

ORDINANCE NO. 5063

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 13 OF THE MESQUITE CITY CODE BY MAKING CERTAIN ADDITIONS AND DELETIONS THEREBY UPDATING REGULATIONS FOR “MURALS” AND “GHOST SIGNS” FOR THE PURPOSE OF ALLOWING MURALS CITYWIDE IN NON-RESIDENTIAL DISTRICTS, UPDATING THE PROCESS AND PROCEDURES FOR MURAL AND GHOST SIGN APPLICATIONS, AND OTHER MATTERS RELATED THERETO; 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 OF THE CAPTION HEREOF; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the installation of murals and the 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, [Ordinance No. 4940](#) permitted murals to be first installed in Downtown Mesquite and this ordinance will now permit murals citywide in non-residential zoning districts; 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 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.

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, or any other general penalties, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended.

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 18th DAY OF SEPTEMBER 2023.



Tandy Boroughs
Mayor Pro Tem

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. 5063

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

MESQUITE CITY CODE

* * *

Chapter 13 – SIGNS

ARTICLE I. - IN GENERAL

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

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:

* * *

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.

Commercial Text Message means any logo, owner identification, slogan, text, numerals, symbols, or other wording that advertises a contemporary business, product, service, or other commercial activity. Sponsorship, dedication recognition, and artists' credits incidental to a mural do not constitute a "commercial text message".

* * *

Ghost sign means a faded painted sign that is more than fifty (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 in the form of an art representation ~~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 so as to provide aesthetic enjoyment for the viewer. Murals shall not include any "commercial text message" (as defined in this Section); however, it may contain graphics or images that relate to products or services offered on the premises where the mural is located. ~~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.

* * *

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

* * *

(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 for ghost signs.*

- a. *Applicability.* This subsection (6) is applicable only to ghost signs outside the Downtown Mesquite Main Street Program Boundary Area. SEE subsection (7) below for ghost signs within the Downtown Mesquite Main Street Program Boundary Area.
- b. *In general.* See the *City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs* for specific or additional information.
- c. *Application initiation and submission.* A property owner, or authorized agent, shall submit a Sign Permit application for the installation or restoration of the ghost sign through the City's online application portal, and pay any applicable fees.
- d. *Certificate of Appropriateness required (when applicable).* If the property where the ghost sign 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 (or when applicable the Historic Preservation Officer) is required prior to issuance of a Sign Permit by the Building Official for installation or restoration.
- e. *Sign permit issuance.* Once the Sign Permit is issued by the Building Official, the ghost sign may be installed or restored in accordance with the installation or restoration specifications as approved in the Sign Permit.

~~(6)~~(7) Approval process for ghost signs within the Downtown Mesquite Main Street Program Boundary Area.

~~a.~~ Applicability. This subsection (7) is applicable only to ghost signs within the Downtown Mesquite Main Street Program Boundary Area. SEE subsection (6) above for ghost signs outside the Downtown Mesquite Main Street Program Boundary Area.

~~a.~~ b. In general. See the City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs for specific or additional information.

~~b.~~ c. 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 Downtown Mesquite Development office ~~Planning and Development Services office.~~

~~c.~~ d. Applications for preliminary review required to be complete. The Downtown Development Manager Director or his/her designee will determine when the application for preliminary review is considered complete.

~~d.~~ e. 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 (or when applicable the Historic Preservation Officer) is also required prior to issuance of a Sign Permit by the Building Official for restoration ~~by the Building Official.~~

~~e.~~ f. 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~~ 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.~~ g. 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 or Historic Preservation Officer 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~~ 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.

* * *

(p) *Murals.*

- (1) Murals shall be permitted within all non-residential zoning districts. Murals shall be prohibited on any property with single-family or duplex residences. 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 for murals.*
 - a. *Applicability.* This subsection (6) is applicable only to murals outside the Downtown Mesquite Main Street Program Boundary Area. SEE subsection (7) below for murals within the Downtown Mesquite Main Street Program Boundary Area.
 - b. *In general.* See the *City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs* for specific or additional information.
 - c. *Application initiation and submission.* A property owner, or authorized agent, shall 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.
 - 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 (or when applicable the Historic Preservation Officer) is required prior to issuance of a Sign Permit by the Building Official for installation or restoration.
 - e. *Sign permit issuance.* Once the Sign Permit is issued by the Building Official, the mural may be installed or restored in accordance with the installation or restoration specifications as approved in the Sign Permit.

~~(6)~~(7) Approval process for murals within the Downtown Mesquite Main Street Program Boundary Area.

a. Applicability. This subsection (7) is applicable only to murals within the Downtown Mesquite Main Street Program Boundary Area. SEE subsection (6) above for murals outside the Downtown Mesquite Main Street Program Boundary Area.

~~a.~~ b. *In general. See the City of Mesquite, Texas, Policy & Guidelines for Murals and Ghost Signs for specific or additional information.*

~~b.~~ c. *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.~~ d. *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.~~ e. *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 (or the Historic Preservation Officer when applicable) is ~~also~~ required prior to issuance of a Sign Permit by the Building Official for installation or restoration ~~by the Building Official.~~*

~~e.~~ f. *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.~~ g. *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.

~~(7)~~(8) *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.

- (a) Residential Districts R and D (single-family; duplex).
 - (1) One (1) square foot sign. A maximum of two (2) is permitted on any property.
 - (2) Small profile sign.
 - (3) *Exception.* Permitted nonresidential uses in this district may have the following signs:
 - a. Monument, wall, banner sign or vertical banners.
 - b. Maximum number per ownership is one (1) sign type per street frontage except vertical banners.
- (b) Residential District A (multi-family).
 - (1) Banner sign (temporary).
 - (2) Monument sign. One (1) sign per street frontage is permitted.
 - (3) Small profile sign.
 - (4) Wall sign. One (1) sign per street frontage per ownership is permitted.
- (c) *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.
- (d) *Nonresidential districts.*
 - (1) Banner sign (temporary).
 - (2) Canopy displays.
 - (3) Inflatable sign (temporary).
 - (4) Movable signs (temporary).
 - (5) Monument signs.
 - (6) Murals.
 - ~~(6)~~(7) On-site instructional signs.
 - ~~(7)~~(8) Pole sign.
 - ~~(8)~~(9) Projecting signs. One (1) sign per building is permitted provided the sign may not extend over public property.
 - ~~(9)~~(10) Small profile sign.
 - ~~(10)~~(11) Vertical banners (temporary).
 - ~~(11)~~(12) Wall signs.
 - ~~(12)~~(13) Window signs, including bay banners.
- (e) *Zoning—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, except that electronic message centers and electronic video screens are prohibited within all form-based districts and historic districts.
- (f) *Planned development districts.* All signage in planned development districts shall be governed by this Chapter unless otherwise specified in the applicable planned development ordinance.
- (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](#).

(Ord. No. 4623, § 1, 11-5-18; Ord. No. 4940, §2(Exh. A), 2-21-22)

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

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