

ORDINANCE NO. 1174

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5, SECTION 6, AND CHAPTER 14B, SECTION 27, OF THE CODE OF THE CITY OF MESQUITE BY PROVIDING A DEFINITION OF A WALL SIGN ON PREMISES FRONTING ON OR VISIBLE FROM INTERSTATE HIGHWAYS; BY STATING THE INTENT AND PURPOSE OF THE ORDINANCE; BY ESTABLISHING LIMITS ON THE SIZE AND DIMENSIONS OF WALL SIGNS; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND EXPRESSLY RETAINING IN FULL FORCE AND EFFECT ALL REQUIREMENTS FOR SIGNS, ON PREMISES NOT ON OR VISIBLE FROM INTERSTATE HIGHWAYS, NOT IN CONFLICT HEREWITH; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 5, Section 6, of the Code of the City of Mesquite is amended by adding a new subsection as follows in all other respects to remain in full force and effect:

ARTICLE XVI of the National Building Code heretofore adopted by the City of Mesquite, is modified in the following manner, a new section 1600.31 is added, to wit:

1600.3.1. DEFINITION OF A WALL SIGN

A wall sign, when on a premises fronting on or visible from an interstate highway, in addition to the definition provided in Chapter 14b, Section 2, of the Code of the City of Mesquite, is deemed to include all means of communication of ideas or advertising utilizing the exterior of a building or structure to express such communication of ideas or attract attention or cause undue notice to a structure designed or used for a commercial or business venture, without regard to whether or not same is limited to the walls of said building.

ORDINANCE/PAGE 2

Odd or unusual shapes or designs of a structure or building, gimmicks, arrows, mirror effect finish with high reflective characteristics, exterior finish or design in stripes, checks or polka dots, representations of objects, animate or inanimate, loud or unusual colors that markedly contrast or clash with other colors about the structure or premises or other structures or buildings, reasonably calculated to call attention or notice to a structure or premises, when such structure or premises is used or designed as a commercial or business establishment shall be deemed to be for the purpose of advertising and shall be considered a wall sign.

SECTION 2. The intent and purpose of this ordinance is not to limit or control personal preferences as to architecture or appearance but to provide fair and equitable advertising for all business activity on and near interstate highways and to prevent a deterioration of the community by unbridled competition among business concerns for the most garish and unusual structures for the purpose of advertising.

SECTION 3. Chapter 14B, Section 27, of the Code of the City of Mesquite is hereby amended as follows:

WALL SIGNS ON PREMISES FRONTING ON OR VISIBLE FROM INTERSTATE HIGHWAYS

1. Height may not exceed the roof line by more than three (3) feet.
2. No part of sign shall be more than twelve (12) inches from the face of the wall.
3. The lesser dimension, whether same shall constitute height or width, shall not exceed four (4) feet.
4. Overall area shall be limited to twenty (20%) percent of the exterior plane of each story on which advertising is exhibited, but not less than fifty (50) square feet per establishment.

ORDINANCE/PAGE 3

Where a building or structure is curved or divided into many planes a resultant view or side may be considered a plane for the purpose of determining the maximum sign area based upon at least four sides per building.

Exterior area on more than one side or story may not be accumulated for the purpose of enlarging the maximum sign area on one side or story without approval of the City Council upon a finding that such enlargement will not be detrimental to the community. In consideration of this question, a more subdued surface, color or lighting effect may be considered as well as the effect of advertising displayed on the sides proposed to be used for accumulation purposes.

SECTION 4. That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed and expressly retaining in full force and effect all requirements for signs, on premises not on or visible from interstate highways, not in conflict herewith.

SECTION 5. Should any word, phrase, sentence, paragraph, or section of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 6. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 7. Whereas, the Code of the City of Mesquite, Texas, is inadequate to afford the necessary protection of the inhabitants of the City constitutes an urgency and an emergency in order to protect the public interest, comfort and general welfare and requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

0092

ORDINANCE/PAGE 4

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of March, A.D., 1974.

Bob Beard
Bob Beard
Mayor

ATTEST:

APPROVED AS TO FORM:

Sue Frost
Sue Frost
Acting City Secretary

Elland Archer
Elland Archer
City Attorney