

ORDINANCE NO. 3744

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY DELETING THE CHAPTER IN ITS ENTIRETY AND ADDING A NEW CHAPTER 13 THEREBY UPDATING THE REGULATIONS ON SIGNS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council finds that the City's current sign regulations, adopted in 1988 and 1989 and codified in Chapter 13 of the Code of the City of Mesquite, have served the City of Mesquite (the "City") well; and

WHEREAS, due to changes in the City's growth and development and in technology it would be beneficial to update the regulations through amendments to such regulations; and

WHEREAS, the City finds that the current regulations prohibiting the placement of additional billboards in the City have been beneficial in reducing visual clutter and improving the image of the City, that an attractive City will encourage desirable economic development and benefit all citizens; and

WHEREAS, together with the benefits of prohibiting billboards and taking note of the environmental study by Stephen Klineberg, PHD. of Rice University Department of Sociology, published in May 2001, finding that 79% of persons did not want more billboards on Texas highways, the City finds that the current billboard prohibitions have merit and should be continued; and

WHEREAS, the City Council of the City desires to protect the health, safety, property and welfare of the citizens of the City; and

WHEREAS, it is the desire of the City Council to protect the public, the economic base of the City and the communication rights of all corporate and individual citizens; and

WHEREAS, the City Council finds that reasonable control of the size, number and location and maintenance of signs in the City and the City's extraterritorial jurisdiction is beneficial to all citizens.

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 is hereby amended by deleting the Chapter in its entirety and adding a new Chapter 13 to read as follows, in all other respects said Code shall remain in full force and effect:

CHAPTER 13. SIGNS

ARTICLE I. IN GENERAL

Sec. 13-1. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Banner sign means 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 of political, professional, religious, education or corporate organizations.

Billboard sign means a sign adjacent to freeways and used for the purpose of off-premises advertising and conveyance of messages, utilizing a monopole sign structure.

Board of Adjustment means the quasi-judicial board composed of members appointed by the City Council to hear and rule upon variances requested to this Chapter.

Builder's directional sign means a sign providing direction or instruction to guide person to sites where new homes are under construction.

Building Official means the officer or other persons with the City charged with the administration and enforcement of this Chapter.

Development sign means a sign announcing or describing a legally approved subdivision.

Electronic display screen means a sign or portion of a sign that displays an electronic image or video which may or may not include text, including television screens, plasma screens, digital screens, flat screens, LED screens, video boards and holographic displays.

Electronic message center means a sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Erect means 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.

Extraterritorial jurisdiction means the unincorporated area that is contiguous to and located within five miles of the corporate boundaries of the City.

Gross surface area means 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.

Illuminated sign means a sign in which an artificial source of light is used in connection with the display of such sign.

Inflatable sign means an air-filled device anchored to a building or the ground on a temporary basis.

Monument sign means a ground-mounted sign identifying the use of, name or location of buildings or groups of buildings.

Movable sign means a sign that is not permanently affixed to the ground, a building or other stationary structure but that is mounted on a support structure, which may be moved from place to place and is no larger than three feet wide and four feet high.

Moving sign means 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.

Neighborhood designation sign means a sign used only by the City to display the name and/or the logo or symbol announcing the name of a neighborhood, district or other recognized identifiable community area.

Noncommercial sign means any sign other than a sign relating to a service or business, or the sale of merchandise, or other activity for private benefit or gain. Noncommercial signs are deemed to be on-premise signs and are permitted wherever signs are otherwise permitted in accordance with and strictly subject to the objective criteria set forth in this Chapter.

Off-premise sign means a sign identifying a business, profession, product, service, or facility available at a location other than the premises where the sign is located.

On-premise sign means a sign identifying or advertising a business, person, activity, product or organization available on the premises where the sign is located.

On-site instructional sign means a sign that does not contain advertising and is limited to providing directions necessary or convenient for visitors or clients coming on

to premises including signs marking entrances and exits, parking areas, loading zones or circulation directions.

Pennant means wind devices less than one square foot in size, usually triangular in shape and attached to a single cord.

Pole sign means a sign mounted on one or two freestanding poles and having no other support to the ground or to any structure other than the poles.

Political sign means a sign designed to attract attention or support for a particular candidate, political party, person or issue.

Portable sign means a sign that is designed to be easily transportable by trailer or on its own wheels and is designed to be displayed while mounted or affixed to the trailer or wheels by which it is transported or may be removed and temporarily attached to the ground.

Projecting sign means a sign, which is affixed to a building or wall and extends beyond the line of such building, wall or beyond the surface of that portion of the building or wall to which it is affixed by more than 16 inches.

Real estate sign means a sign, which is used to offer for sale, lease or rent the premises upon which such sign is placed.

Subdivision entry sign means a sign placed on a decorative structure such as a brick fence and located at entrances to subdivisions.

Temporary sign means a sign, which may be erected in accordance with the provisions of this Chapter on a temporary basis.

Vehicle, for the purposes of this Chapter, means 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 means a sign painted on, attached to or upon a vehicle or trailer.

Wall sign means a sign attached directly to an exterior wall of a building or dependent upon a building for support.

Window sign means 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.

Sec. 13-2. Purpose.

The purpose of the sign regulations contained in this Chapter is to balance the need to protect the public health, safety and welfare, the visual environment and economic base of the City with the need for adequate identification and communication of services, events and messages.

Sec. 13-2.5. Scope.

The regulations and provisions of this Chapter shall apply within the City. In addition, the regulations and provisions of this Chapter relating to off-premise outdoor advertising and billboard signs shall apply to all land located within the extraterritorial jurisdiction of the City as such regulation is permitted by State law.

Sec. 13-3. Board of Adjustment variances.

- (1) *Board of Adjustment.* The Board of Adjustment (the "Board"), pursuant to the authority set forth in the Zoning Ordinance, may grant variances as to the height, size and location of permitted signs, except electronic display screens.
- (2) *Procedure.* A property owner or the owner's authorized representative may file with the Building Inspection Division of the City an application for variance to the height, size or location of a permitted sign. Such application shall be made on a form provided by the City. Upon filing of an application the Building Official will within 10 business days determine if the application is complete. If incomplete, the application shall be returned to the applicant noting the areas of deficiency. If complete, the application will be set on the next available Board agenda, in accordance with the preset schedule for such meetings, for a public hearing. In no event will the hearing date be more than 45 days from the date the application is deemed complete.
- (3) *Notice.* Notice of the variance hearing shall be by posting on the agenda for the Board in compliance with applicable law.
- (4) *Criteria.* A variance under this subsection may be granted if the variance is not contrary to the public interest, and, due to special conditions, the literal enforcement of the provisions of this Chapter would result in unnecessary hardship and so that the spirit of this Chapter is observed and substantial justice done. Content may not be considered in granting a variance except as permitted by law.
- (5) *Votes required.* The concurring vote of four members of the Board is necessary to approve a sign variance under this Section.

- (6) *Minutes.* The minutes of the Board shall state the reasons for granting or denying a sign variance.
- (7) *Time limits.* Each determination of the Board granting a variance shall be conditional upon the privileges being utilized within one year after the effective date thereof. If a permit application is not filed within that time and carried on diligently to completion, the authorization shall become void and the variance granted by the Board shall be deemed to have lapsed.
- (8) *Appeal.* The decision of the Board under this Section shall be final.

Sec. 13-3.5. City Council variances.

- (1) *City Council authority.* The City Council is hereby given the authority to hear and grant variances to the provisions of this Chapter relating to the utilization of signs whose composition includes an electronic display screen which may also include variances to the provisions of this Chapter relating to the height and size of permitted signs.
- (2) *Procedure.* A property owner or the owner's authorized representative may file with the Building Official an application for variance to allow the placement of an electronic display screen in a location of a permitted sign. Such application may also include a request for variance relating to the height and size of a permitted sign and shall be made on a form provided by the City. Upon filing of an application the Building Official will within 10 business days determine if the application is complete. If incomplete, the form shall be returned to the applicant noting the areas of deficiency. If complete, the application will be set on the next available City Council agenda, in accordance with the preset schedule for such meetings, for a public hearing. In no event will the hearing date be more than 45 days from the date the application is deemed complete.
- (3) *Notice.* Notice of the variance hearing shall be by posting on the agenda for the City Council in compliance with applicable law.
- (4) *Criteria.* A variance under this subsection may be granted in accordance with the following criteria:
 - (a) The location of the proposed sign is on property zoned commercial or industrial whether or not the use is commercial or industrial.
 - (b) The property on which the sign is proposed to be located has a structure or structures that contains a minimum of 440,000 square

feet under one roof and consists of one use or, where there is more than one use, the uses are similar in nature, or the property is part of a recreation or amusement venue within a designated entertainment district.

- (c) The property on which the sign is proposed to be located must front an interstate highway or a public street that runs parallel to an interstate highway and that is visible from the highway.
- (d) The sign will not interfere with traffic so as to violate Section 13-72(5) of this Chapter.
- (e) The electronic display screen shall be a maximum of 500 square feet.
- (f) An electronic display screen shall not emit an audible sound.
- (g) Content may not be considered except as permitted by law.
- (h) No electronic display screen shall be approved within a two-mile radius of another electronic display screen.

Sec. 13-4. Nonconforming signs.

- (1) The use of a permanent sign existing at the time of the adoption of this Chapter may be continued in nonconformance with the requirements of this Chapter, except that the nonconforming sign shall not be enlarged, altered, modified, improved or rebuilt. A nonconforming sign may be repaired to the extent necessary to maintain it in a safe condition and neat and orderly appearance. A change in the message on the sign shall not constitute an alteration or modification of the sign.
- (2) No structural repair or change in shape, size or design shall be permitted except to make a nonconforming sign comply with all requirements of this Chapter or to render the sign structurally sound. Routine maintenance and changing of copy shall be permitted as long as such maintenance or changing of copy does not result in or change the shape, size or design.
- (3) A nonconforming sign structure may not be replaced by another nonconforming sign structure except where damage caused by weather conditions beyond the control of the owner warrant the sign's repair.

Sec 13-5. Exemptions.

- (1) *Signs exempt from the provisions of this Chapter.* The provisions of this Chapter, except those regulations relating to safety, shall not apply to the following type signs:
 - (a) Signs in the interior of premises not defined as window signs.
 - (b) Official notices of any court or public office and legal notices posted.
 - (c) Any sign required or erected by a municipal, state or federal government for the purpose of public instruction, location or direction, street or highway designation, control of traffic or similar use incidental to a public interest.
 - (d) Street number signs not exceeding one square foot.
 - (e) Temporary holiday decorations or temporary seasonal displays.
- (2) *Signs exempt from permit and fee provisions.* The following types of signs shall be subject to the provisions of this Chapter, but no permit and no permit fee shall be required:
 - (a) Garage sale signs located on private property.
 - (b) Real estate signs advertising the sale or lease of property upon which they are located.
 - (c) Signs not exceeding one square foot.
 - (d) Pennants.
 - (e) Political signs regulated under State law.
 - (f) Window signs.
 - (g) 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 permitted size shall be 100 square feet; maximum permitted height shall be 15 feet. Signs may be erected and maintained for a period not to exceed 60 days prior to the commencement of construction and removed before issuance of a Certificate of Occupancy.
 - (h) Flags, emblems and insignia of the United States and governmental

agencies and offices, emblems and insignia of any state or local governmental body.

- (i) Occupational signs, not exceeding two square feet in area, denoting only the name and profession of an occupant.
- (j) 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.

Secs. 13-6 – 13-25. Reserved.

ARTICLE II. LICENSE

Sec. 13-26. Required; fee.

- (1) A sign contractor's license must be obtained prior to engaging in such business within the City.
- (2) No person shall install, erect or maintain any sign, or contract for such service, until such person has applied to the Building Inspection Division of the Department of Community Development for a license to install, erect and maintain signs, and until such license has been approved and issued.
- (3) The fee for such license shall be \$100.00 per year payable on the first of January of each year.

Sec. 13-27. Bond.

No license for the installation, erection and maintenance of signs shall be issued to any person until such person has filed with the City Secretary a surety bond in the sum of \$5,000.00. 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 and the laws of the State, and shall provide for the indemnification of the City 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.

Sec. 13-28. Cancellation.

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 Chapter. Conviction in Municipal 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 \$5,000.00 guaranteeing compliance, and that this compliance bond is renewed for two years following the renewal of the license.

Secs. 13-29 – 13-45. Reserved.

ARTICLE III. PERMIT

Sec. 13-46. 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 13-5. Electrical signs shall also require electrical permits.

Sec. 13-47. Submission of 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 for freestanding signs shall be prepared by a registered professional engineer.

Sec. 13-48. Fee; late fee.

- (1) Unless otherwise stated, the fee for sign permits is \$100.00. All governmental entities shall be exempt from paying sign permit fees.
- (2) 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 provisions of this Chapter.

Sec. 13-49. Expiration.

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

Sec. 13-50. Void permits.

Any permit is void if it is issued in conflict with the provisions of this Chapter.

Sec. 13-51 – 13-65. Reserved.

ARTICLE IV. SPECIFICATIONS; STANDARDS; USE

Sec. 13-66. Measurement.

- (1) *Measurement of area.* The measurement of sign areas shall be as follows:
 - (a) Square or rectangular signs are length times height of sign.
 - (b) Irregular shaped signs are the area of rectangles, triangles or combination thereof necessary to enclose the sign face.
 - (c) Signs composed of individual cutout letters are the sum of the area of rectangles or triangles necessary to enclose all letters.
- (2) *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.

Sec. 13-67. Use of wooden poles.

Wooden pole structures are limited to temporary signs only.

Sec. 13-68. Identification.

Every permanent sign erected after November 7, 1988, 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.

Sec. 13-69. Design.

All signs shall be designed and constructed to wind pressures as outlined in the building code of the City, and engineered designs are required by the Building Official to bear the seal of a registered professional engineer.

Sec. 13-70. 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-resistant 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 30 days to either put the sign in acceptable condition or remove the sign.

Sec. 13-71. Removal of 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 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, person responsible for the sign or 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 30 days following the date of obsolescence.

Sec. 13-72. Prohibited signs.

- (1) *Signs prohibited by law.* It shall be unlawful for any person to display upon any sign any misrepresentation, illegality or any other matter prohibited by law.
- (2) *Signs 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.
- (3) *Signs attached to standpipe or fire escape.* It shall be unlawful to attach any sign to a standpipe or fire escape.
- (4) *Certain illuminated signs.*

- (a) No sign shall be illuminated to such intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance.
 - (b) No lighted sign shall be erected within 150 feet of a residential district unless the lighting is shielded from view of the residential district.
 - (c) A sign in a residential district, where allowed by this Chapter, shall be illuminated in such a manner so as not to produce intense glare or direct illumination across the bounding property line.
 - (d) No electronic display screen shall be erected except by City Council variance pursuant to the criteria set forth in Section 13.3.5.
- (5) *Signs interfering 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 as 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.
- (6) *Vehicular signs.*
- (a) 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.
 - (b) Signs 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.
 - (c) 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.

- (7) *Painting, marking streets, sidewalks, 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 this Chapter.
- (8) *Attaching to fences, utility poles, etc.* No person shall paste, stick, tack, nail or otherwise place any placard, printed or written matter or thing upon any fence, fence post, railing, sidewalk, public telephone, electric or other utility pole or any other public property, including trees thereon or knowingly cause or permit the same to be done for his benefit.
- (9) *Pole signs on or over public property.* No portion of any sign shall be erected on or over public property unless the same is erected by the City or with permission of the City for public purposes.
- (10) *Billboard signs.* It shall be unlawful for any person to own, erect, use, benefit from, maintain or permit any billboard sign with the exception of those billboard signs installed within the City prior to October 17, 1989, or within the City's extraterritorial jurisdiction prior to June 20, 2005, and meeting the guidelines and specifications set forth in this Chapter.
- (11) In addition to all other signs prohibited in this Section, the following signs shall be prohibited:
 - (a) *A-frame signs.*
 - (b) *Roof signs.*
 - (c) *Movable signs.*
 - (d) *Garage sale signs on public property.*
 - (e) *Pennants in poorly maintained condition.*
 - (f) *Off-premise and other signs not expressly permitted in this Chapter or otherwise under law.*

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

- (1) *Banner signs (temporary).*
 - (a) Banner signs are to be used as supplemental signs only. Permanent signs are required prior to issuance of a banner permit, except that new occupants may place a banner sign for a maximum of 75 days while waiting on a permanent sign to be manufactured.
 - (b) Banner signs may be displayed a total of four, 75-day periods per year.
 - (c) The permit fee for banners will be \$75.00 per display period or any part thereof.
 - (d) The number of banner signs allowed is:
 1. One sign per business in multi-tenant buildings.
 2. Two signs for a business located in its own freestanding building.
 - (e) Banner signs shall have a certificate of flame resistance when placed over combustible materials.
 - (f) Banner signs shall not impede doors, windows, exits or pedestrian traffic on public or private walkways.
 - (g) Banners shall be maintained in good condition. Sagging, tattered, torn, dirty or faded banners are not permitted.
- (2) *Billboard signs.*
 - (a) Billboard signs shall be allowed only at those locations within the City where they were in existence on or before October 17, 1989, and in the extraterritorial jurisdiction ("ETJ") of the City where they were in existence on or before June 20, 2005. No new billboard signs shall be permitted to be constructed or installed within the City or its ETJ.
 - (b) Billboard signs may be a maximum of 400 square feet on each face.
 - (c) No billboard sign shall exceed 42½ feet in height as measured from the highest point of the sign to the grade level of the highway from which it is to be viewed.

- (d) Billboard signs shall be set back a minimum of five feet from all property lines.
 - (e) Billboard signs shall be of all steel pole construction. Design and specifications shall bear the seal of a registered professional engineer.
 - (f) Removal of an allowed existing billboard sign structure shall result in the permanent abandonment of the site as an allowed billboard location.
 - (g) The copy on the face of a billboard sign may not be changed without first obtaining a permit. The fee for such permit shall be \$100.00.
- (3) *Builder's directional signs* (temporary).

To encourage home development in the City, homebuilders may erect temporary off-site directional signs as follows:

- (a) *Weekend directional signs.*
 - 1. Homebuilders desiring to direct traffic to projects under construction in the City by use of weekend directional signs must first obtain a permit to do so. It shall be unlawful and an offense to place or permit the placement of a sign without a permit. The cost of that permit shall be \$250.00 per quarter per 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. Signs found in violation will be collected by the City and kept for redemption for a period of three days. Thereafter, the signs will be destroyed. The fee for redeeming these signs shall be \$5.00 per sign.
 - b. Three violations in a 45-day period constitute grounds for revocation of the permit. Any number of violations occurring in one weekend constitutes one violation.
 - 3. The following regulations apply to weekend directional signs:

- a. The signs may not be illuminated and may be placed on public right-of-way between the hours of noon on Friday and until noon on the following Monday.
- b. Signs may not exceed five square feet in area and may not exceed 40 inches in height.
- c. The edge of signs shall be placed no closer than three feet from the street curb or edge of the pavement.
- d. Signs for any one homebuilder must be separated by at least 300 feet or one city block, whichever is less.
- e. No sign may be placed closer than 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. Signs may be placed in front of or alongside of any occupied residence only with the prior written permission of the occupant.
- h. Signs may not be dented, faded, punctured or unclean.
- i. Signs may only direct traffic to projects located within the city limits.

(b) *Thirty-two square-foot off-premise directional signs.*

1. The permit fee for off-premise directional signs will be \$250.00 per sign, per period of approval. The initial approval period will be for one year. Renewals may be granted in six-month increments as long as the homebuilder has lots remaining to be developed.
2. The permit will contain regulations for placement of such signs. Violation of any regulation will constitute a violation of this Chapter and, in addition to other penalties, may result in revocation of the permit.

3. Specifications for such signs are as follows:
 - a. Maximum size is 32 square feet.
 - b. Maximum height is 10 feet.
 - c. A 30-foot separation shall be maintained from all other 32-square-foot signs.
 - d. Signs may not be illuminated.
 - e. Signs shall not obstruct traffic visibility.
 - f. If such a sign is located within 660 feet of an interstate highway, it must conform to applicable State law.
 - g. Signs may not be erected in excess of a three-mile radius of the project to which they are directing traffic.
 - h. A homebuilder may place only one sign at a given location. A maximum number of five homebuilders' signs may be placed at a location.
 - i. Back-to-back signs on the same support constitute one sign. V-shaped or L-shaped signs are not allowed.
 - j. Signs for any one homebuilder along a straight route must be separated by at least one-half mile. A homebuilder may place a sign at less than one-half mile when the route to a location makes a change of direction.
 - k. All temporary directional signs shall be removed upon the completion of the sale of 90 percent of the homebuilder's lots. Final inspection for the last dwelling will not be completed until all such signs have been removed.

(4) *Development signs (temporary).*

- (a) A sign announcing or describing a legally approved subdivision may be temporarily erected for each subdivision. An approved subdivision is one that has been accepted by the City for which

building permits can be issued. Such signs shall not exceed 25 feet in height or 200 square feet in area. One development sign shall be allowed for each side of the subdivision exposed to arterial or major streets at a location approved by the Building Official. Where there are multiple homebuilders within a subdivision, only one such development sign will be allowed for each homebuilder with 50 or more developable lots in the subdivision.

- (b) All development signs shall be removed upon the completion of the sale of 90 percent of the homebuilder's lots or dwellings in the subdivision or, at the homebuilder's option, the homebuilder may post a \$500.00 performance bond with the City insuring that their sign(s) will be removed 30 days after Building Inspection's final inspection of the last dwelling.
- (5) *Electronic display screen.* An electronic display screen may be permitted only by City Council variance pursuant to the procedure and criteria set forth in Section 13.3-5.
- (6) *Electronic message center signs.*
 - (a) Electronic message center signs are permitted where signs, other than temporary signs, are permitted by this Chapter with the same height, size and setback requirements applicable thereto.
 - (b) Messages displayed shall not change more rapidly than once every five seconds.
- (7) *Garage sale signs (temporary).* One sign announcing a garage sale may be displayed on the premises where the garage sale is being conducted. A maximum of six signs giving the location of or direction to a garage sale shall be allowed to be displayed on private property other than the premises where the garage sale is being conducted. In addition, the following restrictions apply to garage sale signs:
 - (a) Signs must be removed within four hours of completion of the sale.
 - (b) Placement of signs on overpasses, utility poles, trees, medians, traffic signs or other such public property is expressly prohibited.
 - (c) The sign may be a maximum size of five square feet and a maximum height of 40 inches.
 - (d) Signs shall not be placed in such a way as to create a traffic hazard. The edge of signs shall be placed no closer than three feet from the street curb or edge of the pavement.

- (e) Signs must be securely anchored and may not be mounted on or placed in vehicles.
- (8) *Inflatable signs (temporary)*. Inflatable signs are permitted with the following restrictions:
- (a) A permit must be obtained prior to placement of an inflatable sign. The fee for such permit shall be \$75.00 for each period of placement.
 - (b) The sign must be set back a minimum of 10 feet from any property line.
 - (c) A permit holder will be allowed to place one sign for three, 10-day periods per calendar year. Periods may not run consecutively.
 - (d) Placement of signs on City right-of-way is prohibited.
 - (e) Signs and their anchors or attachments shall not be placed in such a way as to create a traffic hazard.
 - (f) Signs must be securely anchored.
- (9) *Monument sign*. One monument sign is allowed per street frontage as follows:
- (a) Sign may have a maximum area of 50 square feet, provided that the maximum area may be increased to 75 square feet if there is no other freestanding sign on the premises.
 - (b) Sign must be set back a minimum of 10 feet from any property line.
 - (c) Sign may be a maximum height of 10 feet.
 - (d) Sign must be located a minimum of 60 feet from any other sign.
- (10) *On-site instructional signs*. On-site instructional signs are permitted with the following restrictions:
- (a) Size shall be a maximum of four square feet.
 - (b) Height shall be a maximum of 10 feet.
 - (c) Number and location shall be approved by the Building Official.

(11) *Pole signs.*

(a) When placed on property located on an interstate highway, one pole sign per parcel is permitted with the following restrictions:

1. Sign area may be a maximum of 370 square feet.
2. Sign may be a maximum height of 50 feet.
3. Sign must be set back a minimum of 25 feet from all property lines.
4. Sign must be a minimum distance of 60 feet from any other sign.
5. Sign must be located a minimum distance of 60 feet from property zoned residential.

(b) When placed on property comprised of two or more acres and not located on an interstate highway, one pole sign per parcel is permitted.

1. Sign area shall be a maximum of 200 square feet.
2. Sign may be a maximum height of 30 feet.
3. Sign must be set back a minimum of 25 feet from any property line.
4. Sign must be located a minimum distance of 60 feet from property zoned residential.

(c) Property comprised of less than two acres on which a shopping center with multiple tenants is located shall be permitted one pole sign.

1. Sign area shall be a maximum of 150 square feet.
2. Sign may be a maximum height of 25 feet.
3. Sign must be set back a minimum of 25 feet from any property line.
4. Sign must be located a minimum distance of 60 feet from another sign.

5. Sign must be located a minimum distance of 60 feet from property zoned residential.
- (d) On all other properties not described in subsections a-c, one pole sign is permitted per parcel or for each 300 feet of street frontage of the same parcel with the following pole sign restrictions:
1. Sign area shall be a maximum of 60 square feet.
 2. Sign height shall be a maximum of 25 feet.
 3. Sign must be located a minimum distance of 60 feet from another sign.
 4. The distance from the bottom of the sign face to the ground shall be a minimum of 10 feet.
 5. Sign must be located a minimum distance of 60 feet from property zoned residential.
 6. Maximum sign face may not exceed 12 feet in any direction from outer edge to outer edge.

(12) *Political signs (temporary)*. Political signs shall be permitted as follows:

- (a) To the extent regulation of political signs is preempted and controlled by Texas Local Government Code Section 216.903, that section applies herein as if fully set forth. To the extent political signs are not subject to such statutory regulation, they shall be regulated as provided herein.
- (b) Sign shall be located on private property with the permission of the owner.
- (c) Sign shall not be located in the public right-of-way or on other public property, except on an election day or early voting days at designated early voting locations. Such sign may be located at the polling places within the specified proximity as permitted by State election laws.
- (d) Sign shall not exceed 36 square feet per side and eight feet in height, except where such sign is erected in place of another sign permitted at the location where it is placed, then it shall be permitted to be the same size and subject to the same conditions as such sign.

- (13) *Portable signs (temporary)*. On-site portable signs are permitted with the following restrictions:
- (a) A permit must be obtained prior to placement of a portable sign. The fee for such permit shall be \$75.00 for each period of placement.
 - (b) Sign may be a maximum of 32 square feet.
 - (c) Sign may be a maximum height of six feet.
 - (d) Sign must be set back a minimum of 10 feet from any property line.
 - (e) A permit holder will be allowed to place one sign for two, 30-day periods per calendar year.
 - (f) Sign displayed before permit is issued or after permit has expired is subject to citation.
 - (g) Upon expiration of permit time the sign must be removed within 24 hours.
 - (h) Sign may not be illuminated.
 - (i) Sign may not utilize devices which undulate or which otherwise create an impression of movement.
 - (j) Placing sign on public right-of-way is prohibited.
 - (k) Sign shall not be placed in such a way as to create a traffic hazard.
 - (l) Sign may only be placed on a developed parcel.
 - (m) Sign may not be mounted on or placed in vehicles.
- (14) *Projecting signs*. One projecting sign is allowed per building provided it does not extend over public property and meets the following restrictions:
- (a) No part of any projecting sign shall be less than nine feet above the sidewalk immediately below or extend out to where it is closer than one foot from the back of the street curb.
 - (b) The sign shall be hung at an angle of 90 degrees with the face of the building to which it is attached, except when a sign is placed at

the corner of a building so as to be seen from both streets meeting at the corner.

- (c) The sign shall measure a maximum length of seven feet from face of the building to the outer edge of the sign.
 - (d) The height of the sign shall not exceed the height of the building to which it is attached.
- (15) *Real estate signs (temporary, on site).* Temporary signs advertising the sale or rental of property shall be permitted as follows:
- (a) *Generally.* Except for property described in the following paragraph, signs advertising the sale or rental of property shall be a maximum size of 32 square feet in area. One such sign is permitted on the site of the property being advertised for sale or rent and shall be removed by the agent or owner immediately upon the completion of the sale or rental of the premises.
 - (b) *Interstate frontage or five-acre site.* Temporary signs advertising the sale of property fronting on interstate highway or property consisting of five or more acres may be a maximum size of 200 square feet. One such sign shall be permitted on the site of the property being advertised for sale and shall be removed by the agent or owner immediately upon the completion of the sale or rental of the premises. Signs allowed under this subsection shall be deemed a privilege of ownership and the right to erect such sign shall be the owner's right rather than a sales agent. Authorization by the owner to an agent to erect a sign shall be dated and signed by the owner.
- (16) *Wall signs.* Wall signs are permitted with the following restrictions:
- (a) Sign shall not be larger than 40 square feet or the product of two times the lineal footage of the building or store frontage for which such signs are intended, whichever is greater.
 - (b) Sign shall not have a vertical height which exceeds one-third the height of the wall, with a maximum height of 10 feet, nor exceed 75 percent of the width of such building or store frontage.
 - (c) Sign shall not extend above the wall to which it is attached, and placement is limited to the exterior wall of the tenant space served.
- (17) *Window signs.* Window signs are permitted with the following restrictions:

- (a) Sign located on the window surfaces of premises, whether placed internally or externally, shall not cover more than 50 percent of the visible window.
- (b) Fifty-percent visibility shall be maintained for the total window area on the façade of the premises and any side facing a street or sidewalk.

Sec. 13-74. Reserved.

Sec. 13-75. Guidelines to sign use within zoning districts.

- (1) *Residential Districts R and D (single-family; duplex).*
 - (a) *Builder's directional sign (temporary).*
 - (b) *Development sign (temporary).*
 - (c) *Political sign (temporary).*
 - (d) *Real estate sign (temporary).*
 - (e) *Exception.* Permitted nonresidential uses in this district may have the following signs:
 - 1. Monument, wall, banner, pole or temporary portable sign.
 - 2. Maximum number per ownership is one sign per street frontage.
- (2) *Residential District A (multi-family).*
 - (a) *Banner sign.* One sign for four, 75-day periods per year is permitted.
 - (b) *Development sign (temporary).*
 - (c) *Monument sign.* One sign per street frontage is permitted.
 - (d) *Political sign (temporary).*
 - (d) *Real estate sign (temporary).*

- (e) *Temporary portable sign.* One sign for two, 35-day periods per years is permitted.
- (f) *Wall sign.* One sign per street frontage per ownership is permitted.
- (3) *Nonresidential districts.*
 - (a) *Banner sign (temporary):*
 - 1. One sign per business in multi-tenant buildings for four, 75-day periods per year is permitted.
 - 2. Two signs per business in freestanding buildings for four, 75-day periods per year are permitted.
 - (b) *Builder's directional sign (temporary).*
 - (c) *Development sign (temporary).*
 - (d) *Inflatable sign (temporary).* One sign per permit holder for up to three, 10-day periods per year (nonconsecutive) is permitted.
 - (e) *On-site instructional signs.* Instructional signs are permitted on parking lots.
 - (f) *Pole signs* are permitted as follows:
 - 1. Property fronting on an interstate highway is permitted one sign per parcel totaling 370 square feet.
 - 2. On developed property of two acres or more, one sign per parcel or one 200-square-foot sign for each 300 feet of street frontage is permitted.
 - 3. On multiple tenant building located on less than two acres, one sign totaling 150 square feet per parcel is permitted.
 - 4. For all other locations, one pole sign per street frontage or one for each 300 feet of street frontage is permitted.
 - (g) *Political sign (temporary or permanent).*
 - (h) *Portable sign.* One sign for two, 30-day periods per year is permitted.
 - (i) *Projecting signs.* One sign per building may not extend over

public property is permitted.

- (k) *Real estate sign (temporary).*
- (l) *Wall signs.*
- (m) *Window signs.*

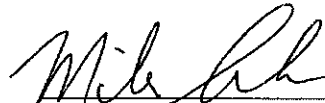
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and 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 (\$500.00) Dollars for each offense.

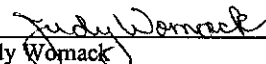
SECTION 5. That due to changes in growth, development and technology the present ordinances of the City of Mesquite regulating signs require updating, creates an urgency and an emergency for the preservation of the public health, safety, and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of June, 2006.



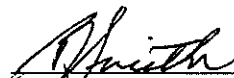
Mike Anderson
Mayor

ATTEST:



Judy Wornack
City Secretary

APPROVED:



B. J. Smith
City Attorney

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- (k) *Real estate sign (temporary).*
- (l) *Wall signs.*
- (m) *Window signs.*

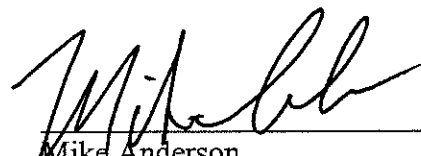
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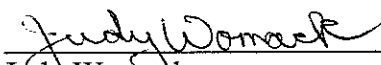
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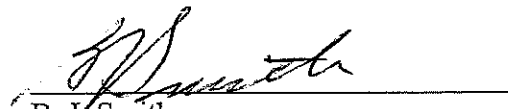
Mike Anderson
Mayor

ATTEST:



Judy Wornack
City Secretary

APPROVED:



B. J. Smith
City Attorney