

**First Reading: March 03, 2020**  
**Second Reading: March 10, 2020**

ORDINANCE NO. 13541

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,  
PART II, CHAPTER 3, ADVERTISING, SECTION 3-2,  
DEFINITIONS, FOR PURPOSES OF THIS CHAPTER.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,  
TENNESSEE:

SECTION 1. That Chattanooga City Code, Part II, Chapter 3, Advertising, Section 3-2,  
Definitions, be amended by deleting same in its entirety and substituting in lieu thereof the following:

**Sec. 3-2. - Definitions.**

For the purposes of this Chapter, the following definitions shall apply.

*Compensation.* The exchange of anything of value, including money, securities, real property interests, personal property interests, goods or services, promise of future payment, or forbearance of debt.

*Controlled Access Facility.* Controlled access facility shall mean any highway or street especially designed for through traffic and over, from, or to which owners, or occupants of abutting land or other persons generally have no right or easement of access from abutting properties. Such highways or streets may be parkways, from which trucks, buses, and other commercial vehicles shall be excluded; or they may be freeways open to use by all customary forms of street and highway traffic, and may, if so designated, include interstate connector roadways and airport access roadways.

*Height.* Height shall mean the total measurement of the vertical side of the rectangle which is used to calculate "sign area" as specified in this § 3-2.

*Intersection.* Intersection shall mean the center point where two (2) or more open roads, streets, or highways located within the corporate limits of the city join.

*Major Advertising Zones.* Major advertising zones shall mean the major commercial areas designated herein as follows: Rossville Boulevard from its intersection with Interstate 24 generally southward to the city limits; Brainerd Road/Lee Highway from its intersection Tunnel Boulevard generally eastward to its intersection with Shallowford Road; Signal Mountain Road the city limits with Red Bank, Tennessee to Mountain Creek Road; excluding that portion which falls within the Scenic Corridor along Highway 153; Amnicola Highway from its intersection with Riverfront Parkway to the southernmost or westernmost edge of the property presently occupied by Chattanooga State Community College, excluding that portion which falls within the Scenic Corridor along Dupont Parkway; Hixson Pike from its intersection with Ashland

Terrace to its intersection with Adams Road; and Highway 153 from its intersection with Gadd Road to its intersection with Dupont Parkway. All measurements herein to an intersection of two (2) or more roads shall be to the center of such intersection.

*Off-Premise Sign.*

- (a) A sign that is operated or owned by a person or entity that is earning compensation directly or indirectly from a third party or parties for the placement of a message on the sign; or
- (b) A sign located on a facility's parcel owned or operated for the primary purpose of displaying a sign for purposes set forth in subdivision (a).

*On-Premise Sign.* A sign that is operated or owned by a person or entity that is earning no compensation directly or indirectly from a third party or parties for the placement of a message on the sign.

*Person.* Person shall mean individual, company, corporation, association, partnership, joint venture, business, proprietorship or any other legal entity.

*Premises.* Premises shall mean all contiguous land in the same ownership which is not divided by any public highway, street or alley or right-of-way therefor. As part of a dominant parcel of property, premises shall also include a permanent easement to the dominant parcel which (1) connects the dominant parcel to a public right-of-way, (2) is the sole means of ingress and egress to and from a public right-of-way for vehicular traffic to the dominant parcel, and (3) is regularly used for ingress and egress to the dominant parcel by vehicular traffic; notwithstanding any other provision in this Chapter, any on-premise sign erected on a permanent easement shall not exceed one hundred (100) square feet in sign area, nor shall more than one (1) such on-premise sign which refers to the dominant premises be erected on an easement.

*Scenic Area.* Scenic area shall mean those areas within the city limits, as more specifically identified in Article V, which are either of uncommon visual importance or scenic attractiveness and within which the construction of off-premise signs is prohibited in accordance with the provisions of Article V.

*Scenic Corridor.* Scenic corridor shall mean those land areas within the city limits which lie within six hundred sixty (660) feet of either side of the outermost edge of any of the roads, rivers, or rights-of-way more specifically designated in Article V, which are either of uncommon visual importance or scenic attractiveness.

*Sign.* Sign shall mean any structure or wall or other object which is designed, intended, or used to advertise or inform any part of the advertising or informative contents; such term shall include without limitation any structure, display, device or inscription which is located upon, attached to, or painted or represented on any land, on any building or structure, on the outside of a window, or on an awning, canopy, marquee, or similar appendage. Provided, however, that the following shall be excluded from this definition:

- (a) Signs or flags erected, provided, owned, authorized or required by a duly constituted governmental body, including, but not limited to, traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.
- (b) Signs located inside a building.

- (c) Memorial plaques or tablets.
- (d) Gravestones.
- (e) Insides faces of scoreboard fences or walls on athletic fields.
- (f) Historical site plaques.
- (g) The display of street numbers.
- (h) Any message or messages on the clothing of any person or on motor vehicles unless otherwise prohibited in accordance with § 3-71 hereof.
- (i) Seasonal displays and seasonal decorations not advertising a product, service or entertainment.
- (j) Signs approved by the Board of Sign Appeals and donated to and erected by or, at the option of the city, under the supervision of the city which designate (i) a public area or public right-of-way adopted by a private entity for a program of landscaping, maintenance and/or litter control for such area or right-of-way, and (ii) the private entity responsible for such program; no such sign shall be erected without the approval of the City Engineer and City Traffic Engineer or their designees, and the city shall have the right to remove such signs at any time.
- (k) Any living display on the ground of flowers or other plants which conveys a message.

*Sign Area.*

- (a) Sign area shall mean for all signs except on-premise attached signs (as defined in § 3-61), the area within the rectangle which is defined by the larger of (i) the lines which include the outer extremities of all letters, figures, characters, messages, graphics or delineations on any sign structure, or (ii) the lines which include the outer extremities of the framework or background of the sign structure. The support for the sign background, whether it be columns, or pylon, or a building or part thereof, shall not be included in the sign area unless it forms a part of the message of the sign to which it is attached. On any sign structure which has multiple sign faces, any sign faces which are separated by an angle of less than sixty (60) degrees as measured from the rear of each sign face, shall be counted separately in computing sign area; if the angle of separation of the backs of such sign faces exceeds sixty (60) degrees, then all such faces shall be included together in the computations of any sign area. The sign area of a sign made of individually cut-out letters is the area of the rectangle necessary to enclose all such letters.
- (b) For attached on-premise signs, the foregoing definition of subparagraph (a) shall also apply, except that if any word, symbol, or group of words or symbols which would otherwise be included within the rectangle defined above are separated from another word, symbol or group of words or symbols by a distance of greater than three (3) times the height of the largest letter or symbol within such word, symbol, or group of words or symbols, then separate rectangles may be used to calculate sign area, and the total of all such rectangles shall then be considered as the "sign area."

*Spacing.* Spacing shall mean the interval between signs determined by measuring from the upright column or outermost supporting columns and extending by the most direct line perpendicular to the road to a point nearest the road right-of-way, and then proceeding in either direction along the nearest edge of the right-of-way or pavement for the prescribed distance.

*Width.* Width shall mean the total measurement of the horizontal side of the rectangle which is used to calculate "sign area" as specified in § 3-2.

(Code 1986, § 3-14; Ord. No. 9119, § 1, 2-14-89; Ord. No. 9273, § 1, 12-5-89; Ord. No. 9702, § 1, 4-21-92; Ord. No. 10278, § 1, 8-15-95; Ord. No. 10523, § 1, 1-7-97; Ord. No. 11549, §§ 1, 2, 5-4-04)

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect immediately on second reading in the interest of public safety.

Passed on second and final reading: March 10, 2020

  
CHAIRPERSON

APPROVED:  DISAPPROVED:

  
MAYOR

/mem/KS/Alternate Version