

**Exhibit A to  
Ordinance 2010-01: New Sign Regulations**

## ***SIGN REGULATIONS***

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### **§ 151.170 PURPOSE AND INTENT**

It is the purpose of this subchapter entitled “Sign Regulations” to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards. This subchapter is not intended to censor speech or to regulate viewpoints, but instead is intended to regulate, in a content-neutral manner, any secondary effects of speech that may adversely affect aesthetics and traffic and pedestrian safety. The purpose of this subchapter is to:

- (A) Encourage the effective use of signs as a means of communication in the Town;
- (B) Maintain and enhance the aesthetic environment and the Town’s ability to attract sources of economic development and growth;
- (C) Improve pedestrian and traffic safety;
- (D) Minimize the possible adverse effect of signs on nearby public and private property;
- (E) Foster the integration of signage with architectural and landscape designs;
- (F) Allow signs that are compatible with their surroundings and that aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- (G) Regulate signs in a manner so as to prevent the interference with, the obstruction of the vision of, and/or the distraction of motorists, bicyclists, and/or pedestrians;
- (H) Allow for traffic control devices to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and to notify road users of regulations and provide warning and guidance needed for the safe, uniform, and efficient operation of all elements of the traffic stream;
- (I) Protect property values by precluding sign types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- (J) Protect property values by ensuring that the types and numbers of signs are in harmony with buildings, neighborhoods, and conforming signs in the area;
- (K) Preserve and enhance the historic character of the Town; and
- (L) Enable the fair and consistent enforcement of these sign regulations.

### **§ 151.171 DEFINITIONS**

The words, terms and phrases set out below, when used in this subchapter, shall have the meaning ascribed to them in this subchapter, except where the context clearly indicates a different meaning.

#### **Artwork**

A two- or three-dimensional representation that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed. The exterior alteration of commercial buildings in the Historic District for purposes of restoring historic painted murals is not within the scope of this subchapter but is instead regulated under the subchapter pertaining to the Historic District.

**Balloon-Type Devices**

A stationary or mobile inflated device used to attract attention.

**Banner**

See “Sign, Banner”

**BMA**

The Town of Collierville Board of Mayor and Aldermen.

**BZA**

The Town of Collierville Board of Zoning Appeals.

**Building Façade**

See “Façade.”

**Building Wall**

The entire surface area, including windows and floors, of an exterior wall of a building.

**Codes Division**

The Town of Collierville Codes Enforcement Division of the Development Department.

**Commercial**

Any nonresidential use of land involving commerce or commercial activity such as wholesale or retail trade, or the provision of services.

**Conventional Area**

Portions of the town that are appropriate for, or characterized by, development that is typically segregated by use; is two stories or less in height; is primarily or exclusively automobile-oriented; has parking between the building and the street; and is served primarily by curvilinear streets as described in the Collierville Design Guidelines.

**Copy**

Words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

**Copy Area**

The smallest geometric shape that encloses all graphics, letters, and logos of the sign face.

**Design Compatibility**

A condition occurring between two of the same or two different use types where the buildings harmonize together through the use of common scale, setbacks, heights, materials, design treatments, roof forms, orientation, or other features.

**DRC**

The Town of Collierville Design Review Commission

**Electronic Message Board**

Any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electrostatic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

**Elevation**

The front, side, or rear of a structure.

**Façade**

The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

**Fence**

A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

**Flag**

Bunting or fabric of distinctive color and design that is used as an emblem, standard, decoration, or symbol and that is hoisted on a permanent flagpole or otherwise displayed from a building.

**Glazing**

The portion of an exterior building surface occupied by glass or windows.

**HDC**

The Town of Collierville Historic District Commission

**Illumination**

The calling of attention to a sign or device by means of brightening or shining with light or a luminous substance.

**Menu Board**

A structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

**Multi-phase Development**

A development consisting of two or more distinct phases intended to occur in a sequential order.

**Multiple Franchise Business**

A business that, pursuant to franchise agreements, markets the goods or services of more than one company or manufacturer.

**Multiple Tenant Building**

A single building that contains two or more distinct occupants internally separated by firewalls or demising walls.

**Neon**

Lights, tubes, or other devices used to emit neon light.

**Nonconforming Sign**

See “Sign, Nonconforming”.

**Plastic**

The general and commonly used term for a wide range of synthetic or semi-synthetic organic amorphous solid materials including, but not limited to, acrylic, sentra and lexan.

**Public right-of-way**

Property dedicated for public use, usually for a public street, public infrastructure and/or waterway. For the purposes of this subchapter, such public rights-of-way shall be considered to extend a minimum of ten feet from the edge of the pavement, or to the dedicated right-of-way boundary, whichever is farther.

**Roof Line**

The apex, or highest point of the roof. In a series of roofs, the apex of the lowest roof will be considered.

**Scoreboard**

A structure that is located within an athletic field and that displays changing scores, related information, and additional content that may include, without limitation, the names and logos of sponsors.

**Sign**

Any device, fixture, placard, or structure that uses color, form, graphics, illumination, text, symbol, and/or writing to advertise, attract attention to, announce, identify, or identify the purpose of a person or entity, or to communicate information of any kind. The following shall not be considered signs subject to sign regulation: artwork; holiday lighting and decorations, including strips or strings of lights outlining property lines, sales areas, roof lines, doors, windows, wall edges, or other architectural features of a building, displayed between Thanksgiving Day and New Year's Day of each calendar year and fifteen (15) days prior to and after this time period; and memorial plaques, cornerstones, historical tables, and the like.

**Sign Area or Sign Face**

See sign face calculation in §151.178(B)(6).

**Sign, A-Frame (Also a Sandwich Board)**

A freestanding upright sign on a rigid supporting frame in the form of a triangle or an inverted V.

**Sign, Abandoned**

A sign that was lawfully erected on the property in conjunction with a particular use, that use having been subsequently discontinued for a period of 60 days or more; a sign that has been blank for 60 days or more; or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

**Sign, Animated**

Any sign that moves or that appears to move by any means, including fluttering or rotating. Such signs shall also include, but not be limited to, pennants, ribbons, streamers or propellers.

**Sign, Attached**

A sign that is permanently affixed to or painted on a building, canopy, or wall and that has a permanent or changeable copy face.

**Sign, Awning**

A sign that is part of or attached to the face or valance of an awning and that is constructed in the same fabric or material as the awning.

**Sign, Banner**

A sign made of flexible material that advertises a business, an event, or a product for sale.

**Sign, Bench**

A sign affixed to or painted on a bench.

**Sign, Cabinet**

An internally illuminated sign structure consisting of a cabinet that holds a display. Cabinet sign also includes, but is not limited to, backlit displays and light boxes.

**Sign, Canopy**

A sign that is attached to a structure constructed of rigid materials that may be attached to and supported by a building and/or that is also supported by columns, poles, or braces extending to the ground.

**Sign, Changeable Copy (Manual)**

A sign on which copy is changed manually.

**Sign, Changeable Copy (Automatic)**

A sign that is electronically controlled.

**Sign, Convenience**

A sign displayed only for the direction, safety, and convenience of the public. Convenience signs may include, without limitation, address signs, address and name plaques, signs identifying rest rooms, parking area entrances and exits, gas station self-service or full-service pump islands, freight entrances and exits, and other facilities that may require directional signage.

**Sign, Development**

A sign located at the entrance to a residential development and constructed of masonry or natural materials, except for attached letters or logos.

**Sign, Development-in-Progress**

A temporary sign that may include, without limitation, the name of the project, the architect, the contractor, the developer, the engineer, the financing institution, or the materials supplier for the site, whose construction is active, or announcing the future development.

**Sign, Freestanding (also Ground Mounted)**

- (i) A sandwich board sign; or
- (ii) A sign supported by a sign structure that is secured in the ground and that is wholly independent of any building or object, other than the sign structure, for support.

**Sign, Government Imitation**

A sign that copies, imitates, or in any way approximates an official highway sign or carries the words "Stop" or "Danger." Also, a sign that obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction, or other public information, including any authorized traffic control sign, signal, or similar device.

**Sign, Hand Held**

A sign that is held by or otherwise mounted on a person.

**Sign, Hanging**

A sign mounted on beams, brackets, or poles projecting from a building.

**Sign, Home Occupation**

A sign erected for the purpose of identifying an allowed home occupation.

**Sign, Integral**

A sign or plaque carved into stone, concrete, or similar material, or made of bronze, aluminum or other permanent type metal materials, and made an integral part of the structure.

**Sign, Menu Board**

A structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

**Sign, Moving**

A sign or device that swings, undulates, or otherwise attracts attention through the movement of parts, or through the impression of movement, and includes flashing, fluttering, moving, pennant, revolving, rotating, streamer, windblown, or similar signs or devices.

**Sign, Nonconforming**

A sign lawfully constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which the sign does not comply, or any sign that was lawfully erected in compliance with the sign regulations in effect at the time it was erected, but that is no longer in compliance.

**Sign, Obsolete**

See "Sign, Abandoned."

**Sign, Parked Vehicle**

Signs placed on or affixed to vehicles or trailers that are parked on a right-of-way or on public or private property so as to be visible from a public right-of-way. This term does not include signs that advertise the sale of the vehicles on which they are placed or that are placed on or affixed to vehicles but that are incidental to the primary use of the vehicle or trailer.

**Sign, Permanent**

A sign that is intended for other than temporary use or a limited period. A permanent sign is usually affixed or attached to the exterior of a building or to a pole or other structure by adhesive or mechanical means or is otherwise characterized by anchoring, construction materials, or a foundation indicative of an intent to display the sign for more than a limited period.

**Sign, Political**

A temporary sign erected on private property for the purpose of supporting a political candidate or stating a position regarding a political issue or similar purpose.

**Sign, Portable**

A temporary sign or device that is located on the ground, is easily movable, and is not permanently attached to the ground. Portable signs include, but are not limited to, counterbalance signs, trailer signs, and any variations thereof.

**Sign, Project**

A sign that displays solely numbers and/or letters and that is erected to display the identity of five or more occupants in a single building, business or office complex with a total of at least 10,000 square feet in the project; with or without individual street frontage; and with a common parking lot or private drive.

**Sign, Projecting**

See “Sign, Hanging.”

**Sign, Public**

A sign that is in the public interest and that is erected by, or on the order of, a governmental entity or agency. This term includes, without limitation, safety signs, danger signs, trespassing signs, traffic signs, signs of historical interest, wayfinding signs, signs pertaining to events sponsored or co-sponsored by the Town, and other similar signs.

**Sign, Real Estate**

A temporary sign pertaining to the sale, lease, or rental of property. This term includes, but is not limited to, real estate directional, open house, and open house directional signs.

**Sign, Roof**

An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

**Sign, Sandwich Board (Also an A-Frame Sign)**

A freestanding upright sign on a rigid supporting frame in the form of a triangle or an inverted V.

**Sign, Snipe**

Any sign other than a convenience sign that is affixed by any means to trees, utility poles, fences or other objects.

**Sign, Temporary**

A sign that is intended for temporary use and a limited period, as allowed by this ordinance. Temporary signs may include, but are not limited to: auction signs, banners, balloons, builder signs, development in progress signs, garage sale signs, grand opening signs, political signs, portable signs, real estate signs, and special event signs.

**Sign, Trailer**

A sign attached to or painted on a trailer and visible from the public right-of-way for more than 2 consecutive hours or more than 4 total hours between sunrise and sunset.

**Sign, Trash Receptacle**

A sign affixed to, or painted on, a trash receptacle and containing only the company name or logo of the trash-collecting firm.

**Sign, Wall**

A sign designating the name of the business, institution, or organization which is attached to, in a rigid manner, and parallel to a building wall or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not extend more than 12 inches from such building or structure.

**Sign, Window**

A sign placed within, affixed to, in contact with, or located within three feet of a window and intended to be seen from the exterior.

**Sign Depth**

On an attached sign, the distance from the face of the letters to the surface to which they are attached.

**Sign Face**

(See §151.178(B)(6) Sign Face Area.)

**Sign Surface Area**

(See §151.178(B)(6) Sign Face Area.)

**Sign Policy, Comprehensive**

A plan establishing parameters for the size, location and design of signs in a planned development.

**Street Frontage**

The distance that a lot line adjoins a public or private street from one lot line intersecting the street to the furthest lot line intersecting the same street.

**String Lighting**

Lighting used to outline a structure and to attract attention for commercial purposes.

**Traditional Area**

Portions of the town, including the historic district, that are appropriate for, or characterized by, development that typically includes mixed-uses, or residential and nonresidential uses in proximity to one another, buildings typically more than one story tall and built close to the street, a high level of architectural detailing on the primary building façades, the use of a modified street grid system, pedestrian oriented site design rather than exclusively or predominantly for the automobile, and off-street parking located to the side or rear of buildings as described in the Collierville Design Guidelines.

**§ 151.172 APPLICABILITY**

This ordinance shall apply within all zoning districts. However, if the Historic District Commission has formulated and the Board of Mayor and Aldermen has approved written sign guidelines for the Historic District that conflict with provisions in this subchapter, then those guidelines shall take precedence within the Historic District. In addition, if the Board of Mayor and Aldermen has approved a comprehensive sign policy as part of a planned development outline plan, then that sign policy shall take precedence within that approved planned development.

**§151.173 GENERAL VISUAL QUALITY**

Because these regulations can only establish the physical characteristics of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:

(A) The character of the proposed sign, not only in and of itself, but also in terms of the effects a sign will have upon the character of the surrounding area;

(B) The way in which the sign will be read and whether its size, location, configuration, and character are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive; and

(C) The character of the sign structure, (the physical means of supporting the sign,) and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element.

### **§151.174 SIGNS PROHIBITED IN ALL ZONING DISTRICTS**

The following signs shall be prohibited and may neither be erected nor maintained.

(A) Signs erected in a public right-of-way or on public property, with the exception of hand held signs that do not pose a traffic safety hazard and that do not block or otherwise interfere with pedestrian or vehicular traffic;

(B) Bench signs;

(C) Canopies or awnings with backlighting;

(D) Electronic message boards;

(E) Government-imitation signs;

(F) Inflatable animated characters, lighter than air devices, or similar balloon-type devices;

(G) LED electronic message center window signs;

(H) Moving signs;

(I) Flashing signs;

(J) Signs that are not securely affixed to the ground, or that are not otherwise affixed in a permanent manner to an approved supporting structure, including but not limited to, portable signs; provided however, that temporary signs specifically allowed under this subchapter shall be exempt from this prohibition;

(K) Noisy mechanical devices;

(L) Plastic-faced cabinet signs, with the exception of menu boards that are screened or not visible from the public right-of-way;

(M) Parked-vehicle signs;

(N) Roof signs, including signs painted on roofs or that extend above the highest point of a roof;

(O) Changeable copy signs (manual and automatic);

(P) Signs that contain reflective materials, except that the Development Director shall have the ability to approve decorative metals (e.g., brass, copper) on a case-by-case basis;

(Q) Searchlights;

(R) Strobe lights;

(S) Signs interfering with, or blocking the visibility of, directional, instructional, or warning signs;

(T) Signs on natural features such as trees, other living vegetation, and rocks;

(U) Trailer signs;

(V) Home occupation signs, with an exception for those required by State law;

(W) Snipe signs;

(X) Trash receptacle signs;

(Y) Signs that contain words suggestive of, or pictures depicting those acts or displays described in, § 130.046 NUDITY AND SEXUAL ACTIVITIES.

(Z) Animated signs;

(AA) Hand held signs displayed within the public right-of-way; and

(BB) Obsolete or abandoned signs that are not lawful nonconforming signs

### **§151.175 EXEMPTIONS**

These Sign Regulations do not pertain to the following:

(A) Public signs;

(B) Signs not visible from the public right-of-way, including drive-in restaurant menu boards;

(C) Signs internal to a building set back more than 10 feet from a window;

(D) Flags attached to residential structures in residential zones;

(E) Freestanding flag poles in residential zones per §151.006(D)(7);

(F) Scoreboards;

(G) Decals, numbers, names, addresses, hours, credit information and the like attached to doors or windows and all of which occupy a total area of one square foot or less;

(H) For service stations solely engaged in the retail distribution of petroleum and petroleum products the following signs are exempt:

(1) One non-illuminated permanent price sign per street frontage, the sign not to exceed 2 square feet in face area, and located upon the pump island nearest to the street or upon the face of the station building;

(2) Two non-illuminated self service or full service signs per pump island, the signs not to exceed 2 square feet in sign area nor to be located at a height more than 8 feet from the surrounding grade;

(3) Signs displaying the federal and state stamps, octane ratings, pump use direction, no smoking signs and other signs as required by federal, state and local authorities, provided that the accumulated square footage of same shall not exceed 2 square feet per pump island; and

(I) Other signs and stamps required by state and federal law, provided same are of a size no greater than the minimum requirements of the law and for design, size and lighting is approved by the Development Director.

### **§151.176 SIGN PERMIT APPLICATION AND ISSUANCE**

(A) *Applicability.*

(1) If any temporary or permanent sign is not otherwise exempted in Subsection 151.176(B), it shall be unlawful to construct, alter, or relocate such temporary or permanent sign without a valid sign permit approved by the Development Department and issued by its Construction Codes Division.

(2) A property owner, business occupant, or organization allowed more than one sign shall obtain a separate permit for each sign.

(3) In instances where a sign is proposed for construction, alteration, relocation, or demolition within the Historic District, no sign permit shall be issued by the Construction Codes Division until the project has been submitted to, and received a written Certificate of Appropriateness from, the Historic District Commission.

(4) For any sign with lighting, including ground lighting, the Town requires an electrical permit and inspections pursuant to the provisions of the Electrical Code, as adopted by the Town of Collierville. In cases where an electrical permit is required, it shall be obtained at the same time as the sign permit.

**(B) Exemptions from Sign Permits.**

(1) The following signs may be constructed, altered, relocated, or demolished without a Sign Permit, but shall be subject to all applicable requirements in §§151.170 through 151.183:

- (a) Real estate signs;
- (b) Political signs;
- (c) Convenience signs;
- (d) Integral signs;
- (e) Attached ballfield fence signs;
- (f) Temporary signs permitted by this subchapter except for banners;
- (g) Horizontal directional signs on and flush with paved areas;
- (h) Signs posted in conjunction with door bells or mailboxes, not exceeding 36 square inches in surface area;
- (i) Address signs, not more than one for each street frontage of each principal use on a lot and none exceeding 72 square inches in area, showing only the numerical address designations of the premises upon which they are situated. All address signs shall be prominently displayed and written in contrasting colors to the color of the structure or background against which the signs are placed in order to facilitate emergency identification for public service employees; and
- (j) In buildings located in non-residential zones, signs that are placed greater than three (3) feet behind the interior surface of glass and that are legible from the public right-of-way.

(2) The following activities may be conducted without obtaining a sign permit.

(a) Cleaning and other normal maintenance and repair of a sign or sign structure, or other customary maintenance performed periodically to a properly permitted sign unless a structural change is made.

(b) Painting or repainting of a sign or sign structure located outside the Historic District.

**(C) Procedure.** All applications for signage shall be reviewed by the Development Director or his designee prior to the issuance of a sign permit.

(1) *Initiation.* An application for a sign permit shall be initiated by the property owner or other person having authority to file an application.

(2) *Application for a Sign Permit.* An application for a sign permit shall be made in accordance with application requirements established by the Development Department. For signs within the Historic District that must be approved by the Historic District Commission, the issuance of a Certificate of Appropriateness from the Historic District Commission is required prior to approval of the sign permit application.

(3) *Development Department Decision on Sign Permit.* Within thirty (30) days of receiving a complete sign permit application, the Development Department shall review said application and shall approve it, approve it with stated conditions, or reject it.

(D) *Approval Criteria.* The Development Department shall review an application for a sign permit based on the standards set forth in §§151.170 through 151.183.

(E) *Approval for Sign Construction, Alteration, Relocation, or Demolition.* Construction, alteration, relocation, or demolition of a sign or sign structure authorized by a sign permit shall be completed within a period of 180 days of the date of the sign permit approval. Upon written request, one extension of 180 days may be granted by the Development Department if the applicant can show good cause.

(F) *Nullification.* A sign permit shall become null and void if the sign varies in any respect from the approved design or location.

(G) *Fees.* The permit fee for each sign allowed under the requirements of this chapter shall be fixed from time to time by the Board of Mayor and Aldermen.

(H) *Review of Permitting Decisions.* Permit applicants may appeal unfavorable decisions or interpretations rendered pursuant to this subchapter to the Board of Zoning Appeals, as set forth in Section §151.182(B).

## **§151.177 RESERVED**

## **§151.178 REQUIREMENTS APPLICABLE TO ALL ZONING DISTRICTS**

(A) *Illumination.* Sign illumination shall only be achieved through the following standards. The Board of Zoning Appeals shall hear and decide any appeals of staff decisions related to the interpretation of this section.

(1) *General.* All illuminated signage shall be externally lit with the exception of signs containing or consisting of channel letters as allowed in §151.178(A)(3) below.

(2) *External Illumination.*

(a) Signs that are externally illuminated shall have the light source shielded from adjacent buildings and streets, and no sign or device shall produce glare or illumination so as to create a nuisance or a safety hazard to adjacent property owners or to the traveling public. Illumination shall be achieved via a steady, stationary white light of reasonable intensity that is directed solely at the sign. No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color.

(b) Electrical lights and fixtures shall not be attached to a sign unless they are installed in accordance with the current adopted National Electrical Code.

(3) *Internal Illumination.* Only those signs as set forth in § 151.179 may be illuminated internally by either, or both, of the following methods. No other form of internal illumination is permitted.

(a) Individual channel letters shall be permitted but only with the following physical characteristics.

(i) White, translucent plastic (e.g., acrylic, lexan, sentra) faces, aluminum returns, and a white internal light; and

(ii) Black dual color film on white plastic faces, aluminum returns, and a white internal light.

(b) Individual reverse-channel (also know as “halo-lit” or “reverse lit”) aluminum letters with opaque faces and returns of any color and white internal light.

(4) *Prohibited Forms of Illuminated Signage.*

(a) Exposed neon, or technologies such as LED that simulate neon, are prohibited for signs and shall not be incorporated into the design of a principal or accessory structure.

(b) Plastic-faced cabinet signs, whether internally or externally illuminated, with the exception of menu boards not visible from the public right-of-way.

(c) The internal illumination of any sign not expressly allowed pursuant to the provisions of §151.179.

(d) Any form or color of individual channel letters or reverse channel letters not expressly permitted by §151.178(A)(3).

## **(B) Sign Design; Calculation of Sign Area and Height**

(1) *Attached Letters and Graphics.* When separate letters or graphics are attached to, or painted on, a wall, then the sign area shall be determined by the smallest geometric shape that encloses all borders, graphics, and letters as a complete sign.

(2) *Clearance from Electrical Lines.* Signs shall maintain a minimum horizontal clearance of eight feet in addition to the fall radius and a vertical clearance of at least eight feet from electrical lines and in accordance with the provisions of the current adopted National Electrical Code, as revised.

(3) *Double-Faced Signs.* When two signs of the same shape and dimensions are mounted or displayed in a V shape, then all sign faces shall be included in calculating the aggregate sign area.

(4) *Freestanding/Ground Signs.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the sign face area. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases where the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street.

(a) *Sign base.*

(i) All ground signs shall have a minimum base of two to three feet below the sign.

(ii) The sign base must be solid in appearance with no exposed poles.

(iii) The design and materials of the sign base shall coordinate with the architecture of the building with which it is associated.

(iv) Landscaping of the sign base with planters and/or shrubbery in all directions is required to soften the appearance of the sign and provide a transition to the ground.

(b) *Sign location.* Grounds signs shall be separated from adjacent ground signs by 100 feet, with the exception of project signs that shall be separated by 1,000 feet, when allowed.

(5) *Wall signs.*

(a) Wall signs shall not obstruct or crowd architectural elements and details that define the design of the building.

(b) The sign placement and architectural features of adjacent buildings shall be respected.

(c) Wall signs outside of the Historic District may be painted directly on the surface of masonry walls. Within the Historic District, wall signs shall not be painted directly on the surface of masonry walls if the wall has not been previously painted, unless a Certificate of Appropriateness for a new building has been approved by the Historic District Commission.

(6) *Sign Face Area.* The entire area of a sign face shall be measured by a square, rectangle, semicircle, or parallelogram comprising the entire sign inclusive of any border or trim and all of the elements of the matter displayed, but excluding architectural embellishment, the base, supports, and other structural members. In the case of three-dimensional letters or painted letters directly on the wall surface, the surface area shall be that area encompassing the individual letters themselves, including any trim or border and excluding the background that supports the three-dimensional letters.



**Figure 1:** Example of how a sign area is determined by drawing a polygon (indicated by the dashed line) around all type and markings associated with the sign.

(7) *Design of Sign Face.* The following provisions shall regulate sign compatibility and physical characteristics.

(a) With the exception of signs within the Historic District where such signs reflect the historic nature of the Downtown area, signs shall not be in the shape of a sponsor name or motif (e.g., soda bottles, hamburgers, boot, and so forth).

(b) Individual, plastic-faced channel letters shall have only white or black faces with aluminum returns of bronze, black or white. Otherwise, color is not regulated if the sign is designed per section 151.178(A) Illumination.

### **(C) Building Standards for Permanent Signs**

#### **(1) Quality and Impact.**

(a) Building materials for signs shall be durable, have low maintenance, be of the same or higher quality as the principal structure(s), and shall not adversely impact adjacent uses.

(b) Ground sign materials shall match the materials of the associated building.

(c) Signs shall be designed to be compatible with adjacent land uses and respect the signs of adjacent businesses. Special care is required when locating signage next to residential areas.

(2) *Appropriate Materials.* The following materials are considered to be appropriate for sign backgrounds, frames, supports, and ornamentation for permanent attached or freestanding/ground signs:

(a) Brick;

(b) Natural stone, including panels, or imitation stone;

(c) Stained, split-face block;

(d) Wood;

(e) Exterior insulation and finish systems (EIFS) or similar material in combination with brick, split-face block, or stone;

(f) Metal panels, when used in combination with brick, split-face block, or stone; and

(g) Plastic or other synthetic materials when used in combination with brick, split-face block, or stone. The Development Director or his designee may specify an acceptable alternative to brick, split-face block, or stone that is composed of quality synthetic materials approximating the look and dimensions of authentic brick, split-face block, or stone.

(3) *Prohibited Materials.* The following materials are prohibited for sign backgrounds, frames, supports, and ornamentation:

(a) Exposed metal poles, when not enclosed by a masonry veneer;

(b) Smooth-face concrete blocks, whether painted or unpainted;

(c) Metal panels, when used without brick, split-face block, or stone;

(d) Plastic, or other synthetic materials, when used without brick, split face block, or stone, or an acceptable alternative thereto as specified by the Development Director or his designee; and

(e) Reflective materials.

(4) *Structural Requirements.* All signs constructed or placed within the Town shall comply with all current Building Codes adopted by the Town. An electrical permit must be obtained for installation of any sign requiring electrical service or connection.

### **(D) Premises and Sign Maintenance**

(1) *Premises Maintenance.* Signs and the premises surrounding them shall be maintained in a clean, sanitary, and inoffensive condition, free and clear of obnoxious substances, rubbish, and weeds.

(2) *Structure Maintenance.* Signs, together with their supports, braces, guys, and anchors, shall be kept in good, safe repair and shall be maintained in good and safe condition,

including the periodic application of paint or other weatherproofing materials to prevent rust or other decay.

(3) *Sign Area or Other Maintenance.* The sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking, out of plumb or level, illegible, or otherwise decayed condition.

(4) *Maintenance of Banners and Flags.* Banners and flags shall not be allowed to deteriorate to a tattered, torn, or faded condition and shall be attached and secured properly at all times.

(5) *Removal of Attached Signs.* Upon removal of an attached sign, the wall or face of the building on which the sign was attached shall be repaired or resurfaced to restore the wall or face to its original condition prior to installation of the sign.

#### ***(E) Visibility***

(1) *No Obstruction.* Signs, including any means of supporting or staying the signs, shall not be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress, light, or ventilation. Signs shall not be located so that they obscure the view of pedestrian or vehicular traffic in a manner so as to endanger safe movement, particularly at entrances, exits and intersections.

(2) *Protection of Vegetation and Trees.* No person may, for the purpose of increasing or enhancing the visibility of signs, damage, trim, destroy or remove any trees, shrubs, or other vegetation located as follows:

(a) Within public right-of-way, unless the work is done pursuant to the express written authorization of the Town or state, whichever is appropriate; or

(b) On property that is not under the ownership or control of the person conducting or responsible for the work, unless the work is done pursuant to the express authorization of the person owning the property on which the trees or shrubs are located; or

(c) In any area where trees or shrubs are required to remain under an approved development contract.

## §151.179 SIGN STANDARDS BY SIGN TYPE AND ZONING DISTRICT

(A) *Allowed Sign Standards Table.* The Table of Allowed Sign Standards sets out the minimum requirements for the physical characteristics of signs in the Town. Additional conditions for some sign types are found in §151.180.

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area by Sign Type (in Sq Ft per Side, Total)	Maximum Height (in Ft)	Minimum Setback (in Ft)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
<b>ATTACHED</b>								
Ballfield Fence	All	N/A	N/A	Top of fence to which it's attached	N/A	§151.180(A)	No	No
Awning <b>(Permit Required)</b>	All Non-residential	1 per building side facing a street and/or at a main pedestrian entrance(s) to the building	See Conditions	Shall not project above or below awning or roofline; max 16 when located within 200 ft of a residential district	Shall not extend beyond 10 ft from building	§151.180(B)	Yes §151.179(B)	No
Canopy <b>(Permit Required)</b>	All Non-residential	1 per building side facing a street and/or at a main pedestrian entrance(s) to the building	See Conditions	Maximum 30"; shall not project below canopy, or above parapet or roofline; max 16 when located within 200 ft of a residential district;	NA	§151.180(C)	Yes §151.179(B)	No
Convenience	All Non-residential	NA	4.5	6	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	NA	No	Yes
Hanging <b>(Permit Required)</b>	All Non-residential	1 per building side facing a street and/or at a main pedestrian entrance(s) to the building	3, 6	Min 7 from ground; max roofline or 18, whichever is lower	Max 4 ft from building	§151.180(D)	Yes §151.179(B)	No
Window <b>(Permit Required)</b>	All Non-Residential	See Conditions	See Conditions	See Conditions	See Conditions	§151.180(E)	No	No

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area by Sign Type (in Sq Ft per Side, Total)	Maximum Height (in Ft)	Minimum Setback (in Ft)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
Multiple Franchise Businesses <b>(Permit Required)</b>	All Non-Residential	See Conditions	See Conditions	NA	NA	§151.180 (F)	Yes See also §151.180 (O)	Yes
Wall and attached if not otherwise regulated <b>(Permit Required)</b>	All Non-residential	1 per building side facing a street and/or at a main pedestrian entrance(s) to the building	See 151.179(B)	Shall not project below canopy, or above parapet or roofline; max 16 when located within 200 ft of a residential district		§151.180(G)	Yes §151.179(B)	Yes
<b>FREESTANDING/GROUND</b>								
Development (Residential) <b>(Permit Required)</b>	Residential	2 per entrance	32, 64	6	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	§151.180(H)	Yes	No
Flag <b>(Permit Required)</b>	All Non-residential	3 per lot	¼ (in sq ft) of pole height (e.g. 40 ft pole = max 10 sq ft area)	40 pole height	Outside right-of-way or equal to the height of the pole, whichever is farther	NA	Yes §151.179(B)	No
Convenience	All Non-residential	1 per entrance/exit	4.5, 9	6	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	NA	No	Yes
Menu Board <b>(Permit Required)</b>	SCC, GC, MPO	1 for restaurants with drive-through but no curbside service/1 per bay for restaurants with curbside service	30 for restaurants with drive-through but no curbside service/6 per bay for restaurants with curbside service	6	Shall be contained within the buildable area of the site	§151.180(I)	No	Yes

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area by Sign Type (in Sq Ft per Side, Total)	Maximum Height (in Ft)	Minimum Setback (in Ft)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
Project Sign (Multiple Tenant) (Permit Required)	All Non-Residential	1 per lot per street for lots w/1000 ft of frontage or less. For lots with > 1000 ft of frontage, one sign per 1000 ft or a portion thereof.	See Conditions	See §151.180(J)	20 from right-of-way	§151.180(J)	No	Yes, but for existing, legally nonconforming signs only
Multiple Franchise Businesses (Permit Required)	All Non-Residential	1	See Conditions	10	20 from right-of-way	§151.180(F)	Yes §151.180 (F)	Yes, but for existing, legally nonconforming signs only
Sandwich Board (Permit Required)	SCC, GC, MPO, CB, NC	1 per business, tenant or occupant	10, 20	4	Outside of required 48" pedestrian sidewalk clearance	§151.180(K)	No	No
Ground signs not otherwise regulated (Permit Required)	All Non-residential	1 per lot per street for lots w/1000 ft of frontage or less. For lots with > 1000 ft of frontage, one sign per 1000 ft or a portion thereof.	32, 64 for sign face area	6	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	§151.180(L)	Yes §151.179(B)	Yes
<b>TEMPORARY</b>								
Development -in-progress (Permit Required)	All	1 per entrance and 1 per phase or section	32, 64	6	No less than 30 from face of curb or edge of pavement	§151.180(M)	No	No
Window	All	See Conditions	See Conditions	See Conditions	See Conditions	§151.180(E)	No	No
Temporary in all residential zoning districts if not otherwise regulated	All Residential	2	6, 12	5	Outside right-of-way or 10 from back of curb or edge of pavement, whichever is farther	§151.180(N)	No	No

Sign or Device	Zoning District	Maximum Number	Maximum Sign Area by Sign Type (in Sq Ft per Side, Total)	Maximum Height (in Ft)	Minimum Setback (in Ft)	Conditions	Included in Maximum Aggregate Sign Area	Internal Illumination Permitted
Temporary in all non-residential zoning districts if not otherwise regulated <b>(For Permits Required See Conditions)</b>	All Non-residential	1	32, 64	6 Unless attached to a building or in a window	See Conditions	§151.180(O)	No	No

**(B) Aggregate Sign Area.**

(1) Except for multiple franchises or multiple tenant buildings, each nonresidential building is entitled to a maximum aggregate square footage of signage for each visible building side to be calculated as follows:

- (a) For the first 100 linear feet of visible frontage, 1.5 square feet of signage for each linear foot; plus
- (b) 0.45 square feet of signage for each additional linear foot of building frontage in excess of 100 linear feet.

(2) Notwithstanding the foregoing, the maximum aggregate square footage of signage per building, regardless of the number of visible building sides, shall be 300 square feet.

(3) Visible building side shall mean:

- (a) The horizontal length measured from the side of a building on a public or private street frontage of the heated and enclosed structure upon a premises, not including out-buildings or appurtenant structures; or
- (b) The horizontal length of a building on the side with a principal pedestrian entrance.

(C) Civic/institutional uses permitted in residential districts or planned developments that cite uses in non-residential districts shall follow the sign regulations for non-residential districts.

**§151.180 SIGN-SPECIFIC CONDITIONS**

The following conditions supplement the standards set forth in Table 151.179.

**(A) Attached Ballfield Fence Signs.** The following additional provisions shall apply to all signs attached to ballfield fences:

- (1) Signs shall face into the ballfield; and
- (2) All backs of ballfield fence signs in a given ballfield shall be the same color.

**(B) Attached Awning Signs.** The following additional provisions shall apply to all attached awning signs:

- (1) Awnings with backlighting are prohibited;
- (2) Awning signs shall be placed on the valance area only; and
- (3) The minimum space between the edge of the letter and the top and bottom of the valance shall be 1.5 inches.

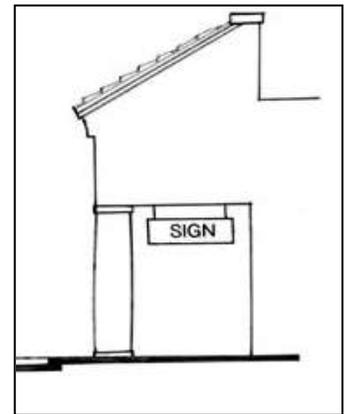
(C) **Attached Canopy Signs.** The following additional provisions shall apply to all attached canopy signs:

- (1) No illumination shall be allowed for attached canopy signs;
- (2) Maximum letter height shall be 30”;
- (3) Maximum width shall be 25 percent of canopy face;
- (4) Canopy signs shall be placed on the valance area only; and
- (5) The minimum space between the edge of the letter and the top and bottom of the valance shall be 1.5 inches.

(D) **Hanging Signs.** Hanging signs shall be displayed with a minimum distance of 7 feet from bottom of the sign to the ground.

(E) **Window Signs.** All window signage, whether temporary or permanent, shall comply with the following requirements:

- (1) Signs shall be located fully within the interior of the building and attached directly to or mounted within 3 feet of the inside of commercial-type businesses;
- (2) Except as provided in this section, window signage may be painted on the interior of the window with easily removable paint, constructed of vinyl, paper, cloth, or other like material;
- (3) Signs, whether temporary or permanent, shall not exceed 15 percent of the aggregate window and door area. A group of windows on a particular building elevation separated by a distinct architectural feature, other than the window frame, shall be considered a separate contiguous window area and the sign area within each contiguous window area shall not exceed 15 percent. Each building elevation shall be considered separately; and
- (4) LED, or similar technology, electronic message center window signs are prohibited.



**Figure 2:** Attached hanging signs are appropriate in pedestrian areas.

(F) **Multiple Franchise Businesses.** The following additional provisions shall apply to all multiple franchise business signs, if not otherwise regulated:

- (1) Businesses shall provide documentation demonstrating that they offer multiple franchises (e.g., “makes” of automobiles) and that there are signage requirements associated with specific franchise agreements.
- (2) The Development Director may approve signs for other types of businesses that contain multiple franchises under these provisions if the franchisee(s) demonstrate that:
  - (a) Its franchise agreement contains specific signage requirements; and
  - (b) Such requirements cannot otherwise be met unless these provisions are utilized.
- (3) One wall sign shall be allowed for the business name with a total of 1 square foot per linear foot of building (sales/showroom/office building only) per street frontage façade;

(4) One wall sign shall be allowed for each franchise with a maximum aggregate sign area not to exceed 200 square feet per building (sales/showroom/office building only) street frontage façade and/or at a main pedestrian entrance to the building;

(5) The aggregate sign area calculated for each building street frontage may be shared among the dealership, or other multiple franchise business, and each of its franchises on the building elevation facing the same street frontage;

(6) One freestanding/ground sign shall be shared by the dealership, or other multiple franchise business, regardless of the number of public streets the property fronts, with a total sign area of 1 square foot per 10 linear feet of street frontage along the property line including multiple street frontages. Maximum allowable sign area for this freestanding/ground sign shall not exceed 75 square feet;

(7) A freestanding ground signs outside of Traditional Areas shall have a 2 foot masonry base;

(8) The face of the freestanding/ground sign shall be rectangular in shape; and

(9) The base of the freestanding/ground sign shall be fully landscaped with planters and/or shrubbery in all directions not less than the dimensional width of the sign.

**(G) Wall Signs and Attached Signs, If Not Otherwise Regulated.** The following additional provisions shall apply to all attached signs, if not otherwise regulated:

(1) Signs shall not be located closer than two feet from any other business located on the ground floor of the same building; and

(2) Signs shall not be located closer than four feet in any direction from any other business sign.

**(H) Freestanding Residential Development Signs.** The following additional provisions shall apply to all freestanding residential development signage:

(1) Freestanding residential development signs shall be located within a common open space lot or a private lot with an easement dedicated to a property owners' association.

(2) One residential development sign shall be allowed if located within a central median at an entrance if within a common open space and not within the public right-of-way.

(3) Only one residential development sign shall be allowed on each side of an entrance.

(4) Residential development signs shall be constructed only of masonry or natural materials, except for attached letters or logo, and may include signs constructed within entrance walls; and

(5) With the exception of the Historic District where signs with pole bases are in keeping with historic signs, an encompassing finished masonry frame shall be required:

(a) The base shall not exceed twenty-five percent of the sign face area; and

(b) In no case shall this percentage change the permitted sign face area.

**(I) Menu Boards.**

(1) For menu boards used in conjunction with a restaurant providing drive-through or curbside services the structure shall be included on a site plan.

**(J) Project Signs.** The following additional provisions shall apply to all multi-tenant project signs, if not otherwise regulated:

(1) When 5 or more businesses, tenants or occupants are contained with or without individual street frontage with a common parking lot or private drive and a total of at least 10,000 square feet in the project, a project sign shall be installed rather than a ground sign. One parcel with less than 5 tenants that does not qualify for a project sign shall share a single ground sign per §151.180(L);

(2) For developments that qualify for more than one project sign, there shall be a minimum of 1,000 feet between project signs;

(3) The height of the project sign shall be determined as follows;

<b>Table 151.180(J)(3) Maximum Dimensions of Project Signs</b>		
<b>Building Square Footage</b>	<b>Maximum Project Sign Height (in feet)</b>	<b>Maximum Project Sign Width (in feet)</b>
15,000 or less	10	10
15,001 or greater	15	10

(4) Project signs shall be located a minimum of 20 feet from the right-of-way;

(5) The base of the sign shall be fully landscaped with planters and/or shrubbery in all directions not less than the dimensional width of the sign;

(6) The face of the project sign shall be rectangular in shape;

(7) Project signs shall be designed to match the architecture of the building or development;

(8) The base of all project signs shall be 2 feet in height and of masonry or stone construction; and

(9) The project sign shall be on the same parcel as the multiple tenant project.

**(K) Sandwich board-type signs.** The following additional provision shall apply to all sandwich board-type signs:

(1) Sandwich board-type signs shall be constructed of metal or wood;

(2) Wood signs shall be constructed of medium density overlay (MDO) or a similar quality material, not grained plywood;

(3) Edges shall be covered with molding; and

(4) Erasable slate chalk boards are allowed.

**(L) Freestanding/Ground Signs, If Not Otherwise Regulated.** The following additional provisions shall apply to all freestanding/ground signs, if not otherwise regulated, including a multiple tenant project sign for one parcel with less than 5 tenants that does not qualify for a project sign..

(1) Freestanding/ground signs shall have a minimum of 100 feet between signs on adjacent lots;

(2) Freestanding/ground signs shall be constructed only of masonry or natural materials, except for attached letters or logo, and may include signs constructed within entrance walls;

(3) The maximum overall area of a freestanding/ground sign, including the finished masonry frame, shall be 100 square feet;

(4) Freestanding/ground signs outside of Traditional Areas shall have a 2 foot masonry base; and

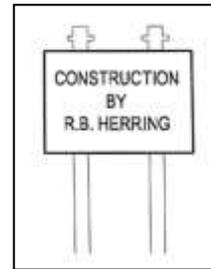
(5) The base of any freestanding/ground sign shall be fully landscaped with planters and/or shrubbery in all directions to soften the appearance of the sign and to provide a transition to the ground.

**(M) *Development-In-Progress Signs.*** The following additional provisions shall apply to all temporary development-in-progress signs:

(1) Signs in nonresidential projects shall be permitted only for sites with a Town-approved site plan or subdivision plat and only during the period for which there is an active building permit, or development agreement; and

(2) Signs in residential projects shall only be permitted with a Town approved site plan (for multifamily) or recorded subdivision plat under physical construction, or an active development agreement.

(3) A setback of less than 30 feet may be approved by the Development Director under circumstances where there are physical site constraints that would prevent compliance with this section.



**Figure 3:** Example of a development-in-progress sign

**(N) *Temporary in all residential zoning districts if not otherwise regulated.***

(1) Real estate signs shall be removed within 7 days of the closing of the sale, rental or leasing of the premises, or as determined by the Development Director in the case of multiple lease or rental spaces in a single project;

(2) The display of any single temporary sign, other than a real estate sign or a political sign, shall be limited to 60 days per calendar year.

**(O) *Temporary in all non-residential zoning districts if not otherwise regulated.*** The following additional provisions shall apply to all temporary signs in non-residential zoning districts, if not otherwise regulated:

(1) The minimum setback for temporary signs in all non-residential zoning districts shall be 30 feet from the back of curb for signs with a sign area between 20 and 32 square feet, 20 feet from the back of curb for signs with a sign area between 7 square feet and 19 square feet, and 10 feet from the back of curb or outside of the right of way, whichever is farther, for signs with a sign area of 6 square feet; and

(2) The display of any single temporary sign, other than a real estate sign or a political sign, shall be limited to 60 days per calendar year and shall require a permit.

## **§151.181 NONCONFORMING SIGNS.**

(A) The utilization of a nonconforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When the use of a property changes (including but not limited to the redevelopment of the site, a change in the use of the business(es), or a tenancy change requiring the demolition or reconstruction of the sign), the signs on that property must be brought into compliance with the provisions of this subchapter.

(B) The replacement of portions of the removable plastic face on a project sign shall be allowed for signs lawfully constructed prior to (effective date) provided that such new portion utilizes the same size, shape, color and material of the replaced portion.

(C) With the exception of minor repairs and maintenance and alterations allowed pursuant to state law, no alterations to a nonconforming sign/sign structure shall be allowed. Unless otherwise allowed by law, any structural or other substantial improvement to a nonconforming sign (except for those activities as specified in Section 151.176(B)(2)) shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such sign as a prohibited sign as set forth in Section 151.174.

## **§151.182 ADMINISTRATION AND PENALTIES.**

(A) **Enforcement.** The Department of Development Services, or other departments or officers of the Town designated from time to time by the Board of Mayor and Aldermen, is authorized and directed to enforce all of the provisions of this chapter. Upon presentation of proper credentials, the Development Director or his or her duly authorized representative may enter at reasonable times any building, structure or premises in the Town of Collierville to perform any duty imposed upon him or her by this subchapter. The Development Director shall be authorized to pursue all such remedies as are available under the law and shall not be limited to those remedies listed below.

(1) *Notice of Violation; Repair or Removal.* The Development Director, or his or her duly authorized representative, shall send a letter by certified mail to the owner, agent, and/or person having the beneficial interest in the building or the premises on which the subject sign is located, ordering that such sign be brought into conformance or removed within thirty (30) days of receipt of the letter or such other reasonable period of time as the Development Director may determine to be appropriate under the circumstances. If the sign is not brought into conformity or removed by the end of the thirty-day period, the Development Director may cause the same to be removed or repaired, as the case may be, at the expense of the owner of the sign and the owner of the premises on which the sign is located, each of whom shall be jointly and severally liable for such expense.

(2) *Signs in Public Right-of-Way.* Signs illegally placed in any public right-of-way shall be forfeited to the public and shall be immediately confiscated by the Department of Development of Development Services.

(3) *Unsafe Signs.* The Development Director, or his or her duly authorized representative, may cause any sign or sign structure to be removed immediately upon written

notice at the expense of the owner of the sign and the owner of the premises on which the sign is located if the sign is an immediate hazard to persons or property by virtue of its construction.

**(B) Appeals to Board of Zoning Appeals.** As set forth in §151.308, the Board of Zoning Appeals shall hear and decide appeals from any order, requirement, decision or determination made by the Development Director or any other official charged with the responsibility of enforcing the provisions of this chapter.

**(C) Penalties.** Any person, firm or corporation violating any of the provisions of this subchapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than the maximum prescribed by Tennessee law. Each day's continuance of a violation shall be considered a separate offense. The owner of any sign, building or premises, or part thereof, where any matter in violation of this subchapter shall be placed or shall exist, and any person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense.

### **§151.183 SEVERABILITY**

**(A) Generally; severability where less speech results.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter is declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such declaration or holding shall not affect any other part, table, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter, even if such severability would result in less speech, whether by subjecting previously exempt signs to this subchapter's permitting requirements, or otherwise.

**(B) Severability of provisions pertaining to prohibited signs and sign types.** Without diminishing or limiting in any way the declaration of severability set forth above or elsewhere in this subchapter this Ordinance or in any adopting ordinance, if any part, table, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter or any other law is declared or held to be unconstitutional or invalid by any court of competent jurisdiction, such declaration or holding shall not affect any other part, table, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this subchapter that pertains to prohibited signs.

**(C)** If any court of competent jurisdiction invalidates the application of any provision of this ordinance to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

**(D)** If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

**(E)** Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this ordinance, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.