

Council member Seale introduced the following ordinance:

ORDINANCE NO. 04-02-02

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBIANA, ALABAMA AS FOLLOWS:

That the City of Columbiana does adopt this ordinance, amending Ordinance No. 215 of the City of Columbiana, Alabama, as follows:

1. Add ARTICLE 9 (SIGN REGULATIONS) To ORDINANCE NO. 215

ARTICLE 9. SIGN REGULATIONS

Section 9.1 General Provisions	2
§ 9.1.1 Purpose	2
§ 9.1.2 Definitions	2
§ 9.1.3 Measurement Determinations	5
Section 9.2 Signs not requiring a permit	7
Section 9.3 Prohibited Signs	10
Section 9.4 Permitted Signs	10
§ 9.4.1 Generally	10
§ 9.4.2 All Parcels	10
§ 9.4.3 Undeveloped Parcels	12
§ 9.4.4 One-Family and Two-Family Residences	12
§ 9.4.5 Three-Family and Four-Family Residences	12
§ 9.4.6 Residential Developments, Farms and Ranches	12
§ 9.4.7 Commercially Developed Parcels	12
Section 9.5 Design, Const., Location & Maintenance Standards	13
§ 9.5.1 Compliance With Bldg. And Electrical Codes Required	13
§ 9.5.2 Illumination Standards	14

§ 9.5.3 Placement and Clearance Standards	14
§ 9.5.4 Relationship To Building Features	14
§ 9.5.5 Maintenance	14
Section 9.6 Administration	15
§ 9.6.1 Permits	15
§ 9.6.2 Inspections	16
§ 9.6.3 Nonconforming Signs	16
§ 9.6.4 Abandoned Signs	17
§ 9.6.5 Violation	18
§ 9.6.6 Enforcement	18
§ 9.6.7 Penalties	19
§ 9.6.8 Appeals and Variances	19
§ 9.6.9 Interpretation and Conflict	19
§ 9.6.10 Severability and Separability	20
§ 9.6.11 Repeal of Conflicting Ordinances	20
§ 9.6.12 Effective Date	20

Section 9.1 General Provisions

§ 9.1.1 PURPOSE

The purpose of this article is to provide the minimum control of signs that ensures the protection of the public safety and general welfare. These provisions are intended to lessen the hazards to pedestrian and vehicular traffic, prevent unsightly and detrimental development which has a blighting influence upon the community, prevent signs from reaching such excessive size or numbers that they obscure one another to the detriment of all concerned, preserve the general character and aesthetic quality of the various areas within the city, and promote a positive city image reflecting order, harmony and pride.

§ 9.1.2 DEFINITIONS

Words and phrases used in this article shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined elsewhere in the zoning regulations shall be given the meanings as set forth in such regulations. All other

words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

Advertising: Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner: A temporary sign intended to be hung either with or without a frame or suspended from wires, cables, or rope. Banners generally possess letters, characters, illustrations, or ornamentations applied to paper, plastic, or fabric. Banners shall include pennants, but shall not include official flags of a government entity or political subdivision.

Beacon or Searchlight: Any light with one or more beams, which may be stationary, moving, rotating, directed into the atmosphere or directed at one or more points not on the same property as the light source.

Billboard: Any sign owned by a person, corporation, or other entity that is erected for the purpose of selling, leasing, or donating the display space on that sign to an advertiser.

Building Marker: Any sign indicating the name of a building, date of construction and incidental information which is cut into a masonry surface or made of bronze or other permanent material.

Building Sign: A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.

Canopy Sign: Any sign that is part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the message changes more than eight (8) times a day shall be considered an animated sign and not a changeable copy sign. A sign on which the only copy that changes is an electronic or mechanical indication of the time and temperature shall be considered a "time and temperature" portion of the sign and not a changeable copy sign.

City: City of Columbiana

Commercially Developed Parcel: A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Commercial Occupant: A commercial use, i.e., any use other than residential or agricultural.

Copy: The linguistic or graphic content of a sign.

Department: City of Columbiana Building Inspections.

Enforcing Agent: Building Inspector.

Electric Sign: Any sign containing electric wiring.

Erect a Sign: To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

Frontage: The length of the property line of any one parcel along a street on which it borders.

Illuminated Sign: A sign which contains a source of light or which is designed to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Marquee: A structure projecting from and supported by a building, which extends beyond the building line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Multiple Occupancy Complex: A parcel of property, or parcels of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Off-Premise Sign: A sign containing a message unrelated to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

On-Premise Sign: A sign containing a message related to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Parcel: A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of these sign regulations or lead to absurd results, a "parcel" may be as designated for a particular site by the Building Inspector.

Pennant: Any lightweight plastic, fabric, or other material, whether containing a message or not, suspended from a rope, wire, string, or other similar device, designed to move in the wind.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs

converted to A-frames or T-frames; menu or sandwich board signs; balloons or other inflatable devices used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day to day operations of the business.

Projecting Sign: A sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of the building or wall.

Roof Line: A horizontal line intersecting the highest point or points of a roof.

Sign: Any structure, writing, pictorial presentation, number, illustration, decoration, flag, banner, pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise convey a message.

Sign Face Area: The area of any regular geometric shape, which contains the entire surface area of a sign upon which copy may be placed.

Sign Structure: Any construction used or designed to support a sign.

Snipe Sign: A sign of any material that is attached in any way to a utility pole, tree, fence, rock, or other similar object located on public or private property.

Street: A public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards. For purpose of this ordinance, streets that do not have a designated or recorded right-of-way, the limit of the street shall be considered as fifteen (15) feet outside the back of curb or fifteen (15) feet behind the outside edge of sidewalk. On streets that do not have curbs or sidewalks, the street limit shall be 20 feet from the edge of pavement. On unpaved streets the street limit shall be considered as 15 feet outside the bottom of ditch in cut sections and 15 feet outside the toe of slope in fill sections.

Unit: That part of a multiple occupancy complex housing one occupant.

Vehicle Sign: Any sign affixed to a vehicle.

Window Sign: Any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service that is placed inside or upon a window and is visible from the exterior of the window.

§ 9.1.3 MEASUREMENT DETERMINATIONS

(a) Number of Signs: In general, the number of signs shall be the number of noncontiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area.

(b) Sign Face Area:

(1) Individual Signs: The sign face area of individual signs shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This does not include the supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets applicable regulations and is clearly incidental to the display itself.

(2) Multi-faced Signs: The sign face area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when the sign faces are part of the same sign structure and are no more than 36 inches apart, the sign face area shall be computed by the measurement of one of the faces.

(c) Sign Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the parcel, whichever is lower.

(d) Distance Between Signs: The minimum required distance between signs shall be measured along street rights-of-way from the closest parts of any two signs.

(e) Facade Area: The facade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than forty-five (45) degrees that form a side of a building or unit.

(f) Right-of-way: A strip or parcel of land designated for the purpose of maintaining streets within the municipality. See also definition for street.

Section 9.2 Signs not requiring a permit

The following signs do not require a permit and shall not be counted toward any restriction regarding the number or area of signs permitted on a parcel provided they conform to the standards of this ordinance

(1) Signs that are not designed or located so as to be legible from any street or adjoining property.

(2) Temporary funeral zone signs placed or authorized by a law enforcement agency.

- (3) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from City of Columbiana, Shelby County, the State of Alabama, or the United States.
- (4) Legal notices and official instruments.
- (5) Decorative flags, banners, and bunting for a celebration, or commemoration of significance to the entire community when authorized by the Columbiana City Council for a prescribed period of time.
- (6) Holiday lights and decorations.
- (7) Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
- (8) Memorial signs or tablets, historical markers, name of a building and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials' and attached to the surface of a building.
- (9) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.
- (10) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- (11) Works of art that do not constitute advertising if approved by the City Council after a recommendation in writing from the Beautification Board.
- (12) Signs carried by a person.
- (13) Real estate or rental signs. Onsite only to advertise the premise that is for sale or rent.
- (14) Garage or yard sale signs. Onsite only to advertise a garage sale or yard sale and displayed only during the operation of the sale.

Section 9.3 Prohibited Signs

It shall be unlawful to erect, cause to be erected, maintain, or cause to be maintained, any sign not expressly authorized by, or exempted from, these regulations. The following signs are expressly prohibited unless otherwise exempted or expressly authorized by this article:

- (1) Any sign with a sign face area greater than 200 square feet.
- (2) Signs that are in violation of the building code or electrical code adopted by Shelby County and the City.
- (3) Any sign that, in the opinion of the Director, does or will potentially constitute a safety hazard.
- (4) Portable signs. Signs that are not intended for permanent use and are not

permanently attached to the ground or other permanent structure and are usually designed to be transported by means of wheels. They are usually rented for a specific length of time. Provided, however, that a new business that does not yet have a permanent sign in place may be granted a permit for one professional type portable sign for a period not to exceed 60 days. Application for a permit for such a portable sign must be accompanied by an application and plans for a permit for the permanent sign.

(5) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.

(6) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color except for "time and temperature" signs.

(7) Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holidays or special occasion decorations.

(8) Wind signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind.

(9) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.

(10) Signs that emit audible sound, odor, or visible matter such as smoke or steam.

(11) Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations or any other regulation of the city.

(12) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color or illumination that may be confused with or construed as, or conceal, a traffic-control device.

(13) Signs that obstruct the vision of pedestrians, cyclists, or motorist traveling on or entering public streets whether on public or private property.

(14) Non-governmental signs that use the words "stop, look, "listen," "danger" or any similar word, phrase or symbol that might be confused with regulatory signing.

(15) Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public

way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.

(16) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.

(17) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.

(18) Signs placed upon benches or waste receptacles, except as may be authorized in writing by the City Council.

(19) No sign shall be erected or otherwise fixed to any pole, tree, fence, building, structure or signpost for any purpose other than its official use.

(20) Signs erected over or across any public street or right-of-way except as may otherwise be expressly authorized by these regulations and except governmental signs erected by or on the order of a public officer.

(21) Roof signs placed above the roofline of a building or on or against a roof slope of less than forty-five (45) degrees.

(22) Vehicle signs with a total sign area in excess of ten (10) square feet when the vehicle is parked for more than sixty consecutive minutes within one hundred (100) feet of any street right-of-way; is visible from the street right-of-way that the vehicle is within one hundred (100) feet of; and is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising shall not be considered a vehicle used in the conduct of business.

(23) No sign other than official highway markers or authorized historical markers shall be erected or maintained within the right-of-way of any public street or roadway as defined in Section 9.1.2 Definitions (Street).

(24) Any sign with illegal, obscene, or prurient words, scenes, or graphics.

(25) Snipe signs.

(26) Beacons or searchlights.

(27) Signs that identify a home-based business.

(28) Any sign towed behind a vehicle, water craft, or airplane.

(29) Any sign which does not have a permit or does not meet the requirements of this ordinance.

(30) Any sign which is displayed or erected for which a permit has been denied.

(31) Billboards

(32) Off-Premise Signs

Section 9.4 Permitted Signs

§ 9.4.1 GENERALLY

The signs enumerated in this section shall be subject to all the terms of this article including the requirement that a sign permit be obtained prior to erection of any sign in excess of one (1) sign on a parcel or a total sign face area of six (6) square feet on a parcel. Exemption from the requirement to obtain a sign permit does not necessarily indicate exemption from any other requirement or permit that may be required by this or any other agency.

§ 9.4.2 ALL PARCELS

(a) Directional Signs. Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted on all parcels and shall not be counted as part of an occupant's allowable sign area.

(b) Flags. Not more than three flags or insignia of governmental, religious, charitable, fraternal or other organizations may be displayed on any one privately owned parcel of land. The distance from top to bottom of any flag shall not exceed twenty (20) percent of the total height of the flagpole, or in the absence of a flagpole, twenty (20) percent of the distance from the top of the flag or insignia to the ground. The size of any flag shall not exceed sixty (60) square feet. A flagpole shall not exceed forty (40) feet. All flags must be flown according to protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting the above requirements shall be considered a banner and be subject to the appropriate regulations.

(c) Utility Signs. Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three (3) feet in height, and so long as the sign face does not exceed one half (1/2) square foot.

(d) Political Signs. A temporary political sign advertising campaigns of candidates for political offices or advertising, proposing, opposing, or relating views or positions upon a political question appearing or to appear upon an official election ballot may be erected in connection with elections or political campaigns. No political signs shall be allowed within or upon a public right-of-way, and only one (1) sign per candidate or political issue may be placed upon any single lot of record. The total sign area for any political sign shall not exceed six (6) square feet in residential districts or sixteen (16) square feet in non-residential districts. Political signs shall not be erected more than sixty (60) days prior to the date of the election, whether general or special, or which the person or issue advertised will appear on the ballot. Such signs must be removed within 10 days after the date of the election or run-off election (if necessary) has occurred.

(e) Real estate or rental signs. Each property may have one (1) non-illuminated real estate or rental sign, containing a maximum of two (2) sign faces in compliance with the following requirements:

- (1) The maximum sign area shall not exceed six (6) square feet for signs in residential districts and sixteen (16) square feet in non-residential districts and shall be rectangular in shape. The copy of said sign shall be limited to (a) the name of the owner or the listing agent, (b) the real estate company, (c) the type of offering, and (d) not more than two (2) telephone numbers.
 - (2) Multiple listing strips, sale pending, and sold signs shall be allowed when attached to the real estate sign, as long as only one such rider is attached per sign and the rider area does not exceed 25% of the sign area.
 - (3) All real estate signs shall be removed within ten (10) days of when ownership or occupancy of the property has changed and the property is no longer listed for sale, lease, or rent.
 - (4) One (1) on-premise "open house" or "open for inspection" sign, not exceeding twelve (12) square feet in sign area, may be allowed per property. One (1) off-premise sign for directional purposes may be allowed at street intersections on other private properties with the consent of the property owner. These signs may not be erected within or upon the right-of-way, and may only be displayed during periods that premises are open for inspection.
 - (5) No such sign shall be illuminated.
- (f) Construction site identification sign. Each construction site shall be allowed to erect not more than one (1) non-illuminated, single face, temporary construction sign on a property which has been authorized for construction by the issuance of a building permit. Said sign shall be free standing, and the sign area shall not exceed six (6) square feet within any residential zone or Sixteen (16) square feet within any non-residential zoning district. Construction signs must be set back at least ten (10) feet from any property line. The sign may include the names of the persons and firms performing services or labor, or supplying materials for the construction project. Any temporary construction sign shall be removed before a certificate of occupancy may be issued for any building or structures built on the property. Temporary construction signs erected at the entrance to residential developments shall be allowed to remain until seventy five (75) percent of the total residential lots have been sold, or until a permanent identification sign has been erected, whichever occurs first.
- (g) Window signs. Properties not located within a residential district (R-1, R-2, R-3, and RMH) may display window signs, provided that the sign area of any individual window sign shall not exceed fifteen (15) square feet and no more than thirty (30) percent of the total surface area of any window may be obscured by window signs.

(h) Garage or yard sale signs. A temporary sign advertising the sale of personal property on a lot may be erected on the lot where the sale is to take place. Such signs shall not exceed six (6) square feet in sign area and may be displayed the day preceding the sale and on the day(s) the sale is conducted.

§ 9.4.3 UNDEVELOPED PARCELS

Undeveloped parcels may display one (1) square foot of signage per ten (10) feet of frontage up to a maximum of ninety-six (96) square feet. No individual sign shall exceed sixty-four (64) square feet in area nor ten (10) linear feet in height. Signs must be spaced at least one hundred (100) feet apart.

§ 9.4.4 ONE-FAMILY AND TWO-FAMILY RESIDENCES

A parcel on which is located a single one-family or two-family residence may display not more than two (2) legal signs with an aggregate sign area of not more than ten (10) square feet. No individual sign shall exceed six (6) square feet in area nor four (4) linear feet in height.

§ 9.4.5 THREE-FAMILY AND FOUR-FAMILY RESIDENCES

A parcel on which is located a single three-family or four-family residence may display not more than four (4) signs with an aggregate sign area of not more than ten (10) square feet. No individual sign shall exceed six (6) square feet in area nor four (4) linear feet in height.

§ 9.4.6 RESIDENTIAL DEVELOPMENTS, FARMS AND RANCHES

(a) A sign may be displayed at the entrance to a residential development, farm or ranch subject to the following restrictions. One (1) sign is permitted at only one entrance from each abutting street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed twenty-four (24) square feet in size, and may be illuminated in a steady light only.

(b) All such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent homeowners association or some other person who is legally accountable. Evidence of such accountability is required before a permit shall be issued. If, following the issuance of a permit and subsequent erection of such signs, no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for maintenance, the developer or owner shall remove the signs.

§ 9.4.7 COMMERCIAL DEVELOPED PARCELS

(a) Freestanding Signs. Signs may be placed in a freestanding location on a commercially zoned and developed parcel subject to the following limitations:

(1) Sign Height. The height of the sign shall not exceed twenty (20) feet above grade.

(2) Sign Face Area. The maximum sign area, except as otherwise provided in this article, shall be limited to 2 square feet of sign area for each foot of building frontage, not to exceed 100 square feet.

(3) Multiple Frontages. For a parcel having frontage on two (2) or more public streets, each frontage shall be considered separately for the purposes of determining compliance with the above provisions for freestanding signs, but the permitted sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage. However, no freestanding sign on one right-of-way may be closer than one hundred (100) feet to a sign on another right-of-way.

(b) Building Signs. Signs not expressly prohibited by this article may be attached to the wall of a building on a commercially zoned and developed parcel subject to the following limitations:

(1) Building signs shall be limited to a maximum height of twenty (20) feet above grade, except that on a building of more than two (2) stories, a single sign is allowed above twenty (20) feet on each side of the building.

(2) Single occupancy buildings are limited to a single sign, the maximum sign area, except as otherwise provided by this article, shall be limited to 2 square feet of sign area for each foot of building frontage, not to exceed forty eight (48) square feet.

(3) Each multiple occupancy complex may display one (1) building sign on each side of the principal building or buildings in the complex, not to exceed a sign face area of two and one-half (2.5) percent of the facade area of each building side or two hundred (200) square feet, whichever is smaller.

(4) Each occupant of a multiple occupancy complex may display three (3) signs on any exterior portion of the complex that is part of the occupant's unit, not including common or jointly owned portions, not to exceed a total combined sign face area of five (5) percent of the facade area of such exterior portion or two hundred (200) square feet, whichever is smaller.

(5) Each occupant facing the principal street not located in a multiple occupancy complex may display three (3) signs on each side of the principal building in which the occupant is located, not to exceed a total combined sign face area for each building side of seven and one-half (7.5) percent of the facade area of the building side or two hundred (200) square feet, whichever is smaller.

(c) Time and Temperature Signs. Time and temperature signs are permitted on commercially developed parcels notwithstanding a general prohibition on changing or animated signs. These signs may only display numerical information and must be kept accurate.

Section 9.5 Design, Construction, Location and Maintenance Standards

§ 9.5.1 COMPLIANCE WITH BUILDING AND ELECTRICAL CODE REQUIREMENTS

All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by the Shelby County and the City of Columbiana. Wherever there is inconsistency between these sign regulations and the building or electrical code, the more stringent requirement shall apply.

§ 9.5.2 ILLUMINATION STANDARDS

(a) Sign lighting may not be designed or located to cause confusion with traffic lights.

(b) Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.

(c) Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.

§ 9.5.3 PLACEMENT AND CLEARANCE STANDARDS

(a) Signs shall be located such that there is at every intersection or driveway, a clear view between heights of 3 and 10 feet in a triangle formed by the corner and points on the curb 70 feet from the intersection or entrance way.

(b) No freestanding sign shall project over a public right-of-way.

(c) No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.

(d) All signs over pedestrian ways shall provide a minimum of seven (7) feet six (6) inches of clearance.

§ 9.5.4 RELATIONSHIP TO BUILDING FEATURES

(a) A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building.

(b) The combined area of permanent and temporary signs placed on or behind windows shall not exceed twenty-five (25) percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

§ 9.5.5 MAINTENANCE

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by Shelby County, and shall present a neat and clean appearance. All burned out lights or broken lighting equipment shall be replaced or repaired within a reasonable time. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

Section 9.6 Administration

§ 9.6.1 PERMITS

(a) Applicability. No person shall erect a sign without first obtaining a sign permit therefore, except for the following actions, which shall not require a permit.

(1) Changing the advertising copy, announcement or message on a sign;

(2) Cleaning, painting, electrical or comparable maintenance or repair of a sign that does not alter any regulated feature of such sign;

(3) Erecting a sign for which a permit is not required in accordance with "Section 9.2 Signs not requiring a permit" or "Section 9.4.1 Permitted Signs - Generally."

(b) Procedure: All sign permits shall be procured in accordance with the following procedure:

(1) A written application shall be submitted to the enforcer for review and processing. The application shall include such supplementary information as may be specifically requested by the director to determine compliance with these regulations.

(2) The Enforcing Agent shall review the application and plans and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations.

(3) Following a review and determination as to conformity to these regulations, the Enforcing Agent shall, in a reasonably expeditious manner, either approve or deny the application for the sign permit. In case of denial, the Building Inspector shall specify the section or sections of these regulations to which the proposed sign does not conform.

(4) If an approved sign requires a permit from the Department of Building Inspection Services, the Building Inspector shall forward a copy of the completed application form and associated plans and specifications to the building official who shall determine whether the proposed sign conforms to all applicable requirements of the building regulations and who shall, in a reasonably expeditious manner, either approve or deny an application for a permit to construct the sign.

(c) Submission Requirements. No request for a sign permit shall be considered complete until all of the following has been submitted to the Director:

(1) Application form. The application shall be submitted to the department in duplicate on forms made available by the department.

(2) Statement of authorization. Any application form which is signed by an individual other than the property owner shall be accompanied by a notarized statement of authorization consenting to sign placement or if the property or

building upon which the sign is to be located is leased, evidence of the executed lease shall accompany the application form. In the event the building or property is leased and the application form is signed by an individual other than the lessor, the application shall be accompanied by a notarized statement of authorization signed by the lessor consenting to the sign placement and a copy of the executed lease.

(3) Plans and specifications. Plans and specifications for any proposed sign shall be submitted in duplicate, drawn to scale and include the following: (a) Lot frontage on all street rights-of-way; (b) facade area of any wall on which a sign is proposed to be placed (c) dimensions and elevations (including the message) of the sign; (d) dimensions of the sign's supporting members; (e) maximum and minimum height of sign, as measured from finished grade; (f) location of sign in relation to property lines, public rights-of-way, easements, buildings, and other signs on the property; (g) for illuminated signs, the type, placement, intensity and hours of illumination; (h) construction and electrical specifications, to enable determination that the sign meets all applicable structural and electrical requirements of the building code; (i) value of the proposed sign; (j) number, type, location and surface area of all existing signs on the same property and/or building on which the sign is to be located.

(4) Application fee. The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. The fee shall be nonrefundable regardless of the final disposition of the application.

(d) Permit Expiration. Sign permit shall be valid for a maximum of one hundred eighty (180) days after issuance. Failure to place the sign within the allotted time period shall void the permit and necessitate reapplication.

§ 9.6.2 INSPECTIONS

The Building Inspector shall, as each may determine necessary, inspect the property to ascertain that the sign is in accordance with all provisions of these regulations and the building regulations, respectively, and in accordance with all terms which the sign permit may have been conditioned. If the sign fails the required inspection, the applicant shall correct any non-compliant items within ten (10) business days or the permit shall be deemed invalid and the sign and any sign structure shall be impounded as provided by this ordinance.

§ 9.6.3 NONCONFORMING SIGNS

(a) A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of the City of Columbiana on the effective date of this article or any sign existing within any area added to such jurisdiction after the effective date of this article, which is prohibited by, or does not conform to the requirements of these regulations.

(b) Grandfather Status. All nonconforming signs shall be removed or altered to be conforming within twenty (20) years of the effective date of these regulations, unless removal is required by paragraph (d) below or by "§ 9.6.5 Violation."

(c) Subject to the limitations imposed by paragraph (b) above, a nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, but it shall not be:

(1) Structurally changed to another nonconforming sign, but its pictorial content may be changed.

(2) Structurally altered to prolong the life of the sign, except to meet safety requirements.

(3) Expanded or altered in any manner that increases the degree of nonconformity.

(4) Re-establish after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Building Inspector.

(5) Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.

(6) Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the appraised replacement cost as determined by the Building Inspector.

(7) Continued in use after the structure housing the occupancy has been vacant for one (1) year or longer.

(d) The following nonconforming signs shall be removed within six (6) months of the effective date of these regulations:

(1) Portable signs

(2) Animated signs

(3) Any sign that constitutes a safety hazard

(e) No new billboards shall be erected after the effective date of the ordinance. Owners may not add to the area of or otherwise materially alter the structure of existing billboards, but may continue to use billboards as they exist on the effective date of this ordinance. Owners must maintain billboards in accordance with the applicable provisions of this ordinance and may repair billboards damaged or destroyed up to one hundred (100) percent of their replacement cost, as long as the repaired or replaced billboards do not exceed in area or is not materially different from the originals.

§ 9.6.4 ABANDONED SIGNS

(a) Except as otherwise provided on this article, any sign that is located on property which becomes vacant and unoccupied, pertains to a business which does not maintain a current business license, or pertains to a time, event or purpose which no longer applies, shall be deemed abandoned. Any abandoned sign shall be prohibited and shall be removed within six (6) calendar months of the date of abandonment or discontinuance by the owner of the sign or the owner of the property.

(b) If a sign is left blank for a continuous period of sixty (60) days, that sign shall be considered abandoned and within thirty (30) days after abandonment, the owner of the property where the sign is located shall cause the sign to be removed or replace the sign face or copy with an appropriate display or advertisement.

§ 9.6.5 VIOLATION

(a) The following signs shall be considered to be illegal and a violation of the terms of this article:

(1) A sign erected after the effective date of this article, which is inconsistent with the terms contained herein;

(2) A sign erected prior to the effective date of this article, which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time;

(3) A sign damaged or destroyed in excess of fifty (50) percent of its replacement cost and which is not removed consistent with the terms of this article;

(4) A sign, which is abandoned.

§ 9.6.6 ENFORCEMENT

Upon determination by the Building Inspector that a certain sign is illegal, the Building Director shall act to remedy the violation, which may include:

(1) Entering upon the premises subject to this article for the purpose of enforcing the provisions of the article.

(2) The issuance of a notice of violation to the individual who owns, is responsible for, or benefits from the display of such sign. This notice of violation should prescribe any action necessary to make the sign legal and conforming to the terms of this ordinance, or order the removal of the illegal sign. Notice of violation shall be in the form of hand delivery, fax, or mail to its owner, agent or business representative indicating that they must correct the violation within ten (10) business days of the hand delivered, faxed, or mailed notice of violation or be subject to the enforcement provisions of this ordinance.

(3) The removal of any illegal sign located on public property or on private property, including any such sign located within a street right-of-way in which case the City of Columbiana shall have the right to recover from the individual erecting such a sign the full costs of removal and disposal.

(4) The City shall have the authority to remove and hold any sign or sign structure found to be in violation of any provision of this article. The owner may claim and re-posses any sign or sign structure that is removed and held by the City during the thirty (30) calendar day holding period. After the thirty (30) calendar days the City may dispose of any sign or sign structure not claimed by its owner(s) without compensation to the owner(s).

(5) Failure to bring any illegal sign into conformance with the terms

contained in this article or any other violation of the terms contained in this article shall be considered a violation of the Zoning Ordinance of the City of Columbiana and shall be subject to the remedies and penalties provided by such ordinance and by state law.

§ 9.6.7 PENALTIES

Violation of any provision of this ordinance is subject to a fine upon conviction of not less than Twenty Five Dollars (\$ 25.00) nor more than Two Hundred Fifty Dollars (\$ 250.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

§ 9.6.8 APPEALS AND VARIANCES

Appeals. Any aggrieved person, sign owner, applicant, or any officer, department, board or bureau of the municipality who alleges that the City acted erroneously in enforcing this article may appeal the decision to the Columbiana City Council. Such appeal, shall be filed within ten (10) business days of the receipt of the City's order, requirement, decision, or determination.

Variances. Recognizing that the strict application of the requirements of this ordinance may work an undue hardship on certain applicants, variances from the strict application of the design and performance provisions of this ordinance may be granted by the Zoning Board of Adjustments. Where the Zoning Board of Adjustments finds that extraordinary hardships may result from strict compliance with the terms of this ordinance due to unusual topographic or other physical characteristic of the land beyond the control of the applicant, it may vary the regulations so that substantial justice may be done and the public interest secured, provided, however, that such variance will not have the effect of nullifying the intent or purpose of the Sign Ordinance or Zoning Ordinance or other elements of the Columbiana Comprehensive Land Use Plan. Any variation thus authorized is required to be entered in writing in the minutes of the Zoning Board of Adjustments and the reason which justified the departure to be set forth.

§ 9.6.9 INTERPRETATION AND CONFLICT

Minimum Requirements. The standards and provisions of this ordinance shall be interpreted as being the minimum requirements necessary to uphold the purposes of this ordinance.

Other City Requirements. Whenever this ordinance imposes a more restrictive standard than required by any other City ordinance or requirement, the provisions of this article shall govern. Whenever any other City ordinance or requirement imposes a more restrictive standard than required by this ordinance, the provisions of such City ordinance or requirement shall govern.

Statutes, Covenants, Regulations, and Easements. Whenever this ordinance imposes a more restrictive standard than required by statutes, covenants, regulations, or easements, the provisions of this ordinance shall govern. When the provisions of any statute, covenant, regulation, or easement impose a more

restrictive standard than required by this ordinance, the provisions of such statute, covenant, regulation, or easement shall govern.

§ 9.6.10 SEVERABILITY AND SEPARABILITY

Should any article, section, subsection, or provisions of these Sign Regulations be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Sign Regulations as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

§ 9.6.11 REPEAL OF CONFLICTING ORDINANCES

All ordinances, including Ordinance 08-01-02, or parts of ordinances in conflict with these Sign Regulations, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

§ 9.6.12 EFFECTIVE DATE

This ordinance shall take effect and be in force effective on the date of its adoption and posting by the City Clerk.

2. This ordinance shall become effective upon its adoption by the City Council of Columbiana, Alabama and publication as required by law.

Adopted and approved this 17th day of September, 2002

Attest:

Jerry Colburn
City Clerk

J. Allan Lowe
J. Allan Lowe