

CHAPTER 11: PROVISIONS GOVERNING SIGNS^{xxviii}

11.01 STATEMENT OF PURPOSE

The regulations set forth herein are established in order to promote and protect public health, safety, comfort, prosperity, welfare, and in order to accomplish the following specific purposes: to enhance the economy, business, and industry of Brownsville by promoting the reasonable, orderly, and effective use and display of signs; to enhance the physical appearance of the city; to protect the general public from damage and injury which might be caused by the faulty and uncontrolled construction and use of signs within the city; to protect the public use of streets and highways by reducing sign or advertising distractions that may increase traffic accidents; to project the physical and mental well being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment; and to preserve the value of private property by assuring the compatibility of signs with surrounding land uses.

11.02 DEFINITIONS

Abandoned/Obsolete Sign - any sign which identifies or advertises a business, lessor, service, owner, product, or activity, which is no longer available at the indicated location or no longer available on the premises or for which no legal owner can be found.

Animated sign - A sign that uses movement or change of light to depict or to create a special effect or scene (does not include time, temperature or message signs).

Attached Business Sign - Any sign which is affixed directly to or otherwise inscribed or painted on a wall or parapet wall of any building or structure with the exposed face of the sign in a plane approximately parallel to the plane of such wall and extending there from less than twelve (12) inches.

Awning/Canopy Sign - A sign painted on, printed on, or attached flat against the surface of an awning or canopy projecting from and supported by the exterior wall of a building.

Banner Sign - A sign made of fabric or other non-rigid materials with no enclosing framework. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Building Inspector - The city official or authorized representative charged with the responsibilities of enforcing the chapter.

Business Identification Sign - A freestanding sign identifying a recognized firm, business, or service.

Canopy - An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Central Business District - The area contained within the CB (Central Business) zone as identified on the Official Zoning Map of Brownsville, Tennessee.

Construction Sign - A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Directional/Informational Sign - Any on-premise sign giving directions, instructions, or facility information, e.g., parking or exit and entrance signs, and which may contain the name or logo of an establishment but no other advertising copy.

Flashing Sign - Any directly or indirectly illuminated sign that contains an intermittent flashing light source. (This does not include message center or time/temperature signs.)

Freestanding Sign - Any sign supported by uprights or braces placed on or in the ground and not attached to any building.

Ground Sign - Any sign supported by the ground with little or no vertical clearance.

Height (of a sign) - The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Illegal Sign - Any sign and/or advertising structure erected without a permit required by this Ordinance, or in violation of any of the limitations, prohibitions or requirements of this Ordinance.

Maintenance - For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mall Grouping Signs - Signs on one pole identifying a group of stores, businesses, or professional offices located in one development. These include office center signs and shopping center signs.

Message Board - A sign with changeable, removable letters to allow the user to replace or update the copy on the sign.

Nonconforming Sign - (a) Any sign which was erected legally but which does not comply with subsequently enacted sign regulations and restrictions; (b) A sign which does not conform to the Sign Code requirements but for which a variance has been issued. These signs are grandfathered provided they do not violate the provisions of Chapter 8.

Off Premise Sign - A sign not located on the property that it advertises.

Office Center - Two or more offices having a common parking lot.

Owner - The fee owner of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the leaseholder of such property or the individual, person or business who has purchased the copy on a sign.

Political Sign - A sign displaying the name and/or picture of an individual seeking election to a public office or a sign otherwise relating to a forthcoming public election or referendum.

Portable Sign - Any sign which by its construction or nature may be or is intended to be freely moved from one location to another. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category; neither does the anchoring of the sign by means of concrete blocks, sandbags or other types of temporary anchors. Portable signs include, but are not limited to, signs designed to be transported by means

of wheels; signs converted to A- or T-Frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising.

Projecting Sign - Any sign, other than a flat wall sign, which is attached to and projects more than 12" from a building wall or other structure not specifically designed to support the sign.

Public Sign - Any temporary or permanent sign erected and maintained by the City, County, State or Federal Government for traffic direction or for the designation of or direction to any school, hospital, historical site, or public service, property or facility.

Real Estate Sign - Any temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

Residential Districts - Any parcel in the City of Brownsville zoned R-1, R-1A, R-2, R-2A, R-3, R-TH, MH or PRD.

Roof Sign - Any sign erected, constructed or maintained wholly or partially upon or over the roof line of any building with the principal structural support on the roof or building structure.

Shopping Center - Two or more businesses sharing a common parking lot. This shall include indoor and outdoor malls.

Sign - Any object, device, graphic design or part thereof, situated outdoors or indoors and which object, device, graphic design or the effect produced is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by any means including words, letters, figures, designs, fixtures, colors, motion, illumination, sound and projecting images. Any sign requiring a permit is considered to be a structure.

Sign Area - (a) Freestanding, Roof and Projecting Signs: The area enclosed by one continuous line, connecting the extreme points or edges of the sign. The area shall be determined using the largest sign area or silhouette, but excluding the necessary supports or uprights. Two-sided signs constructed back to back shall use the square footage of one side only for compliance. Three-sided signs with no more than 60 degrees between the faces shall be figured using one face only. (b) Attached Business, Awning and Canopy Signs: The area including all lettering, wording, and accompanying design or symbols together with any background. For a sign composed of individual letters or figures, the area is that of the smallest rectangle or other geometric shape that encompasses all the letters or symbols.

Sign Permit - A written permit granted by the Building Inspector for the erection, construction, enlargement, relocation or conversion of any sign for which a permit is required.

Subdivision Identification Sign - A freestanding or wall sign identifying a recognized subdivision, condominium complex or residential development.

Time and Temperature Sign - Electrically controlled public service time, temperature and date signs displayed on a lamp, bank or other electronic display.

Temporary Sign - Any sign, banner, pennant, valance or advertising display or sign constructed of light fabric, cardboard, wallboard, plywood, paper or other light materials.

with or without frames, intended to be displayed for a limited period of time, i.e., garage sale, rummage, open house and similar types of signs.

User - The fee user of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the leaseholder of such property or the individual, person or business who has purchased the copy of a sign.

11.03 PERMITS

All signs will be permitted by the Building Inspector's Office, except those that are exempt by this ordinance.^{xxix}

11.04 REGULATIONS AND STANDARDS

A. Business Identification Signs

Business identifications signs shall be allowed in NC, MPO, SCC, CB, GC, RI, and GI zones only. Except for the Central Business District (see 10.04 I 1 N)

- 1 The Identification Sign must be located on the business property. They must be five (5) feet from the right-of-way of any street. Signs under sixteen (16) feet must be ten (10) feet from any highway. Signs cannot extend over right-of-way or street. They must not interfere with traffic or pedestrian vision.
- 2 Only two (2) signs are allowed. The main identification sign shall be no greater than eighty (80) square feet in area per side, and shall have no more than three (3) sides. Double sides are allowed in NC, MPO, SCC, and GC zones. The top sign shall be no greater than eighty (80) square feet per side, and the lower sign shall be no greater than thirty- two (32) square feet. The second sign cannot exceed thirty- two (32) square feet.
- 3 Retail businesses measuring over 25,000 square feet shall be allowed up to three (3) signs. One main sign not to exceed eighty (80) square feet and two (2) signs not to exceed thirty- two (32) square feet. The main identification sign can be double sided in NC, MPO, SCC, and GC zones. Installation to be approved by the Building Inspector.
- 4 Business identification signs must be securely mounted and wired in accordance with City code. Permits are required from the Building Inspector. Fee for the permit is \$25.00.
- 5 Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
- 6 In the Central Business Zoning District, free standing pole signs are not allowed. Monument and Mall Grouping Signs are allowed and shall comply with the regulations governing Mall Grouping Signs in D^{xxx}.
7. Business identification signs located from the Haywood County Courthouse Square along the southern right of way of East Main Street to North Park Avenue; and, from the eastern right-of-way of Park Avenue with its intersection with said East Main Street along both the northern and southern right-of ways to its intersection with Anderson Avenue; and, along both the northern and southern right-of-ways of West Main Street from its intersection with North and South

Russell Streets to the Haywood County Courthouse Square shall be ground signs only with the following standards applying:

- a. Such signs shall not exceed 72 inches in height measured from finished grade;
- b. Such signs shall not exceed 32 square feet in sign area per side;
- c. Such signs shall be set back a minimum of 10 feet from the edge of the public street right-of-way;
- d. Such signs shall be oriented to the middle of the front property line unless in conflict with an entrance but, in no case shall be placed within 15 feet of a side property line oriented perpendicular to the front property line;
- e. The base of the sign shall be landscaped with evergreen and deciduous shrubbery and seasonal colors on each side of the sign in an area equivalent to the total sign area of each face of the sign. All landscaping shall be irrigated.
- f. Such signs may display not more than three (3) pieces of information including the street address of the property;
- g. Both sides of the two-side ground sign shall be identical in design and content;
- h. The sign shall be placed upon a masonry base a minimum of 18 inches in height measured from finished grade;
- i. For a single-occupant property, only one (1) principal ground sign shall be permitted unless otherwise provided in this Ordinance;

B. Attached Business Signs

- 1 Shall be allowed in all Business, Commercial and Industrial Districts.
- 2 Each business is limited to two (2) attached business sign per building face. The total area of both signs shall be no greater in area than 25% of the face of the wall on which it is located.
- 3 An awning or canopy with the business name or related information is allowed in addition to the business sign. All such awnings or canopies shall be structurally sound and approved by the Building Inspector. The lowest portion shall not be less than eight (8) feet above the ground.

C. Off Premise Signs

1. Off Premise signs are allowed only in the Interstate Highway District (IHD) and the Off Premise Sign District (OPSD).
2. Interstate Highway District (IHD)
This zone shall overlay the underlying zone district and shall be composed of an area running parallel to and 300 feet from the right-of-way of any federal interstate highway within the corporate limits. Within this area the following shall apply.
 - a. Off premise signs shall be no greater than 378 square feet in area per side and shall have no more than two (2) sides.
 - b. Off premise signs may not be stacked.
 - c. The maximum height of off-premise signs shall not be greater than 50 feet. The bottom of the sign must be a minimum of 10 ft. above the ground/pavement elevation.

- d. Off premise signs shall be placed a minimum of 1,000 linear feet from any other off premise sign on the same side of the highway.
- e. Off premise signs must be located a minimum of ten (10) feet from the right-of-way of any highway, street, or road and a minimum of five (5) feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way or interfere with traffic or pedestrian vision or safety.

3. Off-Premise Sign District (OPSD)

This zone shall overlay the underlining zone district and shall be composed of an area running parallel to and 100 feet from the right-of-way of the Highway 76 Bypass from Highway 19 on the west-side of Brownsville and Highway 70 on the east-side of Brownsville and an area running parallel to and 100 feet from the right-of-way of Highway 76 from the Interstate Highway Special Zone to the bypass. Within this area the following shall apply.

- a. Off premise signs shall be no less than 180 square feet and no greater than 300 square feet in area per side and shall have no more than two (2) sides.
 - b. Off premise signs may not be stacked or side by side.
 - c. The maximum height of off premise signs shall not be greater than 35 feet. The bottom of the sign must be a minimum of 10 feet above the ground/payment elevation.
 - d. Off premise signs shall be placed a minimum of 1,500 linear feet from any other off premise sign on the same side of the highway and a minimum of 750 linear feet from off premise signs on the opposite side of the highway.
 - e. Off premise signs shall be placed a minimum of 500 linear feet from a residential structure.
 - f. Off premise signs must be located a minimum of twenty (20) feet from the right-of-way of any highway, street or road and a minimum of ten (10) feet from the edge of any sidewalk. In no case shall an off premise sign be located on the public right-of-way or interfere with traffic or pedestrian vision or safety.
- 4. Non-profit organizations may erect off-premises directional signs, provided they do not exceed sixteen (16) square feet in area, and further provided the sign is not located in the public right-of-way and does not interfere with traffic or pedestrian vision or safety.
 - 5. With the exception of signs identified in (4) above, all off premise signs shall comply with the site plan review requirements of the zone in which they are intended to locate.

D. Mall Grouping Signs

- 1 Shopping Centers. A sign designating a shopping center and its tenants shall have a maximum area of eighty (80) square feet plus ten (10) square feet for each tenant over two, not to exceed one hundred-fifty (150) square feet. Signs designating individual businesses are not allowed, except attached business signs, however.

businesses without an external entrance are allowed one (1) business identification sign.

- 2 Office Centers. A sign designating an office center and its tenants shall have a maximum area of eighty (80) square feet.
- 3 Mall grouping signs must be located a minimum of ten (10) feet from the right-of-way of any highway, street, or road and a minimum of three (3) feet from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way.
- 4 Any mixture of offices and retail establishments shall be interpreted as a shopping center if there is a majority of retail establishments and shall be interpreted as an office center if there is a majority of offices and/or professional uses.

E. Residential Signs

1. Apartment complexes, churches, and schools in residential districts may have a single identification sign not to exceed thirty-two (32) square feet. Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.
2. Nameplates are allowed in residential districts but must be limited to three (3) square feet.

F. Projecting Signs

Projecting signs shall not exceed twenty (20) square feet in area and shall have a minimum of nine (9) feet of clearance above the ground or sidewalk. A projecting sign must be structurally sound and approved by the Building Inspector.

G. Portable Signs

Portable signs will be allowed only for one week per calendar quarter per location. They must not utilize flashing lights. Portable signs shall not interfere with vehicular or pedestrian traffic. All portable signs must have a permit from the Building Inspector. Fee for a portable sign is \$15.00.

H. Real Estate Signs

- 1 Real estate signs are limited to one sign per road frontage, not to exceed thirty-two (32) square feet in area in a residential zone or forty-eight (48) square feet in a commercial or industrial zone. No real estate signs shall have a height greater than twelve (12) feet.
- 2 In multi-unit developments (commercial or industrial), one additional sign per unit, not to exceed ten (10) square feet in area is allowed.
- 3 Real estate signs must be located a minimum of five (5) feet from the right-of-way of any highway, street, or road, and a minimum of three (3) ft. from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way. The location must not interfere with traffic or pedestrian vision or safety.
- 4 Real estate signs do not require a permit.

I. Construction, Lighting, and Maintenance Standards

1. General Regulations

- a. All signs and their locations shall comply with the provisions of the City of Brownsville Zoning Ordinance, the Standard Building Code, the National Electrical Code, current edition, and additional standards hereinafter set forth.
- b. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape, required exit way, window or door opening used as a means of egress, to prevent free passage from one part of a room to another part thereof or access thereto.
- c. Signs shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the Building or Fire Prevention Codes.
- d. The height of the signs shall in no case exceed the height restrictions for buildings in that zoning district.
- e. In no case shall existing supports, such as utility poles or traffic control sign supports, be utilized for any sign.
- f. All signs shall maintain clearances from overhead electrical connectors as follows:
 - (1) Under six hundred (600) volt, insulated - 3 feet
 - (2) Under six hundred (600) volt, bare - 5 feet
 - (3) Six hundred one (601) volt to twenty-five hundred (2,500) volt - 5 feet
 - (4) Two thousand five hundred one (2,501) volt to nine thousand (9,000) volt - 6 feet
 - (5) Nine thousand one (9,001) volt to twenty-five thousand (25,000) volt - 9 feet
 - (6) Twenty-five thousand one (25,001) volt to seventy-five (75) kV - 10 feet
 - (7) Above seventy-five (75) kV - 12 feet
- g. Signs shall not be suspended by chains or other devices that will allow the sign to swing, due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- h. Supports and braces shall be an integral part of the sign design. Angle irons, channels, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
- i. Freestanding signs shall be self-supporting structures and be permanently attached to sufficient foundations.
- j. Attached business signs must derive their principle and total support from the building to which they are attached.

- k. All signs shall be constructed to withstand wind loads of 30 pounds per square foot on the largest face of the sign and structure.
 - l. In no case shall the existing ground elevation be built up in order to have a taller sign.
 - m. Free hand, spray paint, stencils, and signs not conforming to excepted sign standards, as determined by the Planning Commission, will be allowed.
 - n. Signs in the central business district may have additional requirements as recommended by the Downtown Merchants Association and approved by Mayor and Board of Aldermen.
- J. Electrical Standards
- a. Electrical service to on premise freestanding signs shall be concealed whenever possible.
 - b. Electrical signs shall be marked with input amperes at full load.
 - c. Each illuminated and/or electrical sign shall bear thereon a label or certification visible from the ground, from the Underwriter's Laboratories, Inc., or any other approved independent electrical inspection agency qualified to make such certification or have written approval from the local Electrical Inspector.
 - d. No artificial light, of whatever type or nature used in conjunction with or the lighting of any sign, shall be constructed as to direct or reflect any artificial light onto any structure or to constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.
 - e. Flashing or rotating lights, flashing signs, flashing or moving lights on signs, and reflective pennants are prohibited, except that signs that exhibit time, temperature, date or other similar information and search lights permitted by the Building Inspector as an attention getting device are permitted.
 - f. In no case shall electrical wiring, extension cords, or any other means of power be laid on the ground or parking areas.

2. Maintenance Standards

- a. Every sign, including, but not limited to those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of such sign.
- b. The ground area around any freestanding sign shall be kept free and clean of weeds, trash and other debris.

11.05 PROHIBITED SIGNS

The following types of signs are prohibited in all zoning districts in Brownsville.

- A. Signs on public property, except for public signs in conjunction with city, state and federal government uses and temporary signs upon permission by the public authority having jurisdiction.
- B. Signs erected at the intersection of any streets or alleys in such a manner as to obstruct free and clear vision; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device, or which makes use of the words "STOP, LOOK, DRIVE-IN", "GO SLOW", "CAUTION", or similar wording or other symbols as to interfere with, mislead or confuse traffic. No signs shall be allowed between a height of two and one-half (2.5) feet and ten (10) feet on the front property line in order to prevent any obstruction of vision.
- C. Signs which blend with or can be confused with traffic signals.
- D. Signs which contain reflective materials which present a hazard or danger to traffic or the general public.
- E. Signs which are structurally unsound.
- F. Signs which display thereon or advertises any obscene, indecent or immoral matter.

11.06 TEMPORARY SIGNS

No temporary sign shall be allowed except as set forth herein and which is affixed to a building, pole or other structure and located on the same property and allowed under the provisions of this Chapter. Temporary signs are allowed in all zoned districts as specified below. A sign permit is required for all temporary signs except for vehicle signs, construction signs, posters, garage sale signs, and non-profit organization event signs.

- A. Street Banners - It shall be unlawful for any person to have placed across or upon any public street, alley or place a banner, electrical or floral festoon, without first obtaining a permit. Such banner or electrical or floral festoon shall be in conjunction with an official, civic, or philanthropic, festival, or parade and shall be allowed for a period not to exceed thirty-five (35) days as determined by the Building Inspector. Street banners shall be removed within seven (7) days after the event being advertised has occurred.
- B. Off-Building Advertising Banners - Shall be allowed, after obtaining a permit, for a period not to exceed fourteen (14) days per calendar quarter. They are subject to the building setback requirements of the zone in which they are located. They may be used only in Commercial and Industrial zones and may not exceed twenty-four (24) square feet in total area. On-building banners that do not require a permit, however, total signage on any face of a building must not exceed 25% of the total surface area.
- C. Posters - Shall only be authorized in conjunction with an official, civic, or philanthropic event and shall be allowed only thirty-five (35) days prior to and forty-eight (48) hours after the event.
- D. Vehicular Signs - Any vehicle carrying or having a sign painted on it shall be considered a sign regulated under this chapter. Such signs shall be prohibited unless displayed on a vehicle in operable condition carrying all current valid licenses, tags

or plates as required by all governmental authorities. This may include valid dealer licenses, tags or plates. Vehicular signs cannot use public property including parking spaces for advertising purposes.

- E. Construction - Construction signs shall be allowed in all districts during the actual period of construction and shall be limited in size to sixty-four (64) square feet and a height of twelve (12) feet. The sign announcement shall be limited to the project name, sponsor or funding agent, owner, general contractor and subcontractors, architect or engineer.
- F. Signs not exceeding five (5) square feet in area noting garage sales provided it is an on-site sign. This sign shall be allowed to be erected no more than seven (7) days prior to and two (2) days after the event that it advertises.
- G. Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said sign conforms to the following regulations.
 - 1. Said signs may be erected no earlier than ninety (90) days prior to said election and shall be removed within three (3) days following said election.
 - 2. No sign shall be located within or over the public right-of-way.
 - 3. The candidate or the candidate's organization must obtain a general sign permit covering all of the candidate's signs in Brownsville. There will be no charge for this permit.
 - 4. Political signs in residential districts shall be limited to sixteen (16) square feet in area and shall be limited to thirty-two (32) square feet in all other districts.

11.07 EXEMPTIONS

The following signs shall be allowed in all zoning districts of the City of Brownsville provided that the sign conforms to the regulations of this Chapter. A sign permit is not required to erect exempt signs described below.

- A. Signs not more than two (2) square feet which identify street numbers, owner names, occupant name, and professional names, as allowed herein.
- B. Official National, State or Municipal flags properly displayed.
- C. Signs, identifying merchandise, or manufacturer, offering sale if on a dispensing or vending machine, or on windows.
- D. Signs wholly within buildings or on windows.
- E. Public signs that are signs erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, legal notices and such temporary, emergency or non-advertising signs as may be approved by the Building Inspector.
- F. Historical markers as required by local, State, or Federal authorities.
- G. Signs of a primary decorative nature, clearly, incidental and customary and commonly associated with any national, local or religious holiday.
- H. No trespassing or no dumping signs.

- I. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed on bond or noncombustible material.
- J. Public signs, or signs specifically authorized for public purposes by any law, statute or chapter; which may be of any type, number, area, height above grade, location, illumination or animation, required by law, statute or chapter under which the signs are erected. Also exempted are signs on public property erected by order of the Mayor and Board of Aldermen, which shall be allowed subject to all appropriate sight, distance, and safety considerations being met, as determined by the Mayor and Board of Aldermen.
- K. Warning signs warning the public of the existence of danger, containing no advertising material, of a size as may be necessary to be removed upon the subsidence of danger.
- L. Private property directional signs such as "no parking", "exit", "parking", etc., not to exceed five (5) square feet.
- M. Non-electrical free standing business and non-electrical attached business signs will not require permits if they do not exceed thirty-two (32) square feet.

11.08 ILLEGAL, NONCONFORMING, AND UNUSED SIGNS

A. Illegal Signs

- 1 Definition: An illegal sign is any sign erected or altered after the effective date of this Chapter not complying with the provisions thereof unless said provision was expressly waived or granted a variance.
- 2 Disposition: Any illegal sign shall be removed from the premises upon which it is located within thirty (30) days from the effective date of this Chapter or notice of violation and shall not remain on the premises or elsewhere in the City until a sign permit is issued.

B. Nonconforming Signs - Any sign that has been erected, constructed or placed in its location and that is being used as of the effective date of this Chapter, shall be conclusively presumed to have been so erected, constructed or placed and used in compliance with the codes and chapters of the City of Brownsville pertaining to signs that were in effect immediately prior to such date.

- 1 Any sign that is non-conforming because it fails to comply with the provisions of this Chapter may not be repaired, restored or reconstructed, provided that such work alters structurally, extends, or enlarges, in whole or in part, unless such sign as so altered, extended or enlarged shall conform with the provisions of this Chapter and a proper permit is obtained.
- 2 No owner, user, or other person shall alter any non-conforming sign (including alterations in the colors, letters, words, numbers, objects or symbols appearing thereon, excluding message boards), unless such sign as so altered shall conform to the provisions of this chapter. The violation of any one or more of the following regulations shall constitute a forfeiture of the right to continue to use and maintain a non-conforming sign. Consequently, this sign will now be defined as an illegal sign.

- a. A non-conforming sign shall not be replaced with another non-conforming sign.
 - b. A non-conforming sign shall not have any changes in the words, logo or symbols that are a part of a message unless the sign is a freestanding message board, non-portable.
 - c. A non-conforming sign shall not be structurally altered so as to prolong the life of the sign, to be increased in size or shape, or type, or design.
 - d. A non-conforming sign shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50% of the value of the original structure.
 - e. A non-conforming sign shall not be re-established after the activity or name of the business or ownership shall be changed requiring a change in the sign name or advertisement itself.
3. All signs which are nonconforming because of: the use of flashing, blinking, intermittent or exposed lighting (except neon); signs which constitute a traffic hazard, block or restrict the visibility of motorists or pedestrians; otherwise constitute an immediate hazard to the general health, safety and welfare of the public of the City, shall be brought into conformity within ten (10) days of the effective date of this Chapter. If such signs are not removed within the aforementioned ten (10) day period, written notification of the obligation to remove such signs shall be furnished by the Building Inspector and delivered to the sign owner/user/property owner by certified mail and the owner/user/property owner shall thereafter be required to remove said sign from the premises within five (5) days of the receipt of notification from the Building Inspector. Failure to remove such signs within the time periods herein provided shall constitute a violation of this Ordinance.
 4. Disposition: It shall be the duty of the sign owner/user and property owner to remove any nonconforming sign in accordance with the requirements of this Section.
 5. A request for a variance or interpretation of this chapter, as it pertains to the non-conformity, and which is filed within thirty (30) days of the effective date of this chapter, shall stay further administrative actions pertaining to said sign until such time as the variance or request for interpretation is acted upon.
- C. Unused (Abandoned) Signs
1. Definition: An unused or abandoned sign is a sign that meets any of the following criteria:
 - a. A sign that identifies an establishment or goods or services that are no longer provided on the premises where the sign is located.
 - b. A sign that identifies a time, event or purpose which has passed or no longer applies.
 - c. This also applies to sign structures with or without a sign.

2. Disposition:

- a. Any sign which is defined under paragraph C.(1)(a) of this subsection, and which condition exists for a period of one month, and which sign is otherwise nonconforming, shall be removed by the owner/user/property owner within five (5) days of the end of the one month (thirty [30] day) period.
- b. Any sign which is defined under subparagraph C.(1)(a) of this subsection which remains in such condition for a period of one month, and which sign is otherwise conforming shall have its copy vacated within thirty (30) days from when the stated circumstances commenced. If the copy remains vacant for a period of six (6) months or more from the date the stated circumstances commenced, the sign structure shall be removed by the owner/user/property owner. Removal shall be within five (5) days following the expiration of the aforementioned six (6) month period.
- c. Any sign defined under subparagraph C. (1) (b) of this subsection shall be removed by the owner/user/property owner within three (3) days from the time the event or purpose has passed or no longer applies.
- d. Removal:
 - (1) Any illegal, nonconforming or unused sign which is not removed from the premises by the owner/user/property owner within the time frames prescribed herein shall be considered a violation of the provisions of this Ordinance and shall be subject to the maximum penalties allowed by law. Each day such violation shall continue shall constitute a separate offense.
 - (2) Failure to Remove: A failure to remove any illegal, nonconforming or unused sign and subsequent failure by the Building Inspector to duly notify the owner/user/property owner of the provisions of this Section shall not be deemed to constitute a waiver of any violations of this Ordinance, nor shall such inaction be deemed to constitute a determination that any such sign is legal, in conformity with this Ordinance or to be given any special status. If, through administrative neglect or inaction, any owner/user/property owner is not notified of the requirements of this Ordinance within the time frames herein set forth, but is later so notified, said owner/user/property owner shall take action to either correct the illegality, nonconformity or nonuse or shall cause the sign to be removed within twenty (20) days of such notification.

11.09 APPEALS TO THE BOARD OF ZONING APPEALS

A. Right to Appeal

1. Except for instances relating to signs located or proposed to be located on public property, which is within the jurisdiction of the City Board, any person who has been ordered by the Building Inspector for the removal of any sign, or any person whose application for a permit for a sign has been refused, may appeal to the Board of Zoning Appeals by serving written notice to the Building Inspector. Such appeals to the Board of Zoning Appeals shall be on forms provided by the