

ORDINANCE NO. 3468

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE BY ADDING A DEFINITION FOR ELECTRONIC MESSAGE CENTER SIGNS TO THE LIST OF DEFINITIONS IN SECTION 13-1 AND ADDING A PARAGRAPH TO SECTION 13-73 THEREBY PERMITTING AND REGULATING ELECTRONIC MESSAGE CENTER SIGNS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) 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 13 of the Code of the City of Mesquite shall be amended by adding a definition for Electronic Message Center to Section 13-1 and a Paragraph (s) to Section 13-73 to read as follows; in all other respects said Code and Chapter to remain in full force and effect:

CHAPTER 13

SIGNS

Sec. 13-1. Definitions.

Electronic message center means an on-site non-temporary sign that uses light bulbs or light emitting diodes to spell out messages of advertisement or announcements. Messages displayed may not change more frequently than five (5) seconds.

Sec. 13-73. Specifications by type of sign – generally.

- (s) *Electronic message center signs.* Electronic message center signs are permitted as follows:
- (1) In locations where signs are otherwise permitted except signs designated herein as temporary.
 - (2) All size, height, setback and other requirements set forth herein shall apply.
 - (3) No animation, flashing or scrolling of messages shall be permitted.
 - (4) Permitted illumination shall be a maximum 40 (forty)-watt bulb.
 - (5) Messages displayed may not change more frequently than five (5) seconds.

- (6) Subject to the procedure as set forth in state law, signs permitted under this paragraph shall not be considered nonconforming in the event this paragraph is amended or rescinded.


SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part or provision so decided to be unconstitutional, illegal, or invalid and the remaining provisions of this ordinance shall remain in full force and effect.

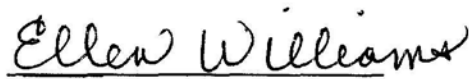
SECTION 4. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed five hundred dollars (\$500.00) for each offense.

SECTION 5. That the present ordinances of the City of Mesquite are inadequate to regulate signs creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on this the 3rd of December, 2001.


Mike Anderson
Mayor

ATTEST:


Ellen Williams
City Secretary

APPROVED:


B. J. Smith
City Attorney