

ORDINANCE NO. 3901

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY AMENDING THE DEFINITION OF "WINDOW SIGN" IN SECTION 13-1; BY DELETING SECTIONS 13-72(11)(D) THROUGH (F), SECTIONS 13-73(13) THROUGH (17), SECTION 13-75(1)(E)(1); SECTIONS 13-75(2)(F) THROUGH (G) AND SECTIONS 13-75(3)(H) THROUGH (M) IN THEIR ENTIRETY AND ADDING NEW SECTIONS 13-72(11)(D) THROUGH (G), SECTIONS 13-73(13) THROUGH (16), SECTION 13-75(1)(E)(1), SECTION 13-75(2)(F) AND SECTIONS 13-75(3)(H) THROUGH (M); 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.

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 amending the definition of "window sign" in Section 13-1, by deleting Sections 13-72(11)(d) through (f), Sections 13-73(13) through (17), Section 13-75(1)(e)(1), Sections 13-75(2)(f) through (g) and Sections 13-75(3)(h) through (m) in their entirety and adding new Sections 13-72(11)(d) through (g), Sections 13-73(13) through (16), Section 13-75(1)(e)(1), Section 13-75(2)(f) and Sections 13-75(3)(h) through (k) to read as follows, in all other respects said Code shall remain in full force and effect:

- (1) *Sec. 13-1.* Amend by deleting the definition of "window sign" in its entirety and adding a new definition to read as follows:

Window sign means a sign attached to, placed upon or painted on the interior of a window or door of a building, or located inside the building within 10 feet of a door or window, which is intended for viewing or oriented to be seen from the exterior of such building by a person with ordinary vision.

- (2) *Secs. 13-72(11)(d) through (f).* Amend by deleting the sections in their entirety and adding new Sections 13-72(11)(d) through (g) to read as follows:
 - (d) Portable signs, provided that portable signs with a valid permit on or before October 2, 2007, may continue until such permit expires, after which time the permit shall not be reissued, renewed or extended.
 - (e) Garage sale signs on public property.
 - (f) Pennants in poorly maintained condition.
 - (g) Off-premise and other signs not expressly permitted in this Chapter or

otherwise under law.

- (3) *Secs. 13-73(13) through (17)*. Amend by deleting the sections in their entirety and adding new Sections 13-73(13) through (16) to read as follows:

- (13) *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 the 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.

- (14) *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 on 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.

- (15) *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.
- (16) *Window signs.* Window signs are permitted with the following restrictions:
- (a) Window signs inside the building that are located greater than five feet but less than 10 feet from a door or window shall not cover more than 10 percent of the area of any window or door when viewed unobstructed from a point outside the building and directly in front of the window or door.
 - (b) All window signs, inclusive of signs located inside the building, shall not cover more than 50 percent of the area of any window or door when viewed unobstructed from a point outside the building and directly in front of the window or door.
 - (c) 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.
- (4) *Sec. 13-75(1)(e)(1).* Amend by deleting the section in its entirety and adding a new Section 13-75(1)(e)(1) to read as follows:
- 1. Monument, wall, banner or pole sign.
- (5) *Secs. 13-75(2)(f) through (g).* Amend by deleting the sections in their entirety and adding a new Section 13-75(2)(f) to read as follows:
- (f) *Wall sign.* One sign per street frontage per ownership is permitted.
- (6) *Secs. 13-75(3)(h) through (m).* Amend by deleting the sections in their entirety and adding new Sections 13-75(3)(h) through (k) to read as follows:
- (h) *Projecting signs.* One sign per building that may not extend over public property is permitted.
 - (i) *Real estate sign (temporary).*
 - (j) *Wall signs.*
 - (k) *Window signs.*

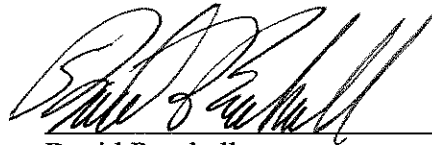
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

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 2nd day of October, 2007.



David Paschall
Mayor Pro Tem

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney