

ORDINANCE NO. 4940

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE MESQUITE CITY CODE BY MAKING CERTAIN ADDITIONS AND DELETIONS THEREBY UPDATING CERTAIN REGULATIONS ON SIGNS AND ADDING REGULATIONS FOR “MURALS” AND “GHOST SIGNS”; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS**, the installation of murals in Downtown Mesquite, and the city-wide existence and/or restoration of ghost signs (i.e., faded painted signs more than fifty years old) add long-lasting artistic value within the Mesquite community; and

**WHEREAS**, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”), to protect the public health, safety, and welfare; and

**WHEREAS**, the City of Mesquite, Texas (“**City**”), is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

**WHEREAS**, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072\(a\)](#); and

**WHEREAS**, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property, and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government, order, and security of the City and its inhabitants, pursuant to Article III, [Section 2](#) of the Mesquite City Charter; and

**WHEREAS**, a home-rule municipality may enforce ordinances necessary to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, [Section 54.004](#), as amended; and

**WHEREAS**, the City shall have the power to provide for license, permit, and inspection fees, pursuant to Article III, [Section 28](#) of the Mesquite City Charter; and

**WHEREAS**, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite City Code as herein provided.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:**

**SECTION 1. Recitals Incorporated.** The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

**SECTION 2. MESQUITE CITY CODE AMENDMENT: Revising various sections in Chapter 13 of the Mesquite City Code.** The Mesquite City Code is hereby amended by making certain additions and deletions as identified in **EXHIBIT A**, thereby updating certain regulations on signs and adding regulations for “murals” and “ghost signs.” Said exhibit is attached hereto and made a part hereof, and in all other respects said Code, Chapters, Divisions, and Sections shall remain in full force and effect.

**SECTION 3. Conflicts Resolution Clause.** In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

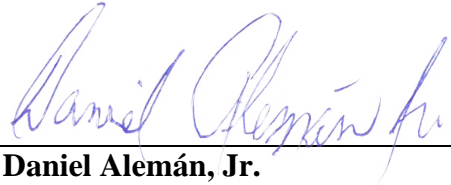
**SECTION 4. Severability Clause.** Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, the Mesquite City Code, as hereby or previously amended, or the Mesquite Zoning Ordinance, as hereby or previously amended, which shall remain in full force and effect.

**SECTION 5. Penalty Clause. Generally.** Nothing in this ordinance prohibits the City from pursuing civil and criminal enforcement remedies and penalties concurrently or availing itself of any other remedy allowed by law. **Criminal.** Any violation of the provisions or terms of this ordinance by any “person,” (as defined in Mesquite City Code, Chapter 1, [Section 1-2](#)) shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed FIVE HUNDRED DOLLARS (\$500.00) for each offense, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended. **Civil.** The City may also file a civil action for enforcement of this ordinance. **Maximum penalties.** If the maximum penalties provided for by this ordinance for an offense or civil action is greater than the maximum penalty provided for the same offense or civil action under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense or civil action shall be the maximum penalty provided by the laws of the State of Texas.

**SECTION 6. Publication.** This ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

**SECTION 7. Effective Date.** This ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

**DULY PASSED AND APPROVED** by the City Council of the City of Mesquite, Texas,  
on this the **21st day of FEBRUARY 2022**.



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**Daniel Alemán, Jr.**

**Mayor**

**ATTEST:**



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**Sonja Land**

**City Secretary**

**APPROVED AS TO LEGAL FORM:**



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**David L. Paschall**

**City Attorney**

**EXHIBIT A**

**To Ordinance No. 4940**

MESQUITE CITY CODE, additions and deletions to CHAPTER 13 - SIGNS

## MESQUITE CITY CODE

### Chapter 13 – SIGNS

#### ARTICLE I. - IN GENERAL

##### Sec. 13-1. – Definitions.

[Editor’s Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough.~~]

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:

\* \* \*

**Commercial message.** Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

\* \* \*

**Downtown Mesquite Main Street Program Boundary Area** is the geographic area of focus of the Mesquite Downtown Development/Main Street program. The City of Mesquite, Texas, is recognized as a designated Texas Main Street community by the Texas Historical Commission. The *Downtown Mesquite Main Street Program Boundary Area* is identified as a layer within the Downtown Mesquite online interactive map located on the City's website.

\* \* \*

**Ghost sign** means a faded painted sign that is more than 50 years old that remains from an earlier time. Ghost signs provide evidence of the history of the use of the building, product, service, events, or activities of the community.

\* \* \*

**Mural** means a sign comprised of a non-commercial message and may be any mosaic, painting, graphic art, or combination thereof displayed on an exterior structure, generally for the purpose of decoration or artistic expression. Sponsorship and dedication recognition incidental to the mural does not constitute a “commercial message”.

\* \* \*

**Non-Commercial Message** means a message that is not a commercial message.

~~**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.~~

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\* \* \*

**Sec. 13-26. Required; fee.**

[Editor's Note: Make the following revisions with additions identified in green font and underlined.]

- (a) *Offenses.*
- (1) It shall be unlawful for any person who is not registered by the City as a sign contractor to secure sign permits as provided herein.
  - (2) It shall be unlawful for any person to represent himself or herself as a registered and licensed sign electrician, or to use falsely the words "sign contractor," "master sign electrician," "journeyman sign electrician," either verbally or in writing, unless such person is, in fact, registered and holds a valid license within the meaning of the words used and as provided in this Article.
- (b) *Method of registration.* To register with the City as a sign contractor, application shall be made to the Building Official for a Sign Contractor Professional License along with a registration fee to cover administrative costs. The application shall be on a form provided by the City, and shall, at a minimum, show the contractor's name, local address, and telephone number; state license number and such other information as may be reasonably required to properly identify the contractor, along with a current government-issued identification and a current State of Texas issued Master Sign Electrician License.
- (c) *Exceptions.*
- (1) **Ghost Signs.** Registration as a sign contractor is not required to secure a Sign Permit for ghost sign restoration. The person who restores a ghost sign shall obtain the Sign Permit.
  - (2) **Murals.** Registration as a sign contractor is not required to secure a Sign Permit for a mural installation or restoration. The person who installs or restores a mural shall obtain the Sign Permit.

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**Sec. 13-49. Expiration.**

*[Editor's Note: Make the following revisions with additions identified in green font and underlined.]*

- (a) Expiration. Except as otherwise provided in this section, a permit for a sign installation or restoration shall expire if the work is not started within sixty (60) days from issuance nor completed within one hundred twenty (120) days after the work is commenced.
- (b) Exceptions.
  - (1) Murals.
    - a. Expiration. A Sign Permit for a mural installation or restoration shall expire if the work is not started within sixty (60) days from issuance nor completed within sixty (60) days after the work is commenced.
    - b. Extension. A time extension for mural installation or restoration may be approved in writing by the Building Official or his/her designee. If granted, the permit for mural installation shall not expire until the date specified in the written approval.
- (c) New Sign Permit required. If a Sign Permit for installation or restoration expires, a new Sign Permit shall be required before beginning or completing the work.

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**Sec. 13-71. Removal of obsolete signs.**

*[Editor's Note: Make the following revisions with additions identified in green font and underlined.]*

(a) Removal of obsolete signs. Except as otherwise provided in this section, 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 (6) 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 thirty (30) days following the date of obsolescence.

(b) Exceptions.

(1) Murals. This section does not apply to murals.

(2) Ghost signs. This section does not apply to ghost signs.

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**Sec. 13-72. Prohibited signs.**

[Editor's Note: Make the following revisions with additions identified in green font and underlined.]

\* \* \*

- (c) *Signs attached to standpipe or fire escape.* It shall be unlawful to attach any sign to a standpipe or fire escape. This subsection shall not apply to ghost signs or murals.

\* \* \*

- (g) *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. This subsection shall not apply to ghost signs or murals.

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

[Editor's Note: Insert "Ghost signs" as new letter (j) and re-letter the remaining subsections accordingly. Make the following revisions with additions identified in green font and underlined.]

\* \* \*

(j) Ghost signs.

- (1) Ghost signs are permitted to remain in situs city-wide.
- (2) No person shall restore a ghost sign without first having a valid Sign Permit for the restoration.
- (3) The restoration of a ghost sign must be in accordance with:
  - a. the City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs, as amended or its successor; and
  - b. the restoration specifications as approved in the Sign Permit.
- (4) The City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs shall be available in the office of the Director, and on the City's web-site.
- (5) Ghost signs shall be considered separately from all other signage and not affect the size or number of other types of signs allowed on the property. However, in no case shall another sign be placed over a ghost sign unless approved by the Building Official as part of the Sign Permit for installation.
- (6) Approval process.
  - a. In general. See the City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs for specific or additional information.
  - b. Application initiation and submission for preliminary review. A property owner, or authorized agent, shall submit an application for a ghost sign restoration preliminary review to the Planning and Development Services office.
  - c. Applications for preliminary review required to be complete. The Director or his/her designee will determine when the application for preliminary review is considered complete.

- d. Certificate of Appropriateness required (when applicable). If the property where the ghost sign is to be restored is a Mesquite Landmark or a property within a Historic Preservation Overlay District (H-POD), a Certificate of Appropriateness from the Mesquite Landmark Commission is also required prior to issuance of a Sign Permit for restoration by the Building Official.
- e. Advisory Board preliminary review and/or recommendations.
  - 1. Mesquite Arts Council. The Mesquite Arts Council may review the application and provide comments to the applicant focusing on the proposed artwork.
  - 2. Downtown Development Advisory Board. When the proposed ghost sign restoration is inside the Downtown Mesquite Main Street Program Boundary Area, the application shall be reviewed by the Mesquite Downtown Development Advisory Board. The Board will focus on providing a recommendation to the applicant and Building Official on the proposed ghost sign restoration methods. The recommendation may include approval, approval with conditions, or denial.
- f. Sign Permit for the restoration of a ghost sign.
  - 1. Upon the completion of the Advisory Board preliminary review (and review and approval by the Landmark Commission when applicable), the applicant may submit a Sign Permit application for the restoration of the ghost sign through the City's online application portal, and pay any applicable fees.
  - 2. When the proposed ghost sign restoration is inside the Downtown Mesquite Main Street Program Boundary Area, if the Building Official does not receive a recommendation from the Mesquite Downtown Development Advisory Board within sixty (60) days of the Director's receipt of a completed application, the Building Official is authorized and may proceed to issue the Sign Permit for restoration. The date the Director deemed the application for preliminary review to be complete shall be considered Day Zero (0).
  - 3. Once the Sign Permit is issued by the Building Official, the ghost sign may be restored in accordance with the approved Sign Permit.

Cross reference— City's on-line application portal—City of Mesquite Citizen Self Service.

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

[Editor's Note: Insert "Murals" as new letter (p) and re-letter the remaining subsections accordingly. Make the following revisions with additions identified in green font and underlined.]

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(p) Murals.

- (1) Murals shall be permitted within the Downtown Mesquite Main Street Program Boundary Area in all zoning districts, except on a property with single-family or duplex residences.
- (2) No person shall paint, install, erect, or restore a mural without first having a valid Sign Permit for the installation or restoration.
- (3) The design, size, location, placement, materials, installation, or restoration of a mural must be in accordance with:
  - a. the City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs, as amended or its successor; and
  - b. the installation or restoration specifications as approved in the Sign Permit.
- (4) The City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs shall be available in the office of the Downtown Development Manager and on the City's web-site.
- (5) Murals shall be considered separately from all other signage and not affect the size or number of other types of signs allowed on the property. However, in no case shall another sign be placed over a mural unless approved by the Building Official as part of the Sign Permit for installation.
- (6) Approval process.
  - a. In general. See the City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs for specific or additional information.
  - b. Application initiation and submission for preliminary review. A property owner, or authorized agent, shall submit an application for a proposed mural installation or restoration preliminary review to the Downtown Mesquite Development office.
  - c. Applications for preliminary review required to be complete. The Downtown Development Manager or his/her designee will determine when the application for the preliminary review is considered complete.

- d. Certificate of Appropriateness required (when applicable). If the property where the mural is to be installed or restored is a Mesquite Landmark or a property within a Historic Preservation Overlay District (H-POD), a Certificate of Appropriateness from the Mesquite Landmark Commission is also required prior to issuance of a Sign Permit for installation or restoration by the Building Official.
- e. Advisory Board preliminary review and/or recommendations.
  1. Mesquite Arts Council. The Mesquite Arts Council may review the application and provide comments to the applicant focusing on the proposed artwork.
  2. Downtown Development Advisory Board. The Mesquite Downtown Development Advisory Board will review the application and will focus on providing a recommendation to the applicant and Building Official on the proposed mural installation or restoration methods. The recommendation may include approval, approval with conditions, or denial.
- f. Sign Permit for the installation or restoration of a mural.
  1. Upon the completion of the Advisory Board preliminary review (and review and approval by the Landmark Commission when applicable), the applicant may submit a Sign Permit application for the installation or restoration of the mural through the City's online application portal, and pay any applicable fees.
  2. If the Building Official does not receive a recommendation from the Mesquite Downtown Development Advisory Board within sixty (60) days of the Downtown Development Manager or his/her designee receipt of a completed application, the Building Official is authorized and may proceed to issue the Sign Permit for restoration. The date the Downtown Development Manager deemed the application for preliminary review to be complete shall be considered Day Zero (0).
  3. Once the Sign Permit is issued by the Building Official, the mural may be installed or restored in accordance with the approved Sign Permit.

Cross reference— City's on-line application portal—City of Mesquite Citizen Self Service.

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(7) Maintenance responsibility and standards.

- a. At all times during and after the installation or restoration, the property owner where the mural is located shall be responsible for maintenance and upkeep of the mural.
- b. All murals shall be kept in a proper state of repair and preservation. If the Building Official or his/her designee determines a mural to be in dilapidated or deteriorated condition, the mural shall be restored or removed by the property owner.
- c. Upon the failure of the property owner to repair or remove the mural following thirty (30) days' notice thereof, the City may cause the removal of the mural. The property owner shall pay all expenses incurred by the City incident to such removal.
  1. In the event of the failure of the owner to remit to the City the expenses incurred in the removal of the mural, a lien may be placed on and against the property on which the mural is removed.
  2. To obtain a lien against the property, the Director, on behalf of the City Council, shall file a statement of expenses with the county clerk of the county in which the property is located setting out the actual expenses incurred by the City, the name of the property owner, if known, and a legal description of the property. The City's lien attaches when the statement of expenses is filed in the real property records of the county in which the property is located. The City's lien is subordinate to any previously recorded lien and to the rights of a purchaser or lender for value who acquires an interest in the property before the statement of expenses is filed.

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**Sec. 13-75. Guidelines to sign use within zoning districts.**

*[Editor's Note: Make the following revisions with additions identified in green font and underlined]*

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- (g) Downtown Mesquite Main Street Program Boundary Area. Murals are permitted within the Main Street Program Boundary Area in all zoning districts except as modified in [Sec. 13-73](#).

**Cross reference—** Specifications by type of sign, Sec. 13-73 (p) Murals.

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