

## TITLE 14

### ZONING AND LAND USE CONTROL

#### CHAPTER

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#### CHAPTER 1

### MUNICIPAL PLANNING COMMISSION<sup>1</sup>

#### SECTION

- 14-101. Creation.
- 14-102. Membership.
- 14-103. Organization, rules, staff, etc.
- 14-104. Powers and duties.

**14-101. Creation.** In order to guide and accomplish a coordinated and harmonious development of the city which will, in accordance with existing and future needs, best promote public health, morals, order, convenience, prosperity, and the general welfare as well as efficiency and economy in the process of development, that the municipal planning commission is hereby created and established as authorized by Tennessee Code Annotated, § 13-4-101, and said commission shall be organized and empowered as follows. (1995 Code, § 14-101)

**14-102. Membership.** The municipal planning commission shall consist of nine (9) members. One (1) of the members shall be the mayor, one (1) shall be a member of the council selected by the council, and the seven (7) remaining members shall be elected by a majority vote of the council. The terms of the seven (7) appointive members shall be for three (3) years, excepting that in the appointment of the first municipal planning commission, under the terms of this section, two (2) of said seven (7) members shall be appointed for terms of three

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<sup>1</sup>Municipal code reference

The zoning ordinance, and any amendments, is located in the office of the city recorder.

(3) years, two (2) for terms of two (2) years, and one (1) for a term of one (1) year. Any vacancy in an appointive membership shall be filled for the unexpired term by a majority vote of the council which shall have the authority to remove any appointive member at its pleasure. All members shall serve without compensation. (1995 Code, § 14-102)

**14-103. Organization, rules, staff, etc.** The municipal planning commission shall elect its chairman from amongst its appointive members. The term of chairman shall be one (1) year with eligibility for re-election. The commission shall adopt rules for the transactions, findings, and determinations, which record shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated by the council. (1995 Code, § 14-103)

**14-104. Powers and duties.** From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules of procedure, then the commission, shall have all powers, duties and responsibilities as set forth in Tennessee Code Annotated, title 13; or other acts relating to the duties and powers of municipal planning commissions adopted subsequent thereto. (1995 Code, § 14-104)

**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 City of Jackson, Tennessee is governed by Ordinance Number 67-2, titled "Zoning Ordinance of the City of Jackson" and any amendments thereto.<sup>1</sup> (1995 Code, § 14-201)

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<sup>1</sup>Ordinance No. 67-2, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

## CHAPTER 3

### AIRPORT ZONING<sup>1</sup>

#### SECTION

- 14-301. Regulations to limit height and use of property around McKellar Field.
- 14-302. Definitions.
- 14-303. Airport zones.
- 14-304. Airport zone height limitations.
- 14-305. Use restrictions.
- 14-306. Nonconforming uses.
- 14-307. Permits.
- 14-308. Enforcement.

**14-301. Regulations to limit height and use of property around McKellar Field.** The regulations set forth in this chapter regulate and restrict the height of structures and objects of natural growth, and otherwise regulate use of property, in the vicinity of McKellar Field by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein and referring to the McKellar Field Airport Zoning Map which is incorporated in and made a part of this section. (1995 Code, § 14-301)

**14-302. Definitions.** For purposes of this chapter, certain terms used herein shall be interpreted as follows:

- (1) "Airport." McKellar Field.
- (2) "Airport elevation." Four hundred thirty-three point five one feet (433.51') above mean sea level.
- (3) "Approach surface." A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in § 14-304. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (4) "Approach, transitional, horizontal and conical zones." These zones are set forth in § 14-303.
- (5) "Conical surface." A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand feet (4,000').

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<sup>1</sup>Municipal code reference

Regulations governing use of airport: title 20, chapter 1.

(6) "Hazard to air navigation." An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

(7) "Height." For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(8) "Horizontal surface." A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

(9) "Larger than utility runway." A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight, and jet-powered aircraft.

(10) "Nonconforming use." Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this chapter.

(11) "Nonprecision, instrument runway." A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

(12) "Obstruction." Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in § 14-304.

(13) "Person." An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

(14) "Precision instrument runway." A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout or any other planning document.

(15) "Primary surface." A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway, for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in § 14-303. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

(16) "Runway." A defined area on an airport prepared for landing and take off of aircraft along its length.

(17) "Structure." An object including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smoke stacks, earth formation and overhead transmission lines.

(18) "Transitional surfaces." These surfaces extend outward at ninety degree (90°) angles to the runway center line and the runway center line extended at a slope of seven feet (7') horizontally for each foot vertically from the

sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces, Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at ninety degree (90°) angles to the extended runway center line.

(19) "Tree." Any object of natural growth.

(20) "Utility runway." A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

(21) "Visual runaway." A runway intended solely for the operation of aircraft using visual approach procedures. (1995 Code, § 14-302)

**14-303. Airport zones.** In order to carry out the provisions of this chapter, there are hereby created and established certain zones which include all land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to McKellar Field Airport. Such zones are shown on the McKellar Field Airport Zoning Map, dated September 28, 1978, which is made a part of this chapter. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(1) Utility runway visual approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty feet (250') wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty feet (1,250') at a horizontal distance of five thousand feet (5,000') from the primary surface. Its center line is the continuation of the center line of the runway.

(2) Runway larger than utility with a visibility minimum as low as three-fourths mile nonprecision instrument approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of four thousand feet (4,000') at a horizontal distance of ten thousand feet (10,000') from the primary surface. Its center line is the continuation of the center line of the runway.

(3) Precision instrument runway approach zone. The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. Its center line is the continuation of the center line of the runway.

(4) Transitional zones. The transitional zones are the areas beneath the transitional surfaces.

(5) Horizontal zone. The horizontal zone is established by swinging arcs of ten thousand feet (10,000') from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(6) Conical zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom from a horizontal distance of four thousand feet (4,000'). (1995 Code, § 14-303)

**14-304. Airport zone height limitations.** Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(1) Utility runway visual approach zone. Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway center line.

(2) Runway larger than utility with a visibility minimum as low as three-fourth mile nonprecision instrument approach zone. Slopes thirty-four feet (34') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway center line.

(3) Precision instrument runway approach zone. Slopes fifty feet (50') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway center line; thence slopes upward forty feet (40') horizontally for each foot vertically to an additional horizontal distance of forty thousand feet (40,000') along the extended runway center line.

(4) Transitional zones. Slopes seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet (150') above the airport elevation which is 583.51 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of five thousand feet (5,000') measured at ninety (90°) degree angles to the extended runway center line.

(5) Horizontal zone. Established at one hundred fifty feet (150') above the airport elevation or at a height of 583.51 feet above mean sea level.

(6) Conical zone. Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of 783.51 feet above the airport elevation.

(7) Excepted height limitations. Nothing in this chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty feet (50') above the surface of the land except when the height exceeds the airport zone height limitations established for such zone in this section. (1995 Code, § 14-304)

**14-305. Use restrictions.** (1) Notwithstanding any other provisions of this chapter no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(2) Adjacent residential zoning shall take into account expected noise levels and their effect on residential development in terms of Federal Housing Programs as set forth in the McKellar Field Airport Master Plan, Land Use Plan Map dated December 5, 1974, prepared by E. R. Dike and Associates and McKellar Field Off-Airport Land Use Study, dated March 1, 1979, prepared by Colloredo Associates, Inc.

(3) The regulations hereinafter set forth in this chapter apply to property located within the airport approach zones for a length of five thousand eighty feet (5,080') beginning two hundred feet (200') outward from the end of the runway, and extending outward, ending at a point five thousand two hundred eighty feet (5,280') from the end of the runway on the extended center line of the runway. A building or premises may be used for any purposes permitted by the use regulations of the zone district in which the property is located except the following:

- (a) Departments;
- (b) Hospitals;
- (c) Hotels;
- (d) Institutions of religious, educational, correctional nature;
- (e) Motels;
- (f) Nursing or convalescent homes;
- (g) Places of public assemblage;
- (h) Radio or television transmitting stations;
- (i) Theaters;



- (j) Town houses;
- (k) Schools. (1995 Code, § 14-305)

**14-306. Nonconforming uses.** (1) Regulations not retroactive. The regulations prescribed by this chapter shall not be construed to require the removal, lowering, of other change or alteration of any structure not conforming to the regulations as of the effective date of this chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted.

(2) Marking and lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions. Such marker and lights shall be installed, operated and maintained at the expense of the airport authority. (1995 Code, § 14-306)

**14-307. Permits.** (1) Future uses. Except as specifically provided in subsections (a), (b) and (c) hereunder no material change shall be made in the use of land, no structure shall be erected or otherwise established, in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use structure, would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection (4).

(a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than fifty feet (50') of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than two thousand seven hundred feet (2,700') from each end of the runway, no permit shall be required for any tree or structure less than fifty feet (50') of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

(c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than fifty feet (50') of vertical height above the ground, except when such tree or structure, because of terrain, land

contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this chapter except as set forth in § 14-304(6).

(2) Existing uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, or structure, to become a greater hazard to air navigation than it was on the effective date of this chapter or than it is when the application for such a permit shall be granted.

(3) Nonconforming uses abandoned or destroyed. Whenever the city building official determines that a nonconforming use or structure has been abandoned or more than seventy-five percent (75%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure to exceed the applicable height limit or otherwise deviate from the zoning regulations.

City of Jackson Zoning Ordinance. When a nonconforming use of a structure, or structure and premises, is discontinued, or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

Zoning Resolution of Jackson, Tennessee Planning Region. When a nonconforming use of any land or building has been discontinued for a period of one (1) year it shall not be reestablished or changed to any use not in conformity with the provisions of the district in which it is located.

Madison County Zoning Resolution Outer Region Abandoned--discontinuance of one (1) year.

(4) Variances. Any person desiring to erect or increase the height of any structure, or use property, not in accordance with the regulations prescribed in this chapter may apply to the board of zoning appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter. Additionally, no application for variance to the requirements of this chapter may be considered by the board of zoning appeals unless a copy of the application has been furnished to the Jackson-Madison County Airport Authority for advice as to the aeronautical effects of the variance. If the Jackson-Madison County Airport

Authority does not respond to the application within fifteen (15) days after receipt, the board of zoning appeals may act on its own to grant or deny said application.

(5) Obstruction marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at owner's expense, such markings and lights as may be necessary. If deemed proper by the board of zoning appeals, this condition may be modified to require the owner to permit the airport authority at its own expense, to install, operate, and maintain the necessary markings and lights. (1995 Code, § 14-307)

**14-308. Enforcement.** It shall be the duty of the city building official to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the city building official upon a form published for that purpose. Applications required by this chapter to be submitted to the city building official shall be promptly considered and granted or denied. Application for action by the board of zoning appeals shall be forthwith transmitted by the city building official. (1995 Code, § 14-308)

## CHAPTER 4

### SIGN CONTROL<sup>1</sup>

#### SECTION

- 14-401. Title, purpose and scope.
- 14-402. Definitions.
- 14-403. Permits; fees.
- 14-404. Inspection; maintenance, etc.
- 14-405. Permitted use, location of signs by zoning districts.
- 14-406. Regulations and limitations of permitted signs.
- 14-407. Special signs and sign districts.
- 14-408. Exempt signs.
- 14-409. Prohibited signs.
- 14-410. Legal nonconforming signs.
- 14-411. Construction specifications.
- 14-412. Removal and disposition of signs.
- 14-413. Sign code board of appeals.
- 14-414. Administration and enforcement.

**14-401. Title, purpose and scope.** (1) Title. This code shall be known as the "Sign Code of the City of Jackson" or may be so cited and pleaded and shall be referred to herein as the code.

(2) Purpose. The code creates the legal framework for signage regulations that are intended to facilitate an easy and agreeable communication between people. It recognizes the need to protect the safety and welfare of the public, the need for well maintained and attractive appearance in a community, and the need for adequate business identification and advertising and communication. This code recognizes that aesthetics and design quality cannot be satisfactorily legislated, as individual opinions vary and general public opinions vary from one area to another. It is recognized, however, that a great percentage of that which is unattractive can be eliminated by sensible quality control, through adequate maintenance and inspection and by reasonable guidelines formulated to minimize clutter.

This code authorizes the use of signs visible from public rights-of-way provided the signs are:

- (a) Compatible with their surroundings, pursuant to the objectives of proper design and zoning amenities.

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<sup>1</sup>Municipal code reference

Regulations governing political signs, handbills, etc: title 11, chapter 7. (Provisions governing political signs are also contained in this chapter.)

(b) Allowing and promoting optimum conditions for meeting the sign user's needs while at the same time promoting the amenable environment desired by the general public.

(c) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.

(d) Legible, readable and viable in the circumstances in which they are used.

(e) Respectful of the reasonable rights of other advertisers whose messages are displayed.

(3) Scope. The provisions of this chapter establish a uniform code relating to signs visible from public rights-of-way; prescribing regulations and standards; establishing a sign code board of appeals; providing for administration and procedures; requiring licenses and the payment of fees; providing for penalties.

The provisions of this chapter shall be effective and shall be applied to the entire area within the city and to any property owned by or under the jurisdiction of the city outside of its corporate limits. (1995 Code, § 14-401, as replaced by Ord. #2015-007, April 2015)

**14-402. Definitions.** As used in this chapter, the following definitions of terms shall apply:

(1) "Abandoned sign." A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

(2) "Administrator." The building inspector or his designated representative.

(3) "Advertising message." That copy on a sign describing products or services being offered to the public.

(4) "Animated sign." Any sign which includes action or motion. For purposes of this code, this term does not refer to flashing, changing or indexing, all of which are separately defined.

(5) "Architectural projection." Any projection not intended for occupancy which extends beyond the property line, not including signs, canopies or marquees.

(6) "Area of copy." The entire area within a single continuous perimeter which encloses the extreme limits of the advertising message, announcement or decoration on a facia or wall sign.

(7) "Area of sign." The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame, forms and integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one (1) section or module, all areas will be totaled.

(8) "Architectural blade." A roof sign or projection sign with no legs or braces. Designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

(9) "Area of off-premise sign." Where poster panels or bulletins are installed back to back, one (1) face only is considered as area. If there is a difference, the larger face will be counted.

(10) "Awning." A temporary shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

(11) "Background area." The entire area of a sign on which copy could be placed, as opposed to the copy area, when referred to in connection with facia or wall signs.

(12) "Banner sign." A temporary sign composed of lightweight material enclosed or not enclosed in rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

(13) "Billboard." See "off-premise sign," "off-site sign" or "outdoor advertising (posters and bulletins)."

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

(15) "Building frontage." The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

(16) "Building identification sign." A sign lettered to give the name of a building itself, as opposed to the name of occupants or services.

(17) "Bulletin." See "off-premises signs," "off-site sign" or "outdoor advertising."

(18) "Canopy (or marquee)." A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal or plastic.

(19) "Canopy or marquee sign." Any sign attached to or constructed in or on a canopy or marquee.

(20) "Changeable copy sign (manual)." A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

(21) "Changing sign (automatic)." A sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader-board, where different copy changes are shown on the same lamp bank.

(22) "Comprehensive design plan." Building design and signs integrated into one (1) architectural plan, the comprehensive plan being complete in all other building, structural and electrical requirements.

(23) "Copy (permanent and temporary)." The wording on a sign surface either in permanent or removable letter form.

(24) "Detailed sign." See "freestanding sign" or "ground sign."

(25) "Directional sign." Any sign which serves solely to designate the location or direction of any place or area.

(26) "Directly illuminated sign." Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

(27) "Embellishment." (a) Letters, figures, characters or representations in cutouts or irregular forms or similar ornaments attached to or superimposed upon the sign.

(b) Embellishment (decorative only). A purely decorative embellishment on a freestanding sign.

(28) "Erected." This term shall mean attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.

(29) "Exempt signs." Signs exempted from normal permit requirements.

(30) "Face of sign." The entire area of sign or which copy could be placed.

(31) "Facie sign (or wall sign)." A sign attached to or erected against a wall of a building, with the face horizontally parallel to the building wall.

(32) "Flashing sign." Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled merge centers are classed as "changing signs" not "flashing signs."

(33) "Freestanding signs." See "ground signs" or "detached signs."

(34) "Frontage." The length of the property line of any one premises parallel to and along each public right-of-way it borders.

(35) "Ground sign." A sign erected on a freestanding frame, mast or pole and not attached to any building. (See "detached sign" or "freestanding sign.")

(36) "Height of sign." The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway, which permits the greatest height to the highest point of said sign.

(37) "Identification sign." A sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupation of the person.

(38) "Illuminated sign." Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

(39) "Incidental sign." A sign pertaining to goods, products, services or facilities which are available on the premises where the sign is located.

(40) "Indirectly illuminated sign." Any sign which reflects light from a source intentionally directed upon--for example, by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.

(41) "Individual letter sign." Any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of or below a marquee.

(42) "Maintain." To permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.

(43) "Marquee (or canopy)." See "canopy (or marquee)."

(44) "Marquee sign (or canopy sign)." See "canopy or marquee sign."

(45) "Message." The wording or copy on a sign.

(46) "Mobile illuminated sign." Any sign which emanates light either by means of exposed tubing or lamps on its surface or by means of illumination transmitted through the sign faces and is designed so that it is capable of moving or being moved from one location to another on a temporary basis.

(47) "Multi-prism sign." Signs made with a series of triangular vertical sections that turn and stop, or index, to show three (3) pictures or messages in the same area.

(48) "Nameplate." A nonelectric sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located. If any premises include more than one (1) occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

(49) "Nonconforming sign (legal)." Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the preview of this code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this code, or a nonconforming sign for which a special permit has been issued.

(50) "On-premise sign (business sign)." Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

(51) "Off-premise sign (advertising sign)." This is a third party sign. It is a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is installed.

(52) "Outdoor advertising sign." Outdoor advertising signs which advertise goods, products or services are of three (3) main types:

(a) Poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of pasted paper.

(b) Multi-prism sign -- same as above, and alternating advertising messages on the one (1) display area.

(c) Painted bulletins, where the advertiser's message is painted directly on the background of a wall mounted or freestanding display area.



(53) "Pole sign." See "ground sign" or "freestanding sign."

(54) "Portable sign." The term "portable sign" shall apply to any sign ordinarily but not necessarily supported on a base and in no way attached or affixed to the ground, a building or other structure or object.

(55) "Projecting signs." A sign, other than a wall sign, which is attached to and projects from a structure or building face. The area of double faced projecting signs are calculated on one (1) face of the sign only.

(56) "Public service information sign." Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic, control, etc.

(57) "Real estate sign." Any sign pertaining to the sale, lease or rental of land or buildings.

(58) "Roof sign." Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

(59) "Rotating sign." Any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

(60) "Seasonal or holiday signs." Signs such as Christmas decorations, those used for a historic holiday and installed for a limited period of time.

(61) "Sign." Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also indicate all sign structures.

(62) "Sign structure." Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

(63) "Special purpose sign." Any sign other than a business, non-accessory, identification sign, including but not limited to traffic signs.

(64) "Swinging sign." A sign installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole.

(65) "Temporary sign." Temporary signs shall include any sign banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

(66) "Unlawful sign." A sign which contravenes this code or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment.

(67) "Wall sign (or fascia sign)." See "fascia sign."

(68) "Window sign." A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise

located in a window. (1995 Code, § 14-402, as replaced by Ord. #2015-007, April 2015)

**14-403. Permits; fees.** (1) Permits required. Except as otherwise provided in this code it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the city, or cause the same to be done, without first obtaining a sign permit for each such sign from the administrator as required by this code. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with the requirements of this code on the date of its adoption unless and until the sign is altered or relocated.

Every sign permit issued by the administrator shall become null and void if work is not commenced within one hundred twenty (120) days from the date of such permit. If work authorized by such permit is suspended or abandoned for one hundred twenty (120) days any time after the work is commenced, a new permit shall be first obtained to do so, and the fee will be one-half (1/2) the amount required for a new permit for such work, provided that no changes have been made in the original plans. Such permit may not be unreasonably withheld, providing that proper application and payment of permit fees is complied with.

(2) Federal or state licenses. Federal or state licenses as applicable. Any sign company seeking to erect, construct, enlarge, alter, repair, move, improve, maintain, convert or manufacture any sign shall demonstrate and register with the city a statement that they have all of the necessary licenses from all other governmental agencies applicable, or shall be represented by a duly licensed agent or subcontractor.

(3) Application for permit. Application for a permit shall be made to the administrator upon a form provided by the administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city, including:

- (a) Name and address of owner of the sign.
- (b) Name and address of owner or the person in possession of the premises where the sign is located or to be located.
- (c) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises.
- (d) Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, materials of the sign and method of attachment and character of structural members to which attachment is to be made. The design, quality, materials and loading shall conform

to the requirements of the International Building Code (IBC)<sup>1</sup> as amended. If required by the administrator, engineering data shall be supplied on plans submitted certified by a duly licensed engineer.

(4) Issuance or denial. The administrator shall issue a permit for the erection, alteration, or relocation of a sign within the city when an application therefor has been properly made and the sign complies with all appropriate laws and regulations of the city.

The administrator may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

(5) Effect of issuance. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

(6) Permit fees. Application for permits shall be filed with the administrator, together with a permit fee as specified in this section for each sign in accordance with the following schedule; provided, however, that the minimum fee for a permit, including any permit costs for electrical components and or connections which shall be no less than one hundred dollars (\$100.00) per connection and sign permit shall be not less than fifteen dollars (\$15.00) for any sign. In addition, when any sign is hereafter erected, placed, installed or otherwise established on any property prior to obtaining permits as required by this section, the fees specified hereunder shall be doubled but the payment of such double fee shall not relieve any person from complying with other provisions of this section or from penalties prescribed herein:

Sign permit fees - Minimum fee \$15.00

On-premise sign - \$1.00 per sq. ft.

Off-premise sign - \$1.00 per sq. ft.

(a) On-premise signs. All on-premise signs visible from a public street shall be calculated at a basis of one dollar (\$1.00) a square foot.

(i) The calculation on a freestanding pole, ground, monument or any similar or roof sign shall be based only on one (1) face of the sign. That calculation shall be based on the largest face of the sign.

(ii) Facia or wall signs. Only the copy area as defined in this code shall be included in the above-mentioned fee.

(b) Off-premise signs. (Billboard) Off-premise signs shall have a fee based at one dollar (\$1.00) per square foot. This fee shall relate to

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<sup>1</sup>Municipal code reference

International Building Code Adopted: title 12, chapter 2.

only one (1) face of the sign but be calculated on whichever is the largest exposed face of the sign and shall be based on the total changeable copy area of the largest face on the off-premise signs that can be seen at any one given time. Off-premise signs are required to be submitted with engineers stamp and shall be subject to plans review and any fees associated with that review process.

(7) Sign permit appeals. (a) Appeal from denial of permit. Appeal may be taken to the sign code board of appeals from the administrator's denial of a sign permit.

(b) Appeal from failure of administrator to grant permit within ten (10) days. The administrator's failure to either formally grant or deny a sign application within ten (10) days of the date an application meeting the requirements of this code is filed, shall be grounds for appeal to the sign code board of appeals, under the terms of § 14-413(5) of this code.

(8) Notice of change of sign owner or user. Whenever there is a change in the sign user or owner, the sign owner shall forthwith notify the administrator of the change. No new sign permit is required, unless the sign is altered or relocated. (1995 Code, § 14-403, as replaced by Ord. #2015-007, April 2015)

**14-404. Inspection; maintenance, etc.** The person erecting, altering or relocating a sign shall notify the administrator upon completion of the work for which permits are required.

(1) Inspections. All freestanding signs shall be subject to a footing inspection and all signs to a final electrical inspection by the administrator.

(2) Sign permit renewal and certification. (a) All signs erected shall be inspected every two (2) years to determine that the sign has been maintained in such a manner as to ensure that the sign is in a safely maintained condition as to the electrical, structural and material specifications of this code, and shall be tagged to so signify.

(b) Any sign for which the two (2) year inspection permit has not been secured and the sign duly tagged with date of the appropriate month shall be removed at the owner's expense after thirty (30) days from written notification. The written notification shall come from the administrator.

(c) Fees for the two (2) year inspection permit shall be five dollars (\$5.00) when a licensed sign company shall duly certify and file with the city that the sign meets all of the structural, electrical and material specifications set out in this code, and ten dollars (\$10.00) when the sign is inspected by the city.

(d) All signs shall bear a label provided by the administrator which identifies the permit number under which the sign was constructed. These labels shall indicate month and year of issue.

(e) The biennial tag for the certification that the sign is in a safe condition as to its material, electrical and structural application shall be issued in two (2) alternative methods:

(i) A licensed sign company shall duly certify and file with the city that the sign meets all of the structural, electrical and material specifications set out in this code or the laws or regulations of the city at the time the sign was covered; or

(ii) Alternatively, the city shall send out an inspector and the inspector shall verify that the sign is in a safe condition with respect to its physical characteristics.

(3) Maintenance. Every sign in the city, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in good structural condition at all times. All signs, including those exempted, shall be kept neatly painted, including all metal parts and supports by which these conditions are deteriorating. The administrator shall inspect and have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

(4) Signs declared unlawful. The administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state in writing the reasons of the administrator for stating that the sign constitutes a safety hazard to the general public. Any sign owned, kept, displayed or maintained by any person within the city, the ownership keeping a display which is unlawful pursuant to the provisions of this code, is hereby declared to be in violation of this code. The administrator may declare any such sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this code. (1995 Code, § 14-404, as replaced by Ord. #2015-007, April 2015)

**14-405. Permitted use, location of signs by zoning districts.**

(1) Residential districts. Within any residential district, signs or nameplates are permitted as follows:

(a) Exempt signs as outlined in § 14-408(2).

(b) A free standing sign not to exceed fifty (50) square feet in area may be permitted as special exceptions as stated in the district regulations of the zoning ordinance. Such signs shall not be located closer than twenty feet (20') to any property line. Said sign shall not exceed fifteen feet (15') in height. However, if a property has five hundred feet (500') or more of lot width, or if it has more than one (1) street providing access, a maximum of two (2) freestanding signs would be allowed.

(c) Signs denoting future development as outlined in § 14-407(1).

(d) Off-premise signs are prohibited.

(2) Commercial districts. Within the commercial districts, signs are permitted as follows:

(a) Exempt signs as outlined in § 14-408(2).

(b) Permitted uses, location of signs by zoning districts.

On-premise signs shall be permitted as incidental or accessory uses in the B-1, B-2, B-3, B-4, B-5 I-O, O-C, O-R and O districts, not to exceed the type and number of signs as regulated within this chapter. In the SC-1 (planned unit commercial development) districts, business signs shall be designed as an integral part of the development and the following standards shall apply:

(i) Within the SC-1 (planned unit commercial development) district, planned commercial centers may have a multi-tenant freestanding sign not to exceed two hundred fifty (250) square feet in area or thirty-five feet (35') in height and shall be located a minimum of fifteen hundred (1,500) linear feet from another multi-tenant freestanding sign. All such signs shall be located at an existing or planned driveway entrance to the center they serve; and

(A) Shopping center signs may be located at driveway locations which serve as primary access to the shopping center, without consideration to the location of the property lines within the development and would not be considered an off-premise sign.

(ii) Within the SC-1 (planned unit commercial development) district, in instances where a planned commercial center has more than one (1) street frontage providing access to the center, one (1) additional freestanding ground sign, not to exceed one hundred fifty (150) square feet in area or twenty-five feet (25') in height, may be erected, provided the additional sign is located on and oriented toward an alternate street providing access to the center; and

(iii) Within the SC-1 (planned unit commercial development) district, out parcels which are approved in conjunction with planned commercial centers or which later platted and approved by the planning commission, may be allowed one (1) freestanding sign not to exceed one hundred fifty (150) square feet in area or twenty-five feet (25') in height.

(iv) Notwithstanding any provision above, no out parcel or single use lot in SC-1 (planned commercial development) district, shall be allowed more than one (1) freestanding ground sign.

(c) Off-premise signs are prohibited in the B-1, B-2, SC-1 (except when approved by planning commission), O-R, O-C and O

districts. In other commercial districts, off-premise signs shall be governed by § 14-406(12).

NOTE: Notwithstanding the provision of § 14-405, the City of Jackson Zoning Ordinance requires all ground signs in a SC-1, O-R, O, and O-C zone to be approved by the planning commission.

(3) Industrial districts. Within the industrial districts signs are permitted as follows:

(a) Exempt signs as outlined in § 14-408(2).

(b) On-premise signs shall be permitted as incidental or accessory uses in the I-0, I-1, I-2, and I-3 districts not to exceed the type and number of signs as regulated within this chapter.

(c) Off-premise signs are permitted in the I-0, I-2 and I-3 districts subject to the provisions of § 14-406(2) of this code. Off-premise directional signs only are permitted in the I-1 district.

(4) Other zoning districts. (a) A-0 Agricultural and open land districts. Same as § 14-405(1).

(b) F-1 (Flood hazard) district signs are allowed, as regulated by the underlying zoning classification.

(c) H-C Historical-cultural district. All signs shall be governed by specific district regulations, subject to approval by the historic zoning commission. (1995 Code, § 14-405, as replaced by Ord. #2015-007, April 2015)

**14-406. Regulations and limitations of permitted signs.** (1) Area and height of signs. Maximum net area of all on-premise signs and height of on-premises freestanding signs shall not exceed the following:

District	Maximum Size	Maximum Height
B-1	A maximum allowable sign area of two (2) square feet for each linear foot of lot frontage, not to exceed two hundred (200) square feet per sign. However, where there are multiple businesses housed in a building or series of attached buildings, a maximum sign area of three hundred (300) square feet is allowed.	25
B-2		50
B-3		50
B-4		50
B-5		50
I-O		25
O-C		25
O		
O-R	A maximum allowable sign area not to exceed sixteen (16) square feet in area.	5
SC-1	As regulated under § 14-405(2).	

I-1	A maximum sign area of three (3) square feet for	50
I-2	each linear foot of lot frontage, not to exceed three	50
I-3	hundred (300) square feet.	50

Any property zoned B-41 B-5, or SC-1 which is within a one thousand five hundred foot (1,500') radius from the center point of an Interstate 40 interchange may have a height and area bonus for one of its allowable freestanding on-premise signs. This sign shall not exceed fifty feet (50') in height, as measured from the nearest grade of Interstate 40 provided the following conditions are met;

- (a) The sign shall not exceed three hundred (300) square feet
- (b) The sign is located and oriented toward Interstate 40, and adheres to all other provisions of this ordinance;
- (c) The sign's location is one thousand feet (1,000') from any residential developed property or developing property.
- (d) The other on premise freestanding signs allowed on the lot be limited to a maximum height of twenty-five feet (25').

(2) Freestanding (ground) signs (on-premise). In any zone (other than SC-1 which is regulated in § 14-405(2) the following shall apply:

- (a) One (1) ground sign is permitted for each premises having frontage on a public right-of-way.
- (b) Where a parcel has in excess of two hundred feet (200') of frontage, one (1) additional freestanding sign may be erected.
- (c) The occupant may elect to combine the allowable area of two (2) freestanding signs, where permitted, into one (1) freestanding ground sign with a maximum allowable area in accordance with § 14-406(1). However where a lot has more than one (1) street frontage, the combination of allowable sign areas is limited to the primary street frontage of the lot with the remaining frontage(s) limited to one (1) sign each, not exceeding two hundred (200) square feet in area.
- (d) Where a premises fronts on more than one (1) public right-of-way, or street, excluding alleys and service ways, the provisions of subsection (2)(b) of this section shall apply to each frontage.

(e) Residential proximity. Where premises zoned for commercial or industrial use are within one hundred feet (100') of the nearest boundary of any premises zoned for single-family or multiple-family residential use on the same public right-of-way, freestanding signs and roof signs erected and maintained on the commercial or industrial premises may not exceed twenty-five feet (25') in height. A freestanding sign or roof sign must be set back from the public right-of-way from which it is intended to be viewed, the same distance as any residentially zoned property facing the same public right-of-way within one hundred feet (100') from the sign. This provision



affects only signs on commercial and industrial premises on the same block and on the same right-of-way as residential premises.

(f) **Minimum clearance.** Where a freestanding sign projects over a vehicular traffic area, such as driveway or parking lot aisle, the minimum clearance between the bottom of the sign and the ground shall be fourteen feet (14').

(g) Where there is more than one (1) use housed in a building or series of attached buildings it shall be considered as a planned commercial development. Freestanding signage for such development shall be limited to one (1) sign per street frontage, exclusive of out parcels.

(h) Freestanding signs projecting over public rights-of-ways are prohibited.

(i) All on-premise signs shall be set back a minimum of fifteen feet (15') from the edge of any street curb, or where there is not a curb, then to the edge of the pavement.

(3) **Wall (facia) signs.** (a) **Area limits.** An area equal to twenty-five percent (25%) of the solid wall area of each building elevation may contain wall signage. Twenty-five percent (25%) of the glass area of each building face may contain window signage. The allowable sign area for one side of a building may not be combined with any other elevation allowable sign area.

(b) Where individual mounted letters are used without a sign background, the foregoing percentages will apply, but will be computed on the area of the total facade between the lintel bar and the parapet on a one (1) story building, or between the lintel bar and the floor level of the floor above on a multi-storied building.

(c) The frontage factor is relative to each tenant's building frontage facing on each public right-of-way, excluding alleys and service ways.

(d) Premises fronting on more than one (1) public right-of-way may not combine permissible signs for one (1) frontage with another frontage for the purpose of placing the combined area of signs on one (1) frontage.

(e) Any identification wall signs with non-illuminated letters up to but not exceeding three inches (3") in height nor four (4) square feet in area are not restricted and may be permitted in addition to regulated signage.

(4) **Roof signs.** All roof signs shall be installed or erected in such a manner that there shall be no visible angle iron support structure facing the traffic flow. On all buildings constructed after adoption of this code, roof signs shall be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from

all sides is such that they appear to be a part of the building itself. A roof sign shall not exceed twenty-four feet (24') in height above the roof level.

The allowable area for a wall sign may be utilized instead for the purpose of placing a roof sign on a building. Please see § 14-406(3) for area limits for a wall sign.

(5) Projecting signs. (a) Any one (1) tenant with frontage on a public right-of-way is permitted to have one (1) projecting sign along the public street. The projecting sign may exist instead of, but not in addition to, a freestanding sign or roof sign. Where a premises is allowed two (2) freestanding signs, the occupant may elect to substitute a projecting sign for one (1) of the freestanding signs. If a premises has more than one hundred feet (100') of frontage along any one right-of-way the occupant may have two (2) projecting signs.

(b) Subject to absolute limits of ten feet (10') zero inches from the property line and two feet (2') back from the curb line, projection over public domain is limited to three inches (3") for each linear foot of building front measured from the sign location to the nearest side line of premises. Subject to the same maximum limits, signs on corner properties installed at forty-five degrees (45°) to the corner are permitted a twenty percent (20%) increase on the formula.

(c) No projecting sign may rise more than six feet (6') above the top of a parapet.

(d) Minimum clearance. Projecting signs shall have a minimum clearance of eight and one-half feet (8 1/2') between the bottom of the sign and the ground.

(e) Illumination. Any sign projecting over a public street which utilizes illumination shall be directly illuminated (electric), except for awnings.

(6) Canopy (or marquee) signs. Where canopy signs are allowed such signs shall be subject to the following conditions:

(a) Canopy signs may be attached to, or hung from a canopy (or marquee), and such sign when hung from a canopy shall be at least eight feet (8') at its lowest level above the sidewalk or ground level, and further, no sign shall extend outside the line of such canopy. Canopy signs may be attached to the sides and front of a canopy (or marquee), and such sign may extend the entire length and width of said canopy, provided such sign does not extend more than six feet (6') above, nor one foot (1') below such canopy, but under no circumstances, shall the sign or signs have a vertical dimension greater than eight feet (8').

(b) Area of copy may be three (3) square feet per linear foot of canopy front and sides. Copy area allowed for one (1) facing cannot be added to that allowed for other facings. Subject to the minimum height limit of eight feet (8') from the sidewalk, copy may be installed above, on the face of, or below the canopy proper, provided that where such sign is

installed above or below, copy area will be computed on the total of the sign face and the canopy apron proper.

(c) On places of public entertainment such as theaters, arenas, meeting halls, etc., where one (1) or more changeable copy signs are allowed, the copy area allowance will be five (5) square feet per linear foot of canopy with a maximum total height limit of no more than eight feet (8') at any point.

(d) Signs attached to the underside of a canopy shall have a copy area no greater than six (6) square feet, with a maximum letter height of nine inches (9"), subject to a minimum clearance of eight feet (8') from the sidewalk, and shall be mounted as nearly as possible to right angles of the building face.

(7) Signs on awnings. Signs consisting of one (1) line of letters not exceeding nine inches (9") in height may be painted, placed, or installed upon the hanging border only of any awning erected and maintained in accordance with this code. An identification emblem, insignia, initial or other similar feature not exceeding an area of eight (8) square feet, may be painted, placed or installed elsewhere on any awning provided that any sign, emblem, insignia or other similar item shall comply with all other provisions of this code.

(8) Sloping roof signs. A sign may be attached to the fascia of or located on the sloping roof of a structure but may not be located so as to extend more than four feet (4') above the upper edge of the fascia of said sloping roof, but the top of the sign must be a minimum of one foot (1') below the top roof line. The allowable area for a wall sign may be utilized instead for the purpose of placing a sloping roof sign on a building. Please refer to § 14-406(3) for area limits for a wall sign.

(9) Mobile illuminated signs. A mobile sign may be permitted as a temporary sign in any commercial or industrial district subject to the following conditions:

(a) Mobile illuminating signs shall meet all applicable requirements of the National Electric Code (NEC), chapter 6, as adopted by the City of Jackson.

(b) Signs must be set back a minimum of ten feet (10') from all property lines except that signs may be located no less than fifteen feet (15') from the street or sidewalk (where provided). Mobile signs must not exceed thirty-two (32) square feet in area or a maximum of ten feet (10') in height.

(c) It is the intent of this section to limit a mobile sign for special occasions; therefore within one (1) calendar year a mobile sign may be permitted at one (1) location on two (2) occasions not to exceed thirty (30) days for each occasion.

(d) A mobile sign must meet all requirements as outlined in § 14-403(1).

(10) Other signs. (a) Incidental signs. Up to two (2) incidental signs may be attached to a freestanding sign structure or to a building wall, but may not be attached perpendicular to the wall. Such signs are restricted to trading stamps, credit cards accepted, official notices of services required by law, or trade affiliations. Area of each sign may not exceed five (5) square feet; the total area of all such signs may not exceed ten (10) square feet.

(b) Directional sign. One (1) such sign is permitted near each driveway. Area of each sign may not exceed twelve (12) square feet. Maximum permitted height shall be two and one-half feet (2 1/2').

(c) Manual or automatic changeable copy signs. Any of the types of signs permitted in this code may be permitted as manual or automatic changeable copy signs.

(11) Freestanding signs, decorative embellishments. On freestanding signs the sign structure may extend above the maximum allowable height of the sign for embellishment purposes. Under no circumstances, however may such extension exceed twenty percent (20%) of the maximum allowable height for the sign. Further, such embellishment shall not include thereon any symbol, representation, logogram, insignia, illustration, or other form of advertising message.

(12) Off-premise (outdoor advertising sign). Off-premise (third party or outdoor advertising) signs may be erected on ground or wall locations (and roof locations such as can be done within the regulations and limitations of roof signs) subject to the following conditions:

(a) Off-premise signs shall not be placed within a three-hundred foot (300') radius of another off-premise sign, except where they are along the same side of a street. Off-premise signs on the same side of a controlled access street shall not be placed closer together than one thousand feet (1,000'), measured along the street. Off-premise signs on the same side of all other streets shall not be placed closer than seven hundred feet (750') apart, measured along the street.

(b) Off-site signs can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction. However, double stacked signs are not prohibited.

(c) Off-premise signs located on controlled access streets shall not exceed seven hundred twenty (720) square feet in total area. Off-premise signs located on all other streets shall not exceed four hundred (400) square feet in area.

(d) Structures for off-premise signs shall be of vertical (cantilever) construction and where the back is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance.

(e) The area around off-premise sign structures shall be kept clean and all scrub brush, tall grass, etc., shall be cleared away to a

distance of at least five feet (5') to the rear and sides of structure as well as to the front property line, and if on a corner site to both property lines.

(f) Off-site directional signs shall conform to all the requirements for off-site third party signs. Site directional signs may be permitted in other zoning districts subject to review and approved by the board of review. Real estate signs exclusive to open house events shall be allowed to display as off-site directional signs when the property is located in and or on a secluded area or street.

(g) No part of any off-premise sign structure shall be closer to any street line than the front line of the nearest building within one hundred feet (100') and or the setback shall comply with the minimum setback requirement of § 14-406(2)(i).

(h) When an off-premise sign is erected between two (2) buildings that are within one hundred feet (100') of the structure, no part of said structure shall be erected closer to any street line than a line drawn from the nearest front corner of the two (2) buildings.

(i) No off-premise sign shall exceed fifty feet (50') in height as measured from street grade. (1995 Code, § 14-406, as amended by Ord. #2005-024, Aug. 2005, and replaced by Ord. #2015-007, April 2015)

**14-407. Special signs and sign districts.** (1) Subdivision development signs. The administrator may issue a special permit for a temporary sign in any zone in anticipation of future development of said premises:

(a) Legend. The sign may contain the name and nature of the proposed development, development firm, contractor, architect, real estate sales firm, and similar information peculiar to the development itself.

(b) Time limit. Such permits may be issued prior to development not to exceed one (1) year. The administrator may renew such permits for additional periods of up to one (1) year for each permit upon written application at least thirty (30) days prior to its expiration.

(c) Location. Any sign denoting future development shall comply with all applicable setback requirements for the zoning district in which the property is located.

(d) Size. Signs referred to in this section shall not exceed thirty-two (32) square feet in area and ten feet (10') in height.

(2) Signs for special events. Temporary signs, not in excess of four (4) square feet in area, may be erected as participation in a public parade, public event or public celebration for a period no to exceed ten (10) days; provided, however, the erection of such sign shall be approved by the administrator.

(3) Nonexempt signs for direction or instruction. Signs in excess of four (4) square feet in area which provide traffic direction or instruction to the public shall be allowed in any zone, provided such signs are located entirely on the property to which they pertain, and do not contain any advertising message.

In addition, the administrator, with the approval of the city traffic engineer, may authorize the placing of directional signs at appropriate street intersections or other locations for the convenience of the motoring public; such signs shall pertain to places of general interest such as schools, hospitals, public buildings, airports, fair grounds and other similar public service facilities. (1995 Code, § 14-407, as replaced by Ord. #2015-007, April 2015)

**14-408. Exempt signs.** (1) Permits exceptions. The following operations shall not be considered as creating a sign insofar as requiring the issuance of a sign permit, but the signs must be in conformance with all other building, structural and electrical laws and regulations of the city:

(a) Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message center or non-illuminated painted message which are all specifically designed for the use of replaceable copy.

(b) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of the plastic face will be included as an exempt operation, provided that it is due to a change caused by breakage and/or deterioration of the face, but not the substitution of a new or different advertiser.

(c) Changes in the content of show window displays and permitted temporary signs.

(2) Exempt signs. (a) Construction signs. Any sign denoting a construction project, provided that such signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed five (5) days after completion of construction and prior to occupancy. Each construction site shall be limited to one (1) construction sign not to exceed one-hundred (100) square feet in area or fifteen feet (15') in height.

(b) Direction or instruction sign. Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed four (4) square feet in area, signs identifying rest rooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and those of similar nature.

(c) Flags. The flags, emblems, or insignia of any nation or political subdivision or corporate flag.

(d) Governmental signs. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty.

(e) Holiday decorations. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days nor more than sixty (60) days in any one (1) year. Such signs may be of any type, number, area, height, illumination or animation; and shall be set back ten feet (10') from all boundary lines of the lot, provided that a clear area be maintained to a height of seventy-two inches (72"), within fifty-five feet (55') of the intersection of two (2) streets, a railroad and street and a street and driveway.

(f) House numbers and nameplates. House numbers and nameplates not exceeding two (2) square feet in area for each residential building.

(g) Interior signs. Signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater, that are not visible from the public right-of-way. This does not however exempt such signs from the structural, electrical, or material specifications as set out in this code.

(h) Memorial signs. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.

(i) Notice bulletin boards. Notice bulletin boards not over twenty-four (24) square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of said institution.

(j) No trespassing or no dumping sign. No trespassing or no dumping signs not to exceed two (2) square feet in area per sign and not exceeding four (4) in number per lot, except that special permission may be obtained from the administrator for additional signs under proven special circumstances.

(k) Plaques. Plaques or nameplate signs not more than two and one-half (2 1/2) square feet in area which are fastened directly to the building.

(l) Political and campaign signs.<sup>1</sup> Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:

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<sup>1</sup>Municipal code reference

Provisions regulating political and other signs, etc.: title 11, chapter 7.

(i) Said signs may be erected not earlier than forty-five (45) days prior to said election and shall be removed within five (5) days following said election.

(ii) No signs shall be located within or over the public right-of-way.

(m) Public notices. Official notices posted by public officers or employees in the performance of their duties.

(n) Public signs. Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute or ordinance under which the signs are erected.

(o) Real estate signs. One (1) real estate sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not directly illuminated. Residential real estate signs shall not exceed eight (8) square feet in area or four feet (4') in height. Real estate signs advertising commercial property shall not exceed thirty-two (32) square feet in area or ten feet (10') in height. These signs shall be removed within seven (7) days after the sale, rental or lease has been accomplished.

(p) Signs in the display window. Signs in the display window of a business use which are incorporated with a display of merchandise or display relating to services offered which comply with subsection (q) herein.

(q) Symbols or insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four (4) square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.

(r) Temporary signs. Temporary signs not exceeding thirty-two (32) square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that said signs are posted only during said drive or no more than thirty (30) days before said event and are removed no more than five (5) days after an event.

(s) Warning signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.

(t) Neighborhood identification sign. In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification,



provided that the legend of such sign or display shall consist only of the neighborhood or tract name.

(u) Petroleum marketing pumps and dispensers.

(v) Banners, search lights, balloons. (i) Up to two (2) banners may be permitted on any nonresidential zoned lot, for sixty (60) days per each occasion provided they are attached to either a permitted freestanding sign or to the face of a building. Said banners shall be subject to the maximum area provided in § 14-406(3) of this code as a part of the wall, window or freestanding sign they are attached to.

(ii) Searchlights, twirling signs, balloons or other gas-filled figures shall not be used on a permanent basis.

(iii) Signs described in (ii) above will be permitted at the opening of a new business or the reopening of an existing business to a commercial or industrial district for a total period not exceeding sixty (60) days.

(iv) Signs described in (ii) above will be permitted for special occasions; therefore within one (1) calendar year a sign(s) may be permitted at one (1) location on two (2) occasions not to exceed thirty (30) days for each occasion. Said signs may only be installed on the premises where advertised services/products are being provided/offered.

(v) All signs described in (i) and (ii) above shall be installed in a safe, secure and orderly manner and they shall be located so as to not obstruct traffic visions, nor block safe egress from any building or space.

(w) Flags (feather/corporate) and pennants. Up to three (3) flags are permitted on any lot denoting any nation, state, political, subdivision, religion, civic or fraternal organization or corporate entity. However, flags for civic or fraternal organizations or corporate flags shall only be allowed on property where said use is located. One (1) pennant and or feather flag (corporate) is allowed for each fifty (50) of street frontage, provided said pennants and or flags do not exceed nine (9) square feet in area or a height of twenty-five feet (25').

(x) Streamers. Streamers shall be permitted in the B-4, B-5 and I-O zoning districts, provided they are placed in a safe, secure and orderly manner; they shall provide a minimum fifteen feet (15') clearance where they are located over traffic areas; they do not obstruct vision to vehicular traffic at intersections, and are setback a minimum of ten feet (10') from any property line.

(y) Holiday decorations are exempt from sign code requirements, provided they are placed in a safe and secure manner and do not interfere with the safe and efficient movement of vehicular of

pedestrian traffic. (1995 Code, § 14-408, as replaced by Ord. #2015-007, April 2015)

**14-409. Prohibited signs.** The following types of signs are expressly prohibited in all districts, except as otherwise provided by this code:

(1) Animated and intensely lighted signs. No sign shall be permitted which is animated by means of sparkle, scintillating, blinking or travelling lights or any other means unless it is an integral part of a display providing constant illumination (and unless specifically permitted in special sign districts).

(2) Miscellaneous signs and posters. The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, or trees, poles, posts, fences or other structure is prohibited unless otherwise permitted by this code.

(3) Abandoned signs. Such business signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located, shall be prohibited.

(4) Parking of advertising vehicles prohibited. No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.

This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle.

(5) Public areas. No sign shall be permitted which is placed on any curb, sidewalk, post, pole, electrolier, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare except as may otherwise expressly be authorized by this code.

(6) Flags. Flags other than those of any nation, state or political subdivision or corporate flag are prohibited except as set forth in § 14-408(2)(w) of the previous section.

(7) Portable signs. "A" frame or sandwich board, sidewalk or curb signs and other portable type signs are prohibited.

(8) Unclassified signs. The following signs are also prohibited, which:

(a) Bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful;

(b) Are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address; this would not apply to signs not visible from the public rights-of-way;

- (c) Operate or employ any stereopticon or motion picture projection or media in conjunction with any advertisements, or give the illusion of motion except as permitted in this code;
- (d) Emit audible sound, odor, or visible matter;
- (e) Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal, or which bear the words "Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words;
- (f) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic-control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.<sup>1</sup> (1995 Code, § 14-409, as replaced by Ord. #2015-007, April 2015)

**14-410. Legal nonconforming signs.** (1) Legal nonconforming signs.

(a) Signs eligible for characterization as "legal nonconforming." Any sign located within the city limits on the date of adoption of this code, or located in an area annexed to the city thereafter, which does not conform with the provisions of this code, is eligible for characterization as a "legal nonconforming" sign and is permitted, provided it also meets the following requirements:

(i) The sign was covered by a sign permit or variance on the date of adoption of this code if one was required under applicable law; or

(ii) If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on the date of adoption of this code.

(b) Loss of legal nonconforming status. A legal nonconforming sign shall immediately lose its legal nonconforming designation if:

(i) The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance), which makes the sign less in compliance with the requirements of this code than it was before the alteration; or

(ii) The sign is relocated to a position making it less in compliance with the requirements of this code; or

(iii) The sign is replaced; or

(iv) On the happening of any one of (i), (ii), or (iii) the sign shall be immediately brought into compliance with this code with a new permit secured therefor, or shall be removed.

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<sup>1</sup>Municipal code reference

Similar provisions governing traffic control signs: title 15.

(2) Legal nonconforming sign maintenance and repair. Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this code regarding safety, maintenance and repair of signs, contained in this code, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming, or the sign may lose its legal nonconforming status. (1995 Code, § 14-410, as replaced by Ord. #2015-007, April 2015)

**14-411. Construction specifications.** (1) Compliance with building code and electrical code.<sup>1</sup> All signs shall comply with the appropriate detailed provisions of the city building code relating to design structural members and connections. Signs shall also comply with the provisions of the applicable electrical code and the additional construction standards hereinafter set forth in this section. Electrical permits shall be required for any and all electrical connections made to an existing or new sign.

(2) Construction of signs; auxiliary specifications. (a) Sign identification tag. Each sign shall have a two by four inch (2" x 4") sticker placed on the sign or on the premises that is clearly visible and acceptable to the administrator. The tag identifies the permit number that was originally issued by the administrator. This sticker shall be renewed on a biennial basis as provided for in this code.

(b) Obstruction to exits. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

(c) Obstruction to ventilation. No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such signs may be erected in front of and may cover transom windows when not in violation of the provision of the building or fire prevention codes.

(d) Clearance from high voltage power lines. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with national electrical code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than twenty-four inches (24") horizontally or vertically from any conductor or public utility guy wire.

(e) Drainage. The roofs of all marquees exceeding forty feet (40') shall be properly drained so that water will not drip or flow onto public sidewalks or streets.

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<sup>1</sup>Municipal code reference

Building and utility codes adopted: title 12.

(3) Freestanding signs; materials. All freestanding sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated from such materials as may be set forth by the building code.

(4) Electric signs. All electric signs shall comply with the electrical code as adopted. The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electric signs shall have a disconnecting switch located in accordance with the provisions of the electrical code.

(5) Glass. When glass is used for sign letters or transparent panels, it shall be at least double strength thickness for sign areas up to and including three hundred (300) square inches. When glass is used for sign letters or transparent panels for sign areas in excess of three hundred (300) square inches at least one-quarter inch (1/4") wire glass shall be used and the maximum span between supports shall be four feet (4'). This does not include neon tubing.

(6) Strength of parapet wall. A parapet wall must be designed for and have sufficient strength to support any sign which is attached thereto. (1995 Code, § 14-411, as replaced by Ord. #2015-007, April 2015)

**14-412. Removal and disposition of signs.** (1) Maintenance and repair. Every sign including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign. The administrator shall require compliance with all standards of this code. If the sign is not made to comply with adequate safety standards the administrator shall require its removal in accordance with this section.

(2) Abandoned signs. Except as otherwise provided in this code, any sign which is located on property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

(3) Dangerous or defective signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.

(4) Unlawful signs. No person shall erect on any premises owned or controlled by him any sign which does not comply with the provisions of this code.

(5) Removal of signs by the administrator. The administrator shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous, or materially, electrically or structurally defective sign or a sign for which no permit has been issued. The procedure for removal of said signs is as follows:

(a) Permanent, attached signs. The sign administrator all prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days the sign shall be removed in accordance with the provisions of this section.

For all such signs the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.

All notices mailed by the administrator shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail.

Any person having an interest in the sign or the property may appeal the determination of the administrator ordering removal or compliance by filing a written notice of appeal with the sign code board of appeals within ten (10) days after the date of mailing the notice, or ten (10) days after receipt of the notice if the notice was not mailed.

Notwithstanding the above, in cases of emergency, the administrator may cause the immediate removal of a dangerous or defective sign without notice.

(b) Mobile signs, banners pennants, search lights, twirling signs, balloons or other temporary type signs. The administrator shall prepare a notice which shall describe the sign and specify the violation(s) involved and which shall state that if the sign is not removed or the violation is not corrected within seventy-two (72) hours, the sign shall be removed in accordance with the provisions of this section.

The notice shall be delivered in person or by certified mail to the person(s)/company/organization using the sign for advertisement. In the case where the person(s)/company/organization using the sign cannot be identified and/or located, no such notice shall be required.

In case of mobile illuminating signs, the administrator may notify the company which owns the sign in lieu of the sign user and follow the procedure listed below. If the owner of the sign(s) can be determined by the permit information and /or markings on the sign itself, the sign owner shall be notified in one (1) of the following manners:

- (i) By telephone (including fax)
- (ii) In person. Said notice shall be given within twelve (12) department working hours. If three attempts to notify the sign owner have failed, no such notice shall be required.

In addition to the above notice, said signs shall be marked with a notice. The notice shall state the sign is in violation of the City of Jackson sign code and will be removed in seventy-two (72) hours if violations are not corrected. The notice shall identify the time and date the notice was posted and include the phone number to contact the administrator or his agent to identify violations. Unauthorized removal of said notice shall be unlawful.

(c) Notwithstanding the above, in cases of emergency, the administrator may cause the immediate removal of a dangerous or defective sign without notice.

(6) Disposal of signs; fees. Any sign removed by the administrator pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall be considered a debt owed to the city by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the city or by assessment against the property as hereinafter provided. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

(a) If it shall be necessary for the administrator to remove a sign pursuant to the provisions hereof, the administrator shall certify to the city recorder the description of the property upon which the work was done, together with the name of the owner thereof, as shown by the city tax rolls, together with a statement of work performed, the date of performance and the cost thereof.

(b) Upon receipt of such statement, the city recorder shall mail a notice to the owner of said premises as shown by the tax rolls, at the address shown upon the tax rolls, by certified mail, postage prepaid, notifying such owner that the work has been performed pursuant to this code, stating the date of performance of the work, the nature of the work, and the demanding payments of the costs thereof (as certified by the administrator), together with five percent (5%) for the inspection and the other incidental costs in connection therewith. Such notice shall state that if said amount is not paid within thirty (30) days of mailing the notice, it shall become an assessment upon and a lien against the property of said owner, describing the same, and will be certified as an assessment against the property, together with a ten percent (10%) penalty, for collection in the same manner as the real estate upon the property.

(c) If the city recorder shall not receive payment within a period of thirty (30) days following the mailing of such notice, the recorder shall

inform the city council of such fact and the council shall thereupon enact a resolution assessing the whole cost of such work, including five percent (5%) for inspection and other incidental costs in connection therewith upon the lots and tracts of land from which the sign has been removed, together with a ten percent (10%) penalty for the cost of collection.

(d) Following passage of such resolution, the city recorder shall collect the assessment in the same manner as other taxes are collected. (1995 Code, § 14-412, as replaced by Ord. #2015-007, April 2015)

**14-413. Sign code board of appeals.** (1) Sign code board of appeals created. There is hereby created a sign code board of appeals (hereinafter referred to as the "board") to review decisions of the administrator, to grant variances from the requirements of this code, to make suggestions for the amendment of this code, and to advise the administrator.

(2) Membership of board. The membership of the board of zoning appeals shall also serve as the sign code board of appeals. The board shall consist of five (5) voting members and two (2) nonvoting members all of whom shall be appointed by the mayor and confirmed by the city council. Each member shall serve without compensation and for a term of three (3) years, or until his successor is appointed after the expiration of his term. First appointees to the board shall, however, serve staggered terms of: One (1) for one (1) year; two (2) for two (2) years, and two (2) for three (3) years, respectively. Vacancies on the board shall be filled by appointment of the city council for the unexpired term of the vacating member.

(a) Identity of voting members. The five (5) voting members of the board shall represent the interests of the city as a whole. No voting member shall be a city employee or have any financial interest in the sign industry.

(b) Identity of nonvoting members. Of the two (2) nonvoting members of the board, one (1) shall be or have been actively employed in or by the sign industry, and the other shall be or have been active in groups or organizations principally interested in environmental beautification or betterment.

(3) Board jurisdiction and power. The board shall have the power and duty to:

(a) Hear and decide appeals by the sign permit applicant from a decision of the administrator denying, or failing to grant a sign permit within ten (10) days of application;

(b) Grant variances from the requirements of this code as part of the disposition of an appeal from action of the administrator denying or failing to grant a sign permit;

(c) Hear and decide appeals of a determination by the administrator that a sign must be removed for noncompliance with this code; or



(d) Make recommendations to the city council for changes to this code;

(e) Give advice to the sign code administrator.

(4) Criteria for board decision. (a) Appeals without petition for variance. In appeals to the board from decisions of the administrator denying a sign permit in connection with which no petition for variance has been filed, the board's scope of review shall be limited to determining whether or not the administrator's decision is in accordance with the requirements of this code and accordingly, affirm or reverse his decision. No variance from the requirements of this code shall be granted or allowed. If the administrator's decision is reversed, the board shall direct the administrator to issue the permit in accordance with its decision. If the administrator fails to do so for five (5) days from receipt of the direction from the board, the board may issue the permit.

In appeals from failure of the administrator to grant a permit within ten (10) days of application, the board shall determine whether the sign and the application meet the requirements of this code. If so, the board shall grant the permit; if not, the board shall deny the permit. No variance from the requirements of the code shall be granted or allowed.

(b) Apply with petition for variance. In appeals from decisions of the administrator denying or refusing to grant a sign permit in connection with which the appealing party or any other interested party has filed a petition for variance, the board shall have the power and duty to hear, decide and grant or deny the requested variance from the provisions or requirements of this code. The board may grant a variance from the provisions or requirements of this code only where:

(i) The literal interpretation and strict application of the provisions and requirements of this code would cause undue and unnecessary hardship to the sign user because of unique or unusual conditions pertaining to the specific building or parcel or property in question; and

(ii) The granting of the requested variance would not materially be detrimental to the property owners in the vicinity; and

(iii) The unusual conditions applying to the specific property do not apply generally to other properties in the city; and

(iv) The granting of the variance will not be contrary to the general objective of this code of moderating the size, number and obtrusive placement of signs and the reduction of clutter. Where there is insufficient evidence, in the opinion of the board, to support a finding of "undue and unnecessary hardship" under § 14-413(4)(b)(i) above, but some hardship does exist, the board may consider the requirement fulfilled if:

(A) The proposed signing is of particularly good design and in particularly good taste; and

(B) The entire site has been or will be particularly well landscaped. In granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this code in the public interest.

(5) Perfection of appeal. An appeal with or without petition for variance may be considered by the board only if:

(a) Written notice of appeal, with or without petition for variance, is filed with the board:

(i) Within ten (10) days of the decision of the administrator denying a sign permit;

(ii) Within twenty (20) days of the submission of a sign permit application which the administrator has neither granted or denied within ten (10) days.

(b) The notice of appeal is accompanied by a fee of one hundred dollars (\$100.00) this fee shall be paid at the time of the petition.

(c) The application shall be completed and received by the administrator at least twenty-one (21) days prior to the meeting date at which the petition is to be considered. The board shall, on its own motion, or on the motion of any interested party, dismiss an appeal for failure of the appellant to meet any of the requirements of this section or for failure of the appellant to otherwise diligently prosecute the appeal, or if the board finds the appellant has made any knowingly false or misleading statements or representations in his sign application or appeal.

(6) Board procedure. (a) General. The voting members of the board shall choose a chairman from among their number who shall serve a term of one (1) year. The board shall adopt rules and regulations for its own government. The presence of at least three (3) of the five (5) voting members of the board and an affirmative vote of a majority of those present at any meeting shall be required for any board decision or action.

(b) Procedure upon appeal; delivery of sign application to board. Notice of appeal shall be filed with the administrator for delivery to the board. The administrator shall promptly transmit to the sign code board of appeals, the appropriate application for a sign permit, the written notice of denial with reasons therefor, together with all plans, specifications and other papers pertaining to the application. When the appeal is from failure of the administrator to grant a permit within ten (10) days, the administrator shall, in addition to the foregoing, furnish the board with a brief written statement of the reasons for the failure.

(c) Statement in support of administrator's position. Upon any appeal, the administrator may, in his discretion, furnish the board with

a written statement of his position on the appeal and may therein reply to the position of the appellant. Such statements must be filed with the board of appeals at least five (5) days in advance of the hearing on the appeal.

(d) Administrator's appearance at the hearing. The administrator shall attend and state his position at any appeal or variance hearing.

(e) Frequency of meeting. The board shall meet at least once every thirty (30) days, unless canceled on recommendation of the administrator.

(7) Advice from board of appeals. The administrator may seek the advice of the board of appeals on novel or difficult situations, signs, or questions that arise under this code. However, such advice given shall not bind the administrator.

(8) Board hearings. (a) Notice of hearings. The board shall hear and decide appeals within thirty (30) days of the filing of the notice of appeal. Prior to taking action on an appeal the board shall hold a public hearing. It shall give at least ten (10) days public notice of the time and place of hearing, with said notice being published in a newspaper of general circulation within the city.

(b) Hearings. All hearings of the board shall be open to the public, and those in attendance shall be afforded an opportunity, the length and conditions of which shall be prescribed by the board, to address the board on issues to be determined. The appellant and the administrator shall be afforded an opportunity to address the board on any matter at issue. Any party or interested person may be represented by another at the hearing.

(c) Hearing minutes and decision. The board shall keep minutes of its proceedings, on any appeal together with its findings of fact in support of that decision, all of which shall be open to public inspection.

(9) City review of board decisions by city council. Review or appeal of any board decision may be taken by any interested person to the city council.

(a) The petition for review must be served on the city council within fifteen (15) days of the board's decision.

(b) The record transmitted by the board shall include the minutes of the hearing in its approved form.

(10) Clerical assistance for board. The office of the building department shall furnish the board with the clerical and administrative assistance that it requires. (1995 Code, § 14-413, as replaced by Ord. #2015-007, April 2015)

**14-414. Administration and enforcement.** (1) Appointment of code administrator; authority generally. The administrator shall be appointed by the mayor and shall serve at the pleasure of the city council. The administrator is hereby authorized and directed to enforce and carry out all provisions of this

code, both in letter and spirit, with vigilance and with all due speed. The administrator is authorized to promulgate regulations and procedures consistent with the purpose of this code, toward that end. The administrator is further empowered to delegate the duties and powers granted to any imposed upon him under this code. As used in this code, "administrator" shall include his authorized representative.

(2) Inspection by administrator. The administrator is hereby empowered to enter or inspect any building, structure, or premises in the city upon which, or in connection with which a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections, and to insure compliance with the provisions of this code. Such inspections shall be carried out during business hours, unless an emergency exists.

(3) Code violations and enforcement. The remedies provided in this section, for violations of or failure to comply with provisions of this code, whether civil, criminal, or for sign removal, shall be cumulative and shall be in addition to any other remedy provided by law.

(4) Civil remedies. The violation of or failure to comply with any of the provisions of this code, or the erection, use or display of any sign not in compliance with all of the provisions of this code shall be and hereby is declared to be unlawful.

(5) Injunction and abatement. The city, through its authorized agents, including the administrator as defined in this code, may initiate injunction or abatement proceedings or other appropriate action in a court of competent jurisdiction against any person who violates or fails to comply with any provision of this code or the erector, owner or user of an unlawful sign or owner of the property on which an unlawful sign is located, to prevent, enjoin, abate or terminate violations of this code and/or the erection, use or display of an unlawful sign.

(6) Criminal penalty. The violation of or failure to comply with any of the provisions of this code or the erection, use, or display of any sign not in compliance with all of the provisions of this code shall be and hereby is declared to be a misdemeanor.

Upon conviction, any person in violation of or failure to comply with any of the provisions of this code or the owner or user of an unlawful sign or the owner of the property upon which an unlawful sign is located, shall be punished according to the general penalty provision of this code of ordinances. Provided, however, that the owner of property on which an unlawful sign is located, who is not also the owner or user of the unlawful sign, shall be subject to the said misdemeanor penalties only if demand for removal or alteration of the unlawful sign shall have been mailed by registered mail, return receipt requested, to said owner and the demand has remained uncomplished with for more than thirty (30) days.

(7) Assurance of discontinuance. The administrator shall obtain an assurance of discontinuance of any act or practice deemed in violation of this code or of any rule or regulation adopted pursuant hereto, from any person engaging in, or who has engaged in such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facia proof of a violation of this code or any rule or regulation adopted pursuant hereto or order issued pursuant thereto, which make the alleged act or practice unlawful for the purpose of securing any injunctive relief from a court of competent jurisdiction. (1995 Code, § 14-414, as replaced by Ord. #2015-007, April 2015)

**CHAPTER 5****EROSION AND STORMWATER CONTROL****SECTION**

- 14-501. Purpose.
- 14-502. Permit required.
- 14-503. Exemption.
- 14-504. Procedure.
- 14-505. Appeals.
- 14-506. Variances.
- 14-507. Remedies and penalties for violation.

**14-501. Purpose.** Within the City of Jackson, soil erosion and stormwater from construction sites contribute to the impairment of the flood plain, increased street maintenance cost, clogging of storm sewers, degradation of land surfaces and streams, flooding and dusty conditions. This chapter is to authorize the establishment of procedures to reduce erosion and sediment problems resulting from the development process of land within the City of Jackson and the increase in urban runoff from developed land. (1995 Code, § 14-501)

**14-502. Permit required.** Except as exempted in § 14-503 of this chapter, whenever development will involve any clearing, grading, any form of land disturbance caused by movement of earth or increase in stormwater runoff due to the decrease of soil permeability, no land shall be disturbed within the City of Jackson unless a grading permit therefor has been issued by the city engineer. The city engineer shall collect a fee for each grading permit issued which amount shall go to the general fund of the city. Said fee shall be in accordance with a fee schedule established by the environmental advisory/appeals board. (1995 Code, § 14-502, as amended by Ord. #2003-027, Sept. 2003)

**14-503. Exemption.** No grading permit shall be required for any "farm operation" as defined in the "Tennessee Right to Farm Act."<sup>1</sup> (1995 Code, § 14-503)

**14-504. Procedure.** Within ninety (90) days from the date of final adoption of this code, the city engineer shall promulgate rules and regulations governing the issuance of grading permits. The city engineer shall submit such

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<sup>1</sup>State law reference

Tennessee Code Annotated, § 43-26-101, et seq.

rules and regulations to the Jackson-Madison County Regional Planning Commission for review and approval at a regular or special meeting of the commission. Upon such approval becoming final, the city engineer shall cause the rules and regulations to be published and made available to the public in the engineering office without charge. Such rules and regulations shall be based upon sound principles of engineering, hydrology, geology, and urban planning, shall be consistent with the rules and regulations governing the construction of subdivisions, and shall contain appropriate provisions for the enforcement of this code and the rules and regulations, including provision for the revocation of any issued permit and the issuance of stop work orders by the city engineer. Amendments to these rules and regulations shall be made by the environmental advisory/appeals board as needed to conform to federal and state environmental policies and regulations. These amendments shall become part of the rules and regulations upon adoption by the board. (1995 Code, § 14-504, as amended by Ord. #2003-027, Sept. 2003)

**14-505. Appeals.** Whenever the city engineer shall revoke or refuse to issue a grading permit for any reason, including an interpretation of the rules and regulations, any person affected by such refusal or revocation, or their duly authorized agent, may appeal from the decision of the city engineer to the environmental advisory/appeals board. Notice of appeals shall be in writing and filed with the city engineer within thirty (30) days after the decision of the city engineer. Appeals shall be on forms provided by the city engineer. (1995 Code, § 14-505, as amended by Ord. #2003-027, Sept. 2003)

**14-506. Variances.** Variances shall not violate any federal, state or local ordinance. The environmental advisory/appeals board, when appealed to and after hearing, may vary the provisions of the rules and regulations in respect to a particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this code, or public interest, or when, in its opinion, the interpretation of the rules and regulations by the city engineer should be modified or reversed. The board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. Every decision of the environmental advisory/appeals board shall be final, subject however to such remedy as any aggrieved party might have at law or equity. (Ord. #2003-027, Sept. 2003)

**14-507. Remedies and penalties for violation.** Any person, firm, or corporation violating any of the provisions of the rules and regulations shall be required to take remedial actions and be subject to civil penalties as follows:

(1) If construction activities begin prior to obtaining a permit, the cost of the development permit shall double.

(2) The city shall have the right to recover the lesser of four hundred fifty dollars (\$450.00) per day for each day that the violation exists or all damages proximately caused by the violation to the municipality, which may include any reasonable expenses incurred in

(3) In addition to the above remedial measures, any person, firm or corporation guilty of violating any of the provisions of this chapter shall be subject a fine of up to fifty dollars (\$50.00) per day for each day the violation exists, beginning the first day of the violation and continuing each day thereafter until the violation is corrected. Each day that a violation of this chapter exists shall constitute a separate offense. In addition to the city fine, the violator may be subject to state and federal penalties.

(4) In addition to the remedies and civil penalties set forth above, the City of Jackson may bring legal action to enjoin continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such action.

(5) The remedies and penalties set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted. (Ord. #2003-027, Sept. 2003)



**CHAPTER 6****DISCHARGES INTO THE STORM SEWER SYSTEM****SECTION**

- 14-601. Purpose.
- 14-602. Objectives.
- 14-603. Permits.
- 14-604. Procedure.
- 14-605. Remedies and penalties for violation.
- 14-606. Appeals.
- 14-607. Variances.

**14-601. Purpose.** The uncontrolled discharge of pollutants into the stormwater system has an adverse impact upon the water quality of the receiving waters.

(1) The 1987 amendments to the Federal Water Pollution Control Act, commonly known as the "Clean Water Act," established the National Pollutant Discharge Elimination System (NPDES) program, which requires permits for discharges from municipal stormwater systems into the waters of the United States. The Environmental Protection Agency has promulgated regulations implementing the NPDES Program, Phase 2.

(2) The NPDES Phase 2 regulations for stormwater discharges require certain municipalities, including the City of Jackson, to:

- (a) Prohibit through ordinance or other regulatory mechanism, illicit discharges to the municipal stormwater system;
- (b) Control through ordinance or other regulatory mechanism, discharges to municipal stormwater system of spills, dumping or disposal of materials other than stormwater;
- (c) Require compliance with conditions in ordinances, permits, contracts or orders; and
- (d) Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions, including the prohibition of illicit discharges to the municipal stormwater system. (Ord. #2001-050, Nov. 2001)

**14-602. Objectives.** This chapter and the related regulations are a part of the city stormwater management program to prevent certain non-stormwater discharges to, and improper disposal of substances in, the stormwater system, as to reduce, to the maximum extent practicable, pollutants that may be present in discharges from the stormwater system. (Ord. #2001-050, Nov. 2001)

**14-603. Permits.** Stormwater discharges in the City of Jackson will be covered under a permit issued by the Tennessee Department of Environment

and Conservation. The city will not require individual permits for stormwater discharges except for those dischargers found to be in violation of this chapter, by the city engineer or his designee. Those found to be in violation will be required to apply for a special stormwater permit issued by the city engineer. (Ord. #2001-050, Nov. 2001)

**14-604. Procedure.** Within ninety (90) days from the date of final adoption of this chapter; the city engineer shall promulgate rules and regulations regarding illicit discharges and illicit dumping into the stormwater system. The city engineer shall submit such rules and regulations to the Jackson-Madison County Regional Planning Commission for review and approval at a regular or special meeting of the commission. Upon such approval becoming final, the city engineer shall cause the rules and regulations to be published and made available to the public in his office without charge. Such rules and regulations shall be based upon sound principles of engineering, biology, and ecology, shall be consistent with the rules and regulations by the Environmental Protection Agency's stormwater program, the National Pollution Discharge Elimination System (NPDES) Phase 2 Rule. The rules and regulations written by the city engineer shall contain appropriate provisions for the enforcement of this code and the rules and regulations, including provisions requiring offenders to obtain a special permit for stormwater discharges and for issuing a cease and desist order for illicit discharges. (Ord. #2001-050, Nov. 2001)

**14-605. Remedies and penalties for violation.** Any person, firm, or corporation violating any of the provisions the rules and regulations shall be required to take the remedial actions and be subject to civil penalties as follows:

(1) If found to be in violation of the City of Jackson's General Stormwater Permit by discharging illicit or improper materials into the city storm sewers, the offender shall be required to obtain a special permit for connection to the city storm sewer network.

(2) The city shall have the right to recover the lesser of four hundred fifty dollars (\$450.00) day for each day that the violation exists or all damages proximately caused by the violation to the municipality, which may include any reasonable expenses incurred in investigating violations, expenses involved in rectifying any damages, costs and attorney fees incurred by the city as the result of enforcing this chapter.

(3) In addition to the above remedial measures, any person, firm or corporation guilty of violating any of the provisions of this chapter shall be subject to a fine of up to fifty dollars (\$50.00) per day for each day the violation exists, beginning the first day of the violation and continuing each day thereafter until the violation is corrected. Each day that a violation of this chapter exists shall constitute a separate offense.

(4) In addition to the remedies and civil penalties set forth above, the City of Jackson may bring legal action to enjoin the continuing violation of this chapter and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(5) The remedies and penalties set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted. (Ord. #2001-050, Nov. 2001)

**14-606. Appeals.** Whenever the city engineer shall issue a cease and desist order or require a special discharge permit for any reason, including an interpretation of the rules and regulations, any person affected by such order or special permit requirement, or his duly authorized agent, may appeal the decision of the city engineer to the environmental advisory/appeals board. Notice of appeals shall be in writing and filed with the city engineer within thirty (30) days after the decision of the city engineer. Appeals shall be on forms provided by the city engineer. (Ord. #2001-050, Nov. 2001)

**14-607. Variances.** Variances shall not violate any federal, state or local ordinance. The environmental advisory/appeals board, when appealed to and after hearing, may vary the provisions of the rules and regulations in respect to a particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this code, or public interest, or when, in its opinion, the interpretation of the rules and regulations by the city engineer should be modified or reversed. The board shall, in every case, reach a decision without unreasonable or unnecessary delay. In reaching a decision the board must consider the specific requirements of state and federal law. If a decision of the board reverses or modifies an order or special permit requirement by the city engineer or varies the application of any provision of this code, the minutes of the meeting of the board must be specific as to the reasons for the reversal, modification or change in application by the board. The city engineer shall immediately take action in accordance with such a decision. Every decision of the environmental advisory/appeals board shall be final subject however to such remedy as any aggrieved party might have at law or equity. (Ord. #2001-050, Nov. 2001)

## CHAPTER 7

### ENVIRONMENTAL ADVISORY/APPEALS BOARD

#### SECTION

- 14-701. Board established.
- 14-702. Qualifications of members.
- 14-703. Board expanded under intergovernmental agreement.
- 14-704. Terms of office.
- 14-705. Quorum.
- 14-706. Secretary of board.
- 14-707. Procedure.
- 14-708. Other duties.
- 14-709. Procedure for appeal.

**14-701. Board established.** There is hereby established a board to be called the "environmental advisory/appeals board," which shall consist of six (6) voting and two (2) nonvoting members. The environmental advisory/appeals board shall have all powers and duties as prescribed in the codes adopted in this title and as otherwise described. (Ord. #2001-049, Nov. 2001)

**14-702. Qualifications of members.** The environmental advisory/appeals board shall be appointed by the mayor and shall be composed of individuals with the following qualifications:

- (1) One (1) state licensed general contractor;
- (2) One (1) industry representative;
- (3) One (1) environmental advocate;
- (4) One (1) state licensed engineer/architect/landscape architect;
- (5) One (1) attorney;
- (6) One (1) Jackson energy authority representative;
- (7) One (1) fire department representative (non-voting);
- (8) One (1) Jackson stormwater management representative (non-voting). (Ord. #2001-049, Nov. 2001)

**14-703. Board expanded under intergovernmental agreement.** Upon the making and duration of an intergovernmental agreement between the City of Jackson, Tennessee and Madison County, Tennessee for the Jackson Stormwater Management to administer the Phase II stormwater program for Madison County duly authorized and approved by their respective governing bodies, the environmental advisory/appeals board shall be expanded to seven (7) voting and two (2) non-voting members for the duration of the agreement. The seventh (7th) voting board member shall be designated the Madison County representative and shall be appointed by the county mayor of Madison County

for a term of four (4) years or until the intergovernmental agreement is terminated. (Ord. #2001-049, Nov. 2001)

**14-704. Terms of office.** Of voting members first appointed, two (2) shall be appointed for a term of two (2) years, two (2) for a term of three (3) years, two (2) for a term of four (4) years and hereafter they shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the board shall, at the discretion of the mayor, render any such member liable to immediate removal from office. (Ord. #2001-049, Nov. 2001)

**14-705. Quorum.** Three (3) voting members of the board shall constitute a quorum. In varying the application of any provisions of any adopted code or in modifying an order of any official, affirmative votes of the majority present, shall be required. A board member shall not act in a case in which he/she has a personal interest. (Ord. #2001-049, Nov. 2001)

**14-706. Secretary of board.** The Jackson stormwater management representative shall serve as secretary to the board. The secretary shall make a detailed record of all its proceeding, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member, and any failure of a member to vote. (Ord. #2001-049, Nov. 2001)

**14-707. Procedure.** The board shall adopt by-laws necessary to the conduct of its affairs not inconsistent with the provisions of this code. Every decision of the board shall be promptly filed in the office of the city engineer and shall be open to inspection. All decisions of the board are final, subject however to such remedy as any aggrieved party might have at law or in equity. (Ord. #2001-049, Nov. 2001)

**14-708. Other duties.** The environmental advisory/appeals board shall have the responsibility to review and recommend environmental related codes for presentation to the city council for adoption and to hear and decide appeals made by the citizens of the City of Jackson arising from or related to the provisions of any environmental codes of the city, including but not limited to the erosion and stormwater control chapter and other provisions of the municipal code of the City of Jackson. (Ord. #2001-049, Nov. 2001)

**14-709. Procedure for appeal.** An aggrieved citizen shall have the right to file an appeal of any action taken by the City of Jackson arising from or related to the compliance or enforcement of any environmental codes of the city. Upon receipt by the city engineer's office of a notice of appeal and the appeal fee, a hearing shall be held at the next regularly scheduled meeting of the

environmental advisory/appeals board. All appeals for a given meeting must be received ten (10) working days prior to the meeting. A public notice of each meeting shall be made a minimum of seven (7) days prior to the board meeting. Upon such appeal, the board shall grant the appeal of any aggrieved citizen upon a finding that:

(1) The applicable provisions of any environmental code in question do not apply; or

(2) The true intent and meaning of this code has been misinterpreted by the official.

The city engineer's office shall prepare a standard notice of appeal form for use by the board. (Ord. #2001-049, Nov. 2001)