

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 and 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.

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.

BANNER SIGN: A sign made of fabric or other similar nonrigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners. Banners also included nonrigid signs anchored along one edge, or two corners, with weights installed that reduce the reaction of the sign to wind.

BILLBOARD: A permanent freestanding sign erected and maintained or used in the outdoor environment for the display of commercial or noncommercial messages.

COMMERCIAL COMPLEX: Two or more Commercial uses on a single lot or adjacent lots which are dependent upon each other to meet minimum standards for parking, vehicular circulation, or landscaping or 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.

ENTRANCE SIGN: A sign that denotes the direction or function of various parts of a building and does not bear any advertising matter and/or a permanent sign that is located near a business' access road and indicates the flow of traffic for road vehicles.

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 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.

FLAG: Any fabric or flexible material with a distinctive design that is used as a symbol attached to or designed to be flown from a pole.

- (a) Horizontal Flag. A flag designed to be attached to a pole on one specific side or be flown and displayed in a horizontal orientation.
- (b) Vertical Flag. A flag designed to be attached to a portable pole or support or structure on multiple sides or be flown and displayed in a vertical position. This shall include feather flags, bow flags, bowhead flags, banner flags, wind flags, feather banners, and tear drop flags.
- (c) Pennant Flag. A type of long, tapering horizontal flag or triangular in shape.

FLASHING: A light showing one or more flashes at regular intervals.

FREESTANDING 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.

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 sign that is made of corrugated plastic or other material and a metal or wood frame with tines that are placed in the ground for a foundation. This shall include yard signs, placards, and road signs.

MOBILE OR PORTABLE SIGN: Any outdoor sign, message, or billboard that is capable of being moved intended to advertise or inform or otherwise direct attention to the business. Mobile or portable signs include sandwich board signs, portable reader boards on wheels that display changeable copy, signs on trailers, balloons, and other similar signs.

MONUMENT SIGN: A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

NUISANCE: A sign unreasonably interferes with the rights the general public shares in common.

ON-SITE BUSINESS SIGN: Any sign that identifies the business conducted at the site or principal products sold at the site. On-Site Business Signs must be located on part of the property that is developed for and being used as an integral part of the business, or on the same parcel within 50 feet of the main entrance of the business. A sign may be located on the same parcel of a business and not qualify as an On-Site Business Sign for the business if the sign is not on a portion of property being used for the business.

OUTDOOR ADVERTISING DEVICE: Any sign that is not an On-Site Business Sign (on-premise) and that is owned by a person or entity that is earning compensation directly or indirectly from a third party or parties for the placement of a message on the sign. Billboards, Outdoor Advertising Structures, and Off-Premises signs are all considered Outdoor Advertising Devices.

PERMANENT SIGN: Any sign that is designed, intended or used to advertise or inform or otherwise direct attention to an organization.

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

PUBLIC SERVICE OR PUBLIC INFORMATION SIGN: A sign which contains information such as activities, events, time, date, temperature, atmospheric condition or news of interest to the general public.

REAL ESTATE SIGN: A temporary sign advertising the sale, auction, lease or rental of property or premises upon which it is located or direction to a property for sale, auction, lease, or rental.

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 advertisement tool composed of two boards with a message or graphic on it and being either carried by a person, with one board in front and one behind in a triangle shape, hinged along the top, creating a "[sandwich](#)" effect; or set up next to a store advertising its goods.

SIGN: Any structure or part thereof or device attached thereto or represented thereon, which shall display or include a letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction or advertisement.
Noncommercial flags or any flags displayed from flagpoles with not be considered signs.

SIGN FACE: The 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.

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 10 feet from the stop bar of the approach road (in lieu of a stop bar, the stop sign will be used. In lieu of a stop sign, a line will be determined off the edge of the adjacent road and the measurement will be 15'). The other will be 100 feet measured down the road edge beginning from the road edge of the approaching road.
**The "edge line" of white line painted on the edge of the road to mark legal driving surface will be considered the road edge. In lieu of an "edge line", the edge of pavement, concrete, gravel, or other driving surface will be used for measurement.*

SUBDIVISION SIGN: A freestanding or ground sign which identifies the name of a neighborhood, subdivision, or development. These will be allowed at each entrance and must be located on private property or common ground.

TEMPORARY SIGN: A sign that is constructed of lightweight materials with a limited life expectancy, such as paper, coriboard, timber or light plastic.

VISION: The faculty or state of being able to see.

WINDOW SIGN: A sign posted, painted, placed or affixed to the interior or exterior of a window. Signs that face a window exposed to public view and located within twelve inches of the window are considered a window sign.

UNZONED COMMERCIAL and UNZONED INDUSTRIAL: According to State

Department of Transportation's *Rules and Regulations for the Control of Outdoor Advertising* and adopted herein. TCA 54-21-103 (Acts 2020, Ch. 706 ss 8)

§ 14-503 GENERAL GUIDELINES

Types allowed:

- (1) Flags and signs of duly constituted governmental bodies, including warnings;
 - (2) Flags or emblems of political, civic, philanthropic, educational or religious organizations;
 - (3) Public service or public information signs;
 - (4) On-site business signs;
 - (5) Outdoor Advertising Devices;
 - (6) Garage or yard sale signs;
 - (7) Subdivision signs;
 - (8) Signs pertaining to sale, lease or rental of the property on which the sign is displayed, and temporary signs pertaining to real property to be sold at auction;
 - (9) Memorial plaques, cornerstones, historical tablets and the like; and
 - (10) Electronic signs with the following restrictions:
 - a. The sign's luminance or brightness shall not exceed 0.3-foot candles (candela) when measured at a distance of one hundred (100) feet.
 - b. The sign's copy shall not be permitted to flash or scroll. The copy should show frames in a slide-show like arrangement.
 - c. Static images should have a three-second minimum hold time.
- (A) Signs listed above shall not resemble, obstruct, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device and cannot obstruct or physically interfere with a driver's view of approaching or intersecting traffic based on sight triangle distance.
- (B) 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.
- (C) No signs are allowed in the public right-of-way except for official government use and/or public safety.

- (D) No illumination sign shall be of such intensity as to unduly disturb the use of any residential property.
- (E) All temporary signs described must be removed within one week following the event or sale of property.
- (F) 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.
- (G) Electronic Message Centers shall be equipped with sensors that automatically determine the ambient illumination and adjust the sign's brightness accordingly.
- (H) No sign shall contain obscenity, defamation, fraud, or fighting words.
- (I) No sign above 2 feet or below 10 feet in height shall be allowed within the Sight Triangle.
- (J) All entrance signs and freestanding signs located near the corners of an intersection of City streets and/or private drives, shall be located outside the sight distance triangle.
- (K) All signs except for banners, flags, temporary signs, and/or sandwich board signs allowed shall be constructed of permanent materials that are permanently attached to the ground or a structure.
- (L) No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.
- (M) All signs shall be maintained in good condition at all times.
- (N) No sign shall obstruct any means of egress.
- (O) Mobile signs or portable signs can be used as an on-premise business sign but cannot be used as off-premises advertising, except to make temporary announcements for a period of no longer than 14 days.
- (P) 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.
- (Q) The provisions of this chapter shall be enforced by the Building Official. Any person

or business failing to comply with the requirements of this chapter shall be cited into City Court.

- (R) 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.

§ 14-504 GENERAL REQUIREMENTS PERTAINING TO ON-SITE BUSINESS SIGN

- (A) A building permit is required for the erection, reface, or relocation of any on-premise business sign; however, the fee is waived except for pole and ground sign installation. When applicable, construction shall conform to currently adopted wind load requirements of the International Building Code (current edition).
- (B) Each stand-alone business shall be permitted one wall sign and either a roof sign, projecting, or canopy sign per road frontage or building entrance. Additionally, a pole, freestanding, or ground sign shall be permitted per road frontage. If the business fronts on two roadways, and that frontage exceeds 250 feet, then the business may have like signs on the two roadways.
- (C) When businesses are located within a single structure or a commercial complex, each business shall be permitted one wall sign, and either a roof sign, projecting, or canopy sign. Additionally, one pole or ground sign shall be permitted for each street frontage identifying the commercial complex or development, as well as the individual businesses located within. In the event a street frontage is in excess of 250 ft in length, one additional pole or ground sign shall be permitted; or the commercial complex fronts on two roads and that frontage exceeds 500 linear road frontage feet, an additional sign will be permitted.
- (D) All on-premise business signs must be kept in good repair. Any damaged sign must be repaired or removed within six months following written notification of the violation by the City Manager or designee. The Codes Department will make recommendations of signs in violation to the City Manager.
- (E) Any sign which advertises the business or activity conducted on or principal products sold on the property upon which the sign is located is permissible; however, signs must only advertise actual businesses conducting transactions on the property.
- (F) Signs attached to the outside of the windows and intended to be visible from the exterior of the building shall not cover more than fifty (50) percent of any exterior wall.
- (G) 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.

- (H) An on-site business sign shall not be located closer than 100 feet from another on-site sign located on the same parcel.
- (I) An on-site business sign shall not be located closer than 25 feet from any other on-site sign device located on a different parcel.

§ 14-505 GENERAL REQUIREMENTS PERTAINING OUTDOOR ADVERTISING DEVICE

- (A) A building permit is required for the relocation or erection of an outdoor advertising device.
- (B) Off-premise outdoor advertising signs are classified as commercial activity and 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.
- (C) Outdoor advertising devices and billboards will not be permitted in the downtown district.
- (D) Outdoor advertising devices and billboard are prohibited within 300 feet of a residence as measured from the center of the pole in a straight line to the nearest point on the front door or driveway of the residence, whichever is closer.
- (E) Billboards will only be permitted along roads designated as Arterial or Collector on the City of Crossville's Major Thoroughfare Map.
- (F) Locations are also governed by rules and regulations established by State Department of Transportation whose regulations, if more stringent, take precedence over city statutes.
- (G) With the exception of signs and billboards fronting Interstate 40, the spacing of which is controlled by the State Department of Transportation, all outdoor advertising devices must be spaced at least 750 feet apart, and at least 750 feet away from any existing non-conforming advertising sign or billboard.
- (H) 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 and for advertising purposes on school properties.
- (I) Back-to-back structures and V-shaped structures will be counted as one sign for the

- purpose of spacing and permitting.
- (J) Each sign face for off-premise outdoor advertising signs and billboards cannot exceed 360 square feet in size, except those fronting on Interstate 40, which may be up to 775 square feet.
 - (K) No portion of any off-premise outdoor advertising sign, the bottom of which is less than ten feet above grade off thoroughfare, shall be erected, placed or hung within ten feet of the street or highway right-of-way, as measured by the leading edge of the sign as determined by the Building Official.
 - (L) All non-conforming off-premise outdoor advertising devices 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.
 - (M) Replacement of non-conforming support structures for billboards shall be with steel monopole structures will be allowed and must comply with the requirements of this chapter.
 - (N) 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.
 - (O) Off premise outdoor advertising signs are classified as commercial activity and shall require a City of Crossville business license and registration with the Tennessee Department of Revenue if the business is domiciled within the city limits.
 - (P) Evidence that a state permit, if required, has been or is being obtained from the state must be submitted before the sign permit can be issued.
 - (Q) All freestanding off-premises outdoor advertising devices shall be of a steel monopole design. Unique stamped drawings, by an Engineer licensed in Tennessee, are required for each freestanding outdoor advertising device. They shall conform to currently adopted wind load requirements of the International Building Code (current edition).
 - (R) The Building Official will review the application for compliance with all the requirements of this chapter before issuing a sign permit.
 - (S) 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.
 - (T) Sign permits are transferable; however, will expire if work has not commenced within six months after date of issue. All work must be completed within nine months or

permit and fees will be invalid.

(U) The sign permit fee is \$75 per sign for outdoor advertising devices.

(V) Applications for sign permits 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 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.

(W) 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 permanent numbers on the side of the pole facing the road.

(X) *Annual permits and fee*

- (1) An annual fee of \$25 per device will be required for each conforming and non-conforming outdoor advertising device, as defined by this chapter, located in the city at the time of enactment of this chapter or erected in the future.
 - (a) No annual fee will be charged for the calendar year in which a sign permit is obtained.
 - (b) 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, a late fee of \$50 will be charged and the structure may be declared non-compliant and removed at owner's expense.

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: _____