



# City of Clay

## Ordinance 2010-02

BE IT ORDAINED by the Council of the City of Clay, in the State of Alabama, that Article 10 of Ordinance 2006-07 Zoning Ordinance, adopted March 27, 2006, is replaced with this Ordinance.

All other provisions in Ordinance 2006-07 Zoning Ordinance, adopted March 27, 2006, remains in force.

When this ordinance is adopted, Ordinance 2004-22 An Ordinance Defining the Use of Real Estate Signs is repealed.

### ARTICLE 10. SIGN REGULATIONS

#### Table of Contents

Section	Topic	Page
Section A	Purpose and Intent .....	2
Section B	Applicability .....	2
Section C	Definitions .....	2
Section D	Permits, Fees and Inspections .....	9
Section E	Prohibited Signs .....	11
Section F	Sign Area and Height Calculations Standards .....	12
Section G	Location Limitations .....	14
Section H	Permanent Sign Size, Height, and Number Limitations.....	16
Section I	Illumination .....	19
Section J	Permanent Sign Materials .....	20
Section K	Procedure for Notice and Removal of Illegal Signs .....	21
Section L	Nonconforming Signs .....	22
Section M	Abandoned Signs .....	22
Section N	Temporary Signs .....	23
Section O	Portable Signs .....	25
Section P	Vehicle Signs .....	27
Section Q	Window Signs and Door Signs .....	27
Section R	Penalties .....	27
Section S	Repealer .....	27
Section T	Severability .....	27
Section U	Effective Date .....	28

## Section A Purpose and Intent

The City of Clay recognizes that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of public interest. It is the intent of this Ordinance to:

1. To encourage the most effective way to use signs as a means of communicating for businesses, organizations and individuals of the City;
2. To provide for adequate business identification, advertising, and communication;
3. 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;
4. To protect the safety and general welfare of the public by minimizing congestion on the streets from hazards to pedestrians and vehicular traffic;
5. To minimize the possible adverse effects of signs on nearby public and private property;
6. To promote the health, safety and general welfare of the citizens of the City;
7. To prohibit billboards in the City.

This Article is not intended to inhibit an individual's right to express non-commercial messages protected by the First Amendment of the United States Constitution.

## Section B Applicability

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.

The regulations contained herein shall govern all signs, both presently existing and hereafter erected or displayed; however, said regulations shall not waive or repeal additional requirements of other applicable ordinances. Furthermore, for the purposes of this Article, all signs shall be considered "uses" in their own right and, as such, shall be subject to the other regulations in the City of Clay Zoning Ordinance.

Signs necessary to promote health, safety and welfare and other regulator, statutory, traffic control or directional signs erected on public property with permission as appropriate from the City, the State of Alabama, or the United States and signs established by, or by order of, any government agency on public property are exempt from these regulations.

## Section C Definitions

Words and phrases used in this Article shall have the meanings defined in this Section. Words and phrases not defined in this Article, but defined elsewhere in the City of Clay Zoning Ordinance, shall be given the meaning contained therein.

1. Abandoned Sign– Any sign that advertises a business, tenant, owner, product, service or activity that

is no longer located on the premises where the sign is displayed. Any sign that has a separate electrical meter that has been disconnected is considered an abandoned sign.

2. A-frame Sign- Any sign that has two sides that are not connected to each other at the bottom but are connected to each other along the top. An A-frame sign is a portable sign, even if it has a temporary message on it.

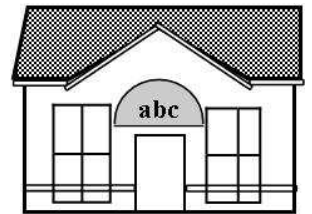


A-frame Sign

3. Animated Sign– A sign with 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 for traditional barber poles.

4. Auxiliary Sign– Any sign indicating general information, such as no trespassing, warning, trading stamps, credit cards accepted, official notices, or services required by law, or giving directions to offices, alarm company protection, restrooms, exits, and like facilities. Auxiliary signs shall not include advertising content and are typically permanent though content may change.

5. Awning Sign– A sign directly painted or otherwise directly affixed to an awning, including lettering and / or logo printed upon or attached to a building awning or service station canopy. Awning signs are not projecting signs or banner signs.



Awning Sign

6. Background– The area of a sign around the text, logo or message. The background does not include the frame, supports, etc.

7. Balloon– A flexible material with air inside to provide lift or form while the weight of the item or an attached string, chord, rope, or ribbon prevents the item from floating off the premises.

a. In all Zones, any balloon with a commercial message or message of an event or advertising a non-profit organization or religious organization is considered a temporary sign if it has a temporary message and is considered a portable wind or inflatable sign if the message is not temporary. In all Zones, any balloon that does not contain a commercial message and is two and a half (2.5) square feet of sign face area or less, is not considered a sign.

b. In Nonresidential Zones, a balloon that is filled with “hot air” or continuously forced air, or is inflated by a fan or blower and is larger than two and a half (2.5) square feet of sign face area shall be considered a portable wind or inflatable sign, whether it contains a commercial message or not. (See definition for wind sign.)

c. In Residential Zones, all balloons, no matter the size, that do not contain a commercial or religious or nonprofit organization message are not considered signs.

8. Banner Sign– Any sign of lightweight fabric or vinyl, or similar material mounted to any structure, pole, or fence at one or more edges.

a. National, state, and municipal flags and the official flag of any institution shall not be considered signs.

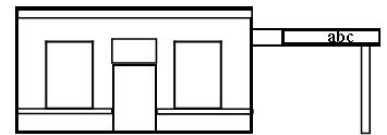
b. Awning signs are not banner signs.

c. In Residential Zones, decorative flags that do not contain a commercial message or advertisement are not considered signs.

d. In Non-residential Zones, flags and other banners that contain a temporary commercial message or temporary message for a non-profit or religious organization or event are considered temporary signs. In Non-residential Zones, flags and other banners that are decorative or contain a non-temporary commercial message or non-temporary message for a non-profit or religious

organization (except official flag of an institution) are considered portable signs.

9. Beacon— Illumination that is directed skyward or toward the public, away from a sign or building, for the purpose of drawing attention to that premises.
10. Bench Sign- Signs displayed on a bench that rests on top of pavement or the ground with messages, logos or advertisements attached. Bench signs are portable signs, unless it is inserted into the ground or affixed to a permanent structure. Any bench containing a sign or with signs and is inserted into the ground or attached to a permanent structure is a permanent sign.
11. Billboard Sign— Any off-premise outdoor advertising sign that is owned by a person, company or legal entity that engages in the renting or leasing of advertising space on signs for dissemination of information or for a business, service, commodity, activity, or entertainment at a location other than the premises on which said sign is located. This definition shall not include signs erected or maintained by the State Department of Transportation or by an entity authorized by the state providing direction or information to the traveling public.
12. Building Sign— A sign permanently 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.
13. Bulletin Board Sign- A portion of an on-premises sign containing changeable general information or announcements of events or activities occurring at a business, institution or similar messages. A marquee area in a permanent sign is considered a bulletin board sign.
14. Bunting- Flags and long strips of cloth used for festive decorations.
15. Canopy Sign— A sign directly painted or otherwise directly affixed upon a building canopy.
16. Changeable copy sign (electronic)- A sign board that is designed so that characters, letters, or illustrations can be electronically changed or arranged without altering the face or the surface of the sign as long as such change does not occur more than one time per twenty seconds.
17. Clear Zone- as established by American Association of State Highway and Transportation Official (AASHTO) Road Design Guide Standards.
18. City Staff- The Building Inspections Superintendent or his designee.
19. 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.
20. Commercial Sign— 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.
21. Construction Sign— A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure or project only during the construction period and only on the premises on which the construction is taking place.
22. Cultural Decorations— Any item on display that is designed to promote recognition of a heritage, race, culture, or ethnicity, which does not contain a commercial message.
23. Development Sign— Any sign of a temporary nature used at the entrance to a subdivision, office park, or similar multiple-lot development that may indicate current or planned development of property, lots being sold, the name of the developer, financial institution or other development parties that apply for the whole development.
24. Dilapidated Sign- Any sign which is structurally unsound, unsafe, has defective parts, is in

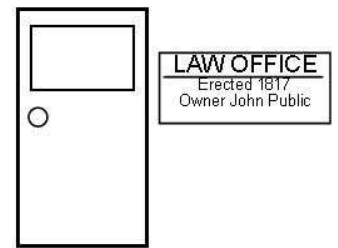


Canopy Sign

substantial disrepair or is in need of painting or maintenance, as determined by City Staff.

25. Double-faced Sign— A sign with both sides visible from any location and both sides attached to each other on both ends.
26. Erect— 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 does not include the foregoing activities when performed as an incident to change a message on a reader board, or maintenance of a pre-existing sign.
27. External Illumination— Light reflected from a separate outside source aimed toward a sign, including silhouettes on a background or reflected light.
28. Façade— The outer portion of a wall from angle to angle or corner to corner.
29. Flag— See definition of “Banner.”
30. Flashing Sign- A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects more than once per twenty seconds, except signs that use lights to give a message in a scrolling or traveling effect. Flashing signs include signs containing animated, blinking, flashing, intermittent, and fluctuating lights, or which utilize liquid-crystal display (LCD), plasma, video, or similar display that changes its message more than once per twenty seconds. Any of these sign types and any changeable copy sign or message board / reader board sign that changes its message no more than one time per twenty seconds shall not be considered a flashing sign.
31. Frame— The portion of the sign that surrounds the background, advertising message area or area containing the logo, and which does not contain any portion of the message or advertisement and is a permanent part of the sign. The frame does not include the supports of the sign.
32. Freestanding Sign- Any non-movable sign not affixed to a building or any sign that is attached to or part of an upright support (in the ground, concrete or other surface, except development signs) that stands removed from any building. Every face of a freestanding sign shall be considered as a separate sign for the purposes of computing allowable area, except as otherwise provided for double-faced signs.
33. Gas Pump Sign— A sign located on or attached to a gas pump.
34. Ground Sign— A freestanding sign in which the sign face area is attached directly to the base of the sign or otherwise located close to the ground. This is also commonly referred to as a “monument sign”.
35. Holiday Decorations— Decorative elements of a temporary nature intended for the acknowledgment of a holiday or holiday season, exclusive of decorations containing business, product, sales, or service advertising content. Holiday decorations are considered temporary signs.
36. Identification Sign— A sign limited to information of address or name of business or property owner or tenant. Such signs do not include business logos, advertising or commercial message.
37. Illegal Sign— A sign erected or maintained after the effective date of this article which is inconsistent with the terms contained in this Article or any nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection. A nonconforming sign that meets the limitations in the Nonconforming Signs section of this Article shall not be considered illegal.
38. Illuminated Sign- A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
39. Indirect Light— Illumination by reflected or diffused light.
40. Inflatable Sign— See definition for Wind Sign.

41. Intermittent Light Sign– Intermittent Light– Any flashing, animated, blinking, or fluctuating light, liquid-crystal display (LCD), plasma, video, or similar display including arrangements that spell messages, simulate motion, or form various symbols or images where the message or image change or lighting fluctuation (on / off) or blinking occurs more than one time per twenty seconds. Electronic message board / reader boards or changeable copy signs that change the message no more than one time per minute or give a message in a traveling or scrolling fashion shall not be considered an intermittent light sign.
42. Internal Illumination– Light directed outward from a lighting source within a sign, including neon signs.
43. Maintain / Maintenance– Any cleaning, touchup painting, poster panel replacements on billboards or bulb replacement, which does not alter the basic design, structure, size or electrical service to the sign.
44. Marquee– A sign with manually changeable letters.
45. Message Board/Reader Board (electronic or not electronic)- A portion of an on-premises permanent sign containing general information or announcements of events or activities occurring at a business, institution or similar message. A sign with lights that travel in a scrolling fashion to display a message is an electronic message board / reader board sign as long as the message does not stop scrolling, even occasionally, and flash or blink more than one time per twenty seconds so as to become an intermittent light sign or flashing sign. Portable and temporary signs with a marquee area are not considered message board / reader board signs.
46. Nameplate Sign– A wall sign indicating the name and / or address of a business or residence.
47. Nit– A unit of measurement of brightness (luminance), which is the measure of the light emanating from an object with respect to its size and is the term used to quantify electronic sign brightness. Nits are the total amount of the light emitted from a sign divided by the surface area of the sign (candelas per square meter [cd/m 2].)
48. Noncommercial Message– Noncommercial messages include, but are not limited to, signs expressing political views, religious views, support for a public educational or other institution, support for a noncommercial public event, or opposition or comment on any of the above. This definition shall be broadly construed; there shall be a rebuttable presumption that any sign not bearing commercial message and bearing any other message at all is a noncommercial message, protected under this Article.
49. Noncommercial Sign– A sign which is not an on-premises or off-premises commercial sign and which carries no message, statement, or expression related to the commercial interest of the sign owner, lessee, author or other person responsible for the sign 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.
50. Nonconforming Sign– Any permanent building or freestanding sign within the jurisdiction of the Zoning Ordinance of the City of Clay on the effective date of this Article or any permanent building or freestanding sign existing in any area added to such jurisdiction after the effective date of this Article, which is prohibited by, or does not conform to the requirements of these regulations.
51. Nonresidential Zones– As defined by the City of Clay Zoning Ordinance including, but not limited to, the Industrial Zone, Institutional Zone, and the variety of Commercial Zones, etc.
52. Off-premises Sign– Any sign, including directional signs, advertising a business, person, activity, goods, products, or services not located or offered for sale on the premises where the sign is

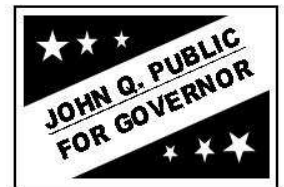


Nameplate Sign

located.

- 53. On-premises Sign– any sign advertising a business, person, activity, goods, products, or services located or offered for sale on the premises where the sign is located.
- 54. Open Letter Sign– 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.
- 55. Ornamentation– Decoration that does not convey a message or advertise anything.
- 56. Parapet– A wall or railing along the edge of a roof, balcony or similar structure and extending above the edge of such structure.
- 57. Permanent Sign– A sign that does not have a temporary message, but contains a message that would not change with an event, election, promotion, or completion of a project. Nameplate signs, identification signs, general information of a business, and others are considered permanent signs.
- 58. Person– Any individual, firm, partnership, association, corporation, company or organization, singular or plural, of any kind.

59. Political Sign– Any sign promoting the campaign of an individual for public office or an advertisement for an amendment or referendum on a public issue. A political sign is a temporary sign.



Political Sign

60. Portable Sign– A sign that is designed to be transported.

- a. The following are portable signs, whether or not they contain a temporary or permanent message:

- 1. Signs with wheels, with wheels removed, with chassis or support constructed without wheels, designed to be transported by trailer or wheels, except vehicle signs.
- 2. "A" or "T"-frame signs attached temporarily or permanently to the ground or structure or resting on the ground.
- 3. Wind or inflatable signs (except banners with a temporary message and balloon with a temporary message).
- 4. An umbrella with a commercial message.
- 5. Bench signs that are not inserted into the ground.

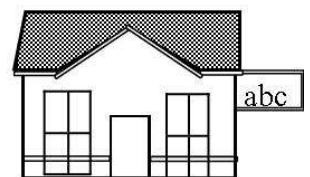


Portable Sign

- b. Any other sign that rests on top of the ground (not secured by being inserted in the ground) shall be considered a portable sign if it does not contain a temporary message, including but not limited to:
  - 1. Plastic signs (not including auxiliary signs) and all other signs attached to, but not permanently affixed to light poles or utility poles on private property.
  - 2. Rigid signs (including those supported by wires inserted in the ground) and signs supported by metal stakes or any metal support that is less than four square feet of sign face area, except auxiliary signs which are not portable signs.

61. Premises– A lot or tract of land upon which sign is located or is to be located or location which sign is directing attention to.

62. Projecting Sign– A sign attached or affixed to the exterior wall of a building extending more than 12 inches from the face of the building wall or above the top of the building wall.



Projecting Sign

63. Real Estate Sign– A sign indicating that a property or any portion thereof

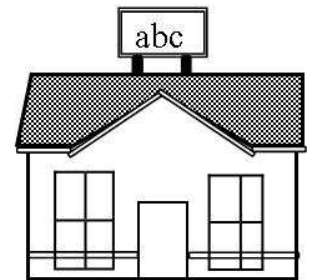
is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.

64. Residential Zones– As defined in the City of Clay Zoning Ordinance. Includes but is not limited to all single family zoned lots, apartments and condominiums.

65. Right-of-Way– The area designated as such according to the state and local laws and shown on surveys.

66. Rigid Signs– Signs with rigid material used in the sign face area which has wires or metal supports and not larger than four square feet in sign face area. A rigid sign with a temporary message, as described in the definition for temporary sign, is considered a temporary sign. A rigid sign that does not contain a temporary message shall be considered a portable sign.

67. Roof Sign– A sign that is mounted on the roof or applied to the roof of a building (including painted signs) or which is wholly dependent upon a building for support and which projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.



Roof Sign

68. Separate illumination– Illumination coming from a source not attached to the sign.

69. Setback– The area which is part of private property but is not allowed to have permanent structures, including signs.

70. Shopping Center Sign– a permanent, on premise sign, illuminated or non-illuminated, that identifies the name of a shopping center development, and may include tenant identification. A sign is defined as a shopping center sign when the center of which it advertises has at least 400 feet of public road frontage (outparcels included), be located on premises of a minimum of one acre, have shared parking or driveways with all uses on site, have one or more retail spaces (not including outparcels) and have one management authority (not including outparcels).

71. Sight Triangle– as established by American Association of State Highway and Transportation Official (AASHTO) Standards.

72. Sign– A name, identification, image, description, display or illustration which is affixed to, painted on, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to any object, product, place, activity, facility, service, event, attraction, person, institution, cause, holiday, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property together with any and all poles, beams, columns, posts, and foundations which offer structural support, and any ornamental attachments. External or internal illumination designed to direct attention to a sign is considered part of the sign. Customary displays of merchandise or objects and material without lettering placed behind a store window are not considered signs or parts of signs.

73. Sign Face Area– That part of a sign that is or can be used for advertising or message purposes and including the frame.

74. Snipe Sign– A sign attached to utility poles, light poles, trees, other signs or structure or objects not specifically designed to accommodate signs, whether such structure or object is on right of way or private property.

75. Spotlight– A strong beam of light that illuminates a small area, as determined by City Staff.
76. Streamers– Fringe, strips, or flags commonly attached to a cord and strung between two or more points. Streamers are portable wind signs.
77. Supports– The part of the sign that bears the weight of a sign which holds it in position or prevents it from falling, sinking or sliding.
78. Temporary Message- A message of a temporary nature, such as, but not limited to, an event, sale, special, promotion, auction, grand opening, property for sale or lease, and political sign.
79. Temporary Sign– A sign designed and displayed for a seasonal or brief activity, such as, but not limited to, sales, events, specials, promotions, holidays, auctions, business grand openings, real estate signs, political signs and signs advertising the lease or vacancy of rental units in multi-unit residential developments. Rigid signs and all portable signs that have a temporary message so that it meets the definition of a temporary sign, except a sign that is lighted or has a marquee area and A-frame signs, are considered temporary signs.
80. Three-sided Sign– A sign with three sides.
81. Traffic Control Sign– A sign which directs vehicle traffic, including but not limited to speed limit signs and upcoming curve signs.
82. Umbrella– An item with canvass or vinyl, or similar flexible material, not attached to a building and that can collapse and is designed to provide cover from rain or sun. An umbrella with a commercial message or advertisement for a non-profit organization or religious organizations is considered a portable sign. An umbrella that does not include a commercial message is not considered a sign.
83. V Sign– A freestanding or projecting sign that is shaped as a “V” on its side which forms a corner and is open opposite the corner.
84. Vehicle Sign– Any sign affixed to or painted on a vehicle or trailer.
85. Wind Sign / Inflatable Sign– A device which moves or inflates with air that consists of one or more banners, flags, pennants, ribbons, spinners, streamers, blimps, air dancers, or other objects or material fastened in such a manner as to move freely. See definition for balloon for more details on what balloons are signs. Wind signs that are not banner signs with a temporary message are portable signs. See banner sign for more details of what conditions determine that banners and flags are considered signs.
86. Window / Door Sign– Any advertising content, including business identification information, attached to, affixed to, or painted or otherwise imprinted on a window or glass door, whether applied to the interior or exterior surface of the window or glass door.
87. Yard Sale Sign- A sign advertising the sale of personal items for a period of no more than three days.

#### Section D. Permits, Fees and Inspections

1. Permits Required: Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, alter, or convert any sign in the City or cause the same to be done, without first obtaining a permit for each sign from the City as required by this ordinance.

Permits are not required for routine maintenance.

2. Application for permit: Application for permit shall be made to the City building official upon a form provided by the building official and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City, including:
  - a. Name and address of owner of the sign.
  - b. Name and address of owner or the person in possession of the premises where the sign is proposed to be located or where the sign is presently located.
  - c. Clear, concise and legible drawings with the description definitely showing the location of the sign which is subject of the permit and all other existing signs.
  - d. Drawings depicting the dimensions, construction supports, size, electrical wiring and component materials of the sign and method of attachment.

If the application is complete, City Staff will notify the applicant within five (5) business days of the date of the application as to whether the application will be issued or denied.

3. Issuance Denial: When a permit is denied, the Building Official shall give written notice to the proper applicant of the denial with a written statement of the reason or reasons for the denial. Said denial and statement shall be made as an attachment to the application.
4. Appeals of Permit Denial: An appeal of the denial for a sign permit may be taken to the Board of Zoning Adjustment and at this point, the applicant may ask the Board of Zoning Adjustment for a variance. At such time as the applicant receives notice of the denial, the applicant shall have the right to notify the Board of Zoning Adjustment of his intent to appeal. The applicant shall submit an appeal for an administrative review before the Board of Zoning Adjustment, on forms provided by the City Clerk, within thirty (30) days after the date of the notice of denial, or he is deemed to have waived his right to appeal to the Board of Zoning Adjustment. An Appeal of the denial of a building permit for a sign shall be heard at the next regularly scheduled meeting of the Board of Zoning Adjustment, after compliance with application and notification procedures for said appeal.
5. Inspection of Signs: The person erecting, altering, relocating, or converting any sign shall notify the Building Official upon completion of the work for which permits are required and issued. All signs shall be subject to footing and electrical inspections by the Building Official.
6. Unlawful Signs: Every sign in the City shall be maintained in good structural condition. The Building Official may inspect and shall have the authority to order the painting, repair, alteration, or removal of signs which become dilapidated or abandoned and such will be at the sign owner's expense.
7. Permit Application Fee: The applicant shall be required to pay an application fee according to the current schedule of fees established by the City Council for the particular category of application. This fee shall be nonrefundable irrespective of the final decision of the application.
8. Electrical Permit: In addition to the requirements above, all signs using electricity, including portable and temporary signs, must also have an electrical permit.
9. Actions not Requiring a Permit: The following actions do not require a permit:
  - a. Changing the copy, announcement of message on a sign.
  - b. Cleaning, painting, electrical or comparable maintenance, or repair of a sign that does not alter any regulated feature of such a sign.

#### 10. Exempt Signs

The following signs are exempt from the requirement that a permit be obtained provided they conform to the standards enumerated in this Article and provided they are not placed or constructed so as to create a hazard of any kind:

- a. Signs of two and a half (2.5) square feet or less and signs that include no letters, symbols, logos or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by these regulations.
- b. Signs necessary to promote health, safety and welfare and other regulator, statutory, traffic control or directional signs erected on public property with permission as appropriate from the City, the State of Alabama, or the United States. Signs established by, or by order of, any government agency.
- c. Legal notices and official instruments.
- d. Holiday lights and decorations. (See Section N.6, page 23.)
- e. Works of art that do not constitute advertising, as determined by City Staff.
- f. Merchandise displayed behind storefront windows, so long as no part of the display moves or contains flashing lights, becoming an intermittent light sign. See Section Q, page 27, for regulations on Window Signs.
- g. Memorial signs or tablets, historical marker, name of a building and dates of erection when cut into any masonry surface of when constructed of bronze or other incombustible materials and attached to the surface of a building.
- h. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- i. Vehicle signs that meet the limitations in Section P, page 27.
- j. Window and door signs that meet the limitation in Section Q, page 27.
- k. Real estate and political signs. (See Section C Definitions, page 2, and Section N, page 23.)
- l. Umbrella signs
- m. A-frame signs
- n. Signs that are part of an individual's participation in a community-wide, city-sponsored special event (such as a festival or parade) during the time of that event.

## Section E Prohibited Signs

The following signs shall hereafter be considered expressly prohibited throughout the City and deemed illegal. (See Section K, page 21, for the procedure in addressing Notice and Removal of Illegal Signs):

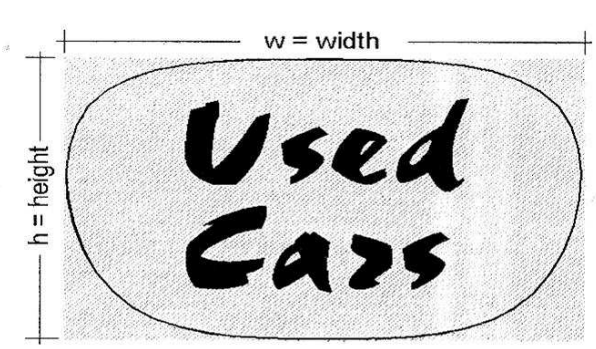
1. Location- See Section G Location Limitations, page 14. Any sign that does not meet the requirements in Section G is prohibited and will be deemed illegal. (See Section L Nonconforming Signs, page 22.)
2. Types of Signs– The following types of signs are not allowed (See Section L Nonconforming Signs, page 22):
  - a. Any sign that imitates, resembles, obscures, or otherwise physically interferes or would be confused with any official traffic sign, signal, or device, or emergency vehicle lights or markings, as determined by City Staff.
  - b. Any dilapidated sign or sign that otherwise constitutes a safety hazard, as determined by City Staff.
  - c. Any billboard signs

- d. Any sign that produces noise or sounds capable of being heard, including non-distinguishable sounds, nor any sign that emits odor, or visible matter, such as smoke.
  - e. Any animated sign.
  - f. Any wind sign and inflatable sign, including any balloon sign, that is subjected to forced or motor-created air, or which is inflated or made to move by a fan or blower. (See Section O.13, page 26, for regulations on other Wind Signs.)
  - g. Any roof sign.
  - h. Any three-sided or “V” signs.
  - i. Human supported signs with a commercial message.
  - j. See Section I, page 19, for prohibited signs that involve illumination.
  - k. Snipe signs, including signs on utility or light poles on private property, whether temporary or permanent.
3. Other prohibited signs– The following signs are not allowed (See Section L Nonconforming Signs, page 22):
- a. Any sign that is in violation of the building code or electrical code adopted by the City of Clay.
  - b. Any sign lettered or constructed in a crude or amateurish fashion, as determined by City Staff.
  - c. Balloons with a commercial message, whether temporary or not. (See Section O.13, page 26 and Section E.2.f, page 12, for other limitations on balloon signs.)

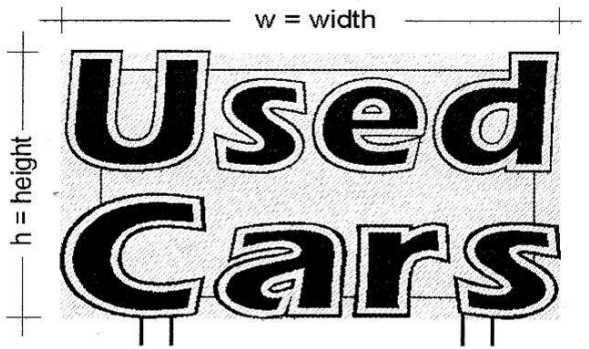
## Section F Sign Area and Height Calculation Standards

Calculation of sign face area and height shall be performed in conformance with the standards below (including the graphic description) in this Section.

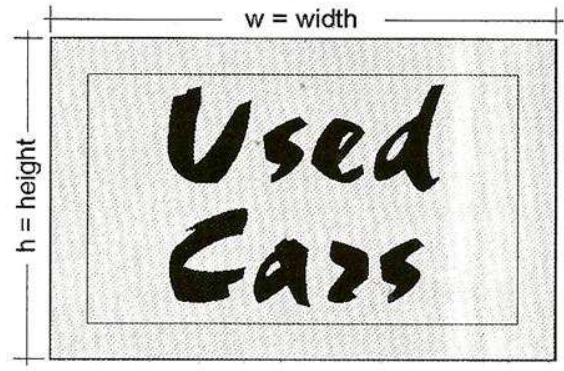
1. The sign face area or advertising device is measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire sign or advertising device including background and frame; but excluding trim, apron, posts, uprights, braces or other structural members which support it, unless it is a three-dimensional object sign. (See Section F.3, page 12.) Any advertising space attached to a pre-existing sign expands the sign face area of that sign to include the added space. All advertising message that shares the same supports will be considered part of the sign face area of that one sign.
2. Open letter sign face area shall be measured by the number of square feet in the smallest rectangle, within which all letters, logos, symbols or other elements of the sign message can be enclosed.
3. When a sign is in the form of a three-dimensional object, the sign face area shall be determined by drawing a square or rectangle using the widest point and the highest point encompassing the whole object, including supports, and multiplying that area by two (2).



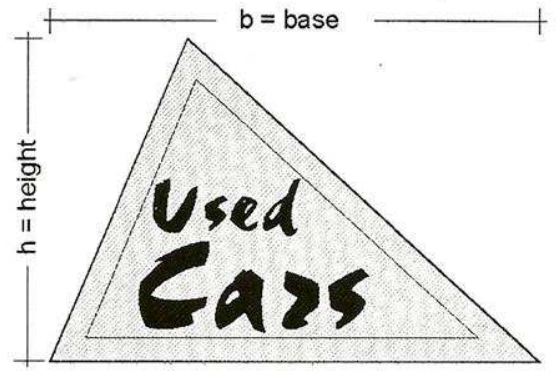
Calculating Area of an Irregular Sign = h x w



Calculating Area of a Sign where Copy Exceeds Sign Area = (height of copy) x (width of copy)



Calculating Area of a Rectangular Sign = h x w



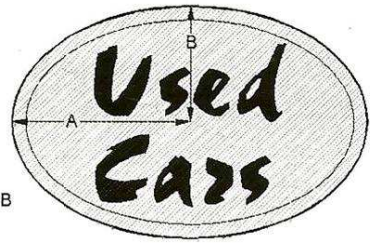
Calculating Area of a Triangular Sign = 1/2 (h x b)

$\pi = 3.14159$   
**EXAMPLE**  
 r (radius) = 4 feet  
 Area =  $3.14159 \times 4 \text{ ft}^2$   
 Area = 50.265 sq ft



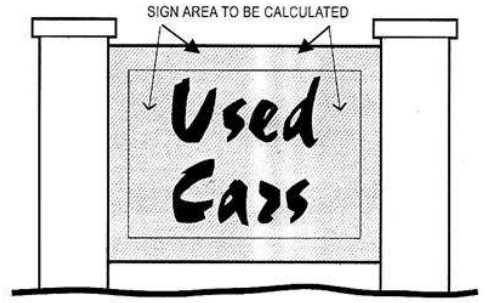
Calculating Area of a Circular Sign =  $\pi \times \text{radius}^2$

$\pi = 3.14159$   
**EXAMPLE**  
 A = 3 ft B = 4 ft  
 Area =  $3.14159 \times A \times B$   
 Area = 37.699 sq ft



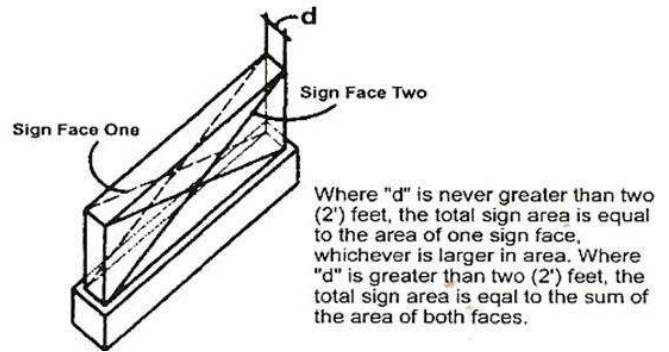
Calculating Area of an Elliptical Sign =  $\pi \times A \times B$

4. Sign face area calculation of freestanding and building signs, except awning signs, shall include the background on which copy is provided and frame but shall not include columns or supports.
5. Sign face area of subdivision signs, awning signs and umbrella signs shall be figured the same as described in Section F.2, page 12.
6. Multi-facing Sign Calculations



When two sign faces (double-facing sign) are placed back to back and both faces cannot be viewed from a single location and when the sign faces are part of the same sign structure and are no more

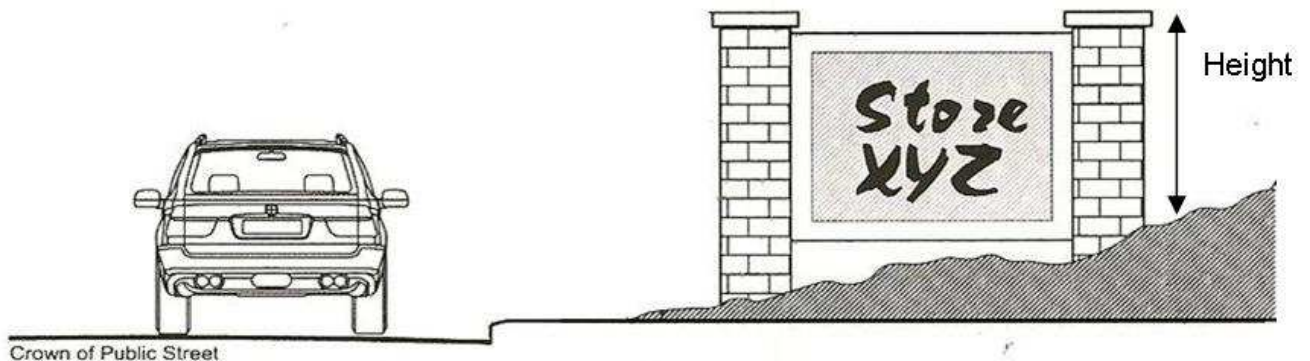
than two (2) feet apart, the sign face area shall be computed by the measurement of the larger of the two faces, including frame. Where a sign has two (2) or more faces that can be viewed from a single location the display area of all such faces shall be included in determining the total sign face area of the sign.



7. Height Calculation

The height of a sign shall be computed as the distance from the base of the sign at the normal grade to the top of the highest attached component of the sign.

- a. The normal grade shall be construed to be the higher of the highest existing grade at the base of the sign prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- b. In cases in which the normal grade cannot reasonably be determined, sign height shall be determined by the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the street of the address of that premises or the grade of the land at the primary entrance to the principal structure on the premises, whichever is lower.
- c. If the grade of the intended location of the sign is lower than the crown of the street of the address of that premises, then the height shall be computed from the plane of the crown of the street of the address of the premises to the top of the highest attached component of the sign.



Section G Location Limitations

Unless otherwise specified in this Article, the following requirements shall apply to all signs (See Section L Nonconforming Signs, page 22):

- 1. No sign is allowed which is located on, projects over, or obstructs visibility of any public right-of-way, except identity signs, such as those on mailboxes.
- 2. No sign is allowed which obstructs, misleads, interferes with or confuses pedestrian or vehicular traffic flow, as determined by City Staff.

3. No sign is allowed which is located in such a manner that motorist visibility is obscured at driveways or access points to any business or to intersections of thoroughfares and alleys.
4. No sign is allowed which is located on public property or on private property on public property (such as private utility poles, i.e. snipe signs) or on light poles on private property other than signs erected by a public authority for public purposes or as otherwise permitted by the regulations, or auxiliary signs.
5. Setback Requirements:
  - a. Signs shall be set back at least three feet from the Front Lot line, five feet from a sidewalk, or ten feet from the edge of pavement, whichever is greater. Signs shall be setback at least 25 feet from the centerline of an undedicated road. These setbacks shall not apply to identification signs mounted on mailboxes, nor shall it apply to temporary signs, portable signs and vehicle signs. (See Section N, page 23; Section O, page 25; and Section P, page 27, for requirements on these types of signs.)
  - b. For side and rear setback requirements, amounts for each Zone as provided in the City of Clay Zoning Ordinance shall also apply as a limitation to the location of signs. In no case shall any sign be erected closer than fifteen (15) feet to a boundary line of a Residential Zone.
6. Every building sign or awning sign shall be limited such that no portion of said sign is elevated higher than the top of the building, parapet, or wall face to which it is attached or affixed, nor shall it extend more than one foot horizontally from the wall surface, except projection signs and awning signs.
7. No freestanding sign shall be located closer than 60 feet from another freestanding sign on the same side of the same block.
8. No portable sign is allowed within 60 feet of another sign with the same or similar elevation, so as to block the viewing of the other sign, as determined by City Staff.
9. No sign is allowed which is located on any broadcasting or telecommunications tower or any antenna other than appropriate hazard / warning signs.
10. No sign is allowed which is painted or drawn upon rocks, trees, curbstone, flagstone, pavement, or any portion of any sidewalk or street, or other natural features, except house numbers and traffic control signs.
11. In addition to the above setback requirements, all signs must meet the AASHTO Sight Triangle Standards and AASHTO Road Design Guide for clear zones.
12. A-frame signs:
  - a. In buildings with more than one tenant, each tenant's A-frame sign shall be placed no more than twenty-five (25) feet from that tenant's main / public entrance.
  - b. A-frame signs shall not be placed in vehicle traffic lanes or in parking areas. They shall not be placed so as to block building entrances or exits.
  - c. A-frame signs shall be spaced a minimum of 15 linear feet from all other A-frame signs.
13. See Section H Permanent Sign Size, Height and Number Limitations, page 16; Section N Temporary Signs, page 23; Section O Portable Signs, page 25; Section P Vehicle Signs, page 27; and Section Q Window and Door Signs, page 27, for additional size limitations according to zone or type of sign.

## Section H Permanent Sign Size, Height, and Number Limitations

Any permanent freestanding or building sign not listed as being an allowable sign in a particular Zone shall be considered prohibited in that Zone. Unless otherwise indicated, the prohibitions of Section E Prohibited Signs, page 11, shall apply to all signs allowed below, whether or not specific references are cited.

### 1. All Zones

The following signs shall be allowed in all Zones, but shall be subject to additional regulations as specified below:

- a. Traffic Control Signs, each under four square feet with a limit of two per premises.
- b. Auxiliary signs, including but not limited to signs required to be posted by law; "warning" and "no trespassing" signs; signs indicating bus stops, taxi stands and similar transportation facilities; signs giving information concerning the location or use of accessory off-street parking facilities; or loading and unloading facilities. Each auxiliary sign is not to exceed three square feet in sign face area. Auxiliary signs may be inserted in the ground or attached to any permanent structure.
- c. Identification signs. (See Section I, page 19, for illumination limitations.)
- d. Signs established by, or by order of, any government agency.
- e. Temporary signs, specifically in accordance with Section N, page 23.
- f. Portable signs, specifically in accordance with Section O, page 25.
- g. Window signs, specifically in accordance with Section Q, page 27.
- h. Permanent off-premise directional signs are allowed, but they shall comply with all other requirements in this Section and Article. Each lot is allowed only one such sign and it shall not be over four (4) square feet in sign face area.

### 2. Agricultural Zones

The following signs shall be allowed on any one lot in an AG Zone and shall comply with the number, sign face area and dimensional regulations of Table 1 and Table 2, page 18, calculated according to standards in Section F, page 12: Product advertising signs, identification signs providing the name of the farm, or business where applicable, provided the total combined area of such signs shall not exceed six square feet for any premises.

### 3. Residential Zones

The following signs shall be allowed on any one lot in a Residential Zone and shall comply with the number, sign face area and dimensional regulations of Table 1 and Table 2, page 18, calculated according to standards in Section F, page 12:

- a. For detached or attached single family districts: nameplates, not to exceed two (2) square feet in sign face area shall be allowed for each dwelling unit. Such nameplates shall indicate nothing more than the name and address of the premises, occupants thereof, announcements, etc. See Section I, page 19, for illumination limitations.
- b. Subdivision signs, which may include a masonry wall, landscaping and other similar materials or features, designed and intended to form a display for neighborhood or subdivision identification shall be limited to two (2) at each entrance from a major thoroughfare. Such signs each shall not exceed thirty-two (32) square feet in sign face area and shall be located not closer than fifteen (15) feet from the pavement edge of the street or road to which it is directed. See Section I.12,

page 20, for illumination limitation.

- c. For multifamily and group dwellings, identification signs, not to exceed nine (9) square feet in sign face area. Such signs shall indicate nothing more than the name and address of the premises, and name of the management. Such signs shall be attached flush with the principal building. See Section I.8, page 20, for illumination limitation.

4. Neighborhood Center Commercial (NC), Town Center Commercial (TC), and Neighborhood Institutional (NI) Zones.

The following signs shall be allowed on any one lot in a NC, TC or NI Zone and shall comply with the number, sign face area and dimensional regulations of Table 1, Table 2 and Table 3, pages 18-19; calculated according to standards in Section F, page 12:

- a. One wall-mounted, business or professional nameplate sign denoting only the address, street, number, and / or business per occupant per building.
- b. One freestanding, on-premise sign per lot or per shopping center. All permanent freestanding signs shall display the street number assigned to the location. A multi-tenant sign shall carry the range of street numbers assigned to the properties. Street numbers shall be at least six inches high.
- c. Every projecting sign or awning sign shall extend outward from the building to which it is affixed no more than three (3) feet, and shall be limited in elevation which that the top edge of the sign is no higher than the top of the building structure or parapet to which it is attached.
- d. Gas pump signs are allowed at any number with any commercial or auxiliary message as long as such signs or sign support do not extend out or above the gas pump.
- e. Bulletin board signs and message / reader board signs, not to exceed thirty percent (30%) of the total sign face area. The combined area of either or both the bulletin board and message / reader board sign area shall not exceed thirty percent (30%) of the total sign face area.
- f. Building Signs (See Table 2, page 18)

5. Highway Commercial (HC) and Community Institutional Zones.

The following signs shall be permitted on any one lot in a HC or CI Zone and shall comply with the number, sign face area and dimensional regulations of Table 1, Table 2, and Table 3, pages 18-19, calculated according to standards in Section F, page 12:

- a. One nameplate or wall sign per occupant per building.
- b. One freestanding, on-premise sign per lot or per shopping center. All permanent freestanding signs shall display the street number assigned to the location. A multi-tenant sign shall carry the range of street numbers assigned to the properties. Street numbers shall be at least six inches high.
- c. In addition to a sign that advertises the business, organization or corporation at a premises, according to the limitations in Table 1 and Table 2, page 18, one or more signs are allowed that contain advertising of goods, services or products available on such lot only, not attached to a fence or other screen and not exceeding a cumulative area of twelve (12) square feet per street frontage.
- d. Every projecting sign or awning sign shall extend outward from the building to which it is affixed no more than three (3) feet, and shall be limited in elevation which that the top edge of the sign is no higher than the top of the building structure or parapet to which it is attached.
- e. Gas pump signs are allowed at any number with any commercial or auxiliary message as long

as such signs or sign support do not extend out or above the gas pump.

- f. Bulletin board signs and message / reader board signs, not to exceed thirty percent (30%) of the total sign face area. The combined area of either or both the bulletin board and message / reader board sign area shall not exceed thirty percent (30%) of the total sign face area.
- g. Building Signs (See Table 2, page 18)

6. Industrial Zones.

The following signs shall be permitted on any one lot in an I-1, I-2 or I-3 Zone and shall comply with the number, sign face area and dimensional regulations of Table 1 and Table 2, page 18, calculated according to standards in Section F, page 12:

- a. One wall-mounted, business or professional nameplate sign denoting only the address, street, number and / or business per occupant per building.
- b. One freestanding, on-premise sign per lot.
- c. Auxiliary signs, each not exceeding three (3) square feet in area.
- d. Building Signs (See Table 2, page 18)

Table 1

**Permanent Freestanding Signs Area and Dimensional Requirements**

Zones or Uses	Apartments and Condominiums	AG and CU Zones	All Residential	NC, TC, SC, CI and NI Zones	HC Zones	All Industrial Zones
Maximum Number	Individual Bldg: 1 per street frontage; Complex: 1 per entrance	1 sign per lot	Subdivision signs only at entrances	1 per lot	1 per lot	1 per use
Maximum Height	5 feet	5 feet	5 feet	8 feet	8 feet	8 feet
Maximum Sign Face Area per sign	32 square feet	32 square feet	32 square feet	50 square feet	50 square feet	50 square feet

Table 2

**Permanent Building Signs Area and Dimensional Requirements**

Zones or Uses	Apartments and Condominiums	AG and CU Zones	All Residential	NC, TC, SC, CI and NI Zones	HC Zones	All Industrial Zones
Maximum Number	Identity Signs Individual Bldg: 1 Complex: 1	None	1 Nameplate Sign per residence	1 per tenant or owner & two canopy signs	1 per tenant or owner & two canopy signs	1 per tenant
Maximum Sign Face Area per Sign	9 square feet	N/A	N/A	12 square feet	24 square feet	24 square feet
Maximum Total Sign Face Area	9 square feet	N/A	2 square feet	6 square feet per 25 linear feet of facade	18 square feet per 35 linear feet of facade	18 square feet per 40 linear feet of facade

Table 3

### Shopping Center Sign Area and Dimensional Requirements

Leasable Floor Square Feet (excluding outparcels)	12,000 or less	12,001-24,000	24,001 or more
<b>Maximum Height</b>	8 feet	10 feet	12 feet
<b>Maximum Sign Face Area</b>	50 square feet	75 square feet	100 square feet
<b>Maximum Number</b>	1	1	1

Section I Illumination

1. Intermittent light signs and flashing signs are prohibited, except traditional barber poles.
2. Signs or attention-getting devices that contain a beacon of any type and / or contain a spotlight are prohibited.
3. Electronic Message Board / Reader Board Components and Electronic Changeable Copy Sign
  - a. When any permanent sign contains a message board / reader board or electronic changeable copy, said message board / reader board and electronic changeable copy area combined shall not occupy more than thirty percent (30%) of the sign face area.
  - b. Message board / reader board and / or electronic changeable copy area shall be integrated into the structure of the freestanding or building sign and count toward the maximum allowable display area. Electronic reader boards, electronic message boards, or LED boards are allowed so long as the message does not advertise an off-premise product or service and / or blink or flash more than one time per twenty seconds so as to become a prohibited intermittent or flashing sign. Message board / reader boards may advertise publicly sponsored community-wide events.
  - c. Electronic signs shall not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
  - d. Electronic signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level meeting the above illumination standards for the period between one half-hour before sunset and one half-hour after sunrise.
  - e. Message boards / reader boards and electronic changeable copy signs are allowed in windows and doors subject to all other regulations in this Ordinance and the size limitations in Section Q, page 27.
4. Strings of light bulbs used on commercially developed parcels for commercial purposes, as determined by City Staff, are prohibited.
5. Separate Illumination of Temporary Signs:
  - a. Separate illumination of temporary signs are prohibited in all Residential Zones.
  - b. Separate illumination of temporary signs is prohibited in Non-residential Zones, except as specified in this Ordinance. Where a political sign is erected in place of another allowed sign or political copy is placed on an existing, lawful sign in a Non-residential Zone, the illumination standards otherwise applying to the sign shall apply to the political sign or political copy.

6. All illuminated or highly-reflective signs shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a thoroughfare or sidewalk, or from shining on or into any residential building, or otherwise adversely affecting surrounding or facing properties, as determined by City Staff. Furthermore, such signs shall not adversely affect the safe operation of motor vehicles by reason of light intensity or brilliance, which causes glare or otherwise impairs the vision of drivers of motor vehicles, as determined by City Staff.
7. In no case, with all lighting components energized, shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed 60-foot candles when measured with a standard light meter held at a distance of ten inches from the sign face.
8. All identification signs shall only have external, non-intermittent illumination.
9. In Residential Zones, multifamily unit identification signs shall only be illuminated with indirect light.
10. In Residential Zones, nameplates shall only be illuminated with indirect light.
11. In Residential Zones, temporary ground signs shall not be illuminated.
12. Subdivision signs are allowed to have external illumination only.
13. Portable signs shall not have any illumination, external or internal, except window signs. (See Section O, page 25; Section Q, page 27; and Section I.1 and I.3, page 19.)
14. Holiday decoration lights are subject to the regulation in Section N.6, page 26.

#### Section J Permanent Sign Materials

This section includes regulations on frames, supports and ornamentation. Building materials for permanent freestanding and building signs shall be durable, have low maintenance, be of the same or higher quality as the principal structure(s), and shall not adversely impact adjacent uses, as determined by City Staff. The various parts of signs shall be compatible in design quality, as determined by City Staff. Signs shall not be in the shape of a sponsor name or motif (such as soda bottles, hamburgers, boot, and so forth).

1. The following materials are considered appropriate for permanent freestanding sign backgrounds, frames, supports and ornamentation:
  - a. Brick
  - b. Natural stone, including panels. The use of natural materials is favored; however, the use of imitation stone is appropriate.
  - c. Stained split-face block
  - d. Exterior insulation and finish systems (EIFS) (trade name DryVit), or similar material, in combination with brick, split-face block, or stone
  - e. Metal panels, when used in combination with brick, split-face block, or stone
  - f. Plastic, or other synthetic materials, when used in combination with brick, split-face block, or stone.
2. Wood is an appropriate sign material for frames, backgrounds and ornamentation, but is not an allowed material for supports of permanent freestanding signs.
3. All other materials not listed above are prohibited in permanent freestanding signs.

4. No additional material requirements are imposed on temporary signs, auxiliary signs, portable signs, vehicle signs and window and glass door signs except those outlined in the Sections for those type of signs and the descriptions in the definitions in Section C, page 2. See Section H.1.b, page 16; Section N Temporary Signs, page 23; Section O Portable Signs, page 25; Section P Vehicle Signs, page 27; and Section Q Window and Door Signs, page 27.

## Section K Procedure for Notice and Removal of Illegal Signs

Upon determination by City Staff that a certain sign is prohibited or illegal, City Staff shall act to remedy the violation, which may include:

1. Notice: The issuance of a notice of violation to the person who owns, is responsible for, or benefits from the display of such sign prescribing the action necessary to make the sign legal and conforming to the terms contained herein or ordering the removal of the illegal sign and also prescribing the time which the person, business or organization is afforded to accomplish such action:
  - a. Notice for temporary or portable sign violations on private property:
    - (1) A person, business or organization that erects or benefits from a temporary or portable sign in violation of any requirement in this Article will be given forty-eight (48) hours notice to come into compliance or remove such sign.
    - (2) Notice for pre-existing temporary or signs in violation: In the case when the temporary or portable sign is in violation of this ordinance and was already on display at the time this Article is adopted, then the business, individual or organization will be given ninety (90) days notice to remove the illegal sign, unless the sign is on right of way, in which case, see Section K.2, page 21.
    - (3) Penalties: If corrective action is not taken within such time allotted, penalties shall accrue or other enforcement measures as described herein shall be taken by City Staff, unless it is determined by City Staff that the sign owner is delayed for legitimate reasons and is making a good faith effort to correct any deficiencies.
  - b. Notice for permanent sign violation:
    - (1) A person, business or organization benefitting from an illegal permanent sign according to Section D.6, page 10, except abandoned signs, shall be given seven (7) days notice of violation. If corrective action is not taken within such time allotted, penalties shall accrue or other enforcement measures as described herein shall be taken by City Staff, unless it is determined by City Staff that the sign owner is delayed for legitimate reasons and is making a good faith effort to correct any deficiencies.
    - (2) A person, business or organization benefitting from a permanent sign that is in violation of all other regulations in this Article or in this Ordinance, including abandoned signs, but not including other violations described in Section D.6, page 10, shall be given thirty (30) days notice of violation. (See Section K.1.b.(1), page 21, for other violations of Section D.6, page 10) If corrective action is not taken within such time allotted, penalties shall accrue or other enforcement measures as described herein shall be taken by City Staff, unless it is determined by City Staff that the sign owner is delayed for legitimate reasons and is making a good faith effort to correct any deficiencies.
2. Removal by City Staff: Without notice, City Staff has the authority to remove and dispose of any illegal sign erected on public property, street right-of-way, setback area or located so as to block

pedestrian or vehicular traffic. (See Section G.1-5, pages 14-15.) The City shall have the right to recover the cost of such removal and disposal of such signs from the person erecting or benefiting from such a sign.

#### Section L Nonconforming Signs

This section applies to signs that were lawfully erected but that fail to conform to one or more provisions of this article. No sign structure that had been erected in violation of any previously existing sign ordinance shall, by virtue of the adoption of this article, become a conforming sign.

All signs constructed after the adoption of this ordinance shall conform in all respects to the requirements and provisions contained herein.

Temporary signs (except development signs), window and glass door signs, vehicle signs, dilapidated signs, portable signs and abandoned signs (according to regulations in Section M, page 22) that do not meet the requirements in this Article are not considered nonconforming signs. They are subject to the procedure outlined in Section K, page 21.

It is the intent of this Ordinance to allow these nonconforming signs to remain until they are removed, discontinued or altered, but not to encourage their survival. It is the further intent of this article to eventually eliminate all nonconforming signs within the City either through measures designed to eventually bring them into compliance with the provisions of the sign Ordinance or by their removal. The following provisions shall apply to all nonconforming signs structures:

1. Nonconforming on-premise signs:
  - a. Nonconforming signs which are structurally altered shall, upon completion of the alteration, conform in all respects to the provisions of this ordinance.
  - b. Nonconforming signs shall be maintained. If a structural alteration is required to accomplish maintenance, the sign shall, upon completion of the alteration, conform in all respects to the provisions of this ordinance.
  - c. The copy area of an internally illuminated nonconforming sign may be removed from the sign structure without jeopardizing the legal nonconforming status of the sign, provided only the message is changed.
  - d. Maintenance of copy area on a nonconforming sign in which the copy area is an integral and permanent part of the sign structure, shall require the sign to conform in all respects to the provisions of the ordinance.
2. Nonconforming off-premise signs: Structural alteration of a nonconforming off-premise sign shall require its removal. The message of a nonconforming off-premise sign may change without jeopardizing the legal nonconforming status of the sign.
3. Restoration after damages: A nonconforming sign which is damaged by fire, wind, natural disasters, or other causes, to the extent that repair of the sign requires any structural alteration, shall upon completion of the alteration, conform in all respects to the provisions of this ordinance.

#### Section M Abandoned Signs

1. Abandoned signs, as defined in Section C, page 3, shall be prohibited and shall be removed by the owner of the sign or the owner of the property within thirty (30) days of notice from City Staff. The frame and structure of an abandoned non-temporary or non-portable freestanding or building sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for a sign replacement yielded by such a frame).

2. Any sign structure which supported 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 either be altered to comply with the terms contained herein or removed by the owner of such structure or property.
3. Adherence to this Article is the responsibility of the property owner of the premises where an abandoned sign is located.

## Section N Temporary Signs

Signs that are part of an individual's participation in a community-wide, city-sponsored special event (such as a festival or parade) are exempt from the following temporary signs regulations during the time of that event. Otherwise, temporary signs are subject to the following limitations:

1. In Nonresidential zones, only the following temporary signs are allowed: political signs, real estate signs, yard sale signs, construction signs, and development sign. These signs must conform to the limitations below. Additionally, in Nonresidential zones, banner signs with temporary commercial or noncommercial messages are allowed, subject to the limitations in Section N.5, page 23. In addition to these temporary signs, in Nonresidential zones, a business or organization may display temporary messages on an A-frame sign or portable sign with a marquee area, subject to the limitations in Section O Portable Signs, page 25.
2. Political signs: No more than one sign per issue, cause, organization, event, or candidate on any one premise.
3. All temporary signs, including banner signs, are subject to the location regulations in Section G.1-4, pages 14-15, and Section G.6-12, page 15.
4. Changing the location or message on a sign does not make it become a new temporary or portable sign.
5. Banner Signs (See banner sign definition to see what conditions determine that a banner is a temporary sign or a portable sign):
  - a. No banner sign with a commercial message or which advertises an event is allowed in Residential Zones.
  - b. In Nonresidential Zones, a person or business owner is allowed one on-premises banner sign with a temporary message. It shall not exceed thirty-two (32) square feet of copy area. One banner sign is allowed for one continuous 30-day period, not to exceed two such periods in any calendar year. The banner sign 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, including possibly secured to metal stakes in the ground. Banner signs may not be attached to light poles or utilities poles, even on private property, such that it becomes a snipe sign. Such sign may display any temporary noncommercial or commercial message.
6. In Nonresidential Zones, 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 prior to the holiday or cultural event they are intended to recognize, as determined by City Staff. They must be removed within five days after such holiday or cultural event they are intended to recognize, as

determined by City Staff. Holiday or cultural decorations shall not contain a commercial message. These decorations are not subject to the area, and number limitations in Section N.7, page 24. No restrictions are placed on holiday decorations in Residential Zones.

7. Temporary Sign Area, Height, and Number Limitations:
  - a. In all Zones, the total number of all temporary signs (commercial and non-commercial) located on one premises at one time shall not exceed four (4) signs.
  - b. In all zones, individual temporary signs shall not exceed four (4) square feet in sign face area with a total of no more than twelve (12) square feet of sign face area of all temporary signs on a premises, except for:
    - 1) Banner signs governed by the limitation in Section N.5, page 23
    - 2) Real estate signs governed by the limitations in Section N.9, page 24
    - 3) Development signs governed by Section N.11, page 24
  - c. The maximum height for temporary signs resting on or inserted in the ground is five (5) feet, except holiday decorations.
8. Event Signs (including political signs and yard sale signs) Limitations:
  - a. The person or persons who are responsible for the erection, placement or distribution of any temporary sign that advertises an event is responsible for the removal of that sign within the time described below. Additionally, the person whose candidacy a political sign supports is jointly and severally responsible for removal for such sign and the cost thereof within the time described below.
  - b. Each temporary sign that advertises an event, including but not limited to political signs and yard sale signs, must include contact information for the persons responsible for its removal, as described above.
  - c. In all zones, all temporary signs that relate to an event, including but not limited to political signs and yard sale signs, shall be removed within forty-eight (48) hours after the event to which they pertain.
9. Real Estate Signs Regulations:
  - a. In Residential Zones, real estate signs 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 and shall not exceed four (4) square feet in sign face area. These signs must be removed within five (5) days from the completion of sale. Only one real estate sign is allowed in Residential Zones per street frontage.
  - b. In Nonresidential Zones, one temporary, non-illuminated real estate sign, advertising the sale, or lease of commercial land or structures, is permitted for each property. One additional sign may be permitted if the property has a minimum one hundred feet of street frontage on two (2) or more streets. Said signs shall not exceed twenty-four (24) square feet of sign face area, or five (5) feet in height.
10. In all zones, one construction sign is allowed per street frontage located on a property where construction is in progress as part of an approved site plan or valid building permit. Such sign may include the names of the persons, firms performing service or supplying labor, or supplying material to the premise. Such sign shall be removed upon the completion or sale of 85% of the lot sales or project completion, whichever is earlier.
11. In all zones, one development sign is allowed per development and can only be placed at the

entrance to the development and is subject to all other limitations in this Section and Article, except the maximum sign face area for development signs is twenty-four (24) square feet. Such sign shall be removed upon the completion or sale of 85% of the lot sales or project completion, whichever is earlier.

12. Rigid signs shall be subject to all other requirements in this Article and Section and shall only have temporary information including, but not limited to, a construction sign, political sign pertaining to an election, candidate or referendum, real estate sign, or yard sale sign, or other event. Rigid signs with general advertisement information of a permanent nature are governed by regulations in Section S Portable Signs, no matter whether for a business, church or organization.
13. See Section I.5, page 19, for limitations on illumination of temporary signs.
14. Off-premises and / or directional temporary signs are prohibited.
15. In Single Family Zones, no temporary commercial signs are allowed, except real estate, construction and development signs.
16. Balloon signs with a commercial message, whether temporary or not, are prohibited.

#### Section O Portable Signs

Signs that are part of an individual's participation in a community-wide, city-sponsored special event (such as a festival or parade) are exempt from the following portable signs regulations during the time of that event.

1. In Nonresidential Zones, each new business, new business owner, new tenant, or new organization is allowed one portable sign for one continuous 21-day period in addition to an A-frame portable sign.
2. A temporary trailer-mounted sign shall be completely secured to prevent loose portions of the sign from moving in the wind to the extent that it would become a prohibited animated sign, or becomes a safety hazard as determined by the City Staff.
3. Portable signs in Nonresidential Zones may only be placed on-premises, advertising an event, a product, a service, or message concerning the business or organization at that premises or advertising a political message.
4. All portable signs are subject to the location limitations in Section G, page 14.
5. Each portable sign shall not exceed thirty-two (32) square feet of sign face area, except A-frame signs (Section O.11, page 26) and wind signs (Section O.12, page 26).
6. The maximum height allowed for a portable sign is five (5) feet, except A-frame signs (Section O.11, page 26), wind signs (Section O.13, page 26) and umbrella signs (Section O.10, page 26).
7. Portable signs with temporary messages shall be governed by Section N, page 23, except portable signs with a marquee area and A-frame signs, both of which are governed by this Section. Changing or removing the message on a sign or moving it to a new location on the premises does not make it become a new portable or new temporary sign.
8. Portable signs with a marquee are not allowed in Residential Zones.

9. In any zone, rigid signs with a non-temporary commercial message and / or rigid signs in a Non-residential zone and does not have a temporary message are not allowed, except for auxiliary signs in accordance with Section H, page 16. Rigid signs with a temporary message are governed by Section N, page 23.
10. Umbrella Signs:
  - a. Umbrella signs that contain a commercial message or advertising for a non-profit organization or religious organization and are covering a seating area or picnic table(s) shall not be subject to the time or number limitations in Section O.1, page 25 or the height limitations in Section O.6, page 25. New and pre-existing businesses or organizations may display these umbrella signs.
  - b. Umbrellas that contain a commercial message or advertising for a non-profit organization or religious organization and are not covering a seating area or picnic tables shall be subject to all the limitations in Section O, page 25, except the height limitations in Section O.6, page 25. These umbrella signs with a commercial, non-profit organization or religious organization message are not allowed in Residential Zones.
11. A-frame signs:
  - a. Number, Time and Size: In Nonresidential zones, each business or organization that operates on a premise may display one A-frame sign that is not more than forty-eight (48) inches high and not more than twenty-four (24) inches wide. Such A-frame signs shall not be subject to the time limitations described in Section O.1, page 25. Such signs shall only be on display during hours of operations. When such business or organization is closed, that is when no staff is present on the premises (except security), such A-frame sign must be removed from display.
  - b. Message: A-frame signs may include a marquee or changeable copy and may display a general message or temporary message. The A-frame signs shall contain information and advertising for the business or organization at that premises. It shall not contain any endorsement or logos from an off premises organization or business.
  - c. Location: A-frame signs are subject to all the location limitations that apply to portable signs, as described in Section G, page 14, including a specific A-frame location limitation in Section G.12, page 15.
  - d. Construction: A-frame signs shall have a locking arm or other device to stabilize the structure.
12. Bench signs shall not be subject to the time limitations described in Section O.1, page 25.
13. Wind signs, inflatable signs and balloon signs (except those prohibited in Section E.2.f, page 12, and Section E.3.c, page 12, and banner signs with a temporary message, as governed by Section N.5, page 23) are subject to the time limitation in Section O.1, page 25. They are not subject to the number of signs limitation in Section O.1, page 25, or size limitation in Section O.5, page 25, or the height limitation in Section O.6, page 25. (See Section N.5, page 23, for regulations on banner signs with a temporary message.)
14. Permanent commercial message signs painted on or attached to trailers are allowed to be parked at the residence of the owner in a Residential Zone as long as the trailer is used in the daily, off-premises activity of the business. (See Section P, page 27.)

## Section P Vehicle Signs

Vehicle signs are allowed, within the following limitations;

1. It shall be unlawful to use a vehicle or trailer as a sign for the purposes of circumvention conformity with these regulations. All restrictions in this Article shall apply to vehicle signs, unless otherwise noted.
2. Signs attached to or painted onto a vehicle for which the vehicle's primary purpose is advertising and not transportation is prohibited, except as otherwise allowed in this Article.
3. Signs painted or affixed to vehicles (operable or inoperable) or trailers intended to be transported by a vehicle, which contain advertising or a commercial message and are not used in transportation of the work, that is the daily conduct of the business, are prohibited.
4. Signs on trailers that fall under the definition of a political sign are governed by Section N, page 23, unless it has a marquee, in which case it is governed by Section O, page 25.
5. Advertising and identifying signs located on taxicabs, buses, trailers used in the daily operation of a business, trucks or vehicle bumpers are allowed.

## Section Q Window and Door Signs

Window and glass door signs advertising activities, services, goods, events or products available within a building or on the premises are allowed in all zones, but shall not cover more than thirty percent (30%) of the total window and glass door surface on each side of a building for that tenant, business or organization. A bulletin board sign or message board / reader board signs that is displayed in a window or door shall not exceed thirty percent (30%) of that window or door.

## Section R Penalties – Amended by Ordinance 2011-02 adopted March 7, 2011 to read:

1. The City shall be empowered to remove or cause to be removed, at the owner's expense, any and all prohibited signs.
2. Any person who places, or causes to be placed, any sign on public property or the right-of-way, shall be subjected to Section R(1) and a fee of \$100.00 for the first such occurrence. If said person should be subjected to this penalty for a second or subsequent occurrence, the fee shall be increased in increments of \$100.00 for each occurrence with a \$500.00 limit for the occurrences in a twelve month period. If the person or entity exceeds the limits as stated in this sub-paragraph, the City will seek Civil Remedies allowed by law to have the person or entity to cease and desist from such actions at the cause of the person or entity.
3. Any person who violates this ordinance shall be subjected to the following penalty fees: (1) on the first occurrence, the person or entity shall receive a warning that will be placed in the person's or entity's sign permit file; (2) on the second occurrence the person or entity shall be subjected to a penalty fee of \$100.00; (3) for any second or subsequent occurrence, the penalty fee will be increased by \$100.00 for each additional violation; (4) if any such person or entity that is in violation of the ordinance and the total penalty fee accrue to \$500.00, then the City will revoke the permit upon which the sign was granted, and the sign will be subjected under Section R(1).

Section S Repealer

All ordinances or part of ordinances heretofore adopted by the City Council of the City of Clay, Alabama which are inconsistent with the provisions of this ordinance are hereby expressly repealed.

Section T Severability

If any part, section or subdivision of this Article shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continued in full force and effect notwithstanding such holding.

Section U Effective Date

This ordinance shall take effect and be in force after its passage and publication as required by law.

ADOPTED AND APPROVED this 20<sup>th</sup> day of December, 2010

\_\_\_\_\_

Ed McGuffie  
Mayor

ATTEST: \_\_\_\_\_

Bobby Christmas  
City Clerk