

**ORDINANCE NO 08-3469**

**AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO AMEND PORTIONS OF TITLE 20 OF THE LEBANON MUNICIPAL CODE REGARDING THE CITY OF LEBANON SIGN ORDINANCE, SPECIFICALLY RELATED TO THE OPERATION AND ILLUMINATION OF ELECTRONIC MESSAGE CENTER SIGNS LOCATED NEAR RESIDENTIAL ZONING DISTRICTS**

**WHEREAS**, Title 20 of the Lebanon Municipal Code contains the Sign Ordinance which regulates signage within the City of Lebanon; and

**WHEREAS**, It is appropriate to include specific requirements for electronic message center signs in order to ensure that the level of illumination emitted from such signage does not cause undue light trespass onto nearby residentially zoned properties; and

**WHEREAS**, Certain revisions to the Sign Ordinance are needed and recommended to better serve the health, safety and welfare of the citizens of Lebanon, to encourage the general attractiveness of the community, and to protect property values therein.

**NOW, THEREFORE, BE IT ORDAINED** by the City of Lebanon, Tennessee, as follows:

**Section 1.** Title 20, Chapter 1, Section 20-126 On-site permanent sign requirements shall be amended to renumber sub-section (3) Permitted signs to sub-section (4).

**Section 2.** Title 20, Chapter 1, Section 20-126 On-site permanent sign requirements shall be amended to add a new sub-section (3) Nighttime regulations when signs are located near residentially zoned property as follows:

All electronic message center signs located within 250 feet 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.

**Section 3.** Title 20, Chapter 1, Section 20-124 Prohibited signs and other regulations shall be amended to add a new sub-section (6) as follows:

(6) Nighttime regulations when signs are located near residentially zoned property

All electronic message center signs located within 250 feet 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.

**Section 4.** Title 20, Chapter 1, Section 20-120 Sign permits and fees (2) Application for sign permit shall be amended to add a new sub-section (g) as follows:

(g) Prior to the issuance of a sign permit for any Electronic Message Center sign proposed to be installed within 250 feet of residentially zoned properties, as measured from the base of the sign to the nearest property line of such residentially zoned properties, the applicant shall provide written certification from the sign manufacturer that the light intensity has been pre-set not to exceed 1,000 nits between the hours of 9:00 pm and 6:00 am and the pre-set intensity level is protected from end user manipulation by password protected software or other method approved by the Chief Building Official. Such Electronic Message Center Signs shall be equipped with a sensor and/or timer or other device approved by the Chief Building Official to automatically adjust the day/night light intensity levels.

**Section 5.** Title 20, Chapter 1, Section 20-130(2) Notice to Remove Illegal Nonconforming Signs, shall be amended to add the following language at the end of the section:

If an electronic message center sign is found to be nonconforming within the provisions of this chapter, the Building Inspection staff will send a certified letter to the owner/business stating the identified nonconformity and providing for abatement of the nonconformity within ten (10) business days of the date of the letter by the owner/business. If the certified letter is returned unclaimed, the notice shall be posted on the front door of the main structure on the property. Notwithstanding the provisions of Lebanon Municipal Code 20-130(5), if the electronic message center sign is not brought into conformance within the timeframe stated, or the owner/business has not contacted the Building Inspection Department to make other arrangements, a citation to City Court shall be issued by the Building Inspection Department, subjecting the owner/business to a maximum fifty dollar (\$50.00) fine for every day that the electronic message center sign is deemed in nonconformance of the provisions of this chapter.

**Section 6.** Title 20, Chapter 1, Section 20-102 Definitions, shall be amended to add the following definitions:

“Candela” Describes the luminous intensity, or power emitted by a light source in a particular direction. Since the precise definition is so unwieldy, it is not uncommon in standard usage to see the candela referred to as “roughly” the amount of light generated by a single candle. This definition is perfectly suitable for common usage, as is the translation of 120 candela to roughly the light emitted by a 100 watt light bulb.

“Nit” A unit for measuring luminance or brightness, in this case of a sign, as measured by the number of candela per square meter ( $cd/m^2$ ). One nit stands for the level of illumination as seen on a uniformly lit panel where the sum total of light reflecting off of or emitted by one square meter (about  $10^{-3}/4$  square feet) of panel or screen area is approximately equal to the sum total of light (about  $12^{-1}/2$  lumens) given off by a lit candle (equal to the light output of a candle with certain standard characteristics).

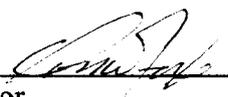
These definitions shall be added in alphabetical order to the existing list of definitions with the existing list of definitions being renumbered as appropriate.

**Section 7.** This ordinance shall take effect immediately upon its passage, the public welfare requiring the same.

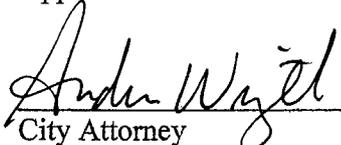
Attest:

  
\_\_\_\_\_  
Commissioner of Finance & Revenue

Approved:

  
\_\_\_\_\_  
Mayor

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

Passed first reading: 11/18/08

Passed second reading: 12/02/08