

20-124. Prohibited signs and other regulations.

(1) Prohibitions and restriction pertaining to signs, fixtures and supporting features. It shall be unlawful for any person to erect or maintain a sign which is prohibited as follows:

(a) A sign which copies or imitates or in any way approximates an official highway sign or carries the words "STOP" or "DANGER"; or any sign which obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information. Signs which imitate traffic control devices. Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic-control sign, signal or other similar device.

(b) A sign or illumination that causes any direct glare into any building other than the building which the sign may be accessory.

(c) Flashing signs are prohibited in all zoning districts.

(d) Roof signs painted on the roof or which extend above the highest point of the roof, except inflatable signs.

(e) Signs placed on or affixed to vehicles and/or trailers which are parked on the R.O.W., public property or private property so as to be visible from a public R.O.W. where the apparent purpose is to advertise a message. However, this is not in any way intended to prohibit signs placed on or affixed to motor vehicles where the sign is incidental to the primary use of the motorized vehicle or trailer. It shall be unlawful to use a vehicle or trailer sign as a sign in circumvention of this chapter.

(f) Signs which are attached or otherwise affixed to trees or other living vegetation and utility poles.

(g) A sign placed in a R.O.W., except as required by appropriate federal, state, city or county governmental authorities.

(h) No permanent sign, or part thereof, shall contain or consist of banners, pennants, ribbons, streamers, spinners, or other similar moving or fluttering devices. Banners, pennants, ribbons, streamers, spinners and fluttering devices shall not be attached to other temporary signs. Notwithstanding the foregoing, banners may be attached to on-site signs for a maximum of thirty (30) days following the opening or startup of a new business, profession, sale of commodity, service or entertainment which is primarily conducted, sold or offered upon the same lot of record. The purpose of this exception is to permit temporary signage to be attached to the permanent sign structure while new signage is being prepared for installation. This exception shall not have any application after the permanent signage is installed.

(i) Signs which revolve or rotate or use revolving or rotating elements.

(j) Signs incorporating any noisy mechanical devices.

(k) String lighting in a commercial or industrial zone except as a Christmas decoration, in which event, the lighting will not be erected before November 15 and must be removed by January 15.

(i) Signs displaying obscene matter. "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.

(ii) "Community" means Wilson County, Tennessee.

(iii) "Matter" means any printed or written materials, or any picture, drawing, photograph, or other pictorial representation that is obscene as defined herein.

(iv) "Patently offensive" means that which goes substantially beyond customary limits of candor in describing or representing such matters.

(v) "Prurient interest" means a shameful or morbid interest in sex.

(vi) "Sexual conduct" means:

(A) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated. A sexual act is simulated when it depicts explicit sexual activity which gives the appearance of ultimate sexual acts, anal, oral or genital. "Ultimate sexual acts" means sexual intercourse, anal or otherwise, fellatio, cunnilingus or sodomy; or

(B) Patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibitions of the genitals.

(m) Temporary signs which violate Section 20-125.

(n) No sign shall be erected, constructed or maintained so as to interfere with any existing warning or instructional sign.

(o) No electrical light or fixture shall be attached in any manner to any sign unless it is installed in accordance with the National Electric Code, as amended.

(p) No sign of any type or any foundation or vertical support thereof shall be placed in or over any dedicated street, highway, sidewalk or in any utility and drainage easement except as excluded.

(q) No advertising signs shall be allowed on trash receptacles or benches.

(r) No attached sign shall extend more than eighteen (18) inches beyond the surface to which it is attached.

(s) The placing of banners across the street right-of-way will be allowed only by permission of the owner of the street right-of-way.

(t) Neon signs are prohibited in all residential zoning districts and on property used residentially, including RP2 and RR. Neon signs are also prohibited in the OP district.

(u) Electronic message center signs in any and all residential districts and the B-1, B-2, and B-6 and commercial districts and the AG, OPD, and CU special districts. In addition, it shall be unlawful for any existing, approved Planned Unit Development (PUD) with an overlay of B-3 zoning to contain any electronic message center signs unless the subject signs have been permitted by prior action.

(v) (reserved)

(w) Portable signs as defined in Section 20-102(1)

(x) Signs which contain false, misleading or deceptive information.

(y) Signs which are not expressly permitted by this chapter.

(z) Nothing herein shall prohibit non-commercial speech displayed on an on-site or off-site sign. This subsection supersedes any other provision to the contrary.

(2) Owner's consent. Any sign placed on, in or over any private property without the written consent of the property owner and any sign placed on, in or over any public property, including public R.O.W. without the consent of the public authority having jurisdiction over the property is prohibited.

(3) Obstructions. No signs nor any means of supporting or staying such signs shall be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress, light or ventilation. No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof.

(4) Terminated activity. Conforming and non-conforming signs which advertise a terminated activity, business, product or service no longer produced or conducted on the premises upon which the sign is located are prohibited; provided, however, that where premises are temporarily vacant, such sign face may remain in place for not more than one-hundred eighty (180) days, such sign structure may remain in place for not more than two (2) years from the date the vacancy began. Illegal signs shall be removed immediately.

(5) Unlawful cutting of trees and shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located: (a) Within the R.O.W. of any public street or road, unless the work is done pursuant to the express written authorization of the city or state, whichever is appropriate.

(b) On property that is not under the ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located. Notwithstanding the foregoing, the owner of the property where such trees or shrubs are located may not give permission to remove or destroy trees or shrubs required by his site plan without first obtaining approval of an amendment to the site plan by the Lebanon Municipal Regional Planning Commission.

(c) In any area where such trees or shrubs are required to remain under a permit issued under this or any other chapter of the Lebanon Municipal Code. (as added by Ord. #01-2271, April 2003; and amended by Ord. #04-2632, April 2005, and Ord. #08-3396, Aug. 2008)

(6) Nighttime regulations when signs are located near residentially zoned property. All electronic message center signs located within 250 ft. of residentially zoned properties, as measured from the base of the sign to the nearest property line of such residentially zoned properties, shall comply with the following nighttime operational requirements between the hours of 9:00 pm and 6:00 am: (a) Changeable copy messages shall be programmed to be static; and

(b) Illumination level shall be reduced to no greater than 1,000 nits as measured at the surface of the sign at 9:00 pm; or

(c) The sign shall be turned off.