

ORDINANCE NO. 2567

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REPEALING ORDINANCE NO. 741 OF THE CITY OF MESQUITE, TEXAS, THE MESQUITE SIGN ORDINANCE AND SUBSTITUTING THEREFOR A NEW SIGN ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

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


SECTION 1. That the City of Mesquite Sign Ordinance previously adopted by the City Council by Ordinance No. 741, on May 20, 1968, is hereby repealed, and a new Sign Ordinance is adopted as set out in the attached Exhibit "A", which is incorporated as fully set out at length herein.

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars for each offense.


SECTION 3. 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.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 7th day of November, 1988.

  
George A. Verner, Sr.  
Mayor

ATTEST:

APPROVED:

  
Lynn Prugel  
City Secretary

  
Elizabeth A. Lunday  
Acting City Attorney

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# CITY OF MESQUITE SIGN ORDINANCE

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## I. STATEMENT OF PURPOSE

The sign regulations contained herein are intended to control the use of publicly visible displays or graphics in order to:

1. Distribute equitably, the privilege of using the public environs to communicate private information.
2. Safeguard the public use and nature of the streets and sidewalks.
3. Enhance the visual environment of the city.

## II. DEFINITIONS

Banner Sign - A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations provided that such flags, emblems and insignia are displayed for noncommercial purposes.

Board of Adjustment - Quasi Judicial Board composed of members appointed by the City Council to hear and rule upon variance requested to the Sign Ordinance.

Builders Directional Sign - A sign providing direction or instruction to guide persons to sites where new homes are under construction, usually off-premise.

Building Official - The officer or other persons with the City of Mesquite charged with the administration and enforcement of the Sign Ordinance.

Bulletin Board 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 with:
  - a. a public or semi-public use
  - b. a charitable use
  - c. a professional or semi-professional use
  - d. a medical center use
  - e. a clinic or hospital use
  - f. an apartment building use

Business Sign - A sign which directs attention to a business profession, activity, commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

Changeable Copy Sign - A sign that is utilized year round, but the copy is changed monthly, advertising different specials associated with retail sales.

Construction Sign - A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development when placed upon the premise where work is under construction, but only for the duration of construction or wrecking.

D.R.C. - Development Review Committee, Committee composed of staff members from the City of Mesquite.

Development Sign - A sign announcing or describing a legally approved subdivision.

Drive-In Facility - Either a service station or drive-in grocery store.

**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.

**Flashing Sign** - An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this Ordinance, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

**Gross Surface Area** - The entire area within a single continuous perimeter composed of a single rectangle enclosing the extreme limits of characters, lettering illustrations, ornamentations, or other figures, together with any material, or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign.

**Ground Sign** - A sign supported by structures or supports or upon the ground and not attached or dependent for support from any building.

**Identification (Monument) Sign** - A sign identifying the use of, name, location of buildings, or groups of buildings.

**Inflatable Sign** - Air-filled device anchored to a building, or the ground and used for advertising purposes on a temporary basis.

**Illuminated Sign** - A sign in which an artificial source of light is used in connection with the display of such sign.

**Instructional Sign** - A sign, providing no advertising of any kind which provides direction or instruction to guide a person to facilities intended to serve the public, including but not specially limited to those signs identifying restrooms, public telephones, parking lot information and similar facilities.

**Marquee** - 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.

**Moving Sign** - A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners or pennants.

**Off-Premise Sign** - A sign which directs attention to a business, professional activity, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

**Pennant** - Wind devices less than one (1) sq. ft. in size, usually triangular in shape and attached to a single cord.

**Pole Sign** - A type of free-standing sign supported by one or two poles not exceeding 60 square feet, and having no guys or braces to the ground or to any structure other than the pole(s).

**Political Sign** - A temporary sign identifying a political candidate, or party.

**Portable Sign** - A sign not permanently affixed to the ground, a building, or other structure, which may be moved from place to place and no larger than 3 feet wide and 4 feet high.

**Projecting Sign** - A sign which is affixed to a building or wall and extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than sixteen (16) inches.

Real Estate Sign - A sign which is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Roof Sign - A sign erected or maintained in whole or in part upon, against, or directly above the roof or parapet line of a building.

Shopping Center - A commercial development under unified control consisting of four (4) or more separate commercial establishments sharing a common building, entrance way, or parking area.

Sign - Any identification, description, illustration, or device illuminated or non-illuminated which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation including any permanently installed or situated merchandise, or any emblems, logo, painting, flag, banner, pennant, statue, or placard design to advertise, identify, or convey information.

Sign Contractor - 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.

Subdivision Entry Sign - A sign placed on a decorative structure such as a brick fence and located at entrances to subdivisions.

Temporary Portable Sign - A sign not permanently affixed to the ground, a building, or other structure, for a temporary period of time.

Temporary Sign - A sign which may be erected in accordance with the provisions of this Ordinance on a temporary basis.

Vehicle - Shall for the purpose of this Ordinance mean any automobile, truck, camper, tractor, van trailer, motorcycle, bicycle, or any device capable of being transported and shall be considered a vehicle in both moving and stationary modes irrespective of state of repair or condition.

Vehicular Sign - A sign painted on, attached to or upon a vehicle or trailer.

Wall Sign - A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or supported by and placement is limited to exterior wall of tenant space served.

Window Sign - A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.

III. GUIDELINES TO SIGN USE WITHIN ZONING DISTRICTS

A. Residential Districts "R" and "D" (Single Family Duplex)

1. Builders Directional Sign (Temporary)
2. Development Sign (Temporary)
3. Political Signs (Temporary)
4. Real Estate Sign (Temporary)
5. Subdivision Entry Sign
6. Exception - Permitted non-residential uses in this district may have the following signs:
  - a. Bulletin Board, Identification, Wall, Banner, Pole or Temporary Portable Sign.
  - b. Maximum number per ownership - One sign per street frontage.

**B. Residential District "A" (Multifamily)**

1. Banner (One (1) sign for four - thirty (30) day periods per year)
2. Bulletin Board Sign (One (1) per street frontage)
3. Development Sign (Temporary)
4. Identification Sign (One (1) per street frontage)
5. Real Estate Sign (Temporary)
6. Temporary Portable Sign (One (1) sign for two - thirty (30) day periods per year)
7. Wall Sign (One (1) per street frontage per ownership)

**C. Non-Residential Districts**

1. Banner Sign - (Temporary)
  - 1) One (1) sign per business in multi-tenant buildings. Four - thirty (30) day periods per year.
  - 2) Two (2) signs per business in free standing buildings. Four - thirty (30) day periods per year.
2. Builders Directional Sign (Temporary)
3. Bulletin Board Sign (One (1) per street frontage)
4. Development Sign (Temporary)
5. Ground Signs permitted as follows:
  - a. Property Fronting on Interstate Highway (One (1) per ownership (370 sq. ft.))
  - b. On Commercial Development of two (2) acres or more (One (1) per ownership, or one (1) for each 300 feet of street frontage; 200 sq. ft.)
  - c. One (1) Multiple Tenant Shopping Center Less Than two (2) acres (One (1) per ownership; 150 sq. ft.)
6. Identification Sign - (One (1) per street frontage)
7. Inflatable Sign - (One (1) sign per business. Three - ten (10) day periods per year. (Non consecutive))
8. Instructional Signs on Parking Lots
9. Marquee Signs - (May not extend over public property)
10. Pole Sign - (One (1) per street frontage or one (1) for each 300 feet of street frontage)
11. Political Sign (Temporary)
12. Portable Signs (Limited to drive-in facilities only; maximum number two (2))
13. Projection Signs - One (1) per Occupancy; may not extend over public property)
14. Real Estate Sign (Temporary)
15. Temporary Portable Sign - (One (1) sign for two -thirty (30) day periods per year)
16. Wall Signs
17. Window Signs

**IV. GENERAL PROVISIONS & REQUIREMENTS****A. Sign Area Measurement**

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.

**B. 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.

C. Materials

Wooden pole structures are limited to temporary signs only.

D. Information on Signs

Every permanent 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, voltage, and name of maker or erector.

E. Design Requirements

All signs shall be designed and constructed to wind pressures as outlined in the Building code of the City of Mesquite and engineered designs as required by the Building Official shall bear the seal of an engineer licensed to practice in the State of Texas.

F. 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 (30) days to either put the sign in acceptable condition or remove the sign.

G. 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 has been closed for at least six (6) months or has moved away shall be termed obsolete. All 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 (30) days following the date of obsolescence.

V. SIGN SPECIFICATIONS

BANNER SIGNS (Temporary)

1. Banner signs may be displayed a total of four - thirty (30) day periods per year (consecutive periods are allowed)
2. The permit fee for banners will be fifteen (\$15.00) dollars per period.
3. The number of banner signs allowed are:
  - a. One (1) sign per business in multi-tenant buildings
  - b. Two (2) signs per business in free standing buildings
4. Banner signs shall have a certificate of flame resistance when placed over combustible materials.
5. Banner signs shall not impede doors, windows, exits, or pedestrian traffic on public or private walkways.
6. Banners shall be maintained in good condition. Sagging, tattered, torn, dirty or faded banners are not allowed.

BUILDERS DIRECTIONAL SIGNS (Temporary)

Weekend Directional Signs:

1. Home builders desiring to direct traffic to projects under construction in Mesquite, by use of weekend directional signs, must first obtain a permit to do so. The cost of that permit shall be one hundred twenty-five (\$125.00) dollars per quarter, based on a calendar year.

2. The regulations for placement of the weekend directional signs will be printed on the permit. Violation of the regulations will result in the following penalties:
  - A. If signs are found in violation of this section, they will be picked up by the City of Mesquite and kept for redemption for a period of three (3) days. Thereafter, the signs will be destroyed. The fee for redeeming these signs shall be three (\$3.00) dollars per sign.
  - B. Three (3) violations in a 45-day period constitutes grounds for revocation of the permit. If a number of violations occur in one weekend, that shall constitute one violation.
  - C. Placement of signs without a permit will constitute an offense punishable to builder by a fine not to exceed five hundred (\$500.00) dollars.
3. Regulations for Placement of Weekend Directional Signs:
  - A. Non-illuminated directional signs for temporary sales locations will be allowed to be placed on public right-of-way between the hours of noon on Friday and noon on Monday. Holidays that fall on a Friday or Monday are to be considered part of the weekend.
  - B. Signs must not exceed five (5) square feet in area and may not exceed forty (40) inches in height.
  - C. The edge of signs shall be placed no closer than three (3) feet from the street curb or edge of the pavement.
  - D. Signs for any one advertiser must be separated by at least 300 feet or one city block, whichever is less.
  - E. No sign may be placed closer than twenty-five (25) feet from an intersection.
  - F. Temporary directional signs shall not obstruct the vision of traffic on the roadway and never shall be placed in the median.
  - G. If temporary directional signs are placed in front of or along side of any occupied residence, the sign placer for such signs shall receive written permission from the occupant prior to erecting such signs.
  - H. Any sign that is dented, faded, punctured, or unclean shall be replaced.
  - I. Signs must only direct traffic to projects located within the Mesquite City Limits.

#### 32 Square Foot Off-Premise Directional Signs:

1. Permission shall be granted as a special privilege to home builders to erect temporary off site directional signs. A builder must be developing a minimum of twenty (20) lots per subdivision in order to be considered.
2. The permit fee for such signs will be twenty five (\$25.00) dollars per sign, per period of approval. Initial approval period will be for one (1) year and renewals in 1/2 (6) month increments based on number of lots left to develop.
3. On the permit will be printed the regulations for placement of temporary directional signs. Violation of regulations will result in issuance of citation and or revocation of permit.
4. Regulations for placement of temporary off premise directional signs:
  - A. Maximum Size - 32 square feet  
Maximum Height - 10 feet  
30 foot separation from all other 32 square feet signs.
  - B. Signs may not be illuminated.
  - C. Signs shall not obstruct the vision of traffic.
  - D. All signs must conform to the State Highway Beautification Act, if located within 660 feet of a Federal Aid Primary Highway.
  - E. Signs may not be erected in excess of a three (3) mile radius of the project to which they are directing traffic.
  - F. A maximum number of five (5) different builder's signs will be allowed per location. Staff will consider alternatives such as combining a number of builders on each sign with a maximum square footage of fifty (50) feet.
  - G. Back to back signs on the same support constitutes one (1) sign. V-shaped or L-shaped signs are not allowed.
  - H. Signs for any one (1) builder along a straight route must be separated by at least a 1/2 mile or at a change of direction, whichever is less.
  - I. All temporary directional sign locations are subject to staff approval and may be denied if signs



are determined to be obtrusive to the surrounding areas. Signs placed in residential areas that are ninety (90%) percent completed are considered obtrusive.

J. All temporary directional signs shall be removed upon the completion of the sale of the last home. Final inspections for the last dwelling will not be completed until all such signs have been removed.

BULLETIN BOARD SIGNS

One (1) per street frontage

1. Maximum Area - 40 square feet
2. Minimum Setback - 12 1/2 feet from the property line
3. Maximum Height - 10 feet
4. Minimum distance to other signs - 60 feet
5. Signs may be attached to building.

DEVELOPMENT SIGNS (Temporary)

A sign announcing or describing a legally approved subdivision may be temporarily erected for each subdivision. Approved subdivision is one which has been accepted by the City of Mesquite and building permits can be issued. Such signs shall not exceed twenty-five (25) feet in height nor 200 square feet in area and the location of such signs shall be approved by the Building Official. One (1) such sign shall be allowed for each side of the subdivision exposed to arterial or major streets. In the case of multiple builders within a subdivision, each builder with fifty (50) lots or more is allowed one (1) such development sign.

All development signs shall be removed upon the completion of the sale of ninety (90%) percent of the lots or dwellings in the subdivision, or if the developer so desires he may post a five hundred (\$500.00) dollar performance bond with the City of Mesquite insuring that the sign will be removed thirty (30) days after building inspection has given final inspection to the last dwelling.

GROUND SIGNS

1. For property located on Interstate Highways (One (1) per ownership):  
 Maximum Area - 370 square feet  
 Maximum Height - 50 feet  
 Minimum Setback - 25 feet from property lines  
 Minimum Distance to Other Signs - 60 feet  
 Minimum Distance to Residential Zoned Property - 60 feet
2. For Property Not Located on Interstate Highways with two (2) acres or more (One (1) per ownership or One (1) for each 300 ft. of street frontage):  
 Maximum Area - 200 square feet  
 Maximum Height - 30 feet  
 Minimum Setback - 25 feet from property lines  
 Minimum Distance to Residential Zoned Property - 60 feet
3. For Shopping Centers with multiple Tenants with less than two (2) acres (One (1) per ownership):  
 Maximum Area - 150 square feet  
 Maximum Height - 25 feet  
 Minimum Setback - 25 feet from property lines  
 Minimum Distance to Other Signs - 60 feet  
 Minimum Distance to Residential Zoned Property - 60 feet

IDENTIFICATION SIGNS

One (1) per street frontage

1. Maximum Area - 40 square feet
2. Minimum Setback - 12 1/2 feet from property lines
3. Maximum Height - 10 feet

4. Minimum Distance to other Signs - 60 feet

#### INFLATABLE SIGNS

1. Prior to placement of sign, a permit must be obtained.
2. Setback from property line - 10 feet.
3. Permit fee shall be \$25.00 per period.
4. Signs are granted for three - ten (10) day periods per year. Periods may not run consecutive. One (1) sign per business.
5. Placement of signs on City right-of-way is prohibited.
6. Signs shall not be placed in such a way as to create a traffic hazard.
7. Use of extension cords is limited to non-traffic areas (Pedestrian or vehicular) or as approved by Building Inspector.
8. Signs must be securely anchored.

#### INSTRUCTIONAL SIGNS

1. Maximum Size - 4 square feet
2. Maximum Height - 10 feet
3. Number and Locations to be Approved by Building Official.

#### MARQUEE SIGNS

1. No part of sign shall project more than 12 inches from any face of a marquee.
2. Sign shall be constructed out of noncombustible materials.
3. 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.
4. Sign shall not project any closer than within one (1) foot of any curb.

#### POLE SIGNS

- One (1) per street frontage or One (1) for each 300 feet of frontage
1. Maximum Area of Sign Face - 60 square feet
  2. Maximum Height - 25 feet
  3. Minimum Distance to Other Signs - 60 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

#### POLITICAL SIGN REQUIREMENTS (Temporary):

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-two (32) square feet or ten (10) feet in height.

Placement of these signs on public property or utility poles is expressly prohibited.

Temporary political signs may be erected or maintained for a period not to exceed sixty (60) days prior to the date of the election to which such signs are applicable is scheduled to occur and candidates using this privilege are obligated to remove the signs within seven (7) days following such election.

PORTABLE SIGNS

Limited to Service Stations and Drive-In Grocery.

- 1. Maximum Number - 2
- 2. Maximum Size - 12 square feet
- 3. Maximum Height - 4 feet

Sign Placement Shall Not Obstruct Traffic Visibility.

PROJECTING SIGNS

One (1) per occupancy, may not extend over public property

- 1. 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 back of the street curb.
- 2. Every projecting sign shall be hung at an angle of ninety (90°) degrees 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 (2) streets.
- 3. Maximum length measured from face of building to outer edge of sign, seven (7) feet.
- 4. Sign shall not exceed to any greater height than the building to which it is attached.

REAL ESTATE SIGNS - TEMPORARY

A. Temporary signs pertaining to the sale or rental of property shall not exceed thirty-two (32) 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 (4) 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.

B. Interstate Frontage or Five (5) Acre Site:

Temporary signs advertising the sale of the land upon which same is located shall not exceed 200 sq. ft. and may be erected on tracts of land fronting on Interstate highways, or on tracts of five (5) acres or more not fronting Interstate highways. Where such billboard ground sign is erected on a tract of land, the number of signs shall be limited to one (1) per tract. Ground signs allowed under this subsection shall be deemed a privilege of ownership and the right to erect such sign shall be in the owner rather than any particular sales agent. Authorization by the owner to an agent to erect a Ground sign shall be dated and signed by the owner.

TEMPORARY PORTABLE SIGNS

- 1. Prior to placement of a temporary portable sign on-site, a permit must first be obtained.
- 2. Maximum Size - 32 square feet  
Maximum Height - 6 feet  
Setback from Property Line - 10 feet
- 3. One (1) sign per business for 2 - 30 day periods per calendar year. The permit fee shall be twenty five (\$25.00) dollars per period.
- 4. Signs displayed before permit is issued or after permit has expired are subject to citations.
- 5. Signs which have expired must be removed within twenty-four (24) hours.
- 6. Signs Shall Not Be Illuminated.
- 7. Signs may not utilize devices which undulate or which otherwise create an impression of movement.
- 8. Placement of signs on City right of way is prohibited.
- 9. Signs shall not be placed in such a way as to create a traffic hazard.
- 10. Only on-site signs are permitted.
- 11. Signs may not be mounted on or placed in vehicles.

WALL SIGNS

Wall signs shall not exceed forty (40) square feet or the product of two (2) times the lineal footage of the building or store frontage for which such signs are intended, whichever is greater. Such signs shall not have a vertical height which exceeds 1/3 the height of the wall with a maximum height of 10 feet, nor exceed seventy-five percent (75%) of the width of such building or store frontage. Wall signs shall not extend above the wall to which they are attached and placement is limited to exterior wall of tenant space served.

WINDOW SIGNS

In no event may signs be located on the window surface internally or externally in any manner to obscure more than fifty percent (50%) of the visible window. Where multiple windows exist fronting on a single street or sidewalk, the 50% visibility shall be maintained for the total window area on said street or sidewalk.

VI. PROHIBITED SIGNS

A. Obscene, Indecent and Immoral Matter.

It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.

B. Obstructing Doors, Windows or Fire Escapes.

It shall be unlawful to erect, relocate or maintain a sign which prevents free ingress to or egress from any door, window or fire escape.

C. Attachment to Standpipe or Fire Escape.

It shall be unlawful to attach any sign to a standpipe or fire escape.

D. Interference with Traffic.

It shall be unlawful to erect, relocate or maintain any sign in such a manner as to obstruct free and clear vision at any location whereby, by reason of position, size, movement, shape, color, flashing, manner or intensity of illumination, such sign may interfere with vehicular or pedestrian traffic. Further, it shall be unlawful to erect or maintain any sign in such a manner as to interfere with, obstruct the view of or be confused with, any authorized traffic sign, signal or device. Accordingly, no sign shall make use of the words "Stop", "Go", "Look", "Slow", "Danger", or any other similar word, phrase, symbol or character or employ any red, yellow, orange, green, or other colored lamp or light in such a manner as to cause confusion to or otherwise interfere with, vehicular or pedestrian traffic.

E. Vehicular Signs.

1. It shall be unlawful to attach any sign to a trailer, skid, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or constitute the sign itself. This provision does not restrict the identification signs on vehicles used for bona fide transportation activity.
2. Sign attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time, where the intent is apparent to be one of using the vehicle and signs for purposes of advertising an establishment, service or product. Vehicles operating under a city franchise shall be excluded from this provision.
3. Signs placed on or affixed to vehicles and or trailers which are parked on public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property are prohibited.

F. A-Frame Signs

A-Frame signs are prohibited and unlawful.

G. Advertising Matter Placed on or Suspended from Buildings, Poles, and Sidewalks

No person shall place on or suspend from any building, pole, structure, sidewalk, parkway, driveway or parking area, any goods, wares, merchandise or other advertising object or structure for the purpose of advertising such items other than a sign, as defined, regulated and prescribed by this Ordinance, except as otherwise allowed by Ordinance.

H. Painting, Marking, Streets, Sidewalks, and Utility Poles

No person shall attach any sign, paper or other material, or paint, stencil or write any name, number (except house numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure except as otherwise allowed by Ordinance.

I. Attaching Advertising Matter to Fences, Utility Poles, and Scattering Advertising Matter on Streets and Sidewalks

No person, firm, corporation or association of person, shall paste, stick, tack, nail or otherwise place any advertisement, handbill, placard or printed, picture or written matter or thing for political advertising or other advertising purposes upon any fence, railing, sidewalk or public telephone, electric or other utility pole, or any other public property, including trees thereon or to knowingly cause or to permit the same to be done for his benefit.

J. Roof Signs

Roof Signs are prohibited.

K. Pole or Ground Signs Prohibited on or Over Public Property

No portion of any sign shall be erected on or over public property, unless the same be erected by the city, or with the permission of the city, for public purposes.

L. Certain Illuminated Signs Prohibited

1. No sign shall be illuminated to such an intensity or in such a manner, as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance. Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed. Alternating electronic data control components showing time and temperature or public service announcements may be allowed.
2. No lighted sign shall be erected within one hundred-fifty (150) feet of a residential district unless the lighting is shielded from view of the residential district.
3. A sign in a residential district, where allowed by this ordinance, shall be illuminated in such a manner so as not to produce intense glare or direct illumination across the bounding property line.

M. Off Premise Signs

Off premise signs are prohibited except where allowed elsewhere in the code (i.e. builders directional sign).

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:

City ES

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 (1) square foot.
6. Holiday decorations - signs or other material temporarily displayed on traditionally accepted civic, patriotic or religious holidays.

**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. Garage sale signs located on private property at sale location only.
2. Real estate signs.
3. Changeable copy sign.
4. Signs not exceeding one (1) square foot.
5. Pennants - maintained in good condition (not over 50% pennants damaged)
6. Temporary political signs.
7. Window signs.
8. Temporary construction signs designating the architect, engineer or contractor and other facts relating to the structure under construction and permitted only as accessory to an approved building permit for the project. Maximum size, 100 square feet, fifteen (15) feet in height. Sign may be erected and maintained for a period not to exceed sixty (60) days prior to the commencement of construction and removed before issuance of Certificate of Occupancy.
9. On-site instructional signs not exceeding four (4) 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.
10. Flags, emblems and insignia of the United States and government agencies and offices including corporate flags limited to one (1) corporate flag when accompanied by a United States and/or a state flag (corporate flag may not exceed the size of the accompanying flag); emblems and insignia of any state or local governmental body; decorative displays for holidays or legal public demonstrations which do not contain advertising and are not used as such.
11. Occupational signs, not exceeding two (2) square feet in area, denoting only the name and profession of an occupant in a commercial building or public institutional building.
12. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

**VIII. ADMINISTRATION & PERMITS**

**A. Sign Contractors License Required**

A sign contractor's 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 Division 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 thirty-two (\$32.00) dollars per year payable on the first day of January of each year.

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) 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 (1) 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 Municipal Court, whether appealed or not, on three (3) violations over a period of two (2) 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) dollars guaranteeing compliance, and that this Compliance Bond is renewed for two (2) 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.

H. Sign Permit Fees

Unless otherwise stated, the fee for sign permits shall be twenty-five (\$25.00) dollars. 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 provision.

J. Sign Permit Expiration

A permit for a sign shall expire if the work is not started within sixty (60) days, not completed within one hundred and twenty (120) days after work is commenced, and a new permit shall be required before beginning or completing the work.

K. Void Permits

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

**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 five hundred (\$500.00) 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 variances as to the location and size of permitted signs as required by the provisions of this chapter; provided, however, that the Board of Adjustment shall not be required to provide notice by mail to adjacent property owners or notice by publication, and further provided that the decisions relating to sign variances by the Board of Adjustment under this section shall be final with no right of appeal as provided in the zoning ordinance.

In considering the request for variation to requirements of this Ordinance, the Board of Adjustment shall consider, but not be limited to, the degree of variance, the reason for variance requested, the location of the variance request, the effect on public safety, protection of neighborhood property, the degree of hardship or injustice involved, and the effect of the variance on the general plan of regulating signs within the city.

C. Non-Conforming Existing Sign

All 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.