

CITY
OF
JACKSON, TENNESSEE

SIGN CODE
ORDINANCE



CITY OF JACKSON
BUILDING & CODES DEPARTMENT
119 EAST MAIN STREET SUITE 208
JACKSON, TENNESSEE 38301

(731) 425-8262
FAX: (731) 425-8228
JCAMPBELL@CITYOFJACKSON.NET



SIGNS

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ARTICLE I. IN GENERAL

Section 21-1. Chapter to constitute a uniform code.

The provisions of this chapter establishes a uniform code relating to signs visible from public rights-of-way; prescribing regulations and standards; establishing a sign code board of appeals; providing for administration and procedures; requiring licenses and the payment of fees; providing for penalties. (Ord. No. 1976-19, S 1, 7-16-76)

Section. 21-2. Statement of purpose.

The code creates the legal framework for signage regulations that is intended to facilitate any easy and agreeable communication between people. It recognizes the need to protect the safety and welfare of the public, the need for well-maintained and attractive appearance in a community, and the need for adequate business identification and advertising and communication. This code recognizes that esthetics and design quality cannot be satisfactorily legislated, as individual opinions vary and

*Editor's note-Ord. No. 1976-19, S 1, adopted July 16, 1976, repealed former Ch. 21, relative to signs and billboards, and enacted in lieu thereof a new Ch. 21 as herein set out. Cross-references Advertising, Ch. 3; buildings-technical codes, Ch. 8; zoning, App.A.

general public opinions vary from one area to another. It is recognized, however, that a great percentage of that which is unattractive can be eliminated by sensible quality control, through adequate maintenance and inspection and by reasonable guidelines formulated to minimize clutter.

This code authorizes the use of signs visible from public rights-of-way provided the signs are:

- (1) Compatible with their surroundings, pursuant to the objectives of proper design and zoning amenities.
- (2) Allowing and promoting optimum conditions for meeting the sign user's needs while at the same time promoting the amenable environment desired by the general public.
- (3) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- (4) Legible, readable and visible in the circumstances in which they are used.
- (5) Respectful of the reasonable rights of other advertisers whose messages are displayed. (Ord. No. 1976-19, S 1, 7-16-76)

Section. 21-3. Short title.

This code shall be known as the "Sign Code of the City of Jackson" or may be so cited and pleaded and shall be referred to herein as the code. (Ord. No. 1976-19, S 1, 7-16-76)

***Section. 21-4. Scope of chapter.**

The provisions of this chapter shall be effective and shall be applied to the entire area within the city and to any property owned by or under the jurisdiction of the city outside of its corporate limits.

Section. 21-5. Definitions.

As used in this chapter, the following definitions of terms shall apply:

- (1) Abandoned sign: A sign which no longer correctly directs or exhorts any

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person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

- * (2) Administrator: The Planning Director or his designated representative.
- (3) Advertising message: That copy on a sign describing products or services being offered to the public.
- (4) Animated sign: Any sign which includes action or motion. For purposes of this code, this term does not refer to flashing, changing or indexing, all of which are separately defined.
- (5) Architectural projection: Any projection not intended for occupancy which extends beyond the property line, not including signs, canopies or marquees.
- (6) Area of copy: The entire area within a single continuous perimeter which encloses the extreme limits of the advertising message, announcement or decoration on a fascia or wall sign.
- (7) Area of sign: The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame, integral part of the display, but excluding the necessary uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.
- (8) Architectural blade: A roof sign or projection sign with no legs or braces. Designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.
- * (9) Area of off-premise sign: Where poster panels or bulletins are installed back to back, one face only is considered as area. If there is a difference, the larger face will be counted. For the purpose of calculating fees the total square footage of all faces shall be considered the area of the off-premises sign.
- (10) Awning: A temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

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- (11) Background area: The entire area of a sign on which copy could be placed, as opposed to the copy area, when referred to in connection with facia or wall signs.
- (12) Banner sign: A temporary sign composed of lightweight material either enclosed or not enclosed in rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.
- (13) Billboard: See "Off Premise Sign", "Off-Site Sign" or "Outdoor Advertising (Posters and Bulletins)."
- (14) Building face or wall: All window and wall area of a building in one plane or elevation.
- (15) Building frontage: The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.
- (16) Building identification sign: A sign lettered to give the name of a building itself, as opposed to the name of occupants or services.
- (17) Bulletin: See "Off Premise Signs", "Off-Site Signs" or "Outdoor Advertising".
- (18) Canopy (or marquee): A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal or plastic.
- (19) Canopy or marquee sign: Any sign attached to or constructed in or on a canopy or marquee.
- (20) Changeable copy sign (manual): A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.
- (21) Changing sign (automatic): A sign such as an electronically or electrically controlled public service time, temperature and date message center or reader board, where different copy changes are shown on the same lamp bank.
- (22) Comprehensive design plan: Building design and signs integrated into

- one architectural plan, the comprehensive plan being complete in other building, structural and electrical requirements.
- all (23) Copy (permanent and temporary): The wording on a sign surface either in permanent or removable letter form.
- (24) Detached sign: See "Freestanding Sign" or "Ground Sign".
- (25) Directional sign: Any sign which serves solely to designate the location or direction of any place or area.
- (26) Directly illuminated sign: Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.
- (27) Embellishment:
- superimposed (a) Letters, figures, characters or representations in cutouts or irregular forms or similar ornaments attached to or upon the sign.
- (b) Embellishment (decorative only). A purely decorative embellishment on a freestanding sign.
- (28) Erected: This term shall mean attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.
- (29) Exempt signs: Signs exempted from normal permit requirements.
- (30) Face of sign: The entire area of sign or which copy could be placed.
- (31) Facie sign (or wall sign): A sign attached to or erected against a wall of a building, with the face horizontally parallel to the building wall.
- (32) Flashing sign: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, light by temperature and date signs or electronically controlled message centers are classed as "changing signs" not "flashing signs".
- (33) Freestanding signs: See "Ground Signs" or "Detached Signs".

- (34) Frontage: The length of the property line of any one premises parallel to and along each public right-of-way it borders.
- (35) Ground sign: A sign erected on a freestanding frame, mast or pole and not attached to any building. (See "Detached Sign" or "Freestanding Sign").
- (36) Height of sign: The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway, which permits the greatest height to the highest point of said sign.
- (37) Identification sign: A sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupation of the person.
- (38) Illuminated sign: Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.
- (39) Incidental sign: A sign pertaining to goods, products, services or facilities which are available on the premises where the sign is located.
- (40) Indirectly illuminated sign: Any sign which reflects light from a source intentionally directed upon—for example, by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.
- (41) Individual letter sign: Any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of or below a marquee.
- (42) Maintain: To permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.
- (43) Marquee (or canopy): See "Canopy (or Marquee)".
- (44) Marquee sign (or canopy sign): See "Canopy or Mar-quee Sign".
- (45) Message: The wording or copy on a sign.
- *(46) Mobile illuminated sign: Any sign which emanates light either by means

illumination of exposed tubing or lamps on its surface or by means of transmitted through the sign faces and is designed so that it is capable

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of moving or being moved from one location to another on a temporary basis. These signs are commonly referred to as portable flashing signs.

(47) Multi-prism sign: Signs made with a series of triangular vertical sections that turn and stop, or index, to show three (3) pictures or messages in the same area.

(48) Nameplate: A non-electric sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located. If any premises include more than one occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

(49) Nonconforming sign (legal): Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the preview of this code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this code, or a nonconforming sign for which a special permit has been issued.

*(50) On-premise sign (business sign): Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

(51) Off-premise sign (advertising sign): This is a third party sign. It is a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is installed.

(52) Pole sign: See "Ground Sign" or "Freestanding Sign".

(53) Portable sign: The term "portable sign" shall apply to any sign ordinarily but not necessarily supported on a base and in no way attached or affixed to the ground, a building or other structure or object.

(54) Projecting signs: A sign, other than a wall sign, which is attached to and projects from a structure or building face. The area of double

faced projecting signs are calculated on one face of the sign only.

(55) Public service information sign: Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, etc.

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*(56) Real estate sign: A temporary sign indicating that the premise on which the sign is located, or any part thereof, is for sale, lease or rent.

(57) Roof sign: Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

(58) Rotating sign: Any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

(59) Seasonal or holiday signs: Signs such as Christmas decorations, those used for a historic holiday and installed for a limited period of time.

(60) Sign: Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place activity, person, institution, business merchandise; solicitation, including any permanently installed or situated or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose or removal, signs shall also indicate all sign structures.

(61) Sign structure: Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

(62) Special purpose sign: Any sign other than a business, non-accessory, identification sign, including but not limited to traffic signs.

*(63) Streamers: Any long narrow flowing and/or wavy strip which is typically suspended in the air be being attached to buildings or poles.

(64) Swinging sign: A sign installed on an arm or spar, that is not, in addition,

permanently fastened to an adjacent wall or upright pole.

*(65) Temporary sign: Temporary signs shall include any sign banner, pennant, valance, or advertising display where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

(66) Unlawful sign: A sign which contravenes this code or which the

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administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment.

(67) Wall sign (or fascia sign): See "Fascia" Sign".

(68) Window sign: A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window. (Ord. No. 1976-19, S 1,7-16-76)

ARTICLE II. PERMITS, FEES, INSPECTION AND IDENTIFICATION

Section. 21-6. Permits Required.

Except as otherwise provided in this code, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the city, or cause the same to be done, without first obtaining a sign permit for each such sign from the administrator as required by this code. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with the requirements of this code on the date of its adoption unless and until the sign is altered or relocated.

Every sign permit issued by the administrator shall become null and void if work is not commenced within one hundred twenty (120) days from the date of such permit. If work authorized by such permit is suspended or abandoned for one hundred twenty (120) days any time after the work is commenced, a new permit shall be first obtained to do so, and the fee will be one-half (1/2) the amount required for a new permit for such work, provided that no changes have been made in the original plans. Such permit may not be unreasonably withheld, providing that proper application and payment of permit fees is complied with. (Ord. No. 1976- 19, S 1,7-16-76)

Section. 21-7. Federal or state licenses.

Federal or state licenses as applicable. Any sign company seeking to erect, construct, enlarge, alter, repair, move, improve, maintain, convert or manufacture any sign shall demonstrate and register with the city a statement that they have all of the necessary licenses from all other governmental agencies applicable, or shall be represented by a duly licensed agent or subcontractor. (Ord. No. 1976-19, S 1,7-16-76)

Sec. 21-8. Application for permit.

Application for a permit shall be made to the administrator upon a form provided by the administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city including:

- (1) Name and address of owner of the sign.
- (2) Name and address of owner or the person in possession of the premises where the sign is located or to be located.
- (3) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises.
- (4) Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, materials of the sign and method of attachment and character of structural members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the Standard Building Code (S.B.C.) as amended. If required by the administrator, engineering data shall be supplied on plans submitted certified by a duly licensed engineer. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-9. Issuance or denial.

The administrator shall issue a permit for the erection, alteration, or relocation of a sign within the city when an application therefor has been properly made and the sign complies with all appropriate laws and regulations of the city.

The administrator may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of

the reasons for the denial. (Ord. No. 1976- 19, S 1,7-16-76)

Section. 21-10. Effect of issuance.

No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-11. Permit fees.

Payment of permit fees shall be made at the time of permit issuance. All fees are set forth in a "Schedule of Fees: as authorized and approved from time to time by resolution of the City Council.

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein. When any one sign company and/or individual has his permit doubled three (3) or more times in any given 90 day period, he shall pay an additional 100 dollar permit fee.

- **Sign Permit Fees - Minimum Fee \$15.00
 - On Premise Sign - \$1.00 per sq. ft.
 - Off Premise Sign - \$1.00 per sq. ft.

Off Premise Signs - Fees are the same as commercial building permit fees and are subject to plan review fees. Stamped drawings are required for off premise signs.

Section. 21-12. Sign permit appeals.

- (1) Appeal from denial of permit. Appeal may be taken to the Sign Code Board of Appeals from the administrator's denial of a sign permit.
- (2) Appeal from failure of administrator to grant permit within ten (10) days. The administrator's failure to either formally grant or deny a sign application within ten (10) days of the date an application meeting the requirements of this code is filed shall be grounds for appeal to the Sign Code Board of Appeals, under the terms of Section 21-67 of this code. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-13. Inspection.

The person erecting, altering or relocating a sign shall notify the administrator upon completion of the work for which permits are required.

- (A) Inspections. All freestanding signs shall be subject to a footing inspection and all signs to a final electrical inspection by the administrator.

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- (B) Sign permit renewal and certification.

- (1) All signs erected shall be inspected every two (2) years to determine that the sign has been maintained in such a manner as to ensure that the sign is in a safely maintained condition as to the electrical, structural and material specifications of this code, and shall be tagged to so signify.

- (2) Any sign for which the two year inspection permit has not been secured and the sign duly tagged with date of the appropriate month shall be removed at the owner's expense after thirty (30) days from written notification. The written notification shall come from the administrator.

- (3) Fees for the two-year inspection permit shall be two dollars (\$2.00) when a licensed sign company shall duly certify and file with the city that the sign meets all of the structural, electrical and material specifications set out in this code and five dollars (\$5.00) when the sign is inspected by the city.

- (4) All signs shall bear a label provided by the administrator which identifies the permit number under which the sign was constructed. These labels shall indicate month and year of issue.

- (5) The biannual tag for the certification that the sign is in a safe condition as to its material, electrical and structural application shall be issued in two (2) alternative methods:

- (a) A licensed sign company shall duly certify and file with the city that the sign meets all of the structural, electrical

and
or
erected; or

material specifications set out in this code or the laws
regulations of the city at the time the sign was

- (b) Alternatively, the city shall send out an inspector and the inspector shall verify that the sign is in a safe condition with respect to its physical characteristics.
- (C) Maintenance. Every sign in the city, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in good structural condition at all times. All signs, including those exempted, shall be kept neatly painted, including all metal parts and supports by which these conditions are deteriorating. The administrator shall inspect and have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.
- (D) Signs declared unlawful. The administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state in writing the reasons of the administrator for stating that the sign constitutes a safety hazard to the general public.

Any sign owned, kept, displayed or maintained by any person within the city the ownership keeping a display which is unlawful pursuant to the provisions of this code, is hereby declared to be in violation of this code. The administrator may declare any such sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this code. (Ord. No. 1976-19, S 1,7-16-76)

ARTICLE III. PERMITTED USE, LOCATION OF SIGNS BY ZONING DISTRICTS

Section. 21-14 Residential districts.

Within any residential district, signs or nameplates are permitted as follows:

- (a) Exempt signs as outlined in Section 21-35.

- *b) A free-standing sign not to exceed fifty (50) square feet in area may be permitted for uses permitted as special exceptions as stated in the district regulations of the Zoning Ordinance. Such signs shall not be located closer than twenty (20) feet to any property line. Said sign shall not exceed fifteen (15) feet in height. However, if a property has five hundred (500) feet or more of lot width, or if it has more than one street providing access, a maximum of two (2) free-standing signs would be allowed.
- (c) Signs denoting future development as outlined in Section 21-32.
- (d) Off-premise signs are prohibited. (Ord. No. 1976-19, S 1,7-16-76).

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Section. 21-15 Commercial districts.

Within the commercial districts, signs are permitted as follows:

- (a) Exempt signs as outlined in Section 21-37.
- (b) Permitted uses, location of signs by zoning districts.

"On premise signs shall be permitted as incidental or accessory uses in the B-1, B-2, B-3, B-4, B-5, I-O, O-C and O Districts not to exceed the type and number of signs outlined in Section 21-20." In SC-1 (Planned Unit Commercial Development) Districts, business signs shall be designed as an integral part of the development and the following standards shall apply:

- (1) Within the SC-1 (Planned Unit Commercial Development) District, planned Commercial Centers shall be allowed one (1) freestanding ground sign per center, not to exceed two hundred fifty (250) square feet in area or thirty five (35) feet in height; and

- **a. Shopping center signs may be located at driveway locations which serve as primary access to the shopping center, without consideration to the location of the property lines within the development and would not be considered an off-premise sign.

- (2) Within the SC-1 (Planned Unit Commercial Development) District, in instances where a planned Commercial Center has more than one

street frontage providing access to the center, one (1) additional freestanding ground sign, not to exceed one hundred fifty (150) square feet in area or twenty five (25) feet in height, may be erected, provided the additional sign is located on and oriented to an alternate street providing access to the center; and

- (3) Within the SC-1 (Planned Unit Commercial Development) District, out parcels which are approved in conjunction with planned commercial centers or which are later platted and approved by the Planning Commission, may be allowed one (1) freestanding sign not to exceed one hundred fifty (150) square feet in area or twenty five (25) feet in height.

*(4) Notwithstanding any provision above, no out parcel or single use

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lot in any SC-1 (Planned Commercial Development) District shall be allowed more than one (1) freestanding ground sing.

- *(c) Off Premise Signs -Off-premise signs are prohibited in the B-1, B-2, B-3, SC-1, O-R, O-C and O Districts. In other commercial districts, off premise signs shall be governed by Section 21-30 of this code.

EDITORIAL NOTE: Notwithstanding the provision of 21-16, Section 12 & 19 of the City of Jackson Zoning Ordinance requires all ground signs in a SC-1 and OC Zone to be approved by the Planning Commission.

Section. 21-16. Industrial districts.

Within the industrial districts, signs are permitted as follows:

- (a) Exempt signs as outlined in Section 21-37.
- (b) On premise signs shall be permitted as incidental or accessory uses in the I-O, I-1, I-2, and I-3 Districts not to exceed the type and number of signs outlined in Section 21-22.
- (c) Off premise signs are permitted in the I-O, I-2 and I-3 Districts subject to the provisions of Section 21-30 of this code. Off premise directional signs only are permitted in the I-1 District. (Ord. No. 1976-19, 1,7-16-76; Ord. No. 1976-32, S1, 10-22-76)

***Section. 21-17. Other zoning districts.**

A-O Agricultural and Open Land Districts. Same as Section 21- 15.

F-H (Flood Hazard) (District. Signs are allowed, as regulated by the underlying zoning classification.

H-C Historical-Cultural District. All signs shall be governed by specific district regulations, subject to approval by the Historic Zoning Commission. (Ord. No. 1976-19, S 1,7-16-76)

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ARTICLE IV. REGULATIONS AND LIMITATIONS OF PERMITTED SIGNS

Section. 21-18. Area and height of signs.

Maximum net area of all on premise signs and height of on premise freestanding signs shall not exceed the following:

<u>District</u>	<u>Maximum Size</u>	<u>Max.Ht.</u>
B-1	A maximum allowable sign area of	25
B-2	two (2) square feet for each linear	25
B-3	foot of lot frontage, not to exceed 200	50
B-4	square feet per sign. However, where	50
B-5	there are multiple businesses housed	50
I-O	in a building or series of attached	50
O-C	buildings, a maximum sign area of 300	25
O	square feet is allowed.	25

<u>District</u>	<u>Maximum Size</u>	<u>Max.Ht.</u>
O-R	A maximum allowable sign area not to exceed sixteen (16) square feet in area	5
SC-1	As regulated under 21-16(b)	
I-1	A maximum sign area of three (3)	50
I-2	square feet for each linear foot	50
I-3	of lot frontage, not to exceed 300 square feet.	50

Any property zoned B-4, B-5, or SC-1 which is within a 1,500 foot radius from the center point of an Interstate 40 interchange may have a height and area bonus for one of its allowable freestanding on premise signs. This sign shall not exceed fifty (50) feet in height, as measured from the nearest grade of Interstate 40 provided the following conditions are met:

- (1) The sign area shall not exceed 300 square feet;
- (2) The sign is located and oriented toward Interstate 40, and adheres to all other provisions of this Ordinance;
- (3) The sign's location is 1,000 feet from any residential developed property or developing property.
- (4) The other on premise freestanding signs allowed on the lot be limited to a maximum height of twenty five (25) feet.

Section. 21-19. Freestanding (Ground) Signs (On Premise).

In any zone (other than SC-1 which is regulated in 21-16(b) above), the following shall apply:

- (a) One ground sign is permitted for each premises having frontage on a public right-of-way.
- (b) Where a parcel has more than two hundred (200) feet of road frontage, an additional freestanding on premise sign is allowed except as provided in Sec. 21-19 (c) below.
- (c) The occupant may elect to combine the allowable area of two (2) freestanding signs, where permitted, into one (1) freestanding sign with a maximum allowable area in accordance with Section 21-19. However, where a lot has more than one (1) street frontage, the combination of allowable sign areas is limited to the primary street frontage of the lot with the remaining frontage(s) limited to one sign each, not exceeding 200 square feet in area.
- (d) Where a premises fronts on more than one public right-of-way, or street, excluding alleys and service ways, the provisions of Section 21-19 shall apply to each frontage.
- (e) Residential proximity. Where premises zoned for commercial or

industrial use are within one hundred (100) feet of the nearest boundary of any premises zoned for single family or multiple-family residential use on the same public right-of-way, freestanding signs and roof signs erected and maintained on the commercial or industrial premises may not exceed twenty five (25) feet in height. A freestanding sign or roof sign must be set back from the public right-of-way from which it is intended to be viewed the same distance as any residentially zoned property facing the same public right-of-way within one hundred (100) feet from the sign. This provision affects only signs on commercial and industrial premises on the same block and on the same right-of-way as residential premises.

- (f) Minimum clearance. Where a freestanding sign projects over a vehicular traffic area, such as driveway or parking lot aisle, the minimum clearance between the bottom of the sign and the ground shall be fourteen (14) feet.
- (g) Where there is more than one use housed in a building or series of attached buildings, it shall be considered as a planned commercial development. Freestanding signage for such development shall be limited to one (1) sign per street frontage, exclusive of out parcels.
- (h) Freestanding signs projecting over public rights-of-way are prohibited.
- *(i) All on-premise signs shall be set back a minimum of fifteen (15) feet from the edge of any street curb, or where there is not a curb, then to the edge of the pavement.

Section. 21-20. Wall (facia) signs.

** (a) Area Limits. An area equal to twenty-five percent (25%) of the solid wall area of each building fact may contain wall signage. Twenty-five percent (25%) of the glass area of each building face may contain window signage. The allowable sign area for one side of a building may not be combined with any other side's allowable sign area.

(b) Where individual mounted letters are used without a sign background, the foregoing percentages will apply, but will be computed on the area of the total facade between the lintel bar and the parapet on a one-story building, or between the lintel bar and the floor level of the floor above on a multi-storied building.

(c) The frontage factor is relative to each tenant's building frontage facing on each public right-of-way, excluding alleys and service-ways.

(d) Premises fronting on more than one public right-of-way may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on one frontage.

(e) Any identification wall signs with non-illuminated letters up to but not exceeding three (3) inches in height nor four (4) square feet in area are not restricted and may be permitted in addition to regulated signage. (Ord. No.1976-19, S-16-76)

*Approved: 3/3/98

**Approved: 5/2/2000

***Section. 21-21. Roof signs.**

All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron support structure facing the traffic flow. On all buildings constructed after adoption of this code, roof signs shall be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be a part of the building itself. A roof sign shall not exceed twenty four (24) feet in height above the roof level. (Ord. No. 1976-19, S 1,7-16-76)

The allowable area for a wall sign may be utilized instead for the purpose of placing a roof sign on a building. Please refer to Section 21-20 Wall Signs, for area limits for a wall sign.

Section. 21-22. Projecting signs.

(a) Any one tenant with frontage on a public right-of-way is permitted to have one projecting sign along the public street. The projecting sign may exist instead of, but not in addition to, a freestanding sign or roof sign. Where a premises is allowed two (2) freestanding signs, the occupant may elect to substitute a projecting sign for one of the freestanding signs. If a premises has more than one hundred (100) feet of frontage along any one right-of-way, the occupant may have two (2) projecting signs.

(b) Subject to absolute limits of ten (10) feet zero inches from the property line and two (2) feet back from the curb line, projection over public domain is limited to three (3) inches for each linear foot of building front measured from the sign

location to the nearest side line of premises. Subject to the same maximum limits, signs on corner properties installed at forty five (45) degrees to the corner are permitted a twenty (20) percent increase on the formula.

(c) No projecting sign may rise more than six (6) feet above the top of a parapet.

(d) Minimum clearance. Projecting signs shall have a minimum clearance of eight and one half (8 1/2) feet between the bottom of the sign and the ground.

(e) Illumination. Any sign projecting over a public street which utilizes illumination shall be directly illuminated (electric), except for awnings. (Ord. No. 1976-19, S 1,7-16-76)

*Approved: 5/2/2000

Section. 21-23. Canopy (or marquee) signs.

Where canopy signs are allowed, such signs shall be subject to the following conditions:

(a) Canopy signs may be attached to, or hung from a canopy (or marquee), and such signs when hung from a canopy shall be at least eight (8) feet at its lowest level above the sidewalk or ground level, and further, no sign shall extend outside the line of such canopy. Canopy signs may be attached to the sides and front of a canopy (or marquee), and such sign may extend the entire length and width of said canopy, provided such sign does not extend more than six (6) feet above, nor one foot below such canopy, but under no circumstances, shall the sign or signs have a vertical dimension greater than eight (8) feet.

(b) Area of copy may be three (3) square feet per linear foot of canopy front and sides. Copy area allowed for one facing cannot be added to that allowed for other facings. Subject to the minimum height limit of eight (8) feet from the sidewalk, copy may be installed above, on the face of, or below the canopy proper, provided that where such sign is installed above or below, copy area will be computed on the total of the sign face and the canopy apron proper.

(c) On places of public entertainment such as theaters, arenas, meeting halls, etc., where one or more change-able copy signs are allowed, the copy area allowance will be five (5) square feet per linear foot of canopy with a maximum total height limit of no more than eight (8) feet at any point.

(d) Signs attached to the underside of a canopy shall have a copy area no greater than six (6) square feet, with a maximum letter height of nine (9) inches, subject to a minimum clearance of eight (8) feet from the sidewalk, and shall be mounted as nearly as possible to right angles of the building face. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-24. Signs on awnings.

Signs consisting of one line of letters not exceeding nine (9) inches in height may be painted, placed, or installed upon the hanging border only of any awning erected and maintained in accordance with this code. An identification emblem, insignia, initial or other similar feature not exceeding an area of eight(8) square feet, may be painted, placed or installed elsewhere on any awning provided that any sign, emblem, insignia or other similar item shall comply with all other provisions of this Code. (Ord. No. 1976-19, S 1,7-16-76)

****Section. 21-25. Sloping roof signs.**

A sign may be attached to the fascia of or located on the sloping roof of a structure but may not be located so as to extend more than four (4) feet above the upper edge of the fascia of said sloping roof but the top of the sign must be a minimum of one foot below the top roof line. (Ord. No. 1976-19, S 1,7-16- 76)

The allowable area for a wall sign may be utilized instead for the purpose of placing a sloping roof sign on a building. Please refer to Section 21-20 Wall Signs, for area limits for a wall sign.

Section. 21-26. *Mobile Illuminated and Non-Illuminated signs.**

A mobile sign may be permitted as a temporary sign in any commercial or industrial district subject to the following conditions:

*(1) Mobile illuminating signs shall meet all applicable requirements of the National Electric Code (NEC), Chapter 6, as adopted by the City of Jackson.

(2) Signs must set back a minimum of ten (10) feet from all property lines, except that signs may be located no less than fifteen (15) feet from the street or sidewalk (where provided). *****Mobile signs must not exceed 32 sq. ft. in area or a maximum of 10 feet in height.

(3) It is the intent of this section to limit a mobile sign for special occasions; therefore within one calendar year, a mobile sign may be permitted at one location on two (2) occasions not to exceed thirty (30) days for each occasion.

- (4) A mobile sign must meet all permit requirements as outlined in Section 21-6.

*****EDITORIAL NOTE:** Mobile Illuminated and Non-Illuminated Signs may be used as an on-premise temporary sign only, as mobile illuminated and non-illuminated signs do not comply with the requirements for off-premise signs (Ref. 21-30(e))

Section. 21-27. Other signs.

(a) Incidental signs. Up to two (2) incidental signs may be attached to a free-standing sign structure or to a building wall, but may not be attached perpendicular to the wall. Such signs are restricted to trading stamps, credit cards accepted, official notices of services required by law, or trade affiliations.

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****Revised: 10/01/05 *****Revised: 10/01/05

Area of each sign may not exceed five (5) square feet; the total area of all such signs may not exceed ten (10) square feet.

(b) Directional signs. One such sign is permitted near each driveway. Area of each sign may not exceed twelve (12) square feet. Maximum permitted height shall be two and one half (2 1/2) feet.

(c) Manual or automatic changeable copy signs. Any of the types of signs permitted in this code may be permitted as manual or automatic changeable copy signs. This shall include menu boards at drive through locations.(Ord. No.1976-19, S 1,7-16-76)

Section. 21-28. Freestanding sign, decorative embellishments.

On freestanding signs, the sign structure may extend above the maximum allowable height of the sign for embellishment purposes. Under no circumstances, however, may such extension exceed twenty (20) per cent of the maximum allowable height for the sign. Further, such embellishment shall not include thereon any symbol, representation, logo gram, insignia, illustration, or other form of advertising message. (Ord. No. 1976-19, S 1,7-16-76)

***Section. 21-29. Off premise (outdoor advertising sign).**

Off premise (third party or outdoor advertising) signs may be erected on ground or wall locations (and roof locations such as can be done within the regulations and limitations of roof signs) subject to the following conditions:

- (a) Off premise signs shall not be placed within a three-hundred (300) foot radius of another off premise sign, except where they are along the same side of a street. Off premise signs on the same side of a controlled access street shall not be placed closer together than one thousand (1,000) feet, measured along the street. Off premise signs on the same side of all other streets shall not be placed closer than seven hundred fifty (750) feet apart, measured along the street.
- (b) Off premise signs can be double faced and each side shall be considered as facing traffic flowing in the opposite direction. However, double stacked signs are prohibited.
- (c) Off-premise signs located on controlled access streets shall not exceed seven hundred twenty (720) square feet in total area. Off premise signs located on all other streets shall not exceed four hundred (400) square feet in area.
- (d) Structures for off premise signs shall be of vertical (cantilever) construction and where the back is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance.
- (e) The area around off premise sign structures shall be kept clean and all scrub brush, tall grass, etc., shall be cleared away to a distance of at least five (5) feet to the rear and sides of structure as well as to the front property line, and if on a corner site, to both property lines.
- (f) Off site directional signs shall conform to all the requirements for off site third party signs. Site directional signs may be permitted in other zoning districts subject to review and approved by the Board of Reviews.
- (g) No part of any off premise sign structure shall be closer to any street line than the front line of the nearest building within one hundred (100) feet.
- (h) When an off premise sign is erected between two (2) buildings that are within one hundred (100) feet of the structure, no part of said structure shall be erected closer to any street line than a line drawn from the nearest front corner of the two (2) buildings.
- (i) No off premise sign shall exceed fifty (50) feet in height as measured from street grade. (Ord. No. 1976-19, S 1,7-16-76; Ord. No. 1976-32, S 1,10-22-76)

ARTICLE V. SPECIAL SIGNS AND SIGN DISTRICTS

Section. 21-30. Subdivision development signs.

The administrator may issue a special permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following conditions:

(a) Time limits. Such permits may be issued for a period not to exceed one year. The administrator may renew such permits for additional periods of up to one year for each permit upon written application at least thirty (30) days prior to its expiration.

(b) Type of sign. Signs as used in this section refer to all types of signs except signs exempted under Article VI and those prohibited under Article VII.

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(c) Legend. The off-site sign may contain advertising in connection with the name of the subdivision, development firm, and may refer to materials, appliances, supplies, and building trades used in construction of the dwelling units, or services provided by the developer.

(d) Location. Any subdivision development sign shall comply with all applicable setback requirements for the zoning district in which the property is located. No such sign shall be permitted to remain in one subdivision or in one unit of a subdivision for the purpose of advertising the sale of lots or structures in another subdivision, or another unit within the same subdivision, without the express permission of the administrator. (Ord. No. 1976-19, S 1,7-16-76)

*(e) Signs referred to in this section shall not exceed thirty-two (32) square feet in area or ten (10) feet in height.

Section. 21-31. Signs indicating future development.

The administrator may issue a special permit for a temporary sign in any zone in anticipation of future development of said premises:

(a) Legend. The sign may contain the name and nature of the proposed development, development firm, contractor, architect, real estate sales firm, and similar information peculiar to the development itself.

(b) Time limit. Such permits may be issued prior to development not to exceed one year. The administrator may renew such permits for additional periods of up to one year for each permit upon written application at least thirty (30) days prior to its expiration.

(c) Location. Any sign denoting future development shall comply with all applicable setback requirements for the zoning district in which the property is located.

(Ord. No. 1976-19, S 1,7-16-76)

*(d) Signs referred to in this section shall not exceed thirty-two (32) square feet in , area of ten (10) feet in height.

Section. 21-32. Signs for special events.

Temporary signs, not in excess of four (4) square feet in area, may be erected as participation in a public parade, public event or public celebration for a period not to

*Approved 3/3/98

exceed ten (10) days, provided, however, the erection of such sign shall be approved by the administrator. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-33. Non-exempt signs for direction or instruction.

Signs in excess of four (4) square feet in area which provide traffic direction or instruction to the public shall be allowed in any zone, provided such signs are located entirely on the property to which they pertain, and do not contain any advertising message. In addition, the administrator, with the approval of the city traffic engineer, may authorize the placing of directional signs at appropriate street intersections or other locations for the convenience of the motoring public; such signs shall pertain to places of general interest such as schools, hospitals, public buildings, airports, fairgrounds and other similar public service facilities. (Ord. No. 1976-19, S 1,7-16-76)

ARTICLE VI. EXEMPT SIGNS

Section. 21-34. Permit exceptions.

The following operations shall not be considered as creating a sign insofar as requiring the issuance of a sign permit, but the signs must be in conformance with all other building, structural and electrical laws and regulations of the city.

(a) Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message center or non-illuminated painted message which are all specifically designed for the use of replaceable copy.

(b) Painting, repainting, cleaning, or other normal maintenance and repair of a sign not involving structural changes. Replacement of the plastic face will be included as an exempt operation provided that it is due to a change caused by breakage and/or deterioration of the face, but not the substitution of a new or different advertiser.

(c) Changes in the content of show window displays and permitted temporary signs. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-35. Exempt signs.

*(a) Construction signs. Any sign denoting a construction project provided that such

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signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued shall be confined to the site of construction, and shall be removed five (5) days after completion of construction. Each construction site shall be limited to one construction sign not to exceed one-hundred (100) square feet in area or fifteen (15) feet in height.

(b) Directional or instructional signs. Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed four (4) square feet in area, signs identifying rest rooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and those of similar nature.

(c) Flags. The flags, emblems, or insignia of any nation or political subdivision or corporate flag.

(d) Governmental signs. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty.

(e) Holiday decorations. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days nor more than sixty (60) days in any one year. Such signs may be of any type, number, area, height, illumination or animation; and shall be set back ten (10) feet from all boundary lines of the lot, provided that a clear area be maintained to a height of seventy-two (72) inches, within fifty-five

(55) feet of the intersection of two (2) streets, a railroad and street and a street and driveway.

(f) House numbers and nameplates. House numbers and nameplates not exceeding two (2) square feet in area for each residential building.

(g) Interior signs. Signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theatre, that are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical, or material specifications as set out in this code.

(h) Memorial signs. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.

(i) Notice bulletin boards. Notice bulletin boards not over twenty-four (24) square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institution.

(j) No trespassing or no dumping signs. No trespassing or no dumping signs not to exceed two (2) square feet in area per sign and not exceeding four (4) in number per lot, except that special permission may be obtained from the administrator for additional signs under proven special circumstances.

(k) Plaques. Plaques or nameplate signs not more than two and one-half (2 1/2) square feet in area which are fastened directly to the building.

(l) Political and campaign signs. Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:

(1) Said signs may be erected not earlier than forty-five (45) days prior to said election and shall be removed within five (5) days following said election.

(2) No signs shall be located within or over the public right-of-way.

(m) Public notices. Official notices posted by public officers or employees in the performance of their duties.

(n) Public signs. Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute or

ordinance under which the signs are erected.

*(o) Real estate signs. One (1) real estate sign is allowed on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated. Residential real estate signs shall not exceed eight (8) square feet in area or four (4) feet in height. Real estate signs advertising commercial property shall not exceed thirty-two (32) square feet in area or ten (10) feet in height. These signs shall be removed within seven (7) days after the sale, rental, or lease has been accomplished.

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(p) Signs in the display window. Signs in the display window of a business use which are incorporated with a display of merchandise or display relating to services offered which comply with subparagraph (q) herein.

(q) Symbols or insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four (4) square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.

(r) Temporary signs. Temporary signs not exceeding thirty-two (32) square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that said signs are posted only during said drive or no more than thirty (30) days before said event and are removed no more than five (5) days after an event.

(s) Warning signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.

(t) Neighborhood identification signs. In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood or tract name.

(u) Petroleum marketing pumps and dispensers. (Ord. No.1976-19, S 1,7-16-76;

Ord. No. 1976-32, S 1,10-22-76)

* (v) Banners, search lights, balloons.

1. Up to two (2) banners may be permitted on any non-residentially zoned lot, for any length of time, provided they are attached to either a permitted freestanding sign or to the face of a building. Said banners, Section 21-18 and freestanding sign shall be subject to the maximum area limits provided in 21-20 of this ordinance, as a part of the wall, window or they are attached to.
2. Searchlights, twirling signs, balloons or other gas-filled figures shall not be used on a permanent basis.

*Approved: 5/2/2000

3. Signs described in (2) above will be permitted at the opening of a new business or a reopening of an existing business to a commercial or industrial district for a total period not exceeding sixty (60) days.
4. Signs described in (2) above will be permitted for special occasions; therefore within one (1) calendar year a sign(s) may be permitted at one each location on two occasions not to exceed thirty (30) days for each occasion. Said signs may only be installed on the premises where advertised services/products are being provided/offered.
5. All signs described in (1) and (2) above shall be installed in a safe, secure and orderly manner. They shall be located so as to not obstruct traffic visions, nor block safe egress from any building or space.

*(w) Flags and Pennants. Up to three flags are permitted on any lot denoting any nation, state, political subdivision, religion, civic or fraternal organization or corporate entity. However, flags for civic or fraternal organizations or corporate flags shall only be allowed on property where said use is located.

One pennant is allowed for each fifty (50) feet of street frontage, provided said pennants do not exceed nine (9) square feet in area or a height of twenty-five (25) feet.

*(x) Streamers. Streamers shall only be permitted in the B-4, B-5 and I-O zoning

districts, provided they are placed in a safe, secure and orderly manner; they provide a minimum fifteen (15) feet clearance where they are located over traffic areas; they do not obstruct vision to vehicular traffic at intersections, and are setback a minimum of ten (10) feet from any property line.

- *(y) Holiday decorations are exempt from sign code requirements, provided they are placed in a safe and secure manner and do not interfere with the safe and efficient movement of vehicular or pedestrian traffic.

ARTICLE VII. PROHIBITED SIGNS

The following types of signs are expressly prohibited in all districts, except as otherwise provided by this code:

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Section. 21-36. Animated and intensely lighted signs.

No sign shall be permitted which is animated by means of sparkle, scintillating, blinking or traveling lights or any other means unless it is an integral part of a display providing constant illumination (and unless specifically permitted in special sign districts). (Ord. No. 1976-19, S 1,7-16-76; Ord. No. 1976-32, S 1.10-22-76)

Section. 21-37. Miscellaneous signs and posters.

The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, or trees, poles, posts, fences or other structure is prohibited unless otherwise permitted by this code. (Ord. No. 1976-19 S 1,7-16-76)

Section. 21-38. Abandoned signs.

Such business signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located, shall be prohibited. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-39. Parking of advertising vehicles prohibited.

No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has

attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.

This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle. (Ord. No. 1976-19, S 1,7-16-76)

***Section. 21-40. Public areas.**

No sign shall be permitted which is displayed or placed on any curb, sidewalk, post, pole, electrolier, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare except as may otherwise expressly be authorized by this code. (Ord. No. 1976-19, S 1,7-16-76)

*Revised: 10/01/05

***Section. 21-41 Flags, pennants and streamers.**

Flags (other than those of any nation, state or political subdivision or corporate flag), pennants and streamers, are prohibited. Streamers are prohibited and are not considered as falling within the definition of banners or pennants, as related under the above section. However, holiday decorations which may take the form of flags, pennants and streamers, are exempted from the requirements of this section.

Section. 21-42. Portable signs.

"A" frame or sandwich board, sidewalk or curb signs and other portable type signs are prohibited. (Ord. No. 1976-19, S1,7-16-76)

Section. 21-43. Unclassified signs.

The following signs re also prohibited, which:

- (a) Bear or contain statements, words, or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful;
- (b) Are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address; this would not apply to signs not visible from the public right-of-way.
- (c) Operate or employ any stereopticon or motion picture projection or media in

conjunction with any advertisements, or give the illusion of motion except as permitted in this code;

(d) Emit audible sound, odor, or visible matter;

(e) Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal, or which bear the words "Stop", "Go Slow", "Caution", "Danger", "Warning", or similar words. (See Section 21-37 (o));

(f) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic-control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device. (Ord. No. 1976-19, S 1,7-16-76)

*Approved: 3/3/98

ARTICLE VIII. LEGAL NONCONFORMING SIGNS

***Section. 21-44. Legal nonconforming signs.**

(a) Signs eligible for characterization as "legal nonconforming". Any sign located within the city limits on the date of adoption of this code, or located on an area annexed to the city thereafter, which does not conform with the provisions of this code, is eligible for characterization as a "legal nonconforming" sign and is permitted, provided it also meets the following requirements:

(1) The sign was covered by a sign permit or variance on the date of adoption of this code if one was required under applicable law; or

(2) If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of this code;

(b) Loss of legal nonconforming status. A legal nonconforming sign shall immediately lose its legal nonconforming designation if:

(1) The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance), which makes the sign less in compliance with the requirements of this code than it was before the alteration; or

- (2) The sign is relocated to a position making it less in compliance with the requirements of this code; or
- (3) The sign is replaced; or
- (4) On the happening of any one (1), (2), or (3) the sign shall be immediately brought into compliance with this code with a new permit secured therefor,
or shall be removed. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-45 Legal nonconforming sign maintenance and repair.

Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this code regarding safety, maintenance and repair of signs, contained in this code, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming or the sign may lose its legal nonconforming status. (Ord. No. 1976-19, S 1,7-16-76)

ARTICLE IX. CONSTRUCTION SPECIFICATIONS

Section. 21-46. Compliance with building code and electrical code.

All signs shall comply with the appropriate detailed provisions of the City Building Code relating to design structural members and connections. Signs shall also comply with the provisions of the applicable electrical code and the additional construction standards hereinafter set forth in this section. (Ord. No. 1976- 19, S 1,7-16-76)

(Cross references-Building Code 8-15; Electrical Code, 8-27)

Section. 21-47. Construction of signs; auxiliary specifications.

(a) Sign identification tag. Each sign shall have a two (2) by four (4) inch sticker placed on the sign or on the premises that is clearly visible and acceptable to the administrator. The tag identifies the permit number that was originally issued by the administrator. This sticker shall be renewed on a bi-annual basis as provided for in this code.

(b) Obstruction to exits. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

(c) Obstruction to ventilation. No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such signs may be erected in front of and may cover transom windows when not in violation of the provision of the Building or Fire Prevention Codes.

(d) Clearance from high voltage power lines. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electric Code Specifications, depending on voltages concerned. However, in no case, shall a sign be installed closer than twenty-four (24) inches horizontally or vertically from any conductor or public utility guy wire.

(e) Drainage. The roofs of all marquees exceeding forty (40) feet shall be properly drained so that water will not drip or flow onto public sidewalks or streets. (Ord. No. 1976-19, S 1,7-16-76; Ord. No. 1976-32, S 1,10-22-76)

Section. 21-48. Freestanding signs; materials.

All freestanding sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated from such materials as may be set forth by the Building Code. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-49. Electric signs.

All electric signs shall comply with the electrical code as adopted. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electric signs shall have a disconnecting switch located in accordance with the provisions of the Electrical Code. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-50. Glass.

When glass is used for sign letters or transparent panels, it shall be at least double strength thickness for sign areas up to and including three hundred (300) square inches. When glass is used for sign letters or transparent panels for sign areas in excess of three hundred (300) square inches at least one quarter inch wire glass shall be used and the maximum span between supports shall be four (4) feet. This does not include neon tubing. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-51. Strength of parapet wall.

A parapet wall must be designed for and have sufficient strength to support any sign which is attached thereto. (Ord. No. 1976-19, S 1,7-16-76)

ARTICLE X. REMOVAL AND DISPOSITION OF SIGNS

Section. 21-52. Maintenance and repair.

Every sign including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign. The administrator shall require compliance with all standards of this code. If the sign is not made to comply with adequate safety standards, the administrator shall require its removal in accordance with this section. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-53. Abandoned signs.

Except as otherwise provided in this code, any sign which is located on property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises. (Ord. No. 1976- 19, S 1,7-16-76)

Section. 21-54. Dangerous or defective signs.

No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-55. Unlawful signs.

No person shall erect on any premises owned or controlled by him any sign which does not comply with the provisions of this code. (Ord. No. 1976-19, S 1, 7-16-76)

Section. 21-56. Removal of Signs by the Administrator.

The administrator shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous, or materially, electrically or structurally defective sign or a sign for which no permit has been issued. The procedure for removal of said signs is as follows:

- (a) Permanent, attached signs.

The sign administrator shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of this section.

For all such signs, the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If known, or with reasonable care should be known, the notice shall be mailed or delivered to the owner of the sign and the occupant of the property.

All notices mailed by the administrator shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail.

Any person having an interest in the sign or the property may appeal the determination of the administrator ordering removal or compliance by filing a written notice of appeal with the Sign Code Board of Appeals within ten (10) days after the date of mailing the notice, or ten (10) days after receipt of the notice if the notice was not mailed.

*(b) Mobile signs, banners, pennants, search lights, twirling signs, balloons or other temporary type signs.

The administrator shall prepare a notice which shall describe the sign and specify the violation(s) involved and which shall state that if the sign is not removed or the violation is not corrected within 72 hours, the sign shall be removed in accordance with the provisions of this section.

The notice shall be delivered in person or by certified mail to the person(s)/company/organization who is using the sign for advertisement. In the case where the person(s)/company/organization using the sign cannot be identified and/or located, no such notice shall be required.

In case of mobile illuminating signs, the administrator may notify the company

which owns the sign in lieu of the sign user and follow the procedure listed below. If the owner of the sign(s) can be determined by the permit information and/or markings on the sign itself, the sign owner shall be notified in one of the following manners:

- (1) By telephone (including fax).
- (2) In person.

Said notice shall be given within twelve (12) department working hours. If three attempts to notify the sign owner have failed, no such notice shall be required.

In addition to the above notice, said signs shall be marked with a notice. The notice shall state the sign is in violation of the City of Jackson Sign Code and will be removed in 72 hours if violations are not corrected. The notice shall identify the time and date the notice was posted and include the phone number to contact the administrator or his agent to identify violations. Unauthorized removal of said notice shall be unlawful.

(c) Notwithstanding the above, in cases of emergency, the administrator may cause the immediate removal of a dangerous or defective sign without notice.

Section. 21-57. Disposal of signs; fees.

Any sign removed by the administrator pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall be considered a debt owed to the city by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the city or by assessment against the property as hereinafter provided. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

(a) If it shall be necessary for the administrator to remove a sign pursuant to the provisions hereof, the administrator shall certify to the City Recorder the description of the property upon which the work was done, together with the name of the owner thereof, as shown by the city tax rolls, together with a statement of work performed, the date of performance and the cost thereof.

(b) Upon receipt of such statement, the City Recorder shall mail a notice to the owner of said premises as shown by the tax rolls, at the address shown upon the tax rolls, by certified mail, postage prepaid, notifying such owner that the work has been performed pursuant to this code, stating the date of performance of the work, the nature of the work, and the demanding payments of the costs thereof (as certified by the administrator), together with five (5) percent for

the inspection and the other incidental costs in connection therewith. Such notice shall state that if said amount is not paid within thirty (30) days of mailing the notice, it shall become an assessment upon and a lien against the property of said owner, describing the same, and will be certified as an assessment against the property, together with a ten (10) percent penalty, for collection in the same manner as the real estate upon the property.

(c) The City Recorder shall not receive payment within a period of thirty (30) days following the mailing of such notice, the Recorder shall inform the City Commission of such fact and the Commission shall thereupon enact a resolution assessing the whole cost of such work, including five (5) percent for inspection and other incidental costs in connection therewith upon the lots and tracts of land from which the sign has been removed, together with a ten (10) percent penalty for the cost of collection.

(d) Following passage of such resolution, the City Recorder shall collect the assessment in the same manner as other taxes are collected.

(e) Each such assessment shall be a lien against each lot or tract of land assessed, until paid, and shall have priority over all other liens except general taxes and prior special assessments. (Ord. No. 1976-19, S 1, 7-16-76)

ARTICLE XI. SIGN CODE BOARD OF APPEALS

Section. 21-58. Sign Code Board of Appeals created.

There is hereby created a Sign Code Board of Appeals (hereinafter referred to as the "board") to review decisions of the administrator, to grant variances from the requirements of this code, to make suggestions for the amendment of this code, and to advise the administrator. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-59. Membership of Board.

The membership of the Board of Zoning Appeals shall also serve as the Sign Code Board of Appeals.

Section. 21-60. Identity of voting members.

The five (5) voting members of the board shall represent the interests of the city as a whole. No voting member shall be a city employee or have any financial interest in the sign industry. (Ord. No. 1976-19, S 1,7-16-76)

Section. 21-61. Board of jurisdiction and power.

The board shall have the power and duty to:

- (a) Hear and decide appeals by the sign permit applicant from a decision of the administrator denying, or failing to grant a sign permit within ten (10) days of application;
- (b) Grant variances from the requirements of this code as part of the disposition of an appeal from action of the administrator denying or failing to grant a sign permit;
- (c) Hear and decide appeals of a determination by the administrator that a sign must be removed for non-compliance with this code; or
- (d) Make recommendations to the City Commission for changes to this code; and
- (e) Give advice to the sign code administrator. (Ord. No.1976-19, S 1,7-16-76)

Section. 21-62. Criteria for board decision.

(a) Appeals without petition for variance. In appeals to the board from decision of the administrator denying a sign permit in connection with which no petition for variance has been filed, the board's scope of review shall be limited to determining whether or not the administrator's decision is in accordance with the requirements of this code and accordingly, affirm or reverse his decision. No variance from the requirements of this code shall be granted or allowed. If the administrator's decision is reversed, the board shall direct the administrator to issue the permit in accordance with its decision. If the administrator fails to do so for five (5) days from receipt of the direction from the board, the board may issue the permit.

In appeals from failure of the administrator to grant a permit within ten (10) days of application, the board shall determine whether the sign and the application meet the requirements of this code. If so, the board shall grant the permit; if not, the board shall deny the permit. No variance from the requirements of the code shall be granted or allowed.

- (b) Appeals with petition for variance. In appeals from decision of the administrator denying or refusing to grant a sign permit in connection with which the appealing party or any other interested party has filed a petition for variance, the board shall have the power and duty to hear, decide and grant or deny the requested variance from the provisions or requirements of this code.

The board may grant a variance from the provisions or requirements of this code only where:

(1) The literal interpretation and strict application of the provisions and requirements of this code would cause undue and unnecessary hardship to the sign user because of unique or unusual conditions pertaining to the specific building or parcel or property in question; and

(2) The granting of the requested variance would not materially be detrimental to the property owners in the vicinity; and

(3) The unusual conditions applying to the specific property do not apply generally to other properties in the city; and

(4) The granting of the variance will not be contrary to the general objective of this code of moderating the size, number and obtrusive placement of signs and the reduction of clutter.

Where there is insufficient evidence, in the opinion of the board, to support a finding of "undue and unnecessary hardship" under (a) above, but some hardship does exist, the board may consider the requirement fulfilled if: (1) the proposed signing is of particularly good design and in particularly good taste; and (2) the entire site has been or will be particularly well landscaped. In granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this code in the public interest. (Ord. No. 1976-19, S 1, 7-16-76)

Section. 21-63. Perfection of appeal.

An appeal with or without petition for variance may be considered by the board only if:

(a) Written notice of appeal, with or without petition for variance, is filed with the board:

(1) Within ten (10) days of the decision of the administrator denying a sign permit;

(2) Within twenty (20) days of the submission of a sign permit application which the administrator has neither granted or denied within ten (10) days.

(b) The notice of appeal is accompanied by a fee of one hundred (\$100.00) dollars. This fee shall be paid at the time of the petition.

* (c) The application shall be completed and received by the administrator at least twenty-one (21) days prior to the meeting date at which the petition is to be considered.

The board shall, on its own motion, or on the motion of any interested party, dismiss an appeal for failure of the appellant to meet any of the requirements of this section or for failure of the appellant to otherwise diligently prosecute the appeal, or if the board finds the appellant has made any knowingly false or misleading statements or representations in his sign application or appeal. (Ord. No. 1976-19, S 1, 7-16-76)

Section. 21-64. Board procedure.

(a) General. The voting members of the board shall choose a chairman from among their number who shall serve a term of one year. The board shall adopt rules and regulations for its own government. The presence of at least three (3) of the

*Approved 3/3/98

five (5) voting members of the board and an affirmative vote of a majority of those present at any meeting shall be required for any board decision or action.

(b) Procedure upon appeal; delivery of sign application to board. Notice of appeal shall be filed with the administrator for delivery to the board. The administrator shall promptly transmit to the Sign Code Board of Appeals, the appropriate application for a sign permit, the written notice of denial with reasons therefore, together with all plans, specifications and other papers pertaining to the application. When the appeal is from failure of the administrator to grant a permit within ten (10) days, the administrator shall, in addition to the foregoing, furnish the board with a brief written statement of the reasons for the failure.

(c) Statement in support of administrator's position. Upon any appeal, the administrator may, in his discretion, furnish the board with a written statement of his position on the appeal and may therein reply to the position of the appellant. Such statements must be filed with the Board of Appeals at least five (5) days in advance of the hearing on the appeal.

(d) Administrator's appearance at the hearing. The administrator shall attend and state his position at any appeal or variance hearing.

(e) Frequency of meeting. The board shall meet at least once every thirty (30) days, unless canceled on recommendation of the administrator. (Ord. No. 1976-19, S 1, 7-16-76)

Section. 21-65. Advice from Board of Appeals.

The administrator may seek the advice of the Board of Appeals on novel or difficult situations, signs, or questions that arise under this code. However, such advice given shall not bind the administrator. (Ord. No. 1976-19, S 1, 7-16-76)

Section. 21-66. Notice of hearing.

The board shall hear and decide appeals within thirty (30) days of the filing of the notice of appeal. Prior to taking action on an appeal, the board shall hold a public hearing. It shall give at least ten (10) days public notice of the time and place of hearing, with said notice being published in a newspaper of general circulation within the city. (Ord. No. 1976-19, S 1, 7- 16-76)

Section. 21-67. Hearing.

All hearings of the board shall be open to the public, and those in attendance shall be afforded an opportunity, the length and conditions of which shall be prescribed by the board, to address the board on issues to be determined. The appellant and the administrator shall be afforded an opportunity to address the board on any matter at issue. Any party or interested person may be represented by another at the hearing. (Ord. No. 1976-19, S 1, 7-1-6-76)

Section. 21-68. Hearing minutes and decision.

The board shall keep minutes of its proceedings, on any appeal together with its findings of fact in support of that decision, all of which shall be open to public inspection. (Ord. No. 1976- 19, S 1, 7-16-76)

***Section. 21-69. City review of board decisions by City Council.**

Review or appeal of any board decision may be taken by any interested person to the City Council.

(a) The petition for review must be served on the City Council within fifteen (15) days of the board's decision.

(b) The record transmitted by the board shall include the minutes of the hearing in its approved form. (Ord. No.1976-19, S 1, 7-16-76)

Section. 21-70. Clerical assistance for board.

The office of the Planning Department shall furnish the board with the clerical

and administrative assistance that it requires. (Ord. No. 1976-19, S 1, 7-16-76)

ARTICLE XII. ADMINISTRATION AND ENFORCEMENT.

***Section. 21-71. Appointment of code administrator; authority generally.**

The administrator shall be appointed by the mayor and shall serve at the pleasure of the City Council. The administrator is hereby authorized and directed to enforce and carry out all provisions of this code, both in letter and spirit, with vigilance and with all due speed. The administrator is authorized to promulgate regulations and procedures consistent with the purpose of this code, toward that end. The administrator is further empowered to delegate the duties and powers granted to any imposed upon him under this code. As used in this code, "administrator" shall include

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his authorized representative. (Ord. No. 1976-19, S 1, 7-16-76)

Section. 21-72. Inspection by administrator.

The administrator is hereby empowered to enter or inspect any building, structure, or premises in the city upon which, or in connection with which a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections, and to insure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists. (Ord. No. 1976-19, S 1, 7-16-76)

Section. 21-73. Code violations and enforcement.

The remedies provided in this section, for violations of or failure to comply with provisions of this code, whether civil, criminal, or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law. (Ord. No. 1976- 19, S 1, 7-16-76)

Section. 21-74. Civil remedies.

The violation of or failure to comply with any of the provisions of this code, or the erection, use or display of any sign not in compliance with all of the provisions of this code shall be and hereby is declared to be unlawful.

Injunction and abatement. The city, through its authorized agents, including the administrator as defined in this code, may initiate injunction or abatement proceedings or other appropriate action in a court of competent jurisdiction against any person who violates or fails to comply with any provision of this code or the erector, owner or user of an unlawful sign or owner of the property on which an unlawful sign is located, to prevent, enjoin, abate or terminate violations of this code and/or the erection, use or display of an unlawful sign. (Ord. No. 1976-19, S 1, 7-16-76)

Section. 21-75. Criminal penalty.

The violation of or failure to comply with any of the provisions of this code or the erection, use, or display of any sign not in compliance with all of the provisions of this code shall be and hereby is declared to be a misdemeanor.

*Upon conviction, any person in violation of or failure to comply with any of the provisions of this code or the owner or user of an unlawful sign or the owner of the property upon which an unlawful sign is located, shall be punished by a fine of up to five hundred dollars (\$500.00) or by imprisonment for not more than thirty (30) days for each week, or portion thereof, that the violation or noncompliance or use or display of the unlawful sign has continued. Every person concerned in the violation of or failure to comply with the code, whether he directly commits the act or aids or abets the same, and whether present or absent, shall be proceeded against and held as a principal.

Provided, however, that the owner of property on which an unlawful sign is located, who is not also the owner or user of the unlawful sign, shall be subject to the said misdemeanor penalties only if demand for removal or alteration of the unlawful sign shall have been mailed by registered mail, return receipt requested, to said owner and the demand has remained uncomplished with for more than thirty (30) days. (Ord. No. 1976- 19, S 1, 7-16-76)

Section. 21-76. Assurance of discontinuance.

The administrator shall obtain an assurance of discontinuance of any act or practice deemed in violation of this code or of any rule or regulation adopted pursuant hereto, from any person engaging in, or who has engaged in such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facia proof of a violation of this code or any rule or regulation adopted pursuant hereto or order issued pursuant thereto, which make the alleged act or practice unlawful for the purpose of securing any injunctive relief from a court of competent jurisdiction. (Ord. No. 1976-19, S 1, 7-16-76)

ARTICLE XIII. CONFLICT AND SEVERABILITY.

Section. 21-77. Conflict.

If any portion of this code is found to be in conflict with any other provision of any zoning, building, fire, safety or health ordinance of the Code of the City of Jackson, the provision which establishes the higher standard shall prevail. (Ord. No. 1976-19,S 1, 7-16-76)

Section. 21-78. Severability.

If any section, subsection, sentence, clause or phrase of this code or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this code, or the application of the provision of other persons of circumstances is in effect and shall remain in full force and effect. (Ord. No. 1976-19, S 1,7-16-76 Revised 12-18-96)

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