

## ARTICLE XIV. COMPREHENSIVE SIGN ORDINANCE

1400. Definitions. The following words shall, for the purpose of this ordinance have the meaning herein indicated.

- a. Animated (moving) Sign: A sign that (1) uses movement or lighting change to depict action or create special effects or scenes, or (2) flashes, moves, rotates, blinks, flickers, varies in intensity, varies in color, or uses intermittent electrical pulsations.
- b. Billboard: An off-premises outdoor sign which has a flat surface sign space upon which a message, commercial or otherwise, may be posted, painted, or affixed, and which is designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.
- c. Construction Sign: A sign identifying a construction project which may include the project lender, architect, contractor, subcontractor, and material supplier participating in construction on the property on which the sign is located.
- d. Directory Sign: A sign that identifies the names and locations of tenants in a multi-tenant building or in a development made up of a group of buildings.
- e. Electronic Reader Board Sign: A sign with a fixed or changing message composed of a series of lights that may be changed manually or electronically, the message changing at intervals of not less than fifteen (15) seconds, the message being limited to alphabetic, numerical and punctuation, and advertising a product and/or price located on-premise. For the purpose of this sign ordinance, an electronic reader board sign shall not be animated, flashing, scrolling, or change physical position by any movement or rotation or that gives the visual impression of such movement.
- f. Home Occupation Announcement Sign: A sign not larger than two (2) square feet in area, mounted directly on the home, advertising the home occupation.
- g. Monument Sign: A freestanding sign attached to the ground, which incorporates a design and materials complimentary to the architectural theme of the building on the same property. A monument sign is not mounted on a pole or brace, and does not exceed ten feet in height.
- h. Overhanging Sign: A sign that projects over a street or sidewalk.
- i. Permanent Sign: A sign set on its own foundation, sunk into the ground, or permanently fastened to, or painted on a permanent structure.
- j. Political Sign: A sign advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot in connection with a local, state, or national election or referendum.

k. Portable Sign: Means any sign that is intended for temporary use and a limited period as allowed by this ordinance, which include sandwich board signs.

l. Real Estate Sign: A sign advertising for the sale, lease, or rental of the property upon which it is affixed.

m. Roof Sign: A sign installed upon or over the roof of any building with the principal sign support on the roof structure.

n. Sandwich Board Sign: Is a double faced temporary sign constructed of two sign faces which are hinged at the top, and open at the base.

o. Sign: A device or fixture, including its structures and component parts, which incorporates graphics, symbols, or written copy visible to the public, that is intended for the communication of information.

p. Spectacular Sign: A balloon or blimp used as sign.

q. Temporary Special Event Sign: A sign which announces a special event sponsored by a civic, philanthropic, educational, or religious organization.

r. Unsafe Sign: An improperly constructed, installed, or maintained sign that is, in the opinion of the Building Inspector, a safety hazard.

1401. No sign over 4 square feet in size shall be painted, constructed, erected, remodeled, relocated or expanded without first submitting a drawing showing sign dimensions, etc., and the area in which the sign is to be located and obtaining a permit from the office of the Town of Erwin Building Inspector in accordance with the provisions of this chapter, and the Erwin Tennessee, Zoning Ordinance and Erwin Municipal Code.

1402. When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any provisions of the International Building Code or applicable Electrical Code, the owner, person, or firm maintaining the sign, upon written notice of the building inspector, shall within not more than ten (10) days make such sign conform to the provisions of the ordinance or remove it.

1403. This ordinance authorizes the use of signs visible from public rights of way provided the signs are: (1) compatible with their surroundings, pursuant to the objectives of proper design and zoning amenities; (2) allowing and promoting optimum conditions for meeting the sign user's needs while at the same time promoting the amenable environment desired by the general public; (3) designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety; (4) legible, readable and visible in the circumstances in which they are used; and (5) respectful of the reasonable rights of other advertisers whose messages are displayed.

1404. No sign may be so arranged that it interferes with traffic, through glare, through blocking of reasonable sight lines for streets, sidewalks or driveways, through confusion with a traffic control device (by reason of its color, location, shape or other characteristics) or through any other means. Rotation beacons or flashing signs are prohibited except for barber poles

1405. Any portion of a sign or a pole or standard for such sign which is in contact with the ground shall be located within the lot lines of the property and maintain a five (5) foot setback within the property lines.

1406. No signs shall be placed on publicly owned property, public right of way or utility poles.

1407. Prohibited Signs: **Except** as may be authorized by this ordinance, the following signs shall be prohibited in all zoning districts, and shall not be erected or maintained.

- a. Billboard signs.
- b. Signs that advertise a product, service, or other business not physically situated on the same premises as the sign.
- c. Any sign which is constructed of wood, Masonite, plywood and other porous material of non-permanent nature subject to deterioration, unless procedures have been taken to prevent such deterioration and approval granted by the Building Inspector.
- d. Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure.
- e. Signs in any residential district which are internally illuminated.
- f. Roof signs which are not an integral part of the building design.
- g. Portable signs.
- h. Spectacular signs.
- i. Any sign which moves or assumes any motion constituting a non-stationary or fixed condition except for the rotation of barber poles, permissible changing signs or permissible multi-prism units. Indexing multi-prism units must not exceed a speed of two complete revolutions every twenty seconds. This is not meant to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motored vehicle.

j. Any sign which constitutes a traffic hazard, as determined by the building inspector. No sign or revolving beam or beacon of light shall be erected at any location where by reason of position, shape, color, type, illumination, or reflectance, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or devise.

1408. Overhanging signs referring to businesses operated on the premises are permitted, provided that any such sign shall not be allowed to protrude more than two feet from the building front, and shall not exceed one (1) square foot for each front foot of that business store front, up to a maximum of one hundred (100) square feet.

1409. Any advertising structure or sign which was lawfully erected and maintained prior to the adoption of this ordinance shall be allowed to remain as a nonconforming sign, provided:

- a. Any sign damaged to the extent of more than fifty (50) percent of its appraised value as determined by the building inspector shall be removed.
- b. The use of a nonconforming sign shall not continue upon change of use.
- c. Any nonconforming sign located at a business in continual use shall not be allowed to be changed in any manner other than to provide for safety precautions or unless in conformance with the provisions found within Tennessee Code Annotated 13-7-208.

1410. A building permit is required for the following signs:

- a. residential subdivisions and PUD's (including multi-family developments and mobile home parks) one (1) permanent identification/entrance sign, not to exceed twenty-four (24) square feet in area nor eight (8) feet in height, is permitted.
- b. Signs advertising public and semi-public buildings and professional offices: Such signs may be attached or detached, no larger than 24 square feet in area, not internally illuminated, and not exceed eight (8) feet in height.

1411. Zoning Districts Sign Requirements: All zoning districts unless otherwise written must also adhere to the general provisions of the sign ordinance:

- a. R-1, R-2, RC-1, R-3: No permit is required for these signs:
  1. Home occupation announcement sign not more than two (2) square feet in area and mounted directly on the home.



2. Political Campaign Signs: Each sign not to exceed nine (9) square feet in residential districts or thirty-two (32) square feet in all other districts, may be erected on private property during an election year no more than 45 days prior to the election. All campaign signs shall be removed by the property owner within seven (7) days after the results of an election are certified.

3. Temporary Special Event Signs: Signs not exceeding nine (9) square feet in residential districts or thirty-two (32) square feet in all other districts, which announce a special event sponsored by a civic, philanthropic, educational, or religious organization may be erected on private property no more than thirty (30) days prior to the event and removed by the property owner within seven (7) days of the conclusion of an event. Special exceptions to allow more time may be granted by the planning commission when, in the opinion of the planning commission, the request is deemed reasonable and can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance

4. Real Estate Sale/Lease signs: Signs up to a total area of nine (9) square feet in residential zones or up to total area of thirty-two (32) square feet in commercial and industrial zones, advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed. Such signs shall be removed within seven (7) days of the sale, rental or lease.

5. Construction Site signs: One sign noting construction information and trades shall be permitted for each side that faces upon a public right-of-way. The maximum size shall be nine (9) square feet in residential districts or thirty-two (32) square feet in all other districts. The signs shall be allowed only until the project is complete and shall be removed prior to issuance of a certificate of occupancy.

6. No other signs are authorized in residential districts.

b. M-R District:

1. Any sign permitted in residential districts.
2. One (1) permanent identification/entrance sign, not to exceed twenty-four (24) square feet in area nor eight (8) feet in height, is permitted.

c. B-1, B-2, B-3, B-4, M-1 Districts:

1. Any sign permitted in residential districts.
2. No part of any sign shall exceed twenty (20) feet in height.

3. The announcement portion of all permanent signs other than monument signs shall be located at least nine (9) feet above the ground. Signs above a driveway shall have a minimum clearance of fifteen (15) feet. Monument signs will be allowed only when advertising along a road with a posted speed limit of 30 miles per hour or less.

4. Single Tenant Signs: One (1) detached sign with a maximum of one hundred fifty (150) square feet is allowed. Attached signs must be located flat against the building or within twenty-four (24) inches thereof. Attached signs shall not project above the building. Attached signs shall be limited to one (1) square foot of area per linear foot of wall, which faces a public street or customer parking area, not to exceed two hundred (200) square feet.

5. Multiple Tenant Signs: Only one (1) major directory sign is allowed for multiple-tenant complex (for example, a shopping center.) The sign must be located on the same real estate tract as the business complex and may advertise only businesses physically located in the complex. This detached sign shall not exceed one hundred fifty (150) square feet. Each business within such complex shall be limited to one (1) wall sign containing no more than one (1) square foot of area per linear foot of wall, which faces a public street or customer parking area, not to exceed two hundred (200) square feet.

6. Portable signs are permitted under the following conditions:

1. Allowed in all commercial zoning districts.
2. Allowed only during business hours.
3. Where as a zoning district does not have established zoning setbacks, a portable sign may be located on a sidewalk.
4. Where as a zoning district does have established zoning setbacks, a portable sign shall be located on private property.
5. The sign shall **NOT** exceed a maximum width of thirty (30) inches.
6. The sign shall **NOT** exceed a maximum height of five (5) feet.
7. The sign shall be constructed in such a manner as to be impervious to weather.
8. The sign shall be static (i.e. – no movement shall be employed in the sign).
9. The sign shall **NOT** include lighting, illumination, flashing, or blinking.
10. The sign shall be constructed or anchored to prevent movement of the sign by the wind, except that an anchoring shall not be permanent and shall not damage the property on which the sign is placed.
11. No portable sign authorized may be placed to cause a site distance problem, obstruction or a hazard.
12. A limit of one (1) portable sign shall be permitted per tenant at each road frontage.

d. B-2, B-4, M-1 Districts:

1. Electronic Reader Board Signs permitted in the B-2, B-4 and M-1 Districts on condition they meet the definition found in section 1400 of this ordinance.

1412. The Three (3) Interstate Exit Areas:

- a. Detached signs in the following described areas may have a maximum elevation of fifty-five feet (55') above the roadway elevation of 4 lane U.S. 23 (also known as I-181 and I-26). Said elevation to be measured from the nearest point that the roadway passes the center point of the following three designated circular areas:

Area 1.

North Main Street Exit/Exit 36, designate a circular area with a radius of two thousand (2,000) feet, said radius to be measured from a point equidistant between the north/south roadways and directly under the centerline of the highway overpass which leads to Main Street.

Area 2.

Jonesborough-Erwin Exit/Exit 37, designate a circular area with a radius of fifteen hundred (1,500) feet, said radius to be measured from a point equidistant between the north south/roadways at the central point of its intersection with the Jonesborough-Erwin Highway Route #81.

Area 3.

Jackson-Love Exit/Exit 40, designate a circular area with a radius of two thousand feet (2,000') said radius to be measured from a point equidistant between the north/south roadways and directly under the centerline of the Jackson-Love Highway overpass.

- b. The following restrictions also apply to signs within the three (3) Interstate Exit Area, as described herein:

1. The elevation of each sign applied for may only be measured from the roadway elevation at the center point of the circle in which the sign is located.
2. Only one sign is allowed for a single tenant business. Said sign must be located on the same real estate tract as the business it advertises and may advertise only that one business.

3. Only one sign is allowed for a multiple-tenant complex (for example: a shopping center). Said sign must be located on the same real estate tract as the business complex and may advertise only businesses physically located in the complex.

4. Any business applying for a sign under this amendment must be located within the B-2 Arterial Business District as well as one of the above-designated circular areas.

5. No rotating lights, moving lights, or flashing lights shall be permitted. The design, size and aesthetic appearance of each sign must be approved by the Erwin Planning Commission.

6. A building permit is required for any sign granted under this amendment.

7. It shall be the responsibility of the applicant to provide proof of measurements showing that the location of the sign requested falls within one of the above-designated circular areas, is located within the B-2 Arterial Business District, and does not violate the maximum height restrictions.

1413. Penalties. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

1414. This ordinance shall take effect ten (10) days from and after its final passage, the public welfare requiring it.

1415. If one or more sections of these sign regulations are found to be invalid, the remaining sections stand on their own and are still valid.