

ORDINANCE NO. _____

An Ordinance revising Title 14, Chapter 5, to the Crossville Municipal Code pertaining to business signs and outdoor advertising

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROSSVILLE, TENNESSEE that:

SECTION I. That Title 14, Chapter 5, of the Crossville Municipal Code be deleted in its entirety and replaced as follows:

**CHAPTER 5
BUSINESS SIGNS AND OUTDOOR ADVERTISING**

SECTION

- 14-501. Purpose.
- 14-502. Definitions.
- 14-503. General provisions.
- 14-504. General requirements pertaining to off-premises outdoor advertising signs.
- 14-505. Permits, applications, fees and insurance for off-premise outdoor advertising signs.
- 14-506. On-Premise Business Signs.
- 14-507. Permits, applications, and fees for on-premise business signs.
- 14-508. Temporary sign provisions.
- 14-509. Non-conforming signs.
- 14-510. appeals for variances or adjustments.
- 14-511. Violations.
- 14-512. Validity.

14-501. Purpose. The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- (1) Protect the right to the use of signs for the identification of activities and any related products, services and events and for noncommercial messages;**
- (2) Protect the right of individuals to privacy and freedom from nuisances;**
- (3) Protect the value of property and improvements thereon;**
- (4) Assure that signs are constructed and maintained in a safe condition;**
- (5) Prevent signs from interfering with traffic regulatory devices or otherwise obstruction to motorist or pedestrian vision;**
- (6) Reduce traffic hazards;**
- (7) Eliminate obsolete signs;**
- (8) Provide an efficient and effective means of administration and enforcement.**

14-502. Definitions. As used in this chapter unless the context otherwise indicates, the following definitions shall apply:

- (1) "Outdoor advertising signs" or "off-premises sign" shall mean any outdoor sign, display, figure, painting, drawing, message or billboard which is designed, intended or used to advertise or inform or otherwise directs attention to a business, commodity, service or activity generally conducted, sold or primarily offered elsewhere than upon the premises where such sign is located. None of the following shall be deemed an outdoor advertising sign: Directional or other official signs authorized by law, signs advertising the sale or lease of property upon which they are located; public service/information signs, and the like.
- (2) "Public service/information signs: shall mean off-premise or on-premise signs one hundred and fifty (150) square feet or less in size which utilize over seventy

five (75%) percent of their advertising message to giving public service information such as time, date, temperature, or other similar information, gives education, cultural, or religious messages or information, or information related to a non-profit service club or charitable association.

(3) "Erect" shall mean to construct, build, raise, assemble, place, attach, create, paint, draw or in any other way to bring into being or establish a sign. The term erect shall not mean a change in the advertising message or customary maintenance and repair on a sign; however, repair and maintenance will not include replacing the support structure, except to correct destruction caused by tornadoes or severe storms when designated as such by Cumberland County Emergency Management Agency.

(4) "Sign" means all portions of an outdoor advertising structure including structural elements, bases, sign faces, trim and borders.

(5) "Sign face" means that portion of a sign, including the display area, border and trim, but excluding the base apron, supports and other structural members, facing traffic moving in one direction.

(6) "Back-to-back sign" means a structure with two sign faces oriented in opposite directions, placed either parallel or forming a V with an angle no more than 45 degrees (45°).

(7) "Unzoned commercial" and "unzoned industrial" is defined according to Tennessee Department of Transportation's rules and Regulations for the Control of Outdoor Advertising and adopted herein.

(8) "Business sign" or "on-premise sign" shall mean a sign which advertises the business or other activity conducted on or principle products sold on the property upon which the sign is located.

14-503. General provisions. The following requirements shall apply to all signs within the city limits of Crossville.

(1) General standards.

(a) **No sign except those specified in 14-503(2) (signs which do not require permit) shall be erected until a permit has been obtained from the City of Crossville Codes Department.**

(b) **No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.**

(c) **No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign or with or with driver vision at any access points.**

(d) **On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2.5) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and the line joining points along said street lines fifty (50) feet from the point of the intersection.**

(e) **No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way.**

(f) **No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.**

(g) **No sign shall obstruct any doorway, window, or fire escape.**

(h) **The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles.**

(i) **All signs shall be maintained in good condition at all times. Signs which are defaced, missing some or all illumination or characters and whose finishes or facings are chipping, peeling, cracking, or broken in any way shall be deemed to be in disrepair. The owner shall be given ten (10) days written notice to comply with this chapter. Should the owner and/or property occupant fail to comply within the prescribed period, the continued use of such sign shall be a violation of this chapter.**

(2) Signs which do not require permit. The following signs do not

require permit except as specifically noted.

- (a) Official federal, state, or local government traffic, directional, or informational signs and notices issued by the court, person, or officer in the performance of an official public duty.
- (b) Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist.
- (c) Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.
- (d) Commemorative or historical plaques and tablets.
- (e) The official flag of a government, governmental agency, public institution, Religious Corporation, or other similar entity, or flags flown on a temporary basis for the purpose of honoring declared national or civic holidays.
- (f) Incidental signs subject to the following restrictions:
 - i) political signs shall be removed within seven (7) days after the election.
 - ii) yard or garage sale signs shall include address, and date of sale and shall be removed within one (1) day after the sale.
 - iii) Street names and addresses stamped or painted on sidewalks or curbs.
 - iv) Directional signs.
 - v) Church directional signs shall be located on private property and only with the owner's permission. Each church using such signs shall obtain a blanket permit covering all signs and specifying their locations.
 - vi) Works of art that do not include any commercial messages, symbols, or references.
- (g) Signs pertaining to the sale, lease, or rental availability of a property.
- (h) Mobile and/or electronic signs can be used as an on-premise business sign, but cannot be used as off-premises advertising except to make temporary announcements relating to educational, cultural, or religious activities or relating to non-profit service clubs or charitable associations.
 - (i) All mobile and/or electronic signs must be located off the street or highway right-of-way.
 - (ii) Electronic signs shall be permitted subject to the following restrictions:
 1. The signs luminance or brightness shall not exceed 0.3 foot candles when measured at a distance of one hundred (100) feet.
 2. The signs copy shall not be permitted to continuously scroll.
 3. The signs copy shall not change at a rate that is less than five (5) seconds.

(3) Signs which are prohibited. The following signs or types of signs are prohibited and hereby declared to be illegal.

- (a) Any sign which is abandoned, deteriorated, or unsafe. Any abandoned sign shall be removed within thirty (30) days of the notification of the owner of the property of violation.
- (b) Any sign that contains any kind of strobe or pulsating light.
- (c) Banner signs except as permitted to be used as a temporary sign.
- (d) Flashing informational signs.
- (e) Hand tacked signs.
- (f) Roof signs which extend past the buildings roof line.

14-504. General requirements pertaining to off-premises outdoor advertising signs. (1) Off-premise outdoor advertising signs are classified as commercial activity and shall only be permitted in connection with or within six hundred (600') feet of an active operating commercial or industrial business or regularly used building, parking lots, storage or processing of commercial and industrial activity in accordance with rules and regulations established by Tennessee Department of Transportation for unzoned commercial or unzoned industrial areas.

(2) Locations. (a) Off-premise outdoor advertising signs and billboards shall be permitted only in the following locations:

- (i) Along Interstate 40
- (ii) On U.S. Highway 127
- (iii) On U.S. Highway 70S and U.S. 70
- (iv) On state highways within one-half (1/2) mile of an interstate interchange

(b) Outdoor advertising signs and billboards will not be permitted in the central business area of Crossville on the highways listed above south of Genesis Road, southeast of Central Street, north of Cleveland Street, and west of Dogwood Avenue.

(c) Outdoor advertising signs and billboards are further prohibited within five hundred (500) feet of a school, church, recreational field or park and within three hundred (300) feet of a residence fronting on the same highway.

(d) Locations are also governed by rules and regulations established by Tennessee Department of Transportation whose regulations, if more stringent, take precedence over city statutes.

(e) No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, nor will it be permitted to obstruct or physically interfere with a driver's view of approaching or intersecting traffic.

(3) Spacing. (a) With the exception of signs and billboards fronting Interstate 40, the spacing of which is controlled by Tennessee Department of Transportation, all outdoor advertising signs must be spaced at least seven hundred and fifty (750') feet apart, and at least seven hundred and fifty (750') feet from any existing non-conforming advertising sign or billboard, with each side of the highway considered separately.

(b) Double-stacking and side-by-side placement of new off-premise outdoor advertising signs is prohibited; except that double-stacking is permitted for off-premise outdoor advertising signs and billboards fronting on Interstate 40.

(c) Back-to-back structures and V-shaped structures, as defined in this chapter, will be counted as one sign for the purpose of spacing.

(4) Maximum Size. Each sign face for off-premise outdoor advertising sign and billboards cannot exceed three hundred and sixty (360) square feet in size, except those fronting on Interstate 40 which may be up to seven hundred and seventy five (775) square feet.

(5) Setbacks. (a) No portion of any off-premise outdoor advertising sign, the bottom of which is less than ten (10) feet above grade of thoroughfare, shall be erected, placed or hung within ten (10) feet of the street or highway right-of-way.

(b) No portion of any off-premise outdoor advertising sign ten (10) feet or more above grade of a thoroughfare shall be erected, placed or hung in such a manner that any portion rests on or hangs over any street or highway right-of-way.

(c) No sign can be erected or placed so as to obstruct the view of traffic or create a hazard for the motoring public.

(6) Lighting. (a) No sign, floodlight, or other outdoor advertising device shall be erected or continued in operation which constitutes a nuisance by reason of light, glare, noise, animation or is considered unsafe or abandoned.

(b) No revolving or rotating beams or beacons of light are permitted.

(c) **The signs luminance or brightness shall not exceed 0.3 foot candles when measured at a distance of one hundred (100) feet.**

(d) **The signs copy shall not be permitted to continuously scroll.**

(e) **The signs copy shall not change at a rate that is less than five (5) seconds.**

(f) On-premise neon signs are specifically excluded from the provisions of this subsection.

14-505. Permits, applications, fees and insurance for off-premise outdoor advertising signs. (1) Building permits and fee.

(a) A building permit is required for the erection or relocation of any off-premise outdoor advertising sign structure.

(b) The building permit fee is twenty-five dollars (\$25.00) per sign face.

(c) Applications for building permits will include:

(i) A copy of the signed and notarized lease from the property owner to the sign owner.

(ii) Name, address and phone number of the property owner and the sign owner.

(iii) The size and height of the sign structure and the size of the sign face.

(iv) The tax map and parcel identification for the property site indicating the position of the sign on parcel, and enlargement of parcel, if necessary.

(v) For steel structures, a licensed engineer's stamped drawing of construction plans for the underground base and above ground steel column structure.

(vi) Other information as may be required by the city manager and/or building inspector.

(d) Evidence of insurance as required for said sign erection in this chapter shall be submitted with the application for a building permit, if not already on file with the city clerk.

(e) Evidence that a state permit, if required, has been or is being obtained from the State of Tennessee must be submitted before the building permit can be issued.

(f) Construction shall conform to wind load requirements of the International Building Code (as adopted in §12-101 of the Crossville Municipal Code), including minimum wind speed of ninety (90) miles per hour and minimum wind load of thirty (30) pounds per square foot.

(g) The building inspector will review the application for compliance with all the requirement of this chapter before issued the permit.

(h) In the case of steel structures, the building inspector will inspect and measure excavations and assure base preparation is as shown on engineering drawings as well as inspect above-ground structure against engineering drawings.

(i) the permit will expire if work has not commenced within six months after date of issue. All work must be completed within nine months or permits and fees will be invalid.

(2) Annual permits and fee:

(a) An annual fee of twenty-five dollars (\$25.00) per sign will be required for each conforming and non-conforming off-premise outdoor advertising sign and billboard, as defined by this chapter, located in Crossville at the time of enactment of this chapter or erected in the future.

(b) No annual fee will be charged for the calendar year in which a sign building permit is obtained.

(c) The annual fee is due and payable between January 1 and February 1 of each calendar year, with a grace period until March 1. If the annual fee is not paid by march 1, the structure may be declared illegal and removed at owner's expense.

(d) Information on applications' for annual permits consist of items (i)-(iv) as required for building permits under § 14-505(1)(c).

(e) A number to identify each individual structure will be assigned to each off-premise sign permitted and that number must be displayed using four inch (4") permanent numbers on the side of the pole facing the road.

(3) Insurance Requirements. No person shall engage, within the corporate limits of the city of Crossville in the business of erecting or maintaining outdoor advertising signs or billboards as regulated under this chapter until after such persons shall have filed with the city clerk evidence of liability insurance coverage of fifty thousand dollars (\$50,000) property damage, one hundred thousand dollars (\$100,000) personal injury to any one person, and two hundred thousand dollars (\$200,000) for personal injury growing out of any one occurrence. Such liability insurance shall save

and keep the city and all its officials, employees, and agents, harmless from all damages, liabilities, losses and judgments resulting by reason of the erection or maintenance of any such sign, and of any injury to persons or damages to property resulting therefrom.

14-506. On-Premise Business Signs. Any sign which advertises the business or activity conducted on or principal products sold on the property upon which the sign is located shall be subject to the following restrictions.

(1) Wall signs are permitted subject to the following standards.

(a) The display surface area of such sign shall not exceed fifty (50%) percent of the square footage of the wall to which it is attached.

(b) Signs attached to the inside of windows and intended to be visible from the exterior of the building shall not be counted as a wall sign; provided, however, that such window signs shall not cover more than twenty-five (25) percent of any window.

(2) Pole or ground signs - One (1) ground or pole sign for each street frontage are permitted.

(3) A commercial complex may be permitted one (1) pole or ground sign for each street frontage identifying the name of the complex or business, as well as the individual businesses located within the complex. In the event a street frontage is in excess of two hundred fifty (250') feet in length, one (1) additional sign shall be permitted.

14-507. Permits, applications, and fees for on-premise business signs. Application for permits can be obtained from the City of Crossville Codes Department. A permit must be obtained prior to the erection of any sign which requires permit. There will be no fee for permits obtained for the above mentioned signs. The relocation of an on-premise business sign on the same property will not require a building permit.

14-508. Temporary sign provisions. Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

(1) General requirements.

(a) A permit shall be required for all temporary signs.

(b) Banners may be used as temporary signs provided that such banners shall be securely affixed to the principal building or an existing sign structure.

(c) One (1) temporary sign shall be permitted for each one hundred (100) feet of street frontage on a public street.

(d) All such signs shall be securely installed or fastened and positioned in a place so as not to constitute a hazard of any kind.

(e) Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc.

(f) Temporary development signs are permitted to announce the name, developer, and type of development for a new development.

(2) Duration of temporary signs. Display of temporary signs shall be limited as follows:

(a) Construction signs shall be removed upon completion of the project.

(b) Signs for special events open to the general public shall be limited to forty-five (45) days.

(c) Signs for special sales or business promotions shall be limited to thirty (30) days.

(d) Display of all temporary signs on a lot or parcel except for construction sites and new developments shall be limited to a maximum of one hundred and twenty (120) days per calendar year.

(e) Temporary development signs shall be limited to the period of time that the project is under development.

14-509. Non-conforming signs. (1) All non-conforming off-premises outdoor advertising signs and billboards which prior to enactment of this chapter on October 10, 1989 were legally erected, and which are existing and properly maintained shall be allowed to remain and shall be considered as “grandfathered” in place. These signs may not be enlarged or height extended.

(2) Replacement of wooden support structures for billboards with steel monopole structures will be allowed in compliance with procedures and rules relating to permits and subject to § 14-504(5) and (6).

(3) Non-conforming double stacked wooden signs may be replaced by double stacked single pole steel signs of the same size of existing wooden sign or less but no larger. Tennessee Department of Transportation permits for both sides must have been bought prior to February 14, 1989 and a city building permit must be bought for the new structure.

(4) As of October 10, 1989, the supporting structure may not be totally replaced of any outdoor advertising sign of which the supporting structure is in a seriously deteriorating condition and is incapable of safely supporting the face of the sign. An exception of this would be in damage was inflicted by an unusually severe tornado-type storm as interpreted by the office of the Cumberland County Emergency Management Agency. The sign itself or stringers may be repaired as needed. If a company or individual owns an advertising structure of which the supporting poles are deteriorated or unsafe, or if the company fails to repair the face of the structure or lets the paint get in a shabby or unsightly condition, the city of Crossville is empowered, after 30 days notice, to remove the sign in violation at the owner’s expense.

(5) If an existing billboard is ordered removed for any reason, the new location must comply with the requirements of this chapter.

14-510. Appeals for variances or adjustments. (1) The city of Crossville’s City Council is hereby designated to serve as the sign board to review and decide on requests for variances or adjustments from the specific terms of this chapter.

(2) The appellant shall submit a request letter with site plan and maps to the city manager outlining all reasons for needing the variance, including evidence of hardship by having to meet the terms of the chapter.

(3) Any variance request or appeal may be taken up at any city council meeting at which said request is a part of the agenda. The board may render a decision at the meeting or may take said request for study and render a decision at the next regularly scheduled meeting.

14-511. Violations. Any person or business failing to comply with the requirements of this chapter shall be guilty of a misdemeanor, and each day and each occurrence shall constitute a separate violation.

14-512. Validity. Should any section, clause, or provision of this chapter be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of the chapter as a whole or any other part other than the part judged invalid.

SECTION II. This Ordinance shall take effect upon and after its final date of passage, the public welfare requiring it.

Mayor

Councilman

Councilman

Councilman

Councilman

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

Passed 1st Reading: _____
Passed 2nd Reading: _____
Passed 3rd Reading: _____