

**CITY OF PELHAM**  
**SIGN ORDINANCE**

JULY 16, 2007



**ALL BUSINESS OWNERS**

**PLEASE TAKE ONE**

**ARTICLE XXII - SIGN ORDINANCE (ORDINANCE NO. 139-3)**

**SECTION 1. PURPOSES.** The purpose of this ordinance is to achieve balance among the following differing, and at times, competing goals:

- (1) to encourage the effective use of signs as a means of communication for businesses, organizations and individuals in Pelham;
- (2) to provide a means of way-finding in the community, thus reducing traffic confusion and congestion;
- (3) to provide for adequate business identification, advertising, and communication;
- (4) to prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the City of Pelham;
- (5) to protect the safety and welfare of the public by minimizing the hazards to pedestrian and vehicular traffic;
- (6) to preserve property values by preventing unsightly and chaotic development which has a blighting influence upon the community;
- (7) to differentiate among those signs that, because of their location, may distract drivers on public streets and those that may provide information to them while they remain in their cars but out of active traffic;
- (8) to minimize the possible adverse effects of signs on nearby public and private property; and
- (9) to implement the following specific Land Use Goals from the "Continuing the Progress: Pelham Comprehensive Plan 2025," as updated from time to time:
  - (i) Create a unique sense of place in Pelham to enhance commercial opportunities, the environment and convenience for residents.
  - (ii) Redevelop under performing and/or vacant commercial developments along the U.S. Highway 31 Corridor;
  - (iii) Create and maintain attractive gateways into Pelham for visitors and returning residents.

**SECTION 2. DEFINITIONS.**

**ALTER:** Shall include but not be limited to the following: The addition of surface area or height, changing of permanent copy or a sign face, changing of the location or type of light source, the location of a sign from one position to another.

**AWNING:** A fabric, plastic or other non-rigid protective covering that extends from the exterior wall of a building and is supported by or attached to a frame.

**BUSINESS CENTER:** A unified building, occupied by 5 or more wholesale or light industrial establishments under separate ownership or occupancy.

**CANOPY:** A rigid roof, supported at all corners or extremities by poles, posts or direct attachment to a building. A canopy typically has little vertical or wall space and is only as thick as necessary to create a functional roof.

**COMMERCIAL MESSAGE:** 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.

**FRONT BUILDING WALL AREA:** Shall be determined by multiplying the length of the wall (on unified buildings, between fire walls) and the distance between the ground level and the point where the roof attaches to or meets the wall. The front building wall shall be the wall in which the main entrance is located.

**INDUSTRIAL PARK:** A lot, parcel, or subdivision, in which five or more industrial, wholesale, or warehouse buildings, under separate ownership or occupancy, are located.

**OFFICE PARK:** A lot, parcel, or subdivision, in which five or more office buildings are located.

**SEASONAL BUSINESS:** A business which is operated, due to its nature, less than one continuous 60 day period during any 12 month period, including: fruit or vegetable stands, Christmas tree sales for profit, and income tax preparation.

**SHOPPING CENTER:** A group of three or more retail or service establishments located within one building or group of unified buildings, said buildings being under one ownership or management, and having an integrated parking area.

**SIGN:** Any device, fixture, placard, display, or structure which directs attention to an object, product, place, service, person, building, or entity, or to communicate information of any kind to the public.

**SIGN, ANIMATED:** Any sign with irregular intensity of illumination or movement whether mechanical or electrical.

**SIGN, AWNING:** A sign attached to or incorporated into an awning.

**SIGN, BUILDING:** Any sign which is permanently fastened, attached, or supported by a building.

**SIGN, CANOPY:** A sign painted or otherwise depicted upon a canopy.

**SIGN, DIRECTORY:** A sign which lists tenants or occupants of a building or project, and that includes unit numbers, arrows, or other directional information.

**SIGN, FREESTANDING:** Any sign which is not attached to a building. This is a general category that includes "ground" and "monument" signs.

**SIGN, INDIRECTLY ILLUMINATED:** A sign illuminated by an exterior light source.

**SIGN, INSTRUCTIONAL:** A sign, usually informational, that has a purpose secondary to the use of the development site on which it is located. This category includes but is not limited to signs with non-commercial messages such as “no parking,” “entrance,” “loading only,” “telephone,” and similar information and directives. No sign with a commercial message legible from a position off the development site on which the sign is located shall be considered instructional.

**SIGN, INTEGRAL ROOF:** A sign which is constructed as an integral or essential part of a normal roof structure such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than 6 inches.

**SIGN, MARQUEE:** A sign which is attached to any permanent, roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building without additional supports.

**SIGN, MONUMENT:** A freestanding sign attached at ground level in low profile.

**SIGN, NON-CONFORMING:** A sign lawfully existing on the effective date of this ordinance, which does not conform to the requirements of this ordinance.

**SIGN, OFF-PREMISE:** A sign advertising a business, person, activity, goods, products, or services not located on the premises where the sign is located.

**SIGN, PORTABLE:** Any sign which is designed to be transported by means of wheels; signs made as A-frames or T-frames; menu and sandwich board signs; balloons used as signs; and umbrellas used for commercial messages.

**SIGN, PROJECTING:** A sign which is affixed to any building wall or structure, which extends beyond the building wall or structure, more than 12 inches.

**SIGN, ROOF:** A sign, erected, constructed, or maintained above the roof of a building.

**SIGN, SUSPENDED:** A sign which is suspended from the underside of a horizontal plane surface and is supported by such surface.

**SIGN, TEMPORARY:** A sign which is used only for a short, specifically limited time and is not permanently mounted.

**SIGN, VEHICLE:** Any sign attached to or painted on a vehicle parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**SIGN, WALL:** An outdoor advertising sign attached to an exterior wall of a building.

**SIGN, WIND-BLOWN:** Any banner, flag, pennant, spinner, streamer, moored blimp, or gas filled balloon, or similar device which may be wind activated.

**SIGN, WINDOW:** Any sign that is placed upon the window panes or glass or within six inches of the window panes or glass, which is legible from the exterior of the building.

**UNIFIED BUILDING:** A building with individual portions separated by a fire wall(s), each portion of which is intended for occupancy by individual tenants or owners.

### **SECTION 3. MEASUREMENTS AND INTERPRETATIONS.**

- (a) **COMPUTATION OF COPY AREA OF INDIVIDUAL SIGNS:** The copy area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of the zoning code and is clearly incidental to the display itself.
- (b) **COMPUTATION OF AREA OF MULTIFACED SIGNS:** Where the sign faces of a double-faced sign are parallel and the distance between the faces is three (3) feet or less, only one display face shall be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger sign. In all other cases, the areas of all faces of a multifaced sign shall be added together to compute the area of the sign.
- (c) **COMPUTATION OF HEIGHT:** The height of a sign shall be computed as the distance from the highest point of the sign structure to the elevation of the centerline of the adjacent public street or highway, or the ground elevation at the base of the sign, whichever distance is less. The centerline elevation shall be taken at a point which is defined by extending a horizontal line from the sign, which is perpendicular to the centerline of the street or highway. This definition applies only to freestanding signs.
- (d) **DETERMINATION OF VISIBILITY OR LEGIBILITY.**
  - (1) Where this ordinance requires a determination of "visibility" or "legibility," the standard shall be based on the eyesight of an adult eligible to receive an Alabama driver's license (wearing any corrective lenses required by such license). Where the height of the person is material to the determination, the person shall be presumed to be more than 5 feet and less than 6 feet tall.
  - (2) In determining visibility of a sign from a residential property, it shall be assumed that a two-story residence will occupy the property with second-story windows facing toward the sign.

### **SECTION 4. GENERAL REGULATIONS.**

- (a) Signs shall not be located in, nor encroach upon the public right-of-way, unless specifically permitted by this ordinance.

- (b) Signs shall not be located, lighted, or constructed so as to constitute a hazard to the health and safety of individuals on the public right-of-way.
- (c) Except as provided in Section 6, the construction, relocation, or structural alteration of any permanent sign or any temporary sign larger than 32 square feet shall require a sign permit.
- (d) No wall sign shall project more than 12 inches from the wall, nor above the top of the building wall and which displays only one sign surface. Said signs may be attached to, but not above, a mansard roof or parapet wall. This shall not affect integrated roof signs, marquee signs or projecting signs, where such signs are allowed by this Article.
- (e) Signs shall be constructed and maintained to conform to the City's Building Codes.

**SECTION 5. SIGNS EXEMPT FROM REGULATION.** The following signs shall be exempt from regulation under this ordinance:

- (a) Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three feet beyond the lot line of the development site or parcel on which such sign is located.

**SECTION 6. SIGNS ALLOWED WITHOUT A PERMIT.** The following signs shall be allowed without a sign permit but, shall, to the maximum extent allowed by law, be subject to the other standards of this ordinance. Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size standards of this ordinance or otherwise deviate from the standards set forth in this ordinance to the extent that the statute or court order expressly required the larger size or other deviation. In all other respects, such signs shall conform to the standards of this ordinance. This sub-section shall apply to the following types of signs:

- (a) Temporary signs required by a valid and applicable federal, state, or local law, regulation, or ordinance or posted by a public agency, acting in accordance with an adopted law or ordinance.
- (b) Signs required by an order of a court of competent jurisdiction.
- (c) In or adjoining areas designated for parking, loading or traffic movement, signs conforming with the Manual of Uniform Traffic Control Devices and bearing no commercial message.
- (d) Signs bearing no commercial message and installed by employees of the City of Pelham, of Shelby County, or of a state or federal agency while acting in the course of their governmental duties.
- (e) Signs not legible from a distance of not more than three feet beyond the lot line of the development site or parcel on which such sign is located.
- (f) Temporary signs smaller than 32 square feet and expressly allowed under a provision of this ordinance.
- (g) Permanent signs that bear no commercial message, that are less than four square feet in size and, if freestanding, are less than four feet in height, where such signs are expressly allowed by this ordinance.
- (h) Flags expressly allowed by this ordinance, although some flagpoles or flag lighting may require building permits.

**SECTION 7. SIGNS IN PUBLIC RIGHT-OF-WAY.** Only the following signs are permitted in the public right-of-way:

- (a) Signs installed by the City of Pelham;
- (b) Signs installed by a transit company authorized to provide service to or through Pelham;
- (c) Signs installed by Shelby County;
- (d) Signs installed by the State of Alabama;
- (e) Signs installed by a public utility with a franchise or other agreement with the City of Pelham;
- (f) Any other person or entity expressly authorized by Alabama law to install a sign in the right-of-way; or
- (g) Any person with an encroachment permit for the sign, in accordance with SECTION 23. Any other sign installed or placed in the public right-of-way shall be deemed an unlawful sign and an abandoned sign and shall be subject to immediate removal and disposal by the City, without compensation to the owner. The owner or other person placing the sign shall, nevertheless, be subject to the penalty provisions of SECTION 28.

**SECTION 8. REGULATIONS FOR FLAGS AND OTHER SUPPLEMENTAL PERMANENT SIGNS.**

- (a) **Building Marker.** In addition to all other signs allowed on a building, each building with a floor area of more than 10,000 square feet may bear one building marker signs shall be permitted, subject to the following conditions:
  - (1) Such signs shall not exceed three square feet in area,
  - (2) Such signs shall contain no logo or commercial message,
  - (3) Such signs shall be made of permanent material, such as bronze or masonry, and shall be permanently affixed to or made part of the building,
  - (4) There shall be only one such sign on any building,
  - (5) Such sign may bear information about the building and its construction or any noncommercial message; and
  - (6) Such signs shall be affixed to a building wall.
- (b) **Flag.** The display of flags is expressly allowed, subject to the following limitations:
  - (1) There shall be no more than three flagpoles per principal building on any development site;
  - (2) No flag flown shall bear any commercial message;
  - (3) There shall be no more than two flags per pole,
  - (4) No flag shall be larger than five feet by eight feet,
  - (5) No flagpole in a residential district shall exceed twenty (20) feet in height; no flagpole in a nonresidential district shall exceed thirty (30) feet in height, and
  - (6) A flagpole shall have a setback of at least 5 feet from any property line,
  - (7) No rooftop flagpoles shall be permitted in any zoning district.

- (c) **Instructional Signs.** In addition to all other signs allowed on a lot instructional signs, a lot may include instructional signs. An instructional sign shall not be larger than 4 square feet in sign face area; if freestanding, an instructional sign shall not be more than 3 feet in height. Instructional signs may carry any type of information except a commercial message. Typical instructional signs include, but are not limited to, "restroom," "phone," "no parking," "entrance," "exit," and generic directions such as "office," "atm," or "stores." No such sign shall carry any commercial message whatsoever, but it may bear any noncommercial message.

#### **SECTION 9. LIGHTED SIGNS, CHANGING SIGNS, CONDITIONS.**

- (a) **Nuisance Prohibited.** Illuminated and other lighting effects shall not create a nuisance to adjacent property or create a traffic hazard, and all illuminated signs or other lighting effects must be disconnected or turned off when storm warnings are in effect. Lights and lighting upon or from a building or upon or from a sign shall be designed and arranged so as not to cause a direct glare into residentially zoned property.
- (b) **Limits on Specific Lighting Techniques.** No person shall construct, establish or create, and no person shall maintain any stationary exterior lighting or illumination system or any interior system which may be viewed from a public street, highway or other public thoroughfare used by vehicular traffic, which contains or utilizes the following:
  - (1) Any exposed incandescent lamp with a wattage in excess of forty (40) watts when the same is located within fifteen (15) feet of a street;
  - (2) Any exposed incandescent lamp with an internal metallic reflector;
  - (3) Any exposed incandescent lamp with an external reflector; or
  - (4) Any revolving beacon light.
- (c) **Changeable Copy Signs.** A permanent sign in a nonresidential district may include a section on which the copy is changed through a change of lighting or through electronic means, subject to the following:
  - (1) Such sign section shall not exceed in size, square feet, or percent of the allowed copy area.
  - (2) Such sign shall not change messages more frequently than one time per minute; for any period during which more frequent changes occur, each change of message shall be considered a violation.
  - (3) No more than one such sign on a single premises shall be visible at one time from a single location; two such sign sections may be installed back-to-back or on wall signs on different sides of a building.
  - (4) No off-premise advertising sign shall include such technology.

**SECTION 10. SUBSTITUTION OF MESSAGES.** Any sign allowed under this ordinance 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.



**ORDINANCE NO. 135-201**

COPY

**AN ORDINANCE TO AMEND APPENDIX "A", ARTICLE XXII, SECTION 12 (d), THE CODE OF ORDINANCES OF THE CITY OF PELHAM, DESIGNATED AS THE SIGN ORDINANCE – OFF-PREMISE ADVERTISING SIGNS**

**WHEREAS**, the City of Pelham has determined that it is in the best interest of the City to amend Appendix "A", Article XXII, Section 12 (d) of the Code of Ordinances, City of Pelham, Alabama, which is contained within and is a part of Ordinance No. 135-182, as herein provided, and further to amend said Ordinance by adding Section 31 thereto as hereinafter set out:

**NOW, THEREFORE BE IT ORDAINED** BY THE CITY COUNCIL OF THE CITY OF PELHAM, ALABAMA, THAT Section 12 (d) of the SIGN ORDINANCE AS IT PERTAINS TO OFF-PREMISE ADVERTISING SIGNS SHALL BE AND IS HEREBY AMENDED TO READ AS FOLLOWS:

**SECTION 12 (d)** Digital, Rotoboard and Variable/Changeable Electronic LED signs may display multiple messages, provided the sign is static display and does not have more than two sign faces for each direction the sign is facing. "Tri-vision" and LED display panels are also allowed on existing signs provided the static display time for each message is at least 8 seconds, and the time to change from one message to another is no greater than 2 seconds.

Signs shall not be erected and maintained which contain, include or are illuminated by any flashing, intermittent or moving lights, except those giving public service information such as, but limited to, time, date, temperature, weather or news.

Signs shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of traveled way of any interstate or primary highway and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

Signs shall not be erected or maintained which shall be so illuminated that they obscure or interfere with any official traffic signs, device or signal. Signs must contain static messages without movement such as animation, flashing, scrolling, or intermittent or full-motion video.

Spacing between Digital, Rotoboard and Variable/Changeable Electronic LED signs shall not be less than the minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public. Signs will be located where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public.

To ensure driver safety, signs must include a default designed to freeze a display in one still position if a malfunction occurs. Signs must have a process for modifying displays and lighting levels where directed by the Department to assure safety of the motoring public.

**BE IT FURTHER ORDAINED** by the City Council of the City of Pelham, Alabama that said Sign Ordinance is further amended by adding thereto the following as Section 31:

**SECTION 31.** All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

**THEREUPON** Karyl Rice, a member moved and Maurice Mercer, a member seconded the motion that Ordinance No. 135-201 be given vote. The roll call vote on said motion was as follows:



**SECTION 11. PROHIBITED SIGNS.** The following signs are prohibited:

- (a) Animated signs (except for changing copy signs, subject to the provisions of Section 9(c)), wind-blown signs (except temporary banners), vehicle signs, and strings of lights (except for temporary holiday decorations).
- (b) Portable signs (except as temporary signs)
- (c) Roof signs and projecting signs (except canopy signs)
- (d) Off-premise signs, except where specifically permitted by this ordinance.

**SECTION 12. OFF-PREMISE ADVERTISING SIGNS.**

- (a) Off-premise advertising signs shall only be permitted in locations where the located within 600 feet of the main traveled way of Interstate Highway 65, where such sign is oriented so that it is legible from such main traveled way. The main traveled way shall be defined as the through traffic lanes exclusive of frontage roads, auxiliary lanes, and ramps.
- (b) Off-premise advertising signs may not be stacked or erected side by side on the same support structure.
- (c) No face of a "V" type off-premise advertising sign may protrude from the opposite face at an interior angle greater than 25 degrees.
- (d) Off-premise advertising signs may not be animated and shall not include electronic technology such as LEDs or video boards.
- (e) The copy area of an off-premise advertising sign may not exceed 672 square feet, excluding cut-out extensions. Cut-out extensions may not exceed 100 square feet in area.
- (f) Maximum height of off-premise advertising signs shall be 40 feet above the centerline elevation of Interstate Highway 65; provided however, that the total height of the sign shall not exceed 65 feet.
- (g) An off-premise advertising sign may not be located closer than 2,000 feet to any other off-premise advertising sign.
- (h) Off-premise advertising signs may not be located closer than 1,000 feet to property zoned for residential use, churches, schools, and other buildings used for public assembly.

**SECTION 13. REGULATIONS FOR SPECIFIC SIGN TYPES: TEMPORARY SIGNS.**

- (a) **Temporary Noncommercial Signs in Residential Districts.** Temporary signs bearing noncommercial messages are expressly allowed in all residential zoning districts, subject to the following standards:
  - (1) Such sign shall not exceed 32 square feet in size or 8 feet in height;
  - (2) An individual may have more than one such sign on a property at one time, subject to the following limitations:
    - (i) There shall not be more than one sign per issue, cause, event or candidate;
    - (ii) The total area of all temporary noncommercial signs located on one residential lot at one time shall not exceed 144 square feet, except that, at any time that there is no temporary commercial (real estate) sign located on a lot, an additional four square feet of sign area is allowed for noncommercial signs.

- (3) Such signs shall be placed only on private property.
- (4) Such signs shall not be placed on any public property or right-of-way or posted on any utility pole or device.
- (5) Separate illumination of such signs in residential districts is not permitted.
- (6) Removal
  - (i) All temporary signs that relate to an election or other specific event shall be removed within 15 days after the event to which they pertain.
  - (ii) The person or persons who are responsible for the erection, placement or distribution of any political sign, including the person whose candidacy the sign supports, are jointly and severally responsible for the removal of the political sign and the cost thereof.

(b) **Commercial Signs in Residential Districts.** Temporary signs bearing commercial messages related to the sale or lease of property shall be allowed in all residential districts, subject to the following conditions:

- (1) Such sign shall contain no commercial message except information advertising the property on which it is located for sale, rent or lease, and information identifying the agency or other person offering the property;
- (2) The sign shall not exceed four (4) square feet in area or eight (8) feet in height;

(c) **Noncommercial Signs in Nonresidential Districts. Political Signs.** In addition to all other signs allowed, temporary signs bearing noncommercial messages are expressly allowed in all nonresidential zoning districts, subject to the following standards:

- (1) Such a sign shall not exceed 32 square feet in size or 8 feet in height;
- (2) There may be more than one such sign on a property at one time, subject to the following limitations:
  - (i) There shall not be more than one sign per issue, candidate, organization, cause or event;
  - (ii) The total area of all such signs located on one lot at one time shall not exceed 144 square feet, except that at any time that there is no temporary commercial sign on the property offering the property for sale, rent or lease, an additional 24 square feet of sign area is allowed for noncommercial signs.
- (3) Such signs shall be placed only on private property.
- (4) Such signs shall not be placed on any public property or right-of-way or posted on any utility pole or device.
- (5) Any noncommercial sign larger in size than 32 square feet require a sign permit in accordance with SECTION 22. Other political signs shall not require a sign permit.
- (6) Separate illumination of such signs is not allowed, except as specified in this sub-section. Where a noncommercial sign is erected in place of another permitted sign or political copy is placed on an existing, lawful

sign in a non-residential district, the illumination standards otherwise applying to the sign shall apply to the political sign or political copy.

(7) **Removal**

- (i) All such signs that relate to an election or other specific event shall be removed within 15 days after the election to which they pertain.
- (ii) The person or persons who are responsible for the erection, placement or distribution of any political sign, including the person whose candidacy the sign supports, are jointly and severally responsible for the removal of the political sign and the cost thereof.

(d) **Real Estate Signs/Nonresidential.**

- (1) One temporary, non-illuminated sign, advertising the sale or lease of multiple dwelling or commercial land, is permitted for each property, plus one additional sign if the property has at least one hundred feet of street frontage on two (2) or more streets. Said sign(s) shall not exceed 24 square feet of copy area, nor 8 feet in height.
- (2) One temporary, non-illuminated sign, advertising the sale or lease of commercial floor space or multiple dwellings, is permitted for each property, plus one additional sign if the property has at least one hundred feet of street frontage on two (2) or more streets. Said sign(s) shall not exceed 12 square feet of copy area, nor 6 feet in height.

(c) **New Business Locations.** A new business location is permitted one temporary sign, not to exceed 32 square feet of copy area, nor 8 feet in height. Said temporary sign shall be permitted for one continuous 30-day period; if the establishment's permanent sign is installed before the 30-day period expires, the temporary sign shall be removed on the date when the permanent sign is installed. Such sign may bear any noncommercial message or a message related to goods, products or services offered on the premises.

(d) **Banner Signs.** Each retail business is permitted one temporary banner which shall not exceed 32 square feet of copy area, and shall be attached to the building wall; for one continuous 7 day period, not to exceed two such periods in any calendar year. The banner shall be completely secured to a building or a sturdy frame on at least two opposite sides or at all four corners to prevent loose portions of the banner from moving in the wind to the extent that it would become a prohibited "animated sign" (see SECTION 11(a)). Such sign may bear any noncommercial message or a message related to goods, products or services offered on the premises.

(e) **Seasonal Business.**

- (1) A seasonal business, which is the sole use of a premises, is permitted one non-illuminated temporary sign which shall not exceed 16 square feet of copy area, nor 8 feet in height, for one continuous period not to exceed 60 days during a 12 month period.

- (2) A seasonal business which is not the sole use of a premises, is permitted one non-illuminated temporary sign which shall not exceed 8 square feet of copy area, nor 6 feet in height, for one continuous period not to exceed 60 days during the 12 month period.
- (3) A premise which is used by a seasonal business or businesses, for a period longer than 60 days during a 12 month period, shall be considered a permanent business location and shall provide attached signage in conformity with the provisions of this ordinance.
- (g) **Holiday and Cultural Decorations.** In addition to all other signs, in any zoning district, holiday or cultural decorations may be displayed for a period of not more than forty-five (45) consecutive days nor more than sixty (60) days in any one (1) year. Holiday or cultural decorations shall not contain a commercial message.
- (h) **Temporary Signs on Construction Projects in Noncommercial Districts.** In a B or M District, one temporary, non-illuminated sign, is permitted per abutting street. Such sign may bear any noncommercial message or a commercial message regarding the construction project on the premises or future occupant(s) of the premises. Such sign shall not exceed 12 square feet of copy area, nor 8 feet in height. The temporary construction sign shall be removed not later than the date on which the first permanent, freestanding sign for the same property or business is installed.
- (i) **Temporary Accessory Signs for Residential Developments.** As an accessory use to the permitted, temporary commercial activity of land development and sales, temporary commercial signs related to such development shall be allowed. For any subdivision or development containing not less than 5 lots, one temporary sign shall be allowed on the premises of the development where the premises borders a collector or arterial street. Such sign(s) shall not exceed 32 square feet of copy area nor 8 feet in height. No two such signs shall be located within 500 feet of each other. Where there is a landscaped median, the sign owner may request an encroachment permit from the Chief of Police in accordance with SECTION 23 for the location of the sign in the median; otherwise such sign must be located on private property and not on the right-of-way.

**SECTION 14. SIGNS PERMITTED IN THE AGRICULTURAL DISTRICT.**

(a) **Signs permitted.**

(1) **Single family residential neighborhood.**

- (i) Where permitted: at public street entrances to a neighborhood; may be erected in a landscaped median of a City street, if approved in accordance with SECTION 23 of this ordinance; otherwise such sign must be located on private property and not on the right-of-way.
- (ii) Maximum number: one per public street entrance
- (iii) Maximum area: 12 square feet.
- (iv) Maximum height: 6 feet
- (v) Illumination: non-illuminated

(2) **Mobile home park.**

- (i) Where permitted: at the public street entrances to the park; may be erected in a landscaped median of a City street, if approved in accordance with SECTION 23 of this ordinance; otherwise such sign must be located on private property and not on the right-of-way.
- (ii) Maximum number: one per public street entrance
- (iii) Maximum area: 12 square feet
- (iv) Maximum height: 6 feet
- (v) Illumination: indirectly illuminated

(3) **Public and Institutional Uses**

- (i) Maximum number: one per abutting street
- (ii) Maximum area: 30 square feet
- (iii) Maximum height: 10 feet
- (iv) Illumination: Indirectly illuminated

(4) **Businesses.**

- (i) Sign type: wall sign
- (ii) Maximum number: one
- (iii) Maximum area: 10 percent of the front building wall of the establishment

(b) All illuminated signs shall be indirectly illuminated in such a manner so as not to shine or reflect light off the premises.

(c) **Limitations on Messages.** Signs in these districts may bear any noncommercial message, any commercial message related to a commercial activity lawfully conducted on the premises, or temporary commercial messages allowed under Section 13(b).

**SECTION 15. SIGNS PERMITTED IN THE E-1, R-1, RG, AND PR-1 RESIDENTIAL DISTRICTS.**

(a) **Signs permitted.**

(1) **Single family residential subdivision.**

- (i) Where permitted: at the public street entrances to the neighborhood; may be erected in a landscaped median of a City street, if approved in accordance with SECTION 23 of this ordinance; otherwise such sign must be located on private property and not on the right-of-way.
- (ii) Maximum number: one per public street entrance
- (iii) Maximum area: 12 square feet of copy area
- (iv) Maximum height: 6 feet
- (v) Illumination: non-illuminated

(2) **Mobile home park.**

- (i) Where permitted: at the public street entrances to the park; may be erected in a landscaped median of a City street, if in accordance with SECTION 23 of this ordinance; otherwise such sign must be located on private property and not on the right-of-way.
- (ii) Maximum number: one per public street entrance
- (iii) Maximum area: 18 square feet of copy area
- (iv) Maximum height: 6 feet
- (v) Illumination: indirectly illuminated

(3) **Public and Institutional Uses**

- (i) Maximum number: one per abutting street
- (ii) Maximum area: 30 square feet of copy area
- (iii) Maximum height: 6 feet
- (iv) Illumination: indirectly illuminated

(b) All illuminated signs shall be indirectly illuminated in such a manner so as not to shine or reflect light off the premises.

(c) **Limitations on Messages.** Signs in these districts may bear any noncommercial message. The only commercial messages allowed on signs in these districts are those temporary signs allowed under Section 13(b).

**SECTION 16. SIGNS PERMITTED IN THE R-2, RT, RA, PR-2, AND PR-3 RESIDENTIAL DISTRICTS.**

(a) **Signs permitted.**

(1) **Single family residential subdivision.**

- (i) Where permitted: at the public street entrances to the neighborhood; may be erected in a landscaped median of a City street, if approved in accordance with SECTION 23 of this ordinance; otherwise such sign must be located on private property and not on the right-of-way.
- (ii) Maximum number: one per public street entrance
- (iii) Maximum area: 12 square feet of copy area
- (iv) Maximum height: 6 feet
- (v) Illumination: non-illuminated

(2) **Apartments, group dwellings, and mobile home parks.**

- (i) Where permitted: may be erected in a landscaped median of a City street, if approved in accordance with SECTION 23 of this ordinance; otherwise such sign must be located on private property and not on the right-of-way.
- (ii) Maximum number: one per abutting street
- (iii) Maximum area: 24 square feet of copy area
- (iv) Maximum height: 6 feet
- (v) Illumination: indirectly illuminated



- (3) **Public, semi-public, and non-profit establishment.**
    - (i) Maximum number: one per abutting street
    - (ii) Maximum area: 30 square feet of copy area
    - (iii) Maximum height: 6 feet
    - (iv) Illumination: indirectly illuminated
  - (4) **Child care establishments, except home occupations.**
    - (i) Sign type: wall sign
    - (ii) Maximum number: one
    - (iii) Maximum area: 10 percent of the front building wall area of the establishment
- (b) All illuminated signs shall be indirectly illuminated in such a manner so as not to shine or reflect light off the premises.
- (c) **Limitations on Messages.** Signs in these districts may bear any noncommercial message. The only commercial messages allowed on signs in these districts are those temporary signs allowed under Section 13(b).

**SECTION 17. SIGNS PERMITTED IN THE OFFICE AND INSTITUTION (O & I) DISTRICT AND PLANNED OFFICE AND INSTITUTIONAL (PO-I) DISTRICT**

- (a) **Signs Permitted.**
- (1) **Commercial building occupied by less than 3 businesses or firms.**
    - (i) Sign type: a wall sign, a freestanding sign, or both
    - (ii) Maximum area: total of 60 square feet of copy area
    - (iii) Maximum height (freestanding sign): 10 feet
    - (iv) Illumination: minimum of 60 percent of the copy area shall be indirectly illuminated or not illuminated
  - (2) **Commercial building occupied by 3 or more businesses or firms.**
    - (i) Sign type: wall sign, a freestanding sign, or both
    - (ii) Maximum area: a total of 100 square feet of copy area
    - (iii) Maximum height (freestanding sign): 12 feet
    - (iv) Illumination: a minimum of 60 percent of the copy area shall be indirectly illuminated or not illuminated
  - (3) **Office park.**
    - (i) Where permitted: at the main entrance; buildings in an office park are not permitted a freestanding sign
    - (ii) Maximum number: one
    - (iii) Maximum area: 80 square feet of copy area
    - (iv) Maximum height: 6 feet
  - (4) **Institution.**
    - (i) Maximum number: one per abutting street

- (ii) Maximum area: 60 square feet of copy area
- (iii) Maximum height: 6 feet

(b) **Limitations on Messages.** Signs in these districts may bear any noncommercial message, any commercial message related to a commercial activity lawfully conducted on the premises, or temporary commercial messages allowed under Section 13(b).

**SECTION 18. SIGNS PERMITTED FOR INDIVIDUAL RETAIL AND SERVICE ESTABLISHMENTS IN THE B-1, B-2, B-3, B-4, M-1, M-2, PC, PB, P-MX, AND P-CD DISTRICTS**

(a) **Individual retail and service establishments.**

- (1) Sign type: wall signs
- (2) Maximum area: combined copy area not to exceed 40 percent of the front building wall area of the establishment

(b) **Building occupied by two retail or service establishments.**

- (1) Sign type: freestanding sign
- (2) Maximum number: one
- (3) Maximum area: the combined permitted freestanding sign copy area of the two establishments

(c) **Individual retail or service establishment.**

- (1) Sign type: freestanding sign
- (2) Maximum number: one
- (3) Maximum area and height:

FLOOR AREA OF ESTABLISHMENT	SQUARE FEET OF COPY AREA	HEIGHT*
Less than 1,600 Square Feet	80	18
1,600 to 10,000 Square Feet	140	26
10,000 to 30,000 Square Feet	200	36
Larger than 30,000 Square Feet	380	48

\*The permitted height of a freestanding sign other than an off-premise advertising sign may be increased by 15 feet, if the establishment is located within 500 feet of an access point to Interstate Highway Number 65.

(d) **Limitations on Messages.** Signs in these districts may bear any noncommercial message, any commercial message related to a commercial activity lawfully conducted on the premises, or temporary commercial messages allowed under Section 13(b). Off-premise advertising signs may be allowed in these districts, subject to the limitations and standards of Section 12; otherwise, commercial messages related to activities, products, goods or services not offered on the premises where the sign is located are prohibited.

**SECTION 19. SIGNS PERMITTED FOR RETAIL AND SERVICE ESTABLISHMENTS LOCATED IN SHOPPING CENTERS IN THE B-1, B-2, B-3, B-4, M-1, M-2, PC, PB, AND P-MX DISTRICTS**

- (a) **Retail and service establishment located in a shopping center.**
  - (1) Sign type: wall signs
  - (2) Maximum area: combined copy area not to exceed 40 percent of the front building wall area of the establishment
  
- (b) **Shopping center.**
  - (1) Sign type: freestanding sign.
  - (2) Maximum number: one
  - (3) Maximum area and height:

FLOOR AREA OF SHOPPING CENTER	SQUARE FEET OF COPY AREA	HEIGHT
Less than 15,000 Square Feet	180	35
15,000 to 40,000 Square Feet	280	40
Larger than 40,000 Square Feet	460	65

- (c) **Limitations on Messages.** Signs in these districts may bear any noncommercial message, any commercial message related to a commercial activity lawfully conducted on the premises, or temporary commercial messages allowed under Section 13(b). Off-premise advertising signs may be allowed in these districts, subject to the limitations and standards of Section 12; otherwise, commercial messages related to activities, products, goods or services not offered on the premises where the sign is located are prohibited.

**SECTION 20. SIGNS PERMITTED FOR NON-RETAIL AND NON-SERVICE ESTABLISHMENTS IN THE B-1, B-2, B-3, B-4, M-1, M-2, PC, PB, AND P-MX DISTRICTS.**

- (a) **Signs permitted:**
  - (1) **Office building occupied by less than 3 businesses or firms.**
    - (i) Sign type: wall sign, freestanding sign, or both
    - (ii) Maximum area: a total of 80 square feet of copy area
    - (iii) Maximum height (freestanding sign): 16 feet
    - (iv) Illumination: a minimum of 60 percent of the copy area shall be indirectly illuminated or not illuminated
  
  - (2) **Office building occupied by 3 or more businesses or firms.**
    - (i) Sign type: wall sign, a freestanding sign, or both
    - (ii) Maximum area: a total of 120 square feet of copy area
    - (iii) Maximum height (freestanding sign): 24 feet
    - (iv) Illumination: a minimum of 60 percent of the copy area shall be

indirectly illuminated or not illuminated

(3) **Wholesale, manufacturing, and warehouse facility.**

- (i) Where permitted: A building or establishment located in an industrial park or business center is not permitted a freestanding sign.
- (ii) Sign type: a wall sign, a freestanding sign, or both
- (iii) Maximum area: total copy area not to exceed 5 percent of the front building wall area
- (iv) Maximum height (freestanding sign): 8 feet
- (v) Illumination: indirectly illuminated

(4) **Office park and Industrial park.**

- (i) Where permitted: at the main entrance
- (ii) Maximum number: one
- (iii) Maximum area: 60 square feet of copy area
- (iv) Maximum height: 12 feet
- (v) Illumination: indirectly illuminated

(5) **Residential neighborhood signs.**

- (i) Where permitted: may be erected in a landscaped median of a City street, if approved in accordance with SECTION 23 of this ordinance.
- (ii) Maximum area: 48 square feet of copy area
- (iii) Maximum height: 12 feet
- (iv) Illumination: indirectly illuminated

(b) An office park, industrial park, business center, or retail establishment with floor area in excess of 25,000 square feet, located within 1,000 feet of a U.S. Highway, but not abutting said Highway, is permitted one off-premise directional sign. Said sign shall be located within 50 feet of the public street entrance to the premises.

(c) **Limitations on Messages.** Signs in these districts may bear any noncommercial message, any commercial message related to a commercial activity lawfully conducted on the premises, or temporary commercial messages allowed under Section 13(b). Off-premise advertising signs may be allowed in these districts, subject to the limitations and standards of Section 12; otherwise, commercial messages related to activities, products, goods or services not offered on the premises where the sign is located are prohibited.

**SECTION 21. SIGNS PERMITTED IN THE PLANNED UNIT DEVELOPMENT DISTRICTS.**

Signs in the Planned Unit Development Districts shall be constructed and erected as shown above in the applicable sections of this ordinance. Said signs shall comply with the regulations for specific uses as set forth in this ordinance. Signs in these districts may bear any noncommercial message, any commercial message related to a commercial activity lawfully conducted on the premises, or temporary commercial messages allowed under Section 13(b).

## SECTION 22. PERMITTING PROCEDURES.

### (a) **Permits Required.**

- (1) Signs regulated by this ordinance but not covered by the provisions of SECTION 6 (SIGNS ALLOWED WITHOUT A PERMIT) shall be erected, installed or created only in accordance with a duly issued and valid sign permit from the Building Official. Such a permit shall be issued only in accordance with the following requirements and procedures:
- (2) An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawing to show the dimensions, design, structure, and location of each particular sign. One application and permit may include multiple signs on the same development site.

### (b) **Permitting Applications.** The following procedures shall govern the application for and issuance of all sign permits under this ordinance:

- (1) All applications for sign permits of any kind shall be submitted to the Building Official on an application form provided by the Building Official or in accordance with application specifications published by the Building Official.
- (2) Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the City Council from time to time by resolution.
- (3) Within five business days of receiving an application for a sign permit, the Building Official shall review it for completeness. If the Building Official finds that it is complete, the application shall then be processed. If the Building Official finds that it is incomplete, the Building Official shall within such five-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable subsections of this ordinance.
- (4) Within seven days of the submission of a complete application for a sign permit, the Building Official shall either:
  - (i) Issue the sign permit, if the sign(s) that is or are the subject of the application conform in every respect with the requirements of this ordinance and other provisions of the City ordinances; or
  - (ii) Deny the sign permit if the sign(s) that is or are the subject of the application fail(s) in any way to conform to the requirements of this ordinance or other provisions of the City ordinances. In case of a denial, the Building Official shall specify in the rejection the subsection of this ordinance or other applicable ordinance with which the sign(s) is or are inconsistent.

- (c) **Lapse of Sign Permit on Vacated or Unoccupied Property.** A sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of one hundred eighty (180) days or more and is not renewed within 30 days of a notice to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.
- (d) **Permits for Temporary Signs.** Temporary signs on private property shall be allowed only in accordance with the provisions of SECTION 13;
  - (1) A temporary sign permit shall be required for any sign except political signs of less than 32 square feet (see SECTION 13(f) ) or a residential real estate sign (see SECTION 13(a) );
  - (2) A temporary sign permit shall allow the use of temporary signage for a specified period subject to all of the requirements for temporary signs as set forth in this ordinance, SECTION 13; and
  - (3) A temporary sign shall become an illegal sign if not removed upon the expiration of the period covered by the permit.

**SECTION 23. RIGHT-OF-WAY ENCROACHMENT PERMITS.**

- (a) **When Required.** Any sign proposed for a location in a median or otherwise in the public right-of-way must obtain a sign permit and a right-of-way encroachment permit, which may be submitted simultaneously.
- (b) **Contents.** In addition to the contents otherwise required for an application for a sign permit, an application for a right-of-way encroachment for a sign shall contain the following:
  - (1) A legal description of the exact portion of the right-of-way affected;
    - (i) Drawings showing the horizontal and physical locations and dimensions of the proposed sign and its relationship to the right-of-way;
    - (ii) Schematic drawings showing the effect of the proposed sign on what is commonly called the “clear sight triangle” for all movements at the affected intersection;
    - (iii) A proposed agreement for maintenance of the proposed sign and related landscaping, with evidence of the continuing financial capability of the proposing entity to provide maintenance costs of \$1,000 or more per year; and
    - (iv) An executed form, provided by the City Attorney, acknowledging that the proposed sign will exist on a permit or license from the City that is revocable for the convenience of the City on 30 days’ written notice and acknowledging the responsibility of the proposing entity to remove the sign upon revocation of the permit.

(c) **Procedure.**

- (1) All applications for right-of-way encroachment permits shall be submitted to the Chief of Police on the sign application form provided by the Building Official or in accordance with application specifications published by the Building Official.
- (2) Within five business days of receiving an application for a right-of-way location permit, the Police Chief shall review it for completeness. If the Police Chief finds that it is complete, the application shall then be processed. If the Police Chief finds that it is incomplete, the Police Chief shall within such five-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable subsections of this ordinance.
- (3) Within seven days of the submission of a complete application for a sign permit, the Police Chief shall either:
  - (i) Issue the right-of-way encroachment permit, if the Police Chief finds all of the following:
    - 1) The sign will not impair the movement of traffic;
    - 2) The proposed sign will not impair the required clear-sight triangle for any traffic movement at the nearest intersection;
    - 3) The proposed maintenance agreement is adequate to ensure maintenance of the sign and related landscaping in accordance with the same standards applied by the City in maintenance of its own signs and fixtures in the right-of-way; and
    - 4) The proposing entity has adequate financial resources, or has provided guarantees of such resources, to provide maintenance to the sign and related landscaping at a cost of at least \$1,000 per year for a period of ten or more years.
  - (ii) Deny the right-of-way encroachment permit if the sign(s) that is or are the subject of the application fail(s) in any way to conform to the requirements of this ordinance or other provisions of the City ordinances. In case of a denial, the Police Chief shall specify in the rejection the subsection of this ordinance or other applicable ordinance with which the sign(s) is or are inconsistent.

(d) **Revocation.** A right-of-way encroachment permit may be revoked by the City Council after notice and a hearing. Both the entity originally proposing the sign and the entity then maintaining the sign, if not the same, shall be given notice of the hearing at least 10 days before the date of the hearing. The City Council may revoke the permit if it finds any of the following:

- (1) The entity agreeing to maintain the sign and landscaping is no longer providing such maintenance and the lack of such maintenance has resulted in deterioration of the sign or of the landscaping;
- (2) The sign now interferes with the movement of traffic or will do so due to

- planned street improvements;
- (3) The sign or related landscaping now impairs the clear-sight triangle for one or more traffic movements at the nearest intersection; or
  - (4) The City has determined that it can no longer allow such signs due to risk management considerations and is thus revoking all such permits in the City, regardless of whether a particular sign and landscaping currently conform to the requirements of this ordinance.

#### **SECTION 24. GENERAL ADMINISTRATIVE PROVISIONS.**

- (a) Administrative procedures set forth in the International Building Code shall apply to permit requirements, inspection, enforcement, penalties and appeals procedure with regard to the permitting and inspection process. The Building Code shall be adhered to with regard to requirements for sign maintenance and determination of unsafe signs.
- (b) Any person, firm, or corporation wishing to engage in the business of altering or erecting signs governed by the provisions of this ordinance, shall first obtain a business license from the City.

#### **SECTION 25. NONCONFORMING STATUS.**

- (a) A building or freestanding sign shall be considered to be a legal non-conforming sign if: (a) The sign was covered by a sign permit on the date of adoption of this ordinance, if one was required under any other or prior City ordinance; or (b) If no sign permit was required under prior applicable City ordinances for the sign in question, and the sign was in all respects in conformity with prior applicable City ordinances or was the subject of a variance to the terms of said ordinances, on the date of the adoption of this ordinance. Building or freestanding signs which do not qualify for legal non-conforming status shall be deemed unlawful.
- (b) A building or freestanding sign shall lose its legal non-conforming status if the sign is altered, except that a change of message or replacement of sign panels to accomplish a change of message shall not be considered an "alteration" for purposes of this provision. Any non-conforming sign which is damaged by explosion, fire, accident, or act of God, to the extent of more than fifty (50) percent of its appraised value immediately prior to said damage, shall not be restored except in conformity with the provisions of this ordinance.

#### **SECTION 26. ABANDONED SIGNS.**

- (a) The following conditions shall constitute an abandoned sign:
  - (1) Any sign which no longer advertises a bona fide business, institution, person, event, location, product, or service.
  - (2) Any off-premise sign which is not leased by, or no longer advertises, a bona fide business, institution, person, event, location, product, or service for a continuous period of 120 days.
- (b) Any sign which is abandoned shall be removed within 30 days after notification



by the Building Official, that said sign is abandoned and non-conforming to the provisions of this ordinance. Abandoned signs which are not removed within 30 days of notification of abandonment shall be deemed unlawful.

**SECTION 27. REMOVAL OF SIGNS.** The Building Official shall adhere to the following regulations for removal and storage of signs in violation of the provisions of this ordinance.

- (a) With respect to any sign that constitutes a hazard to the public or a sign without proper certification that has been installed or placed on unimproved property, on public property or within public right-of-way, the sign may be immediately removed and impounded by the Building Official.
- (b) Any temporary or portable sign that is installed or placed on private property without a required permit or otherwise in violation of this ordinance may be immediately removed and impounded by the Building Official.
- (c) Signs that are not made subject to the impoundment provisions described in Subsections (a) and (b) above are subject to removal and impoundment ten days after appropriate notice has been given. Appropriate notice shall be deemed to have been given if the City provides written notice to the owner or installer of the sign (or other responsible person). If the notice cannot be given after reasonable efforts to identify and locate the person or persons, the City may affix a notice of noncompliance to the sign itself. If the sign has not been removed or brought into compliance within ten days, the City may remove and impound the sign.
- (d) Removal of unlawful signs shall be done in a manner which, to the extent possible, preserves the value of the sign(s) and supports.
- (e) An owner or installer of any removed signs and supports, except for signs made of paper or cardboard, shall be notified if such person can be reasonably identified. The first attempt at notice shall be within 5 days of the removal of the sign and supports. The manner of notification shall be that which will best achieve notice under the circumstances including the use of certified mail, hand delivery, or publication. Refusal of certified mail which has been properly addressed and posted shall not void the notice. Hand delivery may be employed where the addressee is within the City Limits. Publications may be used when the addressee or the addressee's whereabouts are unknown.
- (f) Said notice shall inform the recipient that the City of Pelham is in possession of the sign and supports, why they were removed, where they may be reclaimed, and applicable fees and storage period.
- (g) With the exception of signs made of paper or cardboard and their supports, which may be disposed of immediately, removed signs and supports shall be stored for a period not to exceed 30 days beginning the first day of effective notice. A storage charge of \$5.00 per day will be levied beginning on the 4th day of that 30 day period. The owner of the sign may reclaim the sign and supports, during the 30-

day storage period, upon payment of any storage charges and the cost of removing the signs and supports. If the sign has not been reclaimed during the 30-day storage period, the sign and supports may be disposed of. If, in the opinion of the Building Official, the sign and supports are not capable of being sold, they may be discarded; but if sold, the proceeds therefrom, shall first be applied to the storage and removal charges, if any, and the balance shall be mailed to the previous owner of the sign and supports, if possible, or if not, the balance shall become property of the City.

- (h) In addition to other remedies, the City shall have the right to recover from the owner or installer of such a sign, or the owner of the property on which it is located, or any other responsible person, the full costs of removal and disposal of the sign. The City shall certify the removal and may charge the owner or installer or other responsible person for the removal, payable within ten days after receipt of a statement of charges or the charges may be a special assessment and a lien on the property involved and subject to the provisions of state law. It is presumed that the person or entity whose identity is represented on the sign is a person responsible for installing the sign, which presumption may be rebutted by affidavit.

**SECTION 28. PENALTIES.** Any person, firm or corporation, or other organization which violates any of the provisions of this ordinance shall, upon conviction, be fined in accordance with the provisions of the City of Pelham Municipal Code Chapter 1 - General Provisions, Section 1-8 – General Penalty; Violations of Code, Ordinance, or State Law; provided however, that in the event any such person, firm or corporation desires to waive a trial and enter a plea of guilty before the magistrate, the magistrate is hereby authorized to accept such plea and impose a fine as follows:

- a. First Offense.....\$50.00
- b. Second Offense..... \$100.00
- c. Third Offense ..... Mandatory Court Appearance
- d. Each day any such violation continues shall constitute a separate offense.

**SECTION 29. SEVERABILITY CLAUSE.**

- (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 chapter
- (b) **Severability where less speech results.** Without diminishing or limiting in any way the declaration of severability set forth above in Sec. 29(a) or elsewhere in this article of this Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this chapter is declared unconstitutional 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.

- (c) **Severability of provisions pertaining to prohibited signs.** Without diminishing or limiting in any way the declaration of severability set forth above in Sec. 29(a), or elsewhere in this ordinance or in this Code, 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 chapter that pertains to prohibited signs, including specifically those signs and sign types prohibited and under Section 11 of this ordinance. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this 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 ordinance.
- (d) **Severability of limitations on off-premise advertising signs.** If any part section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article and/or an other provisions of the Zoning Ordinance or this Code 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 limitations on off-premise signs, set forth in Section 12.

**SECTION 30. EFFECTIVE DATE.** This ordinance shall become effective upon its passage and adoption by the City Council of the City of Pelham, Alabama and posting as required by law.