

ORDINANCE NO. 4177

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, BY MAKING CERTAIN DELETIONS AND ADDITIONS UNDER SECTIONS 13-1, 13-7, 13-72, 13-73 AND 13-75 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 businesses are looking for less expensive ways to advertise their goods and services, that the types of temporary signage available for businesses are evolving, and that many businesses in the City of Mesquite are resorting to temporary signage, regardless of whether such signage is permitted by the Sign Code; and

WHEREAS, while it is proper for the City to recognize new forms of signage and accommodate the businesses that wish to use them, it is important to prevent the proliferation of temporary signage and control the time, manner and place for the use of such signage so that temporary signage does not conflict with the City's goals for image, cleanliness and appearance; and

WHEREAS, the City Council finds that the number, types and construction of permitted signage make an immediate and lasting imprint on visitors to a community, and that both citizens and non-residents are able to identify and distinguish between communities based upon appearance; and

WHEREAS, impressions about appearance and cleanliness help shape public opinion as to which communities are most desirable for buying a home or establishing a business, and those impressions influence the degree to which citizens actively participate in local efforts to keep their city clean and beautiful; 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.

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 making certain deletions and additions under Sections 13-1, 13-7, 13-72, 13-73 and 13-75 to read as follows, in all other respects said Code and Chapter shall remain in full force and effect:

1. *Section 13-1.* Amend Section 13-1 by deleting and adding certain definitions to read as follows:
 - a. Amend by deleting the definition of *banner sign* in its entirety and adding a new definition of *banner sign* to read as follows:

Banner sign means a temporary sign hung on the exterior of a building, either with or without a frame, and possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind; excluding flags of political, professional, religious, education or corporate organizations.

- b. Amend by adding a new definition of *bay banner sign* to read as follows:

Bay banner sign means a type of window sign constructed similarly to a banner and hung inside the building within 10 feet of a bay door through which vehicles enter the building for service.

- c. Amend by deleting the definition of *movable sign* in its entirety and adding a new definition of *movable sign* to read as follows:

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 and teardrops.

- d. Amend by adding new definitions for *swooper flag*, *teardrop sign* and *vertical banner sign* to read as follows:

Swooper flag, also referred to as a feather flag or wind flag, means a temporary, freestanding, vertical sign consisting of a loose polyknit sign face that flutters in the wind from a harpoon-style pole or staff driven into the ground for support, or having a crossbar base suitable for standing or weighting the sign securely on a hard surface.

Teardrop sign, also referred to as a feather sail, means a temporary, freestanding, vertically-tapered sign consisting of a semi-rigid membrane sign face on a wire or metal rod frame and tipped with a ground spike, or having a crossbar base suitable for standing or weighting the sign securely on a hard surface.

Vertical banner sign means a type of banner sign that is mounted to a light standard in a vertical orientation by a frame at two or more edges, and which is used on-premises or by the City in the public right-of-way of streets within a special district being promoted, an area in connection with an event being commemorated, or in gateways designated by the Director.

2. *Section 13-7(2)(f)*. Amend by deleting the section in its entirety and adding a new *Section 13-7(2)(f)* to read as follows:

(f) Window signs, including bay banners.

3. *Section 13-72(13)(c)*. Amend by deleting the section in its entirety and adding a new *Section 13-72(13)(c)* to read as follows:

- (c) Movable signs, except as expressly permitted in this Chapter.
4. *Sections 13-73(2)(f) and (g)*. Amend by deleting the sections in their entirety and adding new Sections 13-73(2)(f) and (g) to read as follows:
- (f) Banner signs shall not impede the use of doors, windows, exits or interfere with pedestrian traffic on public or private walkways. The bottom edge of a banner shall not be hung between columns or below a soffit or top of an arcade, gallery, portico, colonnade or other pedestrian passageway.
 - (g) Banners shall be secured at all four corners to the building face, hung taut and evenly, and maintained in good condition. Sagging, tattered, torn, dirty or faded banners are not permitted.
5. *Sections 13-73(3) through 13-73(20)*. Amend by renumbering Sections 13-73(3) through 13-73(20) to Sections 13-73(4) through 13-73(21).
6. *Section 13-73(3)*. Amend by adding a new Section 13-73(3) to read as follows:
- (3) *Bay banner signs*.
 - (a) Bay banners are limited to one sign per bay.
 - (b) The bottom edge of a bay banner shall be at least eight feet above finished floor.
 - (c) Bay banners are subject to the area limitations prescribed for window signs.
 - (d) Bay banners are prohibited on the same street frontage where banners are in use.
7. *Sections 13-73(15) through 13-73(21)*. Amend by renumbering Sections 13-73(15) through 13-73(21) to Sections 13-73(16) through 13-73(22).
8. *Section 13-73(15)*. Amend by adding a new Section 13-73(15) to read as follows:
- (15) *Movable signs (temporary)*. No movable sign shall be erected or maintained on any premises except in conformance with the following standards:
 - (a) Sign types are limited to swooper flags and teardrop signs.
 - (b) Swooper flags and teardrop signs shall have a maximum size of 30 square feet and shall not exceed 15 feet in height above grade.
 - (c) Movable signs are prohibited in the public right-of-way.
 - (d) Each business may display a maximum of two movable signs per street frontage, regardless of the size of the premises. Such signs may be

displayed only on the days of Friday through Sunday and on official holidays.

- (e) Movable signs are prohibited on the same street frontage where banners are in use.
 - (f) A movable sign shall be located a minimum of 10 feet from any other movable sign.
 - (g) The permit fee for movable signs is \$200 annually per business and shall be subject to renewal on October 1 of each year. Said permit is not transferrable.
 - (h) Movable signs shall be maintained in good condition. Sagging, tattered, torn, dirty or faded signs are not permitted and shall be promptly removed or replaced.
9. *Sections 13-73(21) through 13-73(22).* Amend by renumbering Sections 13-73(21) through 13-73(22) to Sections 13-73(22) through 13-73(23).
10. *Section 13-73(21).* Amend by adding a new Section 13-73(21) to read as follows:
- (21) *Vertical banner signs (temporary).* Vertical banners may be installed on-premises or erected by the City in the public right-of-way, subject to the following restrictions:
 - (a) Vertical banner signs shall be mounted only to permanent, working light standards in the approved parking lot of the premises or to standards in the public right-of-way. Vertical banners mounted to any tree or other structure, including but not limited to, buildings, poles, signs, canopies, columns, utility or power poles, cellular towers, guy-wires, signal masts or mast arms, or traffic control devices shall be prohibited.
 - (b) The number of on-premise vertical banners is limited to one vertical banner for every two light standards on the premises.
 - (c) The maximum area of a vertical banner shall be 20 square feet. Dual banners of equal size mounted to opposite sides of the same light standard and not exceeding a total of 20 square feet shall count as the equivalent of one banner.
 - (d) All vertical banners on the premises shall be set at a uniform height. The minimum height above grade to the bottom edge of a vertical banner shall be 10 feet; provided that the minimum height of a vertical banner erected entirely above a raised and landscaped parking lot divider, median or island or other landscape bed may be reduced to nine feet above grade. The outer edge of the vertical banner shall not extend more than the width of the banner plus six inches, but in no case farther than 36 inches, from the face of the light standard.

- (e) Vertical banners shall be constructed of a minimum 13-ounce, heavy duty vinyl material or a material approved by the Building Official with equivalent characteristics of strength and durability.
 - (f) Vertical banners shall be mounted using approved hangers and hardware specifically manufactured or listed for hanging vertical banners from light standards. Banners shall be secured to hangers at the top and bottom edges of the banner, hung taut and evenly, and maintained in good condition. Sagging, tattered, torn, dirty or faded banners, or broken or rusted mounting hangers or hardware shall be promptly removed or replaced. Hangers and hardware shall be removed from a light standard when a vertical banner is not in use.
 - (g) Vertical banners may be displayed for a 120-day period. All vertical banners authorized on the premises shall be covered by a single permit and have a common expiration date. Adding new vertical banners while a permit is active shall not extend the display period. No waiting time is required between display periods.
 - (h) The permit fee shall be \$100 per display period or any part thereof. An applicant may obtain a permit for three successive display periods (one-year) for \$250.
11. *Section 13-73(23)*. Amend by deleting the non-enumerated first sentence immediately after the caption and add a new non-enumerated first sentence immediately after the caption to read as follows:
- Window signs, including bay banners, are permitted with the following restrictions:
12. *Sections 13-75(1)(e)1 through 13-75(1)(e)2*. Amend by deleting the sections in their entirety and adding new Sections 13-75(1)(e)1 through 13-75(1)(e)2 as follows:
- 1. Monument, wall, banner sign or vertical banners.
 - 2. Maximum number per ownership is one sign type per street frontage, except vertical banners.
13. *Sections 13-75(4)(f) through 13-75(4)(k)*. Amend by renumbering Sections 13-75(4)(f) through 13-75(4)(k) to Sections 13-75(4)(g) to 13-75(4)(l).
14. *Section 13-75(4)(f)*. Amend by adding a new Section 13-75(4)(f) to read as follows:
- (f) *Movable signs (temporary)*. Movable signs are permitted, except within the Office, Civic, Industrial and form-based zoning districts.
15. *Section 13-75(4)(k) through 13-75(4)(l)*. Amend by renumbering Sections 13-75(4)(k) through 13-75(4)(l) to Sections 13-75(4)(l) to 13-75(4)(m).

16. *Section 13-75(4)(k)*. Amend by adding a new Section 13-75(4)(k) to read as follows:

(k) *Vertical banners (temporary)*.

17. *Section 13-75(4)(m)*. Amend by deleting the section in its entirety and adding a new Section 13-75(4)(m) to read as follows:

(m) Window signs, including bay banners.

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.

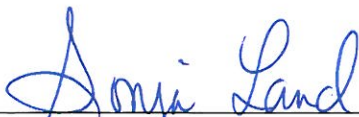
SECTION 5. That this ordinance shall be effective immediately on and after its passage provided that for any complete sign permit application pending on the effective date of this ordinance that the application shall be governed by the provisions of Chapter 13 in effect on the date that the application 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 17th day of October, 2011.



John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney