

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 SIGN AND OUTDOOR ADVERTISING**

§ 14-501 PURPOSE. The purpose of these regulations is to promote the well-being of the community by establishing standards that ensure 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) Ensure 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) Avoid visual clutter that may be harmful to traffic and pedestrian safety, property values, business opportunities and community appearance;
- (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 shall apply:

ABANDONED SIGN: A sign or structure that has ceased to be used or has failed to be kept in good aesthetic condition, for a minimum of a six (6) month period

or as otherwise defined by State law.

AWNING: A roof-like cover or shelter attached to a building or a portion thereof and constructed of rigid or non-rigid materials on or under a supporting framework that may be either permanent or retractable.

BACK-TO-BACK SIGN: 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.

BILLBOARD: Any sign, typically used in the outdoor environment for off-premise advertising or the display of other commercial or noncommercial messages.

CANOPY: A multisided overhead structure supported partially or entirely by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

COMMERCIAL COMPLEX: Two or more Commercial uses on a single lot or adjacent lots which are approved as elements in an overall site plan.

DOWNTOWN DISTRICT: *As Defined in Exhibit A*

ELECTRONIC SIGN: An illuminant advertising media which include fluorescent signs, HID (high intensity displays), incandescent signs, LED signs, and neon signs.

ELECTRONIC MESSAGE CENTER (EMC): a sign that has changing light intensity, and brightness of color and is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

ERECT: To construct, build, raise, assemble, place, attach, create, or in any other way bring into being or establish a sign. The term **ERECT** shall not mean a change in the 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.

FREESTANDING SIGN: A sign on a frame, pole, or other support structure not attached to any building.

GROUND SIGN: A freestanding sign without visible support.

LAWN SIGN: A freestanding temporary sign that is typically made of corrugated plastic or other material and sometimes including a metal or wood frame, with tines that are placed in the ground for a foundation, and having a sign face surface area of not more than 4 square feet (576 square inches).

MOBILE OR PORTABLE SIGN: Any sign which is designed to be readily transportable from place to place, not permanently attached to a footer or masonry foundation, or any such sign, which generally meets these criteria, as shall be determined by the Building Official to be a mobile or portable sign. Mobile or portable signs include, but are not limited to, sandwich board signs, portable reader boards on wheels that display changeable copy, signs mounted upon trailers or vehicles, balloons, and other similar signs.

NUISANCE: A sign that unreasonably interferes with the rights the general public shares in common. Any sign erected or maintained in violation of this Chapter is declared to be a nuisance to which the provisions of Title 13, Chapter 6 apply.

ON-PREMISE SIGN: Any sign that identifies or advertises goods, services, facilities, events, or attractions available on the same premises or identifies the owner or occupant of the same premises.

OFF-PREMISE SIGN: Any sign which directs attention to a business, commodity, good, service, facility, event, or thing located or to be conducted, sold, rented, leased, or otherwise offered elsewhere than on the premises.

PERMANENT SIGN: A sign that is, by reason of construction, intended to be displayed for an unlimited amount of time, or otherwise long-term basis. Not a temporary sign.

POLE SIGN: A sign supported by uprights or braces placed upon or into the ground and detached from any building.

ROADWAY: A certain width of the public right-of-way that has been paved or otherwise improved (commonly from curb to curb or ditch to ditch) and intended for the use by motor vehicles and bicycles.

ROOF SIGN: A sign erected on a roof, or signs that project above the highest point of the roofline, parapet, or fascia of a building.

SANDWICH BOARD: Type of sign usually composed of two boards with one board in front and one behind in a triangle shape, hinged along the top, creating a "sandwich" effect; or a single board set up in a lean-to fashion.

SIGN: Any structure or part thereof or device attached thereto or represented thereon, displaying or including, or designed to display or include, any writing, model, banner, flag, pennant, insignia, pictorial representation, emblem, or any other representation of similar character used as, or which is in the nature of an announcement, direction, advertisement, or other display directing attention, which is visible from outside a building. Any of the above characteristics constitutes a sign within a building, only when illuminated and located in a window. For the purposes of removal, signs shall also include all sign structures.

SIGN FACE: The portion of a sign including the display area, border, and trim, but excluding the base apron, supports and other structural members.

SIGHT TRIANGLE: The area located at the intersection of two or more streets, whether public or private, or a street and private driveway through which an unobstructed view of approaching traffic is necessary for motorists. This area shall be the triangular shape created by the edge line of intersecting roads and a third line determined by connecting two points measured down the edge of each intersecting road. One point shall be 10 feet from the stop bar of the approach road, or in lieu of a stop bar, the stop sign, or lieu of a stop sign, 15 feet from the edge of the intersecting road. The other point shall be 100 feet measured down the intersecting road edge beginning from the edge of the approach road. The white “edge line” painted on the edge of the road to mark the legal driving surface will be considered the road edge. In lieu of an “edge line”, the outer edge of pavement, concrete, gravel, or other driving surface will be used for measurement.

TEMPORARY SIGN: A sign that is, by reason of construction, intended to be displayed for a short period of time. Not a permanent sign.

§ 14-503 GENERAL PROVISIONS

- (A) Except as herein provided, no sign, structure, or land shall be used and no sign or structure or parts thereof shall be erected, moved, or altered, unless for a use permitted by and in conformity with this Chapter.
- (B) Any existing permanent sign, structure, or use which does not conform to the provisions of this Chapter or subsequent amendment thereto may be continued with the following limitations:
 - (1) A non-conforming sign, structure, or use can be changed to a similar non-conforming use but cannot be changed to one of greater non-conformity.
 - (2) When a nonconforming sign, structure, or use or part thereof is discontinued or abandoned for a period of six (6) consecutive months (regardless of any reservation or intent not to abandon and to resume such use) such use shall not thereafter be reestablished or resumed. Any subsequent sign and the use or occupancy of such land or structure shall comply with the requirements of this Chapter.
 - (3) A non-conforming use shall be restricted to the area occupied by such use, and a non-conforming use shall not be enlarged to include any additional sign, land, use, or structure.
 - (4) A non-conforming use shall not be structurally altered. This provision shall not be construed to prevent normal maintenance required for

structural safety.

- (C) Except as otherwise specified herein, a sign permit issued by the Building Official is required for all signs erected, installed, replaced, relocated, or expanded within the corporate limits of the City of Crossville. Applicants shall provide the Building Official with plans and specifications identifying the location, type, and design of proposed and existing signs. If upon review the Building Official finds that the application conforms to all requirements of this Chapter, the Building official shall issue a sign permit to the applicant. All permit applications shall specify whether the sign is a permanent or temporary sign, and all temporary, mobile, or portable sign applications shall request a specified permit expiration date.
- (D) Permits shall not be required for lawn signs and flags displayed on private residential property.
- (E) Sandwich boards along sidewalks are allowed if placed in an area that does not violate ADA guidelines or in the ROW except in the defined Downtown district.
- (F) Electronic signs are permitted with the following restrictions:
 - (1) The sign's luminance or brightness shall not exceed 0.3-foot candles (candela) when measured at a distance of one hundred (100) feet.
 - (2) The sign's copy shall not be permitted to flash or scroll. The copy should show frames in a slide-show like arrangement.
 - (3) Static images should have a three-second minimum hold time.
- (G) Signs shall not resemble, obstruct, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device and shall not obstruct or physically interfere with a driver's view of approaching or intersecting traffic based on sight triangle distance.
- (H) No freestanding flashing signs will be permitted within 40 feet of the edge of any roadway except for official government use and/or public safety.
- (I) No signs are allowed in the public right-of-way except for official government use and/or public safety. For purposes of this Chapter, the public right-of-way shall include any median and 15 feet from the asphalt unless otherwise clearly marked. If wood lines or private property are less than 15 feet away from the edge or asphalt, signs may be placed as far as possible from the edge of the asphalt. This does not allow signs to be placed on private property without permission of the land owner. Notwithstanding the foregoing, this provision shall not supersede Section 14-503(E) relating to sandwich boards along sidewalks.
- (J) No illuminated sign shall be of such intensity as to unduly disturb the use of any residential property or cause impairment to traffic.

- (K) All temporary sign permits shall automatically expire after 60 days, and may be renewed by the Building Official, upon application, for good cause. The Building Official may prescribe a shorter time period for expiration of a temporary sign permit if requested by the applicant. Temporary signs remaining after expiration of a permit shall be considered abandoned and subject to removal without notice.
- (L) As required by Tennessee law, Tenn. Code Ann. § 2-1-116 (Campaign advertising), Tenn. Code Ann. § 2-19-144 (Advertising material; public utility property), Tenn. Code Ann. § 2-7-143 (Tennessee Freedom of Speech Act), and Tenn. Code Ann. § 2-19-206 (State-owned property used for political purposes), as amended, shall preempt and supersede any provision of this Chapter.
- (M) No sign shall be erected or continued in operation which constitutes a nuisance by reason of light, glare, noise, animation, or is considered unsafe or abandoned.
- (N) Electronic Message Centers shall be equipped with sensors that automatically determine the ambient illumination and adjust the sign's brightness accordingly.
- (O) No sign shall be placed in such a manner as to impede visibility of and by oncoming traffic.
- (P) All signs located near the corners of an intersection of public streets and/or private drives/streets/roads, shall be located outside the sight triangle.
- (Q) All signs except for banners, flags, temporary signs, mobile or portable sign and/or sandwich board signed allowed shall be constructed of permanent materials that are permanently attached to the ground or a structure.
- (R) No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects excluding those placed by the City of Crossville or instrumentality of the City. Any signs to be mounted by the City of Crossville or instrumentality of the City shall be approved by the City Manager.
- (S) All signs shall be maintained in good condition at all times.
- (T) No sign shall obstruct any means of egress.
- (U) Mobile signs or portable signs can be used as an on-premise sign but cannot be used as an off-premise sign, except for a period of no longer than 14 days.
- (V) Any obsolete sign panel or sign copy which identifies, describes, directs attention to, or gives directions for locating any business or establishment no longer in operation, or advertises any product no longer being marketed shall be removed within 6 months after becoming obsolete. Freestanding signs may have the face covered, painted, replaced with a blank, or other approved means to eliminate the message.

- (W) The 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. The appellant shall submit a request letter with site plan and maps to the City Manager outlining all reasons for needing the variance. Any variance request or appeal may be taken up at any City Council meeting at which the request is part of the agenda. The Board may render a decision at the meeting or may take the request for study and render a decision at the next regularly scheduled meeting.
- (X) The provisions of this Chapter shall be enforced by the Building Official, and such Building Official shall have the power to make inspection of buildings or premises necessary to carry out the Building Official's duties in the enforcement of this Chapter. Any person or business failing to comply with the requirements of this Chapter may be cited into City Court. Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violation of conditions or safeguards established in connection with the grant of any variance or special exception, shall constitute a violation punishable by fine of not less than \$2.00 nor more than \$50.00 for each offense. Each day such violation continues shall be considered a separate offense, and the payment of a fine shall not constitute compliance. In addition, the Building Official, or other appropriate authority, or any person who is or would be damaged by a violation of this Chapter, in addition to other remedies, may institute injunction, mandamus, or other appropriate action to prevent or remedy such violation. Nothing herein contained shall prevent the City of Crossville from taking such other lawful actions to prevent or remedy any violation.
- (Y) Any signs removed for non-compliance shall be recorded and removed by the Building Official and stored at the City impound lot for a period of 3 months. The items will be disposed of if not picked up within the 3-month period.

§ 14-504 GENERAL REQUIREMENTS PERTAINING TO ON-PREMISE SIGNS

- (A) Permits within this section will have fees associated based on the fee schedule.
- (B) A permit is required for the erection, reface, or relocation of any on-premise sign. When applicable, construction shall conform to currently adopted wind load requirements of the International Building Code adopted by the City of Crossville.
- (C) The occupant of a stand-alone structure shall be permitted one wall sign per exterior wall and one roof sign, projecting sign, or canopy sign per road frontage. Additionally, one pole sign, freestanding sign, or ground sign shall be permitted per road frontage. If the structure fronts on two roadways, and that frontage exceeds 250 feet, then the business may have like signs on the two roadways.
- (D) When multiple businesses or occupants are located within a single structure or a commercial complex, each business or occupant shall be permitted one wall sign, and one roof sign, projecting sign, or canopy sign. Additionally, one pole sign or ground sign shall be permitted for each street frontage identifying the commercial complex or development,

as well as the individual businesses or occupants located within. In the event a street frontage is in excess of 250 feet in length, one additional pole sign, awning sign, or ground sign shall be permitted; or if the commercial complex fronts on two roads and that frontage exceeds 500 linear road frontage feet, an additional sign will be permitted.

- (E) All on-premise signs must be kept in good repair. Any damaged sign must be repaired or removed within six (6) months following written notification of the violation by the Building Official or other appropriate official of the City of Crossville.
- (F) Signs attached to any exterior building elevation shall not cover more than fifty (50) percent of the elevation.
- (G) When applying for a permit, a stake for a non-building elevation sign must be placed at the proposed location of the sign, clearly marked with the dimensions of the sign and the dimensions of the foundation written upon the stake.
- (H) An on-premise sign shall not be located closer than 100 feet from another on-premise located on the same parcel, with the exception of those signs allowed for multiple business or occupants located within a single structure or a commercial complex under Section 14-504(C).
- (I) An on-premise sign shall not be located closer than 25 feet from any other on-premise sign located on a different parcel.

§ 14-505 GENERAL REQUIREMENTS PERTAINING TO OFF-PREMISE SIGNS AND BILLBOARDS

- (A) A permit is required for the relocation or erection of any off-premise sign or billboard.
- (B) Permits within this section will have fees associated based on the fee schedule.
- (C) Athletic field signs and scoreboards.
 - (1) Permits shall be required for such signs and scoreboards to verify installation is in a safe and secure manner meeting International Building Code specifications.
 - (2) A scoreboard, including any electronic message display, may not exceed a height of 30 feet. An electronic message display incorporated into a scoreboard may not exceed 200 square feet in area.
 - (3) Electronic message displays that are incorporated into scoreboards shall be operated at no other time except one hour prior to an athletic event until 30 minutes after the event has concluded, and during maintenance and testing periods, provided that no such electronic message display shall be operated between 10:30 p.m. and 7:00 a.m. unless a sporting or special event is in progress.
- (D) Temporary signs for recreation and sporting events shall be allowed provided that the Educational Agency approves placement. No permits shall be required. Signs shall be erected or mounted in a safe and secure manner, and must be maintained. Signs shall be no larger than 60

square feet.

- (E) Off-premise signs classified as commercial activity shall only be permitted in connection with or within 600 feet of an active operating commercial or industrial business or regularly used building, parking lot, storage or processing of commercial and industrial activity in accordance with rules and regulations established by State Department of Transportation for unzoned commercial or unzoned industrial areas.
- (F) Off-premise signs and billboards are not permitted in the downtown district.
- (G) Off-premise signs and billboards are prohibited within 300 feet of a residence as measured from the nearest point of the sign in a straight line to the nearest point on the front door or driveway of the residence, whichever is closer.
- (H) Billboards will only be permitted along roads designated as Arterial or Collector on the City of Crossville's Major Thoroughfare Map.
- (I) Locations are also governed by rules and regulations established by State Department of Transportation whose regulations, if more stringent, take precedence over City ordinances.
- (J) With the exception of signs and billboards fronting Interstate 40, the spacing of which is controlled by the State Department of Transportation, all off-premise signs and billboards shall be spaced at least 750 feet apart, and at least 750 feet away from any existing non-conforming sign or billboard.
- (K) Double-stacking and side-by-side placement of new off-premise signs and billboards is prohibited; except that, double-stacking is permitted for off-premise signs and billboards fronting on Interstate 40 and on school properties.
- (L) Back-to-back structures and V-shaped structures will be counted as one sign for the purpose of spacing and permitting.
- (M) Each sign face for off-premise signs and billboards cannot exceed 360 square feet in size, except those fronting on Interstate 40 may be up to 775 square feet.
- (N) No portion of any off-premise sign or billboard, the bottom of which is less than 10 feet above grade off thoroughfare, shall be erected, placed or hung within 10 feet of the street or highway right-of-way, as measured by the leading edge of the sign as determined by the Building Official.
- (O) All non-conforming off-premise signs and billboards which prior to the enactment of this Chapter, 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.
- (P) Replacement of non-conforming support structures for billboards shall be with steel

monopole structures and must comply with the requirements of this Chapter.

- (Q) If an existing billboard is ordered removed for any reason or voluntarily removed, any new structure erected at this location must comply with the requirements of this Chapter.
- (R) Evidence that a state permit, if required, has been or is being obtained from the state must be submitted before a sign permit can be issued.
- (S) All freestanding off-premise signs and billboards shall be of a steel monopole design. Unique stamped drawings by an Engineer licensed in Tennessee are required for each freestanding off-premise sign or billboard. They shall conform to currently adopted wind load requirements of the International Building Code adopted by the City of Crossville.
- (T) The Building Official will review the application for compliance with all the requirements of this Chapter before issuing a sign permit.
- (U) The Building Official will inspect and measure excavations and ensure base preparation is as shown on engineering drawings as well as inspect above-ground structure against engineering drawings.
- (V) Sign permits are transferable; however, will expire if work has not commenced within 6 months after the date of issue. All work must be completed within 9 months, or the permit and fees will be invalid.
- (W) Applications for sign permits for off-premise signs and billboards will include:
 - (1) A copy of the signed and notarized lease from the property owner to the sign owner;
 - (2) Name, address, email address, and phone number of the property owner and the sign owner;
 - (3) The size and height of the sign structure and the size of the sign face;
 - (4) The GPS location, tax map and parcel identification for the proposed site indicating the position of the sign on parcel, and enlargement of parcel, if necessary;
 - (5) For structures over 120 square feet and 20 feet above ground, a licensed engineer's stamped drawing of construction plans for the underground base and above-ground steel column structure. All other structures may require a drawing as determined by the Building Official.
 - (6) A stake must be placed at the proposed location of the sign, clearly marked with the dimensions of the sign and the dimensions of the foundation written upon the stake.
 - (7) Evidence of liability insurance coverage of \$50,000 property damage, \$100,000 personal injury to any one person and \$200,000 for personal injury growing out of any one occurrence must be provided. The 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 sign, of any injury to persons or damages to property resulting therefrom.

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

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 than the part judged invalid.

This ordinance shall take effect from and after its final passage, the public welfare requiring it.

Mayor

Council Member

Council Member

Council Member

Council Member

Attest:

Approved as to form:

City Clerk

City Attorney

Passed 1st Reading: _____

Passed 2nd Reading: _____

Passed 3rd Reading: _____