

ORDINANCE NO. 1742

AN ORDINANCE AMENDING ORDINANCE NUMBER 1120, AS AMENDED BY ORDINANCES HERETOFORE ADOPTED, SAID ORDINANCE AND THE AMENDMENTS RELATED THERETO BEING ENTITLED "TALLADEGA, ALABAMA, ZONING ORDINANCE", AS FOLLOWS, AND IN NO OTHER PARTICULARS; AND REPEALING ORDINANCE NUMBER 1230 UPON PASSAGE AND PUBLICATION OF THIS ORDINANCE.

WHEREAS, the Talladega City Planning Commission has adopted and presented to the City Council of said City a Resolution reciting that, after due consideration, it recommends that said Ordinance Number 1120, entitled "Talladega, Alabama, Zoning Ordinance" as amended by Ordinances heretofore adopted, be further amended as hereinafter set out; and,

WHEREAS, the City Council of the City of Talladega, Alabama, desires to concur in and act upon said recommendation as provided by law in such cases; and,

WHEREAS, all preliminary requirements as in such cases provided by law have been complied with;

NOW, THEREFORE, be it ordained by the City Council of the City of Talladega, Alabama, as follows:

ARTICLE 1: PURPOSE AND SCOPE

SECTION 1.01. PURPOSE

The purpose of this Ordinance is to coordinate the type, placement, and physical dimensions of signs within the City of Talladega; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance of sign; to allow for special circumstances and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These purposes shall be accomplished by regulation of the display, erection, use and maintenance of signs. The placement and physical dimensions of signs will be regulated primarily by type and length of street frontage of the building whereon a sign is located. No sign shall be permitted as a main or accessory use of any lot except in accordance with the provisions of this Ordinance.

SECTION 1.02. SCOPE

This Ordinance shall not relate to building design, nor shall this Ordinance regulate: official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction sign not defined herein as a sign. The primary intent of

the Ordinance shall be to regulate signs of a commercial nature intended to be viewed from any vehicular public right-of-way.

ARTICLE 2: DEFINITIONS

Certain terms are defined for the purpose of this Ordinance as follows:

Abandoned Sign: A sign which no longer identifies or addresses a bona fide business, service, owner, product, or activity, and/or for which no legal owner can be found.

Animated Sign: Any sign which uses movement or change of lighting to depict action or create a special effect or scene (compare “flashing sign”).

Area: See “Sign, Area Of”.

Awning: A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework (compare “Marquee”).

Awning Sign: A sign painted on, printed on, or attached flat against the surface of an awning.

Banner Sign: A sign made of fabric or any nonrigid material with no enclosing framework.

Billboard: See “Off Premise Sign”.

Building: Any structure having a roof and intended for the shelter, housing, or protection of persons, animals or property.

Building Inspector: The Building Inspector of the City of Talladega or the building inspector’s designated representative.

Changeable Copy Sign (Automatic): A sign on which a copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

City: Unless the context clearly discloses a contrary intent, the word “City” shall mean the City of Talladega.

Clearance (of a Sign): The smallest vertical distance between the grade of the adjacent street or curb and the lowest point of any sign, including framework and embellishments extending over that grade.

Construction Sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material suppliers participating in construction on the property on which the sign is located.

Copy: The wording on a sign surface in either permanent or removal letter form.

Directional/Information Sign: An on premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but does not contain any advertising copy, e.g., parking or exit and entrance signs.

Double Faced Signs: A sign with two faces.

Electrical Sign: A sign or sign structure in which electrical wiring, connections or fixtures are used.

Electronic Message Center: See “Changeable Copy Sign (Automatic).”

Facade: The entire building front including the parapet, excluding windows.

Face of Sign: The area of a sign on which the copy is placed.

Festoons: A string of ribbons, tinsel, small flags, or pinwheels.

Flashing Sign: A sign which contains an intermittent or sequential flashing light source primarily to attract attention, excluding changeable copy signs, animated signs, signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare “Animated Sign”, “Changeable Copy Sign”).

Freestanding Sign: A sign supported upon the ground by poles or braces and not attached to any building.

Frontage: The length of the property line of any one premise along a public right-of-way which it borders.

Frontage, Building: The length of an outside building wall located on a public right-of-way wherein the primary point of pedestrian access to the building is located.

Government Sign: Any temporary or permanent sign erected and maintained by the City, County, State or Federal Government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

Height (of a sign): The vertical distance measured from the highest point of the sign, including embellishments, to the grade of the adjacent street, or the surface grade beneath the sign, whichever is less (compare “Clearance”).

Historic District: That geographically defined area designated by Ordinance of the City Council as a historic district and designated on the zoning map of the City of Talladega as Historic Preservation Area.

Identification Sign: A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Illegal Sign: A sign which does not meet the requirements of this Ordinance.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating the business hours of the location.

Lot: An unsubdivided parcel or portion of land occupied or intended to be occupied by a common use or occupied by a building or group of buildings

devoted to similarly or complementary uses, together with the customary accessory buildings and uses and open spaces belonging to the same. The establishment of lease or rental lines shall not define separate lots for the purpose of this Ordinance.

Maintenance: The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Mansard: A sloped roof or roof like facade architecturally comparable to a building wall.

Marquee: A permanent roof like structure or canopy of rigid materials supported by and extending from the facade of a building (compare “Awning”).

Marquee Sign: Any sign attached to or supported by a marquee structure.

Menu Board: Permanently installed sign (affixed to a post, pole, or wall) that provides a list of products and/or services offered for sale and/or pictorial display of products offered for sale, which may include the price of products and/or services. The list or display shall be located on the premises near the point of ordering, and can consist of the following varieties of menu boards:

Parking Stall Menu Board - Menu Board located adjacent to a vehicle parking stall on the premises of a business that utilizes drive-in parking stalls where customers remain seated in a vehicle.

Drive-Through Menu Board - Menu Board used solely for drive-through service at a business where customers remain seated in a vehicle occupying a drive-through service lane to the point of a drive-through service window or other service area.

Preview Menu Board - Menu Board which contains a limited list of products and/or services and/or pictorial display of products offered on a drive-through menu board of a business. A preview menu board abuts a drive-through service lane and precedes the drive-through menu board for the purpose of expediting the ordering of products and/or services from the drive-through menu board.

Movable Sign: Any sign designed to be moved by pushing, carrying or pulling on or by a person or vehicle or under its own power, on its own axle(s) and wheels.

Nameplate: A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants of a building.

Nonconforming Sign: (1) A sign that, at the time of its erection, conformed to the sign ordinances at that time, but does not currently comply with sign ordinances, restrictions and regulations adopted subsequent to its erection. (2) A sign which does not conform to this sign ordinance but for which a special permit has been issued.

Occupancy: The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Off-Premise Sign: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the lot on which said sign is located, e.g., “billboards” and “outdoor advertising”.

On-Premise Sign: A sign which pertains to the use of the lot on which it is located.

Owner: A person named as the property owner on the property ownership records in the office of the Revenue Commissioner of Talladega County, Alabama. For the purpose of this Ordinance, the owner on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Building Inspector, e.g., a sign lease from a sign company.

Painted Wall Sign: Any sign which is applied with paint or similar substance on the face of a wall.

Parapet: The extension of a false front or wall above a roof line.

Person: Any individual, corporation, association, firm, partnership, or similarly defined interest.

Point of Purchase Display: Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.

Pole Cover: Covers enclosing or decorating poles or other structural supports of a sign.

Political Sign: A temporary sign used in connection with a local, state, or national election or referendum.

Portable Sign: Any sign designed to be moved easily and carried by an individual and not permanently affixed to the ground or to a structure or building. It is not a movable sign.

Premises: A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting Sign: A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roofline: the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof Sign: Any sign erected over or on the roof of a building (compare “Mansard”, “Wall Signs”).

Rotating Sign: Any sign in which the sign itself or any portion of the sign moves in a revolving or similar manner.

Sandwich Board Sign: Any portable sign consisting of not more than two pieces of material hinged together at one end and not being any larger size than two feet wide by four feet high.

Secondary Sign: A sign located on the side or rear of a building.

Sign: Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, products, goods, or services.

Sign, Area of: Projecting and freestanding: the area of a freestanding or projecting sign shall have only one face (the largest one) of any double or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets:

- a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include the embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
- b. Wall Signs: the area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. The combined areas of the individual figures shall be considered the total sign area.

Snipe Sign: A temporary sign or poster affixed to a tree, fence, or stake.

Subdivision Identification Sign: A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary Sign: A sign not constructed or intended for long-term use.

Under Canopy Sign: A sign suspended beneath a canopy, ceiling, roof, or marquee.

Use: The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

Vehicle: Any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property or pull machinery and shall include, without limitation, every automobile, motorcycle, mobile trailer, semi-trailer, truck, truck tractor, trailer, tractor, buggy or wagon and any other device that is self-propelled or drawn, in, upon, or by which any person or property is or may be transported or drawn upon a public highway except such as is moved by animal power or used exclusively upon stationary rails or tracks.

Wall Sign: A sign attached horizontally parallel to and extending not more than 12 inches from the wall of a building. This definition includes painted, individual letter, cabinet signs, and signs on a mansard.

Window Sign: A sign installed inside a window and intended to be viewed from the outside.

ARTICLE 3: GENERAL PROVISIONS

SECTION 3.01. SIGNS PROHIBITED

The following types of signs are prohibited in all zoning districts:

- (a) Abandoned signs;
- (b) Banners, pennants, festoons. (Except as described in Section 4.01(d);
- (c) Signs imitating or resembling official traffic or government signs or signals;
- (d) Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way;
- (e) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to allowed movable signs, portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business); and,
- (f) Signs placed in any part of the public right-of-way.

SECTION 3.02. PERMITS REQUIRED

Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as described in Section 8 of this Ordinance ten (10) days prior to erecting the sign. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

SECTION 3.03. SIGNS NOT REQUIRING PERMITS

The following types of signs are exempt from permit requirements but must be in conformance with all other requirements of this Ordinance:

- (a) Construction signs of 32 square feet or less;
- (b) Directional/Information signs of four (4) square feet or less located behind setback;
- (c) Holiday or special events decorations;
- (d) Nameplates of two (2) square feet or less;
- (e) Political signs;
- (f) Public signs or notices, or any sign relating to an emergency;
- (g) Real estate signs;
- (h) Window signs; and,

- (i) Incidental signs.

SECTION 3.04. MAINTENANCE

All signs shall be properly maintained. Exposed surfaces shall be clean and painted, if paint is required. Defective parts shall be replaced. The Building Inspector shall have the authority under Section 8.08 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

SECTION 3.05. CHANGEABLE COPY

Unless otherwise specified by this Ordinance, any sign herein allowed may use manual or automatic changeable copy.

SECTION 3.06. LIGHTING

Unless otherwise specified by this Ordinance, all signs may utilize:

- (a) An exposed incandescent lamp without an external reflector and without a sunscreen or comparable diffusion; or,
- (b) Any revolving beacon light or flashing sign.

SECTION 3.07. SIGN CONTRACTOR'S LICENSE

No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid business license and all required state and local building permits.

SECTION 3.08. INDEMNIFICATION AND INSURANCE

All persons involved in the installation, maintenance, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims of negligence resolution from such work insofar as this Ordinance has not specifically directed the placement of a sign.

All persons involved in the installation maintenance, alteration, or relocation of signs shall maintain all required insurance and shall file with the City a satisfactory certificate of insurance to indemnify the City against any form of liability relative to the installation, maintenance, alteration, or relocation of a sign in a minimum of \$1,000,000.00.

ARTICLE 4: REGULATION OF ON-PREMISE SIGNS BY ZONE

SECTION 4.01. SIGNS PERMITTED IN ALL ZONING DISTRICTS

The following signs are allowed in all zoning districts, subject to any and all additional restrictions placed on signs located in the Historic District as set forth in Section 4.04 herein:

- (a) All signs not requiring permits (Section 3.03), subject to the limits specified in subsections (b) and (c) of this section;
- (b) One (1) non-illuminated real estate sign per lot or premises, not to exceed four (4) square feet in sign area. Such signs must be removed within ten (10) days following sale, rental or lease;
- (c) One (1) attached nameplate per occupancy, not to exceed two (2) square feet in sign area; and,
- (d) One (1) temporary special events sign and decoration per premises as allowed by the Building Inspector for special events, grand openings, or holidays. Such signs and decorations may be erected fourteen (14) days prior to a special event or holiday and shall be removed five (5) days following the event or holiday. For grand openings such signs may be used for no more than fourteen (14) days.

SECTION 4.02. SIGNS PERMITTED IN RESIDENTIAL ZONING DISTRICTS

The following signs are allowed in residential zoning districts R-1, R-2, R-3, R-4, R-5 and R-6, subject to any and all additional restrictions placed on signs located in said Historic District:

- (a) All signs as permitted in Section 4.01;
- (b) Two (2) subdivision identification signs per neighborhood, subdivision, or development, not to exceed 32 square feet in sign area;
- (c) Two (2) identification signs per apartment or condominium complex, not to exceed 32 square feet in sign area;
- (d) For permitted nonresidential uses, including churches and synagogues, one (1) freestanding sign, not to exceed 32 square feet in area.
- (e) All permitted freestanding signs shall have a maximum height limit of eight (8) feet and shall have a setback of ten (10) feet from any public right-of-way; and,
- (f) In zoning districts R-1, R-2 and R-3, one (1) political sign per candidate per lot not to exceed four (4) square feet in sign area. Political signs shall not be erected more than sixty (60) days prior to the election or referendum concerned and shall be removed seven (7) days following such election or referendum. Political signs may be placed only on private property and only with the written permission of the property owner(s).
- (g) In zoning districts R-4, R-5 and R-6, one (1) political sign per lot, not to exceed 32 square feet in sign area. Such signs shall not be erected more than 60 days prior to the election or referendum concerned and shall be removed seven (7) days following such election. Political signs may be placed only on private property and only with the written permission of the property owner(s).

SECTION 4.03. SIGNS PERMITTED IN COMMERCIAL, OFFICE AND SERVICE AND INDUSTRIAL ZONING DISTRICTS

The following signs are allowed in commercial, office and industrial zoning districts, C-1, C-2, C-3, C-4, O-S, I-P, M-1 and M-2 subject, however, to any and all additional restrictions placed on signs located in said Historic District:

- (a) All signs as permitted in Section 4.01 and 4.02;
- (b) One (1) construction sign for each street frontage of construction project, not to exceed 32 square feet in sign area. The signs may be erected 60 days prior to beginning of construction and shall be removed 30 days following completion of construction;
- (c) One (1) political sign per lot, not to exceed 32 square feet in sign area. Such signs shall not be erected more than 60 days prior to the election or referendum concerned and shall be removed seven (7) days following such election. Political signs may be placed only on private property and only with the written permission of the property owner(s);
- (d) Four (4) directional/informational signs per lot, at each entrance point and/or exit point from or onto a public street from the premises not to exceed six (6) square feet in sign area or three (3) feet in height;
- (e) Only one (1) freestanding sign per lot and street front is allowed. The sign may not exceed one (1) square foot in sign area for each linear foot of main street frontage-not to exceed 300 square feet. If the property is a shopping center only one (1) freestanding sign is allowed per street front. Where the lot is located on a corner of the intersection of two streets or has more than one (1) main street frontage, one (1) additional freestanding sign will be allowed on the additional frontage not to exceed the size of the permitted freestanding signs; provided however, this restriction shall not apply to traffic directional/information signs;
- (f) All freestanding signs shall be located at least ten (10) feet off of the public right-of-way boundary line, where the grade clearance of the sign is a minimum of ten (10) feet, the leading edge of the sign may be at the right-of-way boundary line, but, in no case, may the sign be located on or over public property;
- (g) No part of any sign shall be located within 25 feet of the intersection of any two (2) streets or within 25 feet of the intersection of any street and railroad, unless the sign has a minimum grade clearance of ten (10) feet and a single support not in excess of 18 inches wide, in which case, the leading edge of the sign shall be set back from the intersection ten (10) feet;
- (h) No sign shall be located within 15 feet of the intersection of any street and driveway, unless the sign has a minimum grade clearance of ten (10) feet and a single support not in excess of 18 inches wide, in which case, the leading edge of the sign shall be set back from the intersection ten (10) feet;
- (i) Wall signs shall not exceed an aggregate area of one (1) square foot in sign area for each linear foot of that occupancy's building frontage;

- (j) Projecting signs may be permitted for business identification purposes and may be mounted on the front of a building facing the main thoroughfare. Projecting signs shall not exceed 6 square feet in sign area and shall not project further than five (5) feet from the building face towards the street, sidewalk or road. Projecting signs shall not exceed a maximum sign face or copy height greater than two (2) feet and a maximum sign face or copy width greater than three (3) feet. The minimum clearance for projecting signs as measured from the bottom of the sign face, including all supporting frames or braces, to the finish ground level directly beneath the sign shall not be less than eight (8) feet;
- (k) Two (2) awning signs per occupancy not to exceed 25 percent of the surface area of an awning, or one (1) marquee front and side;
- (l) One (1) under-canopy sign per occupancy, not to exceed eight (8) square feet in sign area;
- (m) Incidental signs not to exceed 20 square feet in aggregate sign area per occupancy;
- (n) One (1) portable sign per business. Inspection and permit required annually;
- (o) One (1) movable sign per business. Inspection and permit required annually; or,
- (p) One (1) sandwich board sign per occupancy.
- (q) Menu board signs shall conform to the following conditions as to the number of signs, size and location:
- i. Parking stall menu board signs shall not exceed eight (8) square feet in sign area per sign.
 - ii. Drive-through menu board signs shall not exceed eight (8) feet in height and shall be no greater than forty (40) square feet in sign area per sign.
 - iii. Preview menu board signs shall not exceed six (6) feet in height and shall be no greater than twenty (20) square feet in sign area per sign and shall not be permitted on the premises unless there exists on the premises a drive-through menu board sign. There shall not be more than one preview menu board sign on any premises regardless of the number of drive-through menu board signs on the premises.
 - iv. There shall be no flashing lighting or strobe lighting permitted on any menu board sign.
 - v. All menu board signs shall be permanently affixed to the premises.

SECTION 4.04. SIGNS IN HISTORIC DISTRICT

The Historic District consists of four geographically defined areas designated by Ordinance of the City Council as follows: The Silk Stocking District, Ordinance 1287; Bishop Flats, Ordinance 1315; Talladega College, Ordinance 1322 and Talladega County Courthouse Square, Ordinance 1316. The design of signs within the Historic District must be approached with care. Great importance is placed on the relationship of a sign to the facade on which it is located. A sign must be designed for careful integration with the architectural features of the building and other structures and the exterior environment of the Historic District. Its size and proportions must relate to the fenestration and detailing of the building.

Signs which are allowable under these guidelines and are visible from both the street and sidewalk will satisfy the legitimate needs of commerce without visual clutter and without interference with the views of the buildings and other signs. Before installation of any sign, the sign must be approved by the Historic Preservation Commission. No permit shall issue for signage in the Historic District without having first received a Certificate of Appropriateness by the Historic Preservation Commission.

Signs in the Historic District shall be regulated as follows:

The Silk Stocking District, Bishop Flats and Talladega College shall be regulated by the provisions of this ordinance applicable to the particular zoning district in which the property is located.

Talladega County Courthouse Square shall be regulated by and shall comply with the following:

- (a) Signs shall be limited to those identifying the occupancy use conducted therein and only one sign per building facade shall be permitted.
- (b) Advertising by material or product manufactures or suppliers shall not be permitted. Such existing advertising or business signs that are determined historically significant may be retained if feasible;
- (c) Total area for signage allowed on sign area is not to exceed one (1) square foot for one linear foot of building street frontage;
- (d) All lighting elements such as wires, conduits, junction boxes, transformers, ballasts, switches and panel boxes shall be concealed from view as much as possible;
- (e) Signs and displays for advertising or promotion are not permitted in public right-of-ways;
- (f) Wall signs shall be placed horizontally parallel to the building face and shall not project more than twelve (12) inches from the surface of the building and shall

not exceed in area one square foot per one (1) linear foot of building street frontage;

(g) In the case of lots facing more than one public thoroughfare, the following rules shall apply:

i. If the building located on the lot has two entrances, each fronting on a public thoroughfare, each facade is to be calculated separately as to size allowed for each;

ii. Where there exists retail customer entrances on more than one side of the building, the total area for signage allowed on each side of the building having a street frontage shall not exceed one square foot for one linear foot of building street frontage;

iii. Where there are buildings with multiple sides facing a public thoroughfare with no retail customer entrance on the side of the building, total area for signage allowed on sign area shall not exceed three-quarter foot for one linear foot of building street frontage;

(h) Wall signs shall be placed no higher than the bottom of the second story window;

(i) Lettering applied to ground floor show windows or entrance doors shall not exceed six (6) inches in height, and the text limited to identification of the primary business therein;

(j) Signs identifying the business occupant shall be permitted at the road entrance doors but shall not exceed six (6) square feet in size except where there is a retail shop entrance;

(k) Projecting signs shall not be permitted on any portion of any building unless the same comply with engineering standards for projecting signs and are specially permitted by the Building Inspector;

(l) Signs on frame backings or use of separate cutout letters shall be permitted in accordance with the above limits for wall signs;

(m) Secondary signs shall be permitted for the identification of commercial tenants occupying the upper floors of a building. Such signs shall not exceed two (2) square feet in an area and shall not project more than two (2) inches beyond the surface of the building;

(n) Roof top sign, signs on or above the parapet of a building, billboards, or other outdoor advertising signs painted or mounted on structures, except as otherwise herein provided, shall not be permitted;

(o) Painted or sewn signs designating only the business name and address on awning of free-standing canopies are permitted, provided the total area of the sign is included in the total allowed sign area as above described;

- (p) Sign letters and colors:
 - i. Colors: Historic colors as approved by the Historic Preservation Commission;
 - ii. Letters: Single colors on contrasting background not to exceed twelve (12) inches in height;
- (q) Movable signs are prohibited in the Historic District;
- (r) Sandwich board signs may be allowed by special permit from the Building Inspector. Permitted sandwich board signs shall only be used during the business operating hours of the business permitted for use of the sign. Sandwich boards may only be placed on that part of the public sidewalk in front of the business permitted for use of sandwich board signs. The placement of sandwich board signs shall not interfere with or impede the flow of pedestrian traffic along the public sidewalk nor interfere with the access of emergency first responders or public safety facilities, e.g., fire hydrants; and,
- (s) Illuminated signs are prohibited in the Historic District.

SECTION 4.05. SPECIAL REGULATIONS REGARDING MOVABLE SIGNS AND PORTABLE SIGNS

In addition to any regulations applying to signs in general, the following additional regulations shall apply to movable signs and portable signs:

- (a) Movable signs and portable signs shall comply with the same setback and sight distance requirements as all other signs;
- (b) No movable sign or portable sign shall be illuminated by or contain flashing intermittent or rotating or moving light or lights. No movable sign or portable sign shall be animated;
- (c) Movable signs or portable signs shall be limited to one (1) per business; and,
- (d) Subject to the provisions of this Ordinance, movable signs or portable signs shall be permitted uses in C-3, C-4, M-1 and M-2 districts and may be use permitted upon appeal in C-1 and C-2 districts.

ARTICLE 5: REGULATION OF OFF-PREMISE SIGNS

SECTION 5.01. OFF-PREMISE SIGNS

In addition to any regulations applying to signs in general, the following regulations shall apply to off-premise signs:

- (a) No billboard shall be located closer than 1,000 feet to any other billboard on the same side of any street, on the route of travel. The distance shall be measured along the nearest edge of the pavement at points directly opposite the center of the sign and located on the same side of the street.
- (b) Billboards shall not be located one above the other or side by side.
- (c) No billboard located in the City shall exceed 600 square feet in area.
- (d) Unless otherwise provided for in this Ordinance, billboards shall comply with the same height, setback, and spacing requirements as all other signs.
- (e) No billboard shall be located closer than 100 feet to any residential district or any property used for residential purposes, unless separated from it by a street or building.
- (f) The lowest portion of any billboard must be at least twelve (12) feet above grade.
- (g) No billboard shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights used primarily to attract attention, excluding electronic message centers or time and temperature.
- (h) All billboards shall be of all-metal whether single pole or steel beam construction except for the skirt which may be of other durable materials.
- (i) Subject to the provisions of this Ordinance, billboards shall be permitted uses in C-2, C-3, C-4, M-1 and M-2 districts. Billboards shall not be permitted in any other districts.
- (j) Off-premise directional signs of 32 square feet or less shall be use permitted upon appeal where spacing and setbacks are a hardship.
- (k) No sign shall exceed 50 feet above ground.

ARTICLE 6: NON-CONFORMING SIGNS

SECTION 6.01. DETERMINATION OF LEGAL NON-CONFORMITY

Signs in existence at the time of the adoption of this Ordinance that do not conform to the specific provisions of the Ordinance may be eligible for designation as “legal non-conforming signs” provided that:

- (a) The Building Inspector determines that such signs are properly maintained and do not in any way endanger the public; and,
- (b) The sign was legally permitted or a variance granted that complied with all applicable laws on the date of the adoption of this Ordinance.

SECTION 6.02. LOSS OF LEGAL NON-CONFORMING STATUS

A legal non-conforming sign may lose this designation if:

- (a) The sign is relocated or replaced;
- (b) The structure or size of the sign is altered in any way except to conform with the specific provisions of this Ordinance, normal maintenance excepted; or,
- (c) The sign is abandoned for a period of six (6) consecutive months.

SECTION 6.03. MAINTENANCE AND REPAIR OF NON-CONFORMING SIGNS

A legal non-conforming sign is subject to all requirements of this Ordinance regarding safety, maintenance and repair; provided however, if a sign suffers more than fifty percent (50%) appraised damage or deterioration, the sign must be brought into compliance with this Ordinance or be removed. A legally non-conforming off-premise sign shall only be replaced by a sign which conforms with the provisions of Article 5 of this Ordinance.

ARTICLE 7: CONSTRUCTION SPECIFICATIONS

SECTION 7.01. COMPLIANCE WITH BUILDING AND ELECTRICAL CODES

All signs shall be constructed in accordance with the requirements of the Standard Building Code and the National Electrical Code.

SECTION 7.02. ANCHORING

- (a) No sign shall be suspended by non-rigid attachments that will allow the sign to swing in the wind.
- (b) All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
- (c) All portable signs on display shall be braced or secured to prevent motion.

SECTION 7.03. WIND LOADS

All signs shall be designed and constructed to meet the wind loading requirements as set forth in the Standard Building Code.

SECTION 7.04. ADDITIONAL CONSTRUCTION SPECIFICATIONS

- (a) No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

- (b) No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation.
- (c) Signs shall be located in so as to maintain horizontal and vertical clearance of all overhead electrical conductors independent of voltages concerned.

ARTICLE 8: ADMINISTRATION AND ENFORCEMENT

SECTION 8.01. CODE ADMINISTRATION

The Building Inspector of the City of Talladega is authorized to process applications for permits and variances and enforce and carry out all provisions of this Ordinance, both in letter and in spirit.

The Building Inspector is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections and to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

SECTION 8.02. APPLICATIONS FOR PERMITS

Applications for a permit for the erection, alteration, or relocation of a sign shall be made to the Building Inspector upon a form provided by the Building Inspector and shall include the following information:

- (a) Name and address of the owner of the sign;
- (b) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner;
- (c) The type of sign or sign structure as defined in this Ordinance; and,
- (d) A drawing or photographic rendering of the proposed sign.

SECTION 8.03. PERMIT FEES

All applications for permits filed with the Building Inspector shall be accompanied by a payment of the initial permit fee of \$25.00 for each sign.

SECTION 8.04. ISSUANCE AND DENIAL

The Building Inspector shall issue a permit and permit sticker for the erection, alteration, or relocation of a sign within five (5) days of receipt of a valid application, provided that the sign

complies with all applicable laws and regulations of the City. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied by the Building Inspector, the Building Inspector shall give a written notice to the applicant along with a brief statement of the reasons for denial. The Building Inspector may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

SECTION 8.05. PERMIT CONDITIONS, REFUNDS AND PENALTIES

If a permit is denied, the permit fee will be refunded to the applicant. A permit issued by the Building Inspector becomes null and void if work is not commenced within 90 days of issuance. If work authorized by the permit is suspended or abandoned for 90 days, the permit must be renewed with an additional payment of the original fee.

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in the Ordinance.

SECTION 8.06. VARIANCES

In obtaining a permit, the applicant may apply to the Building Inspector for a variance from certain requirements of this Ordinance. A variance may be granted by the Board of Adjustments and Appeals where the literal application of the Ordinance would create a particular hardship for the sign user and the following criteria are met:

- (a) A literal application of the Ordinance would not allow the property to be used at its highest and best use zoned;
- (b) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity;
- (c) Hardship caused the sign user under a literal interpretation of the Ordinance is due to conditions unique to that property and does not apply generally to the City; and,
- (d) The granting of the variance would not be contrary to the general objectives of this Ordinance.

In granting a variance, the Board of Adjustments may attach additional requirements necessary to carry out the spirit and purpose of this Ordinance in the public interest.

SECTION 8.07. VIOLATIONS

(a) Where a violation of this Ordinance exists, the Building Inspector shall issue a written citation to the alleged violator to comply with the provisions of this Ordinance. The citation shall specify those sections of the Ordinance that the owner may be in violation of and shall state that the owner has 30 days from the date of the citation in which to correct the alleged violation.

(b) If upon inspection, the Building Inspector finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, the Building Inspector shall issue a written citation to the owner and occupant of the premises to repair or remove the sign within 30 days of the date of citation.

(c) In those cases where due to the condition of the sign or the sign's mounting or location it poses or constitutes a danger to the public health and safety of the citizens of Talladega, the Building Inspector may cause the immediate removal of said sign without notice. Signs in violation of the City Building Code or the City Traffic Code are prima facie a hazard to the public health and safety.

SECTION 8.08. REMOVAL OF SIGNS BY THE BUILDING INSPECTOR

(a) Whenever a condition prohibited by this Ordinance is found to exist on private property within the City, the Building Inspector shall declare the condition a public nuisance and cause a written notice to be mailed by first class mail to "Occupant" at the address of the property upon which the nuisance exists and to the owner of said property as the information is listed in the records of the Revenue Commissioner of Talladega County, Alabama. If the property is a vacant lot, written notice will be mailed by first class mail to the owner of said property as the information is listed in the ad valorem tax records in the office of the Revenue Commissioner of Talladega County, Alabama.

(b) Said notice shall contain the following:

1. A description of the real property, by street address or otherwise, on which the public nuisance sign exists;
2. A direction to abate the nuisance occasioned by the public nuisance sign within ten (10) days from the date of the notice;
3. A description of the public nuisance sign;
4. A statement that unless the nuisance occasioned by the public nuisance sign is abated, the City will abate the nuisance and the cost of abatement may be assessed against the property and may be added to the next regular taxes levied against the property;
5. The date and time of the regularly scheduled City Council meeting at which a resolution will be presented to the City Council of the City of Talladega to approve the abatement of the nuisance and authorize assessment of the cost of abatement;

6. A statement regarding the procedure for filing an objection to abatement of the nuisance and assessment of the cost of abatement against the property;

7. A statement that an administrative fee of \$150.00 also shall be assessed upon the property if the nuisance is not abated within ten (10) days of the notice to the owner and may be added to the next regular taxes levied against the property; and,

8. A statement that failure to abate the nuisance with ten (10) days from the date of the notice may result in criminal prosecution.

(c) In addition, a written notice entitled "Notice to Abate Nuisance" shall be conspicuously posted on the property where the nuisance exists notifying the owner/occupant that a nuisance exists and that the City will take action to abate said nuisance if the nuisance is not abated within ten (10) days following the posting of the written notice. The Building Inspector of the City of Talladega shall maintain a record of written notice posted on private property including the date of the posting of the written notice, the street address of the property where the written notice is posted and the name of the person posting the written notice.

SECTION 8.09. PENALTIES

(a) Filing of timely objection to condition declared a nuisance:

1. The owner, occupant, lessee or person in control of property whereupon a public nuisance sign is located may file an objection to the declaration by the City that the condition constitutes a nuisance by notifying in writing the Building Inspector or his duly appointed agent at least four (4) business days prior to the date of the regular scheduled meeting of the City Council at which the resolution ordering the abatement of the nuisance and assessing the cost of abatement has been scheduled.

2 . The owner, occupant, lessee or person in control of said property shall also file the objection to the declaration by the City that the condition constitutes a nuisance by notifying in writing the City Clerk's office at least four (4) business days prior to the date of the regular scheduled meeting of the City Council at which the resolution ordering the abatement of the nuisance and assessing the cost of abatement has been scheduled.

(b) The City Council shall hear and consider all evidence, objections, and protests regarding whether or not the condition constitutes a nuisance and whether same should be ordered abated or removed. The City Council may continue the hearing from time to time. Upon the conclusion of the hearing, the City Council shall decide whether a public nuisance exists and, if so, shall order it to be

removed or abated with respect to any property or part thereof described. The City Council, by passage of a resolution ordering abatement of the public nuisance, shall be deemed to have acquired jurisdiction to proceed and to perform or have performed the work of removal or abatement with respect to the property or part thereof. The decision of the City Council on the matter shall be deemed final and conclusive.

(c) If a timely objection is not filed with the City Clerk or Building Inspector or his duly appointed agent or if the owner, occupant, lessee or person in control of the property fails to appear at the hearing, no additional public hearing will be held on an individual property and abatement of the nuisance will proceed and costs of the abatement assessed to the owner of the property as ordered by resolution of the City Council. In such instance, the City Council shall be deemed to have acquired jurisdiction to proceed and either to perform or have performed the work of removal or abatement with respect to the property or part thereof and the decision of the City Council shall be deemed final and conclusive.

(d) Upon a final decision and resolution of the City Council declaring the public nuisance sign to be a public nuisance and ordering the said public nuisance abated and prior to abatement of the public nuisance, the Building Inspector shall cause a written notice to be mailed by first class mail to the owner, occupant, lessee or person in control of the property informing that person of the decision of the City Council.

SECTION 8.10. APPEALS

(a) If the nuisance is not abated within ten (10) days of the date of the notice, there shall be an administrative fee of \$150.00, which shall be added to the actual cost for abatement of the nuisance and shall be included in the amount of the lien filed with the appropriate official who is charged with the collection of taxes or assessments. The administrative fee shall be assessed against the owner of the property even if the nuisance is not ultimately abated by employees of the City or the City's agent. The City may collect the administrative fee through court action or other lawful means; however, no lien may be placed against the owner's property solely to recover administrative costs.

(b) If the City initiates the removal and abatement of multiple public nuisance signs or nuisance conditions on the same property at the same time, only one administrative fee will be assessed.

SECTION 8.11. ABATEMENT PROCEDURE SEPARATE FROM PENALTY.

(a) The requirement to abate a nuisance is not a penalty for violating this Ordinance but is an additional remedy. Abatement proceedings and criminal prosecution of a violation may occur simultaneously. Neither the initiation of

prosecution for violations of this Ordinance nor the imposition of a penalty relieves a responsible party of the duty to abate such nuisance.

SECTION 8.12. PENALTIES.

(a) The violation of this Ordinance shall constitute a criminal misdemeanor. Any person who shall be convicted of violating any provision of this Ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the City Jail for not less than One Hundred Eighty (180) days, or both at the discretion of the Court trying the case. Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder.

ARTICLE 9: CONFLICT

If any portion of this Ordinance is found to be in conflict with any other provision of any zoning, building, fire, safety or health ordinance of the City Code, the provision which establishes the higher standard shall prevail.

ARTICLE 10: SEVERABILITY

All sections of this Ordinance are hereby declared to be severable; and if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

ARTICLE 11.

Upon adoption of this Ordinance and passage and publication, as provided by law, Ordinance 1230 of the City of Talladega is repealed.

ARTICLE 12. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage and publication as provided by law. Except as herein amended, said Ordinance Number 1120, and any amendments thereto, shall remain in full force and effect.

ADOPTED AND APPROVED this the 4th day of March 2013

PUBLISHED AND LEGAL as of 8th day of March 2013.