

POLITICAL ADVERTISING

What You Need To Know



The Texas Election Law requires certain disclosures and notices on political advertising. The law also prohibits certain types of misrepresentation in political advertising and campaign communications. This brochure explains what you need to know to insure that your political advertising and campaign communications comply with the law.

If you are not sure what the law requires, do the cautious thing. Use the political advertising disclosure statement whenever you think it might be necessary, and do not use any possibly misleading information in political advertising or a campaign communication. If you are using political advertising or campaign communications from a prior campaign, you should check to see if the law has changed since that campaign.

Candidates for federal office should check with the Federal Election Commission at (800) 424-9530 for information on federal political advertising laws.

Texas Ethics Commission
P.O. Box 12070
Austin, Texas 78711-2070

(512) 463-5800

FAX (512) 463-5777

TDD (800) 735-2989

Visit us at *www.ethics.state.tx.us* on the Internet.

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This material is also available as a tri-fold brochure:
<https://www.ethics.state.tx.us/pamphlet/Bpolad.pdf>

REQUIRED DISCLOSURE ON POLITICAL ADVERTISING

I. What Is Political Advertising?

The disclosure statement and notice requirements discussed in this section apply to “political advertising.” In the law, “political advertising” is a specifically defined term. Do not confuse this special term with your own common-sense understanding of advertising.

To figure out if a communication is political advertising, you must look at what it says and where it appears. If a communication fits in one of the categories listed in Part A (below) and if it fits in one of the categories listed in Part B (below), it is political advertising.

Part A. What Does It Say?

1. Political advertising includes communications supporting or opposing a candidate for nomination or election to either a public office or an office of a political party (including county and precinct chairs).
2. Political advertising includes communications supporting or opposing an officeholder, a political party, or a measure (a ballot proposition).

Part B. Where Does It Appear?

1. Political advertising includes communications that appear in pamphlets, circulars, fliers, billboards or other signs, bumper stickers, or similar forms of written communication.
2. Political advertising includes communications that are published in newspapers, magazines, or other periodicals in return for consideration.
3. Political advertising includes communications that are broadcast by radio or television in return for consideration.
4. Political advertising includes communications that appear on an Internet website.

II. When Is A Disclosure Statement Required?

The new law provides that political advertising that contains express advocacy is required to include a disclosure statement. The person who causes the political advertising to be published, distributed, or broadcast is responsible for including the disclosure statement.

The new law does not define the term “express advocacy.” However, the law does provide that political advertising is deemed to contain express advocacy if it is authorized by a candidate, an agent of a candidate, or a political committee filing campaign finance reports. Therefore, a disclosure statement is required any time a candidate, a candidate’s agent, or a political committee authorizes political advertising.

The precise language of political advertising authorized by someone other than a candidate, the candidate's agent, or a political committee will determine if the advertising contains express advocacy and is therefore required to include a disclosure statement. Generally, the question is whether the communication expressly advocates the election or defeat of an identified candidate, or expressly advocates the passage or defeat of a measure, such as a bond election. The inclusion of words such as "vote for," "elect," "support," "defeat," "reject," or "Smith for Senate" would clearly constitute express advocacy, but express advocacy is not limited to communications that use those words. Similar phrases, such as "Cast your ballot for X," would also constitute express advocacy. Additionally, in 2007, the United States Supreme Court held that an advertisement included express advocacy or its functional equivalent "if the ad is susceptible to no reasonable interpretation other than as an appeal to vote for or against a specific candidate." *FEC v. Wisconsin Right to Life, Inc.*, 127 S.Ct. 2652 (2007). It is a question of fact whether a particular communication constitutes express advocacy. If you are not sure whether political advertising contains express advocacy, do the cautious thing and include the disclosure statement. That way there is no need to worry about whether you have violated the law.

Remember: The concept of "express advocacy" is only relevant in determining whether political advertising is required to include a disclosure statement. The political advertising laws governing the right-of-way notice, misrepresentation, and use of public funds by political subdivisions will apply to political advertising regardless of whether the advertising contains express advocacy.

III. What Should The Disclosure Statement Say?

A disclosure statement must include the following:

1. the words "political advertising" or a recognizable abbreviation such as "pol. adv."; and
2. the full name of one of the following: (a) the person who paid for the political advertising; (b) the political committee authorizing the political advertising; or (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.

The disclosure statement must appear on the face of the political advertising.

The advertising should not be attributed to entities such as "Committee to Elect John Doe" unless a specific-purpose committee named "Committee to Elect John Doe" has filed a campaign treasurer appointment with the Ethics Commission or a local filing authority.

IV. Are There Any Exceptions To The Disclosure Statement Requirement?

The following types of political advertising do not need the disclosure statement:

1. t-shirts, balloons, buttons, emery boards, hats, lapel stickers, small magnets, pencils, pens, pins, wooden nickels, candy wrappers, and similar materials;
2. invitations or tickets to political fundraising events or to events held to establish support for a candidate or officeholder;

3. an envelope that is used to transmit political advertisement, provided that the political advertisement in the envelope includes the disclosure statement;
4. circulars or fliers that cost in the aggregate less than \$500 to publish and distribute; and
5. political advertising printed on letterhead stationery, if the letterhead includes the name of one of the following: (a) the person who paid for the advertising, (b) the political committee authorizing the advertising, or, (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. (Note: There is also an exception for holiday greeting cards sent by an officeholder, provided that the officeholder's name and address appear on the card or the envelope.)

V. What Should I Do If I Discover That My Political Advertising Does Not Contain A Disclosure Statement?

The new law prohibits a person from using, causing or permitting to be used, or continuing to use political advertising containing express advocacy if the person knows it does not include the disclosure statement. A person is presumed to know that the use is prohibited if the Texas Ethics Commission notifies the person in writing that the use is prohibited. If you receive notice from the Texas Ethics Commission that your political advertising does not comply with the law, you should stop using it immediately.

If you learn that a political advertising sign designed to be seen from the road does not contain a disclosure statement or contains an inaccurate disclosure statement, you should make a good faith attempt to remove or correct those signs that have been distributed. You are not required to attempt to recover other types of political advertising that have been distributed with a missing or inaccurate disclosure statement.

VI. The Fair Campaign Practices Act.

The Fair Campaign Practices Act sets out basic rules of decency, honesty, and fair play to be followed by candidates and political committees during a campaign. A candidate or political committee may choose to subscribe to the voluntary code by signing a copy of the code and filing it with the authority with whom the candidate or committee is required to file its campaign treasurer appointment. A person subscribing to the code may indicate that fact on political advertising by including the following or a substantially similar statement:

(Name of the candidate or political committee, as appropriate) subscribes to the Code of Fair Campaign Practices.

VII. Special Rule For Judicial Candidates, Officeholders, and Committees.

Candidates for the Supreme Court, Court of Criminal Appeals, courts of appeals, district courts, statutory county courts (county courts-at-law), and statutory probate courts are required to file a form declaring their intent to either comply with or exceed the voluntary expenditure limits of the Judicial Campaign Fairness Act. A candidate who has declared an intent to comply with the expenditure limits, as well as a specific-purpose committee supporting such a candidate, may state the following in political advertising:

Political advertising paid for by (name of candidate or committee) in compliance with the voluntary limits of the Judicial Campaign Fairness Act.

If a candidate declares an intent to exceed the expenditure limits, however, both the candidate and any specific-purpose committee supporting the candidate must include in their political advertising the following statement:

Political advertising paid for by (name of candidate or committee), (who or which) has rejected the voluntary limits of the Judicial Campaign Fairness Act.

ROAD SIGNS

I. When Is The “Right-Of-Way” Notice Required?

All written political advertising that is meant to be seen from a road must carry a “right-of-way” notice. It is a criminal offense to omit the “right-of-way” notice in the following circumstances:

1. if you enter into a contract or agreement to print or make written political advertising meant to be seen from a road; or
2. if you instruct another person to place the written political advertising meant to be seen from a road.

II. What Should The “Right-Of-Way” Notice Say?

Section 255.007 of the Texas Election Code prescribes the exact language of the notice:

NOTICE: IT IS A VIOLATION OF STATE LAW(CHAPTERS 392 AND 393, TRANSPORTATION CODE) TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY.

Note: The notice on political advertising signs printed or made before September 1, 1997, contained a citation to a prior law. You may continue to use those signs if they otherwise comply with the law.

III. Do Yard Signs Have To Have The “Right-Of-Way” Notice?

Yes. The “right-of-way” notice requirement applies to signs meant to be seen from any road. The notice requirement assures that a person responsible for placing signs is aware of the restriction on placing the sign in the right-of-way of a highway.

IV. What About Bumper Stickers?

Bumper stickers do not need the “right-of-way” notice. They do, however, need a political advertising disclosure statement.

V. Where May I Place My Signs And How Long May Signs Be Posted?

For information about exactly where you may or may not place signs, or for information regarding the length of time your signs may be posted, check with your city or county government and with the Texas Department of Transportation at (512) 416-2901.

MISREPRESENTATION

I. Are There Restrictions On The Contents Of Political Advertising?

Political advertising and campaign communications may not misrepresent a person’s identity or official title, nor may they misrepresent the true source of the advertising or communication. The election law does not address other types of misrepresentation in political advertising or campaign communications.

Note that the misrepresentation rules apply to both political advertising and campaign communications. “Campaign communication” is a broader term than “political advertising.”

A “campaign communication” means “a written or oral communication relating to a campaign for nomination or election to public office or office of a political party or to a campaign on a measure.”

II. Misrepresentation Of Office Title.

A candidate may not represent that he or she holds an office that he or she does not hold at the time of the representation. **If you are not the incumbent in the office you are seeking, you must make it clear that you are seeking election rather than reelection by using the word “for” to clarify that you don’t hold that office.** The word “for” must be at least one-half the type size as the name of the office and should appear immediately before the name of the office. For example, a non-incumbent may use the following formats:

**Vote John Doe
for Attorney General**

**John Doe
For
Attorney General**

III. Misrepresentation Of Identity Or Source.

A person violates the law if, with intent to injure a candidate or influence the result of an election, the person misrepresents the source of political advertising or a campaign communication or if the person misrepresents his or her own identity or the identity of his or her agent in political advertising or in a campaign communication. (If someone else is doing something for you, that person is your agent.) For example, you may not take out an ad in favor of your opponent that purports to be sponsored by a notoriously unpopular group.

IV. Use Of State Seal.

Only officeholders may use the state seal in political advertising.

ORIGINAL

ORDINANCE NO. 267

OFFICIAL COPY
SECRETARY

AN ORDINANCE ADDING ARTICLE VII TO CHAPTER 17 OF THE CITY'S COMPREHENSIVE ZONING ORDINANCE, AS AMENDED, PROVIDING FOR REGULATIONS OF SIGNS WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Kennedale desire to adopt the regulations of signs within the City and its Extraterritorial Jurisdiction, as provided herein; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission on the 15th day of February, 2001, and by the City Council on the 8th day of March, 2001, with respect to the zoning amendments described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication, and all procedural requirements have been complied with in accordance with the comprehensive zoning ordinance and Chapter 211 of the Local Government Code; and

WHEREAS, the City of Kennedale, Texas does hereby deem it advisable and in the public interest to amend the Comprehensive Zoning Ordinance, as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS:

SECTION 1.

Chapter 17 of the Kennedale City Code is hereby amended by adding Article VII, "Signs" to read as follows:

ARTICLE VII. SIGNS

Sec. 17-501. Purpose.

This chapter provides standards for the erection and maintenance of signs. All signs not exempted as provided in this article shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote the safety of persons and property by providing that signs create a hazard, to promote the efficient transfer of information in sign

messages, and to protect the public welfare and enhance the appearance of the City and the economic value of properties.

Sec. 17-502. Definitions.

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

Animation means copy or other images that flash or move or otherwise change.

Billboard means a freestanding sign containing at least 128 square feet of face area and owned by a person who engages in the business of selling the advertising space on that sign.

Building means a structure that has a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or property.

Building frontage means the width of the front-facing facade of the primary building located on a premises, or the building on which a sign is proposed to be located. If it is unclear which side is the front-facing facade, the side on which the primary customer entrance door is located shall be deemed the front-facing facade. In no circumstances may a building have more than one "building frontage."

City means the City of Kennedale.

City Manager means the city manager of the City of Kennedale

Commercial message means a message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities or possible substitutes for those things which are the subject of the message and that: (A) refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities; or (B) attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.

Copy means letters, characters, illustrations, logos, graphics, symbols, writing or any combination thereof, designed to communicate information of any kind.

Effective area means the area enclosed by drawing a rectangle of horizontal and vertical lines that fully contain all extremities of the sign drawn to scale, including architectural design elements such as decorative bordering, but exclusive of the sign supports. . When a sign has two or more faces, the area of all faces shall be included in determining the effective area, except that when two faces are placed back to back and are at no point more than two feet from one another, the effective area shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

Facade means any separate face of a building, including parapet walls and omitted wall lines. When separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are considered part of a single facade.

Luminescent gaseous tubing means exposed tubes used in or as signs and that contain luminescent inert gases including, but not limited to, neon, argon and krypton.

Non-commercial message means any message that is not a commercial message.

Person includes without limitation an individual, corporation, sole proprietorship, government or governmental subdivision or agency, trust, or partnership.

Premises means a lot or tract, or a combination of contiguous lots or tracts if the lot or tract, or combination, is under single ownership and is reflected as a single premise in the plat records of the City.

Responsible party means the owner, operator, occupant, employee or other person working at, employed by, responsible for, or in charge of the premises at issue, and includes the name of the advertiser or other person whose name appears on the sign.

Sign means any device, object, structure, flag, light, figure, picture, letter, word, message, symbol, marker or poster affixed directly or indirectly to or on any building or outdoor structure, or erected or maintained on land, and designed to inform, display, identify, advertise, direct, or attract attention to an object, building, person, institution, organization, business, product, service, event, or location.

Sign Administrator means the City Manager or his designee.

Sign, attached means any sign attached to, applied on or supported by any part of a building (such as a wall, window, canopy, awning, arcade or marquee).

Sign, banner means a temporary sign composed of lightweight material secured or mounted so as to allow movement caused by wind.

Sign, construction means a temporary sign erected on the premises on which construction is taking place during the period of such construction, indicating the names of the owners, architects, engineers, landscape architects, contractors, or similar persons engaged in the design, construction, or improvement of the premises on which the sign is located.

Sign, detached means any sign connected to the ground that is not an attached sign, including signs on movable objects, but excluding signs on vehicles that are moving or are parked only temporarily, incidental to their principal use for transportation.

Sign, monument means a detached sign having a low profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials, including individual lettering, that repeat or harmonize with the architecture of the establishment that it serves.

Sign, movement control means a sign that directs vehicular or pedestrian movement within or into the premises on which the movement control sign is located.

Sign, off-premises means any sign that is not a premises sign.

Sign, pole means a sign supported by and placed upon not more than two poles.

Sign, political means any type of sign that refers to the issues or candidates involved in a political election; or that espouses a political cause or expresses a person's or group's viewpoint or opinion on an issue.

Sign, portable means a sign that is easily moved from one location to another, including a sign that is mounted on skids, trailers, wheels, legs or stakes, and that is not fixed permanently to the ground, and that is not an attached sign, political sign, or a real-estate sign.

Sign, premises means any sign for which the content relates to the premises on which the sign is located and that refers exclusively to the name, location, products, persons, accommodations, services or activities of or on those premises, or the sale, lease or construction of those premises.

Sign, protective means any sign that is commonly associated with safeguarding the permitted uses of the occupancy, including, but not limited to, "dangerous dog," "no trespassing," and "no solicitors."

Sign, real estate means a temporary sign pertaining to the sale or rental of property on which the sign is located.

Sign support means any pole, post, strut, cable or other structural fixture or framework necessary to hold and secure a sign, providing that such fixture or framework is not imprinted with any copy using characters in excess of one inch in height, or is internally or decoratively illuminated.

Sign, temporary means a non-permanent sign that is displayed for no more than 30 consecutive days within any six-month period.

Sign, vehicular means any sign on a vehicle.

Special event means commercially related events of a unique or one time nature as well as events that are sponsored in whole or part by the City, the latter of which must be designated by City Council action.

Visibility triangle means a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within the adjacent curblines and a diagonal line intersecting such curblines at points 30 feet back from the intersection.

Sec. 17-503. Administration and enforcement.

- (a) *Responsible authority.* The City's Sign Administrator shall be responsible for administering and enforcing the provisions of this article.
- (b) *Duties.* The owner of a sign, the owner of the premises on which a sign is located, and/or the occupant of a premises on which a sign is located, when such sign is regulated by this article, shall be responsible for complying with all provisions of this article and may be cited for any violations of this article.

Sec. 17-504. Compliance with laws required; conflict.

- (a) *Applicability.* No sign shall be erected or maintained within the City of Kennedale or its extraterritorial jurisdiction except in accordance with the provisions of this article and all applicable state laws and with the building code, electrical code, and other applicable ordinances of the City. In the event of a conflict between this article and other laws, the most restrictive standard applies.
- (b) *Exception.* Nothing in this article is intended to supercede or apply to the requirements and regulations relating to Garage Sales and signs as set forth in Chapter 11, Article IX, of the Kennedale City Code.

Sec. 17-505. Maintenance of signs.

Every sign in the City, regardless of whether any permit is required for such sign, shall be maintained in a safe, presentable and sound structural and operational condition at all times, including replacing malfunctioning, broken, defective, or missing parts, painting, repainting, cleaning, and performing any other acts required for the maintenance of such sign. All signs and sign supports shall be kept painted or otherwise treated to prevent rust, rot or deterioration. Signs not meeting the standards imposed by this article shall be subject to removal or repair.

Sec. 17-506. Fees; permits.

- (a) *Permit required.* No person shall cause a sign to be erected, constructed, relocated, altered, repaired or maintained until a permit for such has been issued and the fee paid, except as otherwise provided in this article.
- (b) *Applications for permit.* All applications for permits under this article shall include a drawing to scale of:
 - (1) the proposed sign, including without limitation the height, length, width, and effective area of the sign, and the dimensions of the sign supports,
 - (2) all existing signs maintained on the premises and visible from the right-of-way immediately adjacent to the premises,
 - (3) the position of the proposed sign in relation to rights-of-way, easements, buildings, structures, and existing signs,
 - (4) the plot plan or building facade indicating the proposed location of the sign, and
 - (5) if the owner of the premises is not the responsible party for the premises, the application shall include the written consent of the owner.
- (c) *Fees; late charges.* Every applicant, before being granted a permit under this article, shall pay the applicable fee as set by the City Council. The City shall not grant a refund for a sign permit after such fee has been tendered. When a sign is erected, constructed, relocated, altered, repaired, or maintained, or work is in any manner started on a sign, before obtaining a sign permit, there shall be a late fee equal to twice the amount of the sign permit fee. The late fee does not excuse full compliance with the provisions of this article.
- (d) *Action on permit.* The Sign Administrator shall review all permit applications and make a decision on whether to grant or deny the permit within fourteen (14) days of submittal of a fully completed application. If additional information is required of an applicant in order to complete an application, the applicant shall be notified of such requirement within fourteen (14) days. Thereafter, the code enforcement officer shall make a decision on whether to grant or deny the permit within fourteen (14) days of receipt of such additional information or a written certification from the applicant that the application is complete.
- (e) *Denial of permit.* The Sign Administrator may deny issuance of a permit whenever the Sign Administrator determines that the applicant has provided incorrect or false information, or that the activity or sign for which the permit is requested would be in violation of any of the provisions of this article or any other ordinances of the City or laws of this state or the federal government.

- (f) *Revocation of permit.* The Sign Administrator may revoke any permit issued under the provisions of this article whenever the Sign Administrator determines that the permit is issued in error or on the basis of incorrect or false information, or whenever such permit is issued in violation of any of the provisions of this article or any other ordinances of this City or laws of this state or the federal government. Such revocation shall be effective when communicated in writing to the permit-holder. Upon such revocation, any erection, construction, relocation, alteration, repair, or maintenance of a sign related to the revoked permit shall cease.
- (g) *Appeal of denial or revocation of permit.* A person may appeal the denial or revocation of a sign permit to the City Council. Such appeal must be in writing and must be presented to the City Secretary no later than ten calendar days after the City sends written notice to the address on the permit application denying or revoking the permit. The City Council shall hear the appeal at a City Council meeting as soon as practicable thereafter to determine whether the decision of the Sign Administrator was in accordance with all ordinances and regulations. An adverse decision of the City Council may be appealed by the applicant to district court by filing a lawsuit within twenty (20) days of the City Council's decision.
- (h) *Permit valid for 90 days.* If the work authorized by a permit issued under this article has not been commenced within 90 days after the date of issuance, the permit shall become null and void.
- (i) *Electrical permit.* Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained. . The electrical inspector shall examine the plans and specifications submitted with the application to ensure compliance with the electrical code of the City. No sign shall be erected in violation of the electrical code.

Sec. 17-507. Attached signs.

- (a) *Generally.* Attached signs are permitted in all Restricted Commercial ("C-1"), General Commercial ("C-2"), and Industrial ("I") zoning districts, as designated by the City's Zoning Ordinance, and in a Planned Development ("PD") zoning district if approved by the City Council, as provided in this section
- (b) *Specifications.*
 - (1) Commercial off-premises attached signs are prohibited.
 - (2) All attached signs affixed to the wall of a building must have metal backing.
 - (3) All attached signs shall be mounted parallel to the building surface. No sign shall project more than 18 inches from the surface to which it is attached. Signs shall not be mounted on roofs and shall not project above the roof line above the wall on which the sign is attached.
 - (4) Copy on awnings and canopies is prohibited.
- (c) *Effective Area.* The total effective area of attached signs shall not exceed the following:

- (1) On an attached sign for which the top of the sign is placed no higher than 36 feet, the effective area is limited to one square foot of sign area for each linear foot of building frontage, but in no circumstances may the effective area be greater than 100 square feet.
- (2) An attached sign for which the top of the sign is placed higher than 36 feet shall be permitted an increase in maximum effective area: The sign may be 100 square feet in effective area plus four square feet in effective area for each additional one foot of height above 36 feet, measured from the base of the sign to the building grade.
- (3) Only one attached sign may be located on each facade for each tenant; however, the sum of the effective area of all attached signs shall not exceed twice the allowable effective area as specified in subsection (c)(1) or (2) of this section.
- (4) Maximum height of copy on attached signs shall be determined by the following schedule:

Sign Height (in feet)	Maximum Copy Height (in inches)
0 B 36	16
37 B 48	36
49 and up	72

a. Letter heights in excess of 72 inches must be approved by the City Council.

- (5) The effective area of an attached sign shall not exceed twenty-five (25) percent of the area of the wall (or canopy, marquee, etc.) on which the sign is attached.
 - (6) The width of an attached sign shall not exceed seventy-five (75) percent of the width of the wall (or canopy, marquee, etc.) on which the sign is attached.
- (d) *Window signs.* In addition to the attached signs allowed above, a person may have window signs as follows:
- (1) Signs in windows facing public rights-of-way are limited to ten percent of the window area per facade.
 - (2) The outlining of a window on two or more of any sides with lighting, luminescent gaseous tubing, or by any similar means shall constitute 100 percent of the total window area as a sign.

Sec. 17-508. Detached signs.

- (a) *Residential zoning districts.* Detached signs are permitted in the Two-Family Residential (“D”), Multi-Family (“MF”), and Manufactured Home (“MH”) zoning districts, as designated by the City’s Zoning Ordinance, and in a Planned Development (“PD”) zoning district if approved by the City Council, in accordance with the following restrictions:
 - (1) except as provided in subsection (a)(2), each premises may have not more than one detached sign;

- (2) premises that have more than 750 feet of frontage along a public way, other than an alley, may have one additional detached sign for each additional 500 feet of frontage.
 - (3) Pole signs are prohibited; only monument signs are allowed.
- (b) *Nonresidential districts.* Detached signs are permitted in the Restricted Commercial (“C-1”), General Commercial (“C-2”), and Industrial (“I”) zoning districts, as designated by the City’s Zoning Ordinance, and in a Planned Development (“PD”) zoning district if approved by the City Council, in accordance with the following restrictions:
- (1) except as provided in subsection (b)(2), each premises may have not more than one detached sign;
 - (2) Premises that have more than 450 feet of property frontage along a public way, other than an alley, may have one additional detached sign for each additional 300 feet of frontage.
 - (3) Premises that have at least 300 feet of frontage along more than one public way, other than an alley, may have a permanent detached sign along each public way.
- (c) *Generally.*
- (1) Off-premises detached signs are prohibited.
 - (2) Billboard signs are prohibited.
 - (3) All permanent detached signs must be no closer than 150 feet apart, with no two detached signs of any type being closer than 50 feet apart.
 - (4) Detached signs within the visibility triangle at any intersection are prohibited. A minimum setback of ten feet is required of all detached signs. A minimum setback of 15 feet from the public right-of-way is required for detached signs exceeding ten square feet in effective area or ten feet in height. A minimum setback of 20 feet is required for all detached signs exceeding 20 square feet in effective area or 15 feet in height.
- (d) *Specific sign type regulations.*
- (1) *Pole sign specifications.* Detached pole signs shall be allowed as set forth in this subsection:
 - a. Single-tenant and multi-tenant pole signs shall be allowed in C-1, C-2, I, and PD commercial districts as set forth in this subsection.
 - b. Effective area and height:
 1. single-tenant pole signs must be no more than 36 square feet in effective area and 20 feet in height measured from ground elevation to the top of the sign.

2. multi-tenant pole signs must be no more than 72 square feet in effective area and 20 feet in height measured from ground elevation to the top of the signs. No single-tenant shall occupy more than 36 square feet of effective area on a multi-tenant sign.

c. Design standards :

1. Sign supports: 8" X 8" structural steel tubing.
2. Sign cabinet:
 - (a) Painted grip sheet metal on angle iron frame with angle retaining rim to secure sign face.
3. Sign face:
 - (a) Flat, clear acrylic sheet.
 - (b) All copy and background sprayed on second surface with acrylic colors.
4. Sign finish: Degrease, prime, and finish coat all exposed metal surfaces as required.

(2) *Monument sign specifications.* Detached monument signs shall be allowed as set forth in this subsection:

- a. must be built on a monument base with no separation between the base of the sign and natural grade;
- b. must contain only the name, logo, address and product or service of the establishment;
- c. may be single- or double-faced;
- d. shall not exceed six feet in overall height above the natural or average grade; and
- e. the actual sign face shall not exceed 48 square feet in effective area per side.

Sec. 17-509. Real estate signs and construction signs on undeveloped property.

- (a) *Generally.* In addition to other attached and detached signs allowed by this Article, real estate and construction signs are permitted in all zoning districts as provided by this section.
- (b) *Signs on undeveloped property.* Signs on undeveloped property shall be specifically limited to real estate and/or construction signs and must comply with sign design and size criteria as set forth in this section.

- (c) *Real estate and construction sign specifications.* Property owners may erect a real estate or construction sign in accordance with the following specifications
- (1) no construction sign shall be erected prior to the issuance of a building permit for the project to which the sign pertains, and the construction sign must be removed prior to the issuance of a certificate of occupancy;
 - (2) signs must be spaced at least 50 feet apart along a lot frontage;
 - (3) no more than four signs are allowed per lot;
 - (4) the total effective area of each sign may not exceed 36 square feet;
 - (5) each sign shall be no taller than 16 feet in overall height;
 - (6) no sign shall not be placed on utility or light poles, whether public or private;
 - (7) such signs shall be removed immediately upon the earliest of:
 - a. the property or land to which the signs refer is sold;
 - b. 75 percent of the property or land to which the signs refer is rented, leased, or sold; or
 - c. at least 18 months have elapsed since the sign permit was issued or since the first certificate of occupancy (in the case of residential subdivision development) was issued .
 - (8) Off-premises real estate and/or construction signs are prohibited.

Sec. 17-510. Movement control signs.

In addition to other attached and detached signs allowed by this Article, movement control signs are permitted in all zoning districts, may be attached or detached, and may be erected without limit as to number provided that such signs shall comply with the following requirements:

- (1) each sign must not exceed two square feet in effective area; and.
- (2) the copy must not exceed four inches in height, and may be used for identification purposes only.

Sec. 17-511. Banner signs.

Banner signs are allowed in Restricted Commercial (“C-1”), General Commercial (“C-2”), and Industrial (“I”) zoning districts, as designated by the City’s Zoning Ordinance, and in a Planned Development (“PD”) zoning district if approved by the City Council, in accordance with the following regulations:

- (1) A premises may display one banner sign announcing a grand opening of a new business. Display of such sign is limited to a maximum of 60 days per opening. The privilege to begin display of such sign expires six months after the issuance of a

certificate of occupancy. Use of grand opening signs only apply to new ownership, tenancy, or use. Size of banner is limited to 50 square feet with at least one-half of all readable copy stating "Grand Opening" or "Now Open."

- (2) A premises may display banner signs containing a message directly relating to a special event; provided, however, that such banners may be displayed no more than 14 days prior to the special event, must be removed within two days after the conclusion of the special event, and may be displayed for no more than a total of 21 days.

Sec. 17-512. Political signs.

- (a) In addition to other attached and detached signs allowed by this article, political signs are permitted in all zoning districts. There is no limitation on the total number of political signs for each candidate that are allowed within the City, as long as the signs: (i) have an effective area that is no greater than thirty-six (36) square feet each; (ii) are no more than eight (8) feet high; (iii) are not illuminated; and (iv) do not have any moving elements. A permit shall not be required for the erection of a political sign that meets these requirements.
- (b) Notwithstanding anything contained in this article to the contrary:
 - (1) Any sign that may display a commercial message may display a noncommercial message in place of the commercial message, so long as the sign complies with the other requirements of this article and other City ordinances; and
 - (2) Any sign that may display one type of noncommercial message may also display any other type of noncommercial message, so long as the sign complies with the other requirements of this article and other City ordinances.

Sec. 17-513. Exempt signs generally.

- (a) *Exemption; exceptions.* Exempt signs designated under this section are allowed without a permit in all zoning districts in accordance with this division.
 - (1) *Governmental signs.* Nothing in this article shall be construed to regulate the display of governmental signs, including without limitation, signs for control of traffic or other regulatory purposes, street signs, danger signs, railroad crossing signs, signs of public service companies indicating danger and/or aids to service or safety, and signs depicting entry ways into the City or the location of public facilities that are erected by or on approval of the City.
 - (2) *National and state flags.* Nothing in this article shall be construed to regulate the display of a national flag and/or state flag whose size does not exceed 40 square feet and which flag is displayed upon a flagpole that does not exceed 30 feet in height.
 - (3) *Holiday decorations.* Nothing in this article shall be construed to regulate tree lights or attached building lights of a primarily decorative nature, clearly incidental and customary to the structure and commonly associated with any national, local, or religious holiday provided such lights shall not:
 - a. camouflage or divert attention from traffic signals or directional signals;

- b. have wiring that is not in conformity with the electrical code of the City; or
 - c. glare upon the street or adjacent property.
- (4) *Gasoline signs.* Nothing in this article shall be construed to regulate gasoline price per gallon or credit card signs, as long as such signs are mounted on pump islands only, with maximum effective area of any single sign face not to exceed four square feet.
- (5) *Protective signs.* Nothing in this article shall be construed to regulate protective signs, as long as such signs do not:
- a. exceed two per premises;
 - b. exceed one square foot in effective area;
 - c. exceed two feet in height; and
 - d. do not contain copy that exceeds four inches in height.
- (6) *No trespassing; no dumping; no parking.* Nothing in this article shall be construed to regulate no trespassing, no dumping and no parking signs restrictions set forth elsewhere in this article.
- (7) *Vehicular signs.* Nothing in this article shall be construed to regulate vehicular signs unless the sign is used or intended to be used as a premise or off-premises sign. It shall be prima facie evidence that a sign is used as a premises or off-premises sign if a vehicle is parked at the same location for a continuous period exceeding seventy-two (72) hours. No person shall attach any sign to a trailer, skid, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or to constitute the sign itself. This provision shall not be interpreted to prohibit identification signs on vehicles used for business purposes, nor shall it be interpreted to prohibit bumper stickers.
- (8) *Real estate signs.* Real estate signs shall be exempt from the permitting requirements of Section 17-506.
- (9) *Movement control signs.* Movement control signs shall be exempt from the permitting requirements of Section 17-506.

Sec. 17-514. Prohibited signs.

The following signs are prohibited in all zoning districts within the City.

- (1) *Animated signs.* No sign shall be erected or altered to include animation, parts that move, or flashing or blinking lights that may be distracting to motorists. This prohibition does not include time and temperature signs.
- (2) *Advertising by balloon.* Advertisement by means of a balloon or other inflated sign anchored to the ground, a building or other structure is prohibited.

- (3) *Signs that are hazardous or a nuisance.* No sign shall be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance. Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed.
- (4) *Imitation of emergency signs and signals.* No person shall cause to be erected or maintained any sign using any combination of forms, words, colors or lights which imitate emergency signs or signals.
- (5) *Searchlights.* Searchlights are specifically prohibited.
- (6) *Signs on sidewalks, streets, etc.* No person shall attach any sign, paper or material, or shall paint, stencil or write any name, number (except house numbers) or otherwise permanently mark on any sidewalk, curb, gutter or street.
- (7) *Signs on trees, poles, etc.* No person shall attach or maintain any sign upon any tree or public or private utility pole or structure.
- (8) *Portable signs.* Portable signs are specifically prohibited.
- (9) *Roof signs prohibited.* No sign shall be located on or project over the roof of a building.
- (10) *Signs in rights-of-way.* No sign shall be erected or affixed within or project over any public right-of-way or across the public right-of-way line extended across a railroad right-of-way line or extended across a railroad right-of-way. No sign shall be erected closer than six feet from the existing public right-of-way nor closer than twenty feet from any intersection.
- (11) *Signs on fences, walls, etc.* No person shall paint a sign or attach a sign, other than a nameplate sign or a " Dangerous Dog" sign, to the outside of a fence, railing or a wall that is not a structural part of a building, whether or not such fence, railing or wall is on the property line.
- (12) *Building code.* No sign shall be erected in violation of the building code of the City.
- (13) *Moving signs.* No sign shall be allowed that moves by any means.
- (14) *Luminescent gaseous tubing.* The use of exposed tubes which contain luminescent inert gases, including, but not limited to, neon, argon and krypton, and which are visible from the exterior of structures, is specifically prohibited except as an attached sign which shall conform to this article.
- (15) *Nudity prohibited.* No mannequins, pictures, drawings, sketches, or other simulated, pictorial or graphic displays of nudity or simulated nudity shall be allowed on any sign.

Sec. 17-515. Nonconforming Signs.

- (a) *Generally.* It is the declared purpose of this article that in time all signs shall either conform to the provisions of this article or be removed. By the passage of this article and its amendments, no presently illegal sign shall be deemed to have been legalized unless such

sign complies with all current standards under the terms of this article and all other ordinances of the City. Any sign that does not conform to all provisions of this article shall be a nonconforming sign if it legally existed as a conforming or nonconforming sign under prior ordinances, or an illegal sign if it did not exist as a conforming or legal nonconforming sign under prior ordinances.

- (b) *Destroyed sign.* Any nonconforming sign that has been substantially destroyed or dismantled for any purpose other than maintenance shall be deemed completely destroyed if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location. Under this provision, the sign shall be removed and a permit shall be required to erect a new sign.
- (c) The owner of a premises sign or sign structure and/or the owner or operator of any premises upon which a premises sign or sign structure is located shall remove the sign or sign structure after the first anniversary of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located. If the premises containing the sign or sign structure is leased, the sign or sign structure shall be removed after the second anniversary after the date the most recent tenant ceases to operate on the premises.
- (d) *City's removal of signs.* The Sign Administrator shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign requiring a permit for which no permit has been issued. The Sign Administrator shall provide written notice to the permit-holder or property owner that shall describe the sign and specify the violation involved and state that, if the sign is not removed or the violation is not corrected within 10 calendar days from date of issuance of the notice, the sign shall be removed in accordance with the provisions in this section. However, if the Sign Administrator determines that a dangerous or defective sign may cause imminent peril to life or property, the Sign Administrator may order the immediate removal of the sign, with notice to be given as soon as practicable after removal.
- (e) *Impoundment of signs.*
 - (1) Signs that the City removes shall be kept by the City for 15 days after the date of removal. The owner or responsible party for the sign may recover the sign by paying a fee as follows:
 - a. \$500 for signs that are 12 square feet or less in effective area
 - b. \$1,000 for signs that are larger than 12 square feet in effective area.
 - (2) The City may dispose of signs not recovered within 15 days after impoundment in any manner the City shall elect.
- (f) *Repair or renovation of nonconforming signs.*
 - (1) A nonconforming sign shall not be repaired, renovated or structurally altered except to bring the sign into compliance within the provisions of this article, unless the Sign Administrator determines, based on evidence provided by the owner of the sign, that the cost of such repair, renovation or structural alteration will not exceed 50% of the cost to bring the sign into compliance with the provisions of this article.

- (2) The copy or message on a nonconforming sign may not be replaced or changed out due to a change in ownership or business name, or for other reasons, unless the sign is first brought into compliance with the provisions of this article.

(g) *Variances.*

- (1) The board of adjustment may authorize a variance to any restriction set forth in this article, including but not limited to the number, type, area, height, or setback of signs, or any other aspect involved in the sign permitting process. In granting any variance, the board of adjustment shall determine that a literal enforcement of the sign regulations will create an unnecessary hardship or a practical difficulty on the applicant, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed, that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the spirit and purpose of this article.
- (2) A person may request a variance from this article by filing the request with the City Secretary. Any request for a variance shall be accompanied by a completed application and a non-refundable filing fee in the amount specified in the current fee schedule adopted by the City Council.
- (3) The board of adjustment may not authorize a variance to any sign restriction approved by the City Council in connection with a Planned Development (“PD”) zoning district.

SECTION 2.

Section 17-420(k) of the Kennedale City Code is hereby amended to read as follows:

The sign regulations set forth in Chapter 17, Article VII, “Signs”, of the City Code shall apply to all uses located in the Business 287 and Interstate 20/Loop 820 Overlay Districts.

SECTION 3.

Section 17-422.1(d)(9) of the Kennedale City Code is hereby amended to read as follows:

The sign regulations set forth in Chapter 17, Article VII, “Signs,” of the City Code shall apply to all large retail facilities.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and the Code of the City of Kennedale, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and Code, in which event the conflicting provisions of such ordinances and Code are hereby repealed.

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SECTION 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of the Code of the City of Kennedale (1992), as amended, or any other ordinance or code provision affecting signs which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.

The City Secretary of the City of Kennedale is hereby directed to publish in the official newspaper of the City of Kennedale the caption, penalty clause, publication clause and effective date clause of this ordinance as provided by Section 3.10 of the Charter of the City of Kennedale.

SECTION 9.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 8th DAY OF APRIL, 2004.



Mark Swright
MAYOR

Garrett Swann
CITY SECRETARY

EFFECTIVE: 4-14-04

APPROVED AS TO FORM AND LEGALITY:

Wk Olson
CITY ATTORNEY

Campaign Signs



[Home](#) > [Inside TxDOT](#) > [Divisions](#) > [Right-of-Way](#)

<http://www.txdot.gov/inside-txdot/division/right-of-way/campaign-signs.html>

During campaign season, the landscape blooms with a special kind of flower – the political sign. Unlike wildflowers that are welcome anywhere, putting campaign signs on public lands is illegal. Before you plant that sign, learn the law and [Keep Texas Beautiful](#) (locally: Keep Kennedale Beautiful ([KKB](#))).

You Need to Know

- It is illegal to place any signs on or within the right-of-way. This includes posting signs on trees, telephone poles, traffic signs and other objects on the right-of-way.
- Campaign signs along Texas roads can be placed on private property (with the owner's permission).
- Signs must be made of lightweight material and be no larger than 50 (fifty) square feet (ft²).
- Campaign signs may be posted as early as 90 (ninety) days before an election (no earlier) and must be removed within 10 (ten) days after the election.
- Before placing a sign inside of incorporated city limits, check with the city for applicable ordinances.

Sign Removal

If you've placed your sign in the right-of-way or it's posing a traffic hazard, TxDOT will remove it without prior notice. All costs associated with sign removal will be paid by the sign owner.

For further information about the rules governing campaign signs, please call TxDot at 512-416-2901.

CAMPAIGN SIGNS IN STATE ROADWAYS

****KENNEDALE PARKWAY (BUSINESS 287) IS A STATE ROADWAY****

Under state law (Texas Transportation Code, [§392.031](#)), placing any sign in a state highway right-of-way is a Class C Misdemeanor carrying finest of up to \$500.00 per sign. Kennedale Parkway ([Business 287](#)) is subject to these laws, which are intended to reduce clutter so that official traffic control signs and vehicles approaching the roadways are clearly visible for the safety of those traveling the highways.

Legal Placements of Campaign Signs

- Do not place campaign signs on or within any public right-of-way. This includes attaching signs to trees, telephone poles, traffic signs, and other objects in the right-of-way. Signs in violation will be removed by TxDOT employees, a county sheriff, or a constable, depending upon the jurisdiction.
- If you are thinking of placing a sign within incorporated city limits, be aware that the signs may also be subject to local ordinances. ([Local sign ordinance \(O267\)](#) is attached for your review (pp. 12–28))
- It is allowable to place a campaign sign on private property (*not in the right-of-way*) along highways with the owner's permission.
- Signs must meet some basic criteria:
 - Must be made of lightweight material
 - Can be up to fifty square feet (50 ft²) in size
 - Can only be in place for the ninety (90) days preceding and ten (10) days following an election.

When Signs are Placed Illegally

- If a sign is a potential safety hazard, it will be removed as soon as possible. Otherwise, candidates will be notified and given twenty-four (24) hours to remove their sign.
- Campaign signs removed by TxDOT are stored at the local maintenance office (5501 McCart Ave., Fort Worth, TX 76133; <http://www.txdot.gov/contact-us/form.html?id=ftw-email>) until after the election.

If you're unsure about sign placement, TxDOT can help. Contact the local TxDOT Public Information Office at 817- 370-6744, Fort Worth District Maintenance Director Ralph Garza at 817- 370-6903, or visit www.dot.state.tx.us.

Source: <http://txdot.gov/inside-txdot/district/fort-worth/contact.html>