

## Texas Transportation Code

Sec. 391.038. SIGN HEIGHT. (a) Except as otherwise provided by this section, a sign may not be higher than 60 feet, excluding a cutout that extends above the rectangular border of the sign, measured:

(1) from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location; or

(2) if the main-traveled way is below grade, from the base of the sign structure.

(a-1) Subsection (a) does not apply to a sign regulated by a municipality certified for local control under an agreement with the department as provided by department rule.

(b) A sign existing on March 1, 2017, that was erected before that date may not be higher than 85 feet, excluding a cutout that extends above the rectangular border of the sign, measured:

(1) from the grade level of the centerline of the main-traveled way, not including a frontage road of a controlled access highway, closest to the sign at a point perpendicular to the sign location; or

(2) if the main-traveled way is below grade, from the base of the sign structure.

(c) A person who holds a permit for a sign existing on March 1, 2017, that was erected before that date may rebuild the sign, provided that the sign is rebuilt at the same location where the sign existed on that date at a height that does not exceed the lesser of:

(1) the height of the sign on March 1, 2017; or

(2) 85 feet.

(c-1) Except as provided by Subsection (c-2), before rebuilding a sign under Subsection (c), the person who holds the permit for the sign must obtain a new or amended permit if required by:

(1) a provision of this chapter; or

(2) a rule adopted to implement a provision of this chapter.

(c-2) Subsection (c-1) does not apply to the rebuilding of a sign under Subsection (c) if the person who holds the permit for the sign rebuilds because of damage to the sign caused by:

(1) wind or a natural disaster;

(2) a motor vehicle accident; or

(3) an act of God.

Added by Acts 2017, 85th Leg., R.S., Ch. 533 (S.B. 312), Sec. 43, eff. September 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1211 (S.B. 357), Sec. 1, eff. September 1, 2019.

## TAC RULE §21.200 Local Control of Commercial Signs

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(a) The department may authorize a political subdivision, as a certified city, to exercise control over commercial signs in its jurisdiction. If the political subdivision receives approval under this section, it will be listed as a certified city and a permit issued by that political subdivision is acceptable instead of a permit issued by the department within the approved area.

(b) To be considered for authorization under this section, the political subdivision must submit to the department:

- (1) a copy of its sign regulations;
- (2) a copy of its zoning regulations;
- (3) information about the number of personnel who will be dedicated to the program and what type of records will be maintained, including whether the political subdivision maintains an inventory of signs that can be provided to the department in an electronic format that is acceptable to the department; and
- (4) an enforcement plan that includes the removal of illegal signs.

(c) The department, after consulting with the Federal Highway Administration, shall determine whether a political subdivision has established and will enforce within its corporate limits standards and criteria for size, lighting, and spacing of commercial signs consistent with the purposes of the Highway Beautification Act of 1965, 23 United States Code §131, and with customary use. The size, lighting, and spacing requirements of the political subdivision may be more or less restrictive than the requirements of this subchapter as long as the requirements comply with the federal requirements, such as the prohibition of signs over 1,200 square feet in size and spacing of less than 500 feet. The authorization does not include the area in a municipality's extraterritorial jurisdiction.

(d) The department may meet with a political subdivision to ensure that it is enforcing the standards and criteria in accordance with subsection (c) of this section.

(e) After approval under this section, the political subdivision shall:

- (1) provide to the department:
  - (A) a copy of each amendment to its sign and zoning regulations when the amendment is proposed and adopted; and
  - (B) a copy of any change to its corporate limits and its extraterritorial jurisdiction, if covered by the approval;
- (2) annually provide to the department:
  - (A) an electronic copy of the sign inventory; and
  - (B) report of the number of sign permits issued and the status of all pending enforcement actions; and
- (3) participate in at least one video conference or teleconference sponsored by the department each year.

(f) The political subdivision may:

- (1) set and retain the fees for issuing a sign permit; and
- (2) establish the period for which a sign permit is effective.

(g) The department will conduct an on-site compliance monitoring review every two years.

(h) The department may withdraw the approval of a political subdivision given under this section if the department determines that the political subdivision does not have an effective sign control program. The department will consider whether:

- (1) the standards and criteria of political subdivision's sign regulations continue to meet the requirements of subsection (c) of this section;
- (2) the political subdivision maintains an accurate sign inventory and annually provides the inventory to the department in an electronic format; and
- (3) the political subdivision enforces the sign regulations and annually reports enforcement actions as required.

(i) The department may reinstate a political subdivision's authority on the showing of a new plan that meets the requirements of subsection (c) of this section.

## Texas Administrative Code

### RULE §21.191 Repair and Maintenance of Commercial Signs

(a) The following are considered to be routine maintenance activities that do not require an amended permit:

- (1) the replacement of nuts and bolts;
- (2) nailing, riveting, or welding;
- (3) cleaning and painting;
- (4) manipulation of the sign structure to level or plumb it;
- (5) changing of the advertising message;
- (6) the replacement of minor parts if the materials of the minor parts are the same type as those being replaced and the basic design or structure of the sign is not altered;
- (7) changing all or part of the sign structure but only if materials similar to those of the sign structure being replaced are used; and
- (8) upgrading existing lighting for an energy efficient lighting system.

(b) Except as allowed by Transportation Code, §391.038, the following are considered to be customary maintenance activities that may be made but require an amended permit before the initiation of such an activity:

- (1) replacement of poles, but only if not more than one-half of the total number of poles of the sign structure are replaced in any 12 month period and the same material is used for the replacement poles; and
- (2) adding a catwalk to the sign structure.

(c) The following are examples of substantial changes that may be made but require an amended permit before the initiation of such an activity:

- (1) adding lights to an un-illuminated sign or adding additional lights or adding more intense lighting to an illuminated sign whether or not the lights are attached to the sign structure;
- (2) changing the number of poles in the sign structure;
- (3) adding permanent bracing wires, guy wires, or other reinforcing devices;
- (4) changing the material used in the construction of the sign structure, such as replacing wooden material with metal material;
- (5) adding faces to a sign or changing the sign configuration;
- (6) increasing the height of the sign;
- (7) changing the configuration of the sign structure, such as changing a "V" sign to a stacked or back to back sign, or a single face sign to a back-to back sign; and
- (8) moving the sign structure or sign face in any way unless the movement is made in accordance with §21.192 of this subchapter (relating to Permit for Relocation of Sign).

(d) To add a catwalk to a sign structure the catwalk must meet Occupational Safety and Health Administration guidelines.