

ORDINANCE NO. 3971

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY MAKING CERTAIN ADDITIONS AND DELETIONS IN ARTICLES I AND IV OF 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 due to changes in the City's growth and development and in technology it would be beneficial to update certain of the regulations relating to signs 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, the City finds that the current regulations allowing pole signs have increased visual clutter and that appropriately scaled monument signage can create a distinctive community image while promoting commercial enterprise; and

WHEREAS, together with the benefits of prohibiting billboards and taking note of the environmental study by Stephen Klineberg, PH.D., 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 updated, strengthened and continued; and

WHEREAS, the City finds that the unregulated use of temporary signs such as banners and pennants can create a distraction for motorists, detracts from the orderly appearance and effectiveness of permanent signage, and can create a negative impression in transitioning commercial corridors; 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 making certain additions and deletions to Articles I and IV of Chapter 13 to read as follows, in all other respects said Code shall remain in full force and effect:

1. *Article I, Section 13-6(4).* Amend by adding a new Section 13-6(4) to read as follows:
  - (4) A nonconforming sign shall be removed or modified to conform to this Chapter upon the occurrence of any of the following conditions:
    - (a) The business, person or activity that the sign identifies or advertises has ceased to operate for more than one year on the premises on which the sign is located; or
    - (b) The premises are rezoned or receive a variance or special exception which allows the property to be occupied by a use or developed in a manner not previously allowed.
  
2. *Article I, Sections 13-7(2)(d) through 13-7(2)(j).* Amend by deleting the sections in their entirety and adding new Sections 13-7(2)(d) through 13-7(2)(i) to read as follows:
  - (d) Political signs regulated under State law.
  - (e) Window signs.
  - (f) 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.
  - (g) Flags, emblems and insignia of the United States and governmental agencies and offices, emblems and insignia of any state or local governmental body.
  - (h) Occupational signs, not exceeding two square feet in area, denoting only the name and profession of an occupant.
  - (i) 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.
  
3. *Article IV, Sections 13-72(12)(d) through 13-72(12)(g).* Amend by deleting the sections in their entirety and adding new Sections 13-72(12)(d) through 13-72(12)(h) to read as follows:
  - (d) Pole signs.

- (e) 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.
  - (f) Garage sale signs on public property.
  - (g) Pennants in poorly maintained condition.
  - (h) Off-premise and other signs not expressly permitted in this chapter or otherwise under law.
4. *Article IV, Section 13-73(1)(b)*. Amend by deleting the section in its entirety and adding a new Section 13-73(1)(b) to read as follows:
- (b) Banner signs may be displayed a total of four, 30-day periods per year.
5. *Article IV, Section 13-73(12)*. Amend by deleting the section in its entirety and adding a new Section 13-73(12) to read as follows:
- (12) *Pennants (temporary)*.
    - (a) Pennants are permitted only in conjunction with a Special Promotions Permit and shall be used as supplemental signs only. Permanent signs are required prior to issuance of a Pennant Permit.
    - (b) Pennants may be displayed a total of four, 15-day periods per year.
    - (c) The permit fee for pennants shall be \$25.00 per display period or any part thereof and shall be paid in addition to any Special Promotions Permit fee.
6. *Article IV, Section 13-75(1)(e)*. Amend by deleting the section in its entirety and adding a new Section 13-75(1)(e) to read as follows:
- (e) *Exception*. Permitted nonresidential uses in this district may have the following signs:
    - 1. Monument, wall or banner sign.
    - 2. Maximum number per ownership is one sign type per street frontage.
7. *Article IV, Section 13-75(2)(a)*. Amend by deleting the section in its entirety and adding a new Section 13-75(2)(a) to read as follows:
- (a) *Banner sign (temporary)*.
8. *Article IV, Section 13-75(3)*. Amend by deleting the section in its entirety and adding a new Section 13-75(3) to read as follows:

(3) *Nonresidential districts.*

(a) *Banner sign (temporary):*

1. One sign per business in multi-tenant buildings is permitted.
2. Two signs per business in freestanding buildings 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 sign.* Instructional signs are permitted on parking lots.

(f) *Political sign (temporary or permanent).*

(g) *Projecting sign.* One sign per building not extending over public property is permitted.

(h) *Real estate sign (temporary).*

(i) *Wall sign.*

(j) *Window sign.*

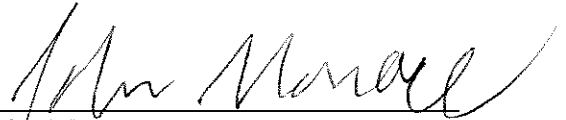
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

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.

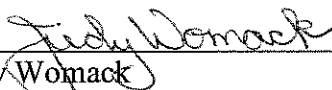
SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars for each offense.

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.

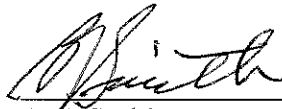
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,  
on the 21st day of July, 2008.

  
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John Monaco  
Mayor

ATTEST:

  
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Judy Womack  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B.J. Smith  
City Attorney