

Arab Sign Ordinance 2017
(adopted 10/2/2017)

Background:

As a result of a 2015 US Supreme Court decision, *Reed v. Town of Gilbert Arizona*, Sign ordinances must be “Content-Neutral”. It is expected that future decisions may further clarify this matter, but until such time the following ordinance is intended to replace, in its entirety, the existing sign ordinance.

Current Proposal: Replace in its entirety the existing Sign Ordinance to comply with the US Supreme Court decision, *Reed v. Town of Gilbert Arizona*. Changes relate, but are not limited to content-neutrality, purpose, definitions, general provisions and exempt, prohibited, Electronic Changing Signs, complex and temporary signs. Number to be adjusted as necessary.

Full Text of proposed replacement ordinance:

Section 700 Purpose:

Signs perform important functions that are essential for public safety and general welfare, including communicating messages, providing information about goods and services, and warning, orienting and directing people. It is further recognized that because of potential detrimental impacts, signs must be regulated to:

1. Protect transportation corridors from encroachment of structures, congestion and blight related to size, lighting and location which may interfere with the visibility from or to access points and thereby prevent hazards to vehicular and pedestrian traffic safety; and
2. Provide easy recognition and legibility of permitted signs and uses and promote visual order and clarity on streets; and
3. Facilitate efficient communication by implementing design criteria that produces signs which can be easily read and recognized without distracting elements; and
4. Preserve the natural features and protect the rural qualities of the City of Arab; and
5. Support business and community vitality by informing the public of available goods, services, and activities; and
6. Protect property values and investment backed expectations through an orderly and reasonable allowance for signage; and
7. Prevent nuisances and ensure the quiet enjoyment of one’s property by recognizing the differing needs of commercial and non-commercial properties; and
8. Promote community self-sufficiency by allowing temporary, seasonal, and on site signs for all lots within the community; and
9. Be consistent with the goals of the Arab Comprehensive Plan.

General Provisions:

Signs shall be permitted in any district subject to the regulations contained in the Ordinance. Any sign or use of sign shall conform to the following standards.

1. Sign Permit Process:
 - a. A completed Sign Permit Application, together with applicable fee, must be submitted to the Planning Department and a permit for all signs (other than temporary signs), conforming to all specifications of this section, must be secured prior to erecting, re-erecting, altering, relocating, enlarging, making structural repairs or changes, and /or changing the lighting, size or height of signs. Content changes do not require a permit.
 - b. If a sign permit has been issued to a particular use and that use is sold, a new sign construction permit will be required to verify that all requirements of this ordinance are being met, even if the new use is similar, the sign is the same size, the sign and supports have the same materials, and the sign is in the same location.

- c. Any person who is denied a Sign Permit, shall be entitled to appeal that denial to the City Council of the City of Arab by providing written notice to the City Clerk within fourteen (14) days of notice of the denial. Any such notice shall include reference to the grounds that exist which the petitioner believes justifies approval of the permit. The City Council shall then hear such appeal at its next regularly scheduled meeting and issue a decision upholding or overturning the denial.
2. The owner of any sign which is otherwise allowed under this Article may substitute non-commercial copy in lieu of commercial or non-commercial copy without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech.
3. Existing Nonconforming Signs:
 - a. Signs existing legally at the time of the adoption of this Ordinance may continue if in compliance with this section.
 - b. Pre-existing nonconforming signs shall not be expanded and, if replaced, must meet all the requirements of this Ordinance.
 - c. No nonconforming sign shall be repaired or reestablished after damage or destruction if the estimated expense for repair/construction exceeds fifty (50) percent of the original construction cost or of unable to prove, requires repair to more than fifty (50) percent of the sign.
 - d. No nonconforming sign shall be changed to another nonconforming sign.
 - e. No nonconforming sign shall be replaced with another nonconforming sign when such sign deteriorates because of age and use to the point where replacement of the sign is required.
 - f. A nonconforming sign may be maintained to the extent necessary to present a neat and orderly appearance, however, no nonconforming sign shall be repainted, refaced or modified to serve another business, advertisement or event.
4. Signs for a non-residential use that has not operated within the previous ninety (90) days shall be removed within thirty (30) days.
5. All signs shall be designed, constructed and maintained in accordance with this Zoning Ordinance and the International Building Code as adopted by the State of Alabama/and or City of Arab. Signs (other than temporary signs) shall be constructed of permanent materials and shall be properly attached to the ground, building, or other structure. Signs may also be subject to State and Federal regulations.
6. Illuminated signs shall be lit by steady, non-flashing, white light which shall be shielded from abutters and traffic.
7. Building mounted signs are considered a component of the building to which they are attached. The square footage of a building mounted sign is not a component of the maximum permitted per-lot signage square footage. They must otherwise comply with this ordinance.
8. No more than one (1) free-standing sign per tax lot. Corner lots may be permitted two (2) free-standing signs.
9. Signs shall not be attached to trees, utility poles, or placed in any public right-of-way. No detached sign shall be located within fifteen (15) feet of any public street right-of-way.
10. Severability: If a provision or certain language of this sign ordinance becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision or language of this sign ordinance.

Section 701 Exempt Signs:

1. Signs erected by governmental units, required by federal, state or local law or public school systems are not subject to regulation by this ordinance.
2. Signs erected on the interior of a building that cannot be viewed from outside of the building are not subject to regulation by this ordinance.
3. Traffic control devices erected per a government permit requirement are not subject to regulation by this ordinance.
4. Street numbers associated with private residential homes.
5. Warning signs marking hazards on private property.

- A-Frame signs (no larger than approximately 20"x40") are allowed in the Historic District zone on sidewalks during store business hours only. ADA rules for sidewalks must be observed at all times. The signs must be weighted/secured and cannot be located within the landscaping. Only one sign per building.

701.01 Prohibited Signs:

- Signs or lighting of signs placed in such a position as to endanger vehicular or pedestrian traffic by interfering with vision, by obscuring a clear view or by confusion with official street signs or signal, by glare or by flashing light, or by other means.
- Signs attached to trees, rocks, or other parts of a natural landscape, utility poles, fences, guardrails or other highway delineators are not permitted.
- While trying to maintain content-neutrality, signs that contain vulgar, threatening, hate speech, lewd or indecent content are not permitted.
- Signs that may project over a public right-of-way or sidewalk unless the situation is such that the building to which the sign is attached is closer than five (5) feet from the public way or sidewalk are not permitted. In such situations the sign shall be at an adequate height so as not to be interfering with pedestrians or vehicular traffic.
- Flashing signs, signs that flash, have motion, are animated, create an illusion of movement, or are internally illuminated are not permitted in any district except as allowed in the electronic sign section of this ordinance.
- Signs larger than 300 square feet, as stated in this ordinance, are not permitted to reduce clutter and protect the rural qualities of the City of Arab.
- Portable signs are not permitted. Portable signs are any sign not attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs on wheels, A-frame or T-frame signs.
- Signs for off-site uses are not permitted with the exception of permitted Temporary or Complex signs.
- Any Sign not otherwise authorized by this Ordinance or a legal nonconforming sign in place before adoption of this Ordinance.

Table 7-1 Dimensional Table:

Zones	Commercial GB, OI, NC	Industrial M-1, M-2	Residential Multi-Family	Residential Single Family	Ag	Urban Mix HD
Signs Free-Standing-Setback From Right of Way	15'	15'	15'	15'	15'	15'
Signs Free-Standing- Total Square footage per tax lot*	300	300	49	49	49	49
Signs Free-Standing-height	Minimum:25' Max: 45' or Monument	Minimum:25' Max: 45'	Max: 25' or Monument	Max: 15' or Monument	Max: 25'	Max: 15' or Monument

Signs-Building Mounted	Maximum Height not to exceed constructed roof-line of the structure to which it is attached. Building mounted signs shall be below the eave of a hip, gambrel or below the main roof deck line. Constructed roofline shall not include any chimney, stacks, steeples, antennas, roof-mounted equipment, walkways, enclosures, or other such protuberances above the ridge line.
Signs-Electronic Changing Signs	Allowed along HWY 231corridor and Old Huntsville HWY corridor ONLY

*Also See Complex Sign Standards

*Free-Standing Sign Height Standards: Maximum height i to the top of the sign; Minimum height is to the bottom of the sign; Monument signs shall not exceed eight (8) feet in total height.

701.02 Calculation of Display Area:

The display area of a sign or advertising device is measured by the smallest square, rectangle triangle, circle or combination thereof, which will encompass the entire sign or advertising device; excluding trim, frame, apron, posts, uprights, braces or other structural member which support it.

Section 702 Electronic Changing Sign Regulations:

This sign's message may be changed by the electronic switching of lamps, illuminated tubes, bulbs and/or through the apparent movement of light. These signs are capable of storing and/or displaying single or multiple messages in various formats at varying intervals. ***Electronic Changing signs are permitted along the HWY 231 corridor and Old Huntsville Hwy corridor ONLY.*** Electronic Changing Signs may be a freestanding sign or building mounted, one or two-sided, must be a component of a larger sign, and shall conform to the following minimum requirements along with all other requirements for signage within this ordinance.

1. Definitions relevant to Electronic Changing Signs:

BRIGHTNESS – Also known as “intensity”; the LED Industry measures display intensity in candelas per square meter, which is also referred to as “NITS”.

DIMMING – The ability to increase or decrease the overall display intensity brightness.

DIODE – Also called “light-emitting diode” (LED) or “surface-mounted diode” (SMS).

LED (LIGHT EMITTING DIODE/SMD) – A solid-state component that uses a semiconductor (a silicon chip or some type of semiconductor) that emits visible light when electric current passes through it.

LUMINANCE – The amount of light that passes through or is emitted from a particular area. The SI unit for luminance is candela per square meter.

NIT or NITS – A luminance-measuring unit equal to one candela (one candle) per square meter measured perpendicular to the rays from the source.

SI UNIT – An abbreviation for the International System of Units.

TEXT – Any form in which writing exists.

2. No more than one (1) Electronic Changing Sign shall be allowed per tax lot.

3. Electronic Changing Signs shall not exceed 32 square feet. Electronic Changing Signs shall be restricted to a maximum of four lines of text or message display, and text shall be restricted to a maximum of 10 inches in height.

4. Electronic Changing Signs shall be required to have a minimum of 150 ft between other Electronic Changing Signs located on the same side of a street or roadway.

5. Electronic Changing Signs shall be located a minimum of 200 feet from any off-site residential unit.

6. No more than seven (7) messages per minute may be displayed on the sign.

7. There shall be no video or flashing backgrounds involved with the message display and no use of standard emergency colors classic blue or red or in any combination that may resemble the lights of police or emergency personnel. Other shades of blue and red are allowed.

8. Electronic Changing Signs shall be equipped with automatic dimming controls, so the brightness level will be highest during the day and lowest at night. Manufacturer specifications shall be submitted at the time of sign permit specifying maximum sign brightness. The maximum brightness shall not exceed 8,000 NITS with a maximum nighttime reading not to exceed 20% of the sign's maximum brightness.

9. Under the provisions of this subsection, the applicant for a sign permit for an Electronic Changing Sign shall provide with the application an affidavit, sworn or attested by the landowner, applicant and sign installer, attesting to the fact that:

a. The sign to be installed meets all of the criteria set forth in the subsection; and

b. That the sign shall operate in a manner consistent with the criteria set forth in this subsection; and

c. The landowner and applicant agree to be held liable, separately or collectively, if these provisions are not met, for any fines or cost incurred by the City of Arab to enforce these provisions arising from such

violations. This provision shall not be construed to supersede any other responsibility or remedy for such violation set forth in this chapter.

Section 703 Complex Sign Standards:

Complex signs shall be constructed and placed in accordance with this Ordinance for the purpose of identifying a complex of primary commercial uses. Uses shall be located on a single lot or on two or more contiguous lots served by a common road or driveway and shall contain two or more separate primary commercial uses or buildings. Sign shall be located on property contained as part of the complex. Sign shall identify the complex and identify, by name and/or logo only, each primary commercial use in the complex. Such signs may exceed 49 square feet but must otherwise meet the requirements of the ordinance.

Section 704 Temporary Signs:

Temporary Signs are signs designed and displayed for a seasonal or brief activity. The intent is to provide a means for the public to obtain information or locate uses while promoting and protecting the safety aesthetics of the City. All temporary signs **must not** be in the right-of-way and the land owner's permission obtained before placement. Sign permits are not required.

704.01 Yard Sign: Yard Signs are allowed in any zone. **Definition:** *These signs are limited in size to 2 square feet and generally constructed of, but not limited to, cardboard, placard, and posterboard.* Each sign must be dated with the first day of use and is allowed to be in place for a maximum of seven (7) days.

704.02 Banner Sign: Banners may be utilized for special community events open to the general public or to advertise on-site merchandise. Banners are allowed in any zone. **Definition:** *These signs are limited to 32 square feet and generally constructed of, but not limited to, cloth, canvas, plastic sheeting or any other flexible material.* Each banner must be dated with the first day of use and is allowed to be in place for a maximum of thirty (30) days. Further regulations apply:

- a. Only 1 Banner per tax lot, Complexes are exempt.
- b. Any one (1) Business, Person or Organization: Limit 4 Banners at one time.

704.03 Wind Sign: Wind Signs are allowed in any zone. **Definition:** *Any signs, pennants, flags (other than official flags), ribbons, spinners, streamers, captive balloons or inflatable figures or material fastened in such a manner to move upon being subjected to pressure by the wind and drawing attention to the business, product, service or activity whether it contains a message or not.* Further regulations apply:

- c. Must maintain good condition (not frayed or faded).
- d. Any 1 business, Person or Organization: Limit 4 Wind Signs at one time per tax lot.

704.04 Vehicle Sign: Vehicle Signs are allowed in any zone. **Definition:** *Any sign attached to or transported by a vehicle or trailer that is used in the normal day to day operation of the business depicted on the vehicle.* The primary use of any vehicle or trailer, which contains a vehicle sign, must be to serve a useful function in the transportation or conveyance of persons or commodities from one place to another, including transportation to and from work. Further regulations apply:

- e. Shall not be parked in spaces immediately adjacent to the public right-of-way.
- f. May not be parked off-premise for which the primary use is for advertising.

Section 705 Definitions:

Electronic Changing Sign – electronic message center (EMC), electronic message sign (EMS) and changeable copy board (CCB), signs that display illuminated messages that can change frequently, can flash, display and/or convey messages in text, graphics, pictures, symbols, multiple colors, rhythms, animation and/or patterns.

Flashing Sign – Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever; does not include Electronic Changing Sign as regulated by this ordinance.

Monument Sign - A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. All other freestanding sign types not meeting the definition of a monument sign shall be either a pole sign or a pylon sign.

Pole Sign – A sign that is mounted on a freestanding pole or other support that is placed on, or anchored in, the ground and that is independent from any building or other structure.

Pylon Sign - Pylon Signs, typically custom lightboxes, come in different shapes and sizes. For single businesses a large lightbox with lettering is affixed to a large pole or is a self-standing 3-D fixture with several faces.

Sign – A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business.

Sign Off Site – Sign, constructed and placed in accordance with this Ordinance, advertising a use not occurring on the same lot.

Sign On Site – sign, constructed and placed in accordance with this Ordinance, advertising a use occurring on the same lot.

Section 706 Violations and Penalties:

- a) Failure to cease and desist an unlawful sign upon request of a city code enforcement officer may result in the issuance of a summons and complaint to any person charged with committing any violation of this ordinance.
- b) Each violation of this ordinance shall be a separate offense.
- c) Any person or entity violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) for each offense together with costs of court and may be imprisoned for a period not exceeding thirty (30) days, at the discretion of the court. Violations of this ordinance shall be prosecuted in the same manner as other violations of the City Code of Ordinances.
- d) In addition to the foregoing, any sign erected or existing which shall be in violation of this ordinance may be removed, if practicable, by any agent, employee or servant of the city and such removed sign(s) shall be held by the city for thirty (30) days or until reclaimed by its lawful owner. After thirty (30) days, any sign not reclaimed by its owner will be disposed of by the City.