

ORDINANCE NO. 4303

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY MAKING CERTAIN DELETIONS AND ADDITIONS UNDER SECTIONS 13-3, 13-46 AND 13-73 THEREBY UPDATING THE REGULATIONS ON SIGNS; EXTENDING SIGN REGULATIONS TO ALL OUTDOOR SIGNS, INCLUDING ON-PREMISE SIGNS, IN MESQUITE'S EXTRATERRITORIAL JURISDICTION; RESTRICTING THE HEIGHT OF MONUMENT SIGNS ON RESIDENTIAL PROPERTIES; 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, State law grants the City of Mesquite (the "City") with authority to regulate platting, construction and signage within the extraterritorial jurisdiction (the "ETJ") to ensure that areas subject to future annexation are developed to the City's high standards for quality, safety and resource efficiency; and

WHEREAS, the City currently regulates off-premises signage throughout the ETJ, which has been instrumental in preventing the proliferation of billboards in the Interstate 20 corridor, but the on-premises provisions of the Sign Code do not apply to the ETJ, and recent surveys of the area have found on-premises signage built in a manner not allowed within the municipal limits; and

WHEREAS, the City Council finds that all residential and commercial properties within the municipal limits and the ETJ should be treated equally for purposes of signage and that the extension of on-premises regulations of the Sign Code to the ETJ is necessary and proper to the application of orderly and equitable time, manner and place restrictions for all residents and businesses, and to protect the City's undeveloped gateways from shoddy and unsightly signage; 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, as amended, is hereby amended by making certain deletions and additions under Sections 13-3, 13-46 and 13-73 to read as follows, in all other respects said Code and Chapter shall remain in full force and effect:

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

Sec. 13-3. Scope.

The regulations and provisions of this Chapter shall apply within the City and its extraterritorial jurisdiction to the full extent such regulation is permitted by State law.

2. *Section 13-46.* Amend by deleting Section 13-46 in its entirety and adding a new Section 13-46 to read as follows:

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 13-7. Electrical signs shall also require electrical permits.

3. *Section 13-73(14)(b)(4).* Amend by deleting Section 13-73(14)(b)(4) in its entirety and adding a new Section 13-73(14)(b)(4) to read as follows:
 4. A sign may have a maximum height of 10 feet, including the base, above the adjacent grade; provided that in residential districts or on a parcel with a primary residential use, a sign may have a maximum height of six feet. Creating a grade by berming or adding fill to increase the height of the sign is prohibited.

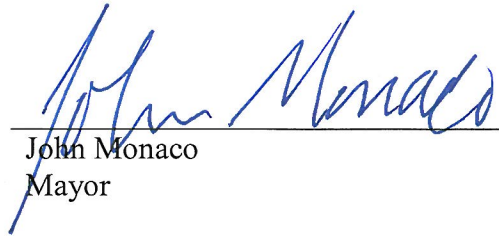
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

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 (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred (\$500.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

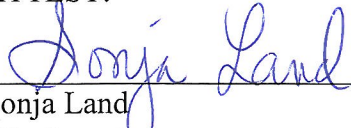
SECTION 5. That this ordinance shall be effective immediately on and after its passage provided that for any complete sign permit application pending on the effective date of this ordinance that the application shall be governed by the provisions of Chapter 13 in effect on the date that the application 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 March, 2014.




John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney