

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2026-1255

Madam President –

I hereby move to amend Ordinance No. BL2026-1255

I. By adding the following recitals:

WHEREAS, sidewalk advertisements such as sandwich boards can be used to promote sales and increase foot traffic for local businesses throughout Nashville and Davidson County; and

WHEREAS, it is the duty of the Metropolitan Government to ensure pedestrian safety, compliance with federal laws governing access, and maintain the public right-of-way; and

WHEREAS, a permitting system is required to balance the benefits of sandwich boards as an economic benefit and maintain pedestrian traffic and the public right-of-way.

II. By amending Section 1 as follows:

Section 1. That Chapter 13.08 of the Metropolitan Code of Laws is amended by adding the following as a new Section 13.08.045:

13.08.045 - Sandwich Board Signs - Permit.

A. Definitions. For the purposes of this section, these terms shall be construed as follows:

1. "Public right-of-way" means all areas legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks, and roadways, but excluding any other public property of the metropolitan government.
2. "Sandwich board sign" means a freestanding, "A" frame style sign with two faces or sides erected for the purpose of selling or offering for sale any goods, food, wares, merchandise, or products of any kind.

B. Permit.

1. Notwithstanding anything in this chapter to the contrary, no person shall place any sandwich board sign within the public right-of-way without first obtaining a permit from the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT").
2. Sandwich board sign permits shall be valid for two years and are not transferable.
3. The applicant must sign a disclaimer indemnifying and holding harmless the metropolitan government from any and all claims arising out the placement of the sandwich board sign in the public right-of-way. Applicants must also provide, as part of the application, a copy of a certificate of liability insurance with a minimum coverage of one million dollars covering the annual permitting period. If the permittee does not maintain this insurance coverage throughout the permit period, the permit shall be automatically revoked upon the termination of such insurance policy. The policy must name the metropolitan government as additionally insured. The certificate must accompany the application.
4. NDOT is authorized to establish an annual sandwich board sign permit fee to cover the administrative costs for the sandwich board sign permit issued pursuant to this section.

5. The permit application must be approved by NDOT before the sandwich board sign may be displayed. If a sign is displayed prior to obtaining a sandwich board sign permit, the application may be denied. NDOT shall approve the permit application if the permit application meets the relevant rules and regulations in section 13.08.045(D) of the metropolitan code of laws.

6. Sandwich board signs placed in the public right-of-way without a permit in violation of this section may result in removal of the sign at the owner's expense.

7. Three violations of this section or regulations adopted pursuant to this section may result in the termination of the permit.

8. This section shall not apply to signs installed in parking lots or areas pursuant to section 6.81.180 of the Metropolitan Code of Laws.

C. Permit Renewals. Permits may be renewed, provided an application for renewal of the permit and the required fee are received by NDOT no later than the date of expiration of the existing permit and provided that the applicant has no more than three violations of this section or regulations adopted pursuant to this section within any twelve-month period. NDOT shall review each renewal application to ensure that the applicant is in full compliance with the provisions of this section. If NDOT determines that the applicant has complied with the above requirements, NDOT will renew the permit for one year.

D. Sandwich Board Sign Rules and Regulations.

1. Size. Sandwich board signs shall not exceed ~~ten~~ twelve square feet per side or twenty square feet total in area.

2. Height. Sandwich board signs shall not exceed four feet in height.

3. Number. Only ~~two-one~~ two permits for a sandwich board sign ~~are~~ is allowed per address.

4. Location. Sandwich board signs shall be located on public sidewalks or plazas on the edge of sidewalks next to the building, and shall not be placed so as to cause width of the sidewalk or the walk way to be reduced below five consecutive feet in width and in a manner that does not impede accessibility under the Americans with Disabilities Act, nor shall the sandwich board obstruct more than three feet of sidewalk or walk way. Signs shall not be placed within a vehicular travel lane, bicycle lane, or five feet of any crosswalk, intersection, or driveway entrance. No sandwich board sign shall be erected or maintained in a manner that prevents free ingress or egress from any door, window, or fire escape.

5. Prohibited areas. No sandwich board permit may be issued for locations at Metropolitan Government-owned greenways, parks, and recreation areas. ~~in the area (i) between Union Street and Korean Veterans Boulevard, spanning from the Cumberland River to 8th Avenue, or (ii) Symphony Place between Third Avenue South and Fourth Avenue South, or (iii) the John Seigenthaler Pedestrian Street Bridge.~~

6. Maintenance. Sandwich board signs shall be constructed of durable materials and maintained in good condition.

7. Hours of Display. Sandwich board signs shall be displayed only Monday through Thursday during daylight hours and shall not be displayed overnight. For purposes of this section, daylight hours means the period from sunrise to sunset. ~~No sandwich board sign subject to this section shall be displayed overnight.~~

8. Removal. NDOT shall have the authority to move or remove sandwich board signs to ensure the free flow of pedestrian and vehicular traffic and to ensure the safety of the public, including designating appropriate clearances around other features of the public right-of-way, such as intersections, disabled parking spaces, fire hydrants, parking meters, loading zones, bus stops, building entrances and the like. Boards shall be removed from the right of way following the procedures in section 13.32.105.

9. Weighting and Stabilization. Any sandwich board sign displayed pursuant to this section shall be weighted or otherwise stabilized to reduce movement, tipping, or displacement that could create a pedestrian safety hazard. Any weights or stabilization method shall be securely attached and fully contained within the footprint of the sign and shall not create a trip hazard, sharp edge, or obstruction of the required clear pedestrian path.

10. ~~9.~~ NDOT shall have the authority to publish and enforce such other regulations related to sandwich board signs as shall be necessary to effectuate this section.

SPONSORED BY:

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