

ORDINANCE NO. 246

AN ORDINANCE TO AMEND CITY ORDINANCE #132, KNOWN AS THE
SIGN ORDINANCE, TO CHANGE THE REQUIREMENTS FOR
OFF-PREMISE SIGNS, ADD AN APPEALS PROCESS, AND ADD
PROVISIONS FOR SIGN MAINTENANCE IN THE
CITY OF DUNLAP, TENNESSEE

WHEREAS, the City of Dunlap, Tennessee has previously attempted to regulate the construction, location, and use of signs; and

WHEREAS, the Board of Mayor and Commissioners of the City of Dunlap, Tennessee, deem it to be in the best interest of its citizens to enact an ordinance providing for the regulation of the construction, display, use, and placement of signs within the City of Dunlap, Tennessee; and

WHEREAS, this ordinance amends City Ordinance #132 as specified herein;

NOW THEREFORE BE IT ORDAINED, by the Board of Mayor and City Commissioners of the City of Dunlap, Tennessee as follows:

SECTION 1. DEFINITIONS. For the purposes of this Section the following definitions will apply for all districts.

- A. **SIGN.** Means a name, identification, image description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays of merchandise or objects and material placed behind a store window are not signs or parts of signs. For the purpose of removal, signs shall also include all sign structures.
- B. **ON-PREMISES SIGN.** Means a sign which advertises only goods, services, facilities, events or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premises signs.
- C. **PREMISES.** Means a lot of record as defined in the Dunlap Zoning Ordinance, as amended from time to time.
- D. **Off-Premises Sign.** A sign that directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

- E. **PORTABLE SIGN.** A 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 this criteria, as shall be determined by the Building Inspector to be a portable sign.
- F. **REAL ESTATE SIGN.** A sign advertising the sale, auction, rent or lease of the premises on which it is located.
- G. **CONSTRUCTION SIGN.** A sign erected during the construction of a building or other type improvement, customarily listing the name of the owner, architect, engineer, designer, and or contractors involved in the construction of said building or structure.
- H. **POLITICAL SIGNS.** A temporary sign designed to attract support for a particular candidate, political party, or political issue.
- I. **ABANDONED OR OBSOLETE SIGNS.** A sign either on-premises or off-premises, which identifies, describes or directs attention to, or gives directions for locating any business or establishment no longer in operation or advertises any product no longer being marketed.
- J. **GARAGE OR YARD SALE SIGNS.** A sign either on-premises or off-premises, which identifies, describes, directs attention to, or gives direction for locating a garage sale or yard sale.

SECTION 2. GENERAL REGULATIONS FOR ALL DISTRICTS.

- A. **REAL ESTATE SIGNS** are permitted during the time the property on which the sign is located is listed for sale, lease or auction but must be removed within 15 days after such transaction is completed.
- B. **POLITICAL SIGNS** are permitted for a time period of 60 days prior to a general election or primary election but shall be removed within 14 days after the completion of said primary or general election. The owner of the property on which the sign is located shall be responsible for its removal and shall be subject to the general penalties clause of this Section for failure to comply with the provisions herein stated.
- C. **CONSTRUCTION SIGNS** are allowed from the date of issuance of a building permit to a date 30 days after the final inspection on the building project.
- D. **GARAGE OR YARD SALE SIGNS** are permitted for a period of 5 days prior to and during a garage sale or yard sale; but must be removed within 3 days after

said sale is completed.

- E. **NO SIGN** shall have blinking, flashing, or fluttering lights or other illuminating device which has a changing light intensity, brightness, or color. However, electronic message signs shall be allowed as on-premise signs provided they do not utilize blinking, flashing, or fluttering lights that change in light intensity, brightness or any rapid movement. Signs or portions of signs designed primarily for the display of the time and temperature, and on-premises neon signs attached to the principal structure on a given premises are specifically excluded from the provisions of this paragraph.
- F. **NO SIGN** shall interfere with visibility for automobile or pedestrian traffic.
- G. **NO SIGN** shall be placed in such a manner as to impede visibility between 2 feet and 10 feet above grades of intersecting streets at their point of intersection in an area by the street lines adjoining said corner lot and a line joining points along said street lines fifty (50) feet from the point of intersection.
- H. **ANY SIGN** designed or equipped to be connected to electricity in any way shall be approved and stamped by Underwriters Laboratory, and shall not be connected to any source of electrical power until such connection meets all applicable city and state codes.
- I. **NO PORTABLE SIGN** shall be allowed, with the exception that one portable sign per premises will be allowed by permit, for on-premises advertising, under the following terms and conditions:
 - a. Such signs shall only be allowed for two periods, not to exceed fourteen days each, during any calendar year (January 1 – December 31}, in those zones expressly allowed herein.
 - b. Anyone wishing to use such sign shall, upon making application for a permit, post a bond in the form of cash or a certified check in the amount of \$100.00.
 - c. Upon removing such sign from the premises within 24 hours after the expiration date of the permit, said bond will be refunded in full. Upon failure to remove such sign within this 24 hour period, said check and or bond will be forfeited.
- J. **NO SIGN** shall be placed on or overhanging public right-of-ways, and no sign shall be placed on utility poles, street lights, or other public signs unless granted express permission for the City of Dunlap.
- K. **NO SIGN** shall be attached to any utility pole.

- L. **SIGN LOCATION STANDARDS** for corner lots and non- corner lots shall be followed and are set forth and demonstrated in Exhibits "A" and "B" attached hereto.

SECTION 3. ON PREMISES SIGN REGULATIONS--NONRESIDENTIAL DISTRICTS.

The following signs regulations shall apply within all non-residential zoning districts:

- A. **NO SIGN** between the height of two (2)} feet and eight (8)} feet above ground level shall be located closer than fifteen (15} feet to any right-of-way of any public street, except:
- (1) Entrance and exit signs of less than eight (8) feet;
 - (2) Sign in the C-2 District;
 - (3) Signs flush with the face of an existing building.
- B. **NO SIGN** shall be located closer than five (5) feet to any right-of-way of any public street, except:
- (1) Signs in the C-2 District;
 - (2) Signs flush with the face of an existing building.
- C. Message board signs, not affixed to free-standing pole signs, shall be incased in a durable material such as stone, concrete, brick, or treated/painted wood. Message board signs shall also be mounted on a permanent base. These signs shall meet current electrical codes as in force by the City or the State of Tennessee, and shall be inspected by a licensed electrical inspector or certified by a licensed engineer.

SECTION 4. ON-PREMISES SIGN REGULATIONS -- RESIDENTIAL DISTRICTS.

The following sign regulations shall apply within all residential districts:

- A. For subdivisions, multi-family developments, mobile home parks: Identification signs exceeding sixty-four (64) square feet shall allowed at each entrance.
- B. No off-premises signs are allowed.
- C. No portable signs are allowed.
- D. Where non-conforming commercial, industrial or other uses exist, the on-premises and portable sign regulations for the most restrictive district in which said use is

permitted shall apply.

SECTION 5. OFF-PREMISES SIGN REGULATIONS -- ALL DISTRICTS.

- A. Off premises signs are prohibited in the following districts:
- (1) R-1 --low density residential
 - (2) R-2 -- medium density residential
 - (3) R-3 -- high density residential
 - (4) C-2 – central business district; however, sign space may be rented or leased from the city on city-owned signs and billboards, utility/light poles, or other city-owned structures designed for displaying local business signs.
 - (5) C-1 – general commercial district; however, sign space may be rented or leased from the city on city-owned signs and billboards, utility/light poles, or other city-owned structures designed for displaying local business signs.
- B. Off-premises signs shall be permitted ———in the I-1 Light Industrial, and the I-2 Heavy Industrial described below, under the following terms and conditions:
- (1) No off-premises sign shall be located within 750 feet of any other off-premises sign on the same side of the road as measured along a line parallel to such road; this spacing does not exclude back to back signs on the same structure.
 - (2) No stacked signs are permitted,
 - (3) No portable signs are allowed for off-premises advertising.
 - (4) No off-premises sign between the height of two (2) feet and eight (8) feet above ground level shall be located closer than fifteen (15) feet to the right-of-way of any public street.
 - (5) No off-premises sign shall be located closer than five (5) feet to the right-of-way of any public street.
- C. Off-premises banners or signs advertising a seasonal business or special event may be allowed for up to ninety (90) days in the C-1 General Commercial Zone provided the location of the sign conforms to the requirements of this ordinance, and a permit for such sign has been obtained from the City of Dunlap.

SECTION 6. A permit from the Building Inspector shall be required prior to the construction, erection or placement of any sign, except for real estate signs, construction signs, political signs and garage or yard sale signs.

SECTION 7. SIGN MAINTENANCE PROVISIONS

All supports, braces, poles, wires and other appurtenances of signs or sign structures shall be kept in good repair, maintained in safe condition, and shall conform to the standards in this section. Maintenance carried out in accordance with this section and not the result of damage or destruction shall not require a sign permit, provided the sign is not enlarged, moved or altered in any manner which would create or increase a nonconforming condition.

a. A sign shall be in a state of disrepair when more than twenty percent (20%) of its total surface area is covered with disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions. Any sign in a state of disrepair shall be considered in violation of this ordinance.

b. No sign shall be allowed to stand with bent or broken sign facing, broken support, loose appendages or struts which causes the sign to stand more than fifteen (15) degrees from the perpendicular.

c. No sign or sign structure shall be allowed to have weeds, vines or other vegetation growing on it and obscuring it from the street or highway from which it is intended to be viewed.

d. No illuminated sign shall be allowed to operate with partial illumination.

Any existing off-premise advertising sign or off-premise directional sign which violates the maintenance provisions listed above shall be in violation of this ordinance and shall be repaired or removed as required by the applicable sections of this ordinance.

SECTION 8. ABANDONED OR OBSOLETE SIGNS. Abandoned and obsolete signs shall be removed within ninety (90) days of written notification by the Building Inspector. The owner and lessee of the property on which the sign is located shall be responsible for its removal and shall be subject to the general penalties clause of this Ordinance for failure to comply with the provisions herein stated.

SECTION 9. NONCONFORMING SIGNS

Any sign which becomes a legal nonconforming sign as herein defined may continue to exist provided the nonconforming sign shall NOT be:

a. Changed or replaced with another nonconforming sign, except that copy may be changed on an existing sign.

b. Expanded

- c. Relocated, except in conformance with the requirements of this ordinance.
- d. Reestablished after damage or destruction in excess of fifty percent (50%) of the value as herein define at the time of the damage or destruction.
- e. Modified in any way which increases the sign's degree of nonconformity.
- f. Reestablished after the sign structure has been removed or remains vacant longer than 12 months.

SECTION 10. RECONSTRUCTION OF DAMAGED OR UNSAFE SIGN STRUCTURES

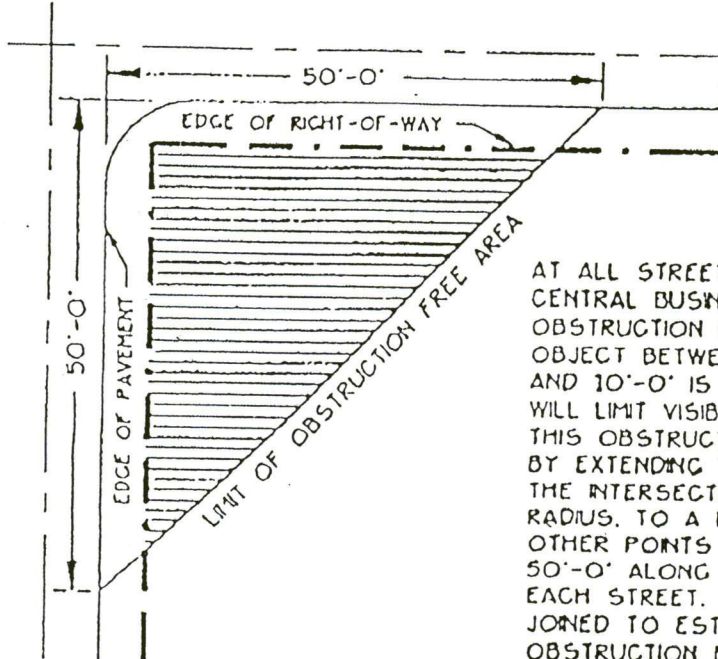
Any conforming sign or sign structure which has been damaged may be replaced and used as before, provided all repairs are initiated within ninety (90) days and completed with one-hundred-twenty (120) days of such damage. If any conforming or nonconforming sign should be declared unsafe by the Building Inspector or the appropriate city official designated by the City, the owner of the sign or the owner of record of real property whereon the sign is located, shall immediately correct all unsafe conditions in a manner satisfactory to the Building Inspector or the appropriate City official.

SECTION 11. Any person, firm or entity violating any provisions of this Ordinance shall be subject to a civil penalty in an amount not to exceed \$50.00 per day for each and every day of violation.

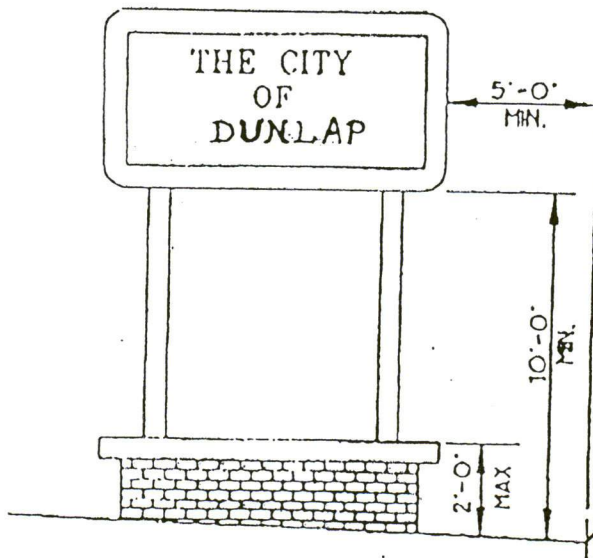
SECTION 12. APPEALS

Violation notices or removal orders issued by the Building Inspector or appropriate city official may be appealed to the Dunlap Planning Commission within sixty (60) days of such notice. If the Planning Commission sustains the appeal of the petitioner, then no further action is necessary. If the Planning Commission agrees with the violation notice or removal order, then the Planning Commission may issue its recommendation to the Dunlap Board of Mayor and Commissioners for their concurrence.

SIGN LOCATION STANDARDS THE CITY OF DUNLAP (CORNER LOTS)



AT ALL STREET CORNERS, EXCEPT IN THE CENTRAL BUSINESS DISTRICT, THERE IS AN OBSTRUCTION FREE AREA IN WHICH NO OBJECT BETWEEN THE HEIGHT OF 2'-0" AND 10'-0" IS PERMITTED IF SUCH OBJECT WILL LIMIT VISIBILITY AT THE INTERSECTION. THIS OBSTRUCTION FREE AREA IS DEFINED BY EXTENDING THE EDGES OF PAVEMENT OF THE INTERSECTING STREETS, IGNORING ANY RADIUS, TO A POINT. FROM THIS POINT, TWO OTHER POINTS ARE ESTABLISHED BY MEASURING 50'-0" ALONG THE EDGE OF PAVEMENT OF EACH STREET. THESE TWO POINTS ARE THEN JOINED TO ESTABLISH THE LIMITS OF THE OBSTRUCTION FREE AREA.



A SIGN IS PERMITTED IN THE OBSTRUCTION FREE AREA IF NO PORTION OF THE SIGN, OTHER THAN THE POLES ON WHICH IT IS MOUNTED, IS MORE THAN 2'-0" OR LESS THAN 10'-0" ABOVE THE GROUND. NO PORTION OF THE SIGN CAN BE CLOSER THAN 5'-0" FROM THE RIGHT-OF-WAY/PROPERTY LINE UNLESS A GREATER SETBACK IS REQUIRED TO PREVENT A HAZARD TO VEHICULAR TRAFFIC.

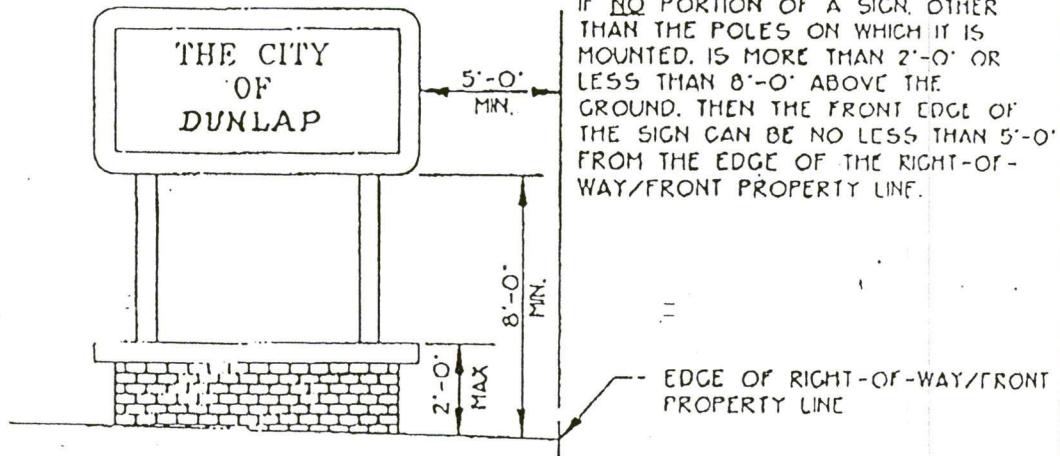
EDGE OF RIGHT-OF-WAY/FRONT PROPERTY LINE

EACH ELECTRIC SUPPLIER REQUIRES A MINIMUM CLEARANCE BETWEEN ITS ELECTRIC LINES AND ANY SIGN OR OTHER STRUCTURE. CONTACT THE SEQUACHEE VALLEY ELECTRIC COOP. TO DETERMINE THE NECESSARY CLEARANCE.

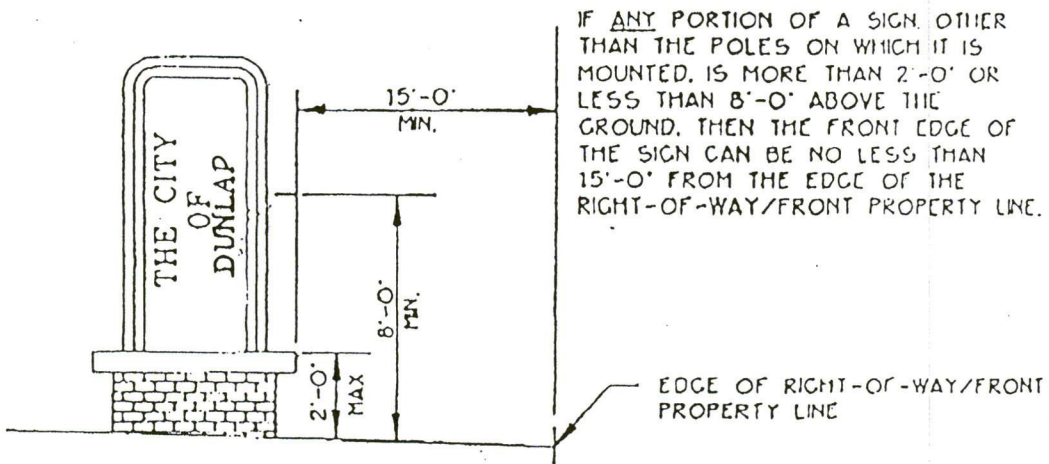
EXHIBIT

"A"

SIGN LOCATION STANDARDS THE CITY OF DUNLAP (NON-CORNER LOTS)



IF NO PORTION OF A SIGN, OTHER THAN THE POLES ON WHICH IT IS MOUNTED, IS MORE THAN 2'-0" OR LESS THAN 8'-0" ABOVE THE GROUND, THEN THE FRONT EDGE OF THE SIGN CAN BE NO LESS THAN 5'-0" FROM THE EDGE OF THE RIGHT-OF-WAY/FRONT PROPERTY LINE.



IF ANY PORTION OF A SIGN, OTHER THAN THE POLES ON WHICH IT IS MOUNTED, IS MORE THAN 2'-0" OR LESS THAN 8'-0" ABOVE THE GROUND, THEN THE FRONT EDGE OF THE SIGN CAN BE NO LESS THAN 15'-0" FROM THE EDGE OF THE RIGHT-OF-WAY/FRONT PROPERTY LINE.

EACH ELECTRIC SUPPLIER REQUIRES A MINIMUM CLEARANCE BETWEEN ITS ELECTRIC LINES AND ANY SIGN OR OTHER STRUCTURE. CONTACT THE SEQUACHEE VALLEY ELECTRIC COOP. TO DETERMINE THE NECESSARY CLEARANCE.

THEREFORE BE IT FURTHER ORDAINED, that this ordinance shall become effective fifteen (15) days after final reading and passage by the Dunlap Board of Mayor and City Commissioners, THE PUBLIC WELFARE REQUIRING IT.

FIRST READING: February 5th 2015 Ayes _____ Nays _____

SECOND READING: March 5th 2015 Ayes _____ Nays _____

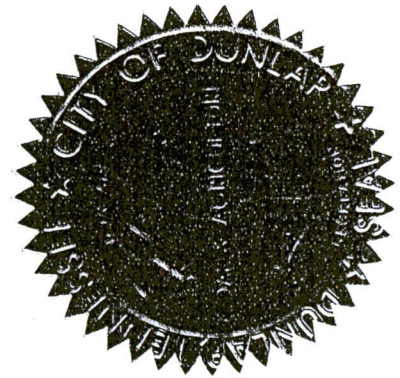
THIRD READING: April 2nd 2015 Ayes _____ Nays _____



George Dwain Land, Mayor

ATTEST 

Norman D. Hatfield
City Recorder



Date of Public Hearing: April 2nd 2015