

ORDINANCE NO. 1959

AN ORDINANCE PERTAINING TO SIGN REGULATIONS PROVISIONS WHICH AMENDS AND SUPPLEMENTS THE ZONING ORDINANCE NO. 981 AND NO. 1821.

ADOPTED May 14, 2009

Sponsored by _____:

BE IT ORDAINED BY THE CITY COUNSEL OF THE CITY OF PRICHARD, ALABAMA, AS FOLLOWS:

The Zoning Ordinance of the City of Prichard, Ordinance No. 981, adopted June 15, 1964, which was amended and supplemented by Ordinance No. 1821, adopted September 5, 1995, is hereby amended as follows:

**ARTICLE XIII
SIGNS**

SECTION A. TITLE

This section shall be known and may be cited as the "Sign Ordinance of the City of Prichard"

SECTION B. PURPOSE

The purpose of this section is designed to govern the effective use of signs as a means of communication in the municipality; to protect and promote the public health, safety and welfare; to maintain and enhance the aesthetic environment of Prichard and it's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

SECTION C. GENERAL PROVISIONS

No sign, unless herein accepted, shall be erected, posted, constricted, painted altered relocated or maintained in the City of Prichard until a permit has been issued by the City Inspection Department.

1. The following shall apply:

- a. Before any permit shall be issued, an application executed by the applicant on official city forms, which shall indemnify and hold harmless the City of Prichard for all damages, demands, or expenses every character which may in any manner be caused by the erection and use of said sign or said structure, shall be filed together with such drawings and specifications as may be necessary to fully advise and acquaint the Building Inspector with the location, size, construction, materials, manner of illuminating, and securing or fastening, and number of signs applied for and the wording of the sign or advertisement to be carried on the sign.
 - b. All signs which are electronically illuminated by neon or by other means shall require a separate electrical permit and inspection. Each sign requiring a permit shall be clearly marked with the permit number and the name of the person or firm placing the sign on the premises. The absence of a proper ID tag shall be prima facie evidence that the sign or advertising structure is being operated in violation of this Ordinance. If the Building Inspector deems that an engineering drawing is needed on any permit, that cost at the City's usual rate will be passed on to the person seeking the permit.
2. Any permit sign shall be subject to the size and height limitations imposed by this Ordinance for the use district in which said sign is located, excepted as otherwise provided herein.
3. No outdoor advertising sign or sign structure shall be placed upon any street or highway right-of-way except as otherwise provided herein.
4. No outdoor advertising sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection.
5. No outdoor advertising sign shall be erected, relocated or maintained so as to prevent free ingress or egress from a door, window or fire escape.
6. No portion of any outdoor advertising sign shall be less than twelve (12) feet above the level of sidewalk or other pedestrian thoroughfare, nor shall be less than fifteen (15) feet above the level of public driveway, alley or street.
7. Signs shall be harmonious with the environment and with the nature of our special local characteristics of site, aesthetic tradition, and development potential. Signs made of natural woods and materials featuring earth tones and indirect external lighting are encouraged to reflect the natural beauty of our mostly residential and recreational area, with its parks and public ways situated on a site heavily foliated with trees and shrubs including pines, dogwoods, oaks, pecans, magnolias, maples, poplars, azaleas, camellias, roses, red tips and other deciduous trees.

8. No sign shall be larger than fifty (50) square feet, except where the names of a building or firm are to be attached across the front of the building, or except as otherwise provided in this Ordinance.
9. A sign permit shall be null and void if the sign for which the permit was issued has not been completed and erected within a period of six (6) months from the date of issuance of the permit.
10. Changing the copy of a bulletin board, poster board, display encasement, marquee, of changeable copy true sign.
11. No printing on the surface of buildings and or structures for the purpose of Sign information and or advertising shall be allowed.
12. All signs shall comply with all applicable building codes, electrical codes and all other ordinances of the City of Prichard, except as otherwise provided herein.
13. Sign permit and exceptions: It shall be unlawful to erect, alter or relocate any sign without first obtaining a sign permit. When a sign permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of said permit without prior approval of the Building Inspector.
14. Permitted sign fees. The fee for each sign under Sections 1.2 and 1.5 shall be based upon the valuation of the sign as stated in the contract, or \$1.00 per square foot, whichever is the lesser amount.
15. This Ordinance shall be effective immediately upon its adoption and publication as required by law.

SECTION D. NONCONFORMING SIGNS

Any sign in existence on the date of adoption of this Ordinance that is not in conformance with the requirements of this Ordinance shall be considered a nonconforming sign and shall be permitted to continue to exist subject to the following conditions:

1. If any nonconforming sign is removed or destroyed or becomes 50% or more structurally deteriorated as determined by the Building Inspector, then the replacement sign shall be in conformance with the requirements of this Ordinance.
2. Where a change in: 1) use of property, 2) occupancy, 3) ownership regardless of name change, 4) change in name regardless of ownership, 5) location, or 6) the alteration of a sign in any manner, the altered or changed sign shall be in conformance with the requirements of this Ordinance and shall lose its eligibility for characterization as a "Legal Non-Conforming Sign" under Section D(8)

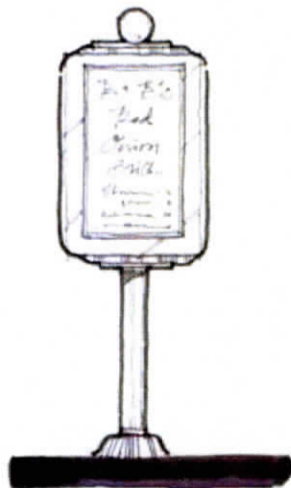
3. Any nonconforming sign prohibited under Section F of this Ordinance shall be removed or made to conform to this Ordinance within one hundred eighty (180) days of the date of adoption of this Ordinance.
4. The City Council may, in special cases and for good reason, and where, owing to conditions peculiar to the property had not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary or unique hardship, permit the erection of a sign not in conformance with the requirements of this Ordinance, and at its discretion, may require the posting of a bond in sufficient amount to protect the City against all liabilities that may result from the erection and use of such sign.
5. No permits for additional signs shall be issued for any premises on which there are nonconforming signs.
6. Wherever a building permit is required for any kind of improvements to a building, structure or land attached to which or on which there exists any non-conforming sign(s), then all signs attached to the building or structure or on the land, shall be replaced with a sign or signs that conform to the requirements of this Ordinance.
7. Non-conforming signs shall be either removed, or replaced with a conforming sign by October 1, 1997, except as provided by Section J(7) of this Ordinance.
8. Signs eligible for characterization as "Legal Non-Conforming" (excluding portable signs, temporary signs, and all signs prohibited in Section F) include: any sign located within the city limits prior to the enactment of the Sign Ordinance of the City of Prichard which does not conform to the provisions as set forth by this Ordinance is eligible for characterization as a "Legal Non-Conforming" sign and is permitted, provided there is only one (1) ground-mounted, on premise sign, whether it is conforming or "**Legal Conforming**" and all other signage is in conformance with these regulations. An annual permit for a legal non-conforming sign shall be obtained prior to the date when the next City business license is due. Compliance with Section D.8. Shall be accomplished on or before the 1st day of October, 1997, or on a date six years after the date in which property is annexed into the corporate limits.
9. Loss of legal non-conforming status. A legal non-conforming sign shall immediately lose its legal non-conforming status and must come into conformance within one hundred eighty (180) days upon the following:
 - a. Such sign is, after the date of adoption of this amendment, structurally altered, abandoned, discontinued, relocated or replaced, including the result of an act of God.
 - b. Where a change in: 1) use of property, 2) occupancy, 3) ownership regardless of name change, 4) change in name regardless of ownership, 5) location, or 6)

the alteration of sign in any manner, the altered or changed sign shall be in conformance with the requirements of this Ordinance.

10. The following types of signs are permitted in the City of Prichard: Any other type of sign not listed is prohibited.
- a. Monument sign - A permanent sign mounted on the ground and designed with a continuous structural element on approximately the same dimension from the ground to the top of the sign.



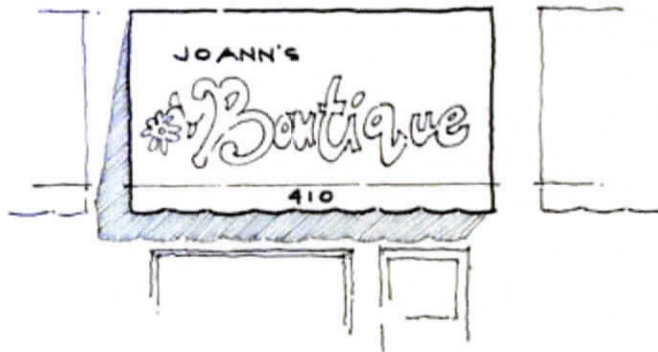
- b. Pole sign - a permanent sign mounted on the ground where the structural element is significantly narrower than the sign. Pole signs shall not exceed 64 feet in height and 32 in width. Pole signs shall not be erected in the City's right-of-way; sign shall be located at least 18 inches from right of way.



- c. A permanent sign mounted on or otherwise affixed to the side of a building and projecting no more than one foot from the surface it is mounted on. These are also called wall signs.



- d. Awning Sign – A permanent sign applied to the surface of an awning, which is affixed to a building or structure.



SECTION E. SIGNS – NO PERMIT REQUIRED

1. No permit is required for the following:
 - a. The changing of advertising copy or message on signs, which are specifically designed for the use of replaceable copy.

- b. One (1) general identification sign per building entrances such as nameplate, street number, occupant identification sign on common entrances not to exceed six (6) square feet.
- c. One (1) on-site bulletin board or identification sign for public, charitable, educational or religious use not exceeding thirty-two (32) square feet.
- d. Symbolic flags or insignias limited to fifty (50) total square feet in area.
- e. Decorative flags, banners and bunting authorized by the City Council for citywide celebrations, conventions or commemorations.
- f. Memorial signs, tablets or cornerstones of buildings, including name of building and date of erection, when consisting of a cut masonry surface or when constructed of bronze or other noncombustible materials.
- g. Up to four (4) incidental signs or symbols (e.g. entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel or property not to exceed two (2) square feet in area per sign.
- h. Identification signs at the entrance driver of residences, estates, farms, ranches, and plantations which do not exceed two (2) square feet in area.
- i. One (1) non-illuminated, double-faced, temporary, real estate for sale sign per street frontage not exceeding in face area.
- j. One (1) construction sign per street frontage located on property where construction is actually in progress under a current building permit. This shall be a ground sign not to exceed sixteen (16) square feet for residential structures and thirty-two (32) square feet for non-residential structures. This sign shall be removed before a certificate of occupancy is issued.
- k. Temporary signs and banners not exceeding fifty (50) square feet in area and temporary decorative flags, bunting, pennants, and streamers for recognizing holidays, conventions, grand openings, and other occasions authorized by the City Council. Said temporary decorations and signs shall be kept in good condition and shall be removed as soon as the occasion is over; otherwise, temporary decorations and signs shall be subject to the requirements of Section J(5) of this Ordinance.
- l. Political signs on public and private property, when displayed only for the duration of a campaign. All such signs shall be removed within (15) days after election. Political signs located within residential districts shall not exceed four (4) square feet in area.

- m. National flags and flags or political subdivisions of the United States and flags of bona fide civic, charitable, fraternal, and welfare organizations, when displayed from one (1) flag staff per premises in accord with United States Public Law 623 (Flag Display Practice); except when displayed in connection with a commercial promotion.
- n. Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property, not to exceed two (2) square feet.
- o. One (1) identification sign, with or without bulletin board, per street frontage, for public, charitable, educational or religious institutions, located on the premises of said institution and not exceeding fifty (50) square feet.
- p. Memorial signs and historical markers, constructed of bronze, stone, or other incombustible material, after historical authentication and location is approved by the City Council.
- q. Non-commercial yard or garage sale temporary signs not exceeding one and one-half (1½) square feet erected on private property and which display the date(s) and address of the sale. There will be a fifteen dollar (\$15.00) fine for signs not removed after five (5) days of the sale.
- r. Signs incorporated on machinery or equipment which advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booth, and gasoline pumps, provided the combined area of such signs does not exceed two (2) square feet.
- s. One (1) each business or professional identifications sign mounted to extend vertically below a marquee or canopy, provided its area does not exceed six (6) square feet nor exceed the width of the marquee or canopy nor provide less than nine (9) feet of clearance above the sidewalk or pedestrian thoroughfare.
- t. One (1) temporary promotional banner in compliance with Section F no greater than twenty (20) square feet may be attached to and parallel to the face of the building wall. Promotional banners shall be removed within five (5) days of the promotion or there will be a fifteen-dollar (\$15.00) fine for their removal.
- u. One (1) menu type sign per drive-through windows service not to exceed forty (40) square feet in area or eight (8) feet in height.

2. The following signs may be erected or constructed without an annual permit but shall comply with the structural and safety requirements of the current building codes and all other applicable provisions of this Ordinance.
 - a. Official traffic signs or sign structures, or municipal information signs and provisional warnings signs or sign structures, when erected or required to be erected by a governmental agency.
 - b. Temporary non-illuminated signs not more than thirty-two (32) square feet in area, erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress. One (1) such sign, which shall not exceed ten (10) feet in height, is allowed for each street frontage. Such signs shall be removed upon completion of the project.
 - c. Any sign on a truck, bus or other vehicle that is used in the normal course of business for transportation and not for the sole purpose of advertising, except where a vehicle is offered for sale.
 - d. Weather flags for providing information on weather conditions: one (1) set for each premise.
 - e. Real estate signs, temporary in nature, non-illuminated, not exceeding six and one-half (6½) square feet in area, advertising real estate for sale or lease or rent, or announcing contemplated improvements of real estate; one (1) sign for each street frontage.
3. Directional signs will not be allowed except as follows: "Open House" signs, which identify homes/houses when a selling agent is onsite that are open for the general public to view. Said signs shall not be a size not greater than one and one-half (1½) square feet and a height not greater than three (3) feet above ground. Said signs may be placed at intersections in a manner that does not constitute a traffic hazard for a period of one (1) day before the open house and removed the day of the open house and only one (1) route designated by signs to a particular open house and only one (1) sign per company at any one intersection.
 - a. Violations: Failure to remove signs within the prescribed time period will cause a fine to be levied at a rate of \$50.00 per day. Chronic violations may result in the enforcement of Article V, Section A.5., penalties and remedies of this Ordinance.
 - b. Whenever possible, real estate companies are encouraged to work in conjunction to limit the number of directional signs for any open house.

4. Gasoline or other motor vehicle fuel pricing signs, in addition to permitted name or identification signs, are permitted in any business or industrial district. Such signs shall not exceed twelve (12) square feet in area and must comply with the other sign requirements for the district in which they are located.
5. Billboards signs are permitted in any business or industrial district with Planning Commission approval. Such signs shall not be placed less than 1,000 radial feet of each other and shall be no longer than 672 square feet per sign face.
6. Junior Posters are not to be considered billboards. They are an urban medium designed for use by local businesses. Junior Poster is a generic name for a fifty-five (55) square foot, off-premise display. With the border around it, the overall dimensions should be no more than seventy-five (75) square feet. Such signs shall not be placed less than two hundred fifty (250) radial feet of each other.
7. No outdoor off-premise advertising structure shall be constructed within one hundred (100) feet of a residential dwelling in a residentially zoned district (R-1, R-2, R-3, and R-4).

SCHEDULE OF PERMITTED SIGN REQUIREMENTS

Zoning District	Type of Use	Maximum Area/Face	Number of Faces	Maximum Height	Maximum Number of Signs Permitted
R-1	S F	6 sq. ft.	1	6 ft.	1 per premises
R-2	S F	6 sq. ft.	1	6 ft.	1 per premises
R-3	S F	6 sq. ft.	1	6 ft.	1 per premises
R-4	M F	6 sq. ft.	1	6 ft.	1 per premises
B-1	Local Business	75 sq.ft. per Premises	2	25 ft.	1 per street frontage (Wall Sign) 1 free-standing
B-2	General Business	100 sq.ft. per Premises	* 2	40 ft.	1 per street frontage 2 if the premises frontage is greater than (1,000) linear feet. 1 free-standing sign
*Pertains to Wall signs					
B-3	Professional	50 sq.ft.	2	20 ft.	1 per street frontage

SECTION F. SIGNS PROHIBITED IN ALL DISTRICTS

The following signs are prohibited in all use districts:

1. Any sign erected or painted upon a fence, tree, stand pipe, fire escape or utility pole except the manufacturer's or installer's ID plate which shall not exceed 5 x 8 inches in size.
2. Any sign which uses the word "Stop" or "Danger" prominently displayed and/or which is a copy or imitation of official traffic control signs except where such words are a part of an attraction title for a theater or other similar event or purpose.
3. Signs which contain flashing or intermittent illuminations, except as required for traffic control. Changing the copy on a bulletin board or changeable copy type sign which displays customary public information, such as time, date, temperature or other such information is deemed not to be flashing or intermittent illuminations.
4. Portable signs, sandwich board signs, or ladder type signs.
5. Permanent signs that produce sound or noise; cause interference with radio, telephone, television or other communication transmission; produce or reflect motion pictures, emit visible smoke, vapor, particles, or odor; are animated or produce any rotation, motion or movement.
6. Off-premise signs which are supported by more than one support beam.
7. Stacked billboard units.
8. Any future advertisements for tobacco and alcohol products will be banned and all current advertisements, signs, and billboards must be in compliance by January, 1, 1997.

SECTION G. MAINTENANCE AND REMOVAL OF SIGNS

1. All signs shall be maintained in good condition and appearance. The building inspect or, after due notice in writing to the owner, may cause to be removed, at owners expense, and sign which shows neglect or which appears abandoned or which becomes dilapidated or dysfunctional, or where the area for a distance of ten (10) feet around such sign is not kept free of weeds, rubbish, debris, or uncut grass, and maintained in compliance with City standards.
2. Any sign associated with premises that have been vacated shall be either removed from the premises by the owner or lessee within three (3) months of the time of the vacation, or said sign shall be altered or resurfaced by the owner or lessee within the same time period so that it does not display letters, numerals, symbols, figures,

designs, or any other device for visual communication that would pertain to the activity formerly associated within the vacated premises.

3. The Building Inspector shall remove or cause to be removed any sign erected or maintained on any public right-of-way within the City of Prichard or which is in violation of any of the provisions of this Ordinance.
4. The erection or maintenance of any sign in violations of this Ordinance is a misdemeanor and shall be subject to the penalties set forth in Article V of this Ordinance.

SECTION H. TRAFFIC CONTROL DEVICES ON PRIVATE PROPERTY

When the owner of real property allows it to be used by the public for the purpose of vehicular traffic and/or as a public or quasi-public parking lot for the use of customers, tenants or employees of said property, the owner shall erect and maintain all traffic control signs and other devices in accordance with the Alabama Manual on Uniform Traffic Control Devices, and any revisions thereof, in addition, the owner shall meet the requirements of Section 32-5-31(a) of the Code of Alabama (1975) with respect to local authorities in their respective jurisdictions.

SECTION I. PERMITTED SIGNS

Unless otherwise specified in this Ordinance, the schedule in Section I(7) contains requirements for signs permitted in each use district.

1. Signs conveying information regarding association activities and/or the use of common areas and other amenities of an incorporated Property Owners Association may be permitted subject to approved of the Building Inspector. Such signs shall be of a material and design approved by the Building Inspector and shall not exceed thirty-five (35) square feet in area nor be greater than six (6) feet in height with changeable copy on no more than two (2) faces. Signs so permitted may be placed at up to a maximum of four (4) locations only within the subdivision on common Property Owners Association.
2. Signs indicating the name of any fixed dwelling or mobile home subdivision; mobile home park; apartment; townhouse; condominium or planned development; office park; industrial park or other residential permitted by Right, with Planning Commission Approval or as a Special Exception in any residential district, are permitted one time. Such signs shall not exceed fifty (50) square feet in area per face, two (2) faces, twenty one (21) feet in height, and one (1) such sign per street frontage.
3. Signs permitted under Section I(2) shall require a permit (not annual) unless otherwise accepted elsewhere in this Ordinance.

					(Wall Signs) 1 free-standing sign
M-1	Light Industrial	75 sq.ft. per Premises	2	25 ft.	1 per street frontage (Wall sign) 1 free-standing sign
M-2	Heavy	100 sq.ft.	2	40 sq.ft.	1 per street frontage (Wall sign) 1 free-standing sign

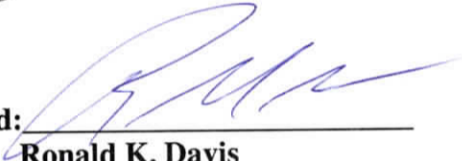
SECTION J. NOTES

1. Signs for any residential use permitted in any non-residential district must comply with the requirements for signs permitted in residential districts.
2. Each establishment in a shopping center or business premises in B-1, B-2, B-3, and M-1, M-2 districts may acquire an additional permit for wall mounted sign of a size not to exceed the lesser of three (300) square feet or twenty (20) percent of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, and awnings are deemed to be wall signs.
3. A temporary advertising sign will be permitted to the owner for the development for each individual business premises, shopping center premises, commercial/industrial business, subdivision, planned unit development, mobile home park, and mobile home subdivision, provided the area of each sign shall not exceed thirty-two (32) square feet, is non-illuminated, mounted from the ground within the confines of the development and the height is no greater than ten (10) feet for no more than one (1) sign, either single or double faced, per street one (1) year permit may be issued if the Building Inspector had determined that the promotion of the development is active and the temporary sign meets the maintenance requirements in Section G. of this Ordinance. The temporary sign will be removed when a permitted permanent sign is erected.
4. A temporary sign will be permitted on each premises for a new business or a business starting in a new location where the premises is without a permitted permanent sign for a period of not more than sixty (60) days or until mounting of a permanently permitted sign, whichever occurs first, provided the temporary sign does not exceed thirty-two (32) square feet, is non-illuminated, mounted from the ground to a height not to exceed ten (10) feet, said sign may be single or double faced.
5. Temporary decorative signs, flags, pennants, banners, streamers, bunting, flying paraphernalia, and tethered inflatable signs may be permitted to a premises owner for

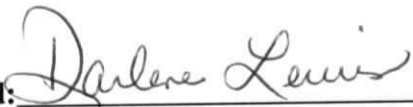
no more than seven (7) continuous calendar days in any six (6) month period. A fee of \$20.00 is required for all banners, banners are not to exceed thirty-two (32) square feet in size and only (1) banner per business. (If the banner is not removed in 60 days a citation will be issued in the amount of \$150.00.)

6. A permanent or temporary sign, erected on private or public property, not to exceed six (6) square feet to denote the route to any city, town, village, historic or religious place, shrine, public building or facility, school, hospital, health care facility, public meeting or public event when authorized by the City Council.
7. Notwithstanding any other provisions of this Ordinance to the contrary, municipal commercial information signs may be permitted at up to six (6) locations in public right-of-way and public places in accordance with Section 220 of the Alabama Constitution. Each sign may be single or double faced and shall not exceed (12) feet in height from the ground on which it shall be mounted. Such signs shall not have an area in excess of fifty (50) square feet per face which shall include a City of Prichard identification decoration, nor contain more than eight (8) individual directional signs, each of which shall not exceed five and one-half (5½) square feet in size. The City may grant a franchise to a franchise based on the submission and approval of an acceptable sign design. The Franchise shall be responsible for the erection operation and maintenance of said signs and may impose fees on businesses requesting the installation and maintenance of such signs. The Franchisee shall provide liability insurance acceptable to the City, naming the City as a co-insured against any liability for personal injury, death or property damage that may result from the installation and use of such signs. The franchise agreement shall be construed in favor of the City and shall contain a cancellation clause and such other provisions as will promote the enforcement of Article XIII of this Ordinance with particular recognition of Sub-Section C.7.
8. Dealerships in new automobiles shall be subject to the following:
 - a. In addition to the allowed one (1) sign per street frontage, one (1) secondary ground sign per street frontage shall be permitted only if two (2) or more automotive products lines (automotive markers) are offered for sale on the premises.
 - b. The maximum area of the face for a secondary ground sign shall not exceed twenty (24) square feet and not higher than ten (10) feet above ground level.
 - c. In any commercial district each business will be allowed (1) free standing sign per site, if the business has two street frontages, a total of (2) free-standing signs will be allowed at a height of 64' height and a width of 32 square feet maximum.

ADOPTED this 14th day of May, 2009.

Approved: 

Ronald K. Davis
Mayor

Attested: 

Darlene Lewis
City Clerk - Treasurer