

## ORDINANCE NO. 1230

AN ORDINANCE AMENDING ORDINANCE NO. 1120, AS AMENDED BY ORDINANCE NO. 1121 AND ANY OTHER SUBSEQUENT ORDINANCES, PARTICULARLY, AN ORDINANCE TO PROMOTE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE AND TO REGULATE AND/OR COORDINATE THE TYPE, PLACEMENT AND PHYSICAL DIMENSIONS OF THE SIGNS WITHIN THE CITY OF TALLADEGA, ALABAMA; AND TO ENCOURAGE THE INNOVATIVE USE OF DESIGN; TO PROMOTE BOTH RENOVATION AND PROPER MAINTENANCE; AND TO RESTRICT OR TO PROHIBIT SIGNS WHICH CREATE A DANGER OR HAZARD TO THE PUBLIC AT LARGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TALLADEGA, ALABAMA, AS FOLLOWS:

### ARTICLE ONE: PURPOSE AND SCOPE

#### SECTION 1.01 PURPOSE

The purpose of this Ordinance shall be 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; to allow for special circumstances and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use and maintenance of signs. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Ordinance.

#### SECTION 1.02 SCOPE

This Ordinance shall not relate to building design, nor shall the 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 non-commercial organization; gravestones; barber poles, religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Thus, 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 TWO: DEFINITIONS

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

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

Building Inspector: The Building Inspector or his designated representative

Animated Sign: Any sign which uses movement or change of lighting to depict action or to 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 non-rigid materials on a supporting framework (compare "Marquee")

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

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

Billboard: See "Off-Premise Sign"

Building: As defined in Article 3 of Ordinance No. 1120 - "Any structure having a roof and intended for the shelter, housing, or protection of persons, animals, or property"

Changeable Copy Sign (Automatic): A sign on which a copy changes automatically on a lampbank 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 street 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 supplier participating in construction on the property on which the sign is located.

Copy: The wording on a sign surface in either permanent or removable 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 no advertising copy, e.g., parking or exit and entrance signs.

Double-Faced Sign: 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"

Façade: The entire building front including the parapet

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, does not include 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 on a public right of way

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").

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 code and which has not received legal non-conforming status.

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, services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Lot: A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map

Maintenance: For the purposes of this Ordinance, 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 façade architecturally comparable to a building wall.

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

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

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

Nonconforming Sign: (1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations. (2) A sign which does not conform to the sign code requirements 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 property on which said sign is located, e.g., "billboards" and "outdoor advertising"

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

Owner: A person recorded as such on official records. For the purpose of this Ordinance, the owner of property 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 Administrator, e.g., a sign leased 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: For the purposes of this Ordinance, any individual, corporations, 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: For the purposes of this Ordinance, 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 not permanently affixed to the ground or to a structure or building

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.

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 (compare Section 1.02).

Sign, Area of:

- (1) 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 embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
- (2) 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, etc.

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.

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

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

## ARTICLE THREE: GENERAL PROVISIONS

### SECTION 3.01 SIGNS PROHIBITED

The following types of signs are prohibited in all districts:

- (a) Abandoned signs
- (b) Banners, pennants, festoons. (Except as described in Section 4.01g)
- (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 portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).

### 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
- (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, as defined in the Building Ordinance of the City.

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.
- (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 maintenance, installation, 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 maintenance, installation, alteration, or relocation of signs shall maintain all required insurance and shall file with the state a satisfactory certificate of insurance to indemnify the state, county, or city against any form of liability to a minimum of \$1,000,000.00.

ARTICLE FOUR:    REGULATION OF ON-PREMISE SIGNS BY ZONE

SECTION 4.01      SIGNS PERMITTED IN ALL ZONES

The following signs are allowed in all zones, 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).

- (b) One (1) construction sign for each street frontage of construction project, not to exceed 32 square feet in sign area in all zones. Such signs may be erected 60 days prior to beginning of construction and shall be removed 30 days following completion of construction.
- (c) 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.
- (d) One (1) attached nameplate per occupancy, not to exceed two (2) square feet in sign area.
- (e) 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 five (5) 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).
- (f) Four (4) directional/informational signs per lot, not to exceed six (6) square feet in sign area or three (3) feet in height.
- (g) 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 ZONES**

The following signs are allowed in residential zones 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.

Special regulations for residential zones are as follows:

- (e) All allowed 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.

SECTION 4.03      SIGNS PERMITTED IN COMMERCIAL, OFFICE, AND SERVICE AND INDUSTRIAL ZONES

The following signs are allowed in commercial, office and industrial zones, 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) Only one (1) freestanding sign per premises and street front is allowed. This 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 premises is located on a corner 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 other allowed freestanding signs.
- (c) All freestanding signs shall be located at least ten (10) feet behind the public right of way line, unless the grade clearance of the sign is a minimum of ten (10) feet. In this case, the leading edge of the sign may be at the right of way line. But, in no case, may it be located on or over public property.
- (d) 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 may be set back from the intersection ten (10) feet.
- (e) 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 18 inches wide, in which case, the leading edge of the sign may be set back from the intersection ten (10) feet.
- (f) Wall signs shall not exceed an aggregate area of one (1) square foot in sign area for each linear foot or that occupancy's building frontage.
- (g) Projecting signs will be allowed for business identification purposes and may be mounted on front of building facing the main thoroughfare. Projecting signs may not exceed 20 square feet and may not project further than five (5) feet from the building face towards the street or sidewalk or road level, whichever is greater.
- (h) 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.
- (i) One (1) under-canopy sign per occupancy, not to exceed eight (8) square feet in sign area.
- (j) Incidental signs not to exceed 20 square feet in aggregate sign area per occupancy.
- (k) One (1) portable sign per business. Inspection and permit required annually.

SECTION 4.04      SIGNS IN HISTORIC DISTRICT (COMMERCIAL)

The design of signs within the Courthouse Square Historic District must be approached with care. Great importance is placed on the relationship of a sign to the façade on which it is located. A sign must be designed for careful integration with the architectural features. 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.

- (a) Signs shall be limited to those identifying the use conducted therein. 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. Total area for signage allowed on sign area is not to exceed one (1) square foot for one linear foot of main street frontage. All lighting elements such as wires, conduits, junction boxes, transformers, ballasts, switches and panel boxes shall be concealed from view as much as possible.
- (b) Signs and displays for advertising or promotion are not permitted in public right of ways.
- (c) Flat signs shall be placed parallel to the building face and shall not project more than 12" from the surface of the building and shall not exceed in area one square foot per one (1) linear foot of main street frontage. In the case of corner properties with two entrance frontages, each façade is to be calculated separately as to size allowed for each. Flat signs shall be placed no higher than the bottom of the second story window where windows exist or approximately 14 feet above grade level for single story buildings. 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. 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.
- (d) Projecting signs shall not be permitted on any portion of any building.
- (e) Painted signs on building surfaces shall not be permitted. Signs on frame backings or use of separate cutout letters shall be permitted in accordance with the above limits for flat signs.
- (f) 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.
- (g) 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.

- (h) Painted or sewn signs designating only the business name and address on awning of free-standing canopies are permitted, provided their total area is included in the total allowed sign area – and their lettering is consistent with other signs in style and color.
- (i) Sign letters and colors:
  - Colors: Historic colors as approved by major paint companies
  - Letters: Single colors on contrasting background. No more than 12” high.

**SECTION 4.05      SPECIAL REGULATIONS REGARDING PORTABLE SIGNS**

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

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

**ARTICLE FIVE:      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 bill board 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 Chapter, 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 chapter, 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 used permitted upon appeal where spacing and setbacks are a hardship.
- (k) No sign shall exceed 50 feet above ground.

ARTICLE SIX:        NON-CONFORMING SIGNS

SECTION 6.01        DETERMINATION OF LEGAL NON-CONFORMITY

Existing signs which do not conform to the specific provisions of the Ordinance may be eligible for the designation “legal non-conforming” provided that:

- (a) The administrator determine that such signs are properly maintained and do not in any way endanger the public.
- (b) The sign was covered by a valid permit or variance that complied with all applicable laws on the date of 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 towards compliance with this Ordinance. This does not refer to normal maintenance.
- (c) The sign becomes abandoned for a period of six (6) consecutive months.

SECTION 6.03        MAINTENANCE AND REPAIR OF NON-CONFORMING SIGNS

The legal non-conforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. However, if the sign suffers more than 50 percent appraised damage or deterioration; it must be brought into conformance with this code or removed. A legally non-conforming off-premise sign may be replaced only by a sign which conforms with the square footage, structural, height, setback and spacing provisions of this Ordinance.

ARTICLE SEVEN: 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 such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in depending on voltages concerned.

ARTICLE EIGHT: ADMINISTRATION AND ENFORCEMENT

SECTION 8.01 CODE ADMINISTRATION

The Building Inspector of the City of Talladega is authorized to process applications for permits and variance and enforce and carry out all provisions of this code, both in letter and in spirit. The Building Inspector is authorized to promulgate regulations consistent with this function.

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.

**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, provide 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, he 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 Code. A variance may be granted by the Board of Adjustments and Appeals where the literal application of the Code would create a particular hardship for the sign user and the following criteria are met:

- (a) A literal application of the Code would not allow the property to be used at its highest and best use as 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 Code is due to conditions unique to that property and does not apply generally to the City.
- (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

When, in the opinion of the Building Inspector, a violation of the Code exists, the Building Inspector shall issue a written order to the alleged violator. The order shall specify those sections of the Code of which the individual may be in violation and shall state that the individual has 30 days from the date of the order in which to correct the alleged violation or to appeal to the Board of Adjustment.

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 order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within 30 days of the date of order.

In cases of emergency, the Building Inspector may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the City Building Code of the City Traffic Code.

## SECTION 8.08      REMOVAL OF SIGNS BY THE BUILDING INSPECTOR

The Building Inspector may cause the removal of an illegal sign in cases of emergency or for failure to comply with the written orders of removal or repair, or upon determination that the sign has been abandoned for a period of six (6) consecutive months. After removal or demolition of the sign, a notice shall be mailed to the sign

owner stating the nature of the work and the date on which it was performed and demanding payment of costs as certified by the Building Inspector

If the amount specified in the notice is not paid within 30 days of the notice, it shall become an assessment upon and a lien against, the property of the sign owner, and will be certified as an assessment against the property.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Building Inspector, as in the case of a leased sign.

For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

#### SECTION 8.09      PENALTIES

Any person who fails to comply with the provisions of this Ordinance may be subject to a fine of \$100 for each week or portion thereof that the violation continues, up to a maximum of \$500.00.

#### SECTION 8.10      APPEALS

Any failure to respond to an application within five (5) days of receipt or any decision rendered by the Building Inspector in denying a permit or variance or in alleging a violation of this Ordinance may be appealed to the Board of Adjustment within seven (7) days of the Building Inspector's receipt of application.

The action being appealed shall be held in abeyance pending the decision of the City Council or the Board of Adjustment.

#### ARTICLE NINE:    CONFLICT, SEVERABILITY AND EFFECTIVE DATE

#### SECTION 9.01      CONFLICT

If any portion of this code 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.

#### SECTION 9.02      SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this Ordinance, or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.

SECTION 9.03      EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage and publication as provided by law. Except as herein amended, said Ordinance No. 1120, and any subsequent Ordinances, shall remain in full force and effect.

ADOPTED by the City Council at a meeting of said Council on the 19<sup>th</sup> day of September 1988.

/s/    James E. Spratlin  
       President of City Council

/s/    Ken Payne  
       Council Member

/s/    Robert F. Duncan  
       Council Member

/s/    Charles F. Miller  
       Council Member

APPROVED the 19<sup>th</sup> day of September, 1988.

ATTEST:

/s/    Frank Upchurch  
       City Clerk

/s/    George Montgomery  
       Mayor