

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, TO BE KNOWN AS THE SIGN ORDINANCE OF THE CITY OF MESQUITE; BY PROVIDING FOR THE REPEAL OF SECTION 14B-1 THROUGH SECTION 14B-59, INCLUSIVE, OF THE CITY CODE OF THE CITY OF MESQUITE; BY PROVIDING FOR THE REGULATION OF SIGNS IN ZONING DISTRICTS; BY PROVIDING FOR GENERAL SPECIFICATIONS; BY PROVIDING GENERAL PROVISIONS AND REQUIREMENTS FOR THE USE AND ERECTION OF SIGNS; BY PROVIDING GENERAL PROHIBITIONS; BY PROVIDING EXEMPTIONS; BY PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE AND REQUIRING A PERMIT TO INSTALL; BY PROVIDING FOR THE ENFORCEMENT OF THE TERMS HERewith AND A PENALTY FOR VIOLATION NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS; BY PROVIDING DEFINITIONS; BY PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION I.
TITLE

That this Ordinance shall be known as the Sign Ordinance of the City of Mesquite.

SECTION II.
REPEAL

That Sections 14B-1 through 14B-59 of the City Code of the City of Mesquite shall be, and the same are hereby, repealed.

SECTION III.
ZONING DISTRICT CLASSIFICATIONS

A. Districts Classified

The following established zoning district classifications are listed in the order shown in the Mesquite Zoning Ordinance:

1. "R-1" Single Family Dwelling District
2. "R-2" Single Family Dwelling District
3. "R-3" Single Family Dwelling District
4. "D" Duplex Dwelling District
5. "A" Multiple Family Dwelling District
6. "LR" Local Retail District
7. "C" Commercial District
8. "CB" Central Business District
9. "I" Industry District

73. Application of Sign Types and Special Requirements

The type of signs permitted and special requirements relating to signs in each zoning district are described in this article. If no limitations are set in the district section, then the general specifications for that type sign shall control.

1. "R-1", "R-2", "R-3" Single Family Dwelling Districts; and "D" Duplex Dwelling District:

a. Offsite Types

- (1) Political

b. Onsite Types

- (1) Real Estate Sign - Types 1, 2 & 3
- (2) Bulletin Board or Identification Sign
 - (a) No illuminated sign allowed
 - (b) Maximum number per ownership - one

Signs for uses permitted in a Residential District by special permit are to be determined by the City Council at the time of granting of the special permit.

2. "A" Multiple Family Dwelling District:

a. Offsite Types

- (1) Political

b. Onsite Types

- (1) Real Estate Sign - Types 1, 2 & 3
- (2) Bulletin Board or Identification Sign
 - (a) Illuminated sign allowed
 - (b) Maximum number per ownership - one per each street frontage.

3. "LR" Local Retail District:

a. Offsite Types

- (1) Political

b. Onsite Types

- (1) Real Estate Sign - Types 1, 2 & 3
- (2) Bulletin Board or Identification Sign
 - (a) Maximum number - one per street frontage
- (3) Ground Signs permitted as follows:
 - (a) Property fronting on Interstate Highway - Maximum number - one per ownership
 - (b) On commercial developments of two acres or more - Maximum number - one per ownership or one for each 300 feet of street frontage under one ownership.

- (4) Pole Signs
 - (a) Maximum number per ownership- one per street frontage or one for each 300 feet of street frontage.
- (5) Wall Signs
- (6) Projecting Signs
 - (a) Maximum number per occupancy - one
 - (b) No sign may extend over public property
- (7) Marquee Signs
 - (a) No sign may extend over public property
- (8) Illuminated Signs
- (9) Portable Signs
 - (a) Limited to drive-in facilities only.
 - (b) Maximum number - two
- (10) Traffic Directional Signs on Parking Lots
- (11) Window Signs

4. "C" Commercial Zoning District

a. Offsite Types

- (1) Political

b. Onsite Types

- (1) Those signs permitted in the "LR" District shall be permitted in the "C" Commercial District.
- (2) Roof Signs
 - (a) Maximum number per building - one

5. "CB" Central Business District

a. Offsite Types

- (1) Political

b. Onsite Types

- (1) Those signs permitted in the "C" Commercial District shall be permitted in the "CB" Central Business District.
- (2) Projecting Signs
 - (a) Maximum number per occupancy - one per street frontage.

6. "I" Industry District

a. Offsite Types

- (1) Political

b. Onsite Types

- (1) Those signs permitted in the "C" Commercial District shall be permitted in the "I" Industry District.

SECTION IV.
GENERAL SPECIFICATIONS

A. Bulletin Board or Identification Sign Requirements:

1. Maximum Area - 40 square feet
2. Minimum Set Back - one-half distance from building line to property line.
3. Maximum Height - 10 feet
4. Sign may be attached to building.

B. Ground Sign Requirements:

1. For property located on Interstate Highways:

- a. Maximum Area - 370 square feet
- b. Maximum Height - 50 feet
- c. Minimum Set Back - 25 feet from property line
- d. Minimum Distance to Other Signs - 60 feet
- e. Minimum Distance to Residential Zoned Property - 60 feet
- f. There shall be an open space of at least three feet in height between the ground and the bottom of such ground sign.

2. Areas other than locations on Interstate Highways:

- a. Maximum Area - 200 square feet
- b. Maximum Height - 30 feet
- c. Minimum Set Back - 25 feet from property line
- d. Minimum Distance to Other Signs - 60 feet
- e. Minimum Distance to Residential Zoned Property - 30 feet
- f. There shall be an open space of at least three feet in height between the ground and the bottom of such ground sign.

C. Marquee Sign Requirements:

1. No part of sign shall project more than 12 inches from any face of a marquee.
2. Sign shall be constructed out of incombustible materials.
3. Attraction boards having interchangeable letters and built as integral part of a marquee shall not exceed seven feet in height nor 30 feet in length.
4. Sign shall not project any closer than within one foot of any curb.

D. Pole Sign Requirements:

26

1. Maximum Area of Sign Face - 60 square feet
2. Maximum Height - 25 feet
3. Minimum Distance to Other Signs - 30 feet
4. Minimum Distance from Bottom of the Sign Face to Ground - 10 feet
5. Minimum Distance to Residential Zoned Property - 30 feet
6. Maximum Distance from Outer Edge to Outer Edge in Any Direction - 12 feet
7. Face of sign may rotate at not more than eight (8) revolutions per minute.

E. Political Sign Requirements:

Permission shall be granted as a special privilege for the erection of political advertising signs on private property only with the owner's consent. The sign shall not exceed thirty-six (36) square feet.

F. Projecting Sign Requirements:

1. No part of any projecting sign shall be less than nine feet above the sidewalk immediately below, nor nearer than one foot from the back of the street curb.
2. Every projecting sign shall be hung at an angle of 90° with the face of the building to which it is attached, except when placed at the corner of a building so as to be seen from two streets.
3. Maximum length measured from face of building to outer edge of sign - 7 feet
4. Sign shall not extend to any greater height than the building to which it is attached.

G. Real Estate Sign Requirements:

1. Permission shall be granted as a special privilege to home builders to erect temporary directional signs

for week-end advertising. Signs shall not be placed earlier than 1:00 p.m. Friday and shall be removed no later than 1:00 p.m. Monday. If signs are left later than this time, they will be picked up by the City of Mesquite forces and kept for redemption for a period of three (3) days. Thereafter, the signs will be destroyed.

- 2. Temporary signs pertaining to the sale or rental of property shall not exceed eighteen (18) square feet in area and shall pertain only to the property on which they are located, but shall be removed by the agent or owner immediately upon the sale or rental of the premises; except, that a sign not exceeding four square feet in area and displaying the leasing, renting or selling agent's name, address and phone number along with the word "Sold" may remain on the property; provided, however, that no sign advertising the sale or lease of any premises shall advertise the premises for a purpose for which it is not legally zoned.

- 3. One larger sign announcing or describing a legally approved subdivision or development may be temporarily erected on each approved plat or development, provided, however, that such sign shall not exceed two hundred (200) square feet in area and provided, however, that the location of such sign shall be approved by the Building Official. It shall be placed so as not to interfere with the occupancy or any use of the lots in the subdivision, and it shall be removed upon the completion of the sale of 90% of the lots or dwellings in the subdivision; or, if the builder or developer so desires, he may post a performance bond with the City of Mesquite in the amount of \$300.00 insuring that the sign will be removed 30 days after the Building Inspection Department has given final inspection to the last lot or dwelling in the subdivision. One such temporary sign shall be allowed for each side of the subdivision or development exposed to arterial or major streets.

H. Roof Sign Requirements:

- 1. Maximum Height Above Roof - 30 feet

- 2. Maximum Area - 80 square feet

- 3. No part of any roof sign shall be located within four feet of any outside wall.
- 4. The roof of any building upon which a sign is erected shall be covered with fire-retardant roofing material.
- 5. Minimum Distance from Bottom of Sign to Surface of Roof - 6 feet

I. Wall Sign Requirements

- 1. Height may not exceed the roof line by more than three feet.
- 2. Maximum Vertical Height - 6 feet
- 3. No part of the sign shall be more than 12 inches from the face of the wall.

SECTION V.
GENERAL PROVISIONS & REQUIREMENTS

A. Construction Materials in Fire Zones

Signs in fire zones shall be of incombustible materials or approved combustible materials as outlined in the Building Code of the City of Mesquite.

B. Sign Area Measurement

Sign areas shall be measured as follows:

- 1. Square or rectangular signs - length times height of sign.
- 2. Irregular shaped signs - area of rectangles or triangles or combination thereof necessary to enclose the sign face.
- 3. Sign composed of individual cut-out letters - sum of area of rectangles or triangles necessary to enclose each letter.

C. Measurement of Distance

Whenever minimum distance between signs is indicated, this means horizontal distance measured from the points as if each sign touched the ground.

D. Obstructing Exits, Windows, Etc.

No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, stairway or fire equipment, or obstruct any required ventilator, door or stairway. No sign shall obstruct the free use of any window on the premises.

E. Information on Signs

Every sign hereafter erected shall have painted in a conspicuous place thereon, in letters not less than one inch in height, the date of erection, the permit number, voltages, and name of maker or erector.

F. Design Requirements

All signs shall be designed and constructed to wind pressures as outlined in the Building Code of the City of Mesquite.

G. Obstructing Traffic Visibility at Corners

On any corner lot on which front and side yards are required, no obstruction greater than one foot in diameter or width is permitted vertically between three and one-half feet and ten feet above the curb grade in a triangle formed by legs of forty feet extending horizontally in each direction from the property corner.

H. Maintenance

All signs and advertising structures shall be maintained in good and safe structural condition, shall be painted on all exterior parts, unless coated or made of rust resistible material, and shall be maintained in good condition of appearance. If, upon inspection by the Building Official, a sign is not found to conform to the above, written notice shall be given to the owner giving the owner thirty days to either put the sign in acceptable condition or remove the sign.

I. Removing Obsolete Signs

All signs relating to a product no longer available for purchase by the public and all signs relating to a business which is closed or has moved away shall be removed or the advertising copy shall be removed; and painted wall signs shall be painted over with a color that resembles or matches

the wall. If the owner of, or person responsible for the sign, or if the tenant closing the business, fails to remove or paint over the sign, the owner of the premises shall be responsible and the work shall be done within thirty days following the date of obsolescence.

J. Signs Not to Constitute Traffic Hazard

To obtain and secure reasonable traffic safety, it shall be unlawful for any person to erect or maintain any fluttering, undulating, swinging, rotating beacons, or any sign with intermittent flashing lights or with lighting interruptions of less than five second intervals. No sign shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No sign shall make use of the words "Stop", "Go", "Slow", "Danger" or any other similar word, phrase, symbol or character or employ any red, yellow, orange, green or other colors or light in such a manner as to interfere with, mislead or confuse traffic.

SECTION VI.
GENERAL PROHIBITIONS

A. Placing Signs on Poles, Trees, Etc.

No person shall attach or maintain any sign upon any public utility pole or structure or tree.

B. Placing Signs on Public Streets or Public Property

No person shall place, erect or maintain or cause the placing, erecting or maintaining of any sign upon any public right of way or public area.

C. Signs on Fences

No person shall paint a sign or attach a sign, other than an identification sign, to the outside of a fence or a wall which is not a structural part of a building, whether or not on the property line.

SECTION VII.
EXEMPTIONS

A. Signs Exempt From the Sign Code Provisions

The provisions of the Sign Code, except those regulations relating to safety, shall not apply to the following type signs:

1. Inside signs not defined as window signs.
2. Official notices of any court or public office and legal notices posted.
3. Traffic signs or other signs erected or maintained by a governmental body or agency.
4. Special event signs on or over public property when permitted by the City Council.
5. Street number signs not exceeding one square foot.

B. Signs Exempt From Permit and Fee Provisions

The following type signs shall be subject to the provisions of the Sign Code, but no permit and no permit fee shall be required:

1. All real estate signs
2. Signs not exceeding one square foot
3. Political signs
4. Temporary construction signs designating the architect, engineer or contractor and other facts relating to the structure under construction. These signs shall be removed immediately upon completion of the work.
5. On-site directional signs not exceeding eight square feet, provided such signs do not contain advertising and are not used as such. Placement of such signs must be approved by the Building Official.

SECTION VIII.
ADMINISTRATION & PERMITS

32

A. Outdoor Advertising Business License Required

An outdoor advertising business license must be obtained prior to engaging in such business within the City of Mesquite.

B. Requirements for 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 Inspection Department for a license to install, erect and maintain signs, and until such license has been approved and issued.

C. License Fee

The fee for such license shall be twenty-four (\$24.00) 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.

D. License Bond

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 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 Ordinance 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.

E. Cancellation of License

The license of any sign contractor may be cancelled by the City Manager upon the recommendation of the Building Official, 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.

F. Sign Permits Required

No sign shall be erected, relocated, posted, painted or maintained, and no advertising structure shall be erected, relocated or maintained by any person without first having a permit from the City, except as provided in Section VII. Electrical signs shall also require electrical permits.

G. Sign Plans

1. Plans shall be submitted showing the sign location, size, type, height, construction materials, area and such other information as the Building Official shall require.
2. When required by the Building Official, plans shall be prepared by a registered professional engineer or architect.

H. Sign Permit Fees

The fee shall be five (\$5.00) dollars for all permitted signs. All public schools and churches shall be exempt from paying sign permit fees.

I. Late Fee

When a sign is erected, placed or maintained or work started thereon before obtaining a sign permit, there shall be a late fee equal to twice the amount of the sign permit fee. The late fee does not excuse full compliance with the Sign Code provisions.

J. Sign Permit Expiration

A permit for a sign shall expire if the work is not started within sixty days, nor completed within one hundred and

twenty days after work is commenced, and a new permit shall be required before beginning or completing the work.

31

K. Void Permits

Any permit is void if it is issued in conflict with the provisions of the Sign Code.

SECTION IX.
ENFORCEMENT & PENALTY

A. 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.

B. Board of Adjustment

The Board of Adjustment, pursuant to the same power and authority and in accordance with the same procedures of the Zoning Ordinance, may grant special exceptions as to the location and size of permitted signs as required by the provisions of the Sign Code, but may not grant any other type variance or special exceptions to this Code.

C. City Council

If it appears that the provisions of this Code would work a manifest injustice or an unnecessary hardship, a person may appeal to the City Council for a variance from the provisions of this Code, except those outlined under Paragraph B, Section IX - Board of Adjustment.

D. Non-Conforming Existing Sign

All signs, except portable signs, lawfully in existence at the date of adoption of this ordinance may continue to be used and repaired but not altered or moved unless they shall be made to conform with the provisions of this ordinance. If a non-conforming sign is removed or destroyed, any new sign or rebuilding of existing sign must conform to the Sign Code.

Portable signs shall conform to the provisions of Section I, Paragraph B, 3b(9) upon passage of this ordinance.

SECTION X.
DEFINITIONS

- A. Advertising Sign - A sign relating to:
1. a business activity, use or service not conducted on the premises upon which the sign is placed.
 2. a product not sold, handled, produced or fabricated on the same premises upon which the sign is placed.
- B. Billboard - An advertising sign.
- C. Building Line - A line established by zoning provisions of the Mesquite Zoning Ordinance, beyond which no part of a principal building or structure may be erected.
- D. Building Official - The officer or other persons within the City of Mesquite charged with the administration and enforcement of the Sign Ordinance.
- E. Bulletin Board or Identification Sign - A sign:
1. listing church services
 2. a directory sign identifying the use of or listing the names, use and location of the various services, offices or activities within a building or group of buildings of:
 - a. a public or semi-public use
 - b. a charitable use
 - c. a professional or semi-professional use
 - d. a medical center
 - e. a clinic or hospital
 - f. an apartment building
- F. Business Sign - A sign relating to:
1. a business, activity, use or service conducted on the premises upon which the sign is placed.
 2. a product sold, handled, produced, or fabricated on the premises upon which the sign is placed.
- G. Drive-In Facility - Either a service station or drive-in grocery store.
- H. Erect - To build, construct, attach, hang, place, suspend, or affix and shall also include the painting of signs on the exterior surface of a building or structure.

- I. Ground Sign - A sign not attached to any building and supported by uprights or braces or some object on the ground and is a type of free-standing sign, not a pole sign.
- J. Illuminated Sign - A sign lighted by or exposed to artificial lighting, either by lights on the sign or directed toward the sign.
- K. Marquee - A permanent roofed structure attached to and supported by a building.
- L. Marquee Sign - A business sign:
1. attached to, or
 2. painted on, or
 3. inscribed on,
 4. partly or fully supported by and made an integral part of a marquee.
- M. Outdoor Advertising Business - A person, firm or corporation who manufactures, erects, repairs, maintains or paints outdoor signs which are attached to buildings or advertising structures, or who manufactures, erects, repairs or maintains outdoor advertising structures, and who places or services such outdoor signs or structures on premises not owned by him.
- N. Pole Sign - A type of free-standing 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.
- O. Political Sign - A sign:
1. relating to the election of a person to public office.
 2. relating to a political party.
 3. relating to a matter to be voted upon at an election called by a public body.
- P. Portable Sign - Any sign supported by the ground, but not being attached to the ground or other object and no larger than four feet in height or three feet in width.
- Q. Projecting Sign - A sign which projects from a building and which has one end attached to a building or other permanent structure.

R. Real Estate Sign - A sign:

1. giving direction to property for sale, or for rent, or for lease.
2. placed upon a property advertising that particular property for sale, or for rent, or for lease.
3. placed on the premises of the area outlined in an approved plat of a subdivision, advertising the sale of lots within said subdivision.

S. Roof Sign - A sign which is erected upon, over, or above a roof of a building.

T. Wall Sign - A sign:

1. attached to,
2. painted on, or
3. erected against a wall or parapet wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall. Neon tubing attached directly to a wall surface shall be considered a wall sign.

U. Window Sign - A sign placed on the inside of a window, covering not more than fifty per cent of the total window area.

SECTION XI.
SEVERABILITY

That it is hereby declared to be the intent of the City Council that the provisions of this ordinance be deemed severable, and in the event any such provision be declared unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not effect those provisions remaining.

SECTION XII.
EMERGENCY

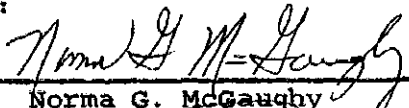
That the present ordinances of the City of Mesquite are inadequate to properly regulate the erection and use of signs within the City of Mesquite, Texas, creates an urgency and an emergency in

the interest of the public health, safety and welfare and necessitates that this ordinance take effect immediately from and after its date of passage.

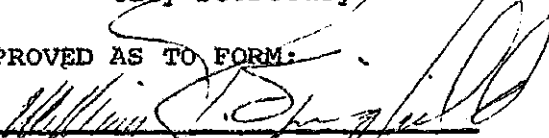
PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, this the 20 day of May, 1968.


George Boyce
Mayor

ATTEST:


Norma G. McGaughey
City Secretary

APPROVED AS TO FORM:


William R. Springfield
City Attorney

