

**ORDINANCE NUMBER: 7-13-09**

**AN ORDINANCE AMENDING THE CITY OF RAINSVILLE ZONING  
ORDINANCE TO REGULATE THE ERECTION AND MAINTENANCE OF SIGNS  
IN THE CITY OF RAINSVILLE, ALABAMA**

BE IT ORDAINED BY THE CITY COUNCIL OF RAINSVILLE, ALABAMA, as follows:

Section 5-6, Sign Regulation, of the Zoning Ordinance of the City of Rainsville, Alabama, shall be amended and replaced *in toto* as follows:

**“Section 5-6. Sign Regulation**

The intent of this Section is to balance the need and desire of merchants and institutions to identify and advertise their establishments and the public’s need for signs to assist it in way-finding with concerns of traffic safety, with the desire of local residents and their elected officials to maintain an attractive community, and with the goal of preserving property values in the City. This section is specifically intended to:

- (a) Limit the proliferation of large and obtrusive signs;
- (b) Significantly limit the size and number of signs place in residential districts; and
- (c) Require permits for large signs that have the greatest impact on traffic safety, community aesthetics and property values.

**5-6-1 Applicability and Effect.**

Except as provided in this subsection, no sign shall be posted, reposted, placed, replaced, hung, painted or repainted in any district except in conformance with this Section 5-6.

All signs, except signs exempt from this Section as described immediately below or exempt from permit requirements under Subsections 5-6-3, 5-6-4, and 5-6-5, shall require a sign permit, to be issued in accordance with the procedures set forth in §5-6-2.

The following signs are not subject to the regulations set forth in this Section:

- (a) Any sign located entirely inside a building or other structure and not

visible from any street or property other than the lot or parcel on which the sign is located.

(b) Any other sign that is not visible from any street or from any street or property other than the lot or parcel on which the sign is located.

(c) Any sign that is not legible from any street or from any street or property other than the lot or parcel on which the sign is located.

**5-6-2 Procedure.**

An applicant desiring to erect a sign except those listed in Subsections 5-6-3, 5-6-4, and 5-6-5, shall first obtain approval of an application for a sign permit from the Administrative Officer. Each application for permit shall be accompanied by plans clearly showing the following:

- (a) The proposed site identifying the property owner, location, present use and zoning;
- (b) A survey showing the proposed location of the sign on the lot in relation to property lines and existing signs and structures;
- (c) A drawing showing distances to other billboards located within one-half mile and to intersection of Highways 75 and 35; if the distance to any other billboard is less than 1,800 feet and/or if the distance to the intersection of Highways 75 and 35 is less than 2,500 feet, the drawing shall be supported by a statement of an engineer or surveyor currently licensed in Alabama attesting to the exact distance between the proposed billboard and the other billboard or the intersection;
- (d) A drawing showing the dimensions of the billboard, including face area, height, depth, width, and setback from streets and property lines;
- (e) Complete structural specifications adequate to satisfy building code requirements for application for a building permit; and
- (f) Any additional information needed to determine if such sign is to be erected in conformance with this Section.

**5-6-3 Signs Allowed in Any District.**

The following signs may be erected or constructed in any zoning district without a permit, but may be subject to additional regulations under this section. Where a sign is erected pursuant to a state 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 require the larger size or other deviation. In all other respects, such signs shall conform to the standards of this ordinance:

- (a) Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;
- (b) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;
- (c) Signs installed by employees or officials of the City or of DeKalb County;
- (d) Signs required by a state or federal statute;
- (e) Signs required by an order of a court of competent jurisdiction;
- (f) 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;
- (g) Signs installed by a transit company with a franchise or other right to operate in DeKalb county, where such signs are installed along its routes and relate to schedules or other information about the transit route;
- (h) House numbers erected in accordance with E-911 Uniform Property Numbering System; and
- (i) Any sign that is smaller than two square feet.

**5-6-4 Signs Allowed in Residential Districts.**

In addition to those signs listed in Section 5-6-3, the following signs are allowed on any occupied lot in any residential district in the City. Such signs are allowed without a permit:

- (a) A wall sign not to exceed two square feet in area; the wall sign may bear any noncommercial message or a commercial message related to an activity lawfully conducted on the premises. Note that this provision will typically apply to a lawful home occupation.
- (b) A permanent freestanding sign not to exceed four (4) square feet in area or five (5) feet in height; the freestanding sign may bear any noncommercial message but no commercial message whatsoever.
- (c) Additional wall signs not to exceed one square foot in area and bearing no commercial message. It is the purpose of this paragraph to provide for signs bearing warnings, information about security systems, and other information, but such signs may bear any message other than a commercial message.
- (d) Additional freestanding, temporary signs, subject to the following restrictions:
- i. No such sign shall exceed eight square feet in size or five feet in height;
  - ii. The temporary signs may bear any noncommercial message;
  - iii. Not more than two 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).
- (e) At a church, other house of worship, school or other institutional use permitted in a residential district, an additional permanent freestanding sign which shall not exceed 32 square feet in size; the area shall be measured on one side only and the sign may have two sides.
- (f) On a site of two or more acres used for bona fide agricultural activities, one additional freestanding sign, which may be permanent or temporary. Such sign shall not exceed ten (10) square feet in area. It

may bear any commercial message related to agricultural products or services lawfully grown or created on the premises, or any noncommercial message.

- (g) Except for the freestanding signs for institutional uses (paragraph (e)), signs in residential districts shall not be separately illuminated. This standard is intended to prevent interior-lighted and direct-lighted signs but not to require that allowed signs be shielded from common porch or yard lights.

**5-6-5 Signs Allowed in Nonresidential Districts without a Permit.**

In addition to those signs listed in Section 5-6-3, the following signs are allowed on any occupied lot in any nonresidential district in the City. Such signs are allowed without a permit:

- (a) On an occupied building, one or more wall signs, which signs may bear any noncommercial message or a commercial message related to goods and/or services lawfully offered in the building or otherwise on the premises;
- (b) On the premises of an occupied building, one freestanding sign, which shall not exceed 100 square feet in sign area or sixteen (16) feet in height. Such sign may bear any noncommercial message or a commercial message related to goods and/or services lawfully offered in the building or otherwise on the premises;
- (c) On the premises of an occupied building, temporary banners, portable signs, streamers or wall posters shall be allowed for periods of not more than two weeks at one time. Such sign may bear any noncommercial message or a commercial message related to goods and/or services lawfully offered in the building or otherwise on the premises;
- (d) On any premises, one temporary freestanding sign per street frontage subject to the following restrictions:
  - i. No such sign shall exceed eight square feet in size or five feet in height;

- ii. The temporary sign may bear any noncommercial message;
- iii. The temporary sign may bear a message related to the sale or lease of the premises.

**5-6-6 Signs Requiring a Permit.**

Billboards shall be allowed on a lot zoned B-1, B-2, B-3, or M-1, if such lot has frontage on Alabama Highway 35 or Alabama Highway 75, subject to the following standards and conditions:

- (a) Only one (1) sign per lot shall be allowed;
- (b) No billboard shall be allowed within 2000 feet of the intersection of Highways 35 and 75;
- (c) Billboards shall be a minimum of 1500 feet apart;
- (d) The separation distances set out in the previous two paragraphs shall be measured in a straight line along the shortest route between the points that are to be separated;
- (e) Billboards shall not have a sign area greater than 600 square feet per side;
- (f) A billboard may have a maximum of two faces, which shall be installed parallel to each other so that only one face is legible or clearly visible from any one point;
- (g) The maximum height of a billboard shall be 60 feet from grade level; and
- (h) A billboard may bear any commercial or noncommercial message.

**5-6-7 Prohibited Signs.**

In the interest of public safety, the following signs are prohibited everywhere in the City:

- (a) Any sign extending or protruding more than six (6) inches over public property;
- (b) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color, except as allowed under Subsection 5-6-8. This

prohibition includes signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.

- (c) Any sign with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except as allowed under Sect. 5-6-8.
- (d) Signs hung from, or in any way affixed to, any other sign, except as allowed for temporary signs under paragraph 5-6-5(c).
- (e) Any sign that emits noise.
- (f) Any sign illuminated with red lights.
- (g) Signs made of any material whatsoever and attached in any way to a utility pole, tree, fence post, stake, stick, or any other similar object located or situated on public or private property except as otherwise expressly allowed by, or exempted from, this Article.
- (h) Signs which are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except address numbers and signs related to the lawful use of the right-of-way.

**5-6-8 Illumination.**

Signs may be illuminated only as provided in this section:

- (a) Signs in residential districts may not be separately illuminated by any means, except that freestanding signs allowed for institutional uses in these districts under paragraph 5-6-4(e) may be illuminated by direct white light. The restriction on separate illumination is not intended to require shielding of lawful signs from porch or yard lights, but simply to prohibit separate lighting for most signs in these districts;
- (b) Signs in nonresidential districts may be illuminated internally or externally, directly or indirectly, with any color light except red. Lighting techniques in

nonresidential districts may include but are not necessarily limited to neon tubing, exposed bulbs and LED lighting devices.

- (c) The following types of movement or light changes on signs allowed, but no other light changes, scrolling or movement on signs is allowed:
- i. For a portion of a sign that does not exceed 20 percent of the area of the sign of which it is a part or 40 square feet, whichever is smaller, continuously scrolling and other changing messages are allowed; and
  - ii. For an entire sign or a larger portion of a sign, the message shall not be changed any more frequently than once every eight seconds, except that automatic adjustments to temperatures or prices that may occasionally occur more frequently than that are allowed.

**5-6-9 Non-Conforming Signs.**

Any sign legally in existence at the time of the effective date of this Ordinance may be continued in use despite any non-conformity with the provisions of this Ordinance; if such non-conforming sign is removed or altered by an act of God, vandalism, or accident, it may be restored to its former condition; if such nonconforming sign needs to be changed, painted or re-lettered by reason of change of business, the same may be done; if such sign needs to be repaired to prevent its falling into disrepair and becoming unsafe, the same may be done. Under no other circumstances may any non-conforming sign be restored, replaced or re-erected. A nonconforming sign shall not be converted to a different technology, such as tri-vision, LED or video boards unless the converted sign will conform fully with all standards of this Section 5-6.

**5-6-10 Relationship to Other Codes**

These regulations are intended to complement requirements of the building and electrical codes applicable in the City. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply.

Exemptions from sign permit requirements shall not exempt a sign from applicable permitting and other provisions of the building and electrical codes.

### 5-6-11 Intersection Visibility.

No sign shall obstruct vision in a space within 30 feet of any street corner and between two and one-half (2 ½) feet and nine (9) feet above the ground.

### 5-6-12 Sign Maintenance.

All signs including their supports, braces, guys and anchors, electrical parts, lighting fixtures, and painted and display areas, shall be maintained in accordance with the building and electrical codes applicable in the City and shall present a neat and clean appearance. No rubbish or debris that constitute a fire or health hazard shall be permitted under or near a sign.

### 5-6-13 Definitions

As used in this section, words not defined here shall be given their common ordinary meanings. The following words shall be construed in accordance with these definitions:

- (a) **Billboard:** A sign bearing a commercial message that does not relate to a product or service that is lawfully offered on the premises on which the sign is located, and/or a sign that is owned by an individual or entity that rents or otherwise makes available the face of the sign for another party to place an advertisement or some other message.
- (b) **Commercial Message.** Words, symbols, logos, pictures or any combination thereof that identify and/or direct attention to a business, commodity, service or entertainment sold or offered for sale or a fee.
- (c) **Free-standing (Ground) Sign:** A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.
- (d) **Legible:** A sign or message is "Legible" when it can be understood by a person with an eighth-grade education or higher. Where this Article 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 five

feet and less than six feet tall.

- (e) **Residential District or Area.** Any zoning district in which the predominant uses are residential or agricultural uses.
- (f) **Sign:** Any object, device, display structure, or part thereof that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, project, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.

#### **5-6-14 Severability**

- (a) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter 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 5-6-14(a) or elsewhere in this Section, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this chapter is declared unconstitutional, declaration shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this chapter, 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 5-6-14(a), or elsewhere in this Section, 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 not allowed un this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this chapter 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.”

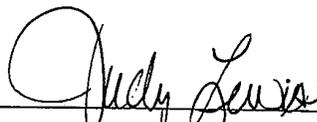
Adopted this 13<sup>th</sup> day of July, 2009.

  
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DONNIE CHANDLER, Mayor

Attest:  
  
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JUDY LEWIS, Clerk

CLERK'S CERTIFICATE

I hereby certify that the above and foregoing Ordinance No. 7-13-09 was duly adopted at an advertised meeting and public hearing of the City Council of Rainsville, Alabama, at which a quorum was present, and that it has been published on the 16<sup>th</sup> day of July, 2009, by publication of the same in *The Weekly Post*, a newspaper of general circulation in the City of Rainsville, Alabama.

  
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JUDY LEWIS, Clerk