

REQUEST FOR PROPOSALS (RFP)
DIGITAL BILLBOARDS
CITY OF CASTLE HILLS

REQUEST FOR PROPOSALS (RFP)

DIGITAL BILLBOARDS

FOR THE CITY OF CASTLE HILLS, TEXAS

A PRE-PROPOSAL CONFERENCE WILL BE HELD ON
SEPTEMBER 5, 2018 at 10:00 AM
in the Council Chambers, City Hall,
209 Lemonwood Drive, CASTLE HILLS, Texas 78213

PROPOSALS WILL BE RECEIVED UNTIL THE HOUR OF
12:00 NOON ON OCTOBER 4, 2018
in the office of the City Manager, City Hall,
209 Lemonwood Drive, CASTLE HILLS, Texas 78213

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NOTICE OF REQUEST FOR PROPOSALS

NOTICE IS HEREBY GIVEN that sealed Proposals are requested by the City of CASTLE HILLS, Texas (the City) for **Digital Billboards** in strict accordance with the specifications herein.

The City is soliciting Proposals from qualified entities to develop and operate one-sided or two-sided digital billboards on City-Owned or City-Controlled sites located along Northwest Loop 410 and Northwest Military Highway. The digital billboards must conform to the specifications described in this request for Proposals ("RFP"), as well as the requirements of Chapter 34 of the City Code and applicable Texas state requirements. The selected Proposer(s) will be solely responsible for all costs arising from planning, permitting, installing, operating, and maintaining the digital billboards.

A pre-proposal conference will be held on **SEPTEMBER 5, 2018 at 10:00 AM** in the Council Chambers City Hall, 209 Lemonwood Drive, CASTLE HILLS, Texas 78213.

The Proposal specifications and forms can be obtained from the City's website at <http://www.cityofcastlehills.com> and must be delivered to the Office of the City Manager, City Hall, 209 Lemonwood Drive, CASTLE HILLS, Texas 78213, up to but not later than 12:00 Noon. C.S.T. on **OCTOBER 4, 2018**.

The City reserves the right to reject any and/or all Proposals received.

Information on Technical Data and on Proposal Process/Clarification:

EMAIL: Ryan Rapelye

rrapelye@cityofcastlehills.com

DISCLAIMER: The City does not assume any liability or responsibility for errors/omissions in any document transmitted electronically.

Dated: **AUGUST 22, 2018**

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1. INVITATION TO SUBMIT A PROPOSAL

Proposals shall be submitted no later than **OCTOBER 4, 2018 at 12:00 NOON** in the

Office of: CITY MANAGER
CITY OF CASTLE HILLS
209 LEMONWOODDRIVE
CASTLE HILLS, TEXAS 78213

ONE (1) original (unbound) and SEVEN (7) bound copies of the Proposal shall be submitted. Additionally, submit ONE (1) CD with an electronic version of the Proposal in PDF format. The Proposal should be firmly sealed in an envelope which shall be clearly marked on the outside, "DIGITAL BILLBOARDS for the City of CASTLE HILLS". Any Proposal received after the due date and time indicated may not be accepted and may be rejected and returned to the Proposer unopened.

2. CONDITIONS OF SUBMISSION OF PROPOSAL

- A. The City shall not be obligated to respond to any Proposal submitted nor be legally bound in any manner by the submission of a Proposal.
- B. Acceptance by the City of a Proposal obligates the Proposer to enter into an agreement with the City.
- C. An agreement shall not be binding or valid on the City unless or until it is executed by the City and the Proposer.
- D. Statistical information contained in these documents is for informational purposes only. The City shall not be responsible for the accuracy of said data. City reserves the right to increase or decrease the project scope.

3. ACCEPTANCE OR REJECTION OF PROPOSAL

The City reserves the right to select the successful Proposal and negotiate a contract for digital billboards in the City with the Proposer whose Proposal(s) is/are most advantageous to the needs of the City. Further, the City reserves the right to reject any and all Proposals, or alternate Proposals, or waive any informality or irregularity in the Proposal that may be in the City's best interest.

The City reserves the right to reject any and all Proposals, or portions thereof, received in response to the Request or to negotiate separately with any source whatsoever, in any manner necessary, to serve the best interests of the City. Additionally, the City may, for any reason, decide not to award an agreement(s) as a result of this Request.

Non-acceptance of any Proposal shall not imply that the Proposal was deficient. Rather, non-acceptance of any Proposal will mean that another Proposal was deemed to be more

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advantageous to the City or that the City decided not to award an agreement as a result of this request.

4. RIGHT TO CHANGE OR AMEND REQUEST

The City reserves the right to change the terms and conditions of this RFP. The City will notify potential Proposer(s) of any material changes by posting on the City's website. No one is authorized to amend any of the Request requirements in any respect, by an oral statement, or to make any representation or interpretation in conflict with its provisions. If necessary, supplementary information and/or clarifications/questions/answers will be posted on the City's website at <http://www.cityofcastlehills.com>. Failure of any Proposer to not have received such information and/or clarifications/questions/answers shall not relieve such Proposer from any obligation under his/her Proposal as submitted.

Any exceptions to this Proposal shall be clearly stated in writing.

5. CANCELLATION

The City reserves the right to rescind award of the contract at any time before execution of the contract by both parties if it is deemed to be in City's best interest. In no event shall City have any liability for the rescission of award. The Proposer assumes the sole risk and responsibility for all expenses connected with the preparation of its Proposal.

6. EXAMINATION OF PROPOSAL MATERIALS

The submission of a Proposal shall be deemed a representation and warranty by the Proposer that it has investigated all aspects of the Request, that it is aware of the applicable facts pertaining to the Request process and its procedures and requirements, and that it has read and understands the Request. No request for modification of the provisions of the Proposal shall be considered after its submission on the grounds the Proposer was not fully informed as to any fact or condition. Statistical information which may be contained in the Request or any addendum is for informational purposes only. The City disclaims any responsibility for this information which may subsequently be determined to be incomplete or inaccurate.

7. ADDENDA AND INTERPRETATION

The City will not be responsible for, nor be bound by, any oral instructions, interpretations, or explanations issued by the City or its representatives. Any request for clarifications/questions/answers of this Request shall be made in writing/e-mail and deliverable to:

The City of CASTLE HILLS/ 209 Lemonwood Drive/ CASTLE HILLS, TX 78213/ Attn: City Manager or email to: rrapelye@cityofcastlehills.com.

Such request for clarifications/questions/answers shall be delivered to the City at least ten (10) calendar days prior to the date for receipt of Proposals. Any City response to a request for clarifications/questions/answers will be posted on the City's website at <http://www.cityofcastlehills.com> (not later than five (5) calendar days prior

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to the due date) and will become a part of this request. The Proposer should await responses to inquires prior to submitting a Proposal.

8. DISQUALIFICATION

Any of the following may be considered cause to disqualify a Proposer without further consideration:

- A. Evidence of collusion among Proposers.
- B. Any attempt to improperly influence any member of the evaluation panel.
- C. Any attempt to communicate in any manner with a City elected official during the RFP process will, and shall be, just cause for disqualification/rejection of Proposer's Proposal/Proposer's submittal and considered non-responsive.
- D. Existence of any lawsuit, unresolved contractual claim, or dispute between Proposer and the City.

9. INFORMAL PROPOSAL REJECTED

A Proposal shall be prepared and submitted in accordance with the provisions of these instructions and specifications. Any alteration, omission, addition, variance, or limitation of, from, or to a Proposal may be sufficient grounds for rejection of the Proposal. The City has the right to waive any defects in a Proposal if the City chooses to do so, but the City may not accept a Proposal if any document or item necessary for the proper evaluation of the Proposal is incomplete, improperly executed, indefinite, ambiguous, or missing.

10. LICENSING REQUIREMENTS

Any certifications or licenses that may be required will be the sole cost and responsibility of the successful Proposer.

11. INSURANCE REQUIREMENTS

Proposer, at Proposer's sole cost and expense and for the full term of the resultant contract or any extension thereof, shall obtain and maintain at least all of the insurance requirements listed in attached Exhibit A

12. HOLD HARMLESS DEFENSE CLAUSE

THE PROPOSER SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY, ITS OFFICERS, OFFICIALS, EMPLOYEES, AND VOLUNTEERS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY FEES ARISING OUT OF THE PERFORMANCE OF THE PROJECT DESCRIBED HEREIN, CAUSED IN WHOLE OR IN PART BY ANY NEGLIGENT ACT OR OMISSION OF PROPOSER, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM, OR

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ANYONE FOR WHOSE ACTS ANY OF THEM MAY BE LIABLE, EXCEPT WHERE CAUSED BY WILLFUL MISCONDUCT OF THE CITY.

13. APPLICABLE LAW

This agreement shall be governed by the laws of the State of Texas. Venue shall be County of Bexar, Texas.

14. TERM

Twenty-five (25) years.

15. AUDITING OF CONTRACT

The City reserves the right to periodically audit all aspects of the contract between the City and the chosen proposer. Upon request, the Proposer agrees to promptly furnish the City with necessary information and assistance.

16. AWARD

Upon conclusion of the RFP process, a contract may be awarded for DIGITAL BILLBOARDS for the City of CASTLE HILLS.

The City reserves the right to select the successful Proposer and to negotiate terms of a contract with the Proposer(s) who's Proposal(s) is/are most advantageous to the needs of the City. Further, the City reserves the right to reject any and all Proposals, or alternate Proposals, or waive any informality in the Proposal as is in the City's best interest.

17. CONFIDENTIALITY

If a Proposer believes that portions of a Proposal constitute trade secrets or confidential commercial, financial, geological, or geophysical data, then the Proposer must so specify by, at a minimum, stamping in bold red letters the term "**CONFIDENTIAL**" on that part of the Proposal which the Proposer believes to be protected from disclosure. The Proposer must submit in writing specific detailed reasons, including any relevant legal authority, stating why the Proposer believes the material to be confidential or a trade secret. Vague and general claims as to confidentiality will not be accepted. The City will be the sole judge as to whether a claim is general and/or vague in nature. All offers and parts of offers that are not marked as confidential may be automatically considered public information after the contract is awarded. **By submitting a proposal, a proposer acknowledges that the City will likely receive one or more public information requests to obtain copies of proposals made by the proposers. If a proposer wishes to oppose the release of components of a proposal as confidential, the objecting proposer shall be responsible for preparing a request to the attorney general seeking approval to not release the confidential information. If the attorney general determines that the purported confidential information should be released to the public, and the proposer desires to litigate the release, the objecting proposer shall be responsible for and pay for the City's litigation costs. If the City determines that the purported confidential information is not of sufficient significance**

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to merit opposition to its release, the City may release the information on its own volition, and the proposer by the act of submitting a proposal waives any claims and damages against the City for the release of the confidential information.

18. SELECTION OF COMMITTEE

A committee comprised of staff from the City and two city council members will evaluate and rank the Proposals using the selection criteria outlined in this RFP, which include the following:

- Revenue generation to the City
- Initial payments upon execution of Agreement Design features of the digital billboards Conformance with digital display specifications Conformance with City ordinances
- Amount of time offered for City messages and public service announcements
- Discounts made available to City businesses and amount of time offered for City businesses to advertise

The committee will present the top-ranked Proposal(s) to the CASTLE HILLS City Council and request authority for the City to negotiate a master license with the selected Proposer(s). The City and the selected Proposer(s) will then negotiate a master license (or similar instrument) outlining terms under which the Proposer(s) will install and operate the digital billboards

In addition to entering into the master license, the selected Proposer(s) must demonstrate a willingness and capability to remove existing billboards (if possible) in conjunction with its Proposal to install the new digital billboards. The terms governing the removal of existing billboards will be specified in a "relocation agreement." At the conclusion of negotiations, both the relocation agreement and the master license will be presented to the City Council for approval.

19. BACKGROUND

The City of CASTLE HILLS sign code is found in Chapter 34 of the Code of Ordinances of the City. Chapter 34 was extensively revised on April 9, 2013 by the adoption of Ordinance No. 1098. Prior to the revision of the sign code on April 9, 2013, off premise digital display signs were not permitted in CASTLE HILLS. There have been two amendments (Ordinance 1105 and Ordinance 1124) to Chapter 34 since April 9, 2013. The revised sign rules now permit off premise digital display signs in any zoning district of the City on property controlled by the City of CASTLE HILLS through ownership, dedication or lease adjacent to Loop 410 or Northwest Military Highway. A copy of the current sign code of the City with all amendments cited is attached to this RFP as Exhibit "B".

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20. LOCATION OF SIGNS

The City will be the sole judge of whether the proposed sign location of a site is suitable, taking into account such factors as type of City control, visibility, size of sign or foundation, and compatibility with on-site and nearby land use potential environmental effects as revealed in an Initial Study. The project Proposer will be responsible for the preparation of an Initial Study and any subsequent environmental documentation, site selection, utility easements if any, and any other encumbrance responsibilities. The City will determine the level of environmental review required. The selected Proposer(s) will be responsible for all costs associated with such review and compliance, if any, including noticing costs, filing fees, staff costs, and consultant fees. To this end, the selected Proposer(s) will be required to deposit funds in advance sufficient to cover such costs.

21. SPECIFICATIONS FOR PROPOSED DIGITAL BILLBOARDS

- A. Current best available digital-billboard technologies are required, including but not limited to the following:
 - 1. Remote diagnostic and maintenance capability
 - 2. "Amber Alert" capability
 - 3. Automatic brightness adjustment to ambient lighting conditions
 - 4. UL and IEC approved
 - 5. Color calibration to ensure consistent image quality
 - 6. Remote shutdown capability
- B. Code Requirements as contained in Exhibits B & C
- C. Construction and operation requirements:
 - 1. Regularly scheduled onsite maintenance
 - 2. Internal service access for safety and improved appearance (no visible catwalks)
 - 3. Constructed to comply with all applicable City codes
 - 4. Engineered foundation, anchoring mechanism and support system
- D. The master license will require the selected Proposer(s) to maintain, repair, and upgrade the digital billboards as needed to provide the best available digital-billboard technologies during the term of the master lease.

22. BUSINESS TERMS

To be considered, a Proposal must meet the following minimum requirements:

- A. The proposed digital billboards must conform to the specifications set out above and must also comply with City ordinances and State and Federal requirements.
- B. The Proposal may include the removal of existing "static" billboards. Proposals may

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also include awards to the City to leave existing static billboards in place.

- C. The Proposal may be for any City-Owned location(s), or other appropriate City-Controlled sites, so long as the proposed location(s) meet the minimum spacing requirement.
- D. Proposed remuneration to the City must include (1) an initial payment consistent with the standard in the outdoor-advertising industry (i.e., "signing bonuses"); and (2) monthly license payments for individual sites. The monthly license payments must have scheduled automatic adjustments for license rate increases. In addition, the Proposal must provide for periodic review and renegotiation of the monthly license payments so that the City's remuneration remains consistent with prevailing market conditions throughout the term of the license.
- E. Proposal must include a "City of Castle Hills" identification sign on each side of the sign structure, which must also be maintained for the term of the agreement.
- F. Proposal must make the sign available for Amber Alert messages, public service announcements, and City messages.
- G. The term of the master license must be for a minimum of 25 years.
- H. The proposed digital billboard must include a replacement schedule.
- I. The master license to be negotiated between the City and the selected Proposer(s) will require the Proposer to do the following:
 - 1. Promptly take all action necessary to investigate and remedy the release of any "hazardous substances" (to be further defined within the license) caused by the Proposer's activities on the City's property.
 - 2. Maintain, at no cost to the City, and in amounts acceptable to the City, both public liability insurance and fire-and-casualty insurance covering improvements placed onsite.

23. SUBMISSION REQUIREMENTS

To be considered, a Proposal must include the following information:

A. Proposer Identification and Experience

- 1. The name, address, and telephone numbers of the Proposer, along with resumes and a description of background experience of each person with whom the City must communicate.
- 2. The type of legal entity with which the City would contract (e.g., individual, corporation, partnership, joint venture, limited-liability company).

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3. Documentation demonstrating that the Proposer is qualified to undertake the proposed project, including but not limited to the following:
 - a) Overall experience with large, multi-site, digital-billboard development
 - b) Experience with public/private development, including references of public partners
 - c) Access to financial resources consistent with project requirements
 - d) A track record of superior design
 - e) The identity of the principal person within the Proposer's business who is authorized to negotiate on its behalf (the "Key Negotiator") and the authority the Key Negotiator possesses. If the Key Negotiator has limited authority, describe the process required to obtain authorization. The Key Negotiator's resume must indicate that he or she is qualified to serve as Key Negotiator, with success in negotiating public/private partnerships and developing the type of development being proposed (include references that can validate the Key Negotiator's role in the prior projects).

B. Development Proposal

1. Submit Proposal for one or multiple sites.
2. A description of the proposed digital-billboard project, including identification of sites and anticipated installation schedule.
3. The individual digital billboard designs, with sufficient detail to illustrate the scale, size, and mix of design elements. Include, at a minimum, the following design information in schematic form:
 - a) Site Plan
 - b) Elevations
 - c) High-resolution graphic renderings
 - d) Animation or video of installation with same quality, technology and scale
4. Information pertaining to each proposed digital billboard in sufficient detail to verify conformance with the specifications and requirements outlined in this RFP.

C. Proposed Development Schedule

A preliminary schedule for development of the proposed digital billboards that addresses, at a minimum, preparation of sealed foundation, structural and design documents, projected approval dates, commencement and completion of construction, and operation of the digital billboards. The City will expect that construction of the digital billboard(s) will commence within six months of execution of any license agreements.

D. Business Proposal and Financing Plan

1. The terms of an offer to license the City-Owned or Controlled sites in accordance with the requirements specified herein, including, but not limited to, a detailed description of the proposed remuneration to the City, i.e., proposed initial payment, monthly license payments, scheduled automatic adjustment, periodic

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2. review and renegotiation, and payments due upon completion of each digital billboard.
3. Proposals that do not identify a compensation annually (not including any initial payments) to the City of Castle Hills may be rejected.
4. Proposal shall also identify if any, the location and square footage of existing billboards to be removed.

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24. EVALUATION SCHEDULE

The anticipated evaluation schedule for this RFP is as follows:

Task	Deadline
Issue RFP	8/22/2018
Pre-Proposal Conference	9/05/2018
Questions Due	9/13/2018
Responses Due	9/20/2018
PROPOSALS DUE	10/04/2018

25. COST DEPOSIT

The Proposer will be required to give the City a non-refundable deposit in an amount equal to the City's estimate of its costs to process project approvals and prepare the required master license and relocation agreement. The cost of preparing and submitting a Proposal is the sole responsibility of the Proposer and shall not be chargeable in any manner to the City of Castle Hills.

26. LIST OF ATTACHMENTS:

- Exhibit A - Insurance Requirements
- Exhibit B - Digital/Electronic/Moving Off-Premises Displays/Sign Ordinance
- Exhibit C - August 13, 2013 Amendment to the Sign Ordinance

27. PROPOSAL GUIDELINES, CONTENT AND FORMAT

In order for the City to properly evaluate the Proposers' Proposal, the Proposals shall include, as a minimum, the following information:

- A. Evidence of the Proposer's ability to be responsive to this project in regard to timeliness and expertise, including availability of staff proposed to be assigned.
- B. Such additional information that the Proposer may feel would be pertinent to assist the City of CASTLE HILLS in making its final decision.
- C. Please submit one (1) original and seven (7) copies of your Proposal/qualifications. Additionally, submit one (1) CD with an electronic version of the Proposal. One of the copies should be unbound to allow us to reproduce your Proposal, as needed.
- D. The Proposal must be submitted, typewritten on 8" X 11" white paper.

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28. COVER LETTER

Submit a letter on your company letterhead addressing the Proposal and format. The letter should be signed by an officer of the firm authorized to bind the firm to all comments made in the Proposal, and shall include the name, address, phone number and e-mail address of the person(s) to contact who will be authorized to represent your firm.

Include your firm's understanding of the work to be performed. In addition, state why your firm believes itself to be the best qualified to perform the services requested by comparing your system with other competitors.

29. FINANCIAL STATEMENT

The Proposer must be able to demonstrate a good record of performance and have sufficient financial resources to ensure that it can satisfactorily perform the project.

Any Proposer who, at the time of submission, is involved in an ongoing bankruptcy as a debtor, or in a reorganization, liquidation, or dissolution proceeding, or if a trustee or receiver has been appointed over all or a substantial portion of the property of the Proposer under federal bankruptcy law or any state insolvency, may be declared non-responsive.

30. CORPORATE STRUCTURE ORGANIZATION

Describe how your firm is organized, noting major divisions and any parent/holding companies, as well as brief history of the firm and all personnel potentially to be involved in the project including all sub-consultants. Designate the Principal in Charge and other key personnel. Also provide a description of the experience your firm has had with similar processes.

Provide a conceptual plan for services to the City that you believe are appropriate for the City. Indicate features, skills and/or services which distinguish your firm and make it the best choice for the City. Indicate how the resources of your firm (e.g., number and type of personnel allocated by hours) will be allocated for this project. Submittal of a project schedule is required as part of the Allocation of Resources.

31. ADDITIONAL DATA

Material and data not specifically requested for consideration, but which the Proposer wishes to submit must not appear with the Proposal Form but may appear only in an "Additional Data" section. This has specific reference to the following types of data:

- Generalized narrative of supplementary information; and supplementary graphic material.

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32. EXECUTION OF PROPOSAL

All Proposals must be signed with the full name of the Proposer, if an individual; by an authorized general partner, if a partnership; or by an authorized officer, if a corporation. The original Proposal must have wet ink signatures. Modification to a Proposal after the Proposal submittal deadline will not be accepted by the City.

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PROPOSER'S AGREEMENT

In submitting this Proposal, as herein described, the Proposer agrees that:

1. It has carefully examined the Scope of Work and all other provisions of this document and understand the meaning, intent and requirements of same.
2. It will enter into contract negotiations and perform the project.
3. It has reviewed all clarifications/questions/answers on the City's website at <http://www.cityofcastlehills.com>.

NAME OF PROPOSER: _____

FIRM ADDRESS: _____

SIGNED BY: _____

TITLE: _____

PHONE NO./FAX NO.: _____

E-MAIL ADDRESS: _____

DATE: _____

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EXHIBIT A- INSURANCE REQUIREMENTS

DIGITAL BILLBOARDS- LICENSE & MAINTENANCE

LICENSEE shall procure and maintain for the duration of the Agreement, insurance against all claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the LICENSEE, its agents, representatives, volunteers, or employees.

1. **INSURANCE** Throughout the life of this Contract, the Licensee shall pay for and maintain in full force and effect with an insurance company admitted by the Texas Insurance Commissioner to do business in the State of Texas and rated not less than "A: VII" in Best Insurance Key Rating Guide, the following policies of insurance:

- A. **COMMERCIAL (BUSINESS) AUTOMOBILE LIABILITY** insurance, endorsed for "any auto" with combined single limits of liability of not less than \$1,000,000 each occurrence.
- B. **WORKERS' COMPENSATION** insurance as required under the Texas Labor Code and Employers Liability Insurance with limits not less than \$1,000,000 per accident/injury/disease.
- C. **COMMERCIAL OR COMPREHENSIVE GENERAL LIABILITY AND MISCELLANEOUS SUPPLEMENTARY INSURANCE.**

FOR ADDITIONAL REQUIREMENT(S):

- (i) **COMMERCIAL OR COMPREHENSIVE GENERAL LIABILITY** insurance which shall include Contractual Liability, Products and Completed Operations coverages, Bodily Injury and Property Damage Liability insurance with combined single limits of not less than \$1,000,000 per occurrence, and if written on an Aggregate basis, \$2,000,000 Aggregate limit. Not excluding the above, the Proposer's minimum insurance coverage requirements by category should be demonstrated to be as follows:

- General Liability - \$5MM
- Automobile - \$500,000
- Builder's Risk - \$500,000
- Workman's Comp - \$500,000
- Professional Liability - \$1MM

Deductibles and Self-Insured Retentions must be declared and are subject to approval by the City. The Policy(s) shall also provide the following:

- 1. The Commercial General Liability insurance shall be written on ISO approved occurrence form with additional insured endorsement naming: *City of Castle Hills, its Mayor, Council, officers, representatives, agents, employees and volunteers are additional insured.*

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2. All insurance required by this Agreement shall be with a company acceptable to the CITY and issued and executed by an admitted insurer authorized to transact insurance business in the State of Texas. Unless otherwise specified by this Agreement, all such insurance shall be written on an occurrence basis, or, if the policy is not written on an occurrence basis, such policy with the coverage required herein shall continue in effect for a period of three years following the date LICENSEE completes its performance of services under this Agreement.
 - a) For any claims related to services or products provided under this contract, the Licensee's insurance coverage shall be primary insurance as respects the City of Castle Hills its officers, agents, and employees. Any coverage maintained by the CITY shall be excess of the Licensee's insurance and shall not contribute with it. Policy shall waive right of recovery (waiver of subrogation) against the CITY.
 - b) Each insurance policy required by this clause shall have a provision that coverage shall not be cancelled by either party, except after thirty (30) days prior to written notice by certified mail, return receipt requested, has been given to the CITY. Further, the thirty (30) day notice shall be unrestricted, except for workers' compensation, or non-payment of premium, which shall permit ten (10) days advance notice. The insurer and/or the licensee and/or the licensee's insurance agent shall provide the CITY with notification of any cancellation, major change, modification or reduction in coverage.
 - c) Regardless of these contract minimum insurance requirements, the Licensee and its insurer shall agree to commit the Licensee's full policy limits and these minimum requirements shall not restrict the Licensee's liability or coverage limit obligations.
 - d) The Company shall furnish the City of Castle Hills with the Certificates and Endorsement for all required insurance, prior to the City's execution of the Agreement and start of work.
 - e) Upon notification of receipt by the CITY of a Notice of Cancellation, major change, modification, or reduction in coverage, the Licensee shall immediately file with the CITY a certified copy of the required new or renewal policy and certificates for such policy.

Any variation from the above contract requirements shall only be considered by and be subject to approval by the City Council.

If at any time during the life of the Contract or any extension, the Licensee fails to maintain the required insurance in full force and effect, all work under the Contract shall be discontinued immediately. Any failure to maintain the required insurance shall be sufficient cause for the CITY to terminate this Contract.

If the Licensee should subcontract all or any portion of the work to be performed in this contract, the Licensee shall cover the sub-Proposer, and/or require each sub-Proposer to adhere to all subparagraphs of these Insurance Requirements section. Similarly, any cancellation, lapse, reduction or change of sub-Proposer's insurance shall have the same impact as described above.

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EXHIBIT B: CHAPTER 34 SIGNS AND OTHER ADVERTISING

City of Castle Hills Code of Ordinances

Chapter 34 - SIGNS AND OTHER ADVERTISING^[1]

Footnotes:

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Editor's note— Ord. No. 1098, adopted April 9, 2013, amended former Ch. 34, Arts. I, II, in its entirety. Former Ch. 34 pertained to similar subject matter and derived from the Code of 1995, §§ 4.100—4.110, Ord. No. 763, 8-8-1995; Ord. No. 790, 5-14-1996; Ord. No. 806, 9-24-1996; Ord. No. 936, 3-9-2004; Ord. No. 1001, 7-8-2008; Ord. No. 1009, 11-12-2008; Ord. No. 1023, 7-14-2009.

State Law reference— Regulation of signs by municipalities generally, V.T.C.A., Local Government Code § 216.001 et seq.; authority for municipal regulation of signs, V.T.C.A., Local Government Code § 216.901; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903; municipal boards on sign control, V.T.C.A., Local Government Code § 216.004; regulation of outdoor advertising generally, V.T.C.A., Transportation Code § 391.031 et seq.; licenses and permits for outdoor advertising, V.T.C.A., Transportation Code § 391.061 et seq.; municipal authority to regulate sign placement, V.T.C.A., Transportation Code § 393.0025.

Sec. 34-1. - Purpose.

- (a) The purpose of this chapter is to create a legal framework for a comprehensive and balanced system of signage to facilitate easy and pleasant communications between people and their environment and to avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and community appearance. With these purposes in mind, it is the intent of this chapter to authorize the use of signage which are:
 - (1) Compatible with their surroundings;
 - (2) Appropriate to the activity that displays them.
 - (3) Expressive of the identity of individual activities and the community as a whole; and
 - (4) Legible in the circumstances in which they are seen.
- (b) Signage is regulated on the basis of the zoning district and street or highway from which they are displayed, the type of activity displaying the signage, and the following five design features:
 - (1) Type of sign;
 - (2) Size of sign;
 - (3) Height of sign;
 - (4) Location of sign;
 - (5) Type of illumination used.

([Ord. No. 1098, Exh. A \(§ 4.100\), 4-9-2013](#))

Sec. 34-2. - Definitions.

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

Animation: Copy or other images that flash or move or otherwise change at intervals of more than once each six seconds.

Area, ground and projecting signs: The total area of the face which is used to display a sign, not including its supporting poles or structures. If a sign has two faces that are parallel and supported by the same poles or structures, the area of the sign is one-half the area of the two faces. If a graphic has two or more faces that are supported by the same poles or structures but are not parallel, the area of the sign is the largest area of all faces visible at one time.

Awning: A cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Banner: A sign composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow movement caused by the atmosphere.

Bare-bulb illumination: A light source which consists of light bulbs with a 20-watt maximum wattage for each bulb.

Billboard: A street sign which advertises products or services not sold or distributed on the premises on which the street sign is located.

Changeable electric variable message sign (CEVMS): A digital display sign composed of electronically illuminated segments and/or a series of grid lights, light emitting diode (LED) display, light crystal display (LCD), fiber optic or other media or technology. A changeable electronic variable message sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

Design factor: The surface, color, illumination, or mechanical movement of a street sign.

Digital conversion: The replacement of a previously installed static sign face with a digital display.

Digital display-off premises: An off premises sign face that will display changing content advertising products or services not sold or distributed on the premises. The digital display is composed of electronically illuminated segments and/or a series of grid lights, light emitting diode (LED) display, light crystal display (LCD), fiber optic or other media or technology.

Digital display-on premises: An on premises sign face that may display changing content through still images, scrolling images or other type images on a fixed display composed of electronically illuminated segments and/or a series of grid lights, light emitting diode (LED) display, light crystal display (LCD), fiber optic or other media or technology.

Directional sign: A street sign providing information for the convenience of the public such as the location of exits, entrances and parking lots.

Dwell time: The interval of change between each individual message. Dwell time shall include the one second or less required to change a message.

Façade: The side of a building below the eaves.

Fascia sign: A sign, usually flat, mounted on the façade of a building.

Flashing: A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated, inverse illuminated or operates with transitory bursts, for periods of less than one second. This term shall include, blinking, strobing and twinkling. Animation as defined shall not fall under the definition of flashing.

Foot-candle: A unit of light measurement equal to one lumen per square foot.

Full motion video: The use of live action footage shot with a video camera or similar device that is sized to fit and be displayed by an electronic message sign or similar device.

Height: The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign.

Indirect illumination: A light source not seen directly.

Internal illumination: A light source that is concealed and/or contained within the street sign and becomes visible in darkness through a translucent surface.

Movement: Physical movement or revolution up or down, around sideways that completes a cycle of change at intervals of less than six seconds.

Portable sign: A street sign that is not permanently attached to the ground or a building or designed to be permanently attached.

Sign: A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct or inform that is visible from the public right-of-way.

Strip center/shopping center/mall/mini mall: A strip or shopping center and mall or mini mall is defined as a series of four or more stores occupying the same building or having common walls between them or a series of buildings with the same motif, a common parking lot, and the same owner, being identified in its original construction as a center.

([Ord. No. 1098, Exh. A\(§ 4.101\), 4-9-2013](#) ; [Ord. No. 1105, 8-13-2013](#))

Sec. 34-3. - Digital display-on premises.

On premises digital displays shall be permitted subject to the following requirements:

(1) *Digital display-on premises intensity:*

- a. All digital displays shall be illuminated at a level no greater than 0.3 foot-candles over ambient light levels for the location and time and shall have light cutoff devices such as louvers in order to minimize light escaping above the horizontal plane.
- b. The portion of a freestanding sign that contains a digital display shall only operate during the hours of business associated with the business with the exception of sign zone D Loop 410 in which digital displays may operate 24 hours a day.
- c. A digital display sign must be equipped with both dimmer control and photocell, which automatically adjusts the display's intensity.
- d. The digital display shall contain a default mechanism in the event of a malfunction. The problem and or malfunction shall be corrected within 24 hours.
- e. Any variable color changing component of a digital display-on premises sign shall complete a color changing cycle in not less than eight seconds.

(2) *Digital display-on premises standards:*

- a. Height and size restrictions are set forth in sign zones, subsection 34-106(9).
- b. Use of full motion video, sound, flashing, strobing or scrolling line similar to "ticker-tape" is prohibited.
- c. Digital display signs shall not resemble or simulate traffic lights or official signage in accordance with the state or Federal Highway Administration.
- d. The minimum setback of all digital signs shall be 15 feet from any property line.
- e. Digital signs shall not exceed a maximum of one foot-candle illumination at the property line.
- f. The maximum number of digital signs shall be limited to one per platted lot. No other on premises freestanding signs shall be permitted.

(3) *Digital display-on premises placement:*

- a. Digital displays are permitted in business and industrial zones. Digital displays are prohibited in residential zones.

- b. No digital display shall have more than one two-sided digital display per each freestanding sign structure.
- c. Spacing between digital display signs shall be a minimum of 200 feet measured along the same side of street or highway. Digital display signs shall be located a minimum of 150 feet from residences and residential zones.

(4) *Fee schedule:*

- a. Digital display-on premises sign permits:

Sign inspection fee:	
Less than 32 sq. ft.	\$100.00
Over 32 sq. ft.	\$20.80 +.22 per sq. ft. over 32 sq. ft.
Gas tube/electric	\$20.80
Incandescent signs	\$10.80 + .22/socket
Sign height, per foot	\$4.00
Digital display/electric message center	\$30.00

([Ord. No. 1098, Exh. A\(§ 4.102\), 4-9-2013](#) ; [Ord. No. 1105, 8-13-2013](#))

Sec. 34-4. - Digital display-off premises.

Off premises digital displays shall be permitted subject to the following requirements:

- (1) Digital display-off premises signs may be located in any zoning district of the city on property controlled by the City of Castle Hills though ownership, dedication or lease adjacent to Loop 410 or Northwest Military Highway.
- (2) Digital display-off premises signs must comply with all rules and regulations for electronic signs adopted by the Federal Highway Administration, United States Department of Transportation and the Texas Department of Transportation.
- (3) A digital display-off premises sign may not:
 - a. Be illuminated by flashing, intermittent, or moving lights;
 - b. Contain or display animated, moving video, or scrolling advertising;
 - c. Consist of a static image projected on a stationary object;
 - d. Be a mobile sign located on a truck or trailer; or
 - e. Complete a color changing cycle in less than eight seconds if the sign includes a variable color changing component.

Digital display-off premises sign faces may not be located closer than 1,500 feet apart if facing the same direction of travel.

- (4) A digital display-off premises sign may not exceed 80 feet in height from ground level to the top of the sign and its structure may not have a display surface in excess of 14 feet high and 48 feet wide. All digital display-off premises signs must be constructed on monopole pylons.
- (5) Each message on a digital display-off premises sign shall be displayed for at least eight seconds and a change of message shall be accomplished within two seconds and must occur simultaneously on the entire sign face. Each sign must contain a default mechanism that freezes the sign in one position if a malfunction occurs. A digital display-off premises sign shall not display light of such intensity or brilliance to cause glare or otherwise impair vision of a driver or result in a nuisance to a driver. A digital display-off premises sign must automatically adjust the intensity of its display according to natural ambient light conditions. Digital display-off premises sign light intensity shall not exceed the standard of 0.3 foot candles above ambient light level at a distance of 250 feet as recommended by the Outdoor Advertising Association of America.

A digital display-off premises sign applicant shall provide written certification from its sign manufacturer that the light intensity has been factory pre-set not to exceed the above stated light intensity standard and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the city council.

- (6) Any agreement with a digital display-off premises sign operator for the installation of a digital display-off premises sign shall contain provisions acceptable to the city council for termination by the city, for indemnifying the city against any claims, liability, damages, injuries, deaths or other liabilities asserted against the city on account of damages approximately caused by the operator, and prohibiting the digital display-off premises sign operator from discriminating against advertisements by businesses located within the city as to rates, terms and other conditions of advertising.
- (7) Subject to the freedom of speech provisions of the United States and Texas Constitutions, any digital display-off premises sign operator shall reject advertising that is misleading, offensive, and in particular, the posting of obscene words or pictures.
- (8) Digital display-off premises sign operators shall display without charge messages sponsored by the city which advertise city or city related events or activities for reasonable intervals between the hours of 6:00 a.m. and midnight. The city, through appropriate personnel, may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed via digital display-off premises signs. Upon notification, the sign operator shall display in appropriate sign rotations: Amber Alert emergency information, emergency information regarding terrorist attacks or natural disasters. Emergency information messages are to remain in rotation according to the designated issuing agencies' protocols.
- (9) The mayor shall be responsible for the negotiation of any agreement for the installation of digital display-off premises signs and shall submit any proposed agreement for final approval to the city council before a building permit for a digital display-off premises sign may be issued. Any electronic sign operator shall provide all engineering needed to certify the safety and structural integrity of the sign and shall reimburse the city for the cost of reviewing the engineering report furnished to the city. A building permit application for a digital display-off premises sign shall be on forms provided by the city secretary and shall be subject to the payment of a digital display-off premises sign permit fee. The mayor is authorized to engage appropriate experts and engineers to assist the mayor in the evaluation and negotiation of proposals for the installation of digital display-off premises signs.
- (10) Any regulatory requirement of this section which is more stringent than a similar regulatory restriction of the state or federal government shall prevail over the regulatory restriction of the state or federal government, and any regulatory restriction in this section which is less stringent

than a similar regulatory restriction of the state or federal government shall yield to the state or federal government restriction.

- (11) Fee schedule:
- a. Digital display-off premises sign permits:
 - Sign inspection fee \$200.00
 - Permit fee \$3,000.00
 - Annual inspection fee \$250.00

([Ord. No. 1098, Exh. A\(§ 4.103\), 4-9-2013](#) ; [Ord. No. 1105, 8-13-2013](#))

Sec. 34-5. - Permits.

- (a) The owner or tenant of a business or non-residential property shall apply for a sign permit. The permit application shall be accompanied by engineered drawings and a site plan showing the proposed sign location.
- (b) The application shall be submitted to the city manager who will consult with the chairman of the architectural review committee to determine whether or not the sign permit application meets the conditions and requirements set forth in this chapter.
- (c) Digital sign permit applications will have an affidavit sworn or attested by the land owner, applicant and sign installer attesting to the following: the digital display sign is installed and operates subject to the criteria set forth in this chapter, and the applicant and the land owner will agree to be held liable, separately or collectively, if violation(s) occur after construction or during operation of said digital display sign for any fines or costs incurred by the city for such violations set forth in this chapter.
- (d) The permit fee for a permanent sign will be based on the value of the sign and figured in accordance with the formula in the fee schedule for building permits. The permit fees for digital display signs are set forth in sections 34-3 and 34-4.
- (5) The city manager shall have the building inspector immediately inspect all permitted signs upon completion to determine compliance with the permit.

([Ord. No. 1098, Exh. A\(§ 4.104\), 4-9-2013](#))

Sec. 34-6. - Signage guidelines.

The following guidelines are included to assist the applicant but should not be considered all-inclusive. The final approval of a sign permit is the authority of the city manger. Appeals on a decision of the city manager will be made to the city council.

- (1) Non-residential signage must be designed as an integral part of the architecture of the building (color, materials, design character, size, location, etc.).
- (2) Each site may have no more than one pole sign oriented to each street on which the site has frontage as it relates to on premises signage. A strip center, shopping center, mall and mini malls shall be limited to one directory on premises sign. If the center or mall is oriented on more than one street, it may have a directory on premises sign oriented on each street on which it has frontage. Each business therein may have its own sign, (fascia and on the directory on premises sign), but not a pole sign.
- (3) Moving signs must be referred to and approved by the architectural review committee. The signs shall not make noise, employ blinking lights or have exterior fluorescent lamps. Pennants and flags may be permitted for a period of 30 days for grand openings.

- (4) All painted signs on a building or structure must be approved by the city manager.
- (5) No permits shall be issued for tethered or inflatable balloons.
- (6) Company logos are acceptable but are to be reproduced in conformance to the architectural standards of the building in color and or multiple colors.
- (7) Size and height of on premises signs will be determined in conformance to a reasonable and prudent aesthetic determination based on its relation to the architecture of the building, the size of the property site, and the zoning district requirements.
- (8) The city manager may grant a sign permit for fascia signs for free standing buildings and centers with multiple outlets. Fascia signs may not project above the roof line.
- (9) Zones are established for sign height and size as follows:
 - a. Sign Zone A—West Ave. from Loop 410 to Jackson Keller, Jackson Keller from Gladiola to Loop 410: On premises sign maximum height 40 feet; maximum size is 300 square feet. Digital display-on premises sign is limited to a maximum height of 25 feet and a maximum square footage of 120 square feet.
 - b. Sign Zone B—Northwest Military Highway; Lockhill-Selma from Northcrest Dr. to Blanco Rd.; Blanco Rd. from Lockhill-Selma to Biltmore; Blanco Rd. from Loop 410 to Rector: On premises sign maximum height 20 feet; maximum size 200 square feet. Digital display-on premises sign is limited to a maximum height of 20 feet and a maximum square footage of 100 square feet.
 - c. Sign Zone C—West Ave. from Lockhill-Selma to Loop 410; Blanco Rd. from Rector to Jackson-Keller; Jackson-Keller from Blanco Rd. to Gladiola: On premises sign maximum height 12 feet; maximum size 40 square feet. Digital display-on premises sign is limited to a maximum height of 12 feet and a maximum square footage of 40 square feet.
 - d. Sign Zone D—Loop 410 from Jackson Keller to Blanco Rd. On premises sign and digital display-on premises sign is limited to a maximum height of 40 feet above ground or 15 feet above highway grade, whichever is greater; and a maximum square footage of 300 square feet.
- (10) All signs that require repair or replacement to the extent of more than 50 percent in cost or construction of the sign will be required to be in compliance with this chapter.
- (11) All signs and sign support structures will be required to be properly maintained at all times.

([Ord. No. 1098, Exh. A\(§ 4.105\), 4-9-2013.](#))

Sec. 34-7. - Signs and bulletin boards for churches, schools and government entities.

- (a) Bulletin boards, signs and digital display-on premises signs are authorized for churches, schools and government entities. All such signs shall require a permit.
- (b) The governing authority of a church, school or government entity shall apply for a sign permit as outlined in sections 34-3, 34-5 and 34-6.

([Ord. No. 1098, Exh. A\(§ 4.106\), 4-9-2013.](#))

Sec. 34-8. - For sale, for rent and subdivision signs.

- (a) Signs pertaining to the sale or rental of non-residential property must be approved by the city manager in consultation with the chairman of the architectural review committee and shall be removed by the agent or owner immediately upon the sale or rental of the premises. No sign advertising the sale or lease of any premises shall advertise those premises for a purpose for which

it is not legally zoned. The maximum height from ground level of such signs shall not exceed 12 feet. Such signs must be located as outlined in subsection 34-6(2).

- (b) The agent or owner immediately upon the sale or rental of the premises shall remove signs pertaining to the sale or rental of residential property. The maximum height of such signs from ground level shall not exceed six feet. Such signs must be located as outlined in subsection 34-6(2).
- (c) One sign announcing or describing a legally approved subdivision or development may be erected on each approved plat or development. Such sign may not exceed 200 square feet in area. The location of such sign shall be approved by the city manager in consultation with the chairman of the architectural review committee and shall be placed so as not to interfere with the occupancy or use of any lots in the subdivision. Such sign shall be removed upon the completion of 85 percent of the dwelling in the subdivision or upon the sale of 85 percent of the subdivision lots whichever event occurs first.

([Ord. No. 1098, Exh. A\(§ 4.107\), 4-9-2013](#))

Sec. 34-9. - Temporary business signs.

- (a) One "new business" sign may be located on the private property upon which a new business is established for a maximum period of 60 days. Such "new business" signs shall be provided by the city and inserted in frames provided by the city so that such signs shall be uniform in size and shape. Such signs shall be constructed of "coroplast" or other heavy or thick material that will fit securely into the sign frames without using additional means to secure the signs. The content of such signs shall include wording prescribed by the city containing a "new business" notation with the name and location of the new business only. No logos or other unnecessary verbiage shall be included in such signs. A "new business" sign will be furnished to an authorized new business for a \$40.00 fee, of which \$20.00 shall be a temporary sign permit fee and \$20.00 shall be a deposit for use of a sign frame (which will be refunded upon timely return of the frame).
- (b) One "special event" business sign may be located on the private property upon which an existing business is located for a maximum period of 60 days in each calendar year. Such "special event" business sign shall be provided by the city and inserted in frames provided by the city so that such signs shall be of uniform size and shape. Such signs shall be constructed of "coroplast" or other heavy or thick material that will fit securely into the sign frames without using additional means to secure the signs. The content of such signs shall include wording prescribed by the city containing "special event" notation with a brief description of the special event only. No logos or other unnecessary verbiage shall be included in such signs. A "special event" sign will be furnished to an authorized business for a \$40.00 fee, of which \$20.00 shall be a temporary sign permit fee and \$20.00 shall be a deposit for use of a sign frame (which shall be refunded upon timely return of the frame).
- (c) In addition to the foregoing "new business" and "special event" signs, the following temporary business signs are authorized:
 - (1) *Coming soon banner or ground sign:* May be displayed throughout active construction. Ground sign may not exceed nine square feet and five feet in height. Banner or sign is to be removed before issuance of certificate of occupancy.
 - (2) *Grand opening banner, swooper flag, ground sign: 60 days—Permit may be obtained up to 180 days after obtaining certificate of occupancy. A fee of \$20.00 will be charged for a temporary sign permit.*
 - (3) *Special occasion banner, swooper flag, ground sign:* May be displayed for a maximum of 30 days up to four times per year. A fee of \$20.00 will be charged for a temporary sign permit up to four times per year.

- (4) *Change of business banner:* New business name only and placed over old permanent sign while new sign is being constructed may be displayed for a maximum of 90 days. A fee of \$20.00 will be charged for a temporary banner permit.
- (5) *Size and height limitation:*
 - a. Banners. Size will be determined in conformance to a reasonable and prudent aesthetic determination based on its relation to the architecture of the building and the size of the property site.
 - b. Ground signs may not exceed nine square feet and five feet in height.
 - c. Swooper flags, may not exceed 36 inches in width and nine feet in height, including stand/base.
- (6) Only one temporary business banner sign may be displayed and affixed to the exterior wall of the building or secured to the exterior screening device of the property; or, one temporary ground sign; or, one swooper flag may be located on the private property upon which a business is established.
- (7) Only commercial manufactured temporary banners or ground signs shall be allowed. Approval of design or materials shall be at the sole discretion of the city manager. At anytime a temporary banner, swooper flag or ground sign becomes a nuisance because of maintenance or traffic hazard the city manager, chief of police or fire chief shall order the sign removed.
- (8) There will be no refunds of permit fees.

([Ord. No. 1098, Exh. A \(§ 4.108\), 4-9-2013](#))

Sec. 34-10. - Political signs.

- (a) It will be unlawful for any person whatsoever to post or place any political, campaign, or electioneering sign or advertisement, of any kind or character at any time, on any public property, whether belonging to the city or any other agency or branch of government, and whether owned in fee or by easement therein, or by prescription or limitation, provided however, political signs not exceeding 36 square feet in area may be placed at city hall and the adjacent common areas in locations delineated therefor by the city manager when the city hall is being used as a polling place for a city, county, state or federal election, with such signs to be installed no more than 48 hours before the commencement of early voting for the applicable election and to be removed within 24 hours after the close of voting for the applicable election. Removal and care of the signs is the sole responsibility of the candidate or the person who installed the sign, including the local campaign manager of the candidate. Any political signs installed prior to the authorized time, placed in a location other than the location delineated by the city manager, or not removed within 24 hours of the close of an election, may be removed by city personnel and destroyed.
- (b) It shall be unlawful for any person, other than the owner thereof, or someone duly authorized by him/her, to place any political signs in or on any private property whatsoever.
- (c) It shall be unlawful for the owner of any private property, or any person acting for him, or with his knowledge, permission or consent, expressed or implied, to post or place any political sign in or on his/her property unless all of the following conditions are met: the sign is no more than 36 square feet in area and the highest point of the sign is no more than eight feet above natural grade; the sign is not located in an easement or other encumbrance that allows a municipality to use the property for public purpose; the sign has no internal or external illumination; the sign has no moving parts; and the sign is not being used on a temporary basis for political advertising while it is generally available for commercial advertising or other messages that are not primarily political.
- (d) Political signs placed or posted in violation hereof are hereby declared to be public nuisances, all city officers and employees are hereby directed and required peremptorily abate the same by

removal and destruction of such signs without delay when found on public property, and to report all instances of violation on private property noted to the city manager or chief of police.

([Ord. No. 1098, Exh. A\(§ 4.109\), 4-9-2013](#))

Sec. 34-11. - Enforcement.

- (a) Billboards, advertising signs, digital display signs, fabric signs, banner signs and bill posters, and signs and advertisements of all kinds hereafter erected or displayed on private property located anywhere in the city not in compliance with this chapter are hereby found and declared to be a public nuisance and the maintenance and display of same is hereby made a penal offense. The city manager is hereby directed and ordered to effect the abatement of every such nuisance now or hereafter existing within the city by physically removing, or having the same removed, except for permitted signs.
- (b) All signs in place on August 8, 1995, which was the date Chapter 34 was adopted, are hereby "grand-fathered" and if not in compliance herewith shall be nonconforming signs and valid as long as continued without material change, provided, however, that no sign shall be changed in any manner that increases its noncompliance with Chapter 34; and provided, further, that the burden of establishing such a sign to be nonconforming under Chapter 34 rests entirely upon the person/entity claiming nonconforming status. In addition, when an on premises sign is considered to be nonconforming due to height only, a sign cabinet located under the allowable height may be added or replaced provided the replacement cabinet does not cause the sign to exceed the allowable message area or otherwise cause the sign to be considered nonconforming for reasons other than height only.
- (c) Any violation of this chapter shall be punished by fine of not less than \$50.00 or more than \$500.00 for each day the violation continues.
- (d) In addition to the foregoing fines, the city manager may institute civil injunctive and other proceedings to enforce the provisions of this chapter.

([Ord. No. 1098, Exh. A\(§ 4. 110\), 4-9-2013](#))