

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 PROVIDING AN EFFECTIVE DATE THEREOF.

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 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 percent 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 desires to protect the health, safety, property and welfare of the citizens of Mesquite; 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, Texas, 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:

Awning sign means a permanent sign that is directly applied, screened or painted onto an awning and includes attachments that only extend above the front edge of an awning.

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.

Blade sign means a small pedestrian-oriented sign that projects perpendicular from a 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.

Director means the Director of Community Development.

Electronic message center means a sign or portion of a sign that uses LED technology to form a sign message or messages in text form, with or without fixed images, wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

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

Erect means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the interior or exterior surface of a building or structure.

Event sign means a temporary sign erected by the City on public property notifying the public of a City-sponsored event, which may include an incidental acknowledgement of corporate sponsorship.

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 or tethered to a building or the ground on a temporary basis.

Low-clearance monument sign means a variant of a monument sign that is supported by two short masonry columns or poles encased in masonry and which has a vertical clearance between the columns or poles of less than six feet from the bottom of the sign face to the adjacent grade.

Menu board means a sign erected in conjunction with a use that incorporates a drive-thru for patrons who remain in a vehicle or a walk-up window for pedestrian patrons who order food while standing on a sidewalk.

Monument sign means a freestanding sign constructed on a base that appears to rest flush with the adjacent grade and where the width of the sign structure does not exceed 120 percent of the width of the base.

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, including but not limited to swooper flags.

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.

Pre-order board means a sign used in conjunction with an approved drive-thru menu board.

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.

Roof sign means a sign that is mounted on the roof of a building and which projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign walker, also referred to as a sign twirler, sign holder or human billboard, means a person holding, waving or wearing a sign that directs customers to a business.

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, 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.

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. 13-3. 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. 13-4. 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 video 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. 13-5. 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 on-premise signs whose composition includes an electronic video 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 video 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 video screen shall be a maximum of 500 square feet.
- (f) An electronic video screen shall not emit an audible sound.
- (g) Content may not be considered except as permitted by law.
- (h) No electronic video screen shall be approved within a two-mile radius of another electronic video screen.

Sec. 13-6. 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, excluding ordinary deterioration, warrant the sign's repair.

- (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 is rezoned, platted or replatted, or receives a variance or special exception, which allows the property to be occupied by a use or developed in a manner not previously allowed.

Sec 13-7. 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) Event signs erected by the City on public property for a period of time not to exceed 30 days.
 - (e) Street number signs not exceeding one square foot.
 - (f) 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) Political signs regulated under State law.
 - (e) Sign walkers.

- (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. 13-8 – 13-25. Reserved.

ARTICLE II. REGISTRATION

Sec. 13-26. Required; fee.

- (1) A sign contractor shall register with the Building Inspection Division of the Community Development Department prior to engaging in such business within the City.
- (2) No person shall install, erect or maintain any sign, or contract for such service, or submit a sign permit application for approval unless such person holds a current registration to install, erect and maintain signs.
- (3) The annual fee for registration shall be \$100.00 per year, or any portion thereof, payable on the first of January of each year.

Sec. 13-27. Bond.

No registration 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. Revocation.

The Building Official may revoke the registration of any sign contractor for violating the requirements of this Chapter. Prior to revocation, the Building Official shall give written notice to the sign contractor of the type and location of such violations and afford the contractor not less than 15 days to correct the same. If the contractor fails or refuses to correct all such violations within the time allowed by the Building Official, the contractor's registration shall be revoked and neither the sign contractor nor anyone operating under the auspices of his shop shall engage in such business within the City or be qualified to submit or maintain an application for a sign permit. Upon correction of the violations, the contractor's registration may be reinstated, 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 registration.

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; issuance of permit.

- (1) The applicant for a sign permit shall submit a complete application consisting of the following information:
 - (a) Plans showing the sign location, size, type, height, construction materials, area and such other information as the Building Official shall require; and
 - (b) For freestanding signs and awning sign attachments, the plans shall be prepared by and bear the seal of a registered professional engineer; and

- (c) The name and contact information of a registered sign contractor and all other contractors who shall perform the work; and
 - (d) If the permit application is filed concurrent with the construction, rehabilitation or redevelopment of a building or site, the anticipated date that the owner or occupant of the premises expects to receive a certificate-of-occupancy.
- (2) The Building Official shall examine or cause to be examined a complete application for a sign permit within 10 days after submittal. If the Building Official is satisfied that the proposed work conforms to the requirements of this Chapter and that the ordinances prohibiting off-premise signage shall be observed, the Building Official shall issue a permit as soon as practicable.

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 nor 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. Sign permits independent of all other approvals.

Permits for the construction, erection or installation of signs are issued independent of all other permits and approvals for the use and occupancy of the premises to which they pertain, and neither the owner nor occupant of the premises is required to obtain a sign permit in order to initiate, continue or complete a project on the premises or receive a certificate-of-occupancy.

Sec. 13-52. Inspections.

The Building Official shall prepare and publish a schedule of required inspections for signs as he deems necessary and proper to ensure compliance with the provisions of this Chapter and other laws and ordinances of the City. The permittee shall not install, erect, cover or construct any part, component or appurtenance of a sign until the permittee has requested an inspection in accordance with such schedule and the Building Official has inspected or caused to be inspected the part, component or appurtenance for compliance with the terms and conditions of the approved sign permit.

Sec. 13-53 – 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 or sign faces shall be immediately replaced to advertise an available product, or a new business once the premises are reoccupied, and painted wall signs shall be immediately 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 replace 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, or the obsolete sign and sign structure shall be removed.

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 non-digital 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 video 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) *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) *Off-premise signs with electronic video screens.* No person shall use an electronic message center or an electronic video screen in conjunction with any off-premise sign, including billboards.
- (12) *Partially constructed signs.* No person or permittee shall cease work once commenced on an open sign permit for more than 10 days, with exceptions for inclement weather, nor allow, cause or suffer any sign permit to expire without fully completing the construction, erection and installation of a sign according to the terms, plans and drawings of the approved permit therefor.
- (13) 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) *Pole signs, provided that the Director may by agreement approve the installation of a pole sign for property with a street frontage that abuts the right-of-way of a highway with a legal posted speed limit of 55 m.p.h. or greater and for which the building permit application for the principal structure was pending on July 21, 2008 .*
 - (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) *Sign walkers on public property or not on the premises of the business to which customers are directed.*

- (i) *Off-premise and other signs not expressly permitted in this Chapter or otherwise under law.*

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

(1) *Awning signs.*

- (a) An applied, screened or painted awning sign shall not exceed four feet in height as measured on the slope of the awning nor exceed an area equal to two times the length of the awning side.
- (b) The width of an awning sign shall not exceed 75 percent of the length of the awning side.
- (c) An awning sign attachment shall not be used in conjunction with any other signage that is applied, screened or painted onto the awning. An attachment shall not extend beyond the front edge of the awning. An attachment shall not exceed two feet in height nor exceed 40 square feet in area.

(2) *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, 30-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.

(3) *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.

(4) *Blade signs.* Blade signs are permitted only within form-based zoning districts in accordance with the specifications thereof.

(5) *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.

(6) *Development signs (temporary).*

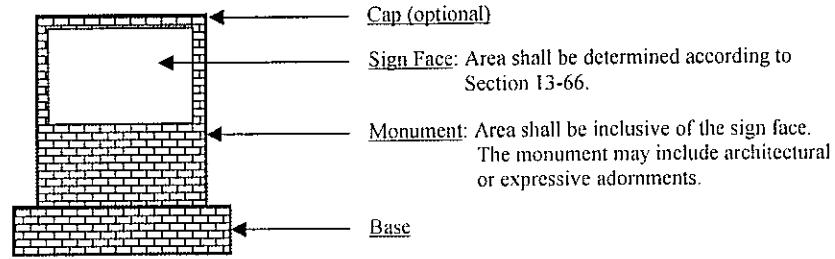
- (a) A sign announcing or describing a legally approved subdivision may be temporarily erected for each subdivision. An approved subdivision is one that has been accepted by the City for which

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.
- (7) *Electronic video screen.* An electronic video screen may be permitted only by City Council variance pursuant to the procedure and criteria set forth in Section 13.3-5.
- (8) *Electronic message center.*
- (a) An electronic message center with a maximum area of 50 square feet may be permitted as a component of a monument sign, provided that the monument sign shall not exceed 10 feet in height. Electronic message centers shall not be used as a component of any nonconforming sign or other permitted sign type including low-clearance monument signs.
 - (b) Messages displayed shall not change more rapidly than once every five seconds.
 - (c) An electronic message center shall be equipped with an auto-dimming sensor. The Building Official shall promulgate and enforce brightness standards that are deemed necessary and proper to prevent excessive illumination in violation of Section 13-72(4).
- (9) *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.
- (10) *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.
- (11) *Menu boards and pre-order boards*.
- (a) When a drive-thru facility is permitted by zoning, a use may have a maximum of one pre-order board and one menu board.
 - (b) Drive-thru menu boards and pre-order boards shall not exceed six feet in height. The maximum area of a menu board shall be 50 square feet, and the maximum area of a pre-order board shall be 24 square feet.
 - (c) The design, material and finish of drive-thru menu boards and pre-order boards shall match those of the principal structure.
 - (d) One walk-up menu board not exceeding six feet in area is allowed for a walk-up facility.
- (12) *Monument sign*.
- (a) A monument sign shall consist of a base, a monument, and the sign face, as illustrated in Figure 13-1.

Figure 13-1
(not to scale)



- (b) One monument sign is allowed per 300 linear feet of street frontage, or portion thereof, as follows; provided that after June 16, 2008, no new monument sign shall be permitted on property that has a pole sign or on property that within two years immediately preceding the permit application was part of a larger multi-tenant tract that has a pole sign within the same frontage unless the pole sign is removed, and no new pole sign shall be permitted on property that has a monument sign:

1. A sign face may have a maximum area of 50 square feet. The area of the base shall not exceed 50 percent of the area of the monument. The area of the monument shall not exceed two times the area of the sign face.
2. A sign shall not create a traffic visibility hazard.
3. The sign shall have a base. The sign face shall be affixed to, mounted upon, or encased by a monument, with an exterior frame or side margin of not less than six inches. The base and monument (exclusive of architectural or expressive adornments) shall consist of a non-faux veneered unitized masonry using the same material combination and color as the principle façade of the primary structure.
4. A sign may have a maximum height of 10 feet, including the base, above the adjacent grade. Creating a grade by berming or adding fill to increase the height of the sign is prohibited.
5. An irrigated landscaped area consisting primarily of bushes, shrubs and ornamental grasses that is equal to or greater in size than the total surface area of the monument sign shall be installed around the base of the sign.
6. A sign shall be located a minimum of 60 feet from any other sign; provided that on a parcel with a street frontage greater than 300 linear feet, the minimum distance between each monument sign shall be 150 feet.

- (c) The number, size or height or appearance of monument signs may

be adjusted as follows under the following circumstances:

1. Except when removal of a pole sign is required pursuant to Section 13-6, or as a condition of site development or a certificate-of-occupancy, the maximum area of the sign face may be increased to 75 square feet if all pole signs on the parcel are removed within 60 days immediately prior to issuance of the permit for the monument sign.
 2. For parcels with a street frontage greater than 150 feet and occupied by a multi-tenant building exceeding 25,000 square feet or a Planned Development office/industrial park, one of the monument signs for the parcel may be erected to the following specifications: the area of the sign face may be increased to 100 square feet, and the height of the sign may be increased to 20 feet, including the base, above the adjacent grade. If the sign is greater than 10 feet in height, the width of the monument shall not exceed two-thirds the height of the sign. The area of the base shall not exceed 25 percent of the area of the monument.
 3. On a street frontage that abuts the right-of-way of a highway with a legal posted speed limit of 55 m.p.h. or greater, the Director may by agreement approve, in lieu of a monument sign, a low-clearance monument sign that varies from the maximum height, area and materials specifications of this section taking into account the width of the parcel, the number of uses conducted thereon, the obstructions, if any, that impede visibility from the highway, the spatial relationship to other signage, the compatibility with overlay, form-based or special use districts in close proximity, the architectural character of the primary structure, and the planned or future visual context of the highway corridor.
- (13) *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.
- (14) *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.
- (15) *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.
- (16) *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.
- (17) *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.
- (18) *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.
 - (d) If a monument sign with an electronic message center is located on the parcel, the maximum wall sign area, height and width specified in this subsection shall be reduced by 25 percent.
 - (e) The maximum wall sign area shall be reduced by the total area of all awning signs on the same building face.
- (19) *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.

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, or banner sign.
 - 2. Maximum number per ownership is one sign type per street frontage.
- (2) *Residential District A (multi-family).*
 - (a) *Banner sign (temporary).*
 - (b) *Development sign (temporary).*
 - (c) *Monument sign.* One sign per street frontage is permitted.
 - (d) *Political sign (temporary).*
 - (e) *Real estate sign (temporary).*
 - (f) *Wall sign.* One sign per street frontage per ownership is permitted.
- (3) *Residential districts.* A monument sign within a Residential district shall not include an electronic message center unless the parcel abuts an arterial street and the sign is oriented to be viewed from said arterial.
- (4) *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) *Monument signs.*
- (f) *On-site instructional signs.* Instructional signs are permitted on parking lots.
- (g) *Political sign (temporary or permanent).*
- (h) *Projecting signs.* One sign per building may not extend over public property is permitted.
- (i) *Real estate sign (temporary).*
- (j) *Wall signs.*
- (k) *Window signs.*
- (5) *Form-based districts.* Notwithstanding any other provision in this Chapter, all signage in form-based districts shall be governed by the regulations of the applicable form-based code. Provided, that electronic message centers and electronic video screens are prohibited within all form-based districts and historic districts.
- (6) *Planned development districts.* All signage in planned development districts shall be governed by the conditions established in the applicable planned development ordinance and in conformance with this Chapter.

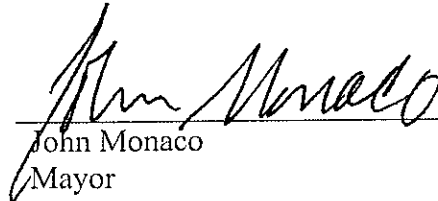
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

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.

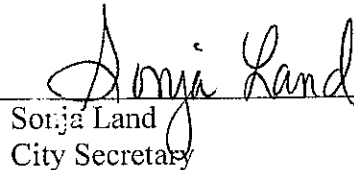
SECTION 5. That this ordinance shall be effective immediately on and after its passage provided that for any complete sign permit application pending on the effective date of this ordinance that the application shall be governed by the provisions of Chapter 13 in effect on the date that the application was filed, unless the applicant elects in writing to apply all the terms of this ordinance to said application.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of April, 2010.



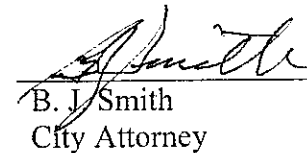
John Monaco
Mayor

ATTEST:



Sorja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney