

TITLE 20

MISCELLANEOUS

1. SIGN ORDINANCE.
2. FAIR HOUSING ORDINANCE.

CHAPTER 1

SIGN ORDINANCE

SECTION

- 20-101. Purpose and scope.
- 20-102. Definitions.
- 20-103. General provisions.
- 20-104. Signs permitted in residential districts.
- 20-105. Signs permitted in commercial, industrial districts, and professional office.
- 20-106. Temporary sign provisions.
- 20-107. Nonconforming sign provisions.
- 20-108. Administration and enforcement.
- 20-109. Legal status provisions.

20-101. Purpose and scope. (1) Legislative purpose. The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- (a) Protect the right to the use of signs for the identification of activities and any related products, services and events, for effective use of signs as a means of communication and to provide for non-commercial messages;
- (b) Protect the right of individuals to privacy and freedom from nuisances;
- (c) Protect the value of property and improvements thereon and the quality of life by enhancing the appearance of the streetscapes of the town;
- (d) Permit signs that are appropriate to their surroundings, aesthetically pleasing, appropriately scaled and integrated with the surrounding buildings and the landscape;
- (e) Assure that signs are constructed and maintained in a safe condition;

(f) Encourage design that enhances the readability and effectiveness of signs while minimizing cluttered, distracting and/or illegible signs;

(g) Prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;

(h) Reduce traffic hazards; and

(i) Provide an efficient and effective means of administration and enforcement.

(2) Scope. These regulations shall apply to all signs (unless listed otherwise herein) and their appurtenances that are legible to a person of ordinary eyesight (with vision adequate to pass a state driver's license exam) standing at ground level at a location on the public right-of-way or on other private property except those located within and visible only from within enclosed courtyards or similar enclosures.

These regulations shall not in any manner censure the written or depicted copy on any permitted sign.

(3) Substitution clause. Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure in regards to the regulations within this chapter. (Ord. #180, April 1998, as replaced by Ord. #501, May 2018 **Ch12_6-11-19**)

20-102. Definitions. For the purpose of this chapter the following definitions, terms, phrases, words, and their derivation shall have the meaning given herein.

(1) "Building face or wall." All window and wall areas of a building in one (1) plane or elevation.

(2) "Building marker." Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material that is architecturally compatible with the building.

(3) "City." When used herein shall mean the Town of Ashland City, Tennessee.

(4) "Commercial complex." A building or group of buildings located upon a lot used or designed to be used for two (2) or more occupancies.

(5) "Commercial message." Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

(6) "Community facility." Facilities used for leisure and social purposes, including community centers and meeting places, community halls, community learning and leisure centers.

(7) "Copy." The wording or graphics on a sign surface.

(8) "Display surface area." The entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure or similar character, together with any background materials, color,

or area defined by a border or frame, any of which forms an integral part of the display or serves to differentiate such display from the structure to which it is affixed.

(9) "District." A zoning district as defined and established by the Ashland City Zoning Ordinance. The zoning ordinance is published as a separate document.

(10) "Enforcing officer." The chief enforcing officer or official of the Town of Ashland City appointed to enforce the terms of this chapter.

(11) "Establishment." A lawful entity, incorporated or unincorporated, that owns, rents, or leases space to conduct a commercial or noncommercial activity.

(12) "Flag." Any fabric or bunting containing distinctive colors, patterns or symbols, used a symbol of government, commercial or non-commercial activity as further defined below:

(a) Commercial flag means any flag that displays a commercial name, message, logo or symbol.

(b) Decorative flag means any flag that displays any holiday or seasonal insignia, design or message that does not include any commercial name, message, logo or symbol.

(c) Government/civic/non-commercial flag means any flag displaying a name, message, logo or symbol of any governmental, religious, civic or non-profit agency.

(13) "Height (of sign)." The vertical distance measured from the surrounding grade to the highest point of a sign.

(14) "Item of information." The name of a business, service, product, or individual.

(15) "Lot." A lot, parcel, or piece of land which meets the legal requirements for use as a lot under the adopted zoning ordinance.

(16) "Major street or thoroughfare." Any street shown as such on the official street list as adopted by the city.

(17) "Major street or thoroughfare plan." A plan for future streets and street rights-of-way adopted by the Ashland City Planning Commission and as listed on the street list for the Town of Ashland City.

(18) "Marquee." A permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection over a sidewalk from the weather.

(19) "Menu board." A sign 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 and not viewable from off the site.

(20) "Parapet." The portion of a building wall or false front that extends above the roofline.

(21) "Pennant." Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

(22) "Right-of-way." A strip of land dedicated for public use and including the paved travel way of a street and the adjoining land on either side of the paved area as identified by maps, plats, surveys or deeds. When a right-of-way cannot be determined, a minimum right-of-way of twenty-five feet (25') shall be assumed to be measured in each direction from the centerline of the paved travel way.

(23) "Sign." Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which:

(a) Is a structure in and of itself or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;

(b) Is used to announce, direct attention to, advertise or communicate information of any kind; and

(c) Is visible from outside of building.

(24) "Sign, abandoned." Any signs in which the functions of direction, message, and/or identification of a bona fide business, lessor, owner, product or activity conducted or products available are obsolete and have been obsolete for a period of time as established by state law.

(25) "Sign, accessory." Any sign that directs attention to a person, activity, or commodity on the same zone lot. An "accessory sign" may also contain a non-commercial message.

(26) "Sign, animated." Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

(27) "Sign, banner." A sign having the copy applied to cloth, paper, flexible material or fabric of any kind with only such material for a backing.

(28) "Sign, building mounted." Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding or pole sign.

(29) "Sign, canopy." A sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A "canopy sign" shall, for calculation of display surface area, be considered a wall sign. A marquee sign is not a "canopy sign."

(30) "Sign, changeable copy." A sign designed so the copy can be changed while the display surface remains unchanged and includes such signs as manually or electronically changed characters, letters or illustrations and fuel price displays.

(31) "Sign, changeable- automated changeable copy." A sign or portion thereof that is visible from a public right-of-way and that displays letters, numbers, characters, symbols, graphics or illustrations:

(a) Which are not themselves any illumination device; and

(b) Which may be changed or re-arranged by computer or microprocessor generated electronic commands, which commands may be programmed to change at predetermined intervals or may be activated by an operator from either a proximate or a remote location.

Automated changeable copy signs include devices referred to as "flip matrix," "segmented," and "scrolling," and other devices with substantially similar functionality and appearance.

(32) "Sign, changeable - electronic graphic display." A sign or portion thereof that is visible from a public right-of-way and that displays electronic, static images, static graphics or static pictures, with or without textual information, which are created by matrix elements which may include Cathode Ray Tubes (CRTs), Light Emitting Diodes (LEDs), Liquid Crystals (LCDs), plasma, fiber optics, light bulbs or other illumination devices within the display area, or are created by any reflective, refractive, Digital Light Processing (DLP), holographic, stereoscopic/three (3) dimensional, or any other device, process, product, application of technology, or by the appearance of any of such, within the display area, either alone or in varying combinations with each other or other elements, where the message change sequence is accomplished immediately or by means of fade, repixelization, dissolve or other such modes devices, processes, products, applications or technologies. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays which may change automatically at predetermined intervals or be changed by an operator from either a proximate or a remote location. Electronic graphic display signs include images or messages with these characteristics which are projected by any means onto buildings, other objects or otherwise. A governmental traffic control sign shall not be deemed to be an electronic graphic display sign for purposes of this chapter

(33) "Sign, changeable - manual changeable copy." A sign or portion thereof that is visible from a public right-of-way, and:

(a) That has a fixed, permanent display surface on which letters, numbers, characters, symbols, graphics or illustrations which are not themselves any illumination device are manually placed, and which may be changed or re-arranged manually without altering the display surface or the support structure of the sign; or

(b) That has a fixed, permanent display surface frame in or on which a display surface or sign face or message panel may be changed or re-arranged manually without altering the display surface frame or the support structure of the sign.

Manual changeable copy signs are signs generally used to display the same message for a relatively limited period of time, and include but are not

limited to devices referred to as "reader boards," "menu boards," price signs with changeable plastic or metal objects, and off-site billboards.

(34) "Sign, changeable - multi-vision." A sign that is visible from a public right-of-way and that is composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows the sequential display of one (1) of two (2) or more images on a single sign structure. May also be known as "tri-vision" signs.

(35) "Sign, changeable - video display." A sign or portion thereof, that is visible from a public right-of-way, with or without textual information, which is created by matrix elements which may include Cathode Ray Tubes (CRTs), Light Emitting Diodes (LEDs), Liquid Crystals (LCDs), plasma, fiber optics, light bulbs or other illumination devices within the display area, or are created by any reflective, refractive, digital light processing (DLP), holographic, stereoscopic/three (3) dimensional, or any other device, process, product, application or technology, or by the appearance of any of such within the display area, either alone or in varying combinations with each other or other elements, that changes its message or image or background in a manner or method of display:

(a) Which includes the appearance of motion, movement or animation;

(b) Which depicts action or a special effect to imitate motion, movement or animation; or

(c) Which includes the presentation of light or images displayed in a progression of frames or other such so as to give the illusion of motion, movement or animation, including, but not limited to, the illusion of moving objects, moving patterns or bands of light, or expanding or contracting or otherwise altering shapes.

"Video display signs" include images or messages with these characteristics which are projected by any means onto buildings, other objects or otherwise.

(36) "Sign, civic." A type of accessory sign that identifies or provides related information about community facility activity types as defined in the Ashland City Zoning Ordinance.

(37) "Sign, development." A type of incidental sign that conveys information about a future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

(38) "Sign, directional." Any sign which provides information relative to safety, identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed three (3) square feet in size or thirty inches (30") in height. Such signs shall be located on the private premises and only one (1) shall be installed per driveway.

(39) "Sign, directory." A sign which lists the names of individuals, businesses, or products available at a single site.

(40) "Sign, expressive." Any sign that expresses an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs. Depending on its size, an expressive sign may be an incidental, temporary, or permanent sign.

(41) "Sign, externally illuminated." Any sign that is illuminated by lights or fixtures that is not internal to the sign.

(42) "Sign, flashing." A sign that uses an intermittent or flashing light source to attract attention.

(43) "Sign, ground." A sign permanently affixed to the ground by a foundation pedestal or other structure.

(44) "Sign, hand-tacked." A temporary sign, incidental, expressive or advertising a product or service, commonly attached, tacked, hung, or suspended from trees, utility poles, fences or other objects.

(45) "Sign height." The vertical distance measured from the surrounding grade to the highest point of a sign.

(46) "Sign, incidental." An accessory sign intended primarily for the convenience or direction of the public, including accessory residential signs up to six (6) square feet that indicate name or address; signs which give directions to churches, signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger", "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs; and expressive signs up to six (6) square feet.

(47) "Sign, internally illuminated." Any sign that transmits light through its face or any part thereof.

(48) "Sign, marquee." Any sign attached to, in any manner, or made a part of a marquee.

(49) "Sign, nonconforming." Any existing sign which met all requirements for the sign at the time it was erected but which fails to meet the requirements of this chapter either by not being permitted within the district in which it is located or by not meeting the standards as specified in this chapter.

(50) "Sign, pole." A sign permanently affixed to the ground by means of one (1) or more poles, columns, uprights, or braces and not attached to a building.

(51) "Sign, portable." Any sign not permanently attached to the ground or a permanent structure or any sign designed to be transported, including but limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

(52) "Sign, projecting." Any sign that:

- (a) Is attached to a building wall in such a manner that its leading edge projects outward from the wall more than six inches (6"); or
- (b) Is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee.

Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

(53) "Sign, residential identification." A type of accessory sign that indicates the name and/or address of a residential development and shall include a sign or signs at the principal entrance to any residential subdivision or planned unit development.

(54) "Sign, residential." Any sign located in any district zoned for residential uses that contains no commercial message except for goods and/or services that are legally offered on the premises where the sign is located. A residential sign may also be an expressive or incidental sign.

(55) "Sign, roof." Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extended vertically above any portion of the roof.

(56) "Sign structure." A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one (1) or more signs.

(57) "Sign, temporary." Any sign that is intended for temporary use for a limited period as permitted by this chapter.

(58) "Sign, wall." A type of building mounted sign that:

- (a) Is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning, and any sign attached to any side face of a marquee; or
- (b) That does not project outward more than twelve inches (12") from the surface to which it is attached; and
- (c) In which the sign face is parallel to the plane of the surface to which it is attached.

(59) "Sign, window." Any sign, pictures, symbols, or a combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

(60) "Town." When used herein shall mean the Town of Ashland City, Tennessee.

(61) "Travelway." That portion of a public right-of-way that is improved for use by self-propelled vehicles, including paved or gravel areas and any other area intended for vehicle movement or storage. (Ord. #180, April 1998, as replaced by Ord. #501, May 2018 *Ch12_6-11-19*)

20-103. General provisions. The following requirements apply to all signs in all districts.

(1) General standards. (a) No sign except for those specified in subsection (5) below shall be erected until a permit has been obtained in accordance with § 20-108, said permit being required to determine that the proposed sign(s) will be in compliance with this chapter.

(b) No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.

(c) No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign or with driver vision at any access point to a lot or parcel from any public or private street or driveway.

(d) On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 1/2) and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty feet (50') from the point of the intersection.

(e) No sign other than those erected by or on behalf of a governmental entity, including governmentally authorized signs and signs required for public safety at construction sites shall be erected or maintained within any public street right-of-way.

(f) No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.

(g) No sign shall obstruct any doorway, window, or fire escape.

(h) No wall or projecting sign shall extend above the roofline or parapet of any building.

(i) The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.

(j) All motor vehicles, trucks, trailers and other types of equipment that have company logos or business signs attached to or painted thereon and which are regularly parked on the premises shall be confined to the portion of the property behind the building except while being loaded or unloaded. In the event parking behind the building is not possible, said vehicles, trailers and equipment shall be parked in as remote a location as possible away from the public streets or the public view. The parking of said vehicles with signs to augment tenant identification signage or to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating or for any other purpose related to promotion of business or other activity on the premises is prohibited.

(k) All electrical service to any sign mounted in any way on the ground or attached to the ground shall be placed underground. Electrical service to all other signs shall be concealed from public view. All electrical service and connections shall meet the applicable electrical code.

(2) Sign maintenance. (a) Premises maintenance. All ground signs and any other type of sign and the premises surrounding same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

(b) Structure maintenance. Notwithstanding the aforesaid, all signs, together with all their supports, braces, guys and anchors, shall be kept in good, safe repair and, unless plastic, shall be galvanized or noncorroding metal, and shall be maintained in good and safe condition including the periodic application of paint or other weatherproofing material to prevent rust or other decay. The chief building official and/or representative may order the removal of any sign that is not so maintained in accordance with the provisions of this section. Such removal or expense incurred to assure compliance of this chapter shall be at the expense of the permittee or such owner of such sign or occupant or property owner where the same is situated or any one (1) or all of them who shall be jointly and severally liable for such expense.

(c) Display surface or other advertising surface maintenance. The display surface or other advertising material of a sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking or otherwise decayed condition and shall be repaired or removed within ninety (90) days of receipt of notice mailed to the owner by certified mail, return receipt requested, from the chief building official ordering such repair or removal. If the owner fails to remove or alter the display surface so as to comply with the standards herein set forth within the time specified in such notice, such display advertising material may be removed or altered to comply with the requirements of this chapter. An appeal may be made to overcome some exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from repairing the sign.

(d) Banners, flags, pennants, streamers. Banners, flags, pennants and streamer signs shall not be allowed to deteriorate to a tattered, torn or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within thirty (30) days of receipt of notice from the chief building official or his designee.

(3) Calculation of display surface area. (a) The supports or uprights and any covering thereon on which one (1) or more signs are mounted shall not be included in the display surface area.

(b) On signs in which the copy together with the background is designed as an integrated unit separate from the structure on which the

sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.

(c) On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one (1) or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.

(d) When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or form an angle not exceeding thirty (30) degrees, only one (1) of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.

(4) Height of signs. The following general rules shall apply in the determination of the height of signs. (a) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports or the base of any sign directly attached to the ground.

(b) The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

(5) Signs permitted in all districts. The following signs are permitted in all districts and do not require a permit except as specifically noted.

(a) Official federal, state, or local government traffic, directional, or informational signs and notices issued by the court, person, or officer in the performance of an official public duty;

(b) Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist;

(c) Signs in the nature of decorations that are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday, celebration or special event of local significance;

(d) Commemorative or historical plaques and tablets;

(e) The official flag of a government, governmental agency, public institution, religious corporation, or other similar entity, or flags flown on a temporary basis for the purpose of honoring declared national or civic holidays. Flags may also be used as a part of a professionally designed and permanently maintained and landscaped entrance or design feature of a residential or commercial development provided that the number of flags shall not exceed three (3). Flags mounted on poles shall meet the height and size requirements of the district in which they are located.

(f) Incidental and expressive signs subject to the following restrictions:

(i) Political signs shall be removed no more than fifteen (15) days after the election;

(ii) Yard or garage sale signs shall be removed within one (1) day after the sale; and

(iii) Expressive signs shall be removed within three (3) days after an election, campaign, or event but in no case shall be erected for longer than ninety (90) days.

(g) Street names and addresses stamped or painted on mailboxes or on nameplates attached to the principal building;

(h) Directional signs;

(i) Works of art that do not include any commercial messages, symbols, or references.

(6) Signs prohibited in all districts. The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

(a) Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this chapter. An abandoned sign shall be removed within thirty (30) days of the notification of the owner of the property of the violation.

(b) Any sign which is painted on or attached to a vehicle or vehicular trailers unless such vehicle is in operable condition and carrying all current and valid licenses. Any sign constructed in the bed of a pick-up truck advertising the identity of a business or products available on or off the premises shall be included herein as a prohibited sign.

(c) Signs which are made structurally sound by guy wires or unsightly bracing;

(d) Signs which contain any kind of strobe or pulsating lights;

(e) Animated signs except as permitted in § 20-105;

(f) Banner signs except as permitted in § 20-106;

(g) Any sign with direct illumination provided by exposed bulbs or lamps;

(h) Flashing signs;

(i) Hand-tacked signs;

(j) Portable signs;

(k) Roof signs;

(l) Inflatable signs, tethered balloons containing a message or other inflatable devices;

(m) Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court. (Ord. #180, April 1998, as replaced by Ord. #501, May 2018 **Ch12_6-11-19**)

20-104. Signs permitted in residential districts. Within the residential districts as delineated by the Ashland City Zoning Ordinance, permanent accessory signs are permitted subject to the provisions as set forth herein.

(1) Community facility signs. (a) A community facility may have one (1) ground sign and one (1) wall sign on the wall that faces a public street or that contains the principal entrance.

(b) A ground sign shall not exceed four feet (4') in height and twenty-five (25) square feet in size. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of seven feet (7').

(c) A wall sign shall not exceed twenty-five (25) square feet in size.

(d) Signs which are internally illuminated shall not exceed ninety-foot (90') lamberts in brightness. In no event shall the light from any sign exceed one-half (1/2) foot-candle at the property line.

(e) Signs shall be set back from the street right-of-way a minimum of fifteen feet (15').

(2) Development signs. (a) A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the planning commission, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such sign may be either a pole or ground sign.

(b) A development sign shall not exceed thirty-two (32) square feet in size or fifteen feet (15') in height.

(c) A development sign shall not be lighted.

(d) Any development sign shall be set back from the street right-of-way a minimum of fifteen feet (15').

(3) Residential entrance identification signs. (a) Residential identification signs may be permitted at the entrance(s) to a subdivision or to a planned unit or multi-family development subject to the approval of the planning commission at the time final plans are reviewed.

(b) Two (2) signs may be permitted, one (1) on either side of the entrance if both are on private property located in a joint user access easement or private platted sign easement.

(c) Residential identification signs shall be integrally designed as a part of an attractive brick, stone or similar material architectural feature, permanently constructed and maintained and shall be a ground sign. All such areas shall be attractively landscaped.

(d) The maximum display surface area of a residential identification sign shall not exceed twenty-five (25) square feet in size.

(e) The maximum height of such signs shall be seven feet (7').

(f) All residential identification signs and the attendant landscaped areas shall be owned and maintained either by the owner/developer or by a legally established property owner's association.

(g) Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any residential structure.

(4) Residential signs. (a) Any single- or two-family residential activity or any vacant parcel may have one (1) residential sign that may be located anywhere on the lot of the activity.

(b) A residential sign shall not exceed six (6) square feet in size.

(c) Residential signs shall not be illuminated in any way.
(Ord. #180, April 1998, as replaced by Ord. #501, May 2018
Ch12_6-11-19)

20-105. Signs permitted in commercial, industrial districts, and professional office. Within the commercial districts, commercial, professional office and office planned unit development districts and industrial districts, as delineated by the Ashland City Zoning Ordinance and Map, the following regulations shall apply. Accessory signs are permitted subject to the standards and provisions as set forth herein.

(1) Commercial, industrial, and professional office. Within the Town of Ashland City, the following provisions shall apply. (a) Projecting signs are permitted subject to the following standards:

(i) A use may be permitted to have one (1) projecting sign attached to the front of the building.

(ii) Such sign shall not exceed forty (40) square feet in display surface area.

(iii) Such sign shall not project into the public right-of-way more than six feet (6') provided that in no case shall such sign be closer than two feet (2') from the curb or edge of pavement of the travelway.

(iv) Such sign shall not exceed twenty feet (20') in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.

(v) Such sign shall clear the established grade by a minimum of ten feet (10').

(vi) Such sign shall be no closer than twenty feet (20') to any other projecting sign.

(b) Wall signs are permitted subject to the following standards:
(i) The display surface area of such sign shall not exceed ten percent (10%) of the square footage of the wall to which it is attached up to a maximum of two hundred (200) square feet.

(ii) Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two (2) street frontages, wall signs may be

located on a wall considered to be the front of the use shall be used for location of such signage.

(iii) Such sign shall not extend above the roofline of the building to which it is attached or the parapet nor shall such sign project outward from the building more than six inches (6"). Any parapet constructed as a part of the building wall or added to an existing building shall match the architecture of the building, be of the same thickness and be on the same plane as the wall of which it is a part. Parapets or additions thereto shall not be braced back to the roof.

(iv) Such sign placed in the horizontal space between windows of a two-story building shall not exceed in height more than two-thirds ($2/3$) of the distance between the top of the window below and the sill of the window above.

(v) Such sign shall not cover or interrupt major architectural features of the building. Architectural features or details shall not be removed to accommodate a sign.

(vi) If a use utilizes both wall and projecting signs, the total display surface area shall not exceed eighty (80) square feet.

(vii) Signs attached to the inside of windows and intended to be visible from the exterior of the building shall not be counted as a wall sign; provided, however, that such window signs shall not cover more than twenty-five percent (25%) of any window.

(viii) Any canopy sign shall be included in the calculations for total permitted sign area for wall signs and deducted from the total. A canopy sign may be internally illuminated or have back lighting.

(c) Pole or ground signs are permitted subject to the following standards:

(i) A use shall be permitted to have one (1) ground or pole sign for each street frontage. In the event a street frontage is in excess of two hundred fifty feet (250') in length, one (1) additional such sign shall be permitted with a minimum separation of one hundred feet (100') between the signs. Pole signs subject to a minimum set back of twenty feet (20') from the street right of way line.

(ii) Such sign shall have a maximum display surface area of fifty (50) square feet.

(iii) Between a distance of ten feet (10') and twenty feet (20') from the street right-of-way line, all signs shall be ground signs. The maximum height of a ground sign shall be four feet (4'). Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet (4') in height to

a maximum of seven feet (7'). Pole signs are permitted subject to a minimum setback from the street right-of-way line of twenty feet (20'). The maximum height of a pole sign shall be thirty feet (30').

(iv) The number of signs permitted on a sign structure shall be limited to one (1) sign except that an additional sign which is a changeable copy sign maybe permitted with a maximum display surface area of twenty (20) square feet. An accessory sign and a changeable copy sign may be integrated into one (1) sign and shall be no larger than seventy (70) square feet for a pole sign and fifty (50) square feet for a ground sign.

(v) Any changeable copy sign may be electronically or mechanically controlled. Such sign shall not flash on and off, scroll across the copy area or change colors sporadically. The electronically controlled copy shall remain static for a minimum of six (6) seconds before changing.

(vi) Such signs shall be set back from the right-of-way a minimum of ten feet (10').

(d) The following provisions and standards shall apply to commercial complexes.

(i) A commercial complex may be permitted one (1) pole or ground sign for each street frontage identifying the name of the complex or business. In the event a street frontage is in excess of two hundred fifty feet (250') in length, one (1) additional such sign shall be permitted with a minimum separation of two hundred feet (200') between the signs. The maximum size of each such sign shall be a ratio of one-half (1/2) to one (1) of square footage of sign area to the length of the street frontage or the front facade of the building, whichever is greater, with a maximum display surface area of one hundred (100) square feet. In the event the above ratio results in a sign less than fifty (50) square feet in size, then a minimum size sign of fifty (50) square feet shall be permitted.

A sign setback of ten feet (10') from the street right-of-way line shall be observed. Between a distance of ten feet (10') and twenty feet (20') from the street right-of-way line, all signs shall be ground signs. The maximum height of a ground sign shall be four feet (4'). Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet (4') in height to a maximum of seven feet (7'). Pole signs are permitted subject to a minimum setback from the street right-of-way line of twenty feet (20'). The maximum height of a pole sign shall be thirty feet (30').

(ii) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs,

projecting signs or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed ten (10) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area. Signs attached to the inside of windows and intended to be viewed from the exterior of the building shall cover no more than twenty-five percent (25%) of such window.

Wall or projecting signs shall be subject to the requirements of subsection (1)(a) and subsection (1)(b) above.

(iii) In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (1) above with each occupant being entitled to one (1) directory panel.

(iv) A directory sign listing the names of individual businesses or occupancies may be permitted at the entrance to the parking lot or at the entrance of each building. The maximum display surface area shall not exceed ten (10) square feet and the maximum height shall be six feet (6').

(v) A commercial complex may also be permitted entrance identification signage. Two (2) signs may be permitted, one (1) on either side of the entrance, and both shall be on private property in a joint user access easement or private platted sign easement. All such signs shall be integrally designed as a part of a permanently constructed and maintained brick, stone, or wood architectural feature or earth berm, all of which shall be permanently and attractively landscaped and privately maintained. No such sign shall exceed twenty-five (25) square feet in size or seven feet (7') in height.

(e) Signs may be internally or externally illuminated subject to the following standards:

(i) Exposed bulbs are prohibited.

(ii) No sign shall change color or intensity.

(iii) The brightness and surface illumination shall not exceed: internal illumination - one hundred fifty (150) foot lamberts external illumination - fifty (50) foot-candles.

(iv) In no event shall the light from any illuminated sign exceed one-half (1/2) foot-candle at the property line of any lot that is zoned residential.

(v) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall

not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure and is subject to review by the building official.

(f) This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. In addition to the requirements in subsection (1), the following provisions shall apply:

(i) One (1) permanent price sign per street frontage. Such sign shall be affixed to or made a part of the permitted pole sign and shall not exceed twenty (20) square feet in size. Such sign shall be set back from the right-of-way a minimum of ten feet (10').

(ii) Two (2) non-illuminated self-service or full-service signs per pump island may be displayed. Such signs shall not exceed one hundred sixty (160) square inches per sign and shall be located at the ends of the pump island.

(iii) Federal and state stamps, octane ratings, pump use directions, prices, and no smoking signs as required by federal, state, and local authorities may be displayed. Such signs shall be located on the body of the pump.

(iv) Petroleum product pumps or dispensers may display signs on the pumps not to exceed two (2) square feet and designed to be viewed by customers operating the pumps.

(g) This section shall be applicable only to movie houses or theaters. The following additional provisions shall apply:

(i) In lieu of a wall sign or in combination therewith, a marquee sign may be permitted. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building.

(ii) Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of fifty (50) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).

(2) Other signs. Vacant parcels of land may have erected thereon one (1) sign of any type that is not otherwise prohibited by § 20-103(6). The maximum size sign shall be twenty (20) square feet, and the maximum height shall be ten feet (10'). All other pertinent provisions of subsection (1) above remain as applicable.

(3) Commercial planned unit development districts. (a) Within the commercial planned unit development districts, the following standards for accessory signs shall apply. Accessory business and civic signs are permitted as follows:

(i) A lot or site may be permitted one (1) pole or ground sign for each street frontage identifying the building, establishment or office complex. In the event a street frontage is in excess of two hundred and fifty feet (250') in length, one (1) additional such sign may be permitted. The maximum size of each such sign shall be fifty (50) square feet. The maximum height of any pole sign shall be twenty feet (20'). The maximum height of a ground sign shall be four feet (4'). Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet (4') in height to a maximum of seven feet (7').

A sign setback of ten feet (10') from the street right-of-way line shall be observed. Between a distance of ten feet (10') and twenty feet (20') from the street right-of-way line, all signs shall be ground signs. Pole signs shall observe a minimum setback from the street right-of-way line of twenty feet (20').

(ii) An office complex may, in lieu of the above, be permitted entrance identification signage. Two (2) signs may be permitted, one (1) on either side of the entrance, and both shall be on private property. All such signs shall be integrally designed as a part of a permanently constructed and maintained brick, stone, or wood architectural feature or earth berm, all of which shall be permanently and attractively landscaped. No sign shall exceed twenty-five (25) square feet in size or seven feet (7') in height.

(iii) Where more than one (1) building is located on a lot or within an office complex, each building may be permitted an identification sign. Such signage may be located flat against the wall of the building and shall not exceed ten (10) square feet in size, or may be a ground sign and shall not exceed eight (8) square feet in size or three feet (3') in height.

Each business within an office building may be permitted an identification sign which may be attached to the wall of the building or be painted onto glass entrances and shall not exceed five (5) square feet.

Any wall or projecting signs shall be subject to the requirements of subsections (1)(a) and (1)(b) above.

A directory sign identifying individual businesses may be permitted at the entrance to the parking lot of an office building or at another suitable location. The letters within such sign shall not exceed three inches (3") in height. The maximum height shall be four feet (4').

All signs shall be designed to be compatible with the architecture of the building(s) and with the character of the development as determined by review of the planning commission.

(iv) The illumination standards contained in subsection (1)(e) above shall apply.

(b) Within the commercial planned unit development districts, the sign standards in subsection (1) above shall apply; provided however, that the planning commission may impose, as a part of the approval of the master plan, additional design requirements and/or more restrictive standards to assure compatibility with the style of the building and the character of the area. (Ord. #180, April 1998, as replaced by Ord. #501, May 2018 *Ch12_6-11-19*)

20-106. Temporary sign provisions. Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein. (1) General requirements.

(a) A permit shall be required for all temporary signs.

(b) Banners may be used as temporary signs provided that such banners shall be securely affixed to the principal building.

(c) One (1) temporary sign may be permitted for each two hundred fifty feet (250') of street frontage on a public street.

(d) All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.

(e) No temporary sign shall be displayed on a roof.

(f) No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner announcing a fair, festival, parade, or similar activity that will be open to the public.

(g) Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc.

(h) Temporary development signs are permitted to announce the name, developer, and type of development for a new development which has approval of either a site or preliminary master plan.

(2) Duration of temporary signs. Display of temporary signs shall be limited as follows: (a) Construction signs permitted in subsection(1)(g) above shall be removed upon completion of the project.

(b) Signs for special events open to the general public shall be limited to thirty (30) days.

(c) Signs for special sales or business promotions shall be limited to thirty (30) days.

(d) Display of all temporary signs on a lot or parcel except for those in subsections (2)(a) and (2)(b) above shall be limited to a maximum of thirty (30) days per calendar year.

(e) Temporary development signs shall be limited to the period of time that the project is under development.

(3) Display surface area, height, and illumination. (a) Maximum display surface area shall be thirty-five (35) square feet except for banner signs that have been specifically authorized by the city council, which shall not be limited.

(b) Maximum height shall be twelve feet (12') except that banner signs displayed over a public street shall have a minimum clearance of fifteen feet (15').

(c) Temporary signs shall not be illuminated except in commercial or industrial districts.

(d) The maximum display surface area for a temporary development sign shall be fifty (50) square feet.

(4) Location of temporary signs. (a) No temporary sign shall be located closer than ten feet (10') from any public right-of-way or the front building line whichever is less.

(b) The minimum distance between any two (2) such signs on the same lot shall be one hundred fifty feet (150').

(c) No temporary sign shall be closer than fifty feet (50') from any permanent sign. (Ord. #180, April 1998, as replaced by Ord. #501, May 2018 *Ch12_6-11-19*)

20-107. Nonconforming sign provisions. Any sign lawfully existing at the time of the enactment of this chapter but which is not permitted either by type of sign, location, or district, or which fails to meet the standards on regulations shall be classified as a nonconforming as per definitions. The continued use of nonconforming signs shall be governed by the regulations included herein. Any billboard type advertising sign that is regulated under the Federal Highway Beautification Act and oriented to a federal highway shall be governed by the federal regulations provided however that local regulations shall apply to the extent they are not in conflict with federal law.

(1) Continuation of use. A nonconforming sign may continue to be used for the duration of the use or activity that is located on the property.

(2) Alterations to nonconforming signs. A nonconforming sign may be altered subject to the following conditions:

(a) The proposed alteration is not greater than fifty percent (50%) of the total sign structure or alteration costs are not greater than fifty percent (50%) of its current replacement cost. In the event the proposed alteration is greater than fifty percent (50%) of the above conditions, the sign shall be brought into compliance with current regulations and or as permissible under Tennessee Code Annotated, § 13-7-208.

(b) The total copy of any sign may be changed in accordance with normal business practices.

(c) The proposed alteration conforms to the provisions of this chapter.

(d) No new nonconformity is created.

(3) Damage or destruction of nonconforming signs. When any such sign is damaged or destroyed from any cause to the extent of fifty percent (50%) of the sign structure or to the extent of fifty percent (50%) of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this chapter. (Ord. #180, April 1998, as amended by Ord. #391 Dec. 2004, as replaced by Ord. #501, May 2018 *Ch12_6-11-19*)

20-108. Administration and enforcement. (1) Enforcing officer. The administration and enforcement of this chapter is vested with the building and codes office. Said official shall have the power to issue permits and make inspections of all signs and premises where signs are situated or to be situated thereon and make such other inspections as are necessary to carry out this chapter. Full authority to enforce any and all provisions of this chapter is hereby granted to said official.

(2) Permits, signage plan and fees. (a) Prior to the installation, erection, or modification of any permanent or temporary sign permitted by this chapter, with the exception of those permitted without a permit, the business owner or sign contractor shall obtain a sign permit in accordance with the terms of this chapter.

(b) An application for a sign permit shall be made upon forms provided by the enforcing officer. The application shall be accompanied by a signage plan for the lot which shall include all signs, existing and proposed. The review of the plan and application for a sign permit shall be for the purpose of determining if all proposed signs meet the size, location, height and similar requirements of this chapter. The enforcing officer shall approve or disapprove the signage plan within thirty (30) days after its submittal, and if disapproved, shall state the reasons for the disapproval in writing. After approval of the plan, the permit shall be issued in a timely manner.

(c) For any lot on which the owner proposes to erect any sign requiring a permit, a signage plan shall be submitted containing the following:

- (i) An accurate plot plan of the lot;
- (ii) Location of all buildings on the lot;
- (iii) Computations of the total sign area, the area of individual signs, height and dimensions of individual signs, and locations of signs on the lot and/or buildings;
- (iv) Standards for consistency among all signs on the lot and/or buildings with regard to color scheme, graphic style, lighting, material, location on buildings, and proportions;

(d) The signage plan may contain such other restrictions as the owner of the property may determine which are in conformity with the

provisions of this chapter and shall be signed by all owners of the property.

(e) A signage plan may be amended by filing a new plan with the enforcing officer that conforms to all requirements of this chapter.

(f) After approval of a signage plan by the enforcing officer, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of this chapter and the provisions of any sign plan, the ordinance shall control.

(g) The application for the sign permit shall contain the following:

(i) Name, address, and phone number of the property owner;

(ii) Name of persons or firms erecting the sign and all structures;

(iii) Written consent of the owner of the building or property, if different from the applicant, where such sign is to be erected or attached.

(h) The permit fee shall be as established by resolution of the city council. Said fee may cover all signs included on the plan or may apply to any sign being changed.

(i) A sign permit shall become null and void if construction has not begun within three (3) months of the date of issuance of the permit.

(3) Exceptions. Any sign permitted to be erected without a permit as stipulated in § 20-103(5) shall be exempt from the payment of fees.

(4) Appeals. Any person aggrieved by any action of the enforcing officer in denying or issuing a sign permit as herein described may, within thirty (30) days of denial, appeal for a variance or other relief in writing to the board of sign appeals through the enforcing officer. Action on any permit, the issuance of which has been appealed, shall be suspended pending final decision of the said board on the appeal. The board may set such appeal for public hearing giving such notice to the public or to persons concerned with such appeal as the board deems advisable and in keeping with state law.

(5) Creation of the board of sign appeals. There is hereby created a board of sign appeals. Said board shall consist of five (5) members appointed by the mayor for a term of four (4) years. Members shall first be appointed for terms of one (1), two (2), and three (3) years with two (2) members receiving a two (2) year term and two (2) members a three (3) year term. The board shall elect a chairman from its members. The board of sign appeals may be the same members as the board of zoning appeals.

The city shall provide a secretary to keep all records of the board.

(6) Powers and duties of the board. The board of sign appeals shall have the following powers and duties:

(a) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, determination, or refusal made by the enforcing officer; and

(b) To hear and decide requests for variances from the provisions of this chapter.

(7) Standards for appeal decisions. Before granting any relief from the application of the provisions of this, the board shall make specific findings of fact justifying the case under appeal.

(a) For a finding of error, the board shall state the section of the ordinance that is being appealed and how the enforcing officer erred in the application of the ordinance requirements.

(b) For an action granting a variance, the board shall state the provisions being varied and shall grant the minimum variance to satisfy the relief of hardship, and shall state the specific hardship which justifies the variance.

The board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

(i) The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in an exceptional hardship upon the owner as distinguished from an inconvenience.

(ii) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.

(iii) The hardship has not been created by any person having an interest in the property.

(iv) Financial returns only shall not be considered as a basis for granting the variance.

(v) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this chapter.

(vi) The variance does not confer a special privilege to the applicant that is denied to others.

(c) Under no circumstances shall the board grant a variance to allow a sign that is not permitted by this chapter.

(d) The board may impose such conditions and restrictions upon the premises benefitted by the variance as may be necessary to reduce or minimize any injurious effect upon adjoining uses or property, and to better carry out the general intent of this chapter.

(8) Violations and penalties. Any person, firm, or corporation violating any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined as provided by law. Each day that a violation continues shall be considered a separate offense and an additional violation.

The owner, tenant, or occupant of any building, structure, premises, or any part thereof, and any contractor, builder, architect, engineer, agent, or other person who commits, aids or participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties as provided herein.

Whenever a violation involves a temporary sign, such sign shall be removed within ten (10) days of the date of the notice of violation. (Ord. #180, April 1998, as replaced by Ord. #501, May 2018 ***Ch12_6-11-19***)

20-109. Legal status provisions. (1) Exercise of police power. This entire ordinance shall be deemed and construed to be an exercise of the police power of the Town of Ashland City, Tennessee, adopted under the authority of Tennessee Code Annotated, § 6-19-101 and 6-20-205, for the preservation and protection of the public's health, safety, morals, and general welfare, and pursuant to all other powers and authorities for the aforesaid purposes, and all of its provisions shall be liberally construed with a view toward effectuation of such purposes.

(2) Severability. If any section, clause, provision, or portion of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter, which is not of itself invalid or unconstitutional.

(3) Conflict with other ordinance. In case of conflict between this chapter or any part hereof, and the whole or part of any existing or future ordinance of the city, the most restrictive provision shall in all cases apply.

(4) Repeal of other sign provisions. The adoption of this chapter shall repeal all provisions, regulations, and references for signs contained in Ord. #291 known as the Ashland City sign ordinance adopted as a part of title 20 of the Ashland City Municipal Code.

(5) Interpretation. Words herein in the singular number shall include the plural, the present tense shall include the future, and the masculine gender shall include the feminine and neuter.

(6) Effective date. This chapter shall be effective twenty (20) days after final passage, the public welfare requiring it. Approved as to legality and forms. (Ord. #180, April 1998, as replaced by Ord. #501, May 2018 ***Ch12_6-11-19***)

CHAPTER 2

FAIR HOUSING ORDINANCE

SECTION

- 20-201. Policy.
- 20-202. Definitions.
- 20-203. Unlawful practice.
- 20-204. Discrimination in the sale or rental of housing.
- 20-205. Discrimination in the financing of housing.
- 20-206. Discrimination in the provision of brokerage services.
- 20-207. Exemption.
- 20-208. Administration.
- 20-209. Education and conciliation.
- 20-210. Enforcement.
- 20-211. Investigations, subpoenas; giving of evidence.
- 20-212. Enforcement by private persons.

20-201. Policy. It is the policy of the Town of Ashland City to provide, within constitutional limitations, for fair housing throughout the community. (as added by Ord. #416, Feb. 2014)

20-202. Definitions. (1) "Discriminatory housing practice" means an act that is unlawful under §§ 20-204, 20-205 or 20-206.

(2) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(3) "Family" includes a single individual.

(4) "Person" includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and judiciaries.

(5) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant. (as added by Ord. #416, Feb. 2014)

20-203. Unlawful practice. Subject to the provisions of subsection (2) and § 20-207, the prohibitions against discrimination in the sale or rental of housing set forth in § 20-204 shall apply to:

(1) All dwellings except as exempted by subsection (2).

(2) Nothing in § 20-204 shall apply to: Any single-family house sold or rented by an owner: provided that such private individual owner does not own

more than three (3) such single-family houses at any one (1) time: provided further that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four (24) month period: provided further that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one (1) time: provided further that the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented

(a) Without the use in any manner of the sale or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(b) Without the publication, posting or mailing, after notice of any advertisement or written notice in violation of § 20-204(3) of this chapter, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or two (2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence.

(3) For the purposes of subsection (2), a person shall be deemed to be in the business of selling or renting dwellings if:

(a) He/she has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or

(b) He/she has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or

(c) He/she is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families. (as added by Ord. #416, Feb. 2014)

20-204. Discrimination in the sale or rental of housing. As made applicable by § 20-203 and except as exempted by sections 20-203(2) and 20-207, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, national origin, familial status or disability.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, national origin, familial status or disability.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, national origin, familial status or disability, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, national origin, familial status or disability that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, national origin, familial status or disability.

(6) To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by that person if such modifications are necessary to afford that person full enjoyment of the premises.

(7) To refuse to make reasonable accommodations in rules, policies, practices, or service, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. (as added by Ord. #416, Feb. 2014)

20-205. Discrimination in the financing of housing. It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex, national origin, familial status or disability of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: provided, that nothing contained in

this section shall impair the scope or effectiveness of the exception contained in § 20-203(2). (as added by Ord. #416, Feb. 2014)

20-206. Discrimination in the provision of brokerage services It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms of conditions of such access, membership, or participation, on account of race, color, religion, sex, national origin, familial status or disability. (as added by Ord. #416, Feb. 2014)

20-207. Exemption. Nothing in this ordinance shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, national origin, familial status or disability. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members. (as added by Ord. #416, Feb. 2014)

20-208. Administration. (1) The authority and responsibility for administering this Act shall be in the mayor of community.

(2) The mayor may delegate any of these functions, duties, and powers to employees of the community or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this ordinance. The mayor shall be rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the community, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(3) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the mayor to further such purposes. (as added by Ord. #416, Feb. 2014)

20-209. Education and conciliation. Immediately after the enactment of this ordinance, the mayor shall commence such educational and conciliatory activities as will further the purposes of this ordinance. He shall call conferences of persons in the housing industry and other interested parties to acquaint them

with the provisions of this ordinance and his suggested means of implementing it, and shall endeavor with their advise to work out programs of voluntary compliance and of enforcement. (as added by Ord. #416, Feb. 2014)

20-210. Enforcement. (1) Any person who claims to have been injured by a discriminatory housing practice or who believes that he/she will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the mayor or the Tennessee Human Rights Commission. Complaints shall be in writing and shall contain such information and be in such form as the mayor or the Tennessee Human Rights Commission requires. Upon receipt of such a complaint, the mayor or the Tennessee Human Rights Commission shall furnish a copy of the same to the person or persons who allegedly committed or is about to commit the alleged discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under subsection (3), the mayor or the Tennessee Human Rights Commission shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the mayor or the Tennessee Human Rights Commission decides to resolve the complaints, he/she shall proceed to try to eliminate or correct the alleged discriminatory housing practice by information methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. Any employee of the mayor or the Tennessee Human Rights Commission who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year.

(2) A complaint under subsection (1) shall be filed within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the mayor or the Tennessee Human Rights Commission, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(3) If within thirty (30) days after a complaint is filed with the mayor or the Tennessee Human Rights Commission, the mayor or the Tennessee Human Rights Commission has been unable to obtain voluntary compliance with this ordinance, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The mayor or the Tennessee Human Rights Commission will assist in this filing.

(4) If the mayor or the Tennessee Human Rights Commission has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days hereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this ordinance, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(5) In any proceeding brought pursuant to this section, the burden of proof shall be on the complaint.

(6) Whenever an action filed by an individual shall come to trial, the mayor or the Tennessee Human Rights Commission shall immediately terminate all efforts to obtain voluntary compliance. (as added by Ord. #416, Feb. 2016)

20-211. Investigations; subpoenas; giving of evidence. (1) In conducting an investigation, the mayor or the Tennessee Human Rights Commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: provided, however, that the mayor or the Tennessee Human Rights Commission first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor or the Tennessee Human Rights Commission may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court of the district in which the investigation is taking place. The mayor or the Tennessee Human Rights Commission may administer oaths.

(2) Upon written application to the mayor or the Tennessee Human Rights Commission, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the mayor or the Tennessee Human Rights Commission to the same extent and subject to the same limitations as subpoenas issued by the mayor or the Tennessee Human Rights Commission himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(3) Witnesses summoned by subpoena of the mayor or the Tennessee Human Rights Commission shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees

payable to the witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(4) Within five (5) days after service of a subpoena upon any person, such person may petition the mayor or the Tennessee Human Rights Commission to revoke or modify the subpoena. The mayor or Tennessee Human Rights Commission shall grant the petition if he/she finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(5) In case of contumacy or refusal to obey a subpoena, the mayor, Tennessee Human Rights Commission or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the mayor or the Tennessee Human Rights Commission shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both. Any person who, with intent thereby to mislead the mayor or Tennessee Human Rights Commission, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the mayor or the Tennessee Human Rights Commission pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

(7) The Town of Ashland City or Tennessee Human Right Commission attorney shall conduct all litigation in which the mayor or the Tennessee Human Rights Commission participates as a party or as amicus pursuant to this ordinance. (as added by Ord. #416, Feb. 2014)

20-212. Enforcement by private persons. (1) The rights granted by §§ 20-203, 20-204, 20-205 and 20-206, may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty (180) days after the alleged discriminatory housing practice occurred: provided, however, that the court shall continue such civil case brought to this section or § 20-210(4) from time to time before bringing it to trial or renting dwellings; or

(2) Any person because he/she is or has been, or in order to intimidate such person or any other pers on or any class of persons from:

(a) Participating, without discrimination on account of race, color, religion, sex, national origin, familial status or disability, in any of the activities, services, organizations or facilities; or

(b) Affording another person or class of persons opportunity or protection so to participate.

(3) Any citizen because he/she is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, national origin, familial status or disability, in any of the activities, services, organizations or facilities, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate shall be fined not more than one thousand dollars (\$1,000.00), or imprisoned not more than one (1) year, or both; and, if bodily injury results, shall be fined not more than ten thousand dollars (\$10,000.00), or imprisoned not more than ten (10) years, or both; and, if death results, shall be subject to imprisonment for any term of years or for life. (as added by Ord. #416, Feb. 2014)