall not exceed 16 square feet. Poles or building attachments shall be sufficient to withstand all wind loads created by the banner placement.

(4) Flag/flagpole.

- a. Time. A flag shall not be placed on property before a site plan or a final plat is approved by the Planning and Zoning Commission for development of the property.
- b. Place. A flag and its ground-supported staff shall be located on private property. Flags may be placed at parks during social and athletic events.
- c. Manner. In residential zoning districts, the height of a flagpole shall not exceed the zoning height requirements for that district. In nonresidential zoning districts on property that contains a building with less than four floors, the maximum height of a flagpole shall be 40 feet measured from the ground. A maximum of four flags or flagpoles may be located on property in a nonresidential zoning district. A flag not displayed on a ground-supported flagpole shall meet the permit and display requirements of a banner (see "banner").

(5) Balloon and balloon arrangement - Nonresidential.

- a. Time. Balloons may be erected on a lot within a nonresidential zoning district for no more than one, seven calendar day period per calendar year.
- b. Place. Balloons or a balloon arrangement shall only be displayed within twenty (20) feet of a building's public entrance and shall not be placed or displayed in front of or at other buildings. Balloons and balloon arrangements shall not be attached to parking signs, bicycle stands, benches, trees, fences, poles, railings, vehicles, existing signage, display items, other structures or placed in required parking spaces. Balloons and balloon arrangements shall not block pedestrian or vehicular traffic or visibility or cause a safety hazard.
- c. Manner. Balloons and balloon arrangements may not exceed 20 feet in height and must be secured to the ground.

(6) Human sign.

- a. Time. Human signs may be displayed from apparent sunrise to sunset each day.
- b. Place. A human sign shall be located on private property with the consent of the owner. A human sign shall not be located in public right-of-way or other public property.

- c. Manner. A human sign or person holding a human sign may not have attached wind devices, flags or balloons or other devices. Podiums, risers, stilts, vehicles, roofs or other structures or devices shall not support a human sign. No more than one human sign, for each location, is permitted at any given time. A person who wears or holds a human sign shall be at least 13 years old.

(7) Mobile vehicle sign.

- a. Time. No time restrictions.
- b. Place. A mobile vehicle sign is prohibited from being parked or stationed in any manner for longer than 20 minutes per 24 hour day.
- c. Manner. No restrictions.

(8) Temporary construction barrier/ fence sign - Nonresidential.

- a. Time. A temporary construction barrier/fence sign must be removed before the issuance of a Certificate of Occupancy for the building on the property. Where the property has multiple buildings with outstanding building permits, the temporary construction fence sign must be removed upon the earlier of:
 - i. The expiration or termination of all such outstanding building permits; or
 - ii. Before the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for the last such building on the property.
- b. Place. Temporary construction barrier / fence signs are permitted only in nonresidential zoning districts.
- c. Manner. Temporary materials shall be kept in good repair at all times.

(9) Temporary sign - Nonresidential.

- a. Time. A temporary sign placed before an election may be located on the property for a period of 90 calendar days.
- a. Place.
 - i. One temporary sign may be located on a property with owner consent before an election involving candidates for a federal, state or local office that represent the district in which the property is located or involving an issue on the ballot of an election within the district where the property is located per issue and per candidate.
 - ii. Temporary signs may be placed in the front yard of a multi-family properties for lease no earlier than Friday at 12:00 pm (noon) and shall be removed from the property no later than Sunday at 6:00

pm.

iii. Additional temporary signs may be located on property with owner consent if they display noncommercial messages.

- b. Manner. Sign placed before an election shall be no larger than nine square feet. A sign may remain on the property up to seven days after the election at issue. Signs placed during lease of multi-family units shall be no larger than six square feet. This subsection does not limit the content on the additional temporary sign. Snipe signs are prohibited.

(10) Temporary sign -Residential.

- b. Time. No restrictions

a. Place.

- i. A property owner or lessee may place one non-illuminated in one window on the property at any time.
- ii. A property owner or lessee may place one additional sign with a sign face no larger than four square feet on the property at any time.
- iii. A property owner or lessee may place one additional temporary sign with a sign face no larger than nine square feet may be located on the property with owner consent before an election involving candidates for a federal, state or local office that represent the district in which the property is located or involving an issue on the ballot of an election within the district where the property is located per issue and per candidate.
- iv. A property owner or lessee may place one additional temporary sign with a sign face no larger than six square feet may be located on property with owner consent when the property is for sale or lease or if an individual unit or units is for sale or lease.
- v. This subsection does not affect the content of the sign allowed under this subsection.

b. Manner.

- i. Snipe signs are prohibited. Sign placed before an election shall be no larger than nine square feet.

- ii. A sign must be removed within 10 calendar days following the date a contract of sale has been executed or a rental agreement has been executed.

(11) Vehicle sign.

- a. Time. No time restrictions.
- b. Place. Vehicle signs are? permitted provided that during periods of inactivity such vehicle is not parked in the public right-of-way or placed adjacent to a major thoroughfare.

Manner. Vehicle signs are permitted provided that:

- i. The primary purpose of the vehicle is not for display of the sign;
- ii. The signs are painted upon or applied directly (to include magnetic) to an integral part of the vehicle and designed to be placed on a vehicle;
- iii. The vehicle is operable, currently registered and licensed to operate on public streets and actively used in the daily function of the user to which such signs relates;
- iv. The vehicle is utilized as storage, shelter or distribution points for commercial products or services for the public; and the vehicle does not meet the definition of a mobile vehicle sign;
- v. In nonresidential zoning districts, the vehicle shall be parked behind the front plane of the building if parking allows; and
- vi. In nonresidential zoning districts, the vehicle shall not be parked in parking spaces fronting a major thoroughfare.

(12) Window sign.

- a. Time. No sign permit is required, except for illuminated window signs. No time restrictions.
- b. Place. Window signs shall only be displayed on the inside of a window. A window shall be defined as the total extents of a portal including mullions and spandrel panels.

- c. Manner. The maximum area of a window sign shall not exceed 25 percent of the window where the sign is displayed. Window signs are limited to one (i) sign per window. Illuminated and non-illuminated window signs or its appendages shall not blink, strobe, fade, flash, scroll or move in any manner. Illuminated window signs shall remain static and stationary.

Sec. i9 Prohibited signs

The construction, placement, existence or use of signs of the following nature are prohibited:

- (1) Abandoned sign.
- (2) Audible sign.
- (3) Billboard.
- (4) Cloud buster balloon and air devices.
- (5) Feather flag.
- (6) Merchandise display.
- (7) Moving sign.
- (8) Neglected sign.
- (9) Off-location or off-premises sign.

- (i0) Outdoor advertising sign.
- (ii) Prohibited signs:
 - a. Any sign not referenced in or governed by this chapter;
 - b. Any sign erected or installed without the issuance of a permit, either prior to or after the adoption of this chapter (if a permit was required);
 - a. Any sign that emits odor or visible matter;
 - b. Any changeable electronic variable message sign (CEVMS) or light emitting diode (LED) billboards located, relocated or upgraded along a regulated highway;
 - c. Any sign erected or installed in or over a public right-of-way or access easement, unless permitted within this chapter;
 - d. Any sign that does not comply with this or other applicable municipal ordinances, or those which do not comply with Federal or State laws;
 - e. Any sign supported by a tree, rock, bridge, rails or public utility pole;
 - f. Any sign supported by a fence, except for temporary construction fence signs governed by this chapter; or
 - g. Any sign not allowed or defined by this chapter.
- (i2) Revolving sign.
- (13) Searchlight or skylight.
- (14) Temporary nuisance signs.
- (15) Vacant building sign.
- (16) Wind device.

Sec. 20. Other

Many of the single- and multiple-family projects in the City have established separate restrictions through their homeowners' association or property owners' association (association). The provisions of this chapter shall not override a provision contained in the restrictions of such association if that provision is more restrictive than this chapter. The restrictions of such an association shall not override this chapter if the association restrictions are less restrictive. The HOA or property managers association is responsible for enforcing their deed restrictions. Such separate instruments are not binding on the City.

Sec. 2i Public safety protection

- (a) Nothing in this chapter is meant to prevent any public safety organization or agency from

setting up and utilizing any type of sign needed on a temporary basis to protect and enhance public safety solely at the discretion of the public agency in the performance of its official duties.

- (b) Federal Bankruptcy Courts will issue orders that allow persons to violate this chapter unless public health or safety is involved. It has been determined that the following listed signs impose a safety risk to the residents of the City. Therefore, all debtors and consultants in bankruptcy proceedings shall follow all local rules and regulations regarding these signs:

- (1) Balloons and other floating devices: Not allowed.
- (2) Cloud buster balloon and air devices: Not allowed.
- (3) Feather flags: Not allowed.
- (4) Moving signs: Not allowed.
- (5) Pennants: Not allowed.
- (6) Audible signs: Not allowed.
- (7) Any sign supported by a fence: Not allowed.
- (8) Vehicle sign: Must follow regulations in this chapter.
- (9) Human sign: Must follow regulations in this chapter.
- (10) Temporary nuisance sign: Not allowed.

Sec. 22. Civil and criminal penalties; lessees

- (a) The City shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person violating any provision of this chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this chapter is hereby declared to be a nuisance.
- (b) For purposes of this Chapter, the lessee of a property is considered the property owner as to the property if the lessee holds a right to use that exclusive of others (or the sole right to occupy). If there are multiple lessees of a property, then each lessee must have the same rights and duties as the property owner as to the property the lessee leases and that the lessee has the sole right to occupy, and the size of the property must be deemed to be the property that the lessee has the sole right to occupy under the lease. Written authorization from a property owner to place signage on-site may be required.

Sec. 23. Criminal prosecution

It is an offense for any person to violate or cause, allow or permit a violation of any provision of this chapter or to commit an act designated as unlawful by this chapter, and the person who

violates or causes, allows or permits a violation of this chapter shall be guilty of a misdemeanor and shall be fined a sum not exceeding \$500.00. Each continuing day's violation under this chapter shall constitute a separate offense. The penal provisions imposed under this chapter shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, State and Federal law.

Sec. 70-23 Civil remedies

Nothing in this chapter shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the chapter or to require specific conduct that is necessary for compliance with the chapter, including removal of signs that violate this chapter at the expense of the sign owner; and
- (2) A civil penalty of up to \$1,000.00 for each day when it is shown that the defendant was actually notified of the provisions of the chapter, and after receiving notice, committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and
- (3) Other available relief.

Sec. 70-24 Other enforcement

Upon receiving a court order authorizing removal, the City may remove any sign not in compliance with this chapter at the sign or property owner's expense. The Building Official may also take necessary action to file a lien against the property to recover the cost of removal if the removal costs are not paid by the sign or property owner within 15 calendar days after the sign or property owner is billed.

Sec. 70-25 Calculation of signs areas and heights

The area of an individual sign shall be calculated as follows:

(a) Sign Face Area

- (1) Sign cabinets. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet. Only one side of a double-sided sign is counted in determining the area of sign faces. Where the two sides are not of equal size, the larger of the two sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than ninety-one degrees (91°) shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double-faced signs.
- (2) Round, oval and irregularly shaped signs. To be measured based on the appropriate mathematical formula to obtain the sign area for a circle, an oval or irregularly shaped sign.

(b) Calculating Sign Area and Dimensions.

- (1) Signs containing integral background areas. The height and width of a sign containing a clearly defined background area shall be calculated based on the dimensions of the smallest standard geometric shape or combination of geometric

shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign height and width shall be calculated based on the sum of the dimensions of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.

- (2) Signs without integral background areas. In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background and as approved by a facade plan, the sign height and width shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign. Mixed case lettering may be measured excluding either ascenders or decenters, but not both.
- (3) Awnings, canopies and marquees. When graphics or sign copy is incorporated into an awning, the sign dimension is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.
- (c) Freestanding height of signs. The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure. Exception: Where a freestanding sign or sign structure along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure.

Sec. 70-26 Sign specifications, design and other requirements

- (a) Compliance with zoning ordinance, International Building Code, National Electrical Code, and other ordinances. All sign structures shall comply with the City's Comprehensive Zoning Ordinance, the International Building Code, the National Electrical Code and all other applicable City ordinances, as they currently exist or may be amended. If the provisions of this chapter are more restrictive than another ordinance or code, then the provisions of this chapter shall apply.

- (b) Visibility. All signs shall observe all visibility requirements. Signs shall not be placed within visibility triangles, corner clips and V.A.M. (visibility, access and maintenance)

easements as defined in the City's Engineering Design Standards and regulations for Public Right-of-Way Visibility Requirements as it currently exists or may be amended. Signs shall not otherwise create a hazard.

- (c) Signs erected or placed in specified areas. Unless otherwise permitted in this chapter, no person shall post or cause to be posted, attach or maintain any sign upon:
- (1) Any City-owned property or public right-of-way without first obtaining an encroachment agreement executed between the City and the property owner;
 - (2) Any utility easement. Should a property owner demonstrate to the City engineer and/or franchise utility company that there is no other viable location for a sign other than a utility easement, a sign may be located within the utility easement subject to written approval from the Mayor of Engineering and/or franchise utility company and subject to the providing of a letter to the City releasing the City of any liability for repair or replacement of a sign damaged by work occurring within the utility easement;
 - (3) Any tree, utility pole or structure, street sign, rail or any fence;
 - (4) Any fence, railing or wall; or
 - (5) Any sidewalk within the public right-of-way or sidewalk easement, curb, gutter, or street, except for house numbers or fire lane designation.
- (d) Signs not to block or interfere with exits or windows, or pedestrian and vehicular traffic. No sign shall be erected to block, partially block or interfere in any way with a required means of exit from any building nor with any window. No sign shall block, interfere or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement or a driveway.
- (e) Multiple signs on a property or building. The permitting of a sign on a property or building shall not preclude the permitting of other types of signs on a property or building, unless the signs are expressly prohibited in this chapter.
- (f) Wall signs at closed locations. Where a building owner or lessee has received a permit for a sign and that location ceases operation, the owner of the property where the sign is located shall remove the wall sign and repair the wall to its original condition within 30 calendar days of the last day of operation or wrapped with a neutral color wrap approved by the Building Official for a maximum of six months. The wrap must be applied tightly to the sign. The owner may also print the logo and/or name on the wrap while a new sign is designed and built. At the end of six months, the sign shall immediately be deemed an

abandoned sign and the owner shall remove the wall sign and repair the wall to its original condition.

- (g) Scope limitation. Signs located within a building, with the exception of window signs, shall not be regulated by this chapter.

Sec. 70-27 Changeable copy sign requirements

Changeable copy/electronically activated signs shall be permitted subject to the applicable provisions within the zoning districts in which they are located as well as the following:

- (i) Such signs shall display static images for a period of three seconds.
- (2) Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image. Each sign message shall be complete in itself and shall not continue on a subsequent sign message.
- (3) In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light. Signs existing prior to November 1, 2010 shall only be required to include automatic dimming technology upon any upgrade or retrofit of the existing sign.

Sec. 29. Sign Illumination

Signs may be illuminated consistent with the following standards:

- (1) A sign in any zoning district may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of 750 cd/m² or Nits, regardless of the method of illumination.
- (2) Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded as defined in the Lighting and Glare Standards of the Comprehensive Zoning Ordinance, as it exists or may be amended.
- (3) All illuminated signs must comply with the maximum luminance level of 750 cd/m² or Nits at least one-half hour before apparent sunset. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until apparent sunrise, at which time the sign may resume luminance

levels appropriate for daylight conditions, when required or appropriate.

Sec. 70-29 Definitions



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SECTION 4: Savings/Repealing. The Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof regardless of whether any one or more sections, subsections, sentences, clauses and/or phrases may be declared unconstitutional and/or invalid.

SECTION 6: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

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**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE
CITY OF**

SECTION 5. REPEALING CLAUSE All provisions of the ordinances of the City of Nevada, Collin County, Texas in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Nevada not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. SEVERABILITY Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudicated or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 7. PENALTY CLAUSE Any person, firm, or corporation violating any of the provisions of this ordinance shall be subject to the same penalty as provided herein, and upon conviction shall be punished by a fine not to exceed the sum of \$500 for each offense; and each and every day the violation shall continue shall be deemed to constitute a separate offense. Any offense committed before the effective date of this Ordinance is governed by the prior law and provisions of the Code of Ordinances as amended, in effect when the offense was committed and the former laws continued in effect for this purpose.

SECTION 8. EFFECTIVE DATE This Ordinance shall take effect immediately from and after its passage and the publication of caption, as the law provides.

DULY PASSED by the City Council of the City of Nevada, Texas, on the _____ day of _____, 2023, and having been reconsidered, and issued by Ordinance on this _____ day of _____, 2023.

APPROVED

Ben Ponce, Mayor

CORRECTLY ENROLLED:

Morgan Kowaleski, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

Agenda Item # 10



NORTH TEXAS PAVING, LLC

21009 State Highway 64
Canton, Texas 75103
682 - ASPHALT
682asphalt@gmail.com
www.ntxpaving.com
OFFICES LOCATED IN:
CANTON..FORNEY..DFW....SULPHUR SPRINGS....LAKE FORK..MT VERNON

Estimate/ Contract

Estimate No: 20212200100
Date: 09/15/2023

For: CITY OF NEVADA
citysecretary@cityofnevadatx.org

Description	Quantity	Rate	Amount
CITY PARKING LOT	1	\$29,500.00	\$29,500.00
GRADE AREA FOR PROPER DRAINAGE INSTALL FLEX STONE BASE AS NEEDED WATER AND ROLL BASE FOR COMPACTION OVERLAY WITH TYPE D ASPHALT HOT MIX ROLL AND COMPACT APPROX...7,723 sq ft 2 YEAR WARRANTY TERMS..... 50% DOWN BALANCE ON COMPLETION			
Subtotal			\$29,500.00
0% (\$29,500.00)			\$0.00
Total			\$29,500.00
Total			\$29,500.00

Terms and Conditions

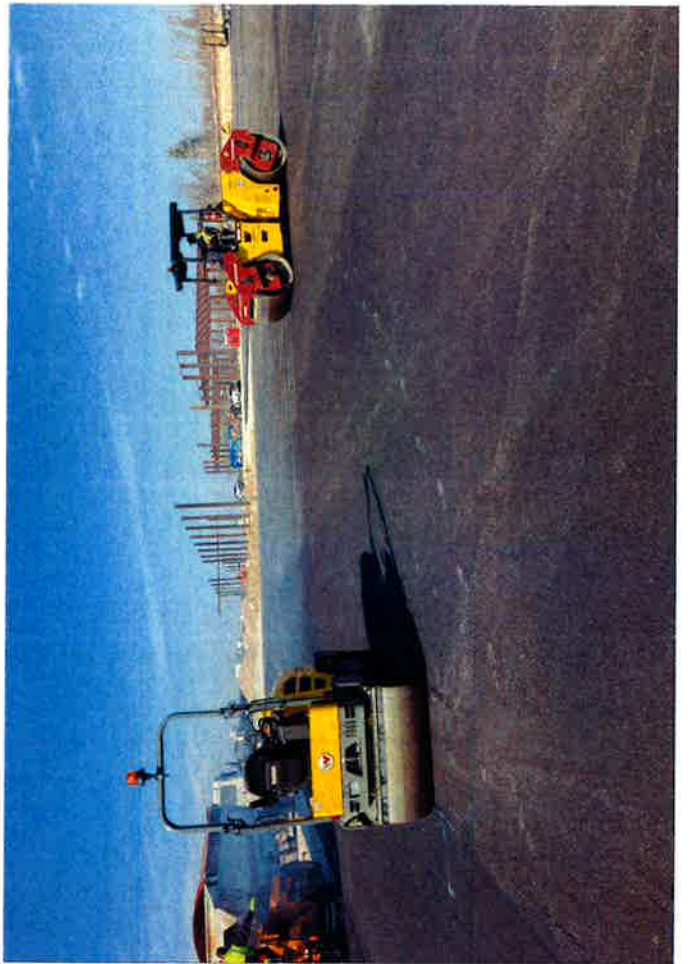
BY SIGNING THIS DOCUMENT, IT NOW BECOMES A CONTRACT.

WARRANTY DISCLAIMER:

WARRANTY COVERS ANY FAILED AREAS DURING WARRANTY PERIOD.
BUT DOES NOT COVER ANY VEGETATION GROWTH...

NOTE: CONTRACTOR IS ALSO NOT RESPONSIBLE FOR ANY SUB GRADE THAT IS EXISTING OR DONE BY ANOTHER CONTRACTOR.....







Agenda Item # 11

M **Murrey Paschall & Caperton PC**
Certified Public Accountants

August 31, 2023

To the Honorable Mayor and Members of the City Council

City of Nevada
424 E. FM 6
Nevada, TX 75173

We are pleased to confirm our understanding of the services we are to provide the City of Nevada for the year ended September 30, 2023.

AUDIT SCOPE AND OBJECTIVES

You have requested that we audit the financial statements of the governmental activities and each major fund, of the City of Nevada as of and for the year ended September 30, 2023, including the related notes to the financial statements, which collectively comprise the basic financial statements as listed in the table of contents. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter.

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; issue an auditor's report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP; and report on the fairness of the supplementary information referred to below when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements.

Accounting principles generally accepted in the United States of America (U.S. GAAP,) as promulgated by the Governmental Accounting Standards Board (GASB) require certain supplementary information (RSI), such as management's discussion and analysis (MD&A) and budgetary comparison information, be presented to supplement the City of Nevada's basic financial statements. Such information, although not a part of the basic financial statements, is required by GASB, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City of Nevada's RSI in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS). These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by U.S. GAAP and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Statement of Revenue, Expenditures, and Changes in Fund Balance-Budget and Actual (Non-GAAP Budgetary Basis)

AUDITOR'S RESPONSIBILITIES FOR THE AUDIT OF THE FINANCIAL STATEMENTS

We will conduct our audit in accordance with GAAS and will include tests of your accounting records and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS, we exercise professional judgment and maintain professional skepticism throughout the audit. We also will:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of controls.
- Obtain an understanding of the system of internal control in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the City of Nevada's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

Although we have not completed all of our planning procedures for the current year, for similar entities we did identify the following significant risks of material misstatement:

- Risk of Management Override of Internal Controls
- Risk of Improper Revenue Recognition

If any new significant risks are identified as part of the current year planning procedures, they will be communicated to you in writing.

AUDIT PROCEDURES—COMPLIANCE WITH LAWS AND REGULATIONS

As previously discussed, as part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of the City of Nevada's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

RESPONSIBILITIES OF MANAGEMENT FOR THE FINANCIAL STATEMENTS

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance acknowledge and understand that they have responsibility:

- For the preparation and fair presentation of the basic financial statements in accordance with accounting principles generally accepted in the United States of America;
- For the design, implementation, and maintenance of the system of internal control relevant to the preparation and fair presentation of basic financial statements that are free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements; and
- To provide us with:
 - Access to all information of which management is aware that is relevant to the preparation and fair presentation of the basic financial statements such as records, documentation, and other matters;
 - Additional information that we may request from management for the purpose of the audit;
 - Unrestricted access to persons within the entity and others from whom we determine it necessary to obtain audit evidence.
- For including the auditor's report in any document containing basic financial statements that indicates that such basic financial statements have been audited by us;
- For identifying and ensuring that the entity complies with the laws and regulations applicable to its activities;
- For adjusting the basic financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year under audit are immaterial, both individually and in the aggregate, to the basic financial statements as a whole; and
- For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
- For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
- For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in the system of internal control and others where fraud could have a material effect on the financials; and
- For the accuracy and completeness of all information provided.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited basic financial statements, or if the supplementary information will not be presented with the audited basic financial statements, to make the audited basic financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

OTHER NONATTEST SERVICES

We will assist in preparing the financial statements of the City of Nevada in conformity with U.S. GAAP based on information provided by you. We will also propose adjusting or correcting journal entries to be reviewed and approved by management. We will not assume management responsibilities on behalf of the City of Nevada. However, we will provide advice and recommendations to assist management in performing its responsibilities.

The City of Nevada's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) designing, implementing, and maintaining the system of internal control, including the process used to monitoring the system of internal control.

Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards including U.S. GAAS.
- The nonattest services are limited to the procedures previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries.

REPORTING

We will issue a written report upon completion of our audit of the City of Nevada's financial statements. Our report will be addressed to the Mayor and Members of the City Council of the City. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

ENGAGEMENT ADMINISTRATION, FEES, AND OTHER

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents or support for any other transactions we select for testing.

The audit documentation for this engagement is the property of Murrey Paschall & Caperton, PC, and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner as necessary. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Murrey Paschall & Caperton, PC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to regulatory authorities or its designee. The regulatory authorities or its designee may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

If you intend to publish or otherwise reproduce the basic financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute

information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Professional standards prohibit us from being the sole host and/or the sole storage for your financial and non-financial data. As such, it is your responsibility to maintain your original data and records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

We expect to begin our audit on an agreed upon date and to issue our reports no later than December 31, 2023. Kyle Caperton is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, printing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses will not exceed \$7,550. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered upon completion and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

At the conclusion of our audit engagement, we will communicate to the Mayor and City Council the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and

- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

We appreciate the opportunity to be of service to the City and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the attached copy and return it to us.

Very truly yours,

Murray Paschall & Caperton, PC

Murrey Paschall & Caperton, PC

RESPONSE:

This letter correctly sets forth the understanding of the City of Nevada.

Management signature: _____

Title: _____

Date: _____

Governance signature: _____

Title: _____

Date: _____