

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY DELETING THE DEFINITION OF *CANOPY DISPLAY* IN SECTION 13-1 IN ITS ENTIRETY AND ADDING A NEW DEFINITION FOR *CANOPY DISPLAY* IN SECTION 13-1; BY DELETING SECTION 13-73(7) IN ITS ENTIRETY AND ADDING A NEW SECTION 13-73(7) THEREBY UPDATING THE REGULATIONS ON CANOPY DISPLAYS; 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, on July 20, 2015, the City Council enacted a new sign type known as a *canopy display* that allows users to mount signage on the vertical face of a canopy over an outdoor service activity; and

WHEREAS, the Council finds that it is necessary and proper to place content-neutral time, manner and place restrictions on the use of canopy displays to ensure that such displays are mounted on proper structures that serve a permitted use on a development site; 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.

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 definition of *canopy display* in Section 13-1 in its entirety and adding a new definition for *canopy display* in Section 13-1, by deleting Section 13-73(7) in its entirety and adding a new Section 13-73(7) to read as follows, in all other respects said Code and Chapter shall remain in full force and effect:

- (1) *Sec. 13-1.* Amend Section 13-1 by deleting the definition for *canopy display* in its entirety and adding a new definition for *canopy display* in Section 13-1 to read as follows:

Canopy display means a variant of a wall sign that is attached to the vertical face of a hard canopy, roof or other covering of a free-standing structure, unenclosed on all sides, that shelters persons using and equipment incidental to a permitted outdoor service activity.

- (2) *Sec. 13-73(7).* Amend Section 13-73 by deleting Section 13-73(7) in its entirety and adding a new Section 13-73(7) to read as follows:

- (7) *Canopy displays.* A canopy display shall have a maximum height of three and one-half feet. The total area of all canopy displays on a canopy face

shall not exceed 50 percent of the area of the canopy face, or 50-square feet, whichever is less. The maximum wall sign area for the principal building on the premises shall be reduced by the aggregate area of all canopy displays. A canopy display may include an electronic message center consisting of no more than five numbers or letters or combination thereof which do not change more rapidly than once every 12 hours. Each electronic message center shall constitute a separate 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 (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.

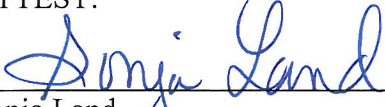
SECTION 5. That this ordinance shall be effective immediately on and after its passage provided that for any complete sign permit application pending on the effective date of this ordinance that the application shall be governed by the provisions of Chapter 13 in effect on the date that the application 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 8th day of September, 2015.



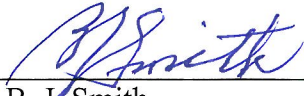
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney