

**Board of Mayor and Aldermen Meeting
Monday, March 16, 2015
Dyersburg Municipal Court Room**

- (1) **Call to Order:** The Board of Mayor and Aldermen met in regular session on Monday, March 16, 2015 in the Dyersburg Municipal Court Room at 7:00 p.m. Mayor Holden presided over the meeting. The meeting opened with prayer by Alderman Dennis Moody. Mayor Holden noted all Aldermen were present, with Robert Taylor, Jr. absent.
- (2) **Approval of Minutes:** The minutes of the February 23, 2015 meeting were approved on a motion by Alderwoman Carolyn Norman, followed by a second from Alderman Bill Escue. The motion passed approving the minutes.
- (3) **Unfinished Business:** There was no unfinished business.
- (4) **New Business:**
 - a. **Notice of Public Hearing – April 6, 2015 - An ordinance to amend the text of the Dyersburg Municipal Zoning ordinance to adopt regulations for solar farms and accessory solar collection systems – Ordinance BB638.**

ORDINANCE BB638

AN ORDINANCE TO AMEND THE TEXT OF THE DYERSBURG MUNICIPAL ZONING ORDINANCE TO ADOPT REGULATIONS FOR SOLAR FARMS AND ACCESSORY SOLAR COLLECTION SYSTEMS

- WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-201 and 13-7-202 a zoning ordinance and map have been adopted for the City of Dyersburg; and,
- WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, and general welfare for the City to amend said Ordinance; and,
- WHEREAS, the Dyersburg Municipal-Regional Planning Commission has reviewed said proposed amendment and recommends such amendments to the Dyersburg Board of Mayor and Aldermen; and,
- WHEREAS, a public hearing was held before Dyersburg Board of Mayor and Aldermen pursuant to section 13-7-203, Tennessee Code Annotated, the time and place of which was published with fifteen days advance notice; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF DYERSBURG:

SECTION 1. That the following language be added to ARTICLE III, DEFINITIONS:

Accessory Solar Collection System - An accessory use, consisting of a panel(s), or other solar energy device(s), that collects, inverts, stores, and distributes solar energy for the purpose of electricity generation that solely serves the principal use of the property.

Solar Farm – A utility-scale energy generation facility, principally used to convert solar energy to electricity, for the primary purpose of wholesale or retail sales of said electricity.

SECTION 2. That the following language be added to ARTICLE XVIII, M-1 (LIGHT INDUSTRIAL) DISTRICT, Section A. Uses Permitted:

7. Accessory Solar Collection Systems

SECTION 3. That the following language be added to ARTICLE XIX, M-2 (MEDIUM INDUSTRIAL) DISTRICT, Section A. Uses Permitted:

6. Accessory Solar Collection Systems

SECTION 4. That the following language be added to ARTICLE XX, M-3 (HEAVY INDUSTRIAL) DISTRICT, Section A. Uses Permitted:

7. Solar Farms and Accessory Solar Collection Systems

SECTION 5. That the following language be added to ARTICLE XXIII, GENERAL PROVISIONS, EXCEPTIONS AND MODIFICATIONS:

Section Q. Provisions governing Solar Farms and Accessory Solar Collection Systems

1. Solar Farms and Accessory Solar Collection Systems are subject to site plan review by the Planning Commission. Solar Farms are allowed in the M-3 (Heavy Industrial) district only. Accessory Solar Collection Systems are allowed in all industrial districts.

2. Solar farms and Accessory Solar Collection Systems shall be enclosed by perimeter fencing to restrict unauthorized access at a height of eight and a half (8.5) feet.
3. Adequate screening shall be provided that adequately buffers the solar farm or Accessory Solar Collection System from any nearby uses.
4. Solar farms shall adhere to the setback, height, and coverage requirements of the district. Accessory Solar Collection Systems shall comply with setbacks for Accessory uses within the zoning district in which it is located.
5. Solar farm structures must be set back a minimum of 500 feet from residentially zoned properties and residentially used structures.
5. Solar farms must be located on lots of no less than 40 acres in size.
6. Solar farms and Accessory Solar Collection Systems must not create increased noise levels that are discernible to nearby residential uses.
7. Solar Farms and Accessory Solar Collection Systems must not produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.
8. All electrical interconnection and distribution lines within the project boundary shall be underground.
9. Solar farms which have not been active for a period of one (1) year shall be removed at the owners or operators expense.

SECTION 6. BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after third and final reading, THE PUBLIC WELFARE REQUIRING IT.

1st Reading: March 16, 2015

2nd Reading: Next Regular Board meeting

- b. Notice of Public Hearing – April 6, 2015 - An ordinance amending the text of the Dyersburg Municipal Zoning ordinance by amending the sign regulations – Ordinance BB639**

ORDINANCE NO. BB639

AN ORDINANCE AMENDING THE TEXT OF THE DYERSBURG MUNICIPAL ZONING ORDINANCE BY AMENDING THE SIGN REGULATIONS

WHEREAS, Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated empowered the City to enact the Dyersburg Municipal Zoning Ordinance and provide for its administration, enforcement; and

WHEREAS, the Board of Mayor and Alderman deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the City to amend said Ordinance; and

WHEREAS, the Dyersburg Municipal-Regional Planning Commission has reviewed said proposed amendments and recommends such amendments to the Dyersburg Board of Mayor and Alderman; and

WHEREAS, the Board of Alderman has given due public notice of hearings on said amendments and has held public hearings; and

WHEREAS, all the requirements of Section 13-7-201 through 13-7-210 of Tennessee Code Annotated, with the regard to the amendment of a Municipal Zoning Ordinance by the Planning Commission and subsequent action of the Board of Mayor and Alderman have been met.

NOW, THEREFORE, BE IT ORDAINED by the City of Dyersburg, Tennessee that SECTION 1, the text of the Dyersburg Municipal Zoning Ordinance be revised by deleting ARTICLE XXIII as SECTION H. Sign Regulations in its entirety and replacing with the following;

STATEMENT OF PURPOSE

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

DEFINITIONS

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

Accessory Signs – Enter, Exit, Loading, Menu Board signage, etc.

Altered – A change of a signs height, size, shape, function, electrical, mechanical or structural components.

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

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

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

Banner Sign - A sign made of fabric or other non-rigid materials with no enclosing framework.

National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

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

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

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

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

Central Business District B-3 - The area contained within the CB (Central Business) zone as identified on the Official Zoning Map of Dyersburg, Tennessee.

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

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

Electronic Message Sign- Any sign or portion thereof with alphabetic, pictographic, or symbolic informational content that can be changed or altered on a fixed display screen composed of electrically illuminated segments. A time and/or temperature sign shall not be considered an electronic message sign.

Flashing Sign - Any directly or indirectly illuminated sign that contains an intermittent flashing light source. (This does not include electronic messages or time/temperature signs as permitted in this ordinance.)

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

Graffiti - unauthorized and or non-permitted pictures or words painted or drawn on a wall, building, etc.

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

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

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

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

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

Monument Sign- A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

Name Plate Sign- (Attached or Freestanding) a sign not more than two (2) square feet which identify street numbers, owners name, occupant name and professional names, as allowed herein.

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

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

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

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

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

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

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

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

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

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

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

Sign Area - (a) Freestanding, Roof and Projecting Signs: The area enclosed by one continuous line, connecting the extreme points or edges of the sign. The area shall be determined using the largest sign area or silhouette, but excluding the necessary supports or uprights. Two-sided signs constructed back to back shall use the square footage of one side only for compliance. Three-sided signs with no more than 60 degrees between the faces shall be figured using one face only.

(b) Attached Business, Awning and Canopy Signs: The area including all lettering, wording, and accompanying design or symbols together with any background. For a sign composed of individual letters or figures, the area is that of the smallest rectangle or other geometric shape that encompasses all the letters or symbols.

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

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

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

Temporary Sign - Any sign, banner, pennant, valance or advertising display or sign constructed of light fabric, cardboard, wallboard, plywood, paper or other light materials, with or without frames, intended to be displayed for a limited period of time, i.e., garage sale, rummage, open house and similar types of signs.

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

Vehicle Mounted Sign - Any sign painted on or attached to a vehicle relating to the business, activity, use, service or product of the owner of the vehicle, or to the sale of the vehicle and which sign is incidental to the primary use of the vehicle.

Window Sign - Any on premise business sign installed in or on a window and intended to be viewed from the outside.

Sign Type and General Requirements

(NOTES LISTED BELOW 1-5)

Business Identification Signs – Freestanding (1,2,3,4,5)

Business Identification Signs – Monument Sign (1,2,3,4,5)

Attached Business Signs (1,4,5)

Business Center Signs (1,2,3,4,5)

Residential Signs (1,3,5)

Advertising Signs- Off Premise (Billboards) (1,2,3,5)

Portable Signs (1,3,4)

Banner Signs (1,3,4)

Real Estate / Construction Signs (1,3,4)

Political Announcement Signs (1,3,4)

Projecting Signs (3)

(1) Signage and supporting structures shall be located a minimum of five (5) feet from the right-of-way of any highway, street, or road, and a minimum of three (3) ft. from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way or project out over the public right-of-way. The location must not interfere with or obstruct the view of traffic, traffic signals, pedestrian vision, motorist vision or create any other safety hazard.

Exception: Public Signs or Signage required and regulated by the City, State or Federal Government specifically authorized for public purposes by any law, statute or chapter; which may be any type, number, area, height, location, illumination or animations, required by law, statute or chapter under which the signs are erected. Warning signs warning the public of the existence of danger, containing no advertising material, of a size as may be necessary to be removed upon the subsidence of danger. Also exempted are signs on public property erected by order of the Mayor and Board of Aldermen, which shall be allowed subject to all appropriate sight, distance, and safety considerations being met, as determined by the Mayor and Board of Aldermen.

(2) No sign shall exceed a height of thirty five feet from grade. (Exception Section A(2))

(3) Only one (1) sign per approved lot shall be allowed. Double sided signs are permitted.

Exception: Lots fronting on two or more streets are allowed the permitted signage for each street frontage. Signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

Two or more businesses on the same parcel having 400 feet or more of road frontage are permitted one

Business Identification Sign for each individual business located not closer than 200 feet of road frontage one from the other, with a maximum of two Business Identification Signs per parcel.

(4) Allowed in all business and manufacturing zones.

(5) Electronic messages signs are permitted however, the message shall remain static for a minimum of (8) seconds and have a maximum change time of two (2) seconds. (TCA 54-21-122). (No Video permitted)

SPECIFIC REGULATIONS AND STANDARDS

A. Business Identification Signs-Freestanding

1 The sign shall not exceed 120 square feet in area. Double sided signs are allowed but shall not exceed 120 square feet per side. Double stacked signs are permitted and the lower sign shall be no greater than 32 square feet in area. The lower sign may be used for advertising,

community service, or a message board. The lowest portion of the sign shall be a minimum of 10 feet from grade.

2 Properties connected to a Federal Interstate right of way may erect a double sided identification sign not to exceed 700 square feet per side and have a maximum height of 80 feet. Signs are required to be on premise signs and not permitted along interstate exit or entrance ramps. Interstate signs are subject to a standard construction plans review fee and shall be approved by the Dyersburg Planning Staff prior to permitting. Engineered sealed drawings are required for Interstate signs.

B. Business Identification Signs-Ground Signs (Monument Signs)

1 The sign shall be no greater than 120 square feet in area per side. Double signs are allowed.

C. Advertising Signs-Off Premise (Billboards)

1 Allowed one per location in M-2 and M-3 districts

2 Shall be no closer than 1,000 feet apart on same side of the street. If the off-premise sign is either entirely or partially an electronic message sign, the signs shall be spaced at minimum of 2,000 feet on the same side of the street. (TCA 54-21-122)

3 This sign shall not exceed 380 sq. ft., and double signs or stacking on one pole is not permitted. The lowest portion of the sign shall be a minimum of 10 feet from grade.

4 Advertising Billboards Signs are subject to a standard construction plans review fee and shall be approved by the Dyersburg Planning Commission prior to permitting. Engineered sealed drawings are required for billboard structures.

D. Attached Business Signs

1. The total area of all signs shall be no greater in area than 30% of the face of the wall on which it is located, not to exceed 350 square feet.

2. No sign attached to or mounted on a building shall project above the roof line.

3. An awning or canopy with the business name or related information is allowed in addition to the business sign. All such awnings or canopies shall be structurally sound and approved by the Building Official. The lowest portion shall not be less than eight (8) feet above the ground.

E. Business Center Signs

1 A sign designating a Business Center and its tenants shall have a maximum area of 120 square feet plus (10) square feet for each tenant over two, not to exceed two hundred-forty (240) square feet. Double sided signs are allowed.

F. Residential Signs

1 Apartment complexes, churches, and schools in residential districts may have one Business Identification Sign (Freestanding) or Business Identification Sign (Monument Sign) approved by the Planning Commission as being in conformity with the immediate neighborhood. Maximum Height - (twenty five feet from grade).

2 Nameplates not more than two (2) square feet which identify street numbers, owner names, occupant name, and professional names, as allowed herein.

G. Projecting Signs

1 Allowed in the B-3 Central Business District.

2 Projecting signs may be double sided and shall not exceed forty eight (48) square feet in area, have a minimum of nine (9) feet of clearance above the ground or sidewalk and shall not extend above the roof line of the building. A projecting sign must be structurally sound and approved by the Building Official.

H. Portable Signs

Portable signs shall not exceed 36 square feet in area and will be allowed only for a period of 30 days for a grand opening. This sign shall be secured and may not utilize flashing lights and/or motion.

I. Real Estate/Construction Signs

1 Real estate, Contractor and Developer signs are limited to one sign per road frontage, not to exceed thirty-two (32) square feet in area in a residential zone, forty-eight (48) square feet in a business zone and (120) square feet in a manufacturing zone. No real estate, contractor or developer signs shall have a height greater than twelve (12) feet.

2 In multi-unit developments (commercial or manufacturing), one additional sign per unit, not to exceed (32) square feet in area is allowed.

3 Real estate, Contractor and Developer signs and supporting structures must be located on the property intended to be sold and a minimum of five (5) feet from the right-of-way of any highway, street, or road, and a minimum of three (3) ft. from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way. The location must not interfere with traffic or pedestrian vision or safety.

J. Banner Signs

1. Banner Sign - A sign made of fabric or other non-rigid materials with no enclosing framework.

2. Banner sign shall not exceed 24 square feet in area and may be displayed for a maximum of 30 days.

3. Only one banner may be displayed per each approved lot.

4. Banners shall only be displayed in commercial and industrial zones.

Exception: Churches and Schools within residential zones may also display approved banners.

5. Banners and/or support structures must be located a minimum of five (5) feet from the right-of-way of any highway, street, or road, and a minimum of three (3) ft. from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way. The location must not interfere with traffic or pedestrian vision or safety.

K. Political Announcement Signs

1. Political Announcement Signs and / or support structures must be located a minimum of five (5) feet from the right-of-way of any highway, street, or road, and a minimum of three (3) ft. from the edge of any sidewalk. In no case shall a sign be located on the public right-of-way. The sign shall in no way extend out over the right-of-way. The location must not interfere with traffic or pedestrian vision or safety.

Construction, Lighting, and Maintenance Standards

1 General Regulations

- a. All signs and their locations shall comply with the provisions of the City of Dyersburg Zoning Ordinance, the International Building Code, current edition, and additional standards hereinafter set forth.
- b. No sign shall be located within the required side or rear yards of any lot with the exception of accessory signs.
- c. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape, required exit way, window or door opening used as a means of egress, to prevent free passage from one part of a room to another part thereof or access thereto.
- d. Signs shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the Building or Fire Prevention Codes.
- e. In no case shall existing supports, such as utility poles or traffic control sign supports, be utilized for any sign.
- f. All signs shall maintain clearances from overhead electrical connectors.
- g. Signs shall not be suspended by chains or other devices that will allow the sign to swing, due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- h. Supports and braces shall be an integral part of the sign design. Angle irons, channels, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
- i. Freestanding signs shall be self-supporting structures and be permanently attached to sufficient foundations.
- j. Attached business signs must derive their principle and total support from the building to which they are attached.
- k. All signs shall be constructed to withstand wind loads of 90 pounds per square foot on the largest face of the sign and structure.
- l. In no case shall the existing ground elevation be built up in order to have a taller sign.

2 Electrical Standards

- a. No artificial light, of whatever type or nature used in conjunction with or the lighting of any sign, shall be constructed as to direct or reflect any artificial light onto any structure or to constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.
- b. Flashing or rotating lights, flashing signs, flashing or moving lights on signs, and reflective pennants are prohibited, except that signs that exhibit time, temperature, date or are in compliance with standards set forth in this ordinance.
- c. In no case shall electrical wiring, extension cords, or any other means of power be laid on the ground or parking areas.

3 Maintenance Standards

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

PROHIBITED SIGNS

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

- A. Signs on public property (including right-of-way), except for public signs in conjunction with city, state and federal government uses and temporary signs upon permission by the public authority having jurisdiction.
- B. Signs erected at the intersection of any streets or alleys in such a manner as to obstruct free and clear vision; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device, or which makes use of the words "STOP, LOOK, DRIVE-IN", "GO SLOW", "CAUTION", or similar wording or other symbols as to interfere with, mislead or confuse traffic. Signs which blend with or can be confused with traffic signals.
- C. Signs which contain reflective materials which present a hazard or danger to traffic or the general public.
- D. Signs which are structurally unsound.
- E. Signs which display thereon or advertises any obscene matter.
- F. Signs which cover more than 50% of a window.
- G. Graffiti
- H. Off premise signage with the exception of types specifically allowed within this ordinance and public signs in conjunction with city, state and federal government uses and temporary signs upon permission by the public authority having jurisdiction.

EXEMPTIONS

The following signs shall be allowed in all zoning districts of the City of Dyersburg provided that the sign conforms to the regulations of this Ordinance and any other Local, State or Federal laws. A sign permit is not required to erect exempt signs described below.

- a. Signs not more than two (2) square feet which identify street numbers, owner names, occupant name, and professional names, as allowed herein

- b. Official National, State or Municipal flags properly displayed
 - c. Political announcements, temporary real estate signs, construction and development signs located on the property listed for sale, lease, or under development
 - d. Flags, pennants, or religious symbols
 - e. Signs, identifying merchandise, or manufacturer, offering sale if on a dispensing or vending machine, or on windows
 - f. Signs wholly within buildings or on windows. Public signs that are signs erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, legal notices and such temporary, emergency or non-advertising signs as may be approved by the Building Official.
 - g. Historical markers as required by local, State, or Federal authorities
 - h. Signs of a primary decorative nature, clearly, incidental and customary and commonly associated with any national, local or religious holiday
 - i. No trespassing or no dumping signs
 - j. Memorial signs or tablets, names of buildings and date of erection or other commendatory plaques
 - k. Public signs, or signs specifically authorized for public purposes by any law, statute or chapter; which may be of any type, number, area, height above grade, location, illumination or animation, required by law, statute or chapter under which the signs are erected. Also exempted are signs on public property erected by order of the Mayor and Board of Aldermen, which shall be allowed subject to all appropriate sight, distance, and safety considerations being met, as determined by the Mayor and Board of Aldermen
 - l. Warning signs warning the public of the existence of danger, containing no advertising material, of a size as may be necessary to be removed upon the subsidence of danger
 - m. Directional signs identifying entrances, exists, parking and loading areas
- ILLEGAL, NONCONFORMING, AND UNUSED SIGNS**

A. Illegal Signs

1 Definition: An illegal sign is any sign erected or altered causing non-compliance, after the effective date of this ordinance not complying with the provisions thereof unless said provision was expressly waived or granted a variance.

2 Disposition: Any illegal sign shall be removed from the premises upon which it is located within thirty (30) days from the effective date of this ordinance or notice of violation and shall not remain on the premises or elsewhere in the City until a sign permit is issued.

3 Disposition: Any illegal sign placed within the right of way or on public property may be removed immediately by the City of Dyersburg. Any cost incurred during this removal and or disposal will be billed to the owner. The City of Dyersburg also has the option of issuing a criminal summons to appear in City Court to resolve the violation.

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

1 Any sign that is non-conforming because it fails to comply with the provisions of this ordinance may not be reconstructed, provided that such work alters structurally, extends, or enlarges, in whole or in part, unless such sign as so altered, extended or enlarged shall conform to the provisions of this ordinance and a proper permit is obtained.

2 No owner, user, or other person shall change height, width, shape, or size of any non-conforming sign, unless such sign as so altered shall conform to the provisions of this ordinance. The violation of any one or more of the following regulations shall constitute a forfeiture of the right to continue to use and maintain a non-conforming sign. Consequently, this sign will now be defined as an illegal sign.

- a. A non-conforming sign shall not be replaced with another non-conforming sign.
- b. A non-conforming sign shall not have any changes in the words, logo or symbols that are a part of a message unless the sign is a freestanding message board, non-portable.
- c. A non-conforming sign shall not be structurally altered so as to prolong the life of the sign, to be increased in size or shape, or type, or design.
- d. A non-conforming sign shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50% of the value of the original structure.
- e. A non-conforming sign shall not be re-established after the activity or name of the business or ownership shall be changed requiring a change in the sign name or advertisement itself.

3 Disposition: It shall be the duty of the sign owner/user and property owner to remove any nonconforming sign in accordance with the requirements of this Section.

4 Requests for a variance or interpretation of this ordinance, as it pertains to the non-conformity, and which is filed within thirty (30) days of the effective date of this ordinance, shall stay further administrative actions pertaining to said sign until such time as the variance or request for interpretation is acted upon.

C. Unused (Abandoned) Signs

Definition: An unused or abandoned sign is a sign that meets any of the following criteria:

- a. A sign that identifies an establishment or goods or services that are no longer provided on the premises where the sign is located.
- b. A sign that identifies a time, event or purpose which has passed or no longer applies.
- c. This also applies to sign structures with or without a sign.

Disposition:

a. Any sign which is defined under paragraph C.(1)(a) of this subsection, and which condition exists for a period of one month, and which sign is otherwise nonconforming, shall be removed by the owner/user/property owner within five (5) days of the end of the one month (thirty [30] day) period.

b. Any sign which is defined under subparagraph C.(1)(a) of this subsection which remains in such condition for a period of one month, and which sign is otherwise conforming shall have its copy vacated within thirty (30) days from when the stated circumstances commenced. If the copy remains vacant for a period of six (6) months or more from the date the stated circumstances commenced, the sign structure shall be removed by the owner/user/property owner. Removal shall be within five (5) days following the expiration of the aforementioned six (6) month period.

c. Any sign defined under subparagraph C. (1) (b) of this subsection shall be removed by the owner/user/property owner within three (3) days from the time the event or purpose has passed or no longer applies.

d. Removal:

(1) Any illegal, nonconforming or unused sign which is not removed from the premises by the owner/user/property owner within the time frames prescribed herein shall be considered a violation of the provisions of this Ordinance and shall be subject to the maximum penalties allowed by law. Each day such violation shall continue shall constitute a separate offense.

(2) Failure to Remove: A failure to remove any illegal, nonconforming or unused sign and subsequent failure by the Building Official or to duly notify the owner/user/property owner of the provisions of this Section shall not be deemed to constitute a waiver of any violations of this Ordinance, nor shall such inaction be deemed to constitute a determination that any such sign is legal, in conformity with this Ordinance or to be given any special status. If, through administrative neglect or inaction, any owner/user/property owner is not notified of the requirements of this Ordinance within the time frames herein set forth, but is later so notified, said owner/user/property owner shall take action to either correct the illegality, nonconformity or nonuse or shall cause the sign to be removed within twenty (20) days of such notification.

APPEALS TO THE BOARD OF ZONING APPEALS

A. Right to Appeal

1 Except for instances relating to signs located or proposed to be located on public property, which is within the jurisdiction of the City Board, any person who has been ordered by the Building Official for the removal of any sign, or any person whose application for a permit for a sign has been refused, may appeal to the Board of Zoning Appeals by serving written notice to the Building Official. Such appeals to the Board of Zoning Appeals shall be on forms provided by the Building Official and upon filing of a notice of appeal, the Building Official shall take no further action with regard to the sign involved until the final decision of the Board of Zoning Appeals has been rendered, unless the Building Official finds by reason of condition, location or nature of the sign involved presents an immediate and serious danger to the public, in which case he shall proceed immediately as provided herein.

2 Variances. The Board of Zoning Appeals may grant variances concerning the height and setback of signs, the maximum sign area, the maximum number of signs, the removal of prohibited signs, and such others as provided for herein only if the following determinations have been made:

a. The appeal falls within the jurisdiction of the Board.

b. That the granting of the appeal would not have the effect of applying sign standards from a less restrictive zone.

c. That the property cannot be reasonably used in conformity with the provisions of this Ordinance.

d. That the difficulty complained of is unique to the property in question and is not common to all properties similarly situated.

PERMITS

In accordance with this Ordinance, no sign shall be erected, altered, or relocated without a building permit acquired subject to the following:

1. The permit application shall contain the location of the sign structure, the name and address of the sign owner and sign erection, a drawing showing the design, location, materials and colors of the sign.
2. Required electrical permits shall be obtained prior to submission for a building permit.
3. Fees for permanent signs shall be in accordance with the normal Fee Schedule adopted by the City of Dyersburg. Fee for temporary signs shall be the minimum \$20.00 permit fee.
4. A building permit for a sign shall become null and void if the sign has not been completed within six (6) months of the date of the permit or the sign varies in any respect from the approved design and location.
5. Normal sign maintenance to prolong the life of the sign shall not require a permit.

SECTION 2. BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon its passage the public health safety and welfare requiring it.

1st Reading: March 16, 2015

2nd Reading: Next Regular Board meeting

- c. **Notice of Public Hearing – April 6, 2015 – An ordinance of the City of Dyersburg, Tennessee adopting the annual budget and tax rate for the fiscal year beginning July 1, 2014 and ending June 30, 2015
Ordinance BB640 - Steve Anderson – Treasurer**

ORDINANCE BB640

AN ORDINANCE OF THE CITY OF DYERSBURG, TENNESSEE ADOPTING THE ANNUAL BUDGET AND TAX RATE FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015

WHEREAS, Tennessee Code Annotated Title 9 Chapter 1 Section 116 requires that all funds of the State of Tennessee and all its political subdivisions shall first be appropriated before being expended and that only funds that are available shall be appropriated; and

WHEREAS, the Municipal Budget Law of 1982 requires that the governing body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any monies regardless of the source except in accordance with a budget ordinance and that the governing body shall not make any appropriation in excess of estimated available funds; and

WHEREAS, the Board of Mayor and Aldermen has published the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated) in a newspaper of general circulation not less than ten (10) days prior to the meeting where the Board will consider final passage of the budget.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF DYERSBURG, TENNESSEE AS FOLLOWS:

SECTION 1: That the governing body estimates anticipated revenues of the municipality from all sources to be as noted (in the full version of the budget as recorded at City of Dyersburg, City Hall, official Ordinance Record Book).

SECTION 6: No appropriation listed above may be exceeded without an amendment of the budget ordinance as required by the Municipal Budget Law of 1982 T.C.A. Section 6-56-208. In addition, no appropriation may be made in excess of available funds except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the municipality and declared by a two-thirds (2/3) vote of at least a quorum of the governing body in accordance with Section 6-56-205 of the Tennessee Code Annotated.

SECTION 7: Money may be transferred from one appropriation to another in the same fund in an amount of up to \$1,000 by the Mayor, subject to such limitations and procedures as set in the Budget Policy adopted by the Board of Mayor and Aldermen by Section 6-56-209 of the Tennessee Code Annotated. Any resulting transfers shall be reported to the governing body at its next regular meeting and entered into the minutes.

SECTION 8: A detailed financial plan will be attached to this budget and become part of this budget ordinance. In addition, the published operating budget and budgetary comparisons shown by fund with beginning and ending fund balances and the number of full time equivalent employees required by Section 6-56-206, Tennessee Code Annotated will be attached.

SECTION 9: If for any reason a budget ordinance is not adopted prior to the beginning of the next fiscal year, the appropriations in this budget ordinance shall become the appropriations for the next fiscal year until the adoption of the new budget ordinance in accordance with Section 6-56-210, Tennessee Code Annotated provided sufficient revenues are being collected to support the continuing appropriations for no longer than 60 days after the end of the fiscal year. Approval of the Director of the Office of State and Local Finance in the Comptroller of the Treasury for a continuation budget will be requested if any indebtedness is outstanding.

SECTION 10: There is hereby levied a property tax rate of \$2.2355 per \$100 of assessed value on all real and personal property.

SECTION 11: All unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances.

SECTION 12: This ordinance shall take effect July 1, 2014, the public welfare requiring it.

Being this was noticed as a public hearing, first reading, Mayor Holden called for any persons to speak regarding these ordinances. With no public comment presented, Mayor Holden entertained a motion for approval of the ordinances as recommended from the Dyersburg Regional Municipal Planning Commission. Alderman Bob Kirk moved to approve the application, followed by a second from Alderman Mike Morgan. The motion passed by full Board vote.

1st Reading: March 16, 2015

2nd Reading: Next Regular Board meeting

d. Attorney Invoice.

Mayor Holden presented an invoice from the City Attorney's office to be approved for payment. The February 1, 2015 to February 28, 2014 invoice totaled \$3,412.50. Alderman Kevin Chaney made a motion to approve the payment, with a second by Alderman Bill Escue. The motion passed by full vote

e. Bids – Greg Williams

1. Department: Gas Department
Item: Vibratory Plow
Purpose: Installing gas lines
Replace existing equipment that is 16 & 22 years old
Budgeted: \$96,000
Notification: State Gazette, Direct to 2 Vendors
Bids: Ditch Witch Midsouth No Response
 Vermeer Midsouth \$69,650.00

- Includes trade-in of 1993 Vermeer & 1999 Ditch Witch plows

Recommendation: Mr. Williams recommended awarding the bid to Vermeer Midsouth, Cordova, TN, at \$69,650.00. A motion to approve the recommendation as presented before the Board was made by Alderwoman Carolyn Norman, with a second by Alderman Kevin Chaney. The motion passed by full Board approval.

Other Business. None presented.

Report from Alderman and Alderwomen:

Aldermen Bob Kirk, Bill Escue, Terry Glover, Kevin Chaney, Mike Morgan, Alderman Dennis Moody: No report.

Alderman Carolyn Norman: Paid recognition to the Street Department for their work in repairing pot holes.

Alderman Robert Taylor Jr.: not present.

Communications from the Mayor:

None presented.

With no further business the meeting adjourned at 7:09 p.m.

John Holden, Mayor

Robert C. Jones, City Recorder