

ORDINANCE NO. 1107

AN ORDINANCE TO REPLACE SECTION 408 (“SIGNS”) AND REMOVE SECTIONS 709.6, 709.7, 711.4, 712.13, 407.3.6, 317(a), 330, and 331 OF THE PIGEON FORGE ZONING ORDINANCE, RELATIVE TO SIGNS AND ADVERTISEMENT

WHEREAS, the Mayor and Board of Commissioners of the City of Pigeon Forge enacted Sections 408, 709.6, 709.7, 711.4, 712.13, 317(a), 407.3.6, 330, and 331 of the City of Pigeon Forge Zoning Ordinance regulating signage within the Municipal Limits of the City of Pigeon Forge, Tennessee, and

WHEREAS, as a result of recent court decisions, the Mayor and Board of Commissioners have found said Ordinance to be inadequate and deem it necessary to eliminate Sections 709.6, 709.7, 711.4, 712.13 317(a), 407.3.6, 330, and 331 and replace Section 408 (“Signs”), in its entirety; and

WHEREAS, in order to preserve the flexibility for variances to be granted, it has been determined to make the City’s sign ordinance part of the Zoning Ordinance; and

WHEREAS, this ordinance has been submitted to the City of Pigeon Forge Planning Commission for review;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF PIGEON FORGE, TENNESSEE, THAT:

SECTION 1: The existing text of Sections 709.6, 709.7, 711.4, and 712.13 in Article VII of commercial signage regulations be removed in their entirety from the City of Pigeon Forge, Tennessee Zoning Ordinance.

SECTION 2: The existing text Sections 317(a), 330, and 331 in Article III regarding signage be removed of their entirety from the City of Pigeon Forge, Tennessee Zoning Ordinance.

SECTION 3: The existing text Sections 407.3.6. in Article IV regarding signage in a residential PUD be removed of its entirety from the City of Pigeon Forge, Tennessee Zoning Ordinance.

SECTION 4: The existing text of Section 408 (Signs) in Article IV shall be rescinded and replaced with the text below:

“408. **Signs.**

408.1 Findings, purpose and intent; interpretation.

408.1.1 Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article must be interpreted in a manner consistent with the guarantee of free speech in the state and federal constitutions. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.

408.1.2 Signs not expressly permitted as being allowed by right or by uses permitted on review under this article or by specific requirements in another portion of the Municipal Code are prohibited.

408.1.3 A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in Section 408.1.1 of this section.

408.1.4 These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

408.1.5 These regulations distinguish between portions of the City designed for primarily vehicular access and portions of the City

designed for primarily pedestrian access.

408.1.6 These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

408.1.7 These regulations do not eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

408.1.8 These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the State, the federal government or this City. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

408.2 **Definitions.** These are definitions as they related to the sign section of the ordinance. These are in addition to definitions in Article III of this ordinance.

408.2.1 Code. Unless otherwise specifically referenced means the Code of the City of Pigeon Forge.

408.2.2 Digital Billboard. A sign that is static and changes messages by any electronic process or remote control.

408.2.3 Electric Sign. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

408.2.4 Flag. Means a sign made of fabric, bunting, or similar material, attached along one side to a single pole that is either freestanding or attached to a building.

408.2.5 Flashing Sign. Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, must be considered a flashing sign.

408.2.6 Flat Wall (Façade-Mounted) Sign. A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

408.2.7 Freestanding Sign. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

408.2.8 Government Sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

408.2.9 Graffiti. Means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the City. Graffiti includes snipe signs.

408.2.10 Graffiti implement. Means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

408.2.11 Ground Sign. A sign which extends from the ground or has support which places the bottom of the sign less than nine (9) feet from the ground.

408.2.12 Highway Sign. A Freestanding sign, Integral Sign or Flat Wall Sign that is erected and maintained within the view of motorists who are driving on a highway.

408.2.13 Holiday lights or mini lights. mean light fixtures that use bulbs that are sized C6, C7, or C9 or LED bulbs that are 8 mm or smaller.

408.2.14 Rope light. Means a light that has Holiday lights or mini lights inside of a PVC tube.

408.2.15 String lights. Means a lighting fixture that is composed of electrical wiring encased in plastic with sockets for bulb placement.

408.2.16 Integral Sign. A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

408.2.17 Lessee includes a person who rents property for residential purposes.

408.2.18 Marquee Sign. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

408.2.19 Minor Sign. A sign described in Section 408.5.7 and any sign not larger than six square feet that can be removed by hand if abandoned.

408.2.20 Monument Sign: A sign which is supported by and integrated with a solid base, as opposed to poles, posts and other such supports.

408.2.21 Original Art Display. A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

408.2.22 Outdoor Advertising Sign. A sign that advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located. Outdoor advertising signs are not allowed.

408.2.23 Portable Sign. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

408.2.24 Projecting Sign. A sign, other than a flat wall sign, which projects from and is supported by a wall of a building or structure.

408.2.25 Roof Sign. A sign located on or above the roof of any building,

not including false mansard roof, canopy, or other fascia.

408.2.26 Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.

408.2.27 Sign area: the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

408.2.28 Sign face: The entire display surface area of a sign upon, against or through which copy is placed.

408.2.29 Snipe sign. means any small sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects not erected, owned and maintained by the owner of the sign.

408.2.30 Temporary Sign. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time (rather than permanently attached to the ground or a structure).

408.2.31 Vehicle Sign. Any sign attached to or displayed on a vehicle.

408.3. ***Interpretation of Districts or Zones***. When this chapter makes reference to a district or zone, residential zones are those defined by the Pigeon Forge Zoning Ordinance as R-1 and R-2, and commercial zones/Industrial are those defined as C-1, C-2, C-3, C-4, C-5, C-6, C-7 and M-1.

408.4 ***Prohibited Signs***. Signs are prohibited unless:

408.4.1. Constructed pursuant to a valid permit when required under this section of the zoning ordinance; and

408.4.2. Authorized under this section of Article IV or otherwise by the Municipal Code.

408.4.3. In residential zones or on property used for non-transient residential uses, commercial signs are prohibited.

408.5 **Authorized Signs.** The following signs are authorized without a need for a permit:

408.5.1. Although these regulations do not apply to signs erected, maintained or posted by the State, federal, county or this government, these regulations clarify that Government signs which form the expression of that government are allowed in every zoning district and include the signs described and regulated in herein when erected and maintained pursuant to law.

408.5.2. Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted by the State. Because these regulations do not apply to the State, federal, county or this government, a failure to comply with this provision by those governments does not constitute evidence of negligence or form the basis for a cause of action.

408.5.3. Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification may be on the curb, mailbox or on the principal building on the property. If on the building, the size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.

408.5.4 Where a federal, state or local law requires or allows a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property. If the federal, state or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements, otherwise, when not defined, the sign

shall be no larger than two square feet and located in a place on the property to provide access to the notice that is required to be made. Signs posted under this Section are not snipe signs.

408.5.5. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed no more than ten (10) days after their purpose has been accomplished or as otherwise required by law. Signs posted under this Section are not snipe signs.

408.5.6 The signs described in Sections 408.5.3., 408.5.4. and, 408.5.5. are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, complying with legal requirements, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

408.5.7. Temporary Signs, Generally.

408.5.7.1. Temporary signs allowed at any time:

408.5.7.1.1. A property owner may place one sign with a sign area no larger than three (3) square feet on the property at any time. This Section does not include snipe signs.

408.5.7.2. Temporary signs may be located on the owner's property for a period of ninety (90) days prior to an election involving candidates for a federal, state or local office or which involves an issue on the ballot of an election and remain for up to sixty (60) days subsequent to such election. This Section does not authorize snipe signs.

408.5.7.3. One temporary sign that is not a snipe sign may be located on a property when:

408.5.7.3.1. the owner consents and that property is being offered for sale through a licensed real estate agent;

408.5.7.3.2. if not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner through

advertising in a local newspaper of general circulation; and

408.5.7.3.3. for a period of 21 days following the date on which a contract of sale has been executed by a person purchasing the property.

408.5.7.4. One temporary sign may be located on the owner's property on the day prior to and on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than five days in a year and may not use this type of sign in any Commercial District for more than 14 days in a year. For purposes of this Section, a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward. This Section does not authorize snipe signs.

408.5.7.5. During the period from the "Smoky Mountain Winterfest Celebration" (from kickoff to closing), a property owner may place temporary signs on the property and may use lights to decorate the property even if the lights might be arranged to form a sign. This Section does not authorize snipe signs.

408.5.8 Flags as follows:

408.5.8.1. **Commercial Districts.** In a commercial district, one (1) flag and one (1) flag pole per premises. Each flag must be a maximum of twenty-four (24) square feet in area. Flag poles must be a maximum of forty (40) feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.

408.5.8.1.1. Vehicle signs using LEDs must be off when not travelling and vehicle sign not LED in nature cannot be parked on the same property for longer than twenty-four (24) hours so that the sign is not visible from a public way.

408.5.8.1.2. Signs within ballparks and athletic fields. Signs within ballparks and athletic fields as follows:

408.5.8.1.2.1. Scoreboards facing inward to the audience; and

408.5.8.1.2.2. Such other signs as may be affixed to the fence or scoreboard, facing inward to the field of play that are no larger than [32] square feet in area.

408.5.8.1.3. Memorial plaques, cornerstones, historical tablets and the like.

408.5.8.1.4. Nameplates.

408.5.8.1.5. Barber poles.

408.6. ***Permit required.***

408.6.1. In general. A sign permit is required prior to the display and erection of any sign except as provided in Section 408.5.

408.6.2. Application for permit.

408.6.2.1. An application for a sign permit must be applied for on the city's on-line system at mygovernmentonline.org under "Signs" for the Codes Enforcement Officer. The applicant must provide sufficient information to determine if the proposed sign is allowed under this code and other applicable laws, regulations, and ordinances. An application for a temporary sign must state the dates intended for the erection and removal of the sign. An application for any sign must state the date when the owner intends to erect it and provide a bond sufficient to allow the City to remove it if it is not properly maintained or if it is abandoned.

408.6.2.2. The Codes Enforcement Officer or designee must promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 15 days after receipt. Any application that complies with all provisions of this code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances must be approved.

408.6.2.3. If the application is rejected, the Codes Enforcement Officer must provide a list of the reasons for the rejection in writing. An

application must be rejected for non-compliance with the terms of this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

408.6.3. Permit fee. A nonrefundable fee as set forth in the uncodified fee schedule adopted by the City Council must accompany all sign permit applications.

408.6.4. Duration and revocation of permit. If a sign is not installed within six months following the issuance of a sign permit the permit must be void. The City may revoke a sign permit under any of the following circumstances:

408.6.4.1. The City determines that information in the application was materially false or misleading;

408.6.4.2. The sign as installed does not conform to the sign permit application;

408.6.4.3. The sign violates this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or

408.6.4.4. The Code Official/Zoning Administrator determines that the sign is not being properly maintained or has been abandoned.

408.7. Appeals and variances

All appeals and variances will be handled by the Board of Zoning Appeals per Article XI of the City of Pigeon Forge Zoning Ordinance.

408.8. ***Specific Sign Regulations for Residential Districts***. The following sign regulations apply to Residential Districts:

408.8.1. Size:

408.8.1.1. When a sign is authorized on a property, the sign must not exceed three (3) square feet in area. Where attached dwellings exist on a property the total square footage of signs must not exceed two (2) square feet per dwelling unit and must not exceed a total of fifteen (15) square feet in area per structure.

408.8.1.2. For Residential Developments (including subdivision

identification) the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development must be controlled according to the following:

408.8.1.2.1. Residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet.

408.8.1.2.2. Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than forty-eight (48) square feet.

408.8.1.2.3. Residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than one hundred two (102) square feet.

408.8.1.2.4. *Announcement signs*: One sign of not more than three (3) square feet shall be permitted for home occupations and tourist residences. Signs shall not be illuminated.

408.8.2. Location: Permitted signs may be anywhere on the premises, except to the extent that they may impair the sight triangle at any intersection.

408.8.3. Height: The following maximum heights must apply to signs:

408.8.3.1. If ground-mounted, the top must not be over four (4) feet above the ground; and

408.8.3.2. If building mounted, must be flush mounted and must not project above the roof line.

408.8.4. Illumination: Illumination may not be used in residential districts.

408.8.5. The following signs are not allowed:

408.8.5.1. Portable Signs, Marquee Signs, Digital Billboard, Outdoor Advertising Signs, and Projecting Signs.

408.9. ***Specific Sign Regulations for Commercial Districts***

408.9.1. Signs Permitted in Commercial and Industrial Districts C-1, C-2, &

M-1. Signs permitted shall be limited to the following:

408.9.1.1. One ground sign that shall not exceed two hundred (200) square feet. Must be located no closer than 75 feet from the nearest ground sign, no closer than 5 feet from any property line, and no taller than 25 feet.

408.9.1.2. Flat wall signs shall not exceed one hundred fifty (150) square feet. Flat wall signs may be location on any wall of the building.

408.9.1.2.1. In the case of a multi-tenant establishment, each tenant must apply for a sign permit under Section 408.6.2 and may have a maximum flat wall sign of 75 square feet per leased space.

408.9.1.3. In the case where the property fronts on intersecting or parallel arterial or collector streets, an additional ground sign may be located along each of the street frontages, as long as the total square footage of ground signage does not exceed the maximum allowed of two hundred (200) square feet.

408.9.2. Signs Permitted in Commercial District C-3. Signs permitted shall be limited to the following:

408.9.2.1. The maximum ground signage shall not exceed one hundred fifty (100) square feet. Must be located no closer than 75 feet from the nearest ground sign and no closer than 5 feet from any property line.

408.9.2.2. Flat wall signs shall not exceed fifty (50) square feet. Flat wall signs may be location on any wall of the building.

408.9.3. Signs Permitted in Commercial District C-4. Signs permitted shall be limited to the following:

Maximum signage permitted:

408.9.3.1. One (1) ground sign with the height and maximum square footage determined by the street classification it fronts. In the case where a PUD fronts or intersecting of parallel arterial or collector streets, a ground sign may be located along each of the street frontages, as long as the total square footage of signage does not exceed the amount allowed in this subsection.

Square Footage and Height Restriction by Street Type for a Ground/Monument Sign in a C-4 District		
Street Type	Square footage of signage allowed	Maximum height of the sign
Arterial	200 ft	25 ft
Collector	150 ft	20 ft
Local & Others	100 ft	15 ft

408.9.3.2. A flat wall sign shall be permitted for up to ten (10) percent of the building front (height times linear feet excluding protrusions). The flat wall sign shall be permitted on any side of the building but only one side qualifies for a flat wall sign.

408.9.4 Signs Permitted in the Commercial District C-6. Signs permitted shall be limited to the following:

408.9.4.1. One ground sign that cannot exceed 100 feet. As part of the ground signage each parcel can have one LED (or similar electronic) message board not to exceed 33 square foot. This square footage must be included in the 100 square feet total for a ground sign area. The sign support structure can be no higher than 25 feet and the sign area can be no higher than 20 feet high at its highest point. Must be located no closer than 50 feet from the nearest ground sign, and no closer than 5 feet from any property line.

408.9.4.2. Allowed one flat wall sign not to exceed 75 square feet.

408.9.4.2.1. In the case of multi-tenant establishments, each tenant must apply for a sign permit under Section 408.6.2 and each tenant can have a flat wall sign up to (10) percent of the tenant front wall space, to be placed in the tenant front wall space. In any case, no one flat wall sign can exceed 75 square feet.

408.9.4.3. In the case where such a development fronts on intersecting or parallel arterial or collector streets, an additional ground sign of no more than 50 square feet per sign area is allowed. This can only be placed along the street which will not have the main ground sign listed above.

408.9.5. Signs Permitted in the Commercial Districts C-5 and C-7. Signs permitted shall be limited to the following:

408.9.5.1. Ground Sign: Each controlled district shall be allowed to have monument signage (either single or divided) at major ingress and/or egress point(s). These point(s) must be adjacent to (or feeder for) public road(s) or at the boundary of the property within the zone. The total signage for any ingress and/or egress points should not exceed 1,000 square feet allowed for two signs with no one sign having more than five (500) square feet. Each sign may be two sided with a digital display not allowed to exceed two hundred and fifty (250) square feet of the sign area. The height of any ground sign is not to exceed twenty-five (25) feet from the monument to the utmost tip of the sign. For purposes of this ordinance, a controlled district shall be defined as a C-5 zone in accordance with Section 709 and for the C-7 zone in accordance with Section 712 of this ordinance.

408.9.5.2. Interior flat wall signs: Signs inside developments do not need permits.

408.10. *Supplemental Criteria in All Districts.*

408.10.1. Temporary Signs: Temporary signs are subject to the following standards:

408.10.1.1. Must not on one property exceed a total of sixteen (16) square feet in area;

408.10.1.2. Must not be located within any public right-of-way whether dedicated or owned in fee simple or as an easement;

408.10.1.3. Must only be located on property that is owned by the person whose sign it is and must not be placed on any utility pole, street light, similar object, or on public property;

408.10.1.4. Must not be illuminated except as allowed in herein based on the District in which the sign is located; and

408.10.1.5. Must be removed within ten (10) days after the election, sale, rental, lease or conclusion of event which is the basis for the sign under Section 408.5.7 or if a different standard is required in Section 408.5.7 must be removed within the time period required by that Section.

408.10.2. Integral Signs: There are no restrictions on sign orientation. Integral sign must not exceed seventy-two (72) square feet per façade. Integral signs may be illuminated externally but must not be illuminated internally.

408.10.3. Private Traffic Direction: Illumination of signs erected as required by the Manual on Uniform Traffic Control Devices must be in accordance with Section 408.10. Horizontal directional signs flush with paved areas are exempt from these standards.

408.10.4. Original Art Display: Original art displays are allowed provided that they meet the following requirements:

408.10.4.1. Must not be placed on a dwelling;

408.10.4.2. Must not extend more than six (6) inches from the plane of the wall upon which it is painted or to which it is affixed;

408.10.4.3. Must be no more than sixty-four (64) square feet in size, per lot or parcel;

408.10.4.4. Must not be illuminated.

408.11. ***Illumination.***

408.11.1. No sign can be erected or maintained without a permit or which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

408.11.1.1. No exposed reflective type bulb, par spot or incandescent lamp, which exceeds [twenty- five (25) Watts,] must be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

408.11.1.2. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing must not exceed [three hundred (300) milliamperes] rating for white tubing or [one hundred (100) milliamperes] rating for any colored tubing.

408.11.1.3. When fluorescent tubes are used for the interior illumination of a sign, such illumination must not exceed:

408.11.1.3.1. Within Residential districts:

408.11.1.3.1.1. Illumination may not be used in residential districts.

408.11.1.3.2. Within land use districts other than Residential:

408.11.1.3.2.1. Illumination equivalent to eight hundred (800) milliampere rating tubing behind a Plexiglas face spaced at least nine (9) inches, center to center.

408.11.1.4. An applicant for a permit to illuminate a sign must submit a plan to the Codes Enforcement Officer showing the illumination plan including the effect of the illumination on any other property that might be affected by the light and how the illumination conforms aesthetically to the site and the neighborhood.

408.11.1.4.1. The application must be reviewed to determine the effect on other properties and the aesthetics of the site and the neighborhood.

408.11.1.4.2. The application must not be approved if the effect on other properties would create adverse results and must not be approved if the plan does not conform to the aesthetics of the neighborhood or the site.

408.11.1.5. In a Residential District the property owner may use string lights or rope lights to decorate the residence as well as natural objects without a permit provided:

408.11.1.5.1. String and rope lights must be designed to meet GCFI standards and installed in accordance with the National Electric Code.

408.11.1.5.2. String light bulbs and rope lights must be of standard wattage and designed for outdoor use.

408.11.1.5.3. String and rope light bulbs may only be white or clear.

408.11.1.5.4. String and rope lights must be securely hung from a sturdy fixture.

408.11.1.6. Outdoor lighting of eating or drinking establishments, such as restaurants, cafes, coffee houses, and bars must comply with this section and string lights and rope lights may only be used in outdoor patio areas. All string and rope lights must be turned off when the establishment is closed.

408.11.1.7. Automated teller machines. Where Automated Teller Machine (ATM) signs are allowed signs may be placed on the ATM subject to the following requirements:

408.11.1.7.1. The sign must be an integral part of the ATM;

408.11.1.7.2. May not exceed two and one-half square feet in total size, including any border or background color.

408.12. ***Prohibited Signs***. The following signs or lights are prohibited which:

408.12.1. Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;

408.12.2. Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;

408.12.3. Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement; except LED as permitted under this and municipal code;

408.12.4. Are roof signs;

408.12.5. Would be an Original Art Display but does not have the permission of the owner of the property on which it is located or is graffiti; or

408.12.6. Are portable signs that do not comply with the location, size or use restrictions of this Code.

408.12.7. Are Graffiti or Clutter signs.

408.12.8. Are abandoned signs.

408.13. ***Procedures***.

408.13.1. Applications for a sign permit must be processed through the Codes Enforcement Officer and shall be accompanied by the following:

408.13.1.1. An application fee in an amount set by resolution of the Board of Mayor and Alderman.

408.13.1.2. A scale drawing or a grid of the sign showing all faces and supporting structures and, for signs to be erected upon a building, a drawing of the building face, which drawing includes all existing and proposed signs;

408.13.1.3. A site plan of the property showing width of business facade(s) and the locations and sizes of all existing and proposed signs;

408.13.1.4. Samples of proposed colors and materials;

408.13.1.5. A description of the type and amount of illumination.

408.14. *Nonconformity and Modification.*

408.14.1. Except as provided in Section 408.15 below, signs lawfully in existence on the date the provisions of this Code were first advertised, which do not conform to the provisions of this Code, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained must be regarded as nonconforming, but may remain in place unless such sign is completely replaced with a new sign. Any replacement sign must adhere to the requirements of this ordinance.

408.14.2. Signs which were unlawful under the prior Ordinance and which do not conform to this Code must be removed immediately.

408.14.3. Temporary signs, including snipe signs and graffiti that do not comply with this Code must be removed immediately.

408.15 *Compliance.*

408.15.1. Any sign which is altered, relocated, replaced or must be brought immediately into compliance with all provisions of this Code.”

SECTION 4: This ordinance shall take effect 15 days after its final passage, the public welfare

requiring it.

APPROVED: _____

Mayor

ATTEST: _____

City Recorder

Recommended by Planning Commission (Special Called Meeting): March 2, 2021

Passed on First Reading: March 8, 2021

Passed on Second Reading: _____