

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING SECTION 10.3, "LIGHTING," OF THE COMMUNITY APPEARANCE MANUAL; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Community Appearance Manual (the "Manual") was adopted by the City Council by Ordinance No. 3919 on December 17, 2007, amended by Ordinance No. 4005 on November 17, 2008, amended by Ordinance No. 4121 on December 6, 2010, amended by Ordinance No. 4423 on May 16, 2016, and incorporated by reference into Chapter 11, Section 11-500 of the City Code; and

WHEREAS, the amendment to Section 10.3 of the Manual is to protect the public health, safety and welfare, and to advance the policy set out in the Community Appearance Manual by limiting flashing or other similar changing of lights to no more frequently than every two minutes, prohibiting motion, prohibiting rapid light intensity changes and prohibiting outlining of windows with lights.

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

SECTION 1. That the Community Appearance Manual of the City of Mesquite, Texas, is amended by replacing Section 10.3, "Lighting," with a new Section 10.3, provided in attached Exhibit "A," and hereby incorporated into the Manual for all purposes.

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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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 Two Thousand (\$2,000.00) 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 take effect and be in force from and after five days after publication.

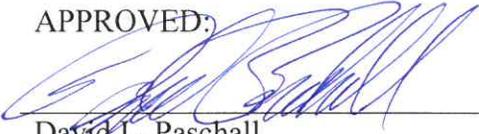
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of November 2018.

Stan Pickett
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED:



David L. Paschall
City Attorney

10.3 LIGHTING

Statement of Principle:

The selection of light fixtures, pole types, lamp color and style all contribute to the character and sense of place within a complex.



Requirements:

- 10.3.1 Lighting on the exterior of a building or within five feet of a window on the interior of a building shall not flash or change more frequently than once every two minutes, nor shall it have any motion.
- 10.3.2 There shall be no rapid changes in color or intensity of any light on a building.
- 10.3.3 Windows shall not be fully or partially outlined with lighting.