

ADVERTISING

Chapter 3

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ARTICLE I. ADMINISTRATION AND ENFORCEMENT

Sec. 3-1. Exemptions from and applicability of Chapter.

Nothing in this Chapter shall apply to any notice required by this Code or other ordinances of the City or legal notices of public officers and attorneys, posted in the manner and places provided by law, or to the right of any newspaper to distribute its paper throughout the City. Except

¹ **Charter references**--Authority to levy privilege taxes, § 2.1(2); authority to license businesses, § 2.1(15).

Cross references--Purchases, contracts and property disposition, § 2-541, et seq.; alcoholic beverages, Ch. 5; amusements, Ch. 6; businesses, trades and occupations, Ch. 11; metropolitan transit authority, Ch. 23; erection of signs and other structures in parks and on playgrounds restricted, § 26-12; streets to be designated by signs at corners, § 32-1; vehicles for hire, Ch. 35; weights and measures, Ch. 37.

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as provided in Section 5-108 of this Code, nothing in this Chapter 3 shall apply to on-premise signs on or for liquor stores which are regulated in Chapter 5.

Nothing in this Chapter 3 shall affect the provisions of Ordinance No. 6958, the Zoning Ordinance, as amended, and the provisions of said ordinance shall have priority over the provisions of this Chapter 3. Nothing in this Chapter 3 shall affect the provisions of Chapter 18 of this Code. (Code 1986, § 3-1; Ord. No. 9119, § 1, 2-14-89; Ord. No. 9824, § 2, 1-5-93)

Sec. 3-2. Definitions.

For the purposes of this Chapter, the following definitions shall apply.

Billboard. Billboard shall mean a panel(s) designed for the purpose of posting bills and to carry outdoor advertising.

Controlled Access Facility. Controlled access facility shall mean any highway or street especially designed for through traffic and over, from, or to which owners, or occupants of abutting land or other persons generally have no right or easement of access from abutting properties. Such highways or streets may be parkways, from which trucks, buses, and other commercial vehicles shall be excluded; or they may be freeways open to use by all customary forms of street and highway traffic, and may, if so designated, include interstate connector roadways and airport access roadways.

Height. Height shall mean the total measurement of the vertical side of the rectangle which is used to calculate "sign area" as specified in this §3-2.

Intersection. Intersection shall mean the center point where two (2) or more open roads, streets, or highways located within the corporate limits of the city join.

Major Advertising Zones. Major advertising zones shall mean the major commercial areas designated herein as follows: Rossville Boulevard from its intersection with Interstate 24 generally southward to the city limits; Brainerd Road/Lee Highway from its intersection Tunnel Boulevard generally eastward to its intersection with Shallowford Road; Signal Mountain Road the city limits with Red Bank, Tennessee to Mountain Creek Road; excluding that portion which falls within the Scenic Corridor along Highway 153; Amnicola Highway from its intersection with Riverfront Parkway to the southernmost or westernmost edge of the property presently occupied by Chattanooga State Community College, excluding that portion which falls within the Scenic Corridor along Dupont Parkway; Hixson Pike from its intersection with Ashland Terrace to its intersection with Adams Road; and Highway 153 from its intersection with Gadd Road to its

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intersection with Dupont Parkway. All measurements herein to an intersection of two or more roads shall be to the center of such intersection.

Off-Premise Sign. Off-premise sign shall mean any sign which is not an on-premise sign.

On-Premise Sign. On-premise sign shall mean any sign whose content relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services or activities conducted on or offered from or on those premises, or the sale, lease or construction of those premises.

Person. Person shall mean individual, company, corporation, association, partnership, joint venture, business, proprietorship or any other legal entity.

Premises. Premises shall mean all contiguous land in the same ownership which is not divided by any public highway, street or alley or right-of-way therefor. As part of a dominant parcel of property, premises shall also include a permanent easement to the dominant parcel which (1) connects the dominant parcel to a public right-of-way, (2) is the sole means of ingress and egress to and from a public right-of-way for vehicular traffic to the dominant parcel, and (3) is regularly used for ingress and egress to the dominant parcel by vehicular traffic; notwithstanding any other provision in this Chapter, any on-premise sign erected on a permanent easement shall not exceed one hundred (100) square feet in sign area, nor shall more than one (1) such on-premise sign which refers to the dominant premises be erected on an easement.

Scenic Area. Scenic area shall mean those areas within the city limits, as more specifically identified in Article V, which are either of uncommon visual importance or scenic attractiveness and within which the construction of off-premise signs is prohibited in accordance with the provisions of Article V.

Scenic Corridor. Scenic corridor shall mean those land areas within the city limits which lie within six hundred sixty (660) feet of either side of the outermost edge of any of the roads, rivers, or rights-of-way more specifically designated in Article V, which are either of uncommon visual importance or scenic attractiveness.

Sign. Sign shall mean any structure or wall or other object used for the display of any message or messages; such term shall include without limitation any structure, display, device or inscription which is located upon, attached to, or painted or represented on any land, on any building or structure, on the outside of a window, or on a awning, canopy, marquee, or similar appendage, and which displays or includes any message or messages, numeral, letter work, model, emblem insignia, symbol, device, light, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention-arrester, warning or designation of any person, firm,

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group, organization, place, community, product, service, businesses, profession, enterprise or industry. Provided, however, that the following shall be excluded from this definition:

(a) Signs or flags erected, provided, owned, authorized or required by a duly constituted governmental body, including, but not limited to, traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.

(b) Signs located inside a building.

(c) Memorial plaques or tablets.

(d) Gravestones.

(e) Insides faces of scoreboard fences or walls on athletic fields.

(f) Historical site plaques.

(g) The display of street numbers.

(h) Any message or messages on the clothing of any person or on motor vehicles unless otherwise prohibited in accordance with §3-71 hereof.

(i) Seasonal displays and seasonal decorations not advertising a product, service or entertainment.

(j) Signs approved by the Board of Sign Appeals and donated to and erected by or, at the option of the city, under the supervision of the city which designate (i) a public area or public right-of-way adopted by a private entity for a program of landscaping, maintenance and/or litter control for such area or right-of-way, and (ii) the private entity responsible for such program; no such sign shall be erected without the approval of the City Engineer and City Traffic Engineer or their designees, and the city shall have the right to remove such signs at any time.

(k) Any living display on the ground of flowers or other plants which conveys a message.

Sign Area.

(a) Sign area shall mean for all signs except on-premise attached signs (as defined in §3-61), the area within the rectangle which is defined by the larger of (i) the lines which include the outer extremities of all letters, figures, characters, messages, graphics or delineations on any sign

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structure, or (ii) the lines which include the outer extremities of the framework or background of the sign structure. The support for the sign background, whether it be columns, or pylon, or a building or part thereof, shall not be included in the sign area unless it forms a part of the message of the sign to which it is attached. On any sign structure which has multiple sign faces, any sign faces which are separated by an angle of less than sixty (60) degrees as measured from the rear of each sign face, shall be counted separately in computing sign area; if the angle of separation of the backs of such sign faces exceeds sixty (60) degrees, then all such faces shall be included together in the computations of any sign area. The sign area of a sign made of individually cut-out letters is the area of the rectangle necessary to enclose all such letters.

(b) For attached on-premise signs, the foregoing definition of subparagraph (a) shall also apply, except that if any word, symbol, or group of words or symbols which would otherwise be included within the rectangle defined above are separated from another word, symbol or group of words or symbols by a distance of greater than three (3) times the height of the largest letter or symbol within such word, symbol, or group of words or symbols, then separate rectangles may be used to calculate sign area, and the total of all such rectangles shall then be considered as the "sign area."

Spacing. Spacing shall mean the interval between signs determined by measuring from the upright column or outermost supporting columns and extending by the most direct line perpendicular to the road to a point nearest the road right-of-way, and then proceeding in either direction along the nearest edge of the right-of-way or pavement for the prescribed distance.

Width. Width shall mean the total measurement of the horizontal side of the rectangle which is used to calculate "sign area" as specified in §3-2.

(Code 1986, § 3-14; Ord. No. 9119, § 1, 2-14-89; Ord. No. 9273, § 1, 12-5-89; Ord. No. 9702, § 1, 4-21-92; Ord. No. 10278, § 1, 8-15-95; Ord. No. 10523, § 1, 1-7-97; Ord. No. 11549, §§1 & 2, 05-04-04)

Sec. 3-3. License required for erecting off-premise sign and detached on-premise signs.

No person shall carry on the business of erecting or posting off-premise signs or detached on-premise signs (as defined in §3-61) without having secured a business license from the City to carry on such business.

(Code 1986, § 3-2; Ord. No. 9119, § 1, 2-14-89)

Sec. 3-4. Marking of vehicles.

Every person licensed to erect off-premise signs in the City shall cause his name or his company's name and the number of his license to be plainly printed in a conspicuous place on the

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outside of each vehicle used in such business, and such information shall be kept in a legible condition during the continuance of such license. Upon the expiration of such license, unless renewed, such person shall at once cause such name and number to be erased from such vehicle, and shall not allow such vehicle to be used with such name or number thereon.

(Code 1986, § 3-3; Ord. No. 9119, § 1, 2-14-89)

Sec. 3-5. Disposal of glue, paste, waste material.

No person shall scatter, daub or leave any glue, paste or other like substance for affixing signs upon any street or sidewalk or scatter or throw any old signs or waste material removed from signs on the surface of any public property, street or sidewalk or upon any private property.

(Code 1986, § 3-5; Ord. No. 9119, § 1, 2-14-89)

Sec. 3-6. Permit required to erect, maintain sign.

- (a) Except as specified in subsection (b) of this Section, any person must obtain a sign permit from the Building Official prior to the erection, installation or material alteration of any sign. As used in the preceding sentence, the term 'material alteration' shall mean any change in (i) the height of a sign, (ii) the sign area of a sign, (iii) the location of a sign, (iv) the supporting structure of a sign, (v) the number of words in excess of six (6) includes in height for an Attached Sign; such term shall not include routine maintenance and repair or electrical work only for which an electrical permit must be obtained. Such sign permit shall be obtained in addition to any building permit otherwise required by this Code.
- (b) No sign permit shall be required for any of the following on-premise signs:
 - i. Construction signs, as defined in Article VI.
 - ii. Incidental signs, as defined in Article VI.
 - iii. Wall graphics or wall murals, as defined in Article VI.
 - iv. Signs advertising the sale or lease of real estate which are located upon the real estate offered for sale or lease, provided that such signs do not exceed one hundred (100) square feet in sign area, or which are located within one thousand (1,000) feet of the real estate offered for sale or lease, provided that such signs do not exceed thirty-two (32) square feet in size. Such signs (advertising the sale or lease of real estate) may be placed no closer than (10) feet if greater than 36 inches in height or (5) feet if 36 inches or less in

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height from the nearest curb or edge of pavement of public right-of-way, provided, however, that no such sign with a height greater than 36 inches in height may be located within (40) feet of the closest edge of the right-of-way of two (2) or more public streets.

- v. Entrance and exit signs regulated by §3-96.
 - vi. Landmark signs, as defined in Article VI.
 - vii. Signs for special events as allowed in Article VIII.
 - viii. Banners forty (40) square feet or less in sign area.
- (c) No person shall paste, paint, print, rope, bill, nail or pin any sign or any advertisement or notice of any kind whatsoever or cause the same to be done, on any curbstone, or in any portion of part of any sidewalk or street, tree, lamppost, telephone or telegraph pole, awning, porch or balcony or upon any other structure in the limits of any street or public right-of-way in the City including but not limited to any divided roadway median, traffic island and/or traffic circle/roundabout, except such as may be required by this Code or other City ordinance.

(Code 1986, § 3-6; Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95; Ord. No. 12188, §1, 12-2-2008)

Sec. 3-7. Application for sign permit; notification to building official; expiration; renewal of permits; and construction methods and structural requirements.

- (a) Application for the sign permit required by the preceding Section shall be made to the Building Official or designee concurrently with an application for a Building Permit if required and shall be accompanied by such drawings, plans, specifications and engineering designs in compliance with the provisions of the International Building Code most recently adopted by the City of Chattanooga for the proposed sign as may be necessary to fully advise and acquaint the Building Official or designee and the Traffic Engineer with the proposed construction thereof. The application shall also include the owner and address of the premises where such sign is to be located, together with the size of the proposed sign, and a description of any other signs located on such premises or for which a permit has been issued and remains outstanding. Any application for a sign permit or temporary sign permit shall be approved or denied by the Building Official or designee within thirty (30) business days, excluding holidays recognized by the City

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of Chattanooga, after the filing of the application for such permit, and in the event the Building Official or designee does not approve or deny an application within said period, such application shall be deemed approved. Notwithstanding the provisions of the foregoing sentence, the Building Official or designee may grant contingent approval subject to on-site inspection in cases where an applicant for a temporary sign permit requires immediate attention on the application. Before processing of the application for sign permit, the applicant shall pay to the City of Chattanooga the following fees:

1. Plans Review Fee:	\$25.00
11. Technology Fee:	10.00
111. Administrative Fee:	5.00
Total	\$40.00

- (b) An applicant for an off-premise sign shall submit with the application for a sign permit a most recent certified survey showing property lines, easements and distance from the nearest intersection as defined in the chapter. The certified survey must have been completed within no less than five (5) years of the date the application for a sign permit is submitted as required by this chapter. An applicant for a sign permit shall additionally submit elevation drawings and engineering plans and design with the application for an off-premise sign. The drawings and designs required by this Section must be in compliance with provisions of the City’s building codes, as amended.

- (c) The owner, sign contractor or other person installing any sign for which a new sign permit is required shall notify or cause to be notified the Building Official or designee of the date the erection or material alteration of the sign will begin not less than forty-eight (48) hours prior to the beginning of such work. Such person shall also notify or cause to be notified the Building Official or designee of the completion of such work within forty-eight (48) hours after completion of such work. In the case of any sign to which electricity is provided for any reason, the sign contractor or other person installing such sign shall be responsible for the notifications required by this paragraph. The failure to give or cause to be given either of the notices set forth in this paragraph shall constitute a violation of this Chapter and shall subject any sign erected without both of the above notices having been given to abatement as a nuisance.

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- (d) Any sign for which any permit has been issued but for which no substantial expenditures have been made as of the effective date of this ordinance shall only be erected in accordance with the provisions of this Chapter except that no additional initial permit charge will be required for any permit which has already been issued and for which a permit fee has been paid.
- (e) Any sign permit issued pursuant to this Chapter for the erection of a sign shall expire one hundred eighty (180) days from the date of its issuance in the event such sign has not been fully erected within said one hundred eighty (180) days, provided, that upon good cause shown to the Building Official such permit may be renewed one time for a period not to exceed ninety (90) days. If a permit is requested for a location on which a valid permit is already outstanding but has not expired, and upon which no sign has been erected, and if such subsequent permit is requested by a person other than the holder of the outstanding permit, the Building Official or designee shall file, without fee, such application for the subsequent permit. In the event the outstanding permit expires without a sign being erected, as set forth above, the next valid permit application on file with the Building Official or designee shall be processed upon payment of the required fee.
- (f) For any sign requiring a state permit, such permit shall be included when making application.
- (g) A notarized letter of intent or permission from the property owner shall be submitted with the permit application.
- (h) **Structural requirements and design required.** Before a permit shall be granted, the erector of every outdoor advertising sign, with the exception of shingle signs and light cloth temporary signs, shall submit to the building official or designee a design and stress diagram or plan, containing the necessary information to enable the building official to determine that such sign complies with all the regulations of Chapter 16 of the International Building Code. In the design and erection of all outdoor advertising display signs, the effect of wind and working stresses shall be carefully considered. All signs shall be structurally constructed to withstand the wind loads and working stresses specified in Chapter 16 of the International Building Code.

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Exceptions:

1. The allowable working stresses for steel and wood shall be in accordance with the provisions of Chapter 22 and Chapter 23 of the International Building Code.
2. The working strength of chains, cables, guys, or steel rods shall not exceed one-fifth of the ultimate strength of such chains, cables, guys, or steel.
- (i) **Electrical service and illumination.** All signs requiring illumination or having electrical service devices or wiring shall be constructed in accordance with the requirements of the National Electric Code.

(j) **Wall signs**

Wall signs attached to exterior walls of solid masonry, concrete or stone, shall be safely and securely attached by means of metal anchors, bolts or expansion screws of not less than 3/8-inch (9.5 mm) diameter and shall be embedded at least five inches (127 mm). Wood blocks shall not be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. A wall sign shall not be supported by anchorages secured to an unbraced parapet wall.

Temporary cloth signs with wood frames may be kept in place for a period not exceeding 30 days.

(k) **Projecting signs**

1. All projecting signs shall be constructed entirely of metal or other noncombustible material and securely attached to a building or structure by metal supports such as bolts, anchors, supports, chains, guys, or steel rods. Staples or nails shall not be used to secure any projecting sign to any building or structure.
2. The dead load of projecting signs not parallel to the building or structure and the load due to wind pressure shall be supported with chains, guys or steel rods having 3/8-inch (9.5 mm) diameter. Such supports shall be erected or maintained at an angle of at least 45° (0.78 rad) or more with the face of the sign to resist the specified wind pressure. If such projecting sign exceeds 30 sq ft (2.8 m²) in one facial area, there shall be provided at least two such

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supports on each side not more than 8 ft (2438 mm) apart to resist the wind pressure.

3. All supports shall be secured to a bolt or expansion screw that will develop the strength of the supporting chains, guys or steel rods, with a minimum 5/8-inch (15.9 mm) bolt or lag screw, by an expansion shield. Turn buckles shall be placed in all chains, guys, or steel rods supporting projecting signs.
4. Chains, cables, guys, or steel rods used to support the live or dead load of projecting signs may be fastened to solid masonry walls with expansion bolts or by machine screws in iron supports, but such supports shall not be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the supporting anchor bolts must go through the wall and be plated or fastened on the inside in a secure manner.
5. A projecting sign shall not be erected on the wall of any building so as to project above the roof or cornice wall; except that a sign erected at a right angle to the building, the horizontal width of which sign is perpendicular to such a wall and does not exceed 18 inches (457 mm), may be erected to a height not exceeding 2 ft (610 mm) above the roof or cornice wall or above the roof level where there is no cornice wall. A sign attached to a corner of a building and parallel to the vertical line of such corner shall be deemed to be erected at a right angle to the building wall.
 - (l) **Marquee signs.** Marquee signs shall be constructed entirely of metal or noncombustible material and may be attached to, or hung from a marquee. Such signs when hung from a marquee shall be at least 8 ft (2438 mm) at its lowest level above the sidewalk or ground level, and further, such signs shall not extend outside the line of such marquee. Marquee signs may be attached to the sides and front of a marquee, and such signs may extend the entire length and width of said marquee, provided such signs do not extend more than 6 ft (1829 mm) above, nor 1 ft (305 mm) below such marquee, but under no circumstances, shall the sign or signs have a vertical dimension greater than 8 ft (2438 mm).
 - (m) **Use of plastic materials**
 1. Notwithstanding any other provisions of this code, plastic materials which burn at a rate no faster than 2 ½ inches per minute (1.06 mm/s) when tested in accordance with ASTM D 635 shall be deemed approved plastics and

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may be used as the display surface material and for the letters, decorations and facings on signs and outdoor display structures.

2. Individual plastic facings of electric signs shall not exceed 200 sq. ft (18.6m²) in area.
3. If the area of a display surface exceeds 200 sq ft (18.6m²), the area occupied or covered by approved plastics shall be limited to 200 sq ft (18.6m²) plus 50% of the difference between 200 sq ft (18.6m²) and the area of display surface. The area of plastic on a display surface shall not in any case exceed 1,100 sq ft (102m²).
4. Letters and decorations mounted upon an approved plastic facing or display surface may be made of approved plastics.

(Code 1986, § 3-7; Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, §§ 2 & 12, 8-15-95; Ord. No. 11549, §3, 05-04-04; Ord. No. 11931, §1, 1-30-07; Ord. No. 12124, §1, 5-6-08; Ord. No. 12364, § 1, 3-9-10; Ord. No. 12652, § 1, 10-2-12)

Sec. 3-8. No permits to be issued in violation of ordinances; approval of traffic engineer; schedule of permit fees; inventory of certain existing signs.

The Building Official shall not issue any sign permit for any sign which is not in conformance with the City Code of Chattanooga and applicable state laws, including all electrical codes of the City of Chattanooga and/or State of Tennessee; any permit issued which does not so conform will be null and void and any sign constructed pursuant thereto shall be removed in accordance with the provisions of this Chapter. The Building Official shall collect a permit fee with the application of each sign. The permit fee shall be as follows:

- (a) For off-premise signs, Two Hundred Dollars (\$200.00) for each such sign.
- (b) For on-premise signs other than temporary signs, One Hundred Twenty-Five Dollars (\$125.00) for each Detached Sign and each electric or illuminated sign, and Fifty Dollars (\$50.00) per sign for all other signs. Any on-premise sign, other than a Detached Sign or electric or illuminated sign, which conforms with this Chapter and which replaces any other on-premise sign for which a permit has been issued hereunder, shall not require the issuance of a new permit nor the payment of the permit fee.
- (c) A logbook, list or other such public record with a chronological numbering system shall be maintained in the city building codes office for the purpose of

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recording all permit submittals and for providing a receipt verifying the date, time and sequence number of such applications. This record shall be considered public information available for review as a reference in considering the availability of potential permissible sign locations. The list or record shall contain all existing and pending sign locations and all applicants shall be given a receipt bearing the time, date and sequence number of such permit applications at the time of submittal.

Every person maintaining an off-premise sign or signs or any on-premise Detached Sign as of the effective date of this ordinance shall, within one hundred twenty (120) days of said effective date, furnish to the Office of the Building Official an inventory of all such signs; said inventory shall specify the exact location, measurements and size (including sign area as defined in §3-2) of each sign, provided, that such persons who have previously furnished such inventory shall not be required to furnish a new inventory. In lieu of such inventory, persons maintaining such signs may furnish or mail to the Office of the Building Official a photograph of each sign for which an inventory is required together with the name of the owner of the premises on which the sign is located, the occupant of such premises if different from the owner, the name of the business(es) located on such premises in the case of an on-premise sign, and the full address of such premises.

The failure to file the inventory for a sign as specified herein shall create a rebuttable presumption that such sign was erected subsequent to the effective date of this ordinance.

- (d) Location restrictions. An outdoor advertising display sign shall not be erected, constructed or maintained so as to obstruct any fire escape or any window or door or opening used as a means of egress or as to prevent free passage from one part of a roof to any other part thereof. A sign shall not be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for legal ventilation.
- (e) Where not otherwise specified in this section, the fees for sign permits shall be as follows:

Permit Fee

1. Failure to Obtain Permit Double Fee
2. Attached Sign-Non Electric \$50.00
3. Freestanding Sign \$125.00

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4. Subdivision Sign \$125.00
5. Temporary Sign \$30.00
6. Attached Sign – Electric \$125.00
7. Installation - \$1,000 or less \$15.00
8. Installation - \$1001 - \$2000 \$20.00
9. Installation per \$1000 over \$2000 \$5.00
10. Electrical Fee – 25 sq. ft. or less \$40.00
11. Electrical Fee per sq. ft. over 25 sq. ft. \$0.40
12. Electrical Fee Non-UL listed/labeled \$25.00
13. Demolition \$50.00
14. Billboard/Off-Premise Sign \$200.00
15. Projecting Sign \$125.00
16. Illuminated Sign \$125.00
17. Re-Inspection Fee \$50.00

(Code 1986, § 3-8; Ord. No. 9119, § 1, 2-14-89; Ord. No. 9382, 5-29-90; Ord. No. 10278, §§ 3 & 12, 8-15-95; Ord. No. 11175, §§ 16-17, 9-11-01; Ord. No. 11549, § 4, 05-04-04; Ord. No. 11931, § 2, 1-30-07; Ord. No. 12652, § 2, 10-2-12)

Sec. 3-9. Power to revoke permit; remedies for violation.

(a) If any sign permit is issued based upon any false or untrue information which is material to the application and the granting of a sign permit, the Building Official shall revoke any such permit and order the removal of such sign within thirty (30) days.

(b) If the Building Official determines that any sign erected pursuant to a permit issued under the provisions of this Chapter is in violation of any provision of this Chapter by error in the construction of the sign, the Building Official shall (i) notify the holder of the permit of the nature of the non-compliance and allow the holder a reasonable amount of time, but not less than fifteen (15) days nor in excess of sixty (60) days, to correct the defects giving rise to the non-compliance; or (ii) if such non-compliance cannot be corrected, to require the removal of the non-complying sign within thirty (30) days of the expiration of the period for correction specified above.

(c) If any sign is erected without a sign permit but is otherwise erected in compliance with the provisions of this Code, the Building Official may upon proper application for a sign permit and payment of double the normally required permit fee issue a sign permit for such sign, provided, however, that any such permit so issued shall in no event operate to relieve the person so erecting a sign without a permit from any penalties provided by this Chapter until such permit has been issued. (Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

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Sec. 3-10. Owner's name required on off-premise signs.

No sign permit shall be issued to any applicant to erect an off-premise sign unless the applicant agrees to place and maintain on each such sign the name of the person owning or in possession, charge or control thereof. The Building Official shall verify that the name of the person owning or in control of such sign is placed upon the same forthwith upon the erection of such sign and kept thereon at all times while such sign is maintained.

(Code 1986, § 3-10; Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

Sec. 3-11. Non-conforming signs.

(a) Nothing contained in this ordinance shall be construed in any way to ratify or approve the erection and/or maintenance of any sign which was erected in violation of any prior ordinance or ordinances of the City of Chattanooga, Tennessee, and such signs so erected in violation of any prior ordinance or ordinances shall be subject to removal as provided in this Article. Signs which are now in existence and were constructed in compliance with the terms of any prior ordinance or ordinances of the City of Chattanooga, Tennessee, but which are not in conformance with the provisions of this ordinance are hereby designated as legal, non-conforming signs, and shall be removed hereafter in accordance with this Section.

(b) For off-premise signs, any person owning, controlling or having a substantial ownership interest in any legal non-conforming off-premise sign(s) shall remove one such non-conforming off-premise sign and its supporting structure prior to the issuance of an off-premise sign permit to such person; any such person shall remove one legal non-conforming off-premise sign and its supporting structure for each off-premise sign permit issued until such person no longer owns, controls or has a substantial ownership interest in any legal non-conforming off-premise signs. Evidence of the removal of a non-conforming off-premise sign shall be furnished to the satisfaction of the Building Official. As used herein, "substantial" ownership interest shall mean any ownership interest in excess of five percent (5%) of the total ownership interest.

Notwithstanding the provisions of the foregoing paragraph, no credit shall be given for the removal of a legal, non-conforming sign and its supporting structure in the event a new legal non-conforming sign is erected on the site where the former legal non-conforming sign has been removed within ninety (90) days of the removal of the former sign. No credit shall be given for the removal of a legal non-conforming sign if such removal is done by or at the direction and expense of the City of Chattanooga. For the purposes of this paragraph, "site" shall include any portion of property designated by the same tax map parcel number maintained by the Hamilton County Tax Assessor at the time the original sign structure was erected.

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(c) For on-premise signs, any occupant (as defined in §3-61) who applies for a new sign permit for any on-premise detached sign shall be required to either remove all legal non-conforming detached signs and the devices designated in §3-71(b) on the area of the property occupied by such occupant, or to bring such non-conforming signs into conformance with the provisions of this Chapter, before any new permit may be issued. Any occupant who applies for a new sign permit for any on-premise attached sign shall be required to either remove all legal non-conforming attached signs and the devices designated in §3-71(b) on the area of the premises occupied by such occupant, or to bring such non-conforming signs into conformance with the provisions of this Chapter, before any new sign permit may be issued.

(d) Notwithstanding any other provision of this Chapter, any person using a portable sign, balloon sign or banner for which a temporary sign permit must be obtained on the effective date of this ordinance must obtain a temporary sign permit as required by Article VIII within sixty (60) days of the effective date of this ordinance and thereafter may use temporary signs only in accordance with the provisions of this Chapter.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

Sec. 3-12. Violation declared misdemeanors; penalty.

Any person who shall violate any provision of this Chapter, or any person who shall fail or refuse to comply with any notice to abate or other notice issued by the Building Official within the time allowed by such notice, shall be guilty of a misdemeanor; each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly. Each violation of this Chapter shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

Sec. 3-13. Violations declared nuisances; preexisting violations.

The maintenance of any unused sign and/or its supporting structure or any violation of the provisions of this Chapter by any person is declared to be a public nuisance dangerous to the public safety and shall be abated as set forth in this Article. For the purposes of this Section, "unused sign" shall include any sign which (i) has not displayed a message or messages for more than ninety (90) days or (ii) is not kept in good structural repair such that the sign could pose a risk to public health or safety. Except for temporary signs regulated by Article VIII of this Chapter, every sign to which the provisions of this Chapter shall apply that was legally erected prior to the effective date of this ordinance and was in use on said date, but which violates any of the provisions of this Chapter, shall not be subject to removal, provided, that the owner of any legal non-conforming off-premise sign shall obtain without charge within sixty (60) days of the effective date of this ordinance a permit from the Building Official which permit shall be marked on the face thereof: "non-conforming sign

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permit"; whenever there is a future non-use of any legal non-conforming on-premise or off-premise sign and/or its supporting structure for more than ninety (90) days, said non-conforming sign and its supporting structure shall then be removed forthwith within the time allowed in the notice required by §3-14 or the Building Official may cause said removal to be done as provided in this Article. (Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95; Ord. No. 11549, §5, 05-04-04)

Sec. 3-14. Notice requiring abatement of violation; abatement by city; lien for costs.

Upon ascertaining a violation of the provisions of this Chapter, the Building Official shall cause to be served upon both the offender, or his agent, and upon the owner, or his agent, or the occupant(s) of the premises, a written notice to abate which shall (i) describe the conditions constituting a nuisance under this Chapter, and (ii) state that the nuisance may be abated by the City at the expense of the offender, and/or the owner, and/or the occupant of the premises at the expiration of not less than fifteen (15) days nor more than sixty (60) days from the date of such notice if such condition is not corrected by the offender, or the owner, or the occupant, or the person in control of the premises. If, at the expiration of the time given to abate the nuisance in said notice to abate, the condition constituting a nuisance has not been corrected, then such condition may be corrected or the nuisance abated by the City at the expense of the offender and/or the owner and/or the occupant of the premises under the directions of the Building Official. The City shall have a lien on the property upon which such sign is located to secure the amount expended for the abatement of such nuisance; the 'amount expended for the abatement of such nuisance' shall include all unpaid annual maintenance and safety inspection fees and delinquent charges due to such sign. (Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

Sec. 3-15. Appeals.

An appeal to the Board of Sign Appeals from any adverse decision of the Building Official or Traffic Engineer may be filed in writing with the Building Official or the secretary to the Board within ten (10) days of any such decision; the secretary to the Board shall notify the person filing the appeal of the hearing date. The decision of the Board of Sign Appeals shall be final. (Ord. No. 9119, § 1, 2-14-89; Ord. No. 9654, § 62, 1-6-92; Ord. No. 10278, § 12, 8-15-95)

Sec. 3-16. Obscene displays on signs.

No person carrying on the business of bill posting, sign or bulletin painting, card, sign or banner tacking, shall post or paint, or cause to be posted or painted, so that the same can be seen from the streets or other public places of the City, any advertisements containing pictures or illustrations of any obscene character. For the purpose of this Section, "obscene" shall have the same meaning as provided in *Tennessee Code Annotated* §39-6-1101, as amended. (Code 1986, § 3-11; Ord. No. 9119, § 1, 2-14-89)

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Sec. 3-17. Signs over streets, sidewalks; where other advertising prohibited.

(a) No sign of any kind shall be permitted to project over or be suspended over or across any street or sidewalk except in accordance with the provisions of §3-94 of this Chapter.

(b) No person shall paste, paint, print, rope, bill, nail or pin any sign or any advertisement or notice of any kind whatsoever or cause the same to be done, on any curbstone, or in any portion of part of any sidewalk or street, tree, lamppost, telephone or telegraph pole, awning, porch or balcony or upon any other structure in the limits of any street or public right-of-way in the City, except such as may be required by this Code or other City ordinance.

(c) When any sign of the type enumerated in this Section is found in any place prohibited by this Section, it shall be *prima facie* evidence that such sign was so placed contrary to the provisions of this Section by the person to whom reference is thereby made.
(Code 1986, § 3-13; Ord. No. 9119, § 1, 2-14-89)

Sec. 3-18. Change of sign classification - removal.

If for any reason an off-premise sign becomes an on-premise sign, such on-premise sign and its supporting structure shall receive notification from the City allowing 30 days to comply with all of the provisions of this Chapter governing on- premise signs. If for any reason such sign cannot be brought into compliance, it shall be removed within ninety (90) days of the change of classification unless such sign is in compliance with all of the provisions of this Chapter governing on-premise signs. If for any reason an on-premise sign becomes an off-premise sign, such off-premise sign and its supporting structure shall receive notification from the City allowing 30 days to comply with all of the provision of this Chapter governing off-premise signs. If for any reason such sign cannot be brought into compliance, it shall be removed within ninety (90) days unless such sign is in compliance with all of the provisions of this Chapter governing off-premise signs. For the purpose of this section, a legally placed billboard, whether conforming to current regulations or allowed as a legal nonconforming use and situated on any parcel of land containing five (5) or more acres or with at least five (5) businesses shall be allowed to contract to advertise businesses located on the same tract of land without being considered to be an on-premise sign.
(Ord. No. 9119, § 1, 2-14-89; Ord. No. 11549, §6, 05-04-04)

Sec. 3-19. Signs distracting to motor vehicle operators prohibited.

(a) Where there are entrance and exit ramps to any controlled access facility, or a confluence of traffic, or anywhere else where operators of vehicles might be required to make sudden decisions in order to safely operate their vehicles, then no signs shall be permitted or

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allowed that will be or is distracting to drivers and thereby hazardous and dangerous to the traveling public.

(b) No off-premise or on-premise sign shall have moving parts, picture tubes, lights or illumination that vary in intensity, flash or change color, except as follows: (i) that tri-vision and electronic light emitting display off-premise signs with moving parts shall be permitted provided that the message on must change in no less than two (2) seconds and shall remain static for no less than nine (9) seconds, (ii) on-premise message centers shall be allowed provided a special permit has been obtained pursuant to the provisions of Article X of this Chapter, (iii) on-premise signs displaying current time and/or temperature only through the use of lights that vary in illumination or intensity shall be allowed, provided that each display shall remain constant for a minimum of four (4) seconds; and, (iv) off-premise scroll-light signs shall be permitted provided that the message must change in less than six (6) seconds and shall be static for no less than nine (9) seconds.

(c) No signs that resemble any regulatory or warning traffic control device or sign as found in the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways shall be permitted.

(d) Any signs which contain light emitting diode (LED), liquid crystal display (LCD) illumination or any sign capable of its message/display being changed by electronic/remote means shall comply with the following requirements or equivalent:

- i. All LED signs and on-premise or off-premise message centers shall be mounted on permanent sign structures only. Vehicle-mounted LED displays of any type, including parked or moving vehicles, are prohibited.
- ii. All LED signs and on-premise message centers shall have static images only. Flashing signs, scrolling message signs, or any form of animated images are prohibited. Audible signs are also prohibited.
- iii. LED images shall be displayed a minimum of ten seconds.
- iv. Transitions between images shall be a minimum of two seconds and shall be a fade out/fade in image change only. Scrolling transitions or abrupt image changes are prohibited.
- v. Automated light intensity and dimming controls for LED signs shall be required.

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vi. Using industry standards, daytime brightness levels should be no more than 90% of maximum intensity. Nighttime brightness shall be reduced to 30% of the maximum light intensity for the LED sign. The Traffic Engineer shall establish daytime and nighttime brightness levels based upon (mCd) levels which are approved by the City Council on all LED signs. [A millicandela (mCd) is the unit of measure commonly used to describe LED brightness.]

vii. All LED sign permit requests shall be reviewed and approved by the City Traffic Engineer.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 11700, 7-5-05; Ord. No. 12192, §1, 12-9-2008)

Sec. 3-20. Lighting and illumination.

Off-Premise advertising faces using external illumination shall use a maximum of two luminaries per sign face. All luminaries will use a type of lenses that will direct the light to only illuminate the intended bulletin or poster face. Lamp and ballast watts shall not exceed two (2) watts per square foot of advertising area. Lighting fixtures illuminating signs and billboards shall be aimed and shielded so that properties are protected from light trespass or spillage to the maximum extent practicable.

(Ord. No. 11549, §7, 05-04-04)

ARTICLE II. GENERAL OFF-PREMISE SIGN REGULATIONS

Sec. 3-21. General off-premise sign regulations.

Unless otherwise provided in this Chapter, the following regulations shall govern the construction and maintenance of any off-premise sign within the City:

(a) No sign shall exceed twelve (12) feet in height or thirty-six (36) feet in width.

(b) Sign area shall not exceed three hundred seventy-eight (378) square feet.

(c) The highest portion of a sign or sign structure shall not exceed fifty (50) feet above the lower of (i) the closest point on the top of the finished grade of the public road nearest thereto, or (ii) the closest point on the top of the finished grade of the public road towards which the sign is principally oriented and from which it is principally intended to be viewed.

(d) Sign structures supporting an off-premise sign or signs with a sign area greater than seventy-five (75) square feet shall be spaced not less than seven hundred (700) feet apart regardless of the direction in which any such sign is facing; said spacing shall only apply to signs on the same

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side of the street, provided, however, that any off-premise sign located within three hundred (300) feet of the center of any intersection of two or more roads shall be spaced not less than three hundred fifty (350) feet in all directions from any other sign of any size.

(e) Sign structures supporting an off-premise sign or signs with a sign area less than seventy-five (75) square feet in size shall be spaced not less than three hundred fifty (350) feet from any other off-premise sign of any size; said spacing shall apply only to signs on the same side of the road regardless of the direction in which any such sign is facing, provided, however, that any off-premise sign located within three hundred (300) feet of the center of any intersection of two or more roads shall be spaced not less than three hundred fifty (350) feet from any other sign of any size.

(f) Signs with a sign area of less than seventy-five (75) square feet shall be located no closer than ten (10) feet to the closest edge of any public right-of-way. All signs with a sign area exceeding seventy-five (75) square feet shall be located no closer than twenty (20) feet from the closest edge of any public right-of-way.

(g) Signs with a sign area less than seventy-five (75) square feet shall be erected so that the lowest portion of the sign face is not less than ten (10) feet above ground level at the base of the sign structure and so that the highest portion of the sign face is no more than eighteen (18) feet above ground level at the base of the sign structure.

(h) No sign shall be permitted on top of any building or rooftop.

(i) No sign face shall be permitted atop or beneath another sign face, i.e., no "stacked" signs are permitted on any sign structure, building or rooftop; provided, however, that if any off-premise sign is used merely to identify the tenants and/or the location of any commercial development located within six hundred (600) feet of said off-premise sign and contains no other commercial messages, then such sign may utilize "stacked" faces to identify the names of the tenants within and the location of such commercial development, so long as the total sign area of all such stacked faces when added together complies with the sign area and sign dimension limitations otherwise set forth herein.

(j) No sign shall be located where prohibited or not permitted by Zoning Ordinance No. 5149, as amended, or as may hereafter be amended.

(k) Off-premise traffic directional signs for licensed facilities offering twenty-four hour emergency medical and/or psychiatric care shall be permitted without regard to the provisions of subsections (d), (e) and (g) of this Section 3-21, provided, that any person desiring to erect such a sign shall first obtain a special permit from the Board of Sign Appeals pursuant to the provisions of Section 3-102 of this Chapter.

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(1) Construction type. All new or rebuilt billboards shall be constructed using single mono pole design unless otherwise prohibited by other Governmental Entities. All legal conforming or legal non-conforming signs in all areas or zones may be rebuilt using newly adopted rules and regulations including height, provided that no sign may be expanded in advertising area beyond its originally permitted standard size classification. For example, a sign originally permitted under “General off-premise sign regulations ” with a maximum advertising area of three hundred seventy five (375) square feet may not exceed the amended maximum of three hundred seventy eight (378) square feet and off-premise signs with a sign area of less than seventy five (75) square feet may not under this provision advance to a larger area, etc.

(Code 1986, § 3-21; Ord. No. 9119, § 1, 2-14-89; Ord. No. 9611, § 1, 9-10-91; Ord. No. 11549, §§8, 9 & 10, 05-04-04)

Sec. 3-22. Maintenance of off-premise signs and sign structures.

All off-premise signs shall be properly maintained. Off-premise signs which are not properly maintained are declared to be a nuisance and are subject to removal in accordance with the provisions of this Chapter. Rusted surfaces and/or components of signs shall be promptly repaired. Exposed surfaces of signs shall be clean and painted if paint is required. Defective parts of signs shall be replaced. The Sign Inspector shall order the removal of any off-premise sign which is defective, damaged or substantially deteriorated pursuant to Article I of this Chapter. For the purposes of this section 3-22, “sign” shall include signs and their supporting structures.

(Ord. No. 10624, 10-7-97)

Secs. 3-23 – 3-30. Reserved.

ARTICLE III. CONTROLLED ACCESS FACILITY SIGN REGULATION

Sec. 3-31. Controlled access facility sign regulation.

This Article shall govern the placement, location and size of both on-premise and off-premise signs along controlled access facilities. Except where provisions differing from those in Article II are set forth in this Article III, all provisions of Article II shall otherwise continue to be applicable.

(Code 1986, § 3-31; Ord. No. 9119, § 1, 2-14-89)

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Sec. 3-32. Control districts established.

There is hereby established a sign control district, which shall consist of a strip of land six hundred sixty (660) feet wide on each side of the right-of-way of all controlled access facilities, as defined herein, within the City, within which district all signs that are primarily oriented toward and are designed or situated to be observed from the controlled access facility are hereby regulated. For the purposes of this Article, "right-of-way" shall include all entrance and exit ramps of controlled access facilities.

(Code 1986, § 3-32; Ord. No. 9119, § 1, 2-14-89)

Sec. 3-33. Standards and restrictions.

The following standards and requirements shall govern signs within the sign control districts:

(a) Off-premise signs and their supporting structures shall be set back a minimum of twenty (20) feet from the right-of-way of all controlled access facilities.

(b) Off-premise signs and their supporting structures shall extend no higher than fifty (50) feet above the roadway of the controlled access facility at the nearest point.

(c) The highest portion of an on-premise sign and its supporting structure shall not exceed thirty (30) feet above the lower of (a) the closest point on the top of the finished grade of the nearest controlled access facility, or (b) the closest point of the top of the finished grade of the public road toward which the sign is principally oriented and from which it is intended to be viewed.

(d) The total sign area of on-premise signs per premises, the total sign area of each individual on-premise sign, and the total number of permitted on-premise signs shall be governed by the provisions of Article IX hereof.

(e) The sign area of an off-premise sign shall not exceed six hundred seventy-five (675) square feet, and such sign shall not exceed fourteen (14) feet in height or forty-eight (48) feet in width, excepting the addition of temporary graphic embellishments extending beyond the edge of rectangular sign face, provided that the addition of such embellishments does not increase the total sign area, as defined in §3-2, to greater than seven hundred fifty (750) square feet.

(f) When two off-premise signs are placed back-to-back on the same structure, with an angle between the backs of each sign face of not more than sixty (60) degrees, only one facing shall

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be measured in computing sign area; provided, that the second facing shall be no larger than the facing computed.

(g) Off-premise signs shall be located not less than one thousand (1,000) feet apart, as measured from the next adjacent sign on the same side of the controlled access facility. For the purposes of this Article, two off-premise sign faces placed back-to-back on the same structure with an angle between the backs of each sign face of not more than sixty (60) degrees shall be construed as one sign.

(h) Any off-premise sign located within three hundred (300) feet of any intersection of two or more roads shall be spaced not less than three hundred fifty (350) feet from any other sign of any size.

(Code 1986, § 3-33; Ord. No. 9119, § 1, 2-14-89; Ord. No. 11549, §§11 & 12, 05-04-04)

Secs. 3-34 – 3-40. Reserved.

ARTICLE IV. MAJOR ADVERTISING ZONE SIGN REGULATION

Sec. 3-41. General provisions.

This Article shall govern the placement, location and size of off-premise signs located in Major Advertising Zones as defined in §3-2. Except where provisions differing from those in Article II of this Chapter are set forth in this Article IV, all provisions of Article II shall otherwise continue to be applicable.

(Code 1986, § 3-41; Ord. No. 9119, § 1, 2-14-89)

Sec. 3-42. Standards and regulations.

(a) Off-premise signs with a sign area in excess of seventy-five (75) square feet in size shall be located not less than one thousand (1,000) feet apart on the same side of the road and located not less than three hundred fifty (350) feet from any off-premise sign with a sign area of less than seventy-five (75) square feet as measured on the same side of the right-of-way. In the event a sign is within twenty-five (25) feet of a building which completely obscures the sign from view from the right-of-way in one direction, a companion sign may be located within twenty-five (25) feet of the opposite end of such building; in such event, both signs shall be spaced no less than one thousand (1,000) feet from any other adjacent sign as measured on the same side of the road; provided, however, that any off-premise sign located within three hundred (300) feet of the center of any intersection of two or more roads shall be spaced not less than three hundred fifty (350) feet from any other sign of any size.

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(b) The sign area of an off-premise sign shall not exceed six hundred seventy-five (675) square feet, and such sign shall not exceed fourteen (14) feet in height or forty-eight (48) feet in width, excepting the addition of temporary graphic embellishments extending beyond the edge of rectangular sign face, provided that the addition of such embellishments does not increase the total sign area, as defined in §3-2, to greater than seven hundred fifty (750) square feet.

(c) The highest portion of an off-premise sign or its supporting structure shall not exceed fifty (50) feet above the lower of (i) the closest point on the top of the finished grade of the public road nearest thereto, or (ii) the closest point on the top of the finished grade of the public road toward which the sign is principally oriented and from which it is intended to be viewed, provided that signs with a sign area of less than seventy-five (75) square feet shall be governed by §3-21.

(d) Off-premise signs with a sign area of less than seventy-five (75) square feet shall not be located less than three hundred fifty (350) feet from any other off-premise sign of any size; said spacing shall apply only to signs on the same side of the road regardless of the direction in which any such sign is facing, provided, however that any such sign located within three hundred (300) feet of the center of any intersection of two or more roads shall be spaced not less than three hundred fifty (350) feet from any other sign of any size.

(e) Off-premise signs with a sign area of less than seventy-five (75) square feet shall be located no closer than ten (10) feet from the closest edge of any public right-of-way; all signs with a sign area in excess of seventy-five (75) square feet shall be located no closer than twenty (20) feet from the closest edge of any public right-of-way.

(f) For the purposes of this Article, two off-premise sign faces placed back-to-back on the same structure with an angle between the backs of each sign face of not more than sixty (60) degrees shall be construed as one sign.
(Code 1986, § 3-42; Ord. No. 9119, § 1, 2-14-89)

Secs. 3-43 – 3-50. Reserved.

ARTICLE V. SCENIC AREAS AND SCENIC CORRIDORS

Sec. 3-51. Scenic areas and scenic corridors.

Notwithstanding the provisions of Article III and Article IV, this Article shall govern the erection of off-premise signs and certain on-premise signs in Scenic Areas and Scenic Corridors. Except where provisions differing from those in Article II of this Chapter are set forth in this Article V, all of the provisions of Article II shall otherwise continue to be applicable.
(Code 1986, § 3-51; Ord. No. 9119, § 1, 2-14-89)

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Sec. 3-52. Scenic areas.

There are hereby established the following Scenic Areas, in which off-premise signs shall be prohibited as set forth in this Article V:

(a) The entirety of that portion of downtown Chattanooga which is bounded on the north and west by the Tennessee River, on the south by Main Street from its westernmost extremity (and extended by an imaginary line from such extremity directly to the Tennessee River) to its intersection with Market Street, and on the east by Market Street from its intersection with Main Street northwardly to King Street, and further on King Street from its intersection with Market Street to its intersection with 8th Street, thence westwardly along 8th Street to its intersection with Houston Street, thence northwardly along Houston Street to its intersection with 3rd Street and extended therefrom by an imaginary line directly to the Tennessee River.

(b) The entirety of the slopes of all ridges and mountains identified herein to the extent that such are located within the city limits, and including those areas more specifically illustrated in yellow on the topographic map attached hereto and specifically adopted as part of this ordinance. (Topographic map is located in the Office of the Clerk of the City Council.) The mountains and ridges included within such Scenic Areas are Lookout Mountain, Signal Mountain/Waldens Ridge, Elder Mountain/Raccoon Mountain, Missionary Ridge, Stringers Ridge, Godsey Ridge and Big Ridge.

(c) Barton Avenue to its intersection with Hixson Pike; Hixson Pike from its intersection with Barton Avenue to its intersection with Lupton Drive; Cherokee Boulevard from its intersection with Market Street to the Stringers Ridge Tunnel; Amnicola Highway from its intersection with the east side of Chattanooga State to Access Road; Hixson Pike from its intersection with Middle Valley Road to the City limits; Main Street from its intersection with Market Street to Holtzclaw Avenue; Holtzclaw Avenue to its intersection with Houston Street; East Brainerd Road from its intersection with Concord Drive to the City limits.
(Code 1986, § 3-52; Ord. No. 9119, § 1, 2-14-89; Ord. No. 11549, §13, 05-04-04)

Sec. 3-53. Off-premise signs prohibited in scenic areas.

No off-premise signs shall be erected or established within any Scenic Area.
(Code 1986, § 3-53; Ord. No. 9119, § 1, 2-14-89)

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Sec. 3-54. Scenic corridors established.

There are hereby established Scenic Corridors, which shall consist of certain strips of land six hundred sixty (660) feet on either side of the outermost edge of the right-of-way of all of the roads, routes and rivers specified in this Article, within which Scenic Corridors all off-premise signs are regulated as set forth herein.

(Code 1986, § 3-54; Ord. No. 9119, § 1, 2-14-89)

Sec. 3-55. Off-premise signs along scenic corridors prohibited.

No off-premise signs shall be permitted within the Scenic Corridors established along the following roads, routes, and rivers, and no off-premise signs shall be permitted outside of any such Scenic Corridors which are principally oriented toward and are designed or situated to be observed from any of the following roads, routes or rivers:

(a) Interstate 24 from the city limits south and west of the Tiftonia area to the center of its junction with U.S. Highway 27, except for an area one thousand three hundred twenty (1,320) feet on either side of the intersection of Interstate 24 and U.S. Highway 41 at the Tiftonia exit (Cummings Highway).

(b) Cummings Highway/Lookout Mountain Pike from the City limits west of Lookout Valley to its intersection with Highway 58.

(c) Highway 27 and any extension thereof, including the "Corridor J" roadway, from the southern bank of the Tennessee River northward to the northernmost Chattanooga city limits to the extent that said extension is within the city limits of Chattanooga.

(d) The Tennessee River from Chickamauga Dam downstream to the city limits.

(e) Within the area of Veterans Bridge and its approaches beginning at the midpoint of the intersection of Barton Avenue and Crewdson Street and extending southward four hundred seventy-five (475) feet on either side of the centerline of Barton Avenue across Veterans Bridge at the Tennessee River to its intersection with Fourth Street.

(f) Along Interstates 24 and 75 from one hundred fifty (150) feet east of Dodds Avenue eastward to the city limits as they now exist or may hereafter be expanded, except for an area one thousand three hundred twenty (1,320) feet in either direction along Interstate 75 from the intersection with Lee Highway (U. S Highway 11 and 64) at Ooltewah and State Route 2 (Bonny Oaks Drive).

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- (g) The Dupont Parkway from its north end, at the center of its intersection with Highway 153, generally south and east across Access Road and across the C.B. Robinson Bridge to the center of its intersection with Amnicola Highway, including all entrance and exit ramps thereto on the north side of Amnicola Highway.
- (h) The airport connector road from State Highway 153 generally southward to Airport Road.
- (i) Shallowford Road from its intersection with Gunbarrel Road to the intersection of Jenkins Road.
- (j) Riverside Drive generally northwardly and eastwardly from its intersection with Broad Street to the point where it crosses Citico Creek.
- (k) All of Jenkins Road lying within the Chattanooga city limits.
- (l) East Brainerd Road from its intersection with Concord Road and extending South and East to the City Limits.
- (m) Highway 153 from its intersection with Amnicola Highway to its intersection with Hamill Road.
- (n) Cassandra Smith Road from its intersection with Hixson Pike to its intersection with Hamill Road.
- (o) Hamill Road from its intersection with Hixson Pike to Big Ridge Road.
- (p) Highway 153 from its intersection with Grubb Road going north to the City limits.
- (q) Hickory Valley Road in its entirety;
- (r) Jersey Pike in its entirety;
- (s) Shallowford Road in its entirety;
- (t) Bonny Oaks Drive from its intersection with Highway 58 eastwardly to its intersection with Old Lee Highway at Interstate 75;
- (u) Highway 58 from its intersection with Jersey Pike northwardly to the City limits;

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- (v) All of Harrison-Ooltewah Road lying within the Chattanooga City limits;
- (w) All of Old Lee Highway lying within the Chattanooga City limits;
- (x) All of Old Cleveland Pike lying within the Chattanooga City limits;
- (y) All of Hunter Road lying within the Chattanooga City limits;
- (z) All of Mountain View Road lying with the Chattanooga City limits;
- (aa) All of Snow Hill Road lying within the Chattanooga City limits;
- (bb) All of Ooltewah-Georgetown Road lying within the Chattanooga City limits;
- (cc) Lee Highway from its intersection with Hunter Road southeastwardly to the City limits towards Bradley County; and
- (dd) Apison Pike.

(Code 1986, § 3-55; Ord. No. 9119, § 1, 2-14-89; Ord. No. 10949, § 1, 1-11-00; Ord. No. 11549, §§14, 15 & 16, 05-04-04; Ord. No. 12420, § 1, 8-17-10; Ord. No. 12689, § 1, 2-12-13)

Secs. 3-56 – 3-60. Reserved.

ARTICLE VI. DEFINITIONS RELATING TO ON-PREMISE SIGNS

Sec. 3-61. Definitions applicable to on-premise sign regulations.

For the purposes of Articles VI, VII, VIII, IX and X and where otherwise made applicable by reference, the following additional definitions shall apply:

Attached Sign. Attached sign shall mean an on-premise sign painted onto or attached to a building, canopy, awning, marquee or mechanical equipment located outside a building, which does not project more than eighteen (18) inches from such building, canopy, awning, marquee or mechanical equipment. Any such sign which projects more than eighteen (18) inches from a building, canopy, awning, marquee or mechanical equipment shall be considered a "Projecting Sign". For the purposes of this definition only, "canopy" shall mean only a canopy which is permanently attached to a building or which, if detached from a building, has more than two hundred (200) square feet of roof area. As used in this Section, "mechanical equipment" shall include any fence, enclosure, container or other structure around an area designated solely as a collection center for recycling of waste materials operated by nonprofit organizations.

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Awning. Awning shall mean a roof-like cover providing protection from the weather placed over or extending from above any window, door or other entrance to a building but excluding any column, pole or other supporting structure to which the awning is attached.

Balloon Sign. Balloon sign shall mean any sign painted onto or otherwise attached to or suspended from a balloon, whether such balloon is anchored or affixed to a building or any other portion of the premises or tethered to and floating above any portion of the premises.

Banner. Banner shall mean an on-premise sign which is made of fabric, paper or any other non-rigid material and which has no enclosing framework or internal supporting structure but not including balloon signs.

Building. Building shall mean any structure that encloses a place for sheltering any occupancy that (a) contains not less than three hundred (300) square feet of enclosed space at the ground level or (b) is routinely used for human occupancy in the ordinary course of business.

Building Identification Sign. Building identification sign shall mean an on-premise sign which is limited to the identification of the name of the building and/or the address of the building upon which such sign is located.

Canopy. Canopy shall mean a marquee or permanent roof-like structure providing protection against the weather, whether attached to or detached from a building, but excluding any column, pole or other supporting structure to which the canopy may be attached.

Construction Sign. Construction sign shall mean any temporary on-premise sign located upon site where construction or landscaping is in progress and relating specifically to the project which is under construction, provided that no such sign shall exceed a total of one hundred (100) square feet in sign area.

Detached Sign. Detached Sign shall mean (i) any Freestanding Sign or Projecting Sign, (ii) any sign attached to a canopy which is detached from a building and which has less than two hundred (200) square feet of roof area, and (iii) any sign attached to a structure which is not a building.

Facade. Facade shall mean the total external surface area of a vertical side of a building, canopy, awning or mechanical equipment used to dispense a product outside a building. If a building, canopy, awning or mechanical equipment has a non-rectangular shape, then all walls or surfaces facing in the same direction, or within twenty-five degrees (25E) of the same direction, shall be considered as part of a single facade. Additionally, any portion of the surface face of a

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mansard, parapet, canopy, marquee or awning which is oriented in the same direction (or within twenty-five degrees (25E) of the same direction) as the wall to which, or over which, such mansard, parapet, canopy, marquee or awning is mounted shall be deemed a part of the same facade as such wall.

Freestanding Sign. Freestanding sign shall mean a permanently affixed single or multi-faced on-premise sign which is constructed independent of any building and supported by one or more columns, uprights, braces or constructed device.

Incidental Sign. Incidental sign shall mean an on-premise sign, emblem or decal mounted flush with the facade to which it is attached and not exceeding two (2) square feet in sign area informing the public of goods, facilities or services available on the premises (e.g., a credit card sign, ice machine sign, vending machine sign or a sign indicating hours of business) or an on-premise sign which is affixed to mechanical equipment used to dispense a product and which is less than two (2) square feet in sign area.

Landmark Sign. Landmark sign shall mean any on-premise sign which identifies and is attached to any building which is included on the National Register of Historic Places, is listed as a Certified Historic Structure, is listed as a National Monument or is listed under any similar state or national historical or cultural designation.

Mansard. Mansard shall mean the lower portion of a roof with two pitches, including a flat-top roof with a mansard portion.

Mansard Sign. Mansard sign shall mean any sign attached to the mansard portion of a roof.

Marquee. Marquee shall mean a permanent roof-like structure projecting from and beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Message Center. Message Center shall mean a sign on which the message or copy changes automatically on a lamp bank or through mechanical means also known as a Commercial Electronic Variable Message Sign.

Occupant. Occupant shall mean each separate person which owns or leases and occupies a separate portion of a premises.

Portable Sign. Portable sign shall mean any on-premise sign which is not affixed to real property in such a manner that its removal would cause serious injury or material damage to the property and which is intended to be or can be removed at the pleasure of the owner, including,

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without limitation, single or multi-faced sandwich boards, wheel-mounted mobile signs, sidewalk and curb signs, ground signs and balloon signs.

Projecting Sign. Projecting sign shall mean an on-premise sign attached to a building, canopy, awning or marquee and projecting outward therefrom in any direction a distance of more than eighteen (18) inches, provided, however, that no projecting sign shall extend horizontally from the building more than eight (8) feet at the greatest distance. Signs projecting from a building or extending over public property shall maintain a clear height of 9 ft (2743 mm) above the sidewalk and all such signs shall extend not more than within 18 inches (457 mm) of the curbline.

Reader Board. Reader board shall mean any on-premise sign attached to or made a part of the support system of a Freestanding Sign which either displays interchangeable messages or advertises some product or service offered separately from the name of the premises where it is located, such as "Deli Inside", "Tune-Ups Available", "Year-End Special" and the like.

Roof Sign. Roof sign shall mean an attached or projecting sign (i) which is placed on top of or over a roof, excluding the mansard portion of a roof, or is attached to any flagpole, antenna, elevator housing facilities, air conditioning towers or coolers, or other mechanical equipment on top of a roof, (ii) any portion of which extends above the top of the wall, canopy or awning to which such sign is attached, or (iii) any portion of which extends above the top of the mansard in the case of a mansard sign. Notwithstanding the foregoing, a sign not in excess of forty-eight (48) inches in height may be placed above and attached to a marquee as a projecting sign in a C-3 Central Business Zone or in the downtown Chattanooga area as defined in § 3-52 of this Chapter.

Snipe Sign. Snipe sign shall mean any on-premise sign for which a permit has not been issued which is attached in any way to a utility pole, tree, rock, fence or fence post.

Special Event. Special event shall mean a short-term event of unique significance not in excess of thirty (30) days; such terms shall include only grand openings, health-related promotions or health-related service programs (i.e., flu shots clinic, blood donation drives, chest x-ray clinic, etc.), going-out-of-business sales, promotions sponsored by a governmental entity, fairs, school fairs, school bazaars, charity runs, festivals, religious celebrations and charity fund-raisers, and shall not include other sales or promotions in the ordinary course of business.

Temporary Sign. Temporary sign shall mean any on-premise sign permitted specifically and exclusively for a temporary use as allowed under the provisions of Article VIII. Temporary sign shall also mean a sign for an occupant which has relocated; any such sign shall display only the name of the occupant which has relocated, a message that the occupant has relocated and the new location of the occupant.

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Wall Graphics or Wall Murals. Wall graphics or wall murals shall mean a painted scene, figure or decorative design so as to enhance the building architecture, and which does not include written trade names, advertising or commercial messages.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 9620, § 1, 10-8-91; Ord. No. 9765, § 1, 8-11-92; Ord. No. 9965, § 1, 10-19-93; Ord. No. 11931, §3, 1-30-07)

Secs. 3-62 – 3-70. Reserved.

ARTICLE VII. PROHIBITED ON-PREMISE SIGNS AND OTHER DEVICES

Sec. 3-71. Prohibited on-premise signs and devices.

- (a) Use of the following on-premise signs shall be prohibited:
 - (1) Portable signs; except where specifically permitted for an authorized temporary use in accordance with the provisions of Article VIII.
 - (2) Banners in excess of forty (40) square feet in sign area, except where specifically permitted for an authorized temporary use in accordance with the provisions of Article VIII; in no event may any banner be displayed unless it is secured on all corners in a manner designed to prevent excessive movements in the wind.
 - (3) Snipe signs.
 - (4) Roof signs, except balloon signs permitted as temporary signs under Article VIII of this Chapter.
 - (5) Any sign painted on or attached to a vehicle and used as a stationary sign.
 - (6) Freestanding signs with moving parts, flashing or blinking lights, animation or sound-emitting devices (excluding two-way communication devices used solely for such two-way communication), except (i) that permanently attached message centers shall be permitted, provided, that a special permit is obtained pursuant to the provisions of Article X of this Chapter, and (ii) that signs displaying current time and/or temperature only through the use of lights that vary in illumination or intensity shall be allowed, provided, that each display shall remain constant for a minimum of four (4) seconds. Excepting that reader boards signs may allow electronic messages with condition that it is secondary to main sign, cannot exceed size of the main sign and message must remain constant for a minimum of nine (9)

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seconds, and the message change shall be accomplished within a maximum of two (2) seconds.

(b) Except as provided in §3-85, the use of streamers, pennants, pinwheels, flags (other than those permitted by §3-99), tinsel and any other device which hangs freely and is intended to be wind-activated or to circulate, flap, rotate, blow or otherwise be put in motion by the wind shall be prohibited. The devices prohibited by this subsection (b) may be maintained following the effective date of this ordinance but shall not be replaced following the effective date of this ordinance, provided, however, that all devices prohibited by this subsection (b) shall be removed no later than twelve (12) months after the effective date of this ordinance. In addition, attention arrestors used to distract attention to the business, such as but not limited to, strobe lights in which the flash can be detected outside the business are prohibited.

(c) For the purposes of this Section, a rebuttable presumption shall arise that a vehicle is being used as a stationary sign if (1) any sign is painted on or attached to the vehicle, (2) such vehicle is not titled or does not have a license tag affixed thereto, and (3) such vehicle is located in a front yard (as defined in the Chattanooga Zoning Ordinance), provided that no such presumption shall arise with respect to trailers which are used in the ordinary course of business in a trucking operation.

(d) In the event a snipe sign is illegally erected, installed or posted referring to an owner or occupant of a premises or to an event or event to take place on an owner's or occupant's premises, the Building Official or his designee shall issue a correction notice to such owner or occupant giving such owner or occupant twenty-four (24) hours to remove such snipe sign or signs, and the failure to timely remove such signs as provided in the correction notice shall be a violation of the provisions of this Chapter by such owner or occupant.
(Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 4, 8-15-95; Ord. No. 11700, §§ 2 and 3, 7-5-05)

Secs. 3-72 – 3-80. Reserved.

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ARTICLE VIII. TEMPORARY ON-PREMISE SIGNS; BANNERS; SPECIAL EVENTS

Sec. 3-81. Authorized use of temporary signs.

Banners in excess of forty (40) square feet, portable signs and balloon signs shall be allowed on-premise for certain temporary uses only. A temporary sign permit shall be required prior to placement or erection of such sign or banner. Each occupant of a premises shall be entitled to obtain a temporary sign permit. Any such temporary sign permit shall be issued only in accordance with the following:

(a) *Permit Fee and Display of Permit.* A permit fee of Thirty Dollars (\$30.00) shall be charged for the issuance of each temporary sign permit and upon issuance such temporary sign permit shall be securely affixed to and readily viewable on the temporary sign. (Ord. No. 11175, §18, 09-11-01)

(b) *Limit on Use of Temporary Signs.* No occupant shall be eligible for issuance of a temporary sign for more than a total of one hundred five (105) days during any calendar year, and no occupant shall be allowed to use more than one (1) temporary sign at a time.

(c) *Time Limit for Display of Temporary Signs.* All temporary sign permits shall state an effective date and an expiration date; such permits shall be issued only for fifteen (15) or thirty (30) day increments. Any temporary sign and its supporting structure (including balloons) permitted under this Article shall be removed at or before 11:59 p.m. of the expiration date on the temporary sign permit notwithstanding any other provision of this Chapter, unless the temporary sign permit for such sign is renewed as set forth in subsection (e). No occupant may obtain a temporary sign permit until the expiration of thirty (30) days from the end of such occupant's last temporary sign permit period or renewal period, whichever is later.

(d) *Size and Placement of Temporary Signs.* No temporary sign shall exceed one hundred (100) square feet in sign area. No temporary sign shall be placed closer than ten (10) feet to any public right-of-way, and no temporary sign may be placed in any handicapped parking space or any parking space required by any provision of the Chattanooga City Code, the Chattanooga Zoning Ordinance or state law. No part of any temporary sign may be located within forty (40) feet of two (2) public rights-of-way.

(e) *Renewal of Permit.* A 15-day temporary sign permit may be renewed once for an additional consecutive fifteen (15) day period; such renewal may be made by telephoning or visiting the Office of the Building Official prior to the expiration date of the initial permit, and no fee shall be charged for such renewal.

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(f) *Temporary Signs for Occupants Which Have Relocated.* Notwithstanding the provisions of subsections (b) and (c) above, any occupant which has relocated may obtain a temporary sign permit for a period of time not to exceed one hundred eighty (180) days; any such sign shall display only the name of the occupant which has relocated, a message that the business has relocated and the new location of the business. No renewal shall be permitted for any such temporary sign, and not more than one (1) such temporary sign shall be permitted per occupant. Any such temporary sign shall be permitted and maintained only on the premises at which the occupant was located prior to relocation and only with the permission of the owner of the premises. No banner may be used as a temporary sign for an occupant which has relocated.

No person, sign company or other entity shall install, erect or display a temporary sign without having first obtained a temporary sign permit as required by this Chapter.
(Ord. No. 9119, § 1, 2-14-89; Ord. No. 9765, § 2, 8-11-92; Ord. No. 10278, §§ 5, 6 & 12, 8-15-95)

Sec. 3-82. Removal of temporary signs.

Notwithstanding any provision of this Chapter to the contrary, the Building Official shall, upon ascertaining a violation of the provisions of this Article VIII, cause a written notice to abate such nuisance to be served upon the offender, or his agent, and upon the owner or occupant of the premises; such notice shall require abatement of such nuisance within not less than twenty-four (24) nor more than forty-eight (48) hours from the time of such notice. Any notice given pursuant to this §3-82 shall in all other respects comply with the provisions of §§ 3-13 and 3-14 of this Chapter. Notwithstanding the foregoing, if a violation of the provisions of this Article VIII is willful and intentional the Building Official shall issue a citation to City Court to such offender in addition to or in lieu of any notice to abate served upon such offender.
(Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

Sec. 3-83. Balloon signs.

No balloon upon which a balloon sign is displayed shall exceed a height of thirty (30) feet above the lowest point of the ground or building over which the balloon is situated. No more than two (2) banner signs will be permitted on any balloon. No part of any balloon sign or balloon shall be located closer than thirty (30) feet from any public right-of-way. Any banner sign affixed to a balloon must be mounted flush to the balloon. A banner sign attached to a balloon may not exceed one hundred twenty (120) square feet in surface area, provided, however, that any banner sign attached to a balloon any part of which is within sixty (60) feet of any public right-of-way may not exceed one hundred (100) square feet in surface area.
(Ord. No. 9119, § 1, 2-14-89)

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Sec. 3-84. Banners.

Banners which are not in excess of forty (40) square feet in sign area shall require no sign permit but shall be subject to the remaining provisions of this Chapter, provided, however, that such banners shall not be used in computing sign area for the purposes of §3-92(e) or §3-93. Banners shall be allowed as on-premise signs only. An occupant may display one (1) banner (whether attached or detached), regardless of sign area, at a time.

Notwithstanding the foregoing, any qualified entity may erect without a new sign permit up to four (4) on-premise banners not in excess of forty (40) square feet in sign area; such banners shall be subject to the remaining provisions of this Chapter. For the purposes of this Section, "qualified entity" shall mean any nonprofit 501(c)(3) or 501(c)(4) organization which is located within the downtown Chattanooga area as defined in §3-52(a) of this Chapter and which offers to the public cultural, historical, recreational, educational or entertainment activities as its principal business. (Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 7, 8-15-95)

Sec. 3-85. Special events.

(a) The sponsor of a special event lasting three (3) days or less shall not be required to obtain a sign permit but shall notify the Building Official of such event in writing no less than five (5) business days before the beginning of such event; such notification shall include the name of the sponsor, the location of the event, the owner of the location, the dates of the event, and the type of special event. The sponsor of a special event lasting more than three (3) but no more than thirty (30) days shall obtain a special permit from the Board of Sign Appeals prior to the beginning of such event. Such special permits shall be granted only in increments of fifteen (15) days.

(b) The sponsor of a special event may use temporary on-premise signs, flags, lights, pennants, streamers, balloons, balloon signs and banners during the special event, provided, that the use of such signs and devices shall be subject to §§ 3-16, 3-17, 3-19, 3-82, 3-83, 3-95 and 3-98 of this Chapter and to any conditions placed upon such use by the Board of Sign Appeals where a special permit must be obtained.

(c) No part of any sign or other device for a special event may be placed closer than ten (10) feet to any open public right-of-way. No part of any sign or other device for a special event may be located within forty (40) feet of two (2) open public rights-of-way.

(d) All signs and other devices for a special event shall be promptly removed after the end of the special event and in no case shall such signs and devices remain on display longer than thirty-six (36) hours after the end of the special event.

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(e) No sponsor may display signs and devices for special events pursuant to this Section on the same premises for more than a cumulative total of thirty (30) days per calendar year. No occupant may display signs and devices for special events pursuant to this Section for more than a cumulative total of thirty-six (36) days per calendar year. Each special event lasting three (3) days or less shall be counted as three (3) days for the purposes of this Section.
(Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

Sec. 3-86. Priority.

The provisions of this Chapter 3 of the Code shall govern the use of portable signs notwithstanding the provisions of Chapter 10 of this Code, provided, that the priority of this Chapter 3 shall not apply to matters not governed herein or in the event the provisions of Chapter 10 are more restrictive.
(Ord. No. 9119, § 1, 2-14-89)

Secs. 3-87 – 3-90. Reserved.

**ARTICLE IX. GENERAL REGULATION OF
PERMANENT ON-PREMISE SIGNS**

Sec. 3-91. General regulation of on-premise signs.

Other than signs which are prohibited under the provisions of Article VII or which are permitted as temporary signs pursuant to Article VIII, this Article shall regulate the general use of on-premise signs.
(Ord. No. 9119, § 1, 2-14-89)

Sec. 3-92. Number and size of permitted on-premise signs.

(a) Each premises shall be allowed one (1) detached sign for each public street upon which the premises fronts (excluding public and private alleyways), provided that not more than one (1) detached sign shall be primarily oriented towards any such public street except for large predominantly retail commercial developments that contain a minimum of 25 acres under the same ownership shall be allowed (1) freestanding sign at each primary entrance of said development as long as the entrance is controlled by a traffic signal. For the purposes of this Article, "public street", "public right-of-way" and "public road" shall include any private street which is open to and regularly used by the public and which is constructed to City standards set forth in the Subdivision Regulations adopted by the City. (Ord. No. 12462, 1-18-11)

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(b) In addition, on premises upon which there are located two (2) or more free-standing buildings, an occupant who leases an entire building which is free-standing and unattached to any other building on such premises shall also be allowed one (1) detached sign for each public street upon which such occupant's building fronts, provided that such sign is located within the area leased to such occupant and oriented towards such public street. In addition to any sign permitted by subsection (a) above but not in addition to any sign permitted by the foregoing sentence, a franchisee or proposed franchisee under a franchise agreement which unconditionally requires such franchisee or proposed franchisee to maintain a separate free-standing sign may erect on its premises a separate free-standing sign for each such franchise on each public street upon which the premises fronts, provided, that such sign(s) shall comply with the provisions of such franchise and of this ordinance, and further provided that the provisions of this sentence shall apply only to franchises for the retail sale of new automobiles or trucks; evidence that the franchise unconditionally requires the franchisee or proposed franchisee to maintain a separate freestanding sign shall be in the form of an affidavit signed by an officer of the franchisor stating that under no circumstances will the franchisor allow such franchisee or proposed franchisee to operate without a separate freestanding sign and that such franchisor has not waived this requirement previously for any other franchisee or proposed franchisee.

(c) Notwithstanding the provisions of subsections (a) and (b), if a detached sign is maintained on premises which fronts upon two (2) or more public streets and any part of such sign is located within fifty (50) feet of the closest edge of the right-of-way of two (2) or more public streets, only one (1) detached sign shall be allowed for such premises.

(d) In addition to any detached sign permitted above, on any premises where goods and/or services are offered on a "drive-thru" basis which may be purchased or obtained by a person without the necessity of exiting his or her motor vehicle, two (2) additional detached sign per "drive-thru" window or "drive-thru" lane shall be permitted with one (1) sign to be the primary menu sign and the second to be designated as a pre-sale menu sign to be located within twenty-five (25) feet of the primary menu sign and situated to be viewed by customers in the drive-thru lane only, provided, that such additional detached sign(s) shall not exceed eight (8) feet in height or thirty-nine (39) square feet in sign area. It is the intent of this subsection (d) to allow businesses offering "drive-thru" services to use such additional detached sign(s) to list the services and/or goods offered to their customers while such customers are on the premises, and it is not the intent of this subsection to allow any additional detached sign(s) which are primarily designed and oriented to be read by customers or prospective customers who are not on the premises; the Traffic Engineer shall not approve any such additional detached sign which does not conform to the intent of this subsection.

(e) The number of attached signs for a premises, or for each occupant of a premises, shall not be limited, but the total sign area of attached signs shall not exceed twenty percent (20%)

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of the area of the facade to which the signs are attached. The number of words in an attached sign (excluding a message center) shall not be limited, but not more than eight (8) words attached to a facade may contain any letters in excess of six (6) inches in height. In the event there is more than one (1) tenant on the premises, attached signs on the premises for a particular tenant shall be located only on the portions of the building directly outside the area occupied by that tenant or on portions of the building which are common areas.

(f) For the purpose of this Section, "word" shall mean any word, number, abbreviation, trademark, symbol or name. The purpose of this Section may not be circumvented by combining words which are ordinarily separated to make one word, such as "gasforless", and in such case, each separate letter shall be counted as a word.

(g) For premises within the downtown area (this area being described as the Tennessee River on the North, United States Highway 27 on the West, 12th Street on the South and the Georgia state line on the East), the number of attached signs for a premises, or for each occupant of a premises, shall not be limited, but the total sign area of any attached signs shall be limited to a maximum area of forty (40) square feet, but in no event shall the size of the sign exceed the maximum limitations set forth in subsection 3-92(e) of this Chapter. Exceptions to this provision shall be directed to the Board of Sign Appeals.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 9280, 12-12-89; Ord. No. 9338, 3-13-90; Ord. No. 9619, § 1, 10-8-91; Ord. No. 10278, § 8, 8-15-95; Ord. No. 11700, §§ 4 and 5, 7-5-05; Ord. No. 12462, 1-18-11)

Sec. 3-93. Maximum size limitations for detached signs.

(a) The permitted size of a detached sign shall be determined in accordance with the distance which such sign is set back from the right-of-way as specified in §3-94 but the sign area of a detached sign (whether a freestanding sign or projecting sign) shall not exceed one hundred seventy-five (175) square feet in size per sign face, except as provided for in subsection 3-93(b) below. The sign area of a detached sign shall be calculated in accordance with the provisions of Section 3-2 hereof, except that the dimensions of any reader board shall be calculated individually and not as if the reader board were included within the rectangular sign area of any other sign, provided that the cumulative total of all such signs still shall not exceed one hundred seventy-five (175) square feet. If, instead of being supported by a simple pole or beam system, a freestanding sign is supported by or attached to any other type of freestanding opaque structure which serves as a background for the sign and obscures visions through such structure, then the structure shall itself be included in determining the size of the sign.

(b) For premises which have frontage along any single public road or public right-of-way in excess of three hundred fifty (350) linear feet along such road or right-of-way and which

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have more than two (2) occupants, all of the provisions of §3-93(a) shall apply, except that the sign area of a freestanding sign located along such frontage shall not exceed three hundred (300) square feet. In addition, if any premises which has more than two (2) occupants has less than three hundred fifty (350) linear feet of frontage along a public road or public right-of-way but has a developed store or building frontage of greater than five hundred (500) linear feet, then the sign area of a detached sign shall not exceed three hundred (300) square feet.

(Ord. No. 9119, § 1, 2-14-89)

Sec. 3-94. Setback requirements for detached signs.

(a) No detached sign may be closer than ten (10) feet to any street or right-of-way; no detached sign with a sign area larger than forty (40) square feet may be closer than fifteen (15) feet to any street or right-of-way; and no detached sign which is larger than one hundred (100) square feet may be closer than twenty (20) feet to any street or right-of-way. Notwithstanding the foregoing set-back limitations, any projecting sign which is attached to a building whose building line adjoins a public sidewalk or public right-of-way may extend out over the public sidewalk or right-of-way, but not over any public street and not in excess of the distance otherwise permitted hereunder. Notwithstanding the foregoing, any owner from whose property any sign may project over any public right-of-way shall, prior to erecting or installing such sign, obtain a temporary use permit from the City subject to such conditions as may be required by the City Council.

(b) Notwithstanding the provisions of paragraph (a) above, signs advertising the sale or lease of real estate for which no sign permit is required, see section 3-6(b)iv and viii for setback and location requirements.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 9385, 5-29-90; Ord. No. 9889, § 1, 6-1-93; Ord. No. 10278, §§ 9 & 13, 8-15-95; Ord. No. 12188, §1, 12-2-08)

Sec. 3-95. Minimum and maximum height limitations on detached signs.

All projecting signs shall have a minimum clearance between the ground and the lowest portion of such sign of not less than ten (10) feet. A freestanding sign or its supporting structure whose closest point is located no closer than ten (10) feet from any right-of-way may not exceed twenty (20) feet in height above the adjacent public right-of-way at its closest point. For each additional foot of set-back beyond ten (10) feet from the right-of-way, a freestanding sign may extend an additional one (1) foot in height above the level of the adjacent public right-of-way at its closest point, up to a maximum of thirty (30) feet in height. Notwithstanding the foregoing provisions of this Section, in the event a freestanding sign is placed on ground which is higher than the closest point on the adjacent public right-of-way, the maximum height of such sign shall be measured from the lowest point of the ground over which such sign is located, if, and only if, every

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part of such sign and its supporting structure is located within fifty (50) feet of the closest adjacent public right-of-way.

(Ord. No. 9119, § 1, 2-14-89)

Sec. 3-96. Traffic directional signs.

The number, height and set-back limitations in §§ 3-92, 3-93 and 3-94 above shall not apply to on-premise entrance, exit or other directional traffic signs at any premises, provided that no such directional sign shall exceed thirty (30) inches in height nor more than six (6) square feet in sign area, and further provided that no such signs shall contain any words other than customary motor vehicle or pedestrian traffic directional instructions. On premises with land area in excess of seven (7) acres which have two (2) or more occupants, signs marking a one-way entrance to the premises, including the name(s) of the occupant(s) of the premises, shall not exceed fifty (50) square feet in sign area nor exceed nine (9) feet in overall height but shall be located no closer than ten (10) feet from the closest edge of the pavement of any public right-of-way but in no event on a public right-of-way. In no event shall there be permitted more than two (2) traffic directional signs per entrance or exit to the premises. On premises which are within six hundred sixty (660) feet of a controlled access facility, which have a detached sign which is taller than fifty (50) feet and which are not adjacent to a public right-of-way, one such traffic directional sign shall be permitted not in excess of forty (40) square feet in sign area and not in excess of twelve (12) feet in overall height; any such sign shall be located no closer than ten (10) feet from the closest curb or edge of any public street but in no event on any public right-of-way, and any such sign may be placed on an access easement to such premises, provided that this sentence shall not apply to premises which are permitted more than one (1) detached sign.

Notwithstanding any other provision in this Chapter to the contrary, off-premise traffic directional signs may be erected on the city right-of-way by a qualifying non-profit entity any licensed K-12 or educational use pursuant to a temporary use permit granted by the City Council. The location and number of such off-premise traffic directional signs shall be approved by the City Traffic Engineer. For the purposes of this paragraph, a qualifying non-profit entity shall mean a not-for-profit entity which does not charge an admission fee or membership fees or dues or any licensed K-12 educational use and which is not abutting on or visible from a through street designated in §24-501 of this Code or a one-way street designated in §24-504 of this Code. No such off-premise traffic directional sign shall be located more than six tenths of one mile from the premises of the non-profit entity, and no such sign shall exceed three (3) square feet in sign area. The City Traffic Engineer shall review the placement of any non-profit or any licensed K-12 educational directional sign under this section and direct the placement of a business directional sign on a through street public right-of-way in any location which shall in his judgment protect safety of motorists after considering visibility and sight conditions of any minor streets where a business may be located.

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(Ord. No. 9119, § 1, 2-14-89; Ord. No. 9482, 11-13-90; Ord. No. 10037, § 1, 5-3-94; Ord. No. 10283, § 1, 9-5-95; Ord. No. 12286, § 1, 9-22-09)

Sec. 3-97. Directional signs on hospital premises.

The restrictions of §§ 3-92, 3-93, 3-94 and 3-96 shall not apply to on-premise directional signs located on the premises of any hospital, medical center or clinic which offers emergency medical care.

(Ord. No. 9119, § 1, 2-14-89)

Sec. 3-98. Maintenance of on-premise signs.

All on-premise signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Building Official shall order the removal of any on-premise sign which is defective, damaged or substantially deteriorated pursuant to Article I hereof.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

Sec. 3-99. Flags.

In addition to the display of the flags of the United States, any State of the United States, the County of Hamilton and the City of Chattanooga, each premises may display one (1) additional flag as an on-premise sign provided that such additional flag shall not exceed ninety-six (96) square feet in surface area and provided further that in no case shall such additional flag exceed the size of the flag of the United States displayed on the same premises. Such additional flag may be displayed only on a flagpole and only when the flag of the United States, a State, the County of Hamilton or the City of Chattanooga is being displayed on a flagpole. At no time may such additional flag be secured by any means on more than one (1) side of the flag. The foregoing limitation on the display of flags shall not apply to stadiums or athletic fields in which sporting events are routinely held.

(Ord. No. 9119, § 1, 2-14-89)

Sec. 3-100. Right to waive signs.

- (a) For the purposes of this Section, the following definitions shall apply:

Premises A shall mean premises upon which there are located no on-premise or off-premise signs, including liquor store signs.

Premises B shall mean premises which are not located on a through street as designated in Section 24-501 of this Code.

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(b) In the event the owner(s), all occupants and all other persons in control of Premises A waive in writing their right to erect any on-premise or off-premise sign(s) upon such premises in favor of Premises B, the owner or occupant of Premises B may, subject to the provisions of this Chapter not in conflict with this Section, erect and maintain on Premises A an attached sign which, except for its location, would otherwise be classified as an attached sign on Premises B. Such attached sign shall be subject to the provisions of this Chapter governing on-premise signs and shall not be subject to the provisions of this Chapter governing off-premise signs except as set forth in this Section.

(c) This Section shall not be applicable unless Premises B is located within 300 feet of Premises A; this Section shall not be applicable in the event there are any signs upon Premises B which do not conform to the provisions of this Chapter.

(d) In the event the owner(s), any occupant or any other person in control of Premises A revokes in writing the waiver in favor of Premises B, the attached sign and its supporting structure maintained on Premises A shall be removed within sixty (60) days. No sign permit shall be issued to any owner or occupant of Premises A so long as the attached sign permitted by this Section remains on Premises A.

(e) All permit fees and safety inspection fees for the attached sign permitted by this Section shall be paid by the owner or occupant of Premises B who erects such sign.

(f) In the event all owners, occupants and/or other persons in control of two (2) or more contiguous premises agree in writing to combine such premises into one (1) premises for the purposes of this Chapter, all such individual contiguous premises shall be treated as one (1) combined premises for all purposes under this Chapter, provided that the provisions of Section 3-92(b) shall not be applicable to such combined premises, and provided further that the measurements of such combined premises may not be used under Section 3-93(b) to enlarge the maximum permissible sign area of any detached sign which would otherwise have been permitted upon any one (1) of the individual premises. In the event such agreement is revoked by any party thereto any sign thereby transformed into a non-conforming sign shall be removed within sixty (60) days or the non-conformity cured within sixty (60) days.

(g) The Director of the Land Development Office or designee shall have the authority to waive any or all requirements of Articles VII and IX of this Chapter for major mixed-use developments located in the downtown C-3 Central Business Zone, as described in Section 3-52(a) of this Chapter, as deemed necessary to ensure a development's ability to adequately identify itself and/or its occupants, under the following conditions:

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(1) The development's use is retail, commercial, office, and residential containing 250,000 square feet, or more, of useable gross floor area and a minimum of three (3) stories in height and is located on contiguous property;

(2) A sign package has been submitted by the developer or designee for review showing all signs, elevations, locations, height, and sign area associated with said development; and

(3) The Director of the Land Development Office or designee determines that signs similar in character, size, and location for uses/developments similar in nature currently exist within the zone but do not meet the requirements of Articles VII or IX.

(Ord. No. 9279, § 1, 12-12-89; Ord. No. 9507, § 1, 1-15-91; Ord. No. 12070, §1, 2-5-08)

ARTICLE X. VARIANCES AND SPECIAL PERMITS

Sec. 3-101. Board of Sign Appeals to hear requests; meetings; membership.

(a) The Board of Sign Appeals is hereby established and is hereby designated to hear and decide all requests for variances and special permits made pursuant to this Article X. Said Board shall hear such requests at the time and place fixed by said Board for its regular monthly meeting or at such other meetings of the Board as may be called by the Chairman or established by said Board. The City Attorney or his designated representative shall be present at each Board meeting.

(b) The Board of Sign Appeals shall consist of nine (9) members; each member of the City Council shall appoint one (1) member to said Board. Three (3) members of the first Board shall serve terms of one (1) year expiring on July 31, 1992; three (3) members of the first Board shall serve terms of two (2) years expiring July 31, 1993; three (3) members of the first Board shall serve terms of three (3) years expiring on July 31, 1994. The City Council shall designate the term of each member of the first Board; each member of the Board shall thereafter serve a term of three (3) years. In the event of a vacancy on the Board, the member of the City Council responsible for the appointment of that particular position shall appoint a new member to serve the unexpired term. A member of said Board may be removed from the Board upon 'a majority vote of the entire City Council.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 9593, 8-6-91; Ord. No. 12188, §1, 12-2-08)

Sec. 3-102. Jurisdiction of the board.

The Board of Sign Appeals shall have the following powers:

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(a) To hear and rule on requests for variances to permit not more than one (1) on-premise sign per premises to be constructed on premises where such signs are otherwise permitted to a height greater than allowed by this Chapter and/or to be located nearer to a public right-of-way than otherwise allowed by this Chapter if, in the opinion of said Board, a severe and substantial hardship is imposed by the provisions of this Chapter with respect to the particular property subject to the request and the conditions of §3-105 have been satisfied. The Board shall require a showing of substantial economic hardship prior to granting any variance. The Board shall grant only minimum relief necessary to remedy the particular hardship. In no event may the Board permit any such sign to be constructed to a height greater than eighty (80) feet within six hundred sixty (660) feet of either side of a controlled access facility or any such sign to be constructed to a height greater than fifty (50) feet in any other area. The provisions of this Section are to be strictly construed.

(b) To hear and rule on requests for variances to permit an attached sign greater in size than allowed by Article IX, Section 3-92(e) of this Chapter, if, in the opinion of said Board, a severe and substantial hardship is imposed by the provision of this Chapter. The Board shall require a showing of such hardship with respect to circumstances of a unique site location, which may include, but not limited to: (i) setback of building right-of-ways, or, (ii) building heights or other visual impediments that would prevent visibility of said sign to (the) traveling public.

(c) To hear and rule on requests for special permits for on-premise message centers. A special permit may be granted for: (i) on-premise message center for premises having facilities which provide a location for public events or gatherings, whether sporting, cultural, civic, or entertainment, and which provide a fixed seating capacity of not less than 1,200 persons, or (ii) the message center is an attached sign which is placed in a manner to be viewed by persons in a drive-through line on the same premises and the message or scrolling of which cannot be seen from any public right-of-way, or (iii) a special permit may be granted for two attached on-premise message centers for premises having facilities located in the C-3 Central Business District that have an occupancy rating of not less than 20,000 persons. The Board may in its discretion impose such reasonable conditions on the operation, size, and placement of message centers as it deems appropriate for traffic safety; in imposing any such conditions, the Board may consider any recommendations by the Office of the City Traffic Engineer. Any message center operated or maintained in violation of any condition placed upon it by the Board of Sign Appeals in the special permit for such message center is hereby declared to be a violation of the provisions of this Chapter and subject to abatement as set forth in Article I of this Chapter.

(d) To hear and rule on requests for special permits for signs for special events in excess of three (3) days but no longer than thirty (30) days. The Board may in its discretion impose such reasonable conditions on the number, size and placement as it deems appropriate for traffic safety; in imposing any such conditions, the Board may consider any recommendations of the Office of the Traffic Engineer.

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(e) To hear and rule on requests for special permits for off-premise traffic directional signs for licensed facilities offering twenty-four hour emergency medical and/or psychiatric care; no such sign shall be permitted with any message thereon other than ordinary and customary traffic directions to such facility. The Board in its discretion may impose such reasonable conditions on the size, height and placement of such traffic directional signs as it deems appropriate for traffic safety. Any such traffic directional sign operated or maintained in violation of any condition placed upon it by the Board of Sign Appeals in the special permit for such sign is hereby declared to be a violation of the provisions of this Chapter and subject to abatement as set forth in Article I of this Chapter.

(f) To hear and rule on requests for special permits for the use of certain banners not otherwise permitted, including banners (i) which are in excess of the number permitted for a building under Section 3-84 of this ordinance, (ii) which extend more than eighteen (18) inches but not more than thirty-six (36) inches from the side of a building while still being considered as an "attached sign" under Section 3-61 of this ordinance, and/or (iii) which exceed forty (40) square feet in size, notwithstanding the limitations in Section 3-71 (2) of this ordinance. The Board may grant special permits for anyone or more of the foregoing exceptions, but only if all of the following conditions are satisfied with respect to each such exception:

(1) The building for which a special permit is requested shall not be less than two (2) stories in height;

(2) The building for which a special permit is requested shall be a retail shopping facility or mixed-use facility containing at least twenty-five percent (25%) retail shopping area by square footage;

(3) The banners for which a special permit is requested may contain only the following information (or any combination thereof): the name of a special event (as defined in §3-61) to be carried on within the building for a temporary period not exceeding sixty (60) consecutive days, the name of the building and/or the name of the owner or occupants within the building. No special permit shall be given for a banner containing any other message or information other than the foregoing;

(4) No banner shall extend more than thirty-six (36) inches from the side of the building to which it is attached, and banners within this limitation shall be considered as "attached signs" within the meaning of Section 3-61 of this ordinance;

(5) No banner permitted by this Section may exceed sixty (60) square feet in sign area;

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(6) The application for a special permit under this Section shall be made by the owner of the premises and shall illustrate the approximate placement of the requested banners along each side of the building for which a permit is requested, and the number of banners on any side of a building shall not exceed one (1) banner for each twenty (20) linear feet along the ground level of that side of the building. The owner or lessor of a building may allow banners to be utilized by occupants within such building, but such use by any occupant shall not increase the total number of banners allowed along the side of a building. Once the total number of permissible banners along the side of a building is determined, the banners may be placed along such side in any location the owner/occupant chooses (subject to the remaining limitations of this ordinance), and such banners are not required to be placed twenty (20) linear feet apart from one another; and

(7) Any permit granted by the Board may contain such other conditions, including without limitation, further restrictions (but not liberalizations) on the size, height, placement and numbers of banners, such as the Board may in its discretion feel are appropriate to protect the public interest and as may be warranted by the particular circumstances of the request for a special permit under this Section.

(g) To hear and rule on requests for special permits for the use of certain on-premise message centers not otherwise permitted, if and only if such message centers are attached to a building and are designed and constructed not to be read by persons off the premises on which they are located. The application for a special permit under this subsection shall be made by the owner of the premises and shall illustrate the approximate placement of the requested message center for which the special permit is requested. Any permit granted by the Board may contain such other conditions, including without limitation, further restrictions (but not liberalizations) on the size, height and placement of the message center such as the Board may in its discretion feel are appropriate to protect the public interest and as may be warranted by the particular circumstances of the request for a special permit under this Section.

(h) To hear and rule on requests for special permits for on-premise signs and/or banners located upon commercial, predominantly retail, developments which are: under the same management, not less than twenty-five thousand (25,000) square feet of usable retail floor area, not less than two (2) stories in height, and commercially zoned areas along Manufacturers Road, Cherokee Boulevard and Frazier Avenue located in the Northshore area, or (2) under the same management, not less than six hundred thousand (600,000) square feet of usable retail floor area two (2) stories in height, and located outside the downtown area as described in 3-52(a) of this chapter. Any such special permit may be granted only after the Board has reviewed and approved all signs and/or banners for the development. The Board may authorize signs and/or banners to be erected which are not otherwise in compliance with the provisions of this chapter, subject to the following limitations:

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- (1) The Board may not authorize any increase in the maximum sign area for any permitted free-standing sign;
- (2) The Board may authorize not more than one (1) projecting sign per retail occupant or retail tenant of the development, and any such projecting sign shall not be considered as a detached sign for the purposes of 3-92 of this chapter, provided that any such projecting sign shall not extend more than eight (8) feet from the facade of any building nor shall any such projecting sign exceed thirty (30) square feet in sign area, and provided further that such projecting signs shall only be located directly outside the space occupied by the occupant or tenant to which the sign refers or directly outside a common entrance for two or more tenants; and
- (3) Roof signs shall not be permitted. For the purposes of this subsection (h), "retail," shall include restaurants. Nothing in this subsection (h) shall require the Board to grant any relief to or issue any special permit to any applicant. (i) To hear and rule on requests for special permits for on-premise and off-premise signs and/or banners located upon any stadium with seating capacity in excess of five thousand (5,000) persons. Any such special permit may be granted only after the Board has reviewed and approved all signs for the development. The Board may authorize signs, flags and/or banners to be erected which are not otherwise in compliance with the provisions of this chapter. The Board may authorize projecting signs which shall not be considered as detached signs for the purposes of §3-92 of this chapter, provided that any such projecting sign shall not extend more than eight (8) feet from the facade of any building nor shall any such projecting sign exceed fifty (50) square feet in sign area.

(Ord. No. 9119, § 1, 2-14-89; Ord. No. 9611, § 2, 9-10-91; Ord. No. 9703, § 1, 4-21-92; Ord. No. 9822, § 1, 1-5-93; Ord. No. 9823, § 1, 1-5-93; Ord. No. 10337, 11-21-95; Ord. No. 10620, § 1, 9-30-97; Ord. No. 10623, § 1, 10-7-97; Ord. No. 10818, § 1, 1-12-99; Ord. No. 10950, § 1, 1-11-00; Ord. No. 11006, § 1, 4-18-00; Ord. No. 11700, § 6, 7-7-05; Ord. No. 12188, §1, 12-2-08; Ord. No. 12290, § 1, 9-29-09)

Sec. 3-103. Applications to the board.

Persons desiring consideration by the Board shall apply to the Secretary of the Board of Sign Appeals and shall supply such information as the Board may require to identify the premises and proposed location of the sign in question and to determine the reason for the request. Each

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application shall be accompanied by a receipt for a fee of One Hundred Dollars (\$100.00) paid to the City Treasurer to cover the City's cost of handling the application, no part of which fee is refundable. Persons objecting to the application or interested in the determination made by the Board may likewise set forth their views and actual evidence in writing. The application and any objection shall be submitted to the Board within the time provided in its rules of procedure. (Ord. No. 9119, § 1, 2-14-89; Ord. No. 11175, §19, 09-11-01)

Sec. 3-104. Notices.

A notice of the public hearings held by the Board of Sign Appeals shall be sent by regular mail to each of the property owners within a minimum of two hundred (200) feet of each property in question before the Board. Said notice will be mailed at least seven (7) days prior to the public hearing by the Board. The most recently updated tax rolls for the City of Chattanooga will be the source of ownership information for Board purposes. A notice shall be published in a daily newspaper at least seven (7) days before the hearing. The names of each of the property owners within a minimum of two hundred (200) feet of each property in question before the Board shall be supplied by the applicant to the secretary of the Board concurrently with the filing of any application for a variance, special permit or special exception; failure to provide a complete list of such property owners shall, in the discretion of the Board, constitute grounds for denial of the application. (Ord. No. 9119, § 1, 2-14-89)

Sec. 3-105. Conditions for granting variances.

Before a variance may be granted, the Board must find that the following conditions exist:

(a) That by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of this Chapter would result in peculiar and practical difficulties or undue hardships upon the owner. If the ground level of the premises for which a variance is sought is higher than the ground level of the public right-of-way at its nearest point from the proposed location of such sign, the Board shall not consider topographical conditions as contributing to such peculiar and practical difficulties or undue hardships upon the owner.

(b) That the relief of the peculiar and practical difficulties or undue hardships granted by the Board would not establish substantial detriment to the public good or substantially impair the intent and purpose of this Chapter.

(c) That the peculiar and practical difficulties or undue hardship is not created as a result of any act upon the part of the applicant.

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(d) That the conditions upon which the petition for which a variance is based would not be applicable generally to other property and that the difficulty complained of by the applicant is not a general or widespread condition throughout the City.

(e) That the condition or hardship is not simply the presence of a legal or illegal nonconforming sign on a nearby premises. The presence of a nonconforming sign on another parcel of property shall not by itself be sufficient cause for granting of a variance.

(f) That the proposed variance will not increase the danger of fire or electrical hazard, obscure sight lines for motorists or otherwise endanger the public safety.

(g) That the peculiar hardship is related to specific qualities of the property as noted in (a) above, and not simply to the financial expectations of the applicant. Financial factors alone shall not be considered as a basis for granting a variance.

(Ord. No. 9119, § 1, 2-14-89)

Sec. 3-106. Conditions for granting special permit for message center.

Before a special permit for a message center may be granted, the Board of Sign Appeals must find that the granting of the special permit will not result in substantial distraction to traffic on any adjacent public right-of-way or increase substantially the obstruction of an approach to a scene of unusual attractiveness or detract from an area that has been determined to be unusually scenic or attractive.

(Ord. No. 9119, § 1, 2-14-89)

Sec. 3-107. Rehearings; termination of variances and special permits.

The Board shall not rehear any request for a variance or special permit for a message center within a minimum period of one (1) year from its previous hearing date. If a decision of the Board to grant a variance or special permit for a message center has not been fully utilized and confirmed by the completion of the construction of the sign contemplated by the applicant within a period of one year from the date of the Board's decision, such variance or special permit previously granted shall be considered void.

(Ord. No. 9119, § 1, 2-14-89)

Sec. 3-108. Records; administration.

The Board shall keep a duplicate record of its proceedings, findings and action in each case, giving specific reasons for its action and for any deviation from policy it might have established in past cases. The vote of each member on each question shall appear in the record. All records of the Board shall be open to the public.

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The mayor shall name the secretary to the board. The secretary shall conduct all official correspondence subject to the rules and directions of the Board and shall send out all notices and attend all meetings or cause the same to be done. The secretary shall keep the Minutes of the Board, compile the records and maintain the official files of the Board or cause the same to be done. (Ord. No. 9119, § 1, 2-14-89; Ord. No. 9654, § 63, 1-6-92)

Sec. 3-109. Appeals from Board's decision.

The action of the Board shall be final, provided, an appeal from the action of the Board may be taken to a court of competent jurisdiction by any aggrieved, affected party. (Ord. No. 9119, § 1, 2-14-89)

Sec. 3-110. Reserved.

ARTICLE XI. VETERANS BRIDGE SIGN-CONTROL DISTRICT

Sec. 3-111. Definitions.

Key terms and phrases used in this Article shall have the meanings ascribed to them by Section 3-14 of this Code, with the following additions:

Attached sign means a sign permanently attached to a building, awning, canopy, marquee, wall or roof, and including any sign which is fastened to or painted on the wall of a building or structure in such a manner that the wall becomes a supporting structure for or forms the background surface of the sign and which does not project more than eighteen (18) inches from such building or structure at the basic point of attachment.

Detached sign means a sign not attached to or forming a part of a building or as otherwise defined herein.

Ground sign means any sign not permanently affixed to any structure, which is placed on the ground made of light materials easily movable and including A-frame or sandwich board signs, sidewalk or curb signs, balloons or other gas-filled figures and other such signs.

Parapet means extension of a false front or wall above a roof line. (Code 1986, § 3-71; Ord. No. 9119, § 2, 2-14-89)

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Sec. 3-112. Established; boundaries.

There is hereby established a Veterans Bridge Sign-Control District which shall be defined as follows:

Within the area of Veterans Bridge and its approaches beginning as the midpoint of the intersection of Barton Avenue and Crewdson Street and extending southward four hundred seventy-five (475) feet on either side of the centerline of Barton Avenue across Veterans Bridge at that Tennessee River and continuing along four hundred seventy-five (475) feet on either side of the centerline of Georgia Avenue to Fourth Street; thence continuing westward to include an area four hundred seventy-five (475) feet on either side of the centerline of Fourth Street to Interstate Highway 124.

(Code 1986, § 3-72; Ord. No. 9119, § 2, 2-14-89)

Sec. 3-113. Special Regulations.

Within the specific control district, the following special regulations shall apply:

1. *On-premises and off-premises, attached signs:* Within the specified control district, both on and off-premises attached signs shall be permitted, subject to the following limits:
 - a. *Sign:* Not regulated except that:
 1. Signs shall not extend above the eave line or roof line or parapet wall (if any) of the building;
 2. No more than twenty (20) percent of a wall shall be covered with signs;
 - b. *Number:* Except as provided above, there are no limits on the number of attached signs.
 - c. *Exceptions:* On-premises signs for businesses fronting on Market and Broad Streets are excepted from these limitations.
2. *On-premises, detached:* For the sake of businesses located within the district, on-premises detached signs shall be permitted, subject to the following limits:
 - a. *Size:* A maximum of thirty (30) square feet or one (1) square foot of sign area for every three (3) lineal feet of public street frontage, whichever is greater.

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- b. *Height:* A maximum of twenty (20) feet above finished grade at the base of the sign or curb level at the nearest frontage on a public street, whichever provides greatest height, shall be permitted on the south side of the river; on the north side of the river such signs shall not project above the road level of Veterans Bridge, or twenty (20) feet above finished grade at the base of the sign or curb level at the nearest frontage on a public street, whichever is greater.
 - c. *Number:* One (1) detached sign per frontage, per business location.
 - 3. *Off-premises, detached:* Within the specified control district, off-premises detached signs shall be prohibited.
 - 4. *Awning, canopy and marquee signs:* These signs shall be regulated as attached signs if they project eighteen (18) inches or less from the awning, canopy or marquee; and, they shall be regulated as detached signs if they project more than eighteen (18) inches from the awning, canopy or marquee.
 - 5. *Portable signs and ground signs:* Within the specified control district, portable signs and ground signs shall be prohibited.
 - 6. *Lighted and animated signs:* Within the specified control district, signs with flashing lights or moving parts shall be prohibited. Furthermore, no amber, blue, red or green lights shall be permitted, and any direct lighting shall not exceed sixty (60) watts in an incandescent bulb or seventy-five (75) watts in a fluorescent fixture.
- (Code 1986, § 3-73; Ord. No. 9119, § 2, 2-14-89)

Sec. 3-114. Existing signs.

Signs existing within the control district as of June 12, 1984, which may fail to conform with these new regulations may continue to be used so long as they are not enlarged, lighted in not low lighted, or otherwise materially altered, except that such signs may be replaced, remodeled or otherwise improved if, in the opinion of the Building Official, such work does not violate the intent of this provision. Examples of permitted improvements might include: replacement of a wooden structure with a steel structure; replacement of multiple supports with a single steel post, and other such modifications which result in a cleaner, less cluttered appearance.

(Code 1986, § 3-74; Ord. No. 9119, § 2, 2-14-89; Ord. No. 10278, § 12, 8-15-95)

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Sec. 3-115. Exclusions from Article.

The following shall not be subject to the provisions of this Article:

1. Signs provided or required by a duly constituted governmental body, including traffic or similar regulatory devices, or legal notices;
2. Flags or emblems of a political, philanthropic, educational or religious organization;
3. Memorial plaques or tablets;
4. Holiday decorations which are clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

(Code 1986, § 3-75; Ord. No. 9119, § 2, 2-14-89)

(Code 1986, § 3-76; Ord. No. 9119, § 2, 2-14-89; Ord. No. 10278, § 13, 8-15-95; Ord. No. 12286, § 2, 9-22-09)

Secs. 3-117 -- 3-120. Reserved.

ARTICLE XII. SUBDIVISION ENTRANCE SIGNS AND BUSINESS DIRECTIONAL SIGNS²

Sec. 3-121. Signs permitted at entrance to subdivision.

The owner of any parcel of property which is subdivided by a plat filed in the Hamilton County Register's Office, and which complies with all of the requirements set forth in Section 3-122 below, shall have the right to erect one sign at each entrance to such subdivision, notwithstanding that such sign would otherwise be considered as an off-premise sign. The erection of any such sign shall be subject to the requirements of Section 3-123 and 3-124 below. As used in this Article, the word "entrance" shall mean the area within fifty (50) feet of the intersection between a public road and any other road which lies within or is adjacent to a subdivision and which serves as a primary point of vehicular access to such subdivision.

(Ord. No. 9301, 1-2-90)

Sec. 3-122. Minimum subdivision requirements for erection of entrance signs.

²**Editor's note-**Article XII. "Subdivision Entrance Signs" was renamed to Article XII. "Subdivision Entrance Signs and Business Directional Signs" by Ord. No. 10278, § 10, 8-15-95.

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A sign will be permitted at the entrances to a subdivision only if all of the following requirements are satisfied:

- (i) A parcel of land which is subdivided for commercial or industrial purposes must contain a total contiguous area of not less than fifteen (15) acres and must contain a total of not less than five (5) building lots;
- (ii) Not more than one (1) double-faced subdivision entrance sign or two (2) single-faced subdivision entrance signs may be placed at an entrance to a residential subdivision. Not more than one (1) double-faced subdivision entrance sign may be placed at an entrance to a commercial or industrial subdivision;
- (iii) A portion of the subdivided land shall front along the public road towards which the entrance sign is to be oriented;
- (iv) No other entrance sign shall already exist for the subdivision; and
- (v) No signs shall exist on the subdivision premises which do not conform to the provisions of this Chapter.

(Ord. No. 9301, 1-2-90; Ord. No. 9501, § 1, 12-18-90)

Sec. 3-123. Types of signs permitted at subdivision entrances.

Any sign which is permitted at the entrance of a subdivision in accordance with this Article shall be considered as an on-premise sign as to the entire subdivision, and as to any owners of property within the subdivision. Subject to the requirements of applicable zoning laws regarding the use of signs in residential areas, any entrance sign may contain the name, location, products, persons, accommodations, services, or activities conducted on or offered from the subdivision.

(Ord. No. 9301, 1-2-90)

Sec. 3-124. Size, setback and height of signs at subdivision entrances.

(a) Any entrance sign permitted in accordance with this Article shall be placed on property which is included within the subdivision, and except as modified in Section 3-124(b) and Section 3-124(c) below, shall be subject to the size, setback and height restrictions of Sections 3-93, 3-94 and 3-95 of this Code.

(b) Notwithstanding the provisions of Section 3-93, no subdivision entrance sign for a residential subdivision shall exceed forty (40) square feet in sign area nor five (5) feet in overall height, provided, however, that in any residential subdivision with not less than a total contiguous

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area of eight (8) acres and a total of not less than thirty (30) building lots, such subdivision entrance sign shall not exceed one hundred (100) square feet in sign area nor ten (10) feet in overall height.

(c) Notwithstanding the provisions of Section 3-93, any subdivision entrance sign constructed and erected in accordance with this Article for a commercial or industrial subdivision may total, but not exceed, three hundred (300) square feet in sign area, regardless of the road frontage of such subdivision along the public road towards which such entrance sign is oriented. (Ord. No. 9301, 1-2-90)

Sec. 3-125. Fees for subdivision signs.

The Building Official shall not issue any sign permit for a subdivision sign until a permit fee of One Hundred Twenty-Five Dollars (\$125.00) has been collected. No annual maintenance and safety inspection fee shall be collected for a subdivision sign in a residential subdivision. The annual maintenance and safety inspection fee shall be charged and collected for all subdivision signs in commercial or industrial subdivisions; each business which uses any part of such sign shall pay the maintenance and safety inspection fee for the sign area of the subdivision sign which is actually used by such business plus a pro rata portion of the sign area of such sign which is for common use among the occupants of the subdivision. (Ord. No. 9301, 1-2-90; Ord. No. 10278, § 12, 8-15-95; Ord. No. 11175, § 20, 9-11-01)

Sec. 3-126. Business directional signs.

For a location at the intersection of a minor street and a through street designated in §24-501 of this Code where a business, which is located on a minor street and which is within one thousand (1,000) feet of the major thoroughfare, is not visible from the through street upon approaching the intersection, a business directional sign may be placed upon the public right-of-way subject to the following provisions:

1. Such directional signs shall be constructed by the City and shall be of the type determined by the City Traffic Engineer.
2. Businesses otherwise complying with all provisions of this Chapter 3 may request that their sign be placed on the business directional sign; a fee of Two Hundred Dollars (\$200.00) per fiscal year shall be charged by the City for the privilege; said fee shall be paid on or before July 1 of each year for that fiscal year.
3. No such sign shall be erected without the approval of the City Traffic Engineer.

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4. Business directional signs are provided by the City for the convenience of the City and are subject to removal at any time.
5. No such business directional signs shall be erected in the downtown Chattanooga area as set forth in §3-52(a) of this Chapter.
6. As used in this Section, "fiscal year" shall mean the City's fiscal year from July 1 to June 30 or any part thereof during which a business directional sign is located on a City right-of-way for a business.
(Ord. No. 10278, § 11, 8-15-95)

Secs. 3-127 – 3-130. Reserved.

ARTICLE XIII. POLITICAL SIGNS

Sec. 3-131. Scope of Article - definition of political sign.

Notwithstanding anything in this Chapter to the contrary, the provisions of this Article shall govern the use and placement of political signs. "Political signs" shall mean any sign which supports or opposes the candidacy of any candidate for public office or urges action on any other issue on the ballot of a primary, general or special election.
(Ord. No. 9332, 2-27-90; Ord. No. 12188; §1, 12-2-08)

Sec. 3-132. Political signs regulated.

Political signs with a sign area of more than thirty-two (32) square feet shall be subject to the provisions of the Chapter governing off-premise signs, provided that any political signs at a campaign headquarters shall be governed as on-premise signs. Political signs with a sign area of thirty-two (32) square feet or less shall be subject to the following restrictions:

(a) No such political sign less than 36 inches in height may be placed closer than five (5) feet or (10) feet if greater than thirty-six (36) inches to the closest edge of the pavement or curb of any public or private street.

(b) No such political sign may be placed closer than twenty-five (25) feet to the closest edge of the pavement or curb of two (2) public or private streets.

(c) No person shall paste, paint, print, rope, bill, nail or pin any sign or any advertisement or notice of any kind whatsoever or cause the same to be done, on any curbstone, or in any portion of part of any sidewalk or street, tree, lamppost, telephone or telegraph pole, awning,

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porch or balcony or upon any other structure in the limits of any street or public right-of-way in the City including but not limited to any divided roadway median, traffic island and/or traffic circle/roundabout, except such as may be required by this Code or other City ordinance.

(d) No such political sign may be placed upon or attached in any way to any tree, fence, fence post, utility pole, light pole or rock.

(e) All such political signs shall be removed within fifteen (15) days after the election to which they refer has been held. Such signs erected for a primary election may remain only if they continue to be valid for the next general election.

(f) The Office of the Building Official or the Traffic Engineer may order the removal or relocation of any such sign which may constitute a hazard to the public traveling on public streets. (Ord. No. 9332, 2-27-90; Ord. No. 10278, § 12, 8-15-95; Ord. No. 12188, §1, 12-2-08)