

ORDINANCE 15-O-57 amending Murfreesboro City Code, Chapter 25¼— Signs, Sections 25¼-2, 25¼-23, 25¼-25 and 25¼-29, regarding exempt signs, temporary signs, and certain non-conforming signs. [2015-803]

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Section 25¼-2, Definitions; Interpretation, of the Murfreesboro City Code is hereby amended by adding the following new definitions in alphabetical order.

Beacon: Any stationary or revolving light with one (1) or more beams that projects or flashes illumination into the atmosphere or is directed at one (1) or more points that are not on the same zone lot. Beacon includes cannon lights, search lights, lasers and other such devices.

Equipment/Machinery Sign: Attached sign that is incorporated into/onto machinery, equipment, cart corals, gas pumps, vending machines, newspaper racks, telephone booths, fee collection boxes or any other similar device.

Feather Sign: A wind activated feather, blade or teardrop shaped sign of flexible material attached to a support pole that is normally inserted into a receptacle in the ground.

Mural: Painting or graphics applied directly to a wall or permanent surface other than a window which contains no advertising material.

Public Art: Items expressing creative skill or imagination in a visual form, such as painting or sculpture which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from the public right of way and which contain no advertising material.

Sandwich Board: A stationary, double faced temporary sign that is ground supported; also known as an A-frame sign.

Vehicle Sign: a permanent or temporary sign affixed to, painted on, or placed in or upon any motor vehicle, trailer, or other devise capable of being towed.

Window sign – permanent. A sign, regardless of content, that is painted on or etched into the inside or outside of a window, or a window sign installed pursuant to a sign permit. Product/merchandise placed as a display and not attached to the window or window frame is excluded from this definition.

Window Sign – temporary. A sign that is attached to a window or a window frame that is not permanent.

SECTION 2. Section 25¼-2, Definitions; Interpretation, of the Murfreesboro City Code is hereby amended by deleting the following definitions in their entirety and substituting in lieu thereof the following.

Convenience sign: A permanent sign not exceeding 3 square feet in surface area.

Enter / Exit sign: A sign not exceeding 5 square feet in surface area directing traffic movement to, from or within a zone lot.

Pennant: A temporary sign which is a colored, flexible material sometimes bearing an emblem, logo, symbol, or other markings suspended or projecting from a private light pole, perimeter pole, canopy poles or other similar poles but not including utility poles or flag poles.

Pole sign: A temporary, limited use on-site sign which is used for promotional-type advertising attached to a perimeter pole, a private light pole, canopy pole or other similar poles, but not including utility poles or flag poles.

SECTION 3. Section 25¼-2, Definitions; Interpretation, of the Murfreesboro City Code is hereby amended by adding a new subsection (3) to the definition of "Inflatables" as follows:

(3) A fan powered, air-activated device is considered an "inflatable" for purposes of this Chapter 25¼.

SECTION 4. Section 25¼-2, Definitions; Interpretation, of the Murfreesboro City Code is hereby amended by deleting the definition of "Temporary window sign" in its entirety.

SECTION 5. Section 25¼-23, Exemptions, of the Murfreesboro City Code is hereby amended by deleting it in its entirety and substituting in lieu thereof the following.

SECTION 25¼-23 EXEMPTIONS.

(A) *The following items that could be considered as coming within the definition of a "sign" are not subject to regulation by this Chapter 25¼:*

- (1) Signs and other devices erected, posted or otherwise established by any governmental agency regulating traffic.
- (2) Public Art.
- (3) Murals on a side or rear wall.

(B) *The following signs are allowed without a sign permit or permit fees:*

- (1) Flag signs of 24 square feet or less which are not mounted on or displayed from a flagpole as defined in Code §25¼-2 .
- (2) Enter/Exit signs not exceeding 5 square feet and not more than 4 feet overall height. Illumination is allowed in accordance with Code §25¼-26; an electrical permit is required with applicable fee. Must be at least 1 foot from R.O.W. and may be placed under power line or in an easement at sign owner's risk. May include a logo.
- (3) Convenience signs not more than 3 square feet. Illumination is allowed in accordance with Code §25¼-26; an electrical permit is required with applicable fee. Must be at least 1 foot from R.O.W. and may be placed under power line or in an easement at sign owner's risk. May include a logo.
- (4) Temporary signs, except as otherwise provided in Code §25¼-25.
- (5) Governmental signs.
- (6) Window signs that are in conformity with the provisions of subsection (C) of this Code §25¼-23.
- (7) Flagpoles to be erected, prepared, altered or relocated on a lot which is lawfully being used for either a single family or two (2) family residential use, regardless of zoning district.
- (8) Vehicle signs that are not prohibited by Code §§25¼-24 or 25¼-25.
- (9) Equipment and machinery signs that do not exceed 2 square feet for each 1 linear foot of the side to which it is attached.

(C) *Window signs:*

- (1) In all non-residential zones and non-residential use areas of a PUD or MU zone:
 - (a) On ground or basement level floors, total window signage, whether or not installed pursuant to a sign permit, shall not cover more than twenty five percent (25%) of the total window surface of any façade, excluding doors on the façade. Any window signage installed pursuant to a sign permit shall be included in the total maximum allowable attached signage for the applicable façade.
 - (b) On ground or basement level doors that include a window, signage shall not exceed 2¼ square feet each.
 - (c) On all floors above ground level floors, window signage shall not cover more than fifteen percent (15%) of the surface of any window, with each window considered separately.

- (2) Any permanent window sign installed prior to the adoption of this ordinance on first reading shall be exempt from the provisions of this subsection (C).
- (3) In all zones, the use of window frame lighting, whether by a continuous light strip or other similar product, illuminating the perimeter of one (1) or more individual window panes or a group of window panes, is prohibited.
- (D) *Compliance with applicable provisions.* Exemption from permit and fee requirements shall not be construed as relieving the owner of such signs from the responsibility of complying with all other applicable provisions of this chapter.
- (E) *No preference.* Nothing in this section shall favor a commercial sign over a noncommercial sign. A non-commercial message may be displayed on any of the signs or types of signs set forth in this Code §25¼-23.
- (F) *Severable.* The provisions of this Code §25¼-23 shall be deemed to be severable. In the event that any part or provision of this Code §25¼-23 is found to be invalid or unenforceable, all other provisions of this Code §25¼-23 shall remain in full force and effect. In the event that any exemption in this Code §25¼-23 is held to be invalid as a “content-based” regulation, the sign or item that would have been exempt will be considered and regulated as an “other temporary sign” in accord with the remaining provisions of this Chapter 25¼, without regard to its content.

SECTION 6. Section 25¼-25, Temporary Signs, of the Murfreesboro City Code is hereby amended by deleting it in its entirety and substituting in lieu thereof the following.

SECTION 25¼-25 TEMPORARY SIGNS.

- (A) *Purpose of temporary sign regulations:* Limited temporary signs are allowed in order to provide reasonable opportunities for communication while protecting the aesthetics of the City and avoiding confusion and clutter. With respect to the provisions regarding temporary “directional signs” contained in this ordinance, the City acknowledges the need of businesses and other organizations and individuals (collectively, “Speakers”) to communicate the time and place of individual, isolated events that often occur at a place other than the Speaker’s usual place of business or occupancy, as well as the public’s need to know of the time and place of such events. As a result, such temporary directional signs, and only such temporary directional signs, are allowed, with limitations, to be placed off-site, but only on private property with the consent of the property owner.

These signs are allowed to be off-site in order to provide communication that is effective for both the Speaker and the public.

The limitations are necessary in order to avoid confusion to the public and clutter. If temporary directional signs are placed too far in advance of the event the information is more likely to be forgotten or confused with other information. If temporary directional signs remain in place any substantial period of time after the event, they will cause confusion and additional, unnecessary distraction to the public that has to sort through expired information in order to find information as to current or upcoming events. Limiting the duration of temporary directional signs will improve the efficient flow of traffic and contribute to public safety. While all signs contribute to visual clutter, a sign that no longer serves a purpose is purely visual clutter.

- (B) *All temporary signs are subject to the following general regulations:*
 - (1) The total number of temporary signs shall not exceed three (3) signs per lot at any one (1) time.
 - (2) Any temporary sign placed on, in or over any private property must have the consent of the property owner.
 - (3) Any temporary sign placed on, in or over any public property, including public rights-of-way must have the written consent of the public authority having jurisdiction over the property.
 - (4) Changeable sign: A temporary sign, other than a sandwich board sign under subsection (E)(8) hereof, shall not consist, in whole or in part, of any form of changeable sign as defined in Code §25¼-2.
 - (5) Temporary signs shall not be allowed to deteriorate to a tattered, torn or faded condition and shall be attached properly at all times. Either condition shall be

- repaired or the temporary sign shall be removed within two (2) days of receipt of written notice.
- (6) Temporary signs found to be in violation of this Sign Ordinance shall be removed within two (2) days after posting of notice on the sign or after personal contact with owner or lessee of the property. If such sign, including support structures, is not removed after the conclusion of such period, the Chief Building Official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner or lessee.
 - (7) Unauthorized temporary signs found in the R.O.W. may be removed without notice.
 - (8) Where allowed, all electrical lights or fixtures utilized with respect to any temporary sign must be installed in accordance with the National Electric Code, as currently adopted.
 - (9) Notwithstanding any other provision of this Sign Ordinance, with the advance written consent of the pole owner and with City Council approval, non-commercial temporary pennants may be displayed on utility poles in the R.O.W. of:
 - (a) West Main Street and East Main Street between the CSX / West Main Street crossing and N. Rutherford Blvd.,
 - (b) Middle Tennessee Blvd. between East Main and Greenland Drive,
 - (c) Greenland Drive between Middle Tennessee Blvd. and Blue Raider Drive, and,
 - (d) Within the Central Business District.
 - (10) Temporary signs, and any means of supporting or staying such signs, must not be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress or ventilation.
- (C) *Conditionally Allowable Temporary Signs.* The following temporary sign types are allowable subject to the conditions stated after each.
- (1) *Banners:*
 - (a) Number – Two (2) per lot maximum on-site, except only one (1) is permitted in the Central Business District. Each banner counts as one (1) temporary sign.
 - (b) Size –120 square feet combined maximum display area.
 - (c) Setback – N/A.
 - (d) Height - N/A.
 - (e) Illumination- Not allowed.
 - (f) Timing - N/A, except in the Central Business District. In the Central Business District no banner shall be attached to a building for more than ninety (90) days maximum in any calendar year.
 - (g) Permit, fee - N/A, except a permit is required for [1] a banner in the Central Business District, (without any fee), and [2] to attach a banner to an on-site sign as provided in (E)(1)(i) below (without any fee).
 - (h) Zone – All zones, except residential zones, GDO overlay districts, and the residential portion of MU and PUD districts.
 - (i) Other Limitations – May only be attached to a building. Exception: banners may be attached to permanent on-site signs for a maximum of ninety (90) days provided that an application is in process for new permanent signage. The purpose of this exception is to permit temporary signage to be attached to the permanent sign structure while new permanent signage is being prepared for installation. This exception shall not have any application after the permanent signage is installed.
 - (2) *Directional signs:*
 - (a) Number - four (4) per event off-site.
 - (b) Size –16 square feet each maximum.
 - (c) Setback – 1 foot from R.O.W.
 - (d) Height – 4½ feet maximum.
 - (e) Illumination- Not allowed.
 - (f) Timing:
 - [1] Erection: ten (10) days before the event.
 - [2] Removal: two (2) days after the event.
 - (g) Permit, fee – N/A.

- (h) Zone - All.
 - (i) Other limitations - Calendar date of event must be included on all directional signs that are more than 4 square feet in area. It is the intent of this provision to allow directional signs for isolated, individual events. This provision does not allow effectively permanent off-site directional signs for successive, repetitive events, by repeatedly changing the date of the event on the sign.
- (3) *Feather signs:*
- (a) Number – three (3) per lot maximum; each feather sign counts as one (1) temporary sign.
 - (b) Size – 32 square feet each maximum.
 - (c) Setback – 14 feet from back of curb; cannot be in R.O.W.
 - (d) Height - 14 feet maximum.
 - (e) Illumination- Not allowed.
 - (f) Timing – N/A
 - (g) Permit, fee – N/A.
 - (h) Zone – All zones.
 - (i) Other limitations – None.
- (4) *Inflatable signs - stationary:*
- (a) Number - one (1) per lot maximum on-site.
 - (b) Size – 100 square feet maximum.
 - (c) Setback – 5 feet plus the inflatable height from R.O.W., and 10 feet, plus the inflatable height from power lines.
 - (d) Height - N/A.
 - (e) Illumination - Not allowed.
 - (f) Timing
 - [1] seven (7) consecutive days per year maximum for commercial stationary inflatables in those portions of a CH, H-I, L-I, PCD and PID zones, and in commercial use areas of MU and PUD zones, which are outside the GDO Overlay zones;
 - [2] three (3) consecutive days per year maximum for commercial stationary inflatables in any GDO Overlay zone, PROVIDED that two (2) of the three (3) days must be a consecutive Saturday and Sunday.
 - [3] Non-commercial inflatables are allowed in all non-residential zones for up to thirty (30) consecutive days, with a permit but without any fee.
 - (g) Permit, fee –
 - [1] Permit, fee and refundable deposit of fifty dollars (\$50.00) required for all commercial stationary inflatables in zones listed in (C)(4)(f)[1] and [2] above.
 - [2] Permit without a fee or deposit required for non-commercial stationary inflatables in all non-residential zones.
 - [3] Non-commercial stationary inflatables are allowed in all residential zones without a permit or fee.
 - (h) Zone – See (C)(4)(f) & (g) above.
 - (i) Other limitations - N/A.
- (5) *Inflatable signs - mobile:*
- (a) Number - one (1) per lot maximum on-site.
 - (b) Size – 100 square feet maximum.
 - (c) Setback – 5 feet plus the inflatable height from R.O.W., and 10 feet plus the inflatable height from power lines.
 - (d) Height – 120 feet maximum.
 - (e) Illumination - Not allowed.
 - (f) Timing
 - [1] seven (7) consecutive days per year maximum for commercial stationary inflatables in those portions of a CH, H-I, L-I, PCD and PID zones, and in commercial use areas of MU and PUD zones, which are outside the GDO Overlay zones;
 - [2] three (3) consecutive days per year maximum for commercial stationary inflatables in any GDO Overlay zone, PROVIDED that two (2) of the three (3) days must be a consecutive Saturday and Sunday.
 - (g) Permit, fee – Permit, fee, and refundable deposit of fifty dollars (\$50.00) required.

- (h) Zone – Commercial mobile inflatables are only allowed in zones listed in (C)(4)(f)[1] and [2].
 - (i) Other limitations - N/A.
- (6) *Pennants*:
- (a) Number - One (1) for every 50 feet of street frontage on-site. Total number of pennants count as one (1) temporary sign.
 - (b) Size - 9 square feet each maximum.
 - (c) Setback – 1 foot from R.O.W.
 - (d) Height – 25 feet maximum.
 - (e) Illumination - Not allowed.
 - (f) Timing - N/A
 - (g) Permit, fee - N/A.
 - (h) Zone – All zones, except residential zones and residential use areas of MU and PUD.
 - (i) Other limitations - Must be suspended or projecting from a private light pole, canopy pole or other similar private poles, but not including utility poles or flag poles, located on the business lot of record.
- (7) *Pole signs*:
- (a) Number - three (3) per lot maximum on-site count as one (1) temporary sign.
 - (b) Size – 21 square feet each maximum.
 - (c) Setback – 1 foot from R.O.W.
 - (d) Height – 25 feet maximum.
 - (e) Illumination - Not allowed.
 - (f) Timing - N/A.
 - (g) Permit, fee - N/A.
 - (h) Zone - Those portions of a CL, CF, CH, H-I, L-I, PCD, PID, and the commercial use areas of an MU or PUD district which are outside the GDO Overlay zones.
 - (i) Other limitations - Attached to private perimeter pole, private light pole, canopy pole or other similar private poles, but not including utility poles or flag poles, located on the business lot of record.
- (8) *Sandwich Board*:
- (a) Number – one (1) per lot on-site, or on sidewalk adjacent to the site in CBD.
 - (b) Size – 6 square feet per side.
 - (c) Setback – 1 foot from R.O.W.; when placed on sidewalk in CBD, sign must be placed to maintain 5 feet clear zone for ADA compliance. When angle parking is allowed next to the sidewalk where a sandwich board sign is placed, the first 18 inches from the front of the curb does not count towards the 5 feet clear zone.
 - (d) Height – 3 feet maximum.
 - (e) Illumination- Not allowed.
 - (f) Timing – Allowed only when business is open.
 - (g) Permit, fee - N/A.
 - (h) Zone – CBD and those portions of a CL, CF, CH, H-I, L-I, PCD and PID zones, and the commercial use areas of an MU or PUD district which are outside the GDO Overlay zones.
 - (i) Other limitations
 - [1] Must be constructed or weighted so as to not blow down in normal weather conditions.
 - [2] Must be removed when severe weather is forecast. A person who places a sandwich board sign on or near a public sidewalk assumes full responsibility for any damage or personal injury caused by the sandwich board sign.
 - [3] Changeable copy is not allowed except for manually changeable copy.
- (9) *Streamers*:
- (a) Number - On-site, 3 linear feet of streamers for every 1 foot of street frontage maximum. Streamers equal one (1) temporary sign.
 - (b) Size - N/A.
 - (c) Setback – 1 foot from R.O.W.
 - (d) Height – 25 feet maximum.
 - (e) Illumination- Not allowed.
 - (f) Timing - N/A.

- (g) Permit, fee - N/A.
 - (h) Zone - Those portions of a CL, CF, CH, H-I, L-I, PCD and PID zones, and the commercial use areas of an MU or PUD district which are outside the GDO Overlay zones.
 - (i) Other limitations - Attached to private perimeter pole, private light pole, canopy pole or other similar private poles but not including utility poles or flagpoles located on the business lot of record.
- (10) *Temporary display of temporary flag signs:*
- (a) Number – Unlimited. Temporary Flag signs displayed under this subsection do not count towards the “three (3) signs per lot” maximum stated in the general regulations (B)(1) of this Code §25¼-25.
 - (b) Size – Individual flag signs shall not exceed 24 square feet in area.
 - (c) Setback – The flag sign shall not extend over a public R.O.W.. The flag sign may not extend over an adjoining property line without the consent of the adjoining property owner.
 - (d) Height – 10 feet maximum.
 - (e) Illumination - External. Must not direct glare into any building or any other property.
 - (f) Timing – Shall not be displayed for more than fifteen (15) days each calendar year.
 - (g) Permit, fee – N/A.
 - (h) Zones – All zones, but only for Institutional group assembly uses as defined in the Zoning Ordinance that are non-commercial.
 - (i) Other limitations - Non-commercial only.
- (11) *Temporary flag signs as part of a temporary event which has received a special use permit from the Board of Zoning Appeals pursuant to the Zoning Ordinance:*
- (a) Number – Unlimited; Temporary Flag signs displayed under this subsection do not count towards the “three (3) signs per lot” maximum stated in the general regulations (B)(1) of Code §25¼-25.
 - (b) Size - Individual flags shall not exceed 24 square feet in area.
 - (c) Setback- The flag sign shall not extend over a public R.O.W. The flag sign may not extend over an adjoining property line without the consent of the adjoining property owner.
 - (d) Height- 10 feet maximum.
 - (e) Illumination - External. Must not direct glare into any building or any other property.
 - (f) Timing - Flags shall not be displayed for more than seven (7) consecutive days, and shall not be displayed at the same site more than two (2) times in a twelve (12) month period.
 - (g) Permit, fee; temporary flags - No sign permit or fee shall be required for the temporary, non-commercial flag display.
 - (h) Permit, fee; other signage - Appropriate and usual sign permits pursuant to Code Chapter 25¼ are required for all other signage at or in connection with the event.
 - (i) Zones - All, subject to approval by the Board of Zoning Appeals.
 - (j) Other limitations - Non-commercial only. All other temporary signs must comply with regulations in Code §25¼-25.
- (12) *Other temporary signs:*
- (a) Number – See (B)(1) above.
 - (b) Size – 32 square feet maximum.
 - (c) Height - 12 feet maximum.
 - (d) Setback – 1 foot from R.O.W.
 - (e) Illumination - Not allowed.
 - (f) Timing – Until ten (10) days after conclusion of temporary purpose.
 - (g) Permit, Fee – N/A.
 - (h) Zone – All.
 - (i) Other limitations - On-site only. Multiple signs shall not be placed so as to appear to be one (1) sign that exceeds 32 square feet
- (D) *Prohibited:* The following types and uses of temporary signs are specifically prohibited:
- (1) Signs which are not expressly permitted by this chapter.

- (2) Nothing herein shall prohibit noncommercial speech displayed on an on-site or off-site sign. This subsection supersedes any other provision to the contrary.
- (3) Off premise, commercial temporary signs except temporary directional signs as conditionally allowable under Code §25¼-25(E)(2).
- (4) Temporary signs which advertise a terminated activity, business, product or service no longer produced or conducted on the premises upon which the sign is located.
- (5) Signs which copy or imitate or in any way approximate an official highway sign or carry the words "STOP" or "DANGER"; signs which obscure a sign displayed by a public authority for the purpose of giving traffic instruction or direction or other public information; signs which imitate traffic-control devices; and signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic-control sign, signal or other similar device.
- (6) Beacon lights.
- (7) Signs or illumination that cause any direct glare into any building other than the building to which the sign may be accessory or onto any other property other than the property on which the temporary sign is placed.
- (8) Flashing temporary signs which are visible at any public street or sidewalk.
- (9) Temporary roof signs, except inflatables as allowed by Code §25¼-25(C)(4) and (5).
- (10) Window signs that are not in conformity with the provisions of Code §25¼-23(C).
- (11) Banners across any public street (See Code §28-15).
- (12) Banners, pennants, ribbons, streamers, spinners or other similar moving or fluttering devices attached to other temporary signs.
- (13) Temporary signs which are attached or otherwise affixed to trees or other living vegetation and utility poles except as otherwise provide in this Sign Ordinance.
- (14) Temporary signs on trash receptacles, benches or bus stop shelters.
- (15) Temporary signs which revolve or rotate.
- (16) Temporary signs incorporating any noise-making device.
- (17) Murals on the front or on more than two (2) elevations of a building.
- (18) Portable signs.
- (19) Vehicle signs (as defined) when the vehicle is parked on a public R.O.W., on public property, or on private property so as to be visible from a public R.O.W. such that the only apparent purpose is to display a message, provided that this subsection (19) shall not be interpreted to preclude an owner or tenant of a lot, or a business patron while transacting business on a lot, from parking a vehicle on that lot. For purposes of this subsection (19), "parked" does not include stopping to load or unload cargo, stopping while work is being performed on, from, or in connection with the vehicle, or incidental stops of 2 hours or less.
- (20) Temporary signs that obscure the view of pedestrian or vehicular traffic in such a manner as to endanger safe movement.
- (21) Temporary signs displaying obscene matter as defined below:

Obscene:

- (a) The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
- (b) The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct; and,
- (c) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Community: Rutherford County, Tennessee.

Matter: Any printed or written materials, or any picture, drawing, photograph, or other pictorial representation that is obscene as defined herein.

Patently offensive: That which goes substantially beyond customary limits of candor in describing or representing such matters.

Prurient interest: A shameful or morbid interest in sex.

Sexual conduct:

- (a) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated. A sexual act is simulated when it depicts explicit sexual activity which gives the appearance of ultimate sexual acts, anal, oral or genital. Ultimate sexual acts means sexual intercourse, anal or otherwise, fellatio, cunnilingus or sodomy; or
 - (b) Patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.
- (E) *Unlawful cutting of trees and shrubs.* No person may, for the purpose of increasing or enhancing the visibility of any temporary sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located:
- (1) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the governmental entity that controls the R.O.W.
 - (2) On property that is not under the ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located. Notwithstanding the foregoing, the owner of the property where such trees or shrubs are located may not give permission to remove or destroy trees or shrubs required by the site plan without first obtaining approval of an amendment to the site plan by the Planning Commission.
 - (3) In any area where such trees or shrubs are required to remain under any permit issued by the City.
- (F) *Violations; Penalties.*
- (1) Violation of any of the provisions of this chapter or failure to comply with any of its requirements is hereby deemed and declared a violation of the Code. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to the penalties as provided in Code §1-8; each day that such violation continues shall constitute a separate and additional violation.
 - (2) Except as otherwise specifically provided herein temporary signs placed in the public right-of-way without proper authorization may be immediately confiscated by the City and the owner or responsible party for the sign shall, in addition to the penalty provided in (D)(1) above, pay a return fee for each sign, as follows:
 - (a) Signs 5½ square feet and under – five dollar (\$5.00) return fee.
 - (b) Signs over 5½ square feet – twenty five dollar (\$25.00) return fee.All signs not claimed within ten (10) days of confiscation shall be deemed to be abandoned and may be destroyed at the City's option.
 - (3) The owner, tenant and/or occupant of any building, structure, premises or a part thereof, and any contractor, agent or other person, who commits, maintains, aids or participates in a violation of this section may be found guilty as a separate offense and each offense shall be subject to the penalties as herein provided.
- (G) *No preference.* Nothing in this section shall favor a commercial sign over a noncommercial sign. A non-commercial message may be displayed on any of the signs or types of signs set forth in this Code §25¼-25.
- (H) *Conflicts.* In the event of any conflict between the provision of this amended Code §25¼-25 and the provisions of existing Code §§25¼-4, 25¼-24 or 25¼-30, the provisions of this amended Code §25¼-25 shall control.
- (I) *Severable.* The provisions of this Code §25¼-25 shall be deemed to be severable. In the event that any part or provision of this Code §25¼-25 is found to be invalid or unenforceable, all other provisions of this Code §25¼-25 shall remain in full force and effect. In the event that any exemption in this Code §25¼-25 is held to be invalid as a “content-based” regulation, the sign or item that would have been exempt will be considered and regulated as an “other temporary sign” in accord with the remaining provisions of this Chapter 25¼, without regard to its content.

SECTION 7. Section 25¼-24(A)(11) of the Murfreesboro City Code is amended by deleting same and replacing it with the following:

“String lighting in a non-residential zone or the non-residential use are of a mixed use zone except between November 15 and January 15.”

SECTION 8. Section 25¼-29, Nonconforming Signs and Other Provisions, of the Murfreesboro City Code is hereby amended by adding a new subpart (H) as follows:

- (H) *Ground sign made nonconforming by the resubdivision of property.* A ground sign that conformed to the provisions of the Sign Ordinance at the time it was installed, and was subsequently made non-conforming in whole or in part by:
- (1) the subsequent resubdivision of the lot upon which it is located into two (2) or more lots, or
 - (2) the subsequent combination by resubdivision of the lot upon which it is located with and into another lot, shall be considered a legal non-conforming sign, provided that such resubdivision causing such sign to become nonconforming occurred prior to November 19, 2015.

Any ground sign that is made non-conforming by a resubdivision occurring after November 19, 2015, must be reconstructed, relocated or removed so that the sign and the lot conform to the provisions of the Sign Ordinance then in effect within 90 days of the date of recording the resubdivision plat.

SECTION 9. That this Ordinance shall take effect fifteen days after its passage upon third and final reading, the public welfare and the welfare of the City requiring it, provided that the provisions of SECTION 5 of this Ordinance 15-O-57 amending Code §25¼-23(C) Window Signs shall not be effective until June 3, 2016.

Passed:

1st reading _____
2nd reading _____
3rd reading _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

David A. Ives
City Attorney

SEAL