

# ORDINANCE #09-1123

## AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TUSCUMBIA, ALABAMA AND PROVIDING FOR A SIGN ORDINANCE

**WHEREAS**, the City Council of Tuscumbia, Alabama has determined that an amendment to the Sign Ordinance No. 05-1205 is necessary and prudent; and,

**WHEREAS**, The City Council of Tuscumbia, Alabama hereby amends Chapter 4, Article IV of the Code of Ordinances of the City of Tuscumbia, Alabama, by the adoption of the following ordinance as set forth herein below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TUSCUMBIA, ALABAMA:**

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## **Sec. 4-111 Purpose and Scope.**

- (a) It is the purpose of this Article to establish regulations for the control of all signs within the City of Tuscumbia. The intent of this Article is to support and promote the use of signs to aid the public in the identification of businesses and other activities, to assist the public in its orientation within the city, to express the history and character of the city, to promote the community's ability to attract sources of economic development and growth, and to serve other informational purposes. Further, it is the intent of this Article to protect the public from the confusion created by the objectionable effects of advertising excesses, from the danger of unsafe signs, and from the degradation of the aesthetic qualities of the city. This Article is not intended to inhibit an individual's right to express noncommercial messages protected by the First Amendment of the United States Constitution.
- (b) These regulations shall apply to all signs erected, constructed, displayed, painted, maintained, altered, and/or installed in every zoning district in the city, which are designed or intended to be seen by or attract the attention of the public. No sign shall be erected or installed unless it is in compliance with the regulations of this Article.

## **Sec. 4-112 Definitions.**

*Banner* means any sign made of cloth, canvas, plastic sheeting or any other flexible material, which is not rigidly and permanently attached to a building or the ground through a permanent support structure.

*Building frontage* See front or main facade definition.

*Building sign* means a sign displayed upon or attached to any part of the exterior of a building, including walls, doors, parapets, and marquees. Canopy signs, awning signs, projecting signs, and signs suspended from buildings are considered types of building signs.

*Commercial message* means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

*Commercial sign* means when describing the content of a sign, a sign advertising, identifying, directing attention to, or otherwise relating to commerce and to property, goods or services for sale, lease, exchange or any other transaction where value is given or received by any party to the transaction.

*Commission* means the City of Tuscumbia Planning Commission.

*Development sign* means a temporary sign used at the entrance to a subdivision, office park, or similar development that identifies a development project in which lots, sites or spaces are available.

*Director* means the chairperson of the City of Tuscumbia Planning Commission or his/her designee.

*Display area* means the area of a sign or advertising device that can be enclosed or 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 members which support it, (See subsection 4-116(d)--Calculation of display area).

*Electronic message board* See reader board.

*Entry facade* See main or entry facade definition.

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

*Freestanding sign* means any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure. The posts or other supporting structures shall be considered as part of the sign, except that they shall not be included in computing the sign display area.

*Grade level* means the finished elevation of the lot or development site upon which the sign is located.

*Gross Leasable Area* means the area of a building that is assigned or assignable to specific building occupants. In a single-occupant building, the Gross Leasable Area is the same as the floor area of the building. In a multi-occupant building, the Gross Leasable Area excludes common hallways, elevators, stairs, common restrooms and other shared facilities.

*Legible* means that a sign or message can be comprehended by a person with eyesight adequate to obtain a current Alabama driver's license standing in the public way or other location from which legibility is to be determined. Where such facts are material, it shall be presumed that the observation takes place in daylight hours, and that the person making the observation is standing and is between 5 feet 2 inches and 6 feet tall.

*Main or entry facade* means generally the facade or side of the building that faces the public street, road or highway. In cases where the building is oriented in a manner not parallel to the street, the primary entrance facade is used as the main facade.

*Noncommercial sign* means a sign which contains no commercial message. Noncommercial signs include but are not limited to: signs expressing political views, religious views or signs of non-profit organizations related to their tax-exempt purposes.

*Occupied [building]* means a building that conforms with applicable building codes for human occupancy and that is regularly used for activities involving human occupancy. Long-term storage in a building designed for purposes other than warehousing shall not constitute occupancy of the building for purposes of this Article. In a multi-occupancy building (such as an office building or shopping center), the entire building shall be considered "occupied" as long as at least fifty percent of the Gross Leasable Area space is so occupied.

*Off-premise sign* means a sign that includes a commercial message related to a product or service that is not offered on the premises where the sign is located. .

*Open letter sign* means a sign consisting of a logo or symbol, individual letters or connected lettering mounted on a building in a raceway or similar mounting or on the surface of an integral architectural element, which is a part of the building. Individual letters may be illuminated. The display area of an open letter sign shall not exceed the maximum permitted area for building signs on the property, (See subsection 4-116(c)).

*Parapet* means a low wall or railing to protect the edge of a platform, roof, or bridge.

*Portable sign* means any sign not permanently 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 attached to vehicles that are not part of the normal day-to-day operation of a business, and temporary metal/cardboard/plastic/wood signs inserted in the ground containing a commercial message other than real estate signs those specifically exempt as listed in section 4-113.

*Reader board* means a permanent sign or section of a permanent sign that is designed to allow the changing of messages without repainting the sign, replacing the sign face or covering the sign.

*Reader board, automatic*, means a reader board on which the messages can be changed through electronic or electro-mechanical means.

*Residential district* means a zoning district for which any combination of the district denomination and purpose statement indicate that the primary character of such district is intended to be residential. On the date of adoption of this Article, such districts specifically include the following: R-1 (Single Family), R-2 (Single Family), R-3 (Two-, Three- and Four-family), R-4 (Multi-family), RMF-1 (Multi-family), and P.R.D. (Planned Residential). The R-B (Residential-Business) district is a mixed-use district that is expressly excluded from this definition.

*Single user sign* means freestanding sign on any individual development site.

*Vehicle sign* means any sign affixed to a vehicle and/or trailer.

*Wall sign* means a sign attached to or erected against the wall of a building with the face parallel to the plane of the building wall or attached to the structure as approved by the planning commission.

*Wind sign* means any signs, pennants, ribbons, spinners, streamers or captive balloons, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind (natural or otherwise) and drawing attention to a business, product, service or activity whether it contains a message or not.

*Window sign* means any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service for the business on which it is located. A window sign shall be mounted on either the inside or outside of the window. Such signs shall be visible from the exterior of the window. Internal signs suspended in such manner as to be visible through a window shall not be considered window signs.

## **Sec. 4-113 Measurements.**

### **(a) 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 members which support it.

### **(b) Measurement of height.**

The height of a sign shall be determined by measuring the distance from the finished grade at the base of the sign to the highest point on the sign or sign structure. If the sign has been placed on a berm or otherwise established at a base elevation that differs significantly from the surrounding grade, the height of the sign shall be measured as though the base of the sign were at the same elevation as the centerline of the street nearest to the base of the sign. The height measurement of signs on property lying below the grade of the street shall be taken from the adjacent curb elevation or in the absence of a curb, the street centerline elevation.

## **Sec. 4-114 Applicability.**

### **(a) Applicability -- General**

This Article shall apply to all signs erected, placed, painted, installed or otherwise made visible on private or public property in the City, except as otherwise provided herein. All signs displayed in the City shall comply with all requirements of this Article and all other applicable law. Permits shall be required for all signs in the City except as specified herein.

### **(b) Compliance Required**

No sign, outdoor advertising, structure, billboard or display shall be erected, installed, located or maintained in any zoning district of the City, except in conformity with these regulations. New signs, additional signs, relocations or structural alterations of existing signs also require sign permits.

### **(c) Exemptions**

The following signs or sign elements are exempt from the provisions of this Article but are subject to any other applicable laws and regulations, including but not limited to building and electrical codes:

1. Any sign installed in a building or enclosed space and not legible from the public right-of-way or from private or public property other than the property on which it is located;
2. Internal signs. Signs not intended to be viewed from public right-of-way and located not to be visible from public right-of-way or adjacent properties, such as

signs interior to a shopping center or mall, commercial buildings and structures. Signs located within ball parks, stadiums and similar uses of a recreational or entertainment nature are considered internal signs.

3. Signs on mass transit vehicles operating in or passing through the City; and
4. Vehicle sign. Any sign attached to a vehicle or trailer that is used in the normal day-to-day operation of the business advertised 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. A vehicle or trailer primarily used for advertising shall not be considered a vehicle or trailer used in the conduct of business and is prohibited. Vehicles or trailers used in the day-to-day operation of the business shall be parked at the loading area, employee entrance, or main entrance to the business advertised on the vehicle. A vehicle parked on the perimeter of a parking lot next to a public street is considered to be advertising and is prohibited.
5. Murals. In the B-3, Central Business District, only, murals on the sides of buildings, subject to the following conditions:
  - a. No mural may contain a commercial message of any kind related to any existing business or other commercial activity. Any mural containing a commercial message in violation of this section shall be considered an illegal sign, subject both to abatement and to penalties applicable to illegal signs;
  - b. No mural may appear on the front of any building; murals shall be allowed on the side of a building whether or not that side abuts a street.
  - c. Murals shall be painted on the building or installed in a way that does not affect the structural integrity of the building and that does not impair any means of egress from the building.

#### **(d) Signs Subject to Other Standards**

Signs listed in this Section shall be exempt from the permit requirements of this Article; but, shall, to the maximum extent allowed by law, be subject to the other standards of this Article. Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size standards of this Article or otherwise deviate from the standards set forth in this Article to the extent that the statute or court order expressly requires the larger size or other deviation. In all other respects, such signs shall conform to the standards of this Article. This subsection shall apply to the following types of signs:

1. Signs conforming to the *Manual of Uniform Traffic Control Devices* and bearing no commercial message;
2. Signs bearing no commercial message and installed by employees or officials of the City, Colbert County, a state or federal agency in the course of their governmental duties;

3. Signs required by a state or federal statute;
4. Signs required by an order of a court of competent jurisdiction;
5. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use; and
6. Signs installed by a transit company or agency with a franchise or other right to operate in the City, where such signs are installed along its routes and relate to schedules or other information about the transit route.

**(e) Permanent Signs Allowed without Permits.**

**(1) Applicable Rules**

The permanent signs or sign-like devices listed in this sub-section (e) are allowed in all zoning districts without a sign permit, subject to the following rules and principles:

- a. Signs subject to this sub-section (e) are not to be included in determination of the total numbers, type and area of sign allowed on a site.
- b. If a sign otherwise falling under this Section is electrified, it will require an electrical permit.
- c. Nothing in this section shall exempt an individual, who desires to erect a sign from the necessity of obtaining a building permit, should such be required by the adopted building code.
- d. Signs listed in this subsection must conform to the standards enumerated in this sub-section (e) and to other standards of this sign ordinance applicable to all signs.

**(2) Specific Sign Types**

The provisions of this sub-section apply to the following types of signs:

- a. Address numbers. Address numbers used for the purposes of identifying the E-911 address of a residential or nonresidential property are allowed providing they are not part of a building or freestanding sign with other commercial or noncommercial messages or images. An address shown as part of a building or wall sign on a nonresidential property shall be counted toward the maximum allowable display area.
- c. Directional signs. A sign that is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property which the public is directed. No such sign shall display the name of a product, establishment, service or any other advertising other than a logo. No directional sign shall exceed five (5) square feet.
- d. Directory signs. Wall-mounted signs, which are not designed or located so as to be legible from any street or adjoining property, listing the businesses, tenants, or activities conducted within a building or group of

buildings. Directory signs are limited to one (1) per public entrance to a building and shall not exceed twenty (20) square feet in size.

- e. Incidental signs bearing no commercial messages but providing information or warnings related to the site, facilities or activities on the site, provided that a freestanding incidental sign shall not exceed two square feet in size or four feet in height and an incidental sign affixed to a building or structure shall not exceed two square feet in area. Examples of incidental signs include but are not limited to “No trespassing,” “No parking,” “Beware of dog,” “Phone,” “ATM,” “Restrooms,” “No smoking,” or “Entrance” or “Exit.”
- f. Holiday decorations. Temporary holiday decorations used to celebrate a single holiday or season.
- g. Window sign. Window signs may cover up to twenty-five percent of the window area of any non-residential use; a window sign may bear any message except a commercial message that relates to goods or services not offered on the premises where the sign is displayed.

**(f) Other Actions Allowed without a Permit**

The following signs and actions related to signs shall be exempt from the permit requirements of this Article but shall be subject to all other standards of this Article.

- a. Changing of the advertising copy or message on an existing painted or printed sign, marquee, changeable copy sign or a similar conforming sign, whether electrical, illuminated, electronic message center or non-illuminated painted message, provided that the copy on an electronic message board shall not change more frequently than allowed under Section 4-123(d)(2);
- b. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural alterations;
- c. Installation of permanent signs smaller than four square feet where such signs are allowed by this Article, contain no commercial message and involve no electrical installation; and
- d. Installation of temporary signs not larger than four square feet, where such signs are allowed by this Article and conform with this Article in all respects.

**Sec. 4-115 Prohibited Signs.**

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these regulations. The signs listed below are expressly prohibited in all zoning districts in the city.

- a. Signs that are in violation of the building code, electrical code, or other codes adopted by the city.



- b. Portable signs except those specifically permitted in section 4-114.
- c. Beacons and searchlights.
- d. Wind signs consisting of one (1) or more pennants, ribbons, spinners, streamers or captive balloons or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind (natural or otherwise) whether the sign contains a commercial message or not. Wind signs exclude holiday decorations.
- e. Inflatable signs and tethered balloons and objects animated by forced air.
- f. A sign that, in the opinion of the building inspector or other person charged with code enforcement constitutes a safety hazard.
- g. Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of words, symbols or characters in such a manner to interfere with, mislead or confuse pedestrian or vehicular traffic.
- h. Signs consisting of any moving, rotating, flashing, or otherwise animated light or component, except for automatic reader boards allowed in accordance with Sec. 4-123(d)(2).
- i. Strips or strings of lights outlining property lines, sales area, rooflines, doors, windows, wall edges or other architectural features of a building. This prohibition does not include holiday decorations and community decorations. This prohibition does not include neon lighting on buildings. If neon is used to depict wording or logos, it will be calculated as part of the overall allowable signage.
- j. Signs on public land, other than those erected at the direction or with the permission of a public authority.
- k. Signs that emit audible sound, odor, visible matter such as smoke or steam, or involve the use of live animals.
- l. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipes, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations or any other regulation of the city.
- m. Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians.
- n. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals.
- o. Signs placed upon light poles, benches, bus shelters, waste receptacles or shopping cart corrals except those which identify the use of the object on which they are placed, i.e. "Cart Return," or "Bus Stop." Identification of an on-premise activity displayed on cart corrals is allowed but counts toward the maximum allowable square footage of signage allowed on the premises.

- p. Signs erected on public utility poles, even if they are located on private property other than signs erected by a public authority for public purposes.
- q. Signs, other than historical markers or those identifying a natural feature, painted on or attached to trees, rocks, or other natural features.
- r. Signs visible from a public right-of-way that use the word "stop" or "danger" or otherwise present or imply the need or requirement of stopping, caution, the existence of danger, or which for any reason are likely to be confused with any sign displayed or authorized by a public authority.
- s. Signs on any broadcasting or telecommunications tower or any antenna other than appropriate hazard/warning signs.

### **Sec. 4-116. Permanent Signs.**

The following permanent signs are allowed in the City.

#### **(a) *Freestanding signs.***

##### **(1) Freestanding Signs Generally.**

- a. Freestanding signs are allowed under this section as accessory uses to an occupied building in any zoning district except: residential districts; ; the FP-1 district; the Historic Overlay District;
- b. Freestanding signs allowed under this section may bear any message; and
- c. No permanent freestanding sign is allowed on any site without an occupied building. Such sites may have incidental and temporary signs allowed under this Article for the respective zoning districts. For a freestanding sign that is accessory to a building that is no longer occupied, see Section 4-128, Signs on Discontinued Uses.

##### **(2) Standards.**

- a. The number, height and size of freestanding signs that are allowed depend on the location of the parcel in relation to highways, the amount of road frontage of the parcel, and the size of the occupied building on the site.
- b. The size of one face individual freestanding sign shall not exceed the "maximum size per side" shown in the applicable table below;
- c. Where more than one freestanding sign is allowed on a site, the total size of the largest faces on each of the freestanding signs shall not exceed the "maximum total size" shown in the applicable table below;
- d. The height of a freestanding sign shall not exceed the maximum height shown in the applicable table below.
- e. The total number of freestanding signs on a site shall not exceed the "maximum number of signs" shown in the applicable table below.
- f.

**Table 4-116-A**

This table applies to all single-occupant buildings except those with frontage on state or federal highways, and multi-occupant buildings with less than 15,000 square feet of gross leasable area.

Maximum Size per Side	Maximum Total Size	Maximum Number	Maximum Height
120	150	1 per street frontage, maximum 2	25
150	175	1 per street frontage, maximum 2	12

**Table 4-116-B**

This table applies to any single-occupant that has frontage on a state or federal highway.

Maximum Size per Side	Maximum Total Size	Maximum Number	Maximum Height
200	N/A	1 per 200 feet of highway frontage	50

**Table 4-116-C**

<b>Gross Leasable Area</b>	<b>Maximum Size per Side</b>	<b>Maximum Total Size</b>	<b>Maximum Number</b>	<b>Maximum Height</b>
Use with 15,000 to 30,000 sq. ft.	120	150	1 per street frontage, maximum 2	25
Use with 30,000 to 65,000 sq. ft.	200	250	1 per street frontage, maximum 2	25
Use with more than 65,000 sq. ft.	300	350	1 per street frontage, maximum 2	35

For any use with frontage on a state or federal highway, the maximum sign height is 50 feet and such a use may install one additional freestanding sign for each 200 feet of highway frontage. If a use with frontage on a state or federal highway has less than 30,000 square feet, the size standards that otherwise apply to uses with more than 30,000 square feet shall apply to that use.

**(b) Building signs.**

- (1) Building signs are allowed under this section as accessory uses to an occupied building in any zoning district except: residential districts; the FP-1 district; and the Historic Overlay District.
- (2) Building signs on any single development site shall not exceed a total of two and one-half (2 1/2) square feet per linear foot of the main or entry facade. Multi-story structures with outside entrances to establishment on each floor may multiply the allowable building signage area by the number of floors. Prorating of allowable building signage among building tenants shall be the responsibility of the owner or property manager, not the building inspector or planning commission.
  - a. Projecting signs--Projecting signs shall not project into the public right-of-way. Signs projecting over pedestrian right-of-ways shall provide a minimum of eight (8) feet vertical clearance.
  - b. Shopping center--When determining the allowable exterior sign area for shopping centers and neighborhood shopping centers, where it cannot be determined which facade is the main or entry

facade, the longest single exterior elevation of the structure shall be used.

**(c) Neighborhood or center identification marker.**

A neighborhood or center identification marker shall be allowed as an accessory use to a residential neighborhood, an office park, an industrial park or other area involving multiple occupants but not eligible for a shopping center sign. A neighborhood identification marker shall contain no commercial message other than the name of the neighborhood, office park, office park, industrial park or other area of the community. The neighborhood identification marker shall be located on private property within the boundaries of the neighborhood, office park, industrial park or other area which it denotes; no such marker shall be located within the public right-of-way. Size shall be limited to one hundred (100) square feet in total display area. One sign or a pair of such signs shall be permitted at each entrance from an arterial or collector perimeter road; the total sign area of the sign(s) at one entrance shall be 100 square feet. The signs shall be ground-mounted or monument style. Like all other signs, these signs are subject to limitations protecting the clear-sight triangle at intersections (see section 4-123(b)(1)).

**(d) Multi-family residential signs.**

- (1) Multi-family residential signs, as defined and regulated by this section, are allowed in the R-4, RMF-1, MH-1, P.R.D., and RVP districts as accessory uses to apartment houses, condominium projects, mobile home parks, recreational vehicle parks or any other lawful grouping of residential uses.
- (2) Permits are required for all signs located on multi-family residential properties whether on a single lot or on multiple lots under the same ownership and/or management and/or development name. The following requirements apply to multi-family residential sites:
  - a. Wall sign--Thirty-two (32) square feet; or,
  - b. Freestanding sign--Thirty-two (32) square feet per side.
  - c. One (1) sign of either type is allowed at each entrance from a public street or perimeter road.

**(e) Banners.**

Banners are allowed under this section as accessory uses to an occupied premises in any zoning district except: residential districts; the FP-1 district; and the Historic Overlay District. Banners are subject to the following provisions:

- (1) Each banner requires a separate permit.
- (2) Banners for a single address are limited to three (3) banners per calendar year. After three (3) permits have been issued, no additional permits shall be issued for the remainder of the calendar year.

- (3) Display period for a banner permit is shall not exceed thirty (30) calendar days from the date of issuance of the permit or date of initial display. Periods of display without a valid banner permit will count against future banner permits and treated as a violation of this Article.
- (4) Banners may contain any message except a commercial message related to products or services not offered on the premises where the sign is located.
- (5) Banners shall be limited to a maximum size of fifty (50) square feet.
- (6) Banners must be attached to buildings or other structures on the property and cannot be attached to freestanding signs, fences, or attached to or suspended between stakes or poles driven into the ground.

### **Sec. 4-117 Product Displays, Sales Devices, Menu Boards.**

Outdoor product displays with labels or signs, sales and vending devices and menu boards are allowed in Freestanding signs are allowed under this section as accessory uses to an occupied premises in any zoning district except: residential districts; the FP-1 district; and the Historic Overlay District.

- (a) Nothing in this Article shall prohibit or limit the outdoor display of products where allowed under the zoning ordinance, although a particular product may be a thing which would be prohibited by this Article if used as a sign and although one or more such products may have on them permanent labels that might otherwise fall under this Article. This Article shall, however, apply to any sign, banner, pennant, or other attention-attracting device affixed to a product displayed outdoors. For example, the label “Chevrolet” on an automobile or “John Deere” on a tractor shall not be considered a sign for purposes of this Article, but a separate sign attached to such a product shall be considered a sign and subject to regulation.
- (b) Signs on gasoline pumps, vending machines, news racks and similar machines and devices used for the sale or dispensing of products shall be allowed without a sign permit if they do not flash and if they are either not legible from any public right-of-way, public property or private property other than the site on which the sign is located; or they consist entirely of letters, numerals or symbols that are less than four inches in height. All other signs on vending machines, gas pumps, news racks and similar machines and devices shall be considered “signs” and shall be subject to all of the regulations of this Article.
- (c) In districts where drive-through and drive-up facilities are allowed, menu boards or other instructional or informational devices related to the drive-through or drive-up facilities shall be allowed without a sign permit, provided that such device is less than 12 square feet in size, and that the only words, numerals, symbols or pictures on such device that are legible from any location other than the site on which it is located shall include no commercial message but shall simply identify the device as a “menu,” “directory,” “instructions,” “information” or something similar. If such a menu board or other device is larger than four

square feet or if it is electrified, it shall require a permit. A menu board conforming with this paragraph shall not be counted in computing the total area of signs on a site.

### **Sec. 4-118 Flags.**

Flags shall be allowed as accessory uses in accordance with the following provisions:

#### **(a) Residential Districts.**

Flags shall be allowed in residential districts ad the FP-1 and MH-1 districts in accordance with the following provisions.

- (1) No flag in these districts shall bear any commercial message;
- (2) The maximum number of flagpoles on one site shall be one;
- (3) The maximum height of a flagpole shall be 25 feet;
- (4) The maximum size of a flag shall be five feet by eight feet.
- (5) See separate provisions for flags at institutional uses in these districts in Sec. 4-119(c).

#### **(b) Non-Residential Districts.**

Flags shall be allowed in any zoning district other than those that are subject to subsection (a) of this section in accordance with the following provisions:

- (1) A flag bearing a commercial message shall be considered a sign and shall be included in computing the maximum sign area and maximum number of signs allowed on a site;
- (2) The maximum number of flagpoles on one site shall be three;
- (3) The maximum height of a flagpole shall be the maximum height allowed for a freestanding sign in that location, plus five feet;
- (4) There shall not be more than two flags per pole at any one time;
- (5) The largest dimension of a single flag shall not exceed one-third of the height of the flag pole; if there are two flags on a pole, the total height of the two flags shall not exceed one-third of the height of the flag pole. .

### **Sec. 4-119 Signs for Institutional Uses.**

The following signs shall be allowed for schools, religious institutions and other institutional uses lawfully located in the Institution zoning district or in a residential district, or in the FP-1 or MH-1 zoning districts:

**(a) Detached Sign.**

Each such use may have one detached freestanding sign, not to exceed thirty-two (32) square feet in area or eight (8) feet in height. The freestanding sign may include reader board signs, not to exceed thirty percent (30%) of the sign area. Such signs may be illuminated and may not be located closer than ten (10) feet from the pavement edge or edge of a street, nor closer than twenty-five (25) feet from any property used exclusively for residential purposes.

**(b) Wall Signs.**

Each such use shall also be allowed one wall sign for each public entrance to the institutional use; such wall signs shall not exceed six (6) square feet each and shall not be separately illuminated.

**(c) Flags.**

Each such use shall be allowed to display flags, subject to the following standards:

- (1) No flag at such a use shall bear any commercial message;
- (2) The maximum number of flagpoles on one site shall be three;
- (3) The maximum height of a flagpole shall be 35 feet;
- (4) The largest dimension of a single flag shall not exceed one-third of the height of the flag pole; if there are two flags on a pole, the total height of the two flags shall not exceed one-third of the height of the flag pole.

**Sec. 4-120 Miscellaneous Permanent Signs.**

**(a) All Zoning Districts.**

The following signs are allowed in all zoning districts:

**(1) Address Signs.**

In addition to all other signs allowed, each premises with a separate address may display one sign displaying that address but containing no commercial message, subject to the following standards: the address sign shall not exceed two square feet in area and, if freestanding, shall not exceed four feet in height; the address sign shall not be separately illuminated.

**(2) Incidental Signs.**

Additional signs, permanent or temporary, of not more than two (2) square feet in area are allowed, provided that such signs contain no commercial message and are not separately illuminated. If such signs are freestanding, they shall be no more than four feet in height.



**(b) Certain Zoning Districts.**

Any site which includes required off-street parking, other than driveway parking at a single-family residence, may have signs conforming with the Manual of Uniform Traffic Control Devices and containing no commercial message in required off-street parking areas

**Sec. 4-121 Temporary Signs.**

**(a) Nonresidential Districts**

The following temporary signs are allowed in any zoning district except: residential districts; the FP-1 district; and the Historic Overlay District.

**(1) Purposes.**

Provisions for temporary signs in nonresidential areas are intended to serve several purposes: to provide for the display of a variety of messages that are not commercial messages; to provide information about changes in commercial activity at a site; to provide information about new commercial activity at a site, for which there is no permanent sign; and to provide information about the availability of property for sale.

**(2) Messages.**

A temporary sign in nonresidential areas may bear any message except a commercial message related to goods, services or activities not offered on the lot or parcel on which the sign is located; for purposes of this section, the sale, lease or rental of property shall be considered as occurring on the site of the property offered.

**(3) Number.**

Not more than three (3) temporary signs, other than window signs, may be displayed on any single lot or parcel at one time.

**(4) Size.**

No more than one temporary sign on a site at any time shall exceed thirty-two (32) square feet in size; any other temporary sign displayed on the site at the same time may not exceed twelve (12) square feet in size.

**(5) Period of Display.**

- a. A sign bearing a message that relates to an event, such as a grand opening, a sale, a community event, or an election shall be removed within seven (7) days after the conclusion of that event.
- b. A sign bearing a commercial message related to the sale, rental or lease of the property may be displayed for a length of time ending upon the execution of a lease, closing of a sale, or transfer of occupancy, whichever occurs first.

- c. When there is no permanent freestanding sign on a site, a temporary freestanding sign on that site may be displayed for a period of up to sixty (60) days or until the permanent sign is erected, whichever occurs first.

**(6) Identification.**

A temporary sign shall bear either as part of the sign message or on the back of the sign identification and contact information for the person or entity placing the sign. Any temporary sign lacking such information shall be deemed an abandoned sign and shall be subject to immediate removal.

**(b) Residential Districts**

The following temporary signs shall be allowed for any single-family residence, including detached residences, attached residences, and, where otherwise allowed, mobile homes.

- a. Up to a total of four freestanding signs, none of which shall exceed seven square feet in size or five feet in height.
- b. The temporary signs may bear any noncommercial message.
- c. Not more than three of the temporary signs at any one time may bear commercial messages related to temporary activities lawfully conducted on the premises, including the sale, lease or rental of the premises, or the occasional sale of personal goods (yard sale).
- d. Any temporary sign bearing a message related to an occasional sale shall be removed within twenty-four (24) hours of the end of such sale.
- e. Any temporary sign bearing a message related to the sale, rental or lease of the premises shall be removed within seven (7) days of the execution of the lease or rental agreement, the transfer of title to the property, or the transfer of occupancy of the property, whichever shall first occur.
- f. Any temporary sign related to an election or other event shall be removed within seven (7) days after the end of the event.

**Sec. 4-122 Signs Allowed in Public Right-of-Way.**

The only signs that are allowed in the public right-of-way in the City are:

- 1. Signs conforming to the *Manual of Uniform Traffic Control Devices* and bearing no commercial message;
- 2. Other signs bearing no commercial message and installed by employees or officials of the City, Colbert County, a state or federal agency in the course of their governmental duties;
- 3. Signs required by a state or federal statute;

4. Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use;
5. Signs installed by a transit company or agency with a franchise or other right to operate in the City, where such signs are installed along its routes and relate to schedules or other information about the transit route;
6. Any educational or religious institution or any place of public assembly operated by a nonprofit organization exempt from federal income taxes under Section 501(c)(3) of the Internal Revenue Code may install directional signs in the public right-of-way, subject to the following requirements:
  - a. Such signs shall bear no commercial message;
  - b. One institution may install up to three such signs but no more than three such signs;
  - c. Each such sign shall be located within one mile or less from the institution to which it provides direction;
  - d. Such signs shall conform with the Manual of Uniform Traffic Control Devices in design and installation;
  - e. Such a sign may be installed only after the issuance of a permit, which shall be issued by the building official upon demonstration that the sign and its proposed location will conform with all of the standards of this sub-section;
  - f. Where installed on a sidewalk, such a sign shall be installed in such a way that it does not impair the accessibility of the sidewalk under the Americans with Disabilities Act;
  - g. Any sign installed in violation of any part of this section shall be removed at the expense of the institution identified on the sign;
  - h. The location of such signs along any state highway may require a separate permit from the Alabama Department of Transportation;
7. Signs announcing civic events, subject to the following standards:
  - a. A “civic event” shall be deemed to be any event, other than an election, occurring on a specific date or dates, and not a continuous activity, provided that such event is sponsored by a qualified organization;
  - b. A “qualified organization” for purposes of this section shall be the City of Tuscumbia, Colbert County, a public school district operating under the laws of the State of Alabama, or a non-profit organization organized or registered to do business in Alabama and meeting one or more of the following criteria:
    - i. The organization owns or operates one or more physical facilities in Colbert County; and/or

- ii. The organization maintains a permanent office in Tuscumbia; and/or
  - iii. If the organization has no physical office or other physical facility in Tuscumbia, a majority of its directors are residents of Colbert County.
- c. Such signs shall be erected not more than two weeks before the beginning of the event and shall be removed within five days after the conclusion of the event;
  - d. All other signs for such events shall be provided, installed and removed by the organization sponsoring the event or by affiliated persons or organizations.
  - e. Such signs shall bear no commercial message, except as follows: where a business or other organization sponsors the event, not more than five percent of the area of each sign may be devoted to a commercial or noncommercial message provided by that sponsor;
  - f. There shall be no fee for the installation of such signs. If such signs are not removed by the specified date, they may be removed by the City, with the costs of removal assessed to the sponsor(s) of the event. and
8. In residential districts only, a resident, occupant or owner of property abutting the public right-of-way may place temporary signs that are allowed on the abutting lot in the portions of the right-of-way not used for travel and maintained as part of the individual lot.

## **Sec. 4-123 Design, Construction, Location and Maintenance of Signs.**

### **(a) Compliance with Building and Electrical Code Requirements.**

All permanent signs and the illumination thereof, shall be designed, constructed and maintained in conformity with the applicable provisions of International Building Code and other codes adopted by the city. Wherever there is inconsistency between this Article and the building code, electrical code or other code, the more restrictive requirement shall apply.

### **(b) Placement and clearance standards.**

- (1) No sign located near an intersection and within and described in Section 6.1 of the Zoning Ordinance shall obstruct the view between two and one-half feet and ten feet above the centerline grade of the intersecting streets.
- (2) No sign structure shall be erected that impedes use of any fire escape, emergency exit, or ventilation opening.
- (3) No freestanding sign shall project into a public right-of-way. All freestanding signs shall be setback to any lot line adjacent to a public right-of-way.

- (4) No sign shall be located so that it blocks the free air flow through windows in residential units.
- (5) No freestanding sign shall be located in a public drainage or utility easement without an encroachment permit from the manager, street department, and/or the utility department manager prior to the issuance of a sign permit.

**(c) Illumination Standards, Generally.**

- (1) Sign lighting shall not be designed or located to cause confusion with traffic signal or similar warning signs.
- (2) Devices that illuminate a sign or signs shall be placed and shielded so that direct light shall not be cast into the eyes of pedestrians, cyclists or motorists entering or using a street, road or highway. LED reader boards shall automatically turn down the lighting intensity during non-daylight hours to be legible without glare.
- (3) The illumination of signs shall comply with the lighting standards as set forth in the International Building Code and other codes adopted by the city.

**(d) Flashing Signs, Moving Signs and Reader Boards.**

**(1) General Rule**

Signs that move, flash or simulate movement are prohibited except as allowed under this section. A reader board is considered a different classification of sign under this Article; conversion of an existing sign to a reader board or to add reader board elements to it is allowed only if the modified sign will conform with all standards in this Section and with all other applicable standards related to the location, height, size and other characteristics of the sign.

**(2) Rules for Reader Board Signs Allowed under this Article.**

Automatic reader boards shall be allowed only in those districts in which “reader board, automatic” is listed as a permitted sign type and shall be subject to the following additional restrictions:

- a. Such technology shall be programmed so that the message or image on the sign changes no more often than once every two seconds.
- b. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images.
- c. Changes of image shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change.
- d. Video technology in signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards.
  1. All electronic or digital display unit reader boards shall have installed ambient light monitors, and shall at all times allow such

monitors to automatically adjust the brightness level of the electronic board based on ambient light conditions.

2. Maximum brightness levels for electronic or digital reader boards shall not exceed 5,000 nits when measured from the billboard's face at its maximum brightness, during daylight hours and 500 nits when measured from the board face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset.
- e. Any sign using electronic or electro-mechanical technology for a reader board, which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing or any other similar effects, shall be repaired or disconnected within 48 hours by the owner or operator of such billboard.
- f. The area of a sign consisting of electronic or electro-mechanical reader board elements shall not constitute more than 200 square feet of a sign.

#### **(d) Relationship to Building Features.**

The following combination of sign types and locations are prohibited:

- (1) Signs mounted to the structural roof or applied to the roof including signs painted on the roof.
- (2) Signs projecting above the building roof or parapet line
- (3) Interior signs displayed in a manner that they are visible from a public right-of-way or adjoining properties.

#### **(e) Sign Maintenance.**

Signs allowed under this Article, whether with or without a permit, shall be maintained at all times, subject to the following specific provisions:

- (1) All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the International Building Code adopted by the city.
- (2) All signs and their components shall be maintained in good repair, free of rust, peeling, fading, broken or cracked panels, and broken or missing letters. Vegetation must be properly maintained and no condition shall be allowed that would constitute a fire, safety, or health hazard.
- (3) The sign owner shall be liable to maintain such sign, including its illumination sources, in neat and orderly condition and good working order at all times and to prevent the development of any deterioration in the safety of such sign.
- (4) Nothing in this Article shall prohibit the routine maintenance of any nonconforming sign or the changing of the copy or content of any nonconforming

sign, except where such maintenance or change in copy would increase the degree of its nonconformity.

- (5) If the building official or other person responsible for code enforcement determines that a sign has become deteriorated or damaged to an extent that the cost of the reconstruction or restoration of such signs is in excess of fifty (50) per cent of its replacement value exclusive of foundations, the official shall issue a notice of violation. If the sign otherwise conforms with the standards set forth in this Article, the sign owner or user shall have a period of thirty (30) days to restore it to satisfactory condition. If a sign subject to a violation notice under this paragraph does not conform in all aspects with the standards of this Article, the sign owner shall, within thirty (30) days, either remove the sign or obtain a permit and repair and modify the sign in such a way as to bring it into conformance with all of the standards of this Article. The thirty-day period for repair may be extended for a total period of up to 120 days upon a finding by the zoning board that there is good cause for such extension; there shall be no extension of the thirty-day period for a sign that is to be removed.

#### **Sec. 4-124 Signs in the Historic District.**

Regardless of any other ordinance to the contrary, signs in the historic district, in addition to other requirements of this Article, shall be governed by this section, containing Sign Design Guidelines for Tuscumbia's Historic District. In case of conflict between this section and any other part of this Article, the provisions of this section shall control.

##### **(a) Mounting and placement.**

- (1) Signs shall be mounted or erected so they do not obscure the architectural features or openings of the building.
- (2) Signs shall not be located in the right-of-way.
- (3) Off premises signs are prohibited.
- (4) The height of a freestanding sign shall be no more than fifteen (15) feet.
- (5) Roof top signs are prohibited.

##### **(b) Design.**

- (1) The overall design of all signage including the mounting framework shall relate to the design of the principal building on the property. Buildings with a recognizable style such as Greek Revival, Italianate, Victorian, Queen Anne, etc. should use signage of similar style if available. This can be done through the use of similar decorative features such as columns and brackets.
- (2) For buildings without a recognizable style, the sign shall resemble the decorative features of the building as much as possible.

**(c) Size.**

- (1) The size of the sign shall be in proportion to the building and the neighboring structures and signs (except previously erected signs that do not meet this Article).
- (2) The total allowable area for signs is seventy-two (72) square feet per side.
- (3) Menu boards for drive-through restaurants are limited to twenty-five (25) square feet in area.

**(d) Materials.**

To the extent possible, the structural materials of the sign (supports, etc.) should blend with the construction materials of the building.

**(e) Lighting.**

- (1) Lighted signs shall use focused, low intensity illumination.
- (2) Flashing, blinking, revolving, or rotating signs are prohibited.

**(f) Window Signs.**

Signs painted directly on window glass or hung in windows are permitted. Such signs will not be counted toward the maximum size requirement, and are limited to twenty (20) per cent of the window area.

**Sec. 4-125 Permitting and Administration.**

**(a) Permits for permanent signs.**

- (1) Applicability. No person shall erect, alter, relocate, repair, replace the face of, or change a sign without first obtaining a permit, except for the following actions which shall not require a permit:
  - a. Changing the copy, announcement or message on a reader board or electronic message sign;
  - b. Cleaning, painting, or comparable maintenance of a sign that does not alter the size, of the sign;
  - c. Erecting a sign for which a permit is not required in accordance with section 4-113. "Exempt Signs" of this Article;
  - d. Changing names on building plaques.
- (2) Procedure. All sign permits shall be procured in accordance with the following procedure:
  - a. A written application shall be submitted to the city clerk to log in the application and collect the required fee. The application shall include specifications and a scaled drawing or picture. If the application appears to



meet the requirements of this Article, the city clerk forwards the application to the building inspector for approval. The building inspector may request additional descriptive information as needed.

- b. If the city clerk judges that the application may not meet all of the requirements of this Article, the application is referred to the planning commission. The planning commission shall review the application, plans, and specifications to determine whether the proposed sign conforms to all applicable requirements of this Article. The building inspector may also refer applications to the planning commission for review. Review by the planning commission shall take place at the next meeting of the planning commission occurring at least one week after the date of referral. The applicant shall be given notice of the meeting at which the review will take place. The planning commission shall, at that meeting, approve the application, deny the application, or approve the application with conditions. If the planning commission fails to act within the specified time or if it does not meet within 45 days of the date of referral, the application shall be deemed to be approved.
- c. Following review and determination as to conformance with these regulations, the building inspector or planning commission shall either approve or deny the application for the sign permit. In case of denial, the building inspector or planning commission shall specify the section or sections of these regulations with which the proposed sign is not in conformance. In case of a denial, the city clerk shall contact the applicant to outline the process for an appeal to request a variance.
- d. An application may be amended within thirty (30) days of the application date to include additional signs. After thirty (30) days, a new sign permit shall be required for any sign constructed and all fees shall be required. Freestanding signs will also require a footing inspection by the building inspector unless such inspection is specifically waived by the inspector.
- e. Enforcement: The city is hereby authorized and directed to enforce all of the provisions of this Article. Upon presentation of proper credentials, the city, or an appointed representative, may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him/her by this Article.
- f. Appeals or requests for variances. Appeals shall be referred to the planning commission for recommendations to the mayor and council. Any aggrieved person or any governmental officer, department, board, or bureau may make an appeal or request a variance to the mayor and council to review the decision of the planning commission or the building inspector at a regular meeting of the council not more than thirty (30) days after the denial. The mayor and council, at the hearing, shall hear all parties who desire to be heard and after hearing shall approve or disapprove the application. Upon approval of the appeal, the council may



## **Sec. 4-126 Violations and Enforcement.**

### **(a) Violations**

It shall be a violation of this Article and the Zoning Ordinance in general to do any of the following:

- (1) To erect, place or maintain a sign that does not conform with all of the applicable standards of this Article;
- (2) To erect, place or maintain a sign that requires a permit without obtaining the required permit;
- (3) To erect, place or maintain a sign that requires a permit in any way inconsistent with the terms or conditions of the issued permit;
- (4) To fail to remove a temporary sign upon the expiration of the period allowed for the placement of the sign; or
- (5) To fail to maintain a sign in good condition in violation of the requirements of Section 4-123(e).

### **(b) Enforcement**

The City may enforce this ordinance through any of the remedies available under Alabama law for the enforcement of a Zoning ordinance, including but not limited to civil penalties, fines, jail sentences, and orders of abatement. Upon a determination of the building official or other person charged with the enforcement of the building codes that a sign is so dilapidated or otherwise damaged or in ill repair to the extent that it poses an imminent danger to the safety of any person or property in the City, the City may, after 24 hours' actual notice to the sign owner or by posting on the premises, cause the repair or removal of such sign at the expense of the property owner.

### **(c) Unlawful Signs in Right-of-Way or on Public Property**

Any sign erected in the public right-of-way or on public property in violation of this ordinance shall be deemed abandoned and may be removed by the City Manager or the manager's designee without notice or compensation to the owner. Removal by a City official shall not affect the penalties applicable for the unlawful erection or placement of a sign in the public right-of-way or on public property.

### **(d) Certain Temporary Signs**

When the ownership of or responsibility for a temporary sign is not obvious, there shall be a rebuttable presumption that any person or entity whose address, phone number, website or other contact information is included on such sign is responsible for its installation or placement.

## **Sec. 4-127 Nonconforming Signs**

### **(a) Applicability.**

This section applies generally to any permanent sign that was lawfully erected, in conformance with applicable zoning and other ordinances in effect at the time of erection or placement, which does not conform with one or more of the standards now set forth in this Article. Regarding temporary signs, see sub-section (f).

- (1) A sign that was erected in conformity with a duly granted variance shall be considered to have been lawfully erected.
- (2) A flag pole that was lawfully erected shall be treated as a nonconforming sign.
- (3) For an automatic reader board sign, the structure and the mechanisms shall be considered lawful nonconforming situations subject to this section, but the operation of the sign shall be subject to the provisions of this ordinance.

### **(b) Effect.**

A nonconforming sign may be continued and shall be maintained in good condition as required by these regulations, however, it shall not be:

- (1) Structurally changed to another nonconforming sign, but the sign face and message may be changed.
- (2) Structurally altered to prolong the life of the sign including the addition or replacement of any structural supports and or ground or foundation supports.
- (3) Expanded or altered in any manner that increases the degree of nonconformity.
- (4) Converted to a new technology, such as converting a flat panel sign to a “trivision” or changeable sign of any type.
- (4) Continued in use after a new, freestanding sign or sign structure shall be erected on the same parcel or unit.

### **(c) Automatic Reader Board Signs.**

Any automatic reader board sign that is subject to this Article shall be brought into conformance with the operating standards of Section 4-123(c)(2) no later than April 1, 2010. Operation of such a sign after that date except in conformance with the requirements of that section shall be a violation of this Article.

### **(d) Pending Applications.**

Any sign application submitted during the 2009 moratorium on sign permits shall be reviewed under the previous ordinance if:

- (1) A complete application and required fees were submitted before May 4, 2009; and
- (2) The proposed sign conforms in all respects with the ordinance then in effect.

If such sign does not conform with the standards of this Article, the sign shall then be treated as a nonconforming sign under this section.

**(e) Substantial Damage.**

Should any nonconforming sign or nonconforming portion of any sign be removed, destroyed or become structurally deteriorated (excluding foundations) by any means to an extent of more than fifty (50) per cent of the replacement cost at the time of evaluation, as determined by the building inspector, it shall not be reconstructed except in conformity with the provisions of this chapter; if it cannot be or is not reconstructed, then it shall be removed.

**(f) Temporary Signs.**

Any temporary or portable sign which was lawfully erected in conformance with a prior ordinance but which does not conform with the standards or requirements of this Article shall be removed or brought into compliance with this Article on or before February 1, 2010.

**Sec. 4-128 Signs on Discontinued Uses.**

- (a) Any sign or sign structure identifying a previous use or activity that has not occupied the site for a period greater than sixty (60) days, does not maintain a current business license or pertains to a time, event or purpose which no longer applies, shall be deemed abandoned. The removal of a frame of an abandoned sign shall not be required, if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).
- (b) Any sign structure, which supported or supports an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.
- (c) If a sign structure fully conforms with the standards of this Article but the sign on it is deemed abandoned under this section, then the message on the sign shall be treated in one of the following ways:
  - (1) It may be converted to a message offering the premises for sale or lease;
  - (2) It may be converted to any message that is not a commercial message; or
  - (3) It may be removed (by the removal of the sign faces) or covered or obscured.

## **Sec. 4-129 Substitution of Messages.**

Any sign allowed under this section or a predecessor ordinance, by sign permit, by conditional use permit, or by variance, may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity, or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area, and other requirements of this ordinance.

## **Sec. 4-130 Severability**

### **(a) Generally**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as limited by section 4-129(b).

### **(b) Severability Where Less Speech Results**

Without diminishing or limiting in any way the declaration of severability set forth above in section 4-129(a) or elsewhere in this Article or this Zoning Ordinance Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article is declared unconstitutional, such declaration shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise additional standards.

### **(c) Severability of Provisions Pertaining to Prohibited Signs**

Without diminishing or limiting in any way the declaration of severability set forth above in section 4-129(a), or elsewhere in this Article or in this Zoning Ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or any other laws declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 4-115 of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article or of any part of the Zoning Ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article, except as expressly provided in section 4-128(a).

**(d) Severability of Prohibition on Off-premise Signs**

If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Article and/or an other provisions of this Article or other provisions of Zoning Ordinance are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the limitations on off-premise signs as contained herein.

**Sec. 4-131. Repeal of Conflicting Ordinances.**

Any ordinance heretofore adopted by the governing body of the City of Tuscumbia, Alabama, which is in conflict with this Article is hereby repealed to the extent of such conflict.

**Sec. 4-132. Effective.**

This Article shall become effective upon its adoption and publication as required by law. All signs erected prior to the issuance of this Article are not covered by these regulations unless the sign is modified.

**Secs. 4-133--4-160. Reserved.**

**PASSED and ADOPTED** this the 23rd day of November, 2009.

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**BILLY S. SHOEMAKER, Mayor**

**ATTESTED:**

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**JO ANN ARMSTEAD**  
City Clerk