

**Note: The B-3 (CBD), B-4, and RP zones have zone-specific sign regulations that are not reflected in this general ordinance. Contact city staff for information on signage in these zones.**

## **Section 27 – Sign Regulations.**

### **Section 27.1 – Purpose and Intent**

It is the purpose of this Article to provide regulations for the orderly display and control of signs within the City of Hartselle. It is the intent of this Article to encourage the effective use of signs as a means of communication in the City; to provide for the protection of the public's safety and general welfare; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; to prevent the erection of unsafe structures which may be hazardous or cause injury; and to enable the fair and consistent enforcement of these sign regulations. This sign ordinance is adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the zoning ordinance.

### **Section 27.2 – Applicability and Effect**

A sign may be erected, placed, established, painted, created, or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance. The effect of this ordinance as more specifically set forth herein, is as follows:

- a) To establish a permit system to allow a variety of sign types in business and industrial zones, and a limited variety of signs in other zones subject to the standards and the permit procedures of this ordinance;
- b) To prohibit all signs not expressly permitted by this ordinance; and
- c) To provide for the enforcement of the provisions of this ordinance.

### **Section 27.3 – Definitions and Interpretation**

Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the Zoning Ordinance of the City shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

*Abandoned Sign:* A sign which advertises an activity or business no longer being conducted, or a service or product no longer being offered or produced; or a sign that has become damaged or obscured in such a way that its message is no longer clearly visible, or is structurally unsafe. An abandoned sign may be a rigid or flexible sign.

*Alteration:* The replacement, enlargement, reduction, or reshaping of or addition to a sign; or any change in the structural integrity of sign trim, frame, pole, brackets, or any supporting member; or any change in the number of poles supporting a sign.

*Animated Sign:* Any sign that uses rotation or other physical movement of parts to convey a message or attract attention, and/or includes blinking or flashing lights on the sign face or rigid structure, except as permitted for the change of messages or characters on electronic signs.

*Balloon:* Any inflatable device that when fully inflated is not more than fifteen (15) inches in diameter nor one (1) cubic foot in area, does not employ the use of a fan, blower, or similar device, and utilizes only air, or other medium lighter than air, for structural support.

*Banner:* Any temporary sign made of flexible reinforced canvas, plastic, fabric, or vinyl material, which is not permanently attached to a building or the ground through a permanent support structure.

*Beacon:* Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also any light with one or more beams that rotate or move.

*Boulevard Sign:* A development sign located within an island between two roadway travel lanes.

*Building Director:* The chief enforcement officer of the Zoning Ordinance of the City of Hartselle Alabama, or any of his or her authorized assistants or inspectors.

*Building Sign:* A sign displayed upon or attached to any part of the exterior of a building, including walls, doors, and parapets. Canopy signs, awning signs, and projecting signs are considered types of building signs.

*Canopy Sign:* Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

*Development Sign:* Any permanent sign located at the primary entrance(s) of a residential, business, or manufacturing development.

*Double-Faced Sign:* Any sign with messages that are visible from two sides, having message surfaces that are separated from each other equally at all points and by a space no wider than is necessary to accommodate essential structure. For the purpose of this definition, a single piece of material that is bent or distorted so that a message is visible from two directions shall be considered to have two separate message surfaces.

*Electronic Sign:* Any sign utilizing an electronic component such as lighting to change messages.

*Face Area:* The total SF area of a sign, not including structural supports. When a sign is double-faced, the face area is the area of one side of the sign. When a sign is painted onto a wall or utilizes individual characters attached directly to a structure, the face area is the rectangular area determined by multiplying the farthest vertical extent of the sign characters by the farthest horizontal extent of sign characters.

*Freestanding Sign:* Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure to include monument signs, pylon signs, and similar signs that are not mounted on a building.

*Inflatable Sign:* Any flexible device utilized to attract attention to a location and/or itself that is made of canvas, cloth, plastic sheeting, or any other flexible material, using air or other medium lighter than air for structural support (with or without a fan), and not considered a balloon as defined herein.

*Lot:* Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership.

*Maintenance:* The normal care and minor repair necessary to maintain safe, attractive and finished sign structure, trim, frame, poles, brackets, and surface.

*Marquee:* A permanent roofed structure attached to and supported by a building and projecting over a public sidewalk.

*Monument Sign:* A permanent sign with a face located less than three (3) feet from the ground at any point.

*Multi-Tenant Locator Sign:* A freestanding sign for the communal use of the occupants of a multi-tenant building, or multiple single-tenant buildings located on the same lot.

*Non-Conforming Sign:* A sign not prohibited herein as a public nuisance that conformed in all respects to the sign regulations and applicable zoning provisions in effect when the sign was located, but which now violates one or more provisions of this Article as of the date of the official adoption and passage of this Article.

*Permanent Sign:* A sign installed in a manner so that it is not removable from the ground by hand without the use of tools.

*Person:* Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

*Principal Building:* The building on any lot within which the principal function of the property is conducted. For the purpose of this definition, storage buildings, fueling canopies (whether freestanding or attached to a building), and similar structures shall not be considered principal buildings.

*Projecting Sign:* Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

*Reader Board:* A permanent sign containing messages in the form of removable letters or changeable copy. A reader board may be a building sign or an integral part of a freestanding sign.

*Roof Sign:* An attached sign which is affixed primarily and directly to a building or roof and extends vertically above the highest portion of the roof.

*Setback:* The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

*SF:* Square foot or square feet.

*Sidewalk Sign:* A temporary sign constructed of non-flexible material that is placed on a sidewalk.

*Sidewalk:* Any hard-surface path along the side of a street, or along the front wall of a building, or between a parking area and a building entrance, designed and constructed for the intended purpose of non-vehicle pedestrian movement.

*Sign:* Any rigid or flexible device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to attract attention, not including building paint schemes or murals, which in the determination of the Building Director, are not intended to serve as signs.

*Temporary Sign:* A sign installed in a manner so that it is removable from the ground by hand without the use of tools.

*Vehicle Sign/Trailer Sign:* Any sign, permanent or temporary, affixed, painted on or placed in or upon any vehicle or trailer. Signs on vehicles which are regularly and customarily used to transport persons or property for the business shall not be considered vehicle signs. Signs placed in or upon vehicles located on a bona fide new or used car lot shall not be considered vehicle signs.

*Wall Sign:* Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

*Window Sign:* Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

## **Section 27.4 – Governmental Signs**

Nothing within this Article shall prevent the installation or erection of public signs by or on behalf of a governmental body or public utility to post required legal notice, direct or regulate pedestrian or vehicular traffic, or identify utility poles, lines, pipes or similar facilities.

### **Section 27.5 – Prohibited Signs**

- a) Signs located in or encroaching upon the public right-of-way or public easements, except the following:
  - 1) Governmental signs as listed in Sec. 27.4 herein;
  - 2) Signage related to a public event that is sanctioned by the Hartselle City Council;
  - 3) Signage otherwise allowed to be attached to awnings or placed on sidewalks within the Central Business District;
  - 4) Boulevard signs constructed so that minimum lane width, vision clearance, and emergency vehicle turn radius standards are satisfied.
- b) Vehicle and/or trailer signs.
- c) Inflatable signs, except the following:
  - 1) Inflatable play structures located on the premises of a business offering such structure for sale/rent, or at the location of a public or private event during the duration of said event;
  - 2) On a lot zoned residential (“R”) or agricultural (“AG”), inflatable décor being no more than nine square feet in footprint area or six feet in height.
- d) Beacons and searchlights.
- e) Roof mounted signs.
- f) Animated Signs.
- g) Any circular, flyer, or handbill.
- h) Signs erected, painted, or affixed to trees, rocks, other natural features, telephone or public utility poles, or to existing street or traffic signs and posts.
- i) Signs imitating traffic or emergency signals.
- j) Signs not conforming to the general provisions of Sec. 27.11 herein.
- k) Banners made of material other than as defined.
- l) Temporary signs, except as specifically permitted in Sec. 27.9 herein.
- m) Abandoned signs.
- n) Internally illuminated residential or apartment development signs.
- o) Permanent signs, except as specifically permitted in Sec. 27.12 herein.
- p) Double-faced signs, except as defined herein.
- q) Signs displaying pornographic, obscene, profane, or unlawful messages and/or images.

### **Section 27.6 – Confiscation of Signs**

The City shall have the power to confiscate signs which are located in a public right-of-way or easement and not specifically allowed as excepted in Sec. 27.5, along with other signs listed under Sec. 27.5 as prohibited. Any such sign confiscated shall be forfeited to the public and be subject to disposal. The City shall have the right to recover from the owner or person placing such signs the full costs of removal and disposal.

### **Section 27.7 – Non-conforming Signs**

- a) Signs that lawfully existed prior to the adoption of this ordinance or any amendment thereto, but would be prohibited, regulated, or restricted under the terms of this ordinance, may remain in use, as non-conforming signs until they are altered, discontinued, damaged beyond 50% of their replacement value exclusive of foundations and supports or removed.
- b) Alterations, as defined in Sec. 27.3, of non-conforming signs will not be allowed except in strict conformity with this Article.
- c) Maintenance, as defined in Sec. 27.3, of a non-conforming sign will be allowed under the strict conditions set forth.
- d) Discontinued use or abandonment of a non-conforming sign for a period of thirty (30) days shall be reason to deem the sign illegal and it shall be made to conform to all provisions of this Article, or be removed.
- e) Damaged or destroyed non-conforming signs wherein the cost to repair exceeds 50% of their replacement value, exclusive of foundations and supports, shall be deemed illegal and shall be made to conform to this Article, or be removed.

### **Section 27.8 – Permit Exempt Signs.**

- a) Permanent signs not exceeding two (2) square feet in face area.
- b) An official sign or notice issued by any court or public agency or office.
- c) Historical markers.
- d) The changing of copy on a permitted reader board or marquee.
- e) Face changes to existing signs utilizing the existing rigid framework.
- f) Maintenance to signs as herein defined.
- g) Temporary signs.
- h) Window signs.
- i) Balloons and inflatable signs not prohibited herein.

### **Section 27.9 – Temporary Signs.**

- a) On a lot zoned “Residential” or “Agricultural,” one unlighted sign per lot is allowed, provided that such sign does not exceed six (6) square feet in face area or four (4) feet in height as measured from the ground.
  - 1) This provision shall not apply to a lot upon which a building utilized for assembly occupancy is present, as defined by the current adopted building code. Such lots shall instead be allowed temporary signage in accordance with Sec. 27.9(b) herein.

b) On a lot within any other zone (not zoned “Residential” or “Agricultural”), two unlighted signs per establishment are allowed (one on the building and one elsewhere on the lot), provided that no such sign exceeds thirty-two (32) square feet in face area or ten (10) feet in height as measured from the ground. When no building is present on the lot, no more than one such sign shall be allowed.

1) When a sidewalk is present, one sidewalk sign per establishment shall also be allowed only during public business hours of the establishment at which the sign is placed. Such sidewalk sign shall cover no more than six (6) square feet of sidewalk surface, shall be no more than four (4) feet in height as measured from the sidewalk, and shall reduce the passable width of the sidewalk to not less than five (5) feet.

### **Section 27.10 – Required Permits, Fees and Inspections**

A sign permit is required for all signs, except as specifically exempted from this requirement in Sec. 27.8 herein. The applicant shall appear in person to the City of Hartselle Building Director and be able to provide such pertinent information as may be necessary to ascertain the conformity of the request. Drawings to include dimensions, overall height, total square footage, property lines, setbacks, existing signs and structures, and a general description of the sign type to be erected shall be required. Permit fees shall be based on the current adopted fee schedule for all permits issued through the Building Department and calculated on the estimated cost, or the actual contract cost of the project, whichever is greater, to include all labor and materials. A field site inspection will be required for all signs requiring a permit. It shall be the responsibility of the property owner or the sign contractor to request an inspection once the project is completed. The Building official or his assign will verify compliance of the installation and issue an approval or disapproval certificate as the case may be.

### **Section 27.11 – General Provisions**

- a) Vision: In no case shall a sign at the corner of two public rights-of-way be located within the triangular area formed by the intersecting right-of-way lines and a straight line joining said right-of-way lines at points which are 20 feet each direction in distance from the point of intersection of the right-of-way lines. In no case shall the leading edge of a monument sign be located nearer than 10 feet to the edge of pavement of a public roadway. In no case shall a boulevard sign be located nearer than 20 feet to the right-of-way line of an intersecting street.
- b) Condition: All signs shall be maintained in sound structural and aesthetic condition. The general area in the vicinity of any sign shall be kept free and clear of any unnecessary or discarded sign materials. No sign shall be allowed to deteriorate to a condition in which it is unsightly in appearance or to a condition in which it requires repairs or renovations in an amount which exceeds 50 percent of its current replacement costs exclusive of foundations and supports. Signs which deteriorate to such condition are deemed to be in violation of this ordinance and are considered public nuisances. Such signs must either be removed or improved (if permitted) by the person responsible for maintaining the sign.
- c) Abandoned/Obsolete Signs: With exception of any variance approved by the Board of Zoning Adjustment for the preservation of signs deemed to be of historical or design significance, any sign existing on or erected after the effective date of this Article which advertises a business or activity no longer being conducted, shall be permitted to remain no longer than 30 days after such business has closed or otherwise moved from the advertised location. The owner of such property shall be responsible for removal of such sign.
- d) Illuminated Signs: Electronic or lighted signs shall be installed in strict conformity with the adopted Electrical Code of the City of Hartselle. No electric wire or cable serving any sign shall be laid upon or across the surface of the ground. Brightness level between dusk and dawn shall not exceed 100 nits. Electronic signs shall at no time display messages or characters in a flashing or blinking manner.

**Section 27.12 – Permanent Sign Standards**

a) In Residential (“R”) and Agricultural (“AG”) zones, permanent signs shall not be permitted, except as follows:

1) At each development entrance, two development signs are permitted, one on each side of the entrance street. In lieu of such signs, one boulevard sign shall be permitted at each entrance. Under no circumstances shall a boulevard sign be permitted in addition to standard development signs at the same entrance.

i) No development of boulevard sign shall exceed 24 square feet in face area.

ii) No development sign shall exceed eight (8) feet in total structure height. No boulevard sign shall exceed four (4) feet in total structure Height.

iii) Sign illumination shall be limited to ground-mounted up-lighting or sign-mounted down-lighting of minimal brightness necessary to illuminate the sign face. Electrical service to a development or boulevard sign shall be entirely underground. Development signs and boulevard signs with electronic displays or internal illumination are prohibited.

2) When an allowed assembly occupancy building (as defined by the current adopted building code) or an allowed public facility is present, one permanent freestanding sign shall be permitted, conforming to the following:

i) Permanent freestanding sign shall be a monument sign with no visible pylon or posts.

ii) Permanent freestanding sign shall be no more than ten (10) feet in total structure height nor ten (10) feet in total structure length, and shall have a sign face area of no more than 60 square feet. Electronic message and reader board signs shall be integrated into the structure of the freestanding sign and shall count toward the maximum allowable square footage of the freestanding sign.

b) In all other zones (zoning other than “R” or “AG”), permanent signs shall not be permitted, except as follows:

1) Standalone Establishment Signs: Permitted signs for a single-tenant building located on its own lot shall conform to the following:

Principal Building Roof Area (SF)	Sign Type	Face Area Allowed (SF)	Sign Height Allowed	Number Allowed
<2,000	Building	40	Top of wall	2
	Freestanding	80	30 Feet	1
2,001-5,000	Building	60	Top of wall	2
	Freestanding	100	30 Feet	1
5,001-10,000	Building	100	Top of wall	2
	Freestanding	120	30 Feet	1
10,001-35,000	Building	120	Top of wall	2
	Freestanding	160	35 Feet	1
35,001-50,000	Building	160	Top of wall	2

	Freestanding	200	35 Feet	1
>50,001	Building	200	Top of wall	2
	Freestanding	240	35 Feet	1

The combined square footage face area of the utilization of two building mounted signs shall not exceed the total allowable face area as indicated above.

Buildings on corner lots shall be allowed a 25% increase in total allowable face area for building mounted signs, provided that the total permitted face area is divided between two building mounted signs, one per street-facing direction.

Electronic message and reader board signs shall be integrated into the structure of the freestanding sign and shall count toward the maximum allowable square footage of the freestanding sign.

- 2) Tenant Signs: Permitted building signs for an establishment located within a shopping center (or occupying a single-tenant building located on the same lot as another single-tenant building) shall conform to the following:

Principal Building Roof Area (SF)	Sign Type	Face Area Allowed (SF)	Sign Height Allowed	Number Allowed
<2,000	Building	40	Top of wall	1
2,001-5,000	Building	60	Top of wall	1
5,001-10,000	Building	100	Top of wall	1
10,001-35,000	Building	120	Top of wall	1
35,001-50,000	Building	160	Top of wall	1
>50,001	Building	200	Top of wall	1

End units and single-tenant buildings shall be allowed two building mounted signs, one on the front wall and one on a side wall, provided that the combined face area does not exceed the allowable face area as indicated above plus 25%.

- 3) Multi-Tenant Locator Signs: Permitted multi-tenant locator signs (freestanding sign for multi-tenant buildings, or multiple single-tenant buildings on the same lot) shall conform to the following:

Principal Building Roof Area (SF)	Face Area Allowed (SF)	Sign Height Allowed	Number Allowed
<10,000	200	30	1
10,000-30,000	250	30	1
30,000-50,000	300	30	1
>50,000	400	35	1

Electronic message and reader board signs shall be integrated into the structure of the freestanding sign and shall count toward the maximum allowable square footage of the freestanding sign.

- 4) Vacant Lot Signs: Permanent freestanding signage is permitted on a lot with no building present, subject to the following standards:

- i) Total area of the lot upon which the sign will be placed is no less



than 10,000 SF.

- ii) Permitted sign count, size, and height do not exceed maximums applicable to a standalone establishment of less than 2,000 SF in roof area.
- iii) Permanent freestanding sign is not located within the buildable area of the lot. For the purpose of this section, the buildable area of the lot is the area lying outside of all zoning setbacks applicable to a primary building structure.

### **Section 27.13 – Enforcement**

The Building Official will be the enforcing authority for this Article. Any person found in violation of this Article may be punished as prescribed in Sec. 1-7 of the Code of Hartselle, Alabama, such provisions being expressly made a part of this Article.

### **Section 27.14 – Appeal**

Permits for sign installation shall be issued or denied within 30 calendar days of application being received by the building official, or such application shall be deemed approved and applicant shall be entitled to such permit as requested. Any permit denial or other decision of the Building Official made in the administration and enforcement of this Article may be appealed to the Board of Zoning Adjustment, subject to the provisions of Sec. 11-52-80, et. seq., Code of Alabama, 1975. Any such appeal shall be heard and decided upon by the board within 60 calendar days of the receipt of the appeal by the Building Official, or such appeal shall be considered approved in favor of the appellant.

### **Section 27.15 – Other Codes Applicable**

All signs shall comply with other provisions of the Code of Hartselle, Alabama, as amended from time to time, and all codes incorporated by reference into such code.

### **Section 27.16 – Severability**

The requirements and provisions of this Article are severable, and should any section or part thereof be declared by any court or competent jurisdiction to be unconstitutional or invalid, the decision of the court shall not affect the validity of this Article as a whole nor any section or part thereof, other than the section or part so declared to be unconstitutional or invalid.

### **Section 27.17 – Conflict**

- a) This Article shall be cumulative with and construed in conjunction with all other ordinances relating to the same subject matter.
- b) In the event of conflict with all other ordinances or parts of other ordinances inconsistent with any part of this Article; the stricter regulation shall apply.
- c) In the event of conflict between this Article and the sign provisions of a specific zone, the provisions of the zoning ordinance pertaining to that zone shall apply and supersede the sign provisions of this Article.