

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOME PARKS.
4. SIGNS.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the governing body; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1980 Code, § 11-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1980 Code, § 11-102)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Burns shall be governed by Ordinance 66, titled "Zoning Ordinance, Burns, Tennessee," and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance #66, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

## CHAPTER 3

MOBILE HOME PARKS

## SECTION

- 14-301. Definitions.
- 14-302. Permits.
- 14-303. Environmental, open space, and access requirements.
- 14-304. Service buildings and other community service facilities.
- 14-305. Refuse handling.
- 14-306. Insect and rodent control.
- 14-307. Fuel supply and storage.
- 14-308. Fire protection.
- 14-309. Miscellaneous requirements.
- 14-310. Conflict with building code.

14-301. Definitions. As used in this chapter the following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "Driveway" means a minor private way used by vehicles and pedestrians on a mobile home lot or used for common access to a small group of lots or facilities.

(2) "Health authority" means the State Department of Health.

(3) "License" means a written license issued by the health authority allowing a person to operate and maintain a mobile home park under the provisions of this chapter and regulations issued hereunder.

(4) "Mobile home" means a manufactured transportable, single family dwelling unit suitable for year-round occupancy and containing water supply, waste disposal, and electrical conveniences.

(5) "Mobile home lot" means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

(6) "Mobile home park" means a contiguous parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation.

(7) "Mobile home stand" means that part of an individual lot which has been reserved for the placement of one mobile home unit.

(8) "Park management" means the person who owns or has charge, care, or control of the mobile home park.

(9) "Park street" means a private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

(10) "Permit" means a written permit or certification issued by the health authority (or the Town of Burns) permitting the construction, alteration,

and extension of a mobile home park under the provisions of this chapter and regulations issued hereunder.

(11) "Person" means any individual, firm, trust, partnership, public or private association, or corporation.

(12) "Service building" means a structure housing toilet, lavatory, and such other facilities as may be required by this chapter.

(13) "Sewer connection" means the connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.

(14) "Sewer riser pipe" means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

(15) "Water connection" means the connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

(16) "Water riser pipe" means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot. (1980 Code, § 5-601)

14-302. Permits. (1) It shall be unlawful for any person to construct, alter, or extend any mobile home park within the limits of Burns, Tennessee, unless he holds a valid permit issued by the health authority and a building permit issued by the Town of Burns in the name of such person for the specific construction, alteration, or extension proposed. The Town of Burns shall not furnish utilities to any mobile home park outside the corporate limits unless a valid permit is obtained for said mobile home park. Special parks (not meeting the minimum area requirements) outside the corporate limits accommodating a maximum of four units will be considered for approval if the other provisions of this chapter are met. Such parks must be removed or brought into full compliance with this chapter within three years after annexation of such property into the town.

(2) All applications for permits shall contain the following:

(a) Name and address of applicant.

(b) Location and legal description of the mobile home park.

(c) Complete engineering plans and specifications of the proposed park showing but not limited to the following:

(i) The area and dimensions of the tract of land;

(ii) The number, location, and size of all mobile home

lots;

(iii) The location and width of roadways and walkways;

(iv) The location of water and sewer line and riser pipes;

- (v) Plans and specifications of the water supply and refuse and sewage disposal facilities;
- (vi) Plans and specifications of all buildings constructed or to be constructed within the mobile home park;
- (vii) The location and details of lighting and electrical systems;
- (viii) Topography and drainage ways with contour lines at five foot intervals; and
- (ix) A location map showing the park site in relation to the existing public street pattern and indication of the uses of property adjacent to the site and the location of all buildings within two hundred feet of the site. (1980 Code, § 5-602)

14-303. Environmental, open space, and access requirements.

(1) General requirements. (a) Land area. The site shall comprise a single tract. The minimum area of the tract shall be three (3) acres, but the entire tract shall not be required to be developed at one time.

(b) Minimum width. Portions of the site used for general vehicular entrances and exits only . . . . . 50 feet.

Portions of the site containing mobile home stands and buildings open generally to occupants . . . . . 100 feet.

(c) Site condition. Conditions of soil, ground, water level, drainage, and topography shall not create hazards to property or to the health or safety of the court occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences. Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screening, or other solid material, or protected with vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

(d) Location. The site shall abut a public street. No permanent residential structure shall be located within the site.

(e) External yards. In addition to yard and setback requirements applying generally in the zoning district, the following limitation shall apply to mobile home courts. Where a mobile home court adjoins the boundary of another zoning district, a yard of twenty-five (25) feet shall be provided.

(2) Design standards (a) Site planning--general. Site improvements shall be harmoniously and efficiently organized in relation to each other, to the shape of the tract, and to topography, with full regard to use and appearance. Site planning which conforms to terrain, existing trees, and other natural features is preferred.

(b) Roadways. (i) Design. Roadways shall be designed to provide convenient circulation and access to mobile home spaces and to facilities for common use by court occupants. Roadways shall recognize

existing easements and otherwise permit connection to existing facilities where necessary for the proper functioning of the drainage and utility systems. Where feasible, all intersections shall be at right angles.

(ii) Right-of-way widths. The minimum required right-of-way widths for roadways in relation to pavement width shall be as follows:

<u>Pavement width</u>	<u>Right-of-way width</u>
12 feet	30 feet
18 feet	40 feet
24 feet	50 feet
27 feet	50 feet
30 feet	55 feet
34 feet	60 feet
36 feet	60 feet

Minimum right of way width for entrance streets . . . . . 50 feet.

(iii) Grades. Grades on roadways shall not exceed ten (10) percent.

(c) Access to exterior streets. Entrances and exits to the court shall be designed for safe and convenient movement of traffic into and out of the court and to minimize marginal friction with free movement of traffic on adjacent streets. Access points shall be subject to the following limitations.

- (i) Width of access points. One-way access points, minimum width . . . . . 15 feet.  
maximum width . . . . . 25 feet.  
Two-way access points, minimum width . . . . . 30 feet.  
maximum width . . . . . 40 feet.

(ii) Minimum distance between access points along street frontage. Minimum distance between access points shall be 200 feet.

(iii) Minimum distance between an access point and intersection. A point of access shall not be permitted within eighty (80) feet of the curb line (or street line when there is no curb) of any public street intersection.

(iv) Access points in relation to street frontage. On sites with less than one hundred (100) feet of street frontage, there shall be only one point of access; on sites with less than four hundred (400) feet of street frontage, there shall be not more than two (2) points of access.

(d) Mobile home spaces. Dimensions for trailer coach spaces are regulated by the Tennessee Department of Health.

(e) Automobile storage. Parking spaces shall be provided at the rate of at least one 10 x 20 foot car space for each mobile home space, plus

an additional car space for each two (2) mobile home spaces to provide for guest parking, two-car tenants, and for delivery.

(f) Required recreation areas. (i) In all parks accommodating or designed to accommodate 25 or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park residents.

(ii) The size of such recreation areas shall be based upon a minimum of 100 square feet for each lot. No outdoor recreation area shall contain less than 2,500 square feet.

(iii) Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.

(3) Required improvements. (a) Roadways.

(i) Construction and maintenance. Roadways shall have an improved wearing surface constructed on a compact base. Surface and base shall meet either of the following specifications: Specifications for roadways shall be the same as the roadway specifications contained in subdivision regulations.

(ii) Pavement widths. Roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

Minor roadways

One-way, with no parking . . . . .	12 feet.
One-way, with parking on one side only . . . . .	18 feet.
One-way, with parking on both sides . . . . .	24 feet.
Two-way, with no parking . . . . .	24 feet.
Two-way, with parking on one side only . . . . .	27 feet.
Two-way, with parking on both sides . . . . .	36 feet.

Collector roadways

One or two-way, with no parking . . . . .	27 feet.
One or two-way, with parking on one side only . . . . .	30 feet.
One or two-way, with parking on both sides . . . . .	36 feet.

Turn-around at end of dead end. Closed ends of dead-end roadways shall be provided with a paved vehicular turn-around at least one hundred (100) feet in diameter for dead-end roadways along which more than 12 spaces front per side.

(b) Walks. (i) General requirements. All parks shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

(ii) Common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is

concentrated. Such common walks shall have a minimum width of three and one-half feet.

(iii) Individual walks. All mobile home stands shall be connected to common walks, to a paved street, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.

(4) Mobile home stands. The area of the mobile home stand shall be improved to provide adequate support for the placement of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, and overturning.

The mobile home stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces acting on the structure.

(5) Landscape treatment. Landscape treatment appropriate for use and location shall be required to the extent needed to provide a suitable setting for mobile homes and other facilities within the court. Screening is to be installed where necessary in relation to potentially undesirable views such as laundry yards, refuse collection points, and non-residential uses.

(6) Utilities. Water, sewer, and other utility systems shall be provided in accordance with "Regulations Governing Trailer Courts in Tennessee," Regulations 4 through 7.

Fences or free-standing walls shall be substantially constructed to withstand conditions of soil, weather, and use. Flora shall be hardy and planted so as to thrive with normal maintenance. (1980 Code, § 5-603)

#### 14-304. Service buildings and other community service facilities.

(1) General. The requirements of this section shall apply to service buildings, recreation buildings, and other community service facilities such as:

- (a) Management offices, repair shops, and storage areas;
- (b) Sanitary facilities;
- (c) Laundry facilities;
- (d) Indoor recreation areas;
- (e) Commercial uses supplying essential goods or services for the exclusive use of park occupants.

(2) Required community sanitary facilities. Every park in which overnight stopping is permitted shall be provided with the following sanitary facilities: There shall be one flush toilet and one lavatory for each sex. The buildings containing such emergency sanitary facilities shall be accessible to all mobile homes.

(3) Structural requirements for buildings. (a) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.



- (b) All rooms containing sanitary or laundry facilities shall:
- (i) Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material.
  - (ii) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10 percent of the floor area served by them.
  - (iii) Have devices which will adequately ventilate the room.

(c) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

- (d) Illumination levels shall be maintained as follows:
- (i) General seeing tasks - five footcandles;
  - (ii) Laundry room work area - 40 footcandles;
  - (iii) Toilet room, in front of mirrors - 40 footcandles.

(e) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower, and laundry fixture, and cold water shall be furnished to every water closet and urinal.

(f) All structures, gas, plumbing, and electrical installations shall conform to the building code.

(4) Barbecue pits, fireplaces, stoves, and incinerators. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves, and incinerators, if used, shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. (1980 Code, § 5-604)

14-305. Refuse handling. The storage, collection, and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to store all refuse properly and shall be provided by the tenant.

Refuse collection stands shall be provided by the park management for all refuse containers. Such container stands shall be so designed as to prevent

containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

All refuse containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse by incineration or transporting to a disposal site approved by the health authority.

Refuse incinerators if provided shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the health authority or other authority having jurisdiction.

Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the mobile home park. (1980 Code, § 5-605)

14-306. Insect and rodent control. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the health authority.

Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one foot above the ground.

Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description. (1980 Code, § 5-606)

14-307. Fuel supply and storage. (1) Natural gas system.

(a) Natural gas piping systems, if natural gas is used, shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(b) Each mobile home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

(c) Systems shall have at least one accessible means for shutting off gas. Such means shall be maintained in effective operating condition.

(d) All LPG piping outside the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.

(e) Liquified petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than 2 or more than 200 U.S. gallons gross capacity.

(f) No liquified petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any structure, unless such installations are approved by the health authority.

(2) Fuel oil supply systems. (a) All fuel oil supply systems, if fuel oil is used, shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(b) All piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.

(c) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five feet from any mobile home exit.

(d) Storage tanks located in areas subject to traffic shall be protected against physical damage. (1980 Code, § 5-607)

14-308. Fire protection. Mobile home parks shall be kept free of litter, rubbish, and other flammable materials.

Portable fire extinguishers rated for classes B and C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than 2.5 pounds.

Fires shall be made only in stoves, incinerators, and other equipment intended for such purposes.

Fire hydrants shall be installed if the park water supply system is capable to serve them in accordance with the following requirements:

(1) The water supply system shall permit the operation of a minimum of two and one-half inch hose streams.

(2) Each of two nozzles held four feet above the ground shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.

Fire hydrants, if provided, shall be located within 500 feet of any mobile home, service building, or other structure in the park. (1980 Code, § 5-608)

14-309. Miscellaneous requirements. (1) Responsibilities of the park management. (a) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.

(b) The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.

(c) The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.

(d) The park management shall maintain a register containing the names of all park occupants, identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.

(e) The park management shall notify the health authority immediately of any suspected communicable or contagious disease within the park.

(2) Responsibilities of park occupants. (a) The park occupant shall comply with all applicable requirements of this chapter and shall maintain his mobile home lot, its facilities, and equipment in good repair and in a clean and sanitary condition.

(b) The park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.

(c) Pets, if permitted in the park, shall be prohibited to run at large or to commit any nuisance within the limits of any mobile home lot.

(d) Skirtings, porches, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:

(i) The storage area shall be provided with a base of impervious material.

(ii) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.

(iii) The storage area shall be enclosed by skirting.

(iv) The park occupant shall store and dispose of all his rubbish and garbage in a clean, sanitary, and safe manner. The garbage container shall be rodentproof, insectproof, and watertight.

(v) First aid fire extinguishers for class B and C fires shall be kept at the premises and maintained in working condition. (1980 Code, § 5-609)

14-310. Conflict with building code. In any case where a provision of this chapter conflicts with a provision in the building code adopted in title 12 of this code, the building code provision shall prevail. (1980 Code, § 5-610)

## CHAPTER 4

### SIGNS

#### SECTION

- 14-401. Intent and purpose.
- 14-402. Sign design and calculating sign area and height.
- 14-403. Premises and sign maintenance.
- 14-404. Non-conforming signs.
- 14-405. Visibility.
- 14-406. Signs prohibited in all zoning districts.
- 14-407. Signs allowed in all zoning districts.
- 14-408. Signs allowed in all non-residential districts.
- 14-409. Enforcement of the planning commission.
- 14-410. Severability.
- 14-411. Permits and fees.
- 14-412. Penalty.

14-401. Intent and purpose. (1) Regulating the location, size, placement, number and physical characteristics of signs is necessary so as to enable the public to locate good, services, and facilities and to receive a wide variety of other messages, commercial and noncommercial, without difficulty and confusion, to encourage the general attractiveness of the community, to enhance public safety, and to protect property values. Accordingly, this section establishes regulations governing the display of signs which will:

- (a) Promote and protect the public health, safety, comfort, morals and convenience;
  - (b) Enhance the economy and the business and industry of the town by promoting the reasonable, orderly, and effective display of signs and thereby encourage increased communications with the public;
  - (c) Restrict signs and lights which will increase the probability of traffic congestion and the accidents by distracting attention or obstructing vision;
  - (d) Reduce conflict among signs and light and between public and private information systems; and
  - (e) Promote signs that are compatible with their surroundings.
- (2) Because these regulations can only establish the physical, characteristics of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:
- (a) The character of the proposed sign, not only in and of itself, but also in terms of the effects a sign is strongly will have upon the character of the surrounding areas;
  - (b) The way in which the sign will be read and whether its size, location, configuration, and character are appropriate to its intended

audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive; and

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

(3) This chapter shall apply within all zoning districts.

(4) It is not the intent or purpose of this chapter to regulate the message displayed on any sign or the content. (as added by Ord. #164, Dec. 2005)

14-402. Sign design and calculating sign area and height.

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

(2) Clearance from electrical lines. Signs shall maintain a minimum horizontal clearance of eight (8) feet in addition to the fall radius and a vertical clearance of at least eight (8) feet from electrical lines and in accordance with the provisions of the National Fire Codes, as revised.

(3) Double-faced signs. When two (2) signs of the same shape and dimensions are mounted or displayed back to back, or in a "V" shape, then all sign faces shall be included in calculating the aggregate sign area.

(4) Height for freestanding signs. The maximum permitted height for freestanding signs shall be measured from the average level of grade below the sign to the topmost point of the sign. Average grade shall be the lower of existing grade prior to construction or newly established grade after construction. Any berming, filling, or excavating solely for the purposes of locating the sign, shall be computed as part of the sign height.

(5) Sign area. Sign area shall include the total area of the sign, including the background, frame ornamentation, and copy area.

(6) Illumination. Excluding freestanding signs, sign illumination may be achieved via any means, with the provision that the requirements of § 14-404(10) shall be met.

(a) For freestanding signs, only external illumination is allowed. Illuminations shall be achieved via a white steady, stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets and shall not be of sufficient brightness to cause glare, flash, or other nuisances to adjacent land uses.

(b) Exposed neon is prohibited for signs and shall not be incorporated into the design of a principal or accessory structure.

(c) All electrical service to ground mounted signs shall be placed underground. Electrical service to other signs must be concealed from public view.

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

(b) The various parts of signs shall be compatible in design quality. Signs shall not be in the shape of a sponsor name or motif (such as soda bottles, hamburgers, boot, etc.).

(c) The following materials are considered to be appropriate for sign backgrounds, frames, supports and ornamentation:

(i) Brick;

(ii) Natural stone, including panels. The use of natural materials is favored; however, the use of imitation stone is appropriate.

(iii) Stained split-face block;

(iv) Wood;

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

(vi) Metal panels, when used in combinations with brick, split-face block, or stone;

(vii) Plastic, or other synthetic materials, when used in combination with brick, split-face block, or stone.

(d) The following materials are prohibited for sign backgrounds, frames, supports and ornamentation:

(i) Exposed metal poles. For pole based signs, poles shall be enclosed by a masonry veneer.

(ii) Smooth-faced concrete blocks, whether painted or unpainted;

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

(iv) Plastic, or other synthetic materials, when used without brick, split-face block, or stone. (as added by Ord. #164, Dec. 2005)

14-403. Premises and sign maintenance. (1) Premises maintenance. Signs, and the premises surrounding them, shall be maintained in a clean, sanitary, and inoffensive condition, free and clear of obnoxious substances, rubbish, and weeds.

(2) Structure maintenance. Signs, together with their supports, braces, guys, and anchors, shall be kept in good, safe repair and shall be maintained in good and safe condition, including the periodic application of



paint or other weatherproofing materials to prevent rust or other decay. The planning commissioner may order the removal of a sign that is not maintained in accordance with the provisions of this chapter. The removal or expense incurred to assure compliance shall be at the expense of the owner of the sign or occupant or property owner where the sign is situated, or any one (1) or all of them, who shall be jointly and severally liable for the expense.

(3) Sign area and other maintenance. The 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 planning commission ordering the repair or removal. If the owner fails to remove or alter the sign so as to comply with the standards herein set forth within the time specified in the notice, then the sign may be removed or altered to comply by the planning commission.

(4) Maintenance of banners and flags. Banners and flags shall not be allowed to deteriorate to a tattered, torn, or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within thirty (30) days of receipt of notice. (as added by Ord. #164, Dec. 2005)

14-404. Nonconforming signs. This section recognizes the eventual removal, as expeditiously and as fairly as possible, of nonconforming signs and is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this chapter. It is also the intent of this section that the removal of nonconforming signs shall be effected so as to avoid the unreasonable invasion of established property rights.

(1) Expansion or extension. A nonconforming sign shall not be enlarged, expanded, extended, or structurally altered so as to create an additional nonconformity or to increase the extent of the existing nonconformity. This section shall not be construed to prohibit the changing of the copy area, provided that there is no increase in the copy area or height, or change in the sign area enclosing members, and provided that no portion of the sign is located within the right of way or under any electrical line.

(2) Removal, replacement, reconstruction, or relocation. No nonconforming sign shall be removed, replaced, reconstructed, or relocated in whole or in part to any other location on the same or any other lot unless the replaced, reconstructed, or relocated sign conforms to the provisions of this chapter.

(3) Damage or destruction. In the event that a nonconforming sign is destroyed or is allowed to become dilapidated to the extent of fifty (50) percent or more of the current cost to replace the sign, including labor and materials, the sign shall not be reconstructed or repaired, and the owner of the sign shall be required to remove the sign, regardless of other provisions contained in this chapter, unless the reconstructed or repaired sign conforms to the provisions of this chapter.

(4) Abandonment. Abandoning a sign shall terminate the right to maintain the sign, and the sign owner shall be required to remove the sign. A nonconforming sign shall be considered to be abandoned in the following situations, regardless of reservation of an intent not to abandon, or of an intent to reserve the right to use the sign:

(a) A sign displaying no message for a period of ninety (90) days;

(b) Signs on property where an activity, business product, or service which has not been produced, conducted, sold, or performed for a period of ninety (90) days on the premises where the sign is located.

(5) Notice to remove abandoned signs. If the planning commission finds that an abandoned sign has not been removed within ninety (90) days from the cessation of a particular use, then he shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which the sign is located. Removal of the sign shall be effected within thirty (30) days after receipt of the notice from the planning commission. If the sign is not removed after thirty (30) days, then the planning commission is hereby authorized to cause the sign to be removed immediately at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which the sign is located.

(6) Notice to remove illegal signs. If the planning commission finds that a sign does not conform to the provisions of this chapter except for those legal signs which were lawfully in existence prior to December 5, 2005, then he shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which the sign is located. Removal of the sign shall be effected within ninety (90) days after receipt of the written notice. If the sign is not removed after the ninety (90) day period, the planning commission shall require the sign to be removed immediately at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which the sign is located.

(7) Notice to remove unsafe signs. If the planning commission finds that a sign is unsafe or insecure, or is a menace to the public, then he shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which the sign is located. Correction of the condition which caused the notice shall be effected within ten (10) days after receipt of this notice. If the condition is not corrected after ten (10) days, then the planning commission is hereby authorized to cause the sign to be removed immediately at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which the sign is located, whenever he determines that the sign is an immediate peril to persons or property.

(8) Signs placed in right-of-way. Signs illegally placed in the public right-of-way shall be forfeited to the public and shall be immediately confiscated by the planning commission.

(9) Change in use. Nonconforming signs shall be brought into compliance once a change of use of the premises occurs.

(10) Illuminated signs. Signs shall be allowed to be illuminated. However, no sign or device shall produce glare, flash or illumination so as to create a nuisance or a safety hazard to adjacent property owners or to the traveling public. All electrical wiring must be concealed and/or hidden underground.

(11) Electrical lights and fixtures. Electrical lights and fixtures shall not be attached to a sign unless they are installed in accordance with Article 600 of the National Electrical Code.

(12) Illegal nonconforming signs. Under no circumstances shall a sign, deemed by the planning commission to be illegal at the time of the adoption of the ordinance comprising this chapter (December 5, 2005), be considered a legally nonconforming sign. (as added by Ord. #164, Dec. 2005)

14-405. Visibility. (1) Signs, including any means of supporting or staying the signs, shall not be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress, light or ventilation. Signs shall not be located so that they obscure the view of pedestrian or vehicular traffic in a manner so as to endanger safe movement.

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

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

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

(c) In any area where trees or shrubs are required to remain under a permit issued under this chapter. (as added by Ord. #164, Dec. 2005)

14-406. Signs prohibited in all zoning districts. (1) The following signs shall be prohibited and may neither be erected nor maintained:

(a) Banners, pennants and balloons, unless otherwise provided in this chapter;

(b) Bench signs;

(c) Flashing light or scrolling word signs;

(d) Freestanding canopy signs;

(e) Government imitation signs;

(f) Inflatable signs;

(g) Moving or animated signs;

(h) Noisy mechanical signs;

(i) Parked-vehicle signs;

- (j) Portable signs;
- (k) Projecting signs;
- (l) Roof signs, including signs painted on roofs, or that extend above the highest point on a roof;
- (m) Signs erected in a public right-of-way, except for those placed by or on behalf of the governmental entity;
- (n) Signs interfering or blocking the sight of directional, instructional, or warning signs;
- (o) Signs on natural features, such as trees or other living vegetation, and rocks;
- (p) Snipe signs defined as signs affixed to utility poles, fences, or trees and that area used for commercial purposes;
- (q) String lighting;
- (r) Trailer signs;
- (s) Trash receptacle signs;
- (t) Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court;
- (u) Any sign not specified in this section and that is not a lawful nonconforming sign. (as added by Ord. #164, Dec. 2005)

14-407. Signs allowed in all zoning districts. (1) Attached ballfield fence signs:

- (a) Signs shall face into the ballfield;
  - (b) No sign shall be higher than the top of the fence;
  - (c) The backs of the ballfield fence signs shall be the same color.
- (2) Freestanding development signs:
- (a) Maximum of two (2) per entrance;
  - (b) Maximum signs are of thirty two (32) square feet per side, with a total of sixty four (64) square feet;
  - (c) Maximum height shall be six (6) feet;
  - (d) Minimum setback shall be at the right-of-way line;
  - (e) Shall be constructed only of masonry or natural materials; except for attached letters or logo, and may include signs constructed within entrance walls;
  - (f) Either a pole base, or an encompassing finished masonry frame, shall be permitted. However, the base shall not exceed twenty-five (25) percent of the sign face area. In no case shall this percentage change the permitted sign face area.
- (3) Freestanding flags:
- (a) Maximum of three (3) per lot;
  - (b) Maximum sign area shall be one-fourth ( $\frac{1}{4}$ ) the height of the pole;
  - (c) Maximum pole height shall be forty (40) feet, twenty (20) feet for rooftop poles;

- (d) Minimum setback shall be at the right-of-way line.
- (4) Temporary development-in-progress signs:
  - (a) Maximum of one (1) per contractor or supplier per entrance and one (1) per pod of development;
  - (b) Maximum sign area shall be thirty two (32) square feet per side, with a total of sixty four (64) square feet;
  - (c) Maximum height shall be six (6) feet;
  - (d) Minimum setback shall be at the right-of-way line;
  - (e) Nonresidential signs shall be removed after one (1) year.
  - (f) Residential signs shall be removed after eighty percent (80%) of the buildout, or three (3) years, whichever occurs first.
- (5) Temporary signs, if not otherwise regulated:
  - (a) Maximum sign area of six (6) square feet per side, with a total of twelve (12) square feet;
  - (b) Maximum height shall be six (6) feet;
  - (c) Minimum setback shall be at the right-of-way line.
- (6) Window signs:
  - (a) Window signs may not exceed ten (10) percent of the area of the window or any glass door to which they are attached.
- (7) Attached home occupation signs:
  - (a) Maximum of one (1) per lot per street;
  - (b) Maximum sign area shall be three (3) square feet;
  - (c) Maximum height shall be six (6) feet;
  - (d) May extend no more than one (1) foot from the building.
- (8) Scoreboards.
- (9) Wall signs:
  - (a) Maximum sign area shall be ten (10) percent of the building elevation at which they are installed;
  - (b) Shall be mounted in a flat fashion;
  - (c) Canopy and painted wall signs shall be deducted from the total allowable wall sign area. (as added by Ord. #164, Dec. 2005)

14-408. Signs allowed in all non residential districts. (1) Attached awning signs:

- (a) Maximum shall be one (1) per building side;
- (b) Maximum sign area shall be one (1) square foot per linear foot of building side;
- (c) Shall not project above or below the awning or roofline, with a maximum of sixteen (16) feet in height when located within two hundred (200) feet of a residential district;
- (d) May extend no more than ten (10) feet from the building.
- (2) Attached canopy signs:
  - (a) Maximum shall be one (1) per canopy face;
  - (b) Maximum sign area shall be twenty-five percent (25%) of the canopy face;

- (c) Shall not project above or below the canopy or roofline, with a maximum height of sixteen (16) square feet when located within one hundred (100) feet of a residential district.
- (3) Attached convenience signs:
  - (a) Maximum sign area of four and a half (4.5) square feet;
  - (b) Maximum height shall be six (6) feet;
  - (c) Minimum setback shall be the right-of-way line.
- (4) Attached hanging signs:
  - (a) Maximum shall be one (1) per building face per tenant;
  - (b) Maximum sign area shall be three (3) square feet, with an aggregate of six (6) square feet;
  - (c) Signs shall be a minimum of eight (8) feet off the ground, and the maximum height shall be at the roofline;
  - (d) May extend no more than four (4) feet from the building.
- (5) Attached signs, if not otherwise regulated:
  - (a) Maximum of one (1) sign per building side;
  - (b) Maximum sign area of one (1) square foot per linear foot of building side;
  - (c) Shall not project above or below canopy or roofline;
  - (d) Maximum height shall be sixteen (16) feet when located within two hundred (200) feet of a residential district;
  - (e) May extend no more than one (1) foot from building.
- (6) Freestanding convenience signs:
  - (a) Maximum of one (1) per entrance and one (1) per exit;
  - (b) Maximum sign area four and a half (4.5) square feet per side, with a total of nine (9) square feet;
  - (c) Maximum height shall be six (6) feet;
  - (d) Minimum setback shall be at the right-of-way line.
- (7) Freestanding signs, if not otherwise regulated:
  - (a) Maximum of one (1) sign per lot per street;
  - (b) Maximum sign areas of thirty two (32) square feet per side, with a total of sixty four (64) square feet;
  - (c) Maximum height shall be six (6) feet;
  - (d) Minimum setback shall be at the right-of-way line;
  - (e) Shall be constructed only of masonry or natural materials, except for attached letters or logo, and may include signs constructed within entrance walls;
  - (f) Either a pole base, or an encompassing finished masonry frame, shall be permitted. However, the base shall not exceed twenty-five (25) percent of the sign face area. In no case shall this percentage change the permitted sign face area.
- (8) Temporary signs:
  - (a) Maximum sign area of thirty-two (32) square feet per side, with a total of sixty four square feet;
  - (b) Maximum height shall be six (6) feet;

- (c) Minimum setback shall be at the right-of-way line;
- (d) Maximum two (2) signs per calendar year for no more than fifteen (15) days per permit period. (as added by Ord. #164, Dec. 2005)

14-409. Enforcement by the planning commission. The planning commission shall have the authority to enforce this chapter. (as added by Ord. #164, Dec. 2005)

14-410. Severability. (1) This chapter, and its various components, are hereby declared to be severable. If any section, clause, provision, or portion of this chapter is judged by a court of competent jurisdiction to be invalid or unconstitutional, then that decision shall not affect the validity of the remainder of this chapter. If any section, clause, provision, or portion of this chapter is judged by a court of competent jurisdiction to be invalid or unconstitutional as applied to a particular property, structure, or situation, then that decision shall not affect the validity of this chapter in application to other cases. Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this chapter, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

(2) Whenever regulations imposed by this chapter are less restrictive than regulations imposed by any other governmental authority through regulation, rule, or restriction, the regulations imposed by that authority shall govern. Regardless of any other provision of this chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. In cases of conflicts within this chapter, then the stricter regulation shall apply. (as added by Ord. #164, Dec. 2005)

14-411. Permit and fee. No sign herein addressed shall be erected without a permit issued by the Town of Burns.

Each sign permit fee shall be fifty dollars (\$50.00). (as added by Ord. #164, Dec. 2005)

14-412. Penalty. A violation of any provision of this chapter is punishable by a fine not to exceed fifty dollars (\$50.00). Each day of a violation is considered a separate, punishable offense. (as added by Ord. #164, Dec. 2005)