

ORDINANCE NO. 453

AN ORDINANCE PROVIDING FOR THE REGULATIONS OF SIGNS CONSTRUCTED AND MAINTAINED WITHIN THE CITY LIMITS OF MESQUITE, DALLAS COUNTY, TEXAS; PROVIDING FOR PERMITS; SPECIFYING GENERAL AND DETAILED REQUIREMENTS; PROVIDING FOR ALTERATION AND REPLACEMENT OF SIGNS; PROVIDING FOR A LICENSE, BOND AND PERMIT FEES; PROVIDING FOR APPEALS, VIOLATIONS AND PENALTIES; REPEALING ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND DECLARING AN EMERGENCY.

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

I

PERMITS - No sign of any character other than those listed in the following paragraph shall be erected on the ground, or suspended from or attached to any building or structure, until a permit for such work has been issued by the Building Inspector. Signs of any character which are not specifically provided for in this chapter may be erected only by special permission from the City Council.

A permit shall not be required for any of the following types of signs:

- A. Non-illuminated signs painted directly on the wall of a building.
- B. Non-illuminated wall signs not over two (2) feet in height or ten (10) square feet in area when constructed in conformance with the requirements of Section IV, and when erected flat against the face of a business or public building.
- C. Non-illuminated wall signs, not over one (1) square foot in area, displaying the name and profession of the occupant of the building.

- D. Non-illuminated wall or ground signs, advertising the sale, lease, or rental of the premises on which such sign is located, when such sign is erected in a business or industrial district and does not exceed ninety-six (96) square feet in area, or when such sign is erected in a dwelling or apartment district and does not exceed eighteen (18) square feet in area.
- E. Non-illuminated portable signs supported by frames or posts not exceeding five (5) feet in height or three (3) feet in width and when such sign is used for the premises on which it is located.
- F. All signs erected by the Municipal, State, or Federal Government for the purpose of public instruction, street or highway designation, control of traffic and similar uses incidental to the public interests.
- G. All signs of a warning, directive, or instructional nature erected by a public utility or transportation organization which operates under a franchise from the City of Mesquite permitting the use of public property for the display of such signs, provided such signs shall be deemed by the Director of Public Works to be necessary for the successful operation of the utility, and provided that special permission for their erection is granted by the City Council.

No permit shall be issued for any sign in a district where signs are prohibited by the Zoning Ordinance, and said provisions of the Zoning Ordinance as regards signs are made a part hereof for all intents and purposes.

No permit for the erection of any sign shall be issued to any person, firm or corporation other than those licensed and bonded as provided in this Chapter.

II.

DEFINITIONS

- A. Signs. For the purpose of this code, the term "Sign" shall, in addition to its usual definition, mean any structure erected for the purpose of advertising or attracting attention to any business or activity and shall include exterior neon tubing, window signs and outline lighting.
- B. Ground Sign. Any sign which is erected on vertical framework consisting of two or more uprights supported by the ground.

- C. Parapet Wall Sign. Any sign erected on the top surface of a parapet wall.
- D. Pole Sign. Any sign supported by a single free-standing pole, and having no guys or braces to the ground or to any structure other than the pole.
- E. Projecting Sign. Any sign which projects from a building and which has one end attached to a building or other permanent structure.
- F. Roof Sign. Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building.
- G. Marquee Sign. Any sign erected on a marquee or fixed awning.
- H. Wall Sign. Any sign erected flat against a wall, supported by the wall, and having the sign face parallel to and not more than twelve (12) inches from the wall surface. Neon tubing attached directly to a wall surface shall be considered a wall sign.
- I. Window Signs and Outline Lighting. Any neon sign or tubing installed on the inside of a window, other than interior merchandising signs of the plug-in type.
- J. Portable Sign. Any sign supported by the ground but not being attached to the ground or other object and being constructed of frames or posts rigidly attached to bases being so proportioned that the weight and size of the base is adequate to resist an assumed wind load of twenty (20) pounds per square foot. Such sign shall not exceed five (5) feet in height or three (3) feet in width.

III.

GENERAL REQUIREMENTS - All signs shall bear the name of the contractor, and date of erection, painted on or otherwise attached to the lower margin of the sign.

All illuminated signs shall be wired in accordance with requirements of the Electrical Ordinance No. 171 and the National Electric Code.

No sign shall be attached in any manner to any fire escape or to the supporting members of any fire escape, nor shall it be guyed to or supported by any part of a fire escape.

All signs shall be constructed so as to prevent the accumulation of rain water in the sign.

No sign shall be erected so as to affect the stability of any parapet wall.

No sign shall be erected nearer than two (2) feet from any telephone cable, power line or any street light standard.

No sign shall be so erected as to block, partially block, or interfere in any way with a required means of exit from any building nor with any window, or so as to prevent free passage from one part of the roof to any other part thereto.

No sign shall be so erected as to interfere with any traffic signal, blinker light, or warning device, or to confuse those persons governed by such signals. The City Engineer shall be the sole judge as to the existence of such interference or confusion.

No sign shall be permitted to remain on any vacant building except a sign pertaining to the lease or sale of the building or a sign which is under lease from an owner or his agent when such a sign is maintained by any person, firm, or corporation operating under bond.

For purposes of design of structural members in signs, an assumed wind load of twenty (20) pounds per square foot shall be used.

Glass panels in signs over public property shall not exceed twelve (12) square feet in any one section. Glass shall be secured in place in a manner approved by the Building Inspector. Approved combustible plastics will be permitted as limited in Pamphlet No. A60-1949 (Signs and Outdoor Display Structures) published by American Standards Association, Incorporated.

If, for any reason, any sign now maintained or hereafter erected on, maintained over, along or across any public sidewalk, street or highway, or locality where a building has been set back at some distance from the property line for the purpose of leaving parking space for automobiles between the original curb line and the building, shall become dangerous to life, limb or property, or be an obstruction to the proper use of the sidewalk, roadway, or other public property or interfere with the efficient operation of the Fire Department, it shall be the duty of the Building Inspector to issue notice to the owner of such sign, or his agent, to remove same.

Whenever any sign is erected or is being used and maintained in violation of the provisions of this ordinance, the Building

Inspector of the City of Mesquite, or his assistants, shall order the work stopped, said order to be served in writing on any person engaged in the construction or maintenance of such sign and said person shall forthwith stop such work or maintenance on said illegal sign until authorized by the Building Inspector to recommence and proceed with said work.

Inspection of all signs shall be made, and regulations for the method and time of such inspections shall be determined by the Building Inspector. Each license holder shall be kept informed of and be governed by such regulations. Deposit in the mail, directed to the address shown on the license, shall constitute due notice of changes in such regulations.

The limiting dimensions given in the detailed requirements which follow shall include all ornamentation unless otherwise specifically stated.

IV

DETAILED REQUIREMENTS

- A. Ground Signs - Ground signs commonly known as painted bulletins or poster boards shall not exceed a total height of fifty (50) feet above the nearest point of the natural grade immediately below the sign. All ground signs of any height shall be designed to withstand an assumed wind load of twenty (20) pounds per square foot.

There shall be open space at least three feet in height between the bottom of such ground signs and the ground, except that the sign supports may extend through such space and the panels between the supports may be filled with lattice or slats which will leave fifty (50) per cent of the space open. When the plane of the face of the sign forms an angle of more than sixty (60) degrees with the street property line, a solid skirting may be used.

Painted bulletins or poster boards shall be located entirely inside the building line, except that electrical lighting fixtures and lamps intended to illuminate the face of the sign may be attached to the sign and project beyond the building line for a distance not to exceed

six (6) feet, but in no case shall such lighting fixtures extend nearer than two (2) feet from any telephone cable, power line, street light standard or curb.

Supports for ground signs shall be constructed of structural shapes, steel pipes, wood timbers not less than four inch by six inch (4" x 6") nominal dimensions, or wood poles not less than twenty-two (22) inches in circumference measured six (6) feet from the base. When ground signs are supported on wood timbers or poles, such wood shall be treated with creosote of eight (8) pounds retention per cubic foot of wood.

Ground signs not exceeding eighteen (18) square feet in area may be erected on two by four (2" x 4") inch uprights or light steel framework.

No ground sign shall be erected within six (6) feet of any other structure on the same premises or on adjacent premises nor within three (3) feet of any adjoining property line, measured from any part of the sign in any direction, except that ground signs may be erected flat against windowless masonry walls.

Any electrical devices within reach of persons on public property or property open to the public shall be protected by wire glass, safety glass, locked box of metal or wood, or other approved methods.

Ground signs, commonly known as banner signs, when erected along street property lines shall not exceed a total height of twelve (12) feet and shall have an open space between the bottom of the sign and the grade below of not less than eight (8) feet. Such signs shall be erected only on steel poles not less than three (3) inches in diameter set in concrete. Vertical panels may be erected only at the extreme ends of such signs and adjacent to private driveways and shall not exceed two (2) feet in width.

- B. Parapet Wall Signs - Parapet wall signs when illuminated shall be constructed entirely of incombustible materials. Non-illuminated parapet wall signs may have frames and moldings of wood and may have cut-out wood letters when same are attached to two or more metal stringers. Individual letters erected on a parapet wall shall be constructed of incombustible material. Parapet wall signs shall not be more than four (4) feet in height measured from the top of the parapet wall to the top of the sign and shall not

occupy more than seventy-five (75) per cent of the length of the wall on which erected. Attachment of such wall signs shall not damage or affect the stability of any parapet wall.

- C. Pole Signs. Pole signs shall be constructed entirely of incombustible materials.

Exceptions - Pole signs not exceeding twenty-four (24) square feet in area may have wood frames and mouldings and attached form of illumination may be with goose-neck reflectors.

Non-illuminated center-pole signs which do not extend over public property and which do not exceed thirty-six (36) square feet in area may have wood frames and mouldings and may be erected on a wooden center pole not less than 4" x 6" in size.

Horizontal sections of pole signs shall not exceed ten feet six inches (10' 6") in length, seven feet six inches (7' 6") in height, nor twenty-four (24) inches in thickness. Vertical sections of pole signs shall not exceed four (4) feet in width nor twenty-four (24) inches in thickness but the height shall not be limited. When the sign consists of a vertical section only end arms or brackets shall measure not more than twenty-four (24) inches from the pole to the sign. End arms or brackets for horizontal sections shall not exceed twenty-four (24) inches in length. The outer edge of the vertical portion of any pole sign shall extend not more than six (6) feet from the pole. Guys and braces for such signs shall be attached only to the supporting pole and to no other structure. In no case shall any part of a pole sign be less than one (1) foot from the face of the street curb.

When a pole sign is hung from a mast-arm, the inner end of the sign shall not be more than twenty-four (24) inches from the pole.

When a pole sign projects over the sidewalk, no part of the sign except the supporting pole shall be less than nine (9) feet from the sidewalk immediately below. When a pole sign projects over a driveway, parking space, or head-in parking, no part of the sign except the supporting pole shall be less than

twelve (12) feet from the grade immediately below.

Only one pole shall support each sign and such poles shall be of sufficient strength to withstand wind-pressure and other loads and shall be set in concrete. No advertising matter shall be displayed on any pole and there shall be no guys or braces from this pole to any point other than the sign supported by the pole. Poles supporting signs shall be protected by wheel guards or bumpers when required by the Building Inspector. The pole supporting any sign shall be erected on private property.

Pole signs advertising any one business and the products sold in connection therewith shall be erected not less than twenty-five (25) feet apart.

- D. Projecting Signs. Projecting signs shall be constructed entirely of incombustible materials, except that projecting signs not exceeding twenty-four (24) square feet in area may have wood frames and mouldings. Attached-illumination may be goose-neck reflectors. When projecting signs have both vertical and horizontal sections, such as T or L shaped signs, each section of the sign shall conform to the following requirements.

The horizontal portion of any projecting sign shall be not more than ten feet six inches (10' 6") in length measured from the building face and shall be not more than nine (9) feet in height. End arms or brackets shall measure not more than twenty-four (24) inches from the building face to the sign. When the sign is supported by a mast-arm, the inner end of the sign shall not be more than twenty-four (24) inches from the building face.

The outer edge of the vertical portion of any projecting sign shall not extend more than seven (7) feet from the building face. When the sign consists of a vertical section only, end arms or brackets shall measure not more than twenty-four (24) inches from the building face to the sign. The height of the vertical portions of projecting signs shall not be limited.

Vertical sections of projecting signs may extend back over the roof of a building for a distance not to exceed ten (10) feet.

Every projecting sign shall be hung at an angle of ninety (90) degrees with the face of the building

or structure to which it is attached except when placed at the corner of a building so as to be seen from two streets, and no part of any projecting sign shall be less than nine (9) feet above the sidewalk immediately below, nor nearer than one (1) foot from the face of the street curb, nor less than twelve (12) feet above any driveway or head-in parking space below.

The body of any projecting sign shall not exceed twenty-four (24) inches in thickness and the faces of such signs shall be parallel, however, when there is no open space between the sign and the building face, the sign may measure not more than four feet in width at the building face and shall taper to a V at the outer end. Such signs shall be closed at both top and bottom with incombustible materials.

Open V-shape signs shall be permitted only on one-story buildings or on windowless buildings, but the points of attachment of such signs shall be not farther apart than two times the projection of the sign measured at an angle of 90 deg. to the building face. When such signs are erected on multiple-story building having windows they shall be so located as to give access to windows at intervals not farther apart than twenty-five (25) feet. No open V-shape sign shall have a vertical section.

- E. Roof Signs. Roof signs shall be constructed of incombustible materials except that mouldings, cappings, stringers, frames for metal faced sections and working platforms may be of wood. Roof signs shall not exceed thirty-five (35) feet in height measured from the topmost part of the sign to the surface of the roof immediately below, nor shall any roof sign exceed the height limit for buildings fixed by the Zoning Ordinance of the City of Mesquite. Signs erected on one-story buildings having pitched roofs shall be limited as set forth below. All roof signs of any height shall be designed to withstand an assumed wind load of thirty (30) pounds per square foot.

No part of any roof sign shall be located within four (4) feet of any out-side wall of the building upon which it is constructed, nor within six (6) feet of the surface of the roof immediately below. The space between the bottom of the sign and the surface of the roof shall be left open and free of any obstructions, except for the main supporting bents.

The supporting structure of any roof sign shall be built entirely of incombustible materials and so designed as to transfer the imposed load directly to the permanent frame or structure of the building on which it is erected.

All metallic parts of any roof sign shall be provided with an adequate ground as a protection against lightning.

The roof of any building upon which a sign is erected shall be covered with a fire-retardant roofing material.

On one (1) story buildings having a roof pitch of more than 13 in 12, roof signs may be erected provided they meet the following requirements:

- (a) The top of any sign erected on a pitched roof shall not be higher than three (3) feet above the roof immediately below and the bottom of such sign shall not be less than two inches above the roof immediately below. Such two inch space shall not be required for signs erected directly on the ridge of a roof.
- (b) Signs erected at the eaves of a roof shall be placed so that they will not interfere with rain-water gutters nor with the drainage of water from the roof.

- F. Marquee Signs. Signs erected on the faces of a marquee and built as an integral part of a marquee shall be constructed entirely of incombustible materials. Attraction boards having interchangeable letters and built as an integral part of a marquee shall not exceed seven (7) feet in height nor thirty (30) feet in length.

Open ornamentation or open letters not more than three (3) feet in height may be erected on top of such attraction boards but shall not occupy more than seventy-five (75) per cent of the length of the attraction board.

Signs erected on the top or edge of existing marquees or fixed awnings shall follow the contour of the marquee and shall be constructed entirely of incombustible materials except that non-illuminated signs not

exceeding twenty-four (24) square feet in area may have wood frames and mouldings. Such signs shall not exceed four (4) feet in height and shall not occupy more than seventy-five (75) per cent of the length of any face of the marquee or fixed awning.

Marquee signs shall not project more than twelve (12) inches beyond the face of the marquee nor within one (1) foot of any curb and shall be attached to the marquee so that no water from the marquee roof may fall to the sidewalk from openings between the sign and the marquee, excepting isolated building with free access to all other walls of buildings in which case the sign may extend the entire length of the marquee.

Projecting signs installed over marquees and fixed awnings shall not be supported by the marquee or fixed awnings. Signs hung from the soffit of the marquee or fixed awnings shall be constructed entirely of incombustible materials except that such signs when non-illuminated and not exceeding eighteen (18) square feet in area may have frames and mouldings of wood. The bottom of such signs shall be not less than nine (9) feet above the sidewalk below and the outer end shall not be less than one (1) foot from any curb.

- G. Wall Signs. No part of any wall sign shall be located within eight (8) feet of the grade immediately below. Neon tubing when placed directly on the face of an exterior wall shall be not less than eight (8) feet above the grade immediately below.

Flat signs made of metal, non-flammable material, or glass and placed directly on the face of a wall may be set at any height above grade provided such signs do not project more than two (2) inches from the face of the wall.

Wall signs shall be constructed entirely of incombustible materials except that non-illuminated wall signs may have frames, stiffeners, mouldings and cut-out letters of wood when such letters have not less than two (2) points of attachment.

When projections on the wall face prevent the erection of the sign flat against the wall face, the space between the back of the sign and the wall shall be closed at top, bottom and ends with incombustible materials such as sheet metal or hardware cloth.

- H. Window Signs and Outline Lighting. The installation of any illuminated sign or neon tubing on the inside of any window shall conform to the requirements of Mesquite Electrical Ordinance No. 171 and amendments thereto.

V

ALTERATIONS AND REPLACEMENT OF SIGNS

No sign shall be altered, rebuilt, enlarged, extended, replaced or relocated, nor shall sign faces be renewed or neon tubing be re-arranged when the value of such work exceeds twenty-five (25) dollars, except upon the issuance of a permit by the Building Inspector, and all work done under such permit shall be in conformity with the requirements of this code; however, signs which have been erected in conformance with this Ordinance and with the Zoning Ordinance, and which have been damaged by wind-storm or other natural causes, may be repaired without first securing a permit.

The changing of movable parts of signs which are designed for changing, or the repainting of display matter or the repairing of damaged neon tubing while a sign is in place shall not be deemed to be alterations.

Changing of copy of any existing sign shall be deemed an alteration.

VI

LICENSE

No person, firm or corporation shall install, erect, or maintain any sign, or contract for such service until such person, firm or corporation has applied to the Building Inspector for a license to install, erect, and maintain signs, and until such license has been approved and issued.

The fee for such license shall be twenty-four (24) dollars per year payable on the first day of January of each year. Original license taken out after the first day of January shall be prorated to a minimum of \$10.00.

No license for the installation, erection and maintenance of signs shall be issued to any person, firm or corporation until such person, firm or corporation has filed with the City Secretary a bond as required by Section VII of this chapter.

The license of any sign contractor may be cancelled by the City Manager upon the recommendation of the Building Inspector, when such contractor persistently violates the requirements of this code. Conviction in Corporation Court, whether appealed or not, on three violations over a period of two calendar years, shall constitute evidence of persistent violation. Any license thus cancelled shall not be renewed for such contractor or anyone operating his shop until all such violations have been corrected. Upon correction of the violations, the contractor's license may be renewed, provided the contractor furnishes an additional Bond in the amount of five-thousand (\$5,000.00) dollars guaranteeing compliance, and that this compliance Bond is renewed for two years following the renewal of the license.

VII

BOND

No person, firm or corporation shall install, erect or maintain any sign or medium of display or advertising, electric or otherwise, until such person, firm, or corporation has filed with the City Secretary a surety bond in the sum of five-thousand (\$5,000.00) dollars. Such bond shall be approved by the City Attorney and shall be conditioned for the installation and erection of signs in accordance with the Ordinances of the City of Mesquite and the laws of the State of Texas, and shall provide for the indemnification of the City of Mesquite, for any and all damages or liability which may accrue against it by reason of faulty installation, erection, demolition, repair, removal or defects in, or collapse of, any sign for a period of one year after erection and for such period of time that such sign is maintained or serviced by or under the direction of the maker of such bond. Such bond shall further provide for the indemnification of any person, firm, or corporation who shall, while upon public property or in any public place, incur damage for which the principal named in the bond is legally liable.

VIII

PERMIT FEES

For the erection of all signs, except those listed in Section I, the following schedule of permit fees shall apply:

- A. Ground Signs - Painted bulletins, poster boards and banner signs, five (\$5.00) dollars. Signs not exceeding eighteen (18) square feet in area, two (\$2.50) dollars and fifty cents.

- B. Parapet Wall Signs - Five (\$5.00) dollars.
- C. Pole Signs - Illuminated, Five (\$5.00) dollars; Non-illuminated over 24 square feet, five(\$5.00) dollars, and all non-illuminated pole signs not exceeding 24 square feet in area, two(\$2.50) dollars and fifty cents.
- D. Projecting Signs - Illuminated, five (\$5.00) dollars; non-illuminated, not exceeding 24 square feet in area, two (\$2.50) dollars and fifty cents.
- E. Roof Signs - On flat roofs, ten (\$10.00) dollars, on pitched roofs, five (\$5.00) dollars.
- F. Marquee Signs - Illuminated, five (\$5.00) dollars; non-illuminated, not over twenty-four (24) square feet in area, two (\$2.50) dollars and fifty cents.
- G. Wall Signs - Two (\$2.50) dollars and fifty cents.
- H. Window Signs and Outline Lighting - Two (\$2.50) dollars and fifty cents.

All public schools and churches shall be and the same are exempt from paying sign permit fees.

VIII-A

Any person or individual may build, construct or erect his own sign by obtaining a permit therefor and paying the necessary permit fees to the Building Inspector in accordance with the provisions of this ordinance, without complying with Sections VI and VII of this ordinance.

IX.

VIOLATIONS AND PENALTIES

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined any sum not to exceed TWO HUNDRED (\$200.00) DOLLARS, and each day's violation thereof shall constitute a separate and distinct offense.

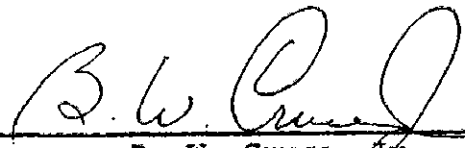
X

In the event any section or sections of this ordinance are held invalid by any court of competent jurisdiction, for any reason, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this ordinance, it being declared by the City Council of the City of Mesquite that it would have passed the remaining parts of this ordinance if it had known that such part or parts thereof would be declared invalid.

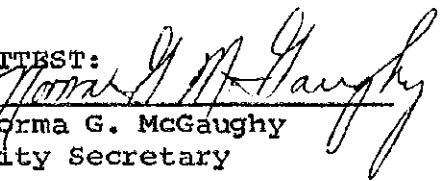
XI

The fact that the present ordinances of the City of Mesquite as regards regulations of signs constructed and maintained within the said City are wholly inadequate for the protection of the public and the preservation of the public health, safety and general welfare and these facts create an urgency and an emergency and require that this ordinance shall take effect immediately from and after its passage as in the Charter in such cases is made and provided, and it is accordingly so ordained.

PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, this 1st day of October, 1962.



B. W. Cruce, Jr.
Mayer

ATTEST:


Norma G. McGaughy
City Secretary