

CHAPTER 4
SIGN ORDINANCE

SECTION

14-401	Purpose.
14-402	Scope.
14-403	Definition of Terms.
14-404	General Provisions.
14-405	Additional Sign Regulations.
14-406	Administration and Enforcement.

14-401. Purpose.

(1) It is the purpose of this sign ordinance to establish reasonable and impartial regulations for the location of signs within the zoning districts of the City of Alcoa so as to achieve a more desirable environment through the assurance that flexible and diversified standards bring about adequate light, air and open spaces and a reduction in congestion and hazardous conditions within the city.

(2) The underlying intent and structure of the sign ordinance is that only those types, sizes, locations and illuminations of signs that are specifically identified in this ordinance may be constructed, erected, applied or maintained within the City of Alcoa, and that all others are prohibited. Notwithstanding this intent and structure, certain types and sizes of signs are specifically prohibited for clarity and emphasis. This underlying intent and structure allows the city to study new techniques and new technologies and then determine whether, and if so to what extent, they should be allowed to be incorporated into signs within the city. It is not possible to specifically prohibit or even to regulate that which has not yet been brought to the attention of city officials or that which has not been invented or even conceived. Accordingly, the Sign Administrator's authority to render interpretations as provided in Section 14-406 includes the authority to determine whether or not a new, evolved, extended or improved process, technique or technology is sufficiently similar to an allowable type of sign to be allowed under this sign ordinance, or whether such a new, evolved, extended or improved process, technique or technology should be deemed prohibited until approved by the city commission.

(3) Automated or electronic changeable signs are defined further in this ordinance as signs which can be automated changeable copy, electronic graphic display, multi-vision and/or video display. These definitions (as referenced in Section 14-403 below), may be amended or superseded from time to time in the future, because of (i) the nature of automated or electronic changeable signs (without regard to the specific method or mechanism of effecting a change), (ii) the intensity of use afforded by automated or electronic changeable signage, (iii) the potential for inappropriate intrusion into and abuse of the public streets and rights-of-way by automated or electronic changeable signage, and/or (iv) the public welfare and safety concerns raised by automated or electronic changeable signage. All automated or electronic changeable signage is declared to be a use that is separate, different and distinct from the use of or resulting from a permanent, fixed sign face of print or design on or of paper, plastic glass, wood, metal, vinyl or any other opaque or translucent material.

(4) All signs erected, replaced constructed, expanded or relocated on any property within the city shall conform to all sections of this ordinance (Ord. #1075, Aug. 1997, as amended by Ord. #10-244, Dec. 2010).

14-402. Scope. This section of the ordinance will regulate all signs within the City of Alcoa, except:

(1) Signs screened with the structural treatments, beams and/or living landscape materials so that such signs are not visible from public rights-of-way or adjacent properties; and,

(2) Signs located within the interior of buildings and/or structures so as to be intended for viewing from within such building and/or structure.

In keeping with the general purpose, intent and objectives of this ordinance, all signs which are located either on or to the exterior of a building or are otherwise intended to be visible from the exterior of a building (exterior signs) are to be regulated. All exterior signs erected for other than regulatory purposes by local, state and federal governmental agencies are subject to the provisions of this ordinance. All signs will be regulated so as to provide for the public safety, area development, preservation of property values, and the general welfare of the city. (Ord. #1075, Aug. 1997)

14-403. Definition of Terms. To minimize and to eliminate to the extent possible any misinterpretation and other confusion as to the meaning of terms, the following definitions are provided. For the purpose of this ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular; the word "shall" is mandatory and not directory; the word "may" is permissive. Any term not defined within this section shall be construed to be used in this ordinance as defined by the latest edition of Webster's Unabridged Dictionary.

(1) Board of Zoning Appeals: Body which has the power to hear and decide appeals relating to administrative review, special exceptions (as qualified) and/or variance requests.

(2) City: The City of Alcoa, Tennessee.

(3) Permit: An authorization by a regulative governmental authority of a particular act or activity which is not of a continuing nature. A permit authorizes the grantee to do some act not forbidden by law, but not allowable without such authority. A permit is required for the erection, relocation or other alteration of a sign.

(4) Shopping Center: A group of commercial uses, whether in one building or several buildings, forming a central retail market within a defined area.

(5) Sign: Any letter, figure, design, symbol, trademark or device mounted or otherwise placed on one (1) face (may be double-sided in some cases) and intended to be visible from the outside of a building, for display as an advertisement, announcement, notice, directional material or name. Signs may be defined as one of the following types:

a. "A" frame (or sandwich sign): So named because of the inverted "V" shaped structure and utilization of copy on both sides, facing opposite parallel directions. These signs are usually painted on wood or metal surfaces, usually resting on the ground with no permanent attachment.

b. Animated sign: Any sign which incorporates in any manner visible or mechanical movement within the sign frame and not rotating movement of the sign itself, or visible apparent movement achieved by electrical pulsations, or by other means such as sequential light phasing and flexible message capacity.

c. Automated changeable copy sign: A sign or portion thereof that is visible from a public right-of-way and that displays letters, numbers, characters, symbols, graphics or illustrations, (i) which are not themselves any illumination device, and (ii) which may be changed or re-arranged by computer or microprocessor generated electronic commands, which commands may be programmed to change at pre-determined intervals or may be activated by an operator from either a proximate or a remote location. Automated changeable copy signs include devices referred to as flip matrix, segmented and scrolling and other devices with substantially similar functionality and appearance. See 14-401 (3) above.

- d. Bench sign: An advertising message on any portion of a bus stop bench or other bench.
- e. Billboard: See off-premise outdoor advertising.
- f. Canopy sign: Such sign is mounted or hanging beneath the canopy and in all cases shall be mounted perpendicular to the building.
- g. Delivery sign: A building-mounted or ground-mounted sign identifying entry or delivery points to other than residential uses.
- h. Directional parking sign: A sign indicating the entrance to or exit from an off-street parking lot.
- i. Directory sign: A directory sign is one which may be either wall or ground-mounted and contains a specific building name, tenant names, and location of each business within a commercial building. Directory signs are for information purposes only and may not display advertising or any distinctive identifying symbol/graphic rendering of a particular company or entity.
- j. Electronic graphic or video display—changeable sign: A sign or portion thereof that is visible from a right-of-way and that displays electronic, static images, static graphics or static pictures, with or without textual information, which are created by matrix elements which may include cathode ray tubes (CRTs), light emitting diodes (LEDs), liquid crystals (LCDs), plasma, fiber optics, light bulbs or other illumination devices within the display area, or are created by any reflective, refractive, digital light processing (DLP), holographic, stereoscopic/three dimensional, or any other device, process, product, application of technology, or by the appearance of any of such, within the display area, either alone or in varying combinations with each other or other elements, where the message change sequence is accomplished immediately or by means of fade, repixelization, dissolve or other such modes devices, processes, products, applications or technologies. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays which may change automatically at predetermined intervals or be changed by an operator from either a proximate or a remote location. Electronic graphic display signs include images or messages with these characteristics which are projected by any means onto building, other objects or otherwise. A governmental traffic control sign shall not be deemed to be an electronic graphic display sign for purposes of this ordinance or Chapter 4. See 14-401 (3) above.
- k. Ground-mounted sign: A sign erected on a free-standing frame, mast or pole, and not attached to any building.
- l. Manual changeable copy sign: A sign or portion thereof that is visible from a public right-of-way and (i) that has a fixed, permanent display surface on which letters, numbers, characters, symbols, graphics or illustrations which are not themselves any illumination device are manually placed, and which may be changed or re-arranged manually without altering the display surface or the support structure of the sign; or (ii) that has a fixed, permanent display surface frame in or on which a display surface or sign face or message panel may be changed or re-arranged manually without altering the display surface frame or the support structure of the sign.
 Manual changeable copy signs are signs generally used to display the same message for a relatively limited period of time, and include but are not limited to devices referred to as reader boards, menu boards, price signs with changeable plastic or metal objects, and off-site billboards.
- m. Marquee sign: A wall sign mounted on a permanent roof-like projection over the entry to an establishment, with or without changeable copy.
- n. Multi-vision changeable sign: A sign that is visible from a public right-of-way and that is composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation

of the group of slats or cylinders produces a different image and when properly functioning allows the sequential display of one of two or more images on a single sign structure. Such signs may also be known as tri-vision signs. See 14-401 (3) above.

o. Off-premise sign: A sign or structure which advertises a business, product or service not on or offered on the premise on which subject sign is located or a sign or structure which identifies a public, charitable, religious, or institutional organization not located on the premise on which subject sign is located.

p. Off-premise outdoor advertising sign: Outdoor advertising possessing a display area, panel or face, in excess of sixty (60) square feet that is used to advertise to the public a location, place, event, goods, product or service which is not principally located, placed, happening, manufactured or distributed on the same piece of property on which the advertising is located.

q. On-premise sign: A sign or structure which advertises a business, product or service on or offered on the premises on which subject sign is located or a sign or structure which identifies a public, charitable, religious, or institutional organization located on the premise on which subject sign is located.

r. Permanent sign: All signs other than those defined as temporary signs by this ordinance, which are permanently affixed to the ground or the building.

s. Projecting sign: A sign other than a wall sign which is attached to and projects in excess of twelve (12) inches from a structure or building face.

t. Real Estate sign: A temporary sign denoting the sale, rental or lease of property.

u. Regulatory parking sign (private): A sign stating the regulations for the use of an off-street parking lot and/or space.

v. Roof sign: Any sign, any part of which, projects above and/or outside of the silhouette of a building as defined in this ordinance.

w. Rotating sign: Any sign or portion of a sign which moves in a revolving or similar manner, the rotation being in a circular pattern.

x. Service or product advertising sign: A sign designed to advertise products, services, sales and special events.

y. Subdivision sign: A sign denoting the entrance/exit to a subdivision.

z. Temporary Trailer sign: A portable sign which is designed to be moved from place to place and not permanently attached to the ground or any structure.

zz. Vehicle sign: Any sign on any mode of transportation, including but not limited to car, bus, truck, train, boat or airplane.

zzz. Wall sign: Any sign affixed directly to or painted on, or otherwise inscribed on any exterior portion of a building and confined within the limits thereof, with the face usually in a parallel plane to the plane of the building wall.

zzzz. Window sign:

1. Permanent: Any sign placed on either the internal or external surface of a window and intended to be visible from the outside of a building, for display as an advertisement announcement, notice, directional material or name, and which remains for more than thirty (30) consecutive days or more than sixty (60) days within any consecutive one hundred eighty (180) day period.

2. Temporary: Any sign placed on the internal surface of a window for a period not to exceed thirty (30) days and intended to be visible from the outside of a building, for display as an advertisement, announcement, notice, directional material or name. (as amended by Ord. No. 10-244, December 2010)

(6) Sign Administrator: A city planner, or in the absence of the city planner, the city manager or his designee.

(7) Sign Alteration: Any structural change or change in height or area of a sign. This does not include maintenance of a sign.

(8) Sign Area: That area enclosed by one continuous line, connecting the extreme points or edges of a sign face. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. The area does not include the main supporting sign structure, but all other ornamental attachments, inner connecting links, etc., which are not a part of the main supports of the sign, are to be included in determining sign area.

(9) Sign Height: That vertical dimension from ground level at the base of the sign structure to the top (uppermost point) of the sign structure.

(10) Sign Owner: That person who owns a sign and/or who is responsible for such. In those cases in which the sign owner cannot be determined, the owner of the property on which the sign is located shall be responsible for the sign.

(11) Sign Setback: That lineal distance measured horizontally in feet from property lines to the nearest edge of a sign, as regulated hereinafter in this ordinance.

(12) Special Exceptions: Relief from the strict provisions of this ordinance may be approved by the board of zoning appeals upon the conditions specified in Title 14, 14-2.2405(2) of this municipal code.

(13) Street: Any road, thoroughfare, highway or such used by the public as a traveled way.

(14) Street Frontage: The lineal distance, measured horizontally and in feet, along that portion of property adjacent to a street.

(15) Street line: The right-of-way line of a street.

(16) Structure: Any construction or permanent erection with a fixed location on the ground, or attached to something having a fixed location on the ground.

(17) Subdivision: The division of a tract or parcel of land into two or more lots, sites or divisions for immediate or future sale or development, and includes re-subdivision. A subdivision results in one or a combination of two kinds of parcels: an out-parcel or a free-standing parcel.

(18) Variances: A variance is a relaxation of the regulations of the sign ordinance where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the sign regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or conditions of such piece of property, which situation(s) or condition(s) was not created or exacerbated by the applicant, the strict application of any regulation enacted under this ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property. (Ord. #1075, Aug. 1997, #12-302, Nov. 2012)

14-404. General Provisions. The purpose of this section is to provide a review process and procedure to erect signs in an orderly manner, including alteration of existing signs.

(1) Sign Permit Required: A sign permit must be obtained for any sign erected, replaced, constructed, expanded or relocated on any property within the city and the building inspector shall inspect, at any time he deems necessary, each sign regulated by this section to insure that such sign conforms to this section and all other ordinances of the city.

a. Plans and specifications identifying the location, type and design of any sign shall be supplied to the sign administrator (city planner) prior to the issuance of a sign permit. Each applicant shall pay to the city a permit fee for each sign advertising structure of \$25. Any sign permit issued by the sign administrator or his authorized agent shall become null and void if erection is not commenced within 180 days from the date of such permit. If work authorized by such permit is suspended or abandoned for 180 days any time after the work is commenced, the sign permit shall be void and a new permit and fee shall be first obtained to resume work. A

new sign permit and fee shall be required if changes have been made in the original plans.

b. All applications for a sign permit required by this section shall be made to the sign administrator upon forms provided and shall contain, or have attached thereto, the following information:

1. The name, address and telephone number of the applicant (sign owner).
2. The name of the person or company erecting and responsible for the sign structure.
3. Blueprints or ink drawings, including a site plan showing the location of the proposed installation, with particular dimensional reference to any adjacent streets, walks and existing structures (with signature of land owner indicating consent, if applicable).

(2) Inspection Provisions: In the event an inspection should disclose that any sign does not conform to the permit or that any sign is not properly maintained as required by this ordinance, (please see Additional sign regulations, appearing later in this chapter) or that any sign has become insecure, or otherwise unsafe in the opinion of the sign administrator or his designated agent, the owner thereof or the person maintaining the same shall, upon notice of specific nonconforming sign conditions from the sign administrator and within 15 days, rectify the sign's condition in the manner to be approved by the sign administrator in conformity with this ordinance. The sign shall receive the necessary maintenance required to make the same safe and secure, or at the election of the person responsible therefor, the sign shall be taken down and removed. If such order is not complied with as directed, the sign administrator shall cause such sign to be removed at the expense of the owner thereof. Inspections shall be held as required.

(3) Sign Permit Not Required: The following signs are not subject to the permit provisions of this ordinance; however, the owner of such sign is not relieved from the responsibility of erection, maintenance and compliance with any other provision of this ordinance or with other ordinances of the City of Alcoa regulating the same.

a. Construction signs: One (1) sign for each street on which the property fronts, not to exceed thirty-two (32) square feet in size or a maximum of ten (10) feet in height. The sign shall be removed within fifteen (15) days of the final building inspection of all or any portions of a building or building complex.

b. Political signs: Political signs are not permitted on streets or highway rights-of-way nor on public property. Such political signs shall not be posted prior to 30 days before an election and shall be removed by the owner of the property on which the sign is located within ten (10) days following the election to which it refers. Except in the case of permanent sign structures under permit, political signs are limited to one (1) sign per candidate per premise, not to exceed thirty-two (32) square feet.

c. Real estate signs: One (1) sign per lot, parcel or tract. Real estate signs shall be removed within seven (7) days after sale or rental of property and must meet the requirements of the following uses:

1. Commercial – A maximum of twenty (20) square feet in sign area and six (6) feet in height;
2. Residential – A maximum of six (6) square feet in sign area and six (6) feet in height.

d. Subdivision signs (temporary): May be erected for a period of one (1) year, size not to exceed thirty-two (32) square feet. At the end of one year, the temporary subdivision sign shall be replaced by a permanent subdivision sign as prescribed in this ordinance, or be removed.

e. Occupant identification sign: One (1) sign to be placed flat upon the wall or door of the premise to which it is attached and not to exceed two (2) square

feet in size. The content shall be limited to the name of the occupant, business hours and emergency telephone numbers.

f. Signs erected by or on behalf of publicly funded governmental units or agencies or instrumentalities thereof and where:

1. These facilities have no more than one (1) ground-mounted sign per public street front, with or without manual or electronic changeable copy. Ground-mounted signs shall not exceed 80 square feet in sign area, and 12 feet in height. The sign may be used to advertise events for the exclusive benefit of the facility on which grounds the sign is located.

Electronic graphic or video display—changeable (EGVDC) signs are only permissible provided criteria are met. These signs shall follow provisions as forth below under (4), Sign Regulations, i.

2. These facilities have no more than one (1) wall-mounted sign per public street front. The size shall not exceed (1) square foot per linear foot of building wall upon which the sign is mounted, not to exceed 350 square feet per sign. No sign shall contain an individual letter or letters that exceed a maximum height of five (5) feet.

3. These facilities have no more than one (1) athletic scoreboard per athletic field.

This section acknowledges that any such signs in existence prior to the passage of this ordinance shall be considered as grandfathered and covered by the general non-conforming sign provisions herein.

g. Holiday signs and temporary signs for special events: Temporary signs celebrating the holidays and temporary signs for special events, which are displayed for periods of short durations, shall be required to obtain a permit only if said signs are considered hazardous. The temporary use of signs celebrating special events or events of infrequent occurrence displayed for periods of short duration are permitted to be displayed seven (7) days prior to the event, and must be removed the following day of the event.

As an additional business opportunity, businesses will be allowed temporary promotional signage beginning with the day following Thanksgiving (Friday) through December 26, subject to the following rules:

1. Each sign shall be removed immediately upon the expiration date.

2. One additional sign per business is permitted.

3. The sign must be a portable sign, meaning that it must be a free-standing sign not permanently anchored or secured to either a building or the ground, such as A-frame poles temporarily driven into the ground and T-shaped signs in the nature of a traditional "for sale" sign.

4. The sign can be up to 24 square feet in area and not in excess of six (6) feet in height.

5. The sign must not be placed on public property or in the public road right-of-way or any easement. To determine public property, behind the sidewalk is generally a good indicator of right-of-way lines. Tenants will need to coordinate and receive permission from property owners. The City will not become involved in any lessee-lessor discussions. The signs must be placed on the same private property as the business being promoted. Be aware to not block sight lines for drivers entering and exiting the business area. The City reserves the right to direct changes to sign placement as required to maintain safety.

h. Air-inflated displays: Such displays are considered a temporary fixture and are allowed for period of up to two (2) weeks. No air-inflated displays shall be allowed for a period of one hundred and eighty (180) consecutive days following the

two (2) week period for which they are displayed. This section does not attempt to define such displays as a sign, but does attempt to regulate the same to the extent that they comply with the intent and purpose of the ordinance.

i. Public or quasi-public information and safety signs: Whenever such signs aid public service companies in indicating areas of danger, or function to indicate matters of information, service or safety to the public.

j. Governmental regulatory signs: Erected for or by the city, county, state and federal governments or those signs required by law for regulatory purposes; such signs shall be in harmony with the intent and purpose of this ordinance.

k. Residential signs: Providing the name and address of the occupant, not to exceed one (1) square foot, excepting reference to historical sites and/or buildings.

l. Flags or pennants: This section does not attempt to define flags or pennants as a sign, but does attempt to regulate the same to the extent that they comply with the intent and purposes of the ordinance. Flags or pennants shall not be used for advertising purposes.

m. Historical plaques: This section allows for the display of historical markers, placed in conjunction with city staff evaluation.

n. Banners: Such displays are considered temporary and may be placed on the internal surface of a window for a period not to exceed thirty (30) days. They are intended to be visible from the outside of a building, for display as an advertisement announcement or notice.

(4) Sign Regulations: The purpose of this section is to establish requirements which regulate the type, location, height and size of all signs and outdoor displays in accordance with this sign ordinance and zoning ordinance of the City of Alcoa. Signs indicating time, date or weather are allowed in all districts except residential districts and are not subject to the regulations in this section. The following sign regulations shall apply as directed, in addition to other more specific sign regulations within this ordinance.

a. Criteria in determining height: Maximum height shall be computed from street grade or natural ground elevation, whichever is higher, excluding elevated bridges or interchanges. In computing height by street grade, the street on which the property fronts shall be used to determine the average level of street grade. In computing height by natural ground elevation, the average ground elevation for the property shall be used, but not to exceed the maximum height allowable.

b. Criteria in determining area: Premises fronting on more than one (1) public right-of-way shall not combine permissible sign area of one (1) frontage with that of another frontage, except that premises fronting on corner streets may combine permissible sign area on one frontage if it does not exceed the maximum allowable sign area of that zoning classification. The display surface area of a wall sign consisting of connected letters or letters enclosed by the box or outline shall be the total area of the sign including the background, box or outline. The display surface area of a wall sign consisting of on individual letters not enclosed by a box or outline shall be the total area of the sign including the background, box, or outline. The display surface area of a wall sign consisting of individual letters not enclosed by a box or outline shall be determined from the area of any imaginary rectangle which just contains all the letters.

c. Criteria in determining setback: Signs shall be so constructed so as to permit adequate driver visibility of any traffic control device or sign, and of the street, road, thoroughfare or expressway. The setback for ground-mounted signs begins from the property line or street right-of-way.

d. Residential Districts: Signs permitted shall be limited to the following:

1. Real estate sales signs, provided that one (1) sign of no greater than six (6) square feet in size and six (6) feet in height per public street frontage.

2. Home occupation signs, provided that one (1) sign of no greater than two (2) square feet is permitted.

3. Signs denoting the name and address of occupants.

4. Temporary and permanent subdivision signs, not to exceed 32 square feet for a temporary sign and 40 square feet for a permanent sign. Landscaping plans for the base of the monument signs shall be reviewed and approved by the City. All subdivision signs must be located within a platted sign easement, if said easement is denoted on the recorded subdivision plat. The maximum mounted height shall not exceed six (6) feet.

e. Commercial Districts: Signs permitted shall be limited to the following:

1. General Commercial Zones (including Neighborhood Commercial District "D", General Business District "E", Planned Commercial Unit Development "E-1", Planned Commercial/Light Manufacturing Unit Development "E-2" and Mixed Use District "E-3"): Sign area allowed for a building-mounted sign(s) shall be limited to the amount of linear feet of outer wall space occupied by a business, per building elevation. Signs are limited to building-mounted signs and one ground-mounted sign per public street frontage. All businesses shall be entitled to a minimum of one (1) building-mounted sign (see zoning district requirements for particulars). For tracts of land with public street frontage of greater than 400 feet, the amount of available sign area for building-mounted signs may be increased. In addition, the number of ground-mounted signs shall be determined by the amount of public street frontage, unless part of a multi-tenant/occupant (shopping center) complex.

a. Single-tenant/occupant signs are allowed, as follows:

1. Maximum size of ground-mounted signs shall be no greater than 100 square feet in size and no taller than 20 feet (to the top of the sign). Minimum allowable setback shall be 15 feet from the easement or road right-of-way, which is greater. Internal or external illumination is allowed. For parcels fronting on a public street for greater than 400 feet, the maximum size of ground signs shall be no greater than 300 square feet and no taller than 30 feet (to the top of the sign). The number of ground-signs allowed per public street frontage shall be one (1) for each 400 feet of public street frontage (i.e., 401 feet of street frontage allows two ground-mounted signs).

2. Maximum size of building-mounted signs shall be limited to one (1) square foot per linear foot of building wall or lease space upon which the sign is mounted, not to exceed 350 square feet on any one building elevation. Each separate use shall be allowed a sign containing at least 25 square feet in sign area. No sign shall contain an individual letter or letters that exceed a maximum height of five (5) feet. Signs may be externally or internally illuminated. For parcels fronting on a public street for greater than 400 feet, the maximum size of building-mounted signs shall be two (2) square feet per linear foot of building wall or lease space upon which the sign is mounted, not to exceed 350 square feet on any one building elevation. In instances where building elevations on which signs are to be

mounted are setback from a public street for a distance greater than 1,000 feet, and the parcel also fronts a public street for greater than 1,000 feet, the 350 square foot sign maximum shall not apply. Further, the maximum height of an individual letter or letters shall be permitted to increase from five (5) feet to ten (10) feet.

b. Multi-tenant/occupant (shopping center) signs are allowed, as follows:

1. Maximum size of ground-mounted signs shall be no greater than 100 square feet in size and no taller than 20 feet (to the top of the sign). Minimum allowable setback shall be 15 feet from the easement or road right-of-way, which is greater. Internal or external illumination is allowed. Shopping centers situated on 12 to 40 acres may have a sign area of up to 200 square feet. Shopping centers or malls situated on more than 40 acres may have a sign area of up to 300 square feet, with a maximum height of 30 feet.

2. Maximum size of building-mounted signs shall be limited to one (1) square foot per linear foot of building wall or lease space upon which the sign is mounted, not to exceed 350 square feet on any one building elevation. Each separate use shall be allowed a sign containing at least 25 square feet in sign area. No sign shall contain an individual letter or letters that exceed a maximum height of five (5) feet. Signs may be externally or internally illuminated. Shopping centers situated on more than 40 acres are limited to one (1) sign per public street frontage, with a sign area of two (2) square feet per linear foot of building wall or lease space upon which the sign is mounted, not to exceed 350 square feet. In instances where building elevations on which signs are to be mounted are setback from a public street for a distance greater than 1,000 feet, and the parcel also fronts a public street for greater than 1,000 feet, the 350 square foot sign maximum shall not apply. Further, the maximum height of an individual letter or letters shall be permitted to increase from five (5) feet to ten (10) feet.

c. Permanent window signs are allowed, provided that the total area of said window sign shall be included in and limited by the overall limitations expressed for building-mounted signs.

d. Temporary window signs are allowed, not to exceed 15 percent of the area of the window on which the sign is placed. No permit is required.

e. Directory signs may be permitted in a commercial building where multiple tenants do not have nor qualify for an exterior sign, due to prohibitions found elsewhere in this ordinance, and may be building or ground-mounted. The criteria for such signs are as follows:

1. The number of directory signs shall be limited to one (1) per principal exterior entrance.

2. Information on such signs must not be legible from a public right-of-way.

3. Exterior directory signs shall be limited to a building's name and address, and each tenant's name and location.

4. If illuminated, directory signs may be either externally internally-illuminated; however, such illumination shall not be oriented in such a manner as to create a traffic hazard to operators of motor vehicles on public thoroughfares.

5. Exterior directory signs are for information purposes only and may not display advertising or any distinctive identifying symbol/graphic rendering of a particular entity or company.

In addition, the following regulations apply, according to the type of directory sign:

A. Ground-mounted signs:

1. Maximum allowable mounted height from surrounding grade to the top of the sign shall be 12 feet.

2. Maximum area shall be designated by the number of a building's tenants:

a. One (1) to six (6) tenants shall not exceed 12 square feet.

b. Seven (7) to (11) tenants shall not exceed 25 square feet.

c. Twelve (12) tenants or more shall not exceed 40 square feet.

The building name letters shall not exceed five (5) inches and tenant name letters shall not exceed two and one-half (2 ½) inches, with each tenant listing to be limited to the same color, size and shape.

B. Building-mounted Signs:

1. Maximum allowable mounted height shall be six (6) feet.

2. Maximum area shall not exceed 12 square feet.

The building name letters shall not exceed three (3) inches and tenant name letters shall not exceed one and one-fourth (1 ¼) inches with each tenant listing to be limited to the same color, size and shape. No part of any building-mounted sign, as the same is designated to be or is anchored or attached, may project outside of the building silhouette.

f. Street clocks limited to time/temperature are allowed, with the following stipulations:

1. That all devices be constructed of non-combustible material, including the frames, braces and supports thereof. One street clock may exist instead of, but not in addition to, one ground-mounted or one wall-mounted sign per street frontage. They shall take the form of wall or ground displays, subject to the conditions that apply to each of these sign classifications. No person, agency, firm or corporation shall be permitted to erect more than one street clock device per street frontage for any place of business at any one location. Such device shall not display moving light messages.

2. That any glass forming a part of a street clock or the sign thereon shall be safety glass or plate glass at least one-fourth (1/4) inch thick. In any case where a single piece or pane of glass has an area exceeding three (3) square feet, it

shall be constructed of wired glass, securely held in place. Any movable part of the street clock (cover or service opening) shall be securely fastened by metal hinges.

f. Interstate Commercial Zones: The sign area allowed for a building mounted sign(s) shall be limited to the amount of linear feet of outer wall space occupied by a business, per building elevation. Signs are limited to building-mounted signs and one ground-mounted sign per public street frontage. All businesses shall be entitled to a minimum of one building-mounted sign. The sign area allowed for a building-mounted sign(s) shall be limited to two (2) times the amount of linear feet of outer wall space occupied by a business, per building elevation. Signs are limited to building-mounted signs and one ground-mounted sign per public street frontage. All businesses shall be entitled to a minimum of one building-mounted sign. In addition, the number of ground-mounted signs shall be determined by the amount of public street frontage.

1. Maximum size of ground signs shall be no greater than 200 square feet in area per sign face, if located within 500 feet of the interstate right-of-way, and shall be no taller than 20 feet above the height of the surface of the interstate roadway. In no case shall a ground-mounted sign be taller than 35 feet overall, if situated on property that is lower in elevation than the surface of the interstate roadway. Properties beyond 500 feet of the interstate right-of-way or situated at elevations equal to or above the height of the interstate surface shall have a maximum sign height of 20 feet and shall be no greater than 100 square feet in area per sign face, unless part of a shopping center complex of greater than 12 acres. In such case, the entire complex is entitled to one (1) ground-mounted sign not to exceed 200 square feet. The maximum sign area of 200 square feet per sign face, regardless of the number of public street frontages, shall only be applicable to one ground-mounted sign. Any additional signs must be no higher than 20 feet from the surrounding grade and not larger than 100 square feet. For parcels fronting on a public street for greater than 400 feet, the maximum size of ground signs shall be no greater than 300 square feet and no taller than 35 feet (to the top of the sign) overall, with no greater height from the interstate surface than twenty (20) feet. The number of ground signs allowed per public street frontage shall be one (1) for each 400 feet of public street frontage (i.e., 401 feet of street frontage allows two ground-mounted signs). All ground-mounted signs shall be set back 15 feet from the right-of-way and 10 feet from any side or rear lot line. Ground-mounted signs may be externally or internally illuminated.

2. Maximum size of building-mounted signs shall be two (2) square feet per linear foot of building wall or lease space upon which the sign is mounted, not to exceed 750 square feet on any one building elevation. No sign shall contain an individual letter or letters that exceed a maximum height of five (5) feet. Building-mounted signs may be externally illuminated. No part of a building-mounted or canopy sign shall project outside the building silhouette. Signs or logos may be attached to canopies at a rate of one per public right-of-way frontage, not to exceed 16 square feet in area, each. In instances where building elevations on which signs are to be mounted are setback from a public street for a distance greater than 1,000 feet, and the parcel also fronts a public street for greater than 1,000 feet, the 750 square feet sign maximum shall not apply. Further, the maximum height of an individual letter or letters shall be permitted to increase from five (5) feet to ten (10) feet.

3. Permanent window signs are allowed, provided that the total area of said window sign shall be included in and limited by the overall limitations expressed for building-mounted signs.

4. Temporary window signs are allowed, not to exceed 15 percent of the area of the window on which the sign is placed. No permit is required.

5. Directory signs, as specified in 14-2.2104, 4., e., 1., g.

6. Time and temperature devices, as specified in 14-2.2104, 4., e., 1., g.

g. Office Districts: Signs permitted shall be limited to the following:

1. Office Zones (includes Office District "0-3" and "0-5"): Sign area allowed for building mounted sign(s) shall be limited to the amount of linear feet of outer wall space occupied by a business, per building elevation. Signs are limited to building-mounted signs and one ground-mounted sign per public street frontage. All businesses shall be entitled to a minimum of one building-mounted sign (see zone district requirements for particulars). For tracts of land with public street frontage of greater than 400 feet, the amount of available sign area for building-mounted signs may be increased. In addition, the number of ground-mounted signs shall be determined by the amount of public street frontage.

a. Maximum size of ground signs shall be no greater than 100 square feet in size and no taller than 20 feet (to the top of the sign). Minimum allowable setback shall be 15 feet from the easement or road right-of-way, which is greater. Internal or external illumination is allowed. For parcels fronting on a public street for greater than 400 feet, the maximum size of ground signs shall be no greater than 300 square feet and no taller than 30 feet (to the top of the sign). The number of ground signs allowed per public street frontage shall be one (1) for each 400 feet of public street frontage (i.e., 401 feet of street frontage allows two ground-mounted signs).

b. Maximum size of building mounted signs shall be one (1) square foot per linear foot of building wall or lease space upon which the sign is mounted, not to exceed 350 square feet on any one building elevation. No sign shall contain an individual letter or letters that exceed a maximum height of five (5) feet. Signs may be externally or internally illuminated. For parcels fronting on a public street for greater than 400 feet, the maximum size of building-mounted signs shall be two (2) square feet per linear foot of building wall or lease space upon which the sign is mounted, not to exceed 350 square feet on any one building elevation. In instances where building elevations on which signs are to be mounted are setback from a public street for a distance greater than 1,000 feet, and the parcel also fronts a public street for greater than 1,000 feet, the 350 square feet sign maximum shall not apply. Further, the maximum height of an individual letter or letters shall be permitted to increase from five (5) feet to ten (10) feet.

c. Permanent window signs are allowed, provided that the total area of said window sign shall be included in and limited by the overall limitations expressed for building-mounted signs.

d. Temporary window signs are allowed, not to exceed 15 percent of the area of the window on which the sign is placed. No permit is required.

e. Directory signs may be permitted in an office building where multiple tenants do not have nor qualify for an exterior sign,

due to prohibitions found elsewhere in this ordinance, and may be building or ground mounted. The criteria for such signs are as follows:

1. The number of directory signs shall be limited to one (1) per principal exterior entrance.
2. Information on such signs must not be legible from a public right-of-way.
3. Exterior directory signs shall be limited to a building's name and address, and each tenant's name and location.
4. If illuminated, directory signs may be either externally or internally illuminated; however, such illumination shall not be oriented in such a manner as to create a traffic hazard to operators of motor vehicles on public thoroughfares.
5. Exterior directory signs are for information purposes only and may not display advertising or any distinctive identifying symbol/graphic rendering of a particular entity or company.

In addition, the following regulations apply, according to the type of directory sign:

6. Ground-Mounted Signs

A. Maximum allowable mounted height from surrounding grade to the top of the sign shall be 12 feet.

B. Maximum area shall be designated by the number of a building's tenants:

1. One (1) to six (6) tenants shall not exceed 12 square feet.
2. Seven (7) to eleven (11) shall not exceed 25 square feet.
3. Twelve (12) tenants or more shall not exceed 40 square feet.

The building name letter shall not exceed five (5) inches and tenant name letters shall not exceed two and one-half (2 ½) inches, with each tenant listing to be limited to the same color, size and shape.

7. Building-Mounted Signs

A. Maximum allowable mounted heights shall be six (6) feet.

B. Maximum area shall not exceed 12 square feet.

The building name letters shall not exceed three (3) inches and tenant name letters shall not exceed one and one-fourth (1 ¼) inches with each tenant listing to be limited to the same color, size and shape. No part of any building-mounted sign, as the same is designated to be or is anchored or attached, may project outside of the building silhouette

h. Industrial Districts: Signs permitted shall be limited to the following:

1. Industrial Zones (includes Light Industrial District "F" and Heavy Industrial District "G"): Sign area allowed for a building-mounted sign(s) shall be limited to the amount of linear feet of outer wall space occupied by a business, per building elevation. Signs are limited to building-mounted signs and one ground-mounted sign per public street frontage. All

businesses shall be entitled to a minimum of one (1) building-mounted sign (see zoning district requirements for particulars). For tracts of land with public street frontage of greater than 400 feet, the amount of available sign area for building-mounted signs may be increased. In addition, the number of ground-mounted signs shall be determined by the amount of public street frontage.

a. Maximum size of ground signs shall be no greater than 100 square feet in size and no taller than 20 feet (to the top of the sign). Minimum allowable setback shall be 15 feet from the easement or road right-of-way, which is greater. Internal or external illumination is allowed. For parcels fronting on a public street for greater than 400 feet, the maximum size of ground signs shall be no greater than 300 square feet and no taller than 30 feet (to the top of the sign). The number of ground signs allowed per public street frontage shall be one (1) for each 400 feet of public street frontage (i.e., 401 feet of street frontage allows two ground-mounted signs).

b. Maximum size of building-mounted signs shall be one (1) square foot per linear foot to building wall or lease space upon which the sign is mounted, not to exceed 350 square feet on any one building elevation. No sign shall contain an individual letter or letters that exceed a maximum height of five (5) feet. Signs may be externally or internally illuminated. For parcels fronting on a public street for greater than 400 feet, the maximum size of building-mounted signs shall be two (2) square feet per linear foot of building wall or lease space upon which the sign is mounted, not to exceed 350 square feet on any one building elevation. In instances where building elevations on which signs are to be mounted are setback from a public street for a distance greater than 1,000 feet, and the parcel also fronts a public street for greater than 1,000 feet, the 350 square feet sign maximum shall not apply. Further, the maximum height of an individual letter or letters shall be permitted to increase from five (5) feet to ten (10) feet.

c. Directory signs may be permitted in an industrial building where multiple tenants do not have nor qualify for an exterior sign, due to prohibitions found elsewhere in this ordinance, and may be building or ground mounted. The criteria for such signs are as follows:

1. The number of directory signs shall be limited to one (1) per principal exterior entrance.

2. Information on such signs must be legible from a public right-of-way.

3. Exterior directory signs shall be limited to a building's name and address, and each tenant's name and location.

4. If illuminated, directory signs may be either externally or internally illuminated; however, such illumination shall not be oriented in such a manner as to create a traffic hazard to operators of motor vehicles on public thoroughfares.

5. Exterior directory signs are for information purposes only and may not display advertising or any distinctive identifying symbol/graphic rendering of a particular entity or company.

In addition, the following regulations apply, according to the type of directory sign:

6. Ground-Mounted Signs:

A. Maximum allowable mounted height from surrounding grade to the top of the sign shall be 12 feet.

B. Maximum area shall be designated by the number of a building's tenants:

1. One (1) to six (6) tenants shall not exceed 12 square feet.

2. Seven (7) to eleven (11) tenants shall not exceed 25 square feet.

3. Twelve (12) tenants or more shall not exceed 40 square feet.

The building name letter shall not exceed five (5) inches and tenant name letters shall not exceed two and one-half (2 ½) inches, with each tenant listing to be limited to the same color, size and shape.

7. Building-Mounted Signs

A. Maximum allowable mounted heights shall be six (6) feet.

B. Maximum area shall not exceed 12 square feet.

The building name letters shall not exceed three (3) inches and tenant name letters shall not exceed one and one fourth (1 ¼) inches with each tenant listing to be limited to the same color, size and shape. No part of any building-mounted sign, as the same is designated to be or is anchored or attached, may project outside of the building silhouette. (as amended by Ord. #16-402, Dec. 2016)

i. Electronic graphic or video display—changeable (EGVDC) signs: Signs shall only be permitted as ground-mounted signs within General Business District "E", Planned Commercial Unit Development "E-1", Planned Commercial/Light Manufacturing Unit Development "E-2", Mixed Use District "E-3", Interstate Commercial District "IC", Light Industrial District "F" and Heavy Industrial District "G", or within other districts for publicly funded governmental units or agencies or instrumentalities when not located within a residential zoning classification, subject to the following:

1. These signs shall hold a constant message for a minimum of sixty (60) seconds;

2. These signs shall follow the permissible ground-mounted sign provisions of the district in which such is located and have a separation distance of greater than 400 feet when more than one (1) sign is permissible to be located on the same lot, measured along line of the right-of-way(s); and,

3. These signs shall be at least one hundred (100) feet from a residential use or residentially zoned property, measured on a straight line from the nearest point on the EGVDC sign face to the nearest point on the structure.

(5) Sign Prohibitions: Following is a list of prohibitions governing signage within the City of Alcoa.

- a. No part of any sign shall be placed within fifteen (15) feet of any right-of-way, including the entire sign cabinet.
- b. No part of any sign shall be placed within five (5) feet of any ingress or egress, except for entrance/exit signs measuring no greater than two (2) square feet and standing no taller than thirty (30) inches.
- c. No sign measuring greater than thirty (30) inches in height shall be located within an area formed by the intersecting streets rights-of-way and a line joining points on such lines at a distance of twenty-five (25) feet from their intersection, unless there is a minimum clearance of ten (10) feet above the average grade of each street's right-of-way.
- d. Signs which are attached or otherwise affixed to trees or other living vegetation and utility poles.
- e. No sign shall have messages which scroll, are animated, contain action, moving parts (including signs which revolve or rotate), have flashing lights or bulbs, or is intermittently lighted or has lights of changing degrees of intensity, or includes any type of motion. Multi-vision, electronic graphic display and video display signs are prohibited, except as otherwise permitted in commercial districts;
- f. No signs shall be roof-mounted or mounted on the roof's surface.
- g. No signs shall be permitted which advertise an activity, business, produce or service not conducted on the premises upon which the sign is actually located, with the exception of those signs specifically allowed as noted above and those signs specifically located within city parks that are associated with athletic fields.
- h. No signs shall be permitted which are attached to, suspend from or painted on any vehicle, which is regularly parked on any street or private property to display, demonstrate, and advertise with the intent to attract attention of the public.
- i. Trailer/portable signs are not permitted in any area of the city.
- j. No off-premise outdoor advertising signs. (Ord. #1075, Aug. 1997, as amended by Ord. #98-034, Oct. 1998, #02-026, Oct. 2002, #05-045, Jan. 2005, #10-244, Dec. 2010, #11-269, Oct. 2011, #11-272, Oct. 2011, #12-302, Nov. 2012, #14-330, Feb. 2014, #14-336, July 2014, #14-340, Sept. 2014 and #23-573, March 2023)

14-405. Additional Sign Regulations. The purpose of this section is to provide relief for certain types of signs and sign conditions and to regulate signs or sign conditions, which are considered hazardous.

(1) Signs in Disrepair and Unsafe Signs: All signs and supports, braces, guys and anchors thereof shall be kept in good repair, refurbished and repaired from time to time, as necessary, and perpetually maintained in safe condition, free from deterioration, defective or missing parts, or peeling or faded paint and be able to withstand the wind pressure for which it was originally designed. Any sign not in compliance with this provision is hereby declared a nuisance.

The sign administrator, or his designee, may order the repair or removal of any such signs that are not maintained in a safe condition and in good repair in accordance with the provisions of this subsection. If the sign administrator, or his designee, shall find that any sign is in violation of this subsection, then he shall give notice to the property owner specifying the location of the hazard or deterioration sign, what needs to be done to render the sign safe and in good repair, and that in the event the same is not done by the owner, that the City of Alcoa will either do the same or remove the sign at the expense of the owner of the property upon which it is located. Service of any notice may be by personal service or by registered or certified mail, return receipt requested. Service shall be deemed complete upon delivery; in the event the address of the person to be notified is unknown or the notice which has been mailed is returned, such notice may be served by posting same in a con-

spicuous place on the premises on which the nuisance is located and by advertising said notice once a week for three weeks in a local newspaper, in which event service shall be deemed complete after the preceding is accomplished. The person(s) notified shall remove or initiate alteration of such sign within 15 days of such notice and such sign condition shall be completely rectified within 60 days. In the case of the unavailability of critical replacement parts, an additional 30 days for compliance may be granted by the sign administrator, or his designee, but such availability of parts shall not be reason to delay repair of the sign to the maximum extent feasible. If the person(s) so notified fail or refuse to remove or alter such sign within the time periods specified hereinabove, then the sign administrator, or his designee, may cause such sign to be removed or altered so that the sign is rendered in good repair and safe at the expense of the owner of the property upon which it is located.

The sign administrator, or his designee, may without notice, cause any unsafe or insecure sign to be immediately removed if the sign presents an immediate peril to the health and welfare of the city. In the event that any sign is damaged exceed 50 percent of the reproduction value according to appraisal thereof by competent appraisers, such sign may be restored, reconstructed, altered or repaired only to conform with all of the provisions of this ordinance.

(2) Technical and Structural Requirements: The purpose of this section is to provide the technical and structural requirements for signs erected within the City of Alcoa. No sign or sign structure shall be erected in such a way that any portion of the sign or its structure will interfere with the free use of a fire escape, exit, or standpipe; nor shall any sign or sign structure, other than authorized governmental agency signs, be erected within two (2) feet of any above-ground telephone cable or street light. Signs shall be separated from all power lines by the distance required by all applicable laws, regulations or codes.

Signs constructed or installed in the City of Alcoa shall conform to and comply with all requirements, standards and specifications of this sign ordinance. (Ord. #1075, Aug. 1997, as amended by Ord. #10-244, Dec. 2010)

14-406. Administration and Enforcement. It is the purpose and intent of this section to establish the process of administering the ordinance – delineating the duties, powers and limitations of officials, departments and any other entity which may be concerned with the administration and enforcement of this ordinance. The City Manager shall appoint a sign administrator to administer and enforce the provisions of this ordinance, which shall include, though not be limited to, the following:

- a. Issuance of sign permit applications and other forms, and approval or denial of the same.
- b. Providing of public information relating to sign matters.
- c. Registration and maintenance of sign permit applications.
- d. Periodic checks for violations of this ordinance and issuance of written notices of violations and of work required to correct violations.
- e. Permanent record collection relating to sign decisions and other sign matters.

(1) Administrative Interpretation of Ordinance: In the event there is a question concerning the general intent or meaning of any provision of this ordinance, the sign administrator or his designee shall have the authority to make such administrative decisions and interpretations. Administrative interpretation shall in no way be construed as permitting or granting an exception to the provisions of the sign ordinance.

(2) Compliance and Enforcement: When the sign administrator, or his designee, finds violations of the provisions of this ordinance, he shall document his findings and take the appropriate action to correct said violations. A citation or warrant may be issued to the owner or agent or employee for violations of this ordinance.

(3) Filing of Complaints: Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the sign administrator.

Such complaint shall state fully the causes and basis thereof. The sign administrator, or his designee, shall officially record such complaint, immediately initiate investigations, and take such action thereon as required by the provisions of this ordinance.

(4) Penalties: Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$500.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(5) Review of Sign Permit Applications: All applications for sign permits shall be reviewed by the sign administrator, and shall be approved and permit issued or be disapproved in consideration of meeting the applicable requirements of this ordinance. Such approval and issuance or disapproval shall take place within 30 days of submission of an application for a sign permit.

(6) Legal Non-Conforming Sign Provision: Signs which were legally in existence prior to the adoption of this ordinance which do not conform to the provisions of this ordinance are declared non-conforming signs. It is the intent of this section to recognize that the eventual elimination, as expeditiously and fairly as possible, of non-conforming signs is as much a subject of health, safety and welfare as is the prohibition of new signs that would violate the provisions of this ordinance. It is also the intent of this section that any elimination of non-conforming signs shall be effected so as to avoid any unreasonable invasion of established property rights.

(7) General Non-conforming Sign Provisions: Subject to the exceptions hereinafter set forth, any non-conforming sign may be continued in operation and maintenance after the effective date of this ordinance, providing that non-conforming signs shall not be:

a. Changed to or replaced with another non-conforming sign, including changing the sign face. This section shall not be construed to prohibit the changing of a message panel, provided there is no increase in the face area or height of change in the face panel enclosing members.

b. Enlarged, expanded, extended or structurally altered so as to create an additional non-conformity or to increase the extent of the existing non-conformity when the change is declared a nuisance by this chapter. Nothing here allows a non-conforming sign to be placed nearer to a right-of-way property line or power line than permitted by this chapter.

c. Re-established after damage or destruction of more than 50 percent of the value at the time of such damage.

d. No non-conforming sign shall be removed and replaced or reconstructed on the same lot of record unless it conforms with the height and signable area limitations set forth in each zoning district. A non-conforming sign that is removed and replaced or reconstructed on the same lot of record is declared to be a public nuisance if the sign area or height exceeds that specified in the accompanying zoning district.

e. Modified in any way that would increase the degree of non-conformity of such sign. Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by proper authority. Such signs may be improved on to the extent that such improvement does not exceed 50 percent of the current market value of the existing structure. (as amended by Ord. No. 10-244, December 2010)

(8) Termination of Non-Conforming Sign Structures: Any permanent non-conforming sign or sign structure which is partially destroyed or damaged by fire, accident or natural causes beyond 50 percent of its original value shall thereafter be removed or reconstructed in conformance to the regulations of this ordinance. Any permanent non-conforming sign or sign structure which is improved and altered to comply with the provisions of this ordinance shall thereafter be considered as conforming. Abandonment or obso-

lescence of a non-conforming on-premise sign shall be removed or brought into compliance with this ordinance immediately upon a change in principal use of the site.

(9) Obsolete and Abandoned Signs: Any sign which advertises or pertains to a business, produce, service, event, activity, or purpose which is no longer available or conducted, or which has not been in use for a consecutive period of six (6) months, or any sign structure that for a consecutive six (6) month period does not display any sign copy and/or advertising, shall be deemed to be an obsolete or abandoned sign. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management shall not be deemed abandoned or obsolete unless the property remains vacant for a period of six (6) months. Obsolete or abandoned signs are prohibited and shall be removed by the owner of the property, his agent or person having the beneficial use of the site upon which such sign or sign structure is erected, within 30 days after written notification from the sign administrator. In the event of non-compliance with the aforesaid terms and provisions, then the sign administrator shall have the authority to effect immediate removal of said sign as a public nuisance with the cost of said removal being assessed against the owner of the sign, of known, and no liability shall attach to the city, its officials or agents for said removal of such a public nuisance.

(10) Appeals: The Board of Zoning Appeals shall have the following responsibilities, in addition to the responsibilities set forth in other ordinances:

a. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the sign administrator or any other administrative official in the carrying or enforcement of any provision of this ordinance.

b. To hear and decide, in accordance with the provisions of this ordinance, requests for special exceptions or for decisions upon other special questions upon which such board is authorized by this ordinance to pass. The special exception shall be determined by such board to be the only means of relieving a peculiar and/or exceptional condition. Approval of a request for special exception applies only to the existing use by the applicant and is not a vested right assigned with the property.

c. To authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the sign ordinance.

An appeal must conform to the following procedures.

1. After a written denial of a sign permit from the sign administrator, a party may make an application for special exception, interpretation or variance using forms obtainable at the city office.

2. Upon receipt of an application, the Board of Zoning Appeals shall hold a public hearing, having first given seven (7) days notice. Such notice of the time and place of such hearing shall be published in a paper of general circulation within the city. The Board shall consider and decide all appeals within 30 days of such public hearing.

(11) Provisions Declared to be Minimum Requirements: The provisions of this ordinance are for the promotion of the public health, safety, morals and general welfare for the city and are considered to be minimum requirements. Wherever the requirements of any other lawfully adopted rules, regulations, ordinances and deed restrictions or covenants filed of record are not in conflict with the intent and purpose of this ordinance, the more restrictive or higher standards shall govern.

(12) Violations – Separate Violations and Responsible Parties: Each day a violation continues shall be considered a separate offense. The owner or tenant of any building, sign, premises or sign thereon, and any architect, builder, contractor, agent or other person who commits or participates in, assists in or maintains any violation hereunder, may be found

responsible of a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. #1075, Aug. 1997, as amended by Ord. #01-026, Dec. 2001)