

ORDINANCE NO. # 967

**AN ORDINANCE TO AMEND THE CITY OF WINFIELD ZONING MAP**

**WHEREAS**, The Code of Alabama, 1975, as amended, Sections 11-52-70 through 11-42-84 empowers the City of Winfield to enact the Winfield Zoning Ordinance and provide for its administration, enforcement, and amendment for the purposes of promoting the health and general welfare; and,

**WHEREAS**, the proposed amendment is reasonable with consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality; and,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Winfield, Alabama that the following amendment to the Winfield Zoning Ordinance shall take effect upon adoption governing the location and placement of signage in the City of Winfield, Alabama:

**Amendment 1:** The following text shall be added and amended in the Winfield Zoning Ordinance, and all appendices and explanatory materials shall be adopted as if fully set out in Section 37 of the Winfield Zoning Ordinance:

Section 37: Sign Regulations  
See Appendix A  
Section 38-44. Reserved.

Appendix A:  
Section 37: Sign Regulations

**Sec. 37-1. Purpose and intent.**

It is hereby declared that the provisions of this article reasonably promote the aesthetic and safety interests of the City of Winfield, Alabama. Accordingly, it is the intent and purpose of this article to provide for the orderly and harmonious display of signs within the community; to aid in the identification of properties and enterprises for the convenience of the public; to avoid the erection of displays which produce deleterious and injurious effects to adjacent properties and to the natural beauty of the environment; to provide for the safety of the traveling public by limiting distractions, hazards, and obstructions; to minimize visual clutter and encourage a positive visual environment within the city; and to promote the mental and physical health, safety, and welfare of the public.

**Sec. 37-2. Application and enforcement.**

(a) The provisions of this article shall apply to all areas within the corporate limits of the City of Winfield, Alabama but shall not apply to signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices; identification and informational signs; traffic, directional, and regulatory signs; and official signs of a noncommercial nature erected by public utilities. The provisions of this article describe those signs, which are permitted; all others are excluded. Unless otherwise provided, the yard and setback requirements for the various districts and for streets, highways, and thoroughfares, established in the Zoning Ordinance of the City of Winfield, Alabama, shall be applicable to signs authorized hereby.

(b) The provisions of this article shall be administered and enforced by the zoning officer of the city. This official shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections necessary to carry out his duties and the enforcement of this article.

(c)

Unless the context clearly indicates otherwise, reference herein to various sections by number, such as "section 37-1," shall refer to that section number within this article.

### Sec. 37-3. Definitions.

For the purposes of this article, the following definitions, terms, and their application shall be used and applied:

*Advertisement* means the calling of a service, product, or activity to the attention of the public, including identifying such service, product, or activity and emphasizing desirable qualities, so as to produce a desire to buy or patronize.

*Alteration* means the replacement, enlargement, reduction, or reshaping of, or addition to, a sign, sign trim, frame, pole, brackets, or any supporting member; or any change in the number of poles supporting a sign; or, except as authorized under the definition of "maintenance" herein defined, the replacement or modification of any words, letters, numerals, symbols, or other surface features of a sign in order to create a substantially different visual effect, or to advertise a business, activity, product, or service of a different type, category, or nature than the business, activity, product, or service, which it advertised before the replacement or modification.

*Area* means the size of a sign measured by the smallest square, rectangle, triangle, circle, or other geometric shape or combination thereof, which will encompass the entire sign, including any border or trim but excluding the base, apron, supports, and other structural members.

*Attached sign* means a sign fastened or affixed to, mounted against, or otherwise connected to, a building or other nonsign structure, provided however, that the primary purpose of said structure is not the display of the sign.

*Building inspector* means the chief enforcement officer of the building ordinance of the City of Winfield, Alabama, or any of his authorized assistants or inspectors.

*Business center sign* means a detached sign which identifies a complex of two or more occupants or tenants on the same lot or tract of land.

*Construction site identification sign* means a sign located on the site of a construction project which identifies the owners, architects, engineers, contractors, mechanics, artisans, craftsmen, financial institutions, and other individuals or firms involved with the construction, but does not include any advertisement of any product, service, or activity, except that such sign may include information regarding sale or leasing, and words announcing the name or character of the building enterprise or the purpose for which the building is intended.

*Detached sign* means a sign not attached or fastened to, or mounted against, or otherwise connected in any way to, a building or other nonsign structure located on the same premises as the sign, but instead mounted on or attached to a pole or framework whose primary purpose is to display the sign.

*Directional sign* means a sign of a noncommercial nature which directs the reader to the location of a public, religious, or educational institution, or to the location of an historical structure or area, or to the location of a public park or building; or signs directing traffic on private property, such as ingress and egress signs; or signs displayed for the direction and convenience of the public, including signs which identify restrooms, location of public telephones, public entrances, freight entrances, and the like. Such signs may display a business name or logo and directional information or symbols, but shall not bear nor display any advertisement.

*Electric sign* means a sign with electric wiring or lighting therein or thereon, or used in conjunction with the sign, including use of neon or fluorescent tubing.

*Garage or yard sale sign* means a temporary sign, which advertises a garage or yard sale, held at a residence.

*Height* means the vertical distance of a sign measured from the road or grade of the site (to which the sign is oriented, whichever is higher) to the top of the sign, including border, trim, frame, supports, and all other structural members and appurtenances; except as relates to roof-mounted signs, or where the context within which the term is used clearly indicates otherwise.

*Home occupation sign* means a sign advertising an activity conducted entirely within a residence and carried on solely by the inhabitant thereof, and which activity is clearly incidental and secondary to the use of the residence for dwelling purposes.

*Illuminated sign* means a sign in which an artificial source of light is used in connection with the display of such sign.

*Institutional sign* means a church or school identification sign, bulletin board, or directional sign.

*Length* means the horizontal distance of a sign measured from one end of the sign to the other, including border, trim, frame, supports, and all other structural members and appurtenances.

*Maintenance* means the normal care and minor repair necessary to maintain safe, attractive, and finished sign structure, trim, frame, poles, brackets, and surface. Replacing or updating of copy or logo on a valid nonconforming sign shall be considered maintenance only if the type, category, or nature of the activity or product or service being advertised remains the same, provided the sign is not altered thereby. The message or copy of any off-premises sign may be changed or replaced without regard to the contents thereof as a part of normal maintenance.

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

*Marquee sign* means a sign attached to or painted on or inscribed on, and partly or fully supported by, or made an integral part of, a marquee.

*Nonconforming sign* means 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 it 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; except that in business district only, an attached sign which extends over a public sidewalk (but not over any part of the street or street curb), shall for the purposes of this article be deemed nonconforming and not illegal.

*Portable sign* means a sign of any material, with or without changeable lettering, which is designed to be or is portable, and which is mounted on a vehicle, trailer, stand, or similar structure, with or without wheels, and is not permanently embedded in the ground; also known as a trailer sign, or mobile sign. For the purposes of this article, such signs shall be considered detached signs, and as such, shall meet all the requirements specified for detached signs. Portable signs must conform to wind load and electrical requirements, as well as other applicable provisions of the codes and ordinances enforced by the City of Winfield, and must be anchored or supported in such a manner as to guard against the effects of wind.

*Projecting sign* means an attached sign erected on the face or outside wall of any building or nonsign structure and projecting out at an angle therefrom.

*Real estate sign* means a sign advertising the sale, rental, or lease of the premises or part of the premises on which the sign is displayed.

*Roof-mounted sign* means an attached sign which is affixed directly to, and which extends above, the roof of any building or nonsign structure.

*Setback* Unless otherwise provided, such term refers to the established yard and setback requirements of the Zoning Ordinance of the City of Winfield, Alabama.

*Sign* means a display board, screen, placard, or any other device, or any painted or pasted-on display, which is visible from any public place, street, or highway, or from any way or property open to the public for vehicular travel, and upon which is displayed or included any letter, word, numeral, banner, flag, emblem, logo, symbol, decoration, device, representation, or similar item used as, or which is in the nature of, an identification, announcement, direction, notice, advertisement, or other attention getting device. For the purposes of this article, this definition shall also include painted, pasted, self-supporting, and attached words, letters, numerals, symbols, emblems, and other such displays, meaning thereby those displays which are themselves painted, pasted, or attached directly to a structure and not mounted on any signboard.

*Subdivision, condominium, and apartment identification signs* mean signs that identify the name of a residential subdivision, condominium development, or apartment complex.

*Temporary sign* means a sign of a nonpermanent nature that is used in connection with a circumstance, situation, or event that is designed, intended and expected to take place or to be completed within a reasonably short and definite time period after the erection of such sign. If a sign display area is permanent, but the message displayed is subject to periodic changes, such sign shall not be regarded as temporary.

*Wall sign* means an attached sign, which is mounted parallel to or flush against an exterior wall of a building.

*Warning sign* means a sign, containing no advertising material, warning the public of the existence of danger.

*Zoning Officer* means the chief enforcement officer of the zoning ordinance of the City of Winfield, Alabama, or any of his authorized assistants or inspectors.

**Sec 37-4. Exemptions.**

There shall be exempt from the provisions of this article, other than from the requirements of sections 37-7 and 37-9, the following types of signs, which signs shall not count in the computation of any applicable total sign number or area:

- (1) Signs not exceeding two square feet in area, which denote the name, address, or business hours only of the occupant of the premises.
- (2) directional signs, so long as they do not exceed four square feet in area and they meet the following conditions:
  - (a) If located within ten feet of the public right-of-way, such signs shall not exceed 30 inches in height.
  - (b) If located in any setback area, but not closer than ten feet from the public right-of-way, such signs shall not exceed three and one-half feet in height.
  - (c) If not located in any setback area, such signs shall not exceed 20 feet in height.
- (3) Signs, which are fully located within the interior of any building or stadium or within an enclosed lobby or court of any building.
- (4) Publicly owned memorial tablets or signs.
- (5) Signs painted on or otherwise attached to currently licensed motor vehicles, so long as the primary function of such vehicle is the ordinary one attributed to vehicles in general, and not to advertise or identify as a sign by itself would.
- (6) Signs proclaiming religious, political, or other noncommercial messages, other than those regulated by section 37-5, that do not exceed one per abutting street or 16 square feet in area and that are not internally illuminated.
- (7) Integral decorative or architectural features of buildings or works of art, so long as such features do not contain moving parts or moving or flashing lights.

**Sec. 37-5. Temporary signs.**

(a)

The following temporary signs are permitted in the specified districts without a building permit, subject to the following conditions in addition to those set out elsewhere in this article:

- (1) One unlighted real estate sign per street frontage, not exceeding eight square feet in area if in a residential district, or 32 square feet in area if in any other district. Such signs shall be removed no later than ten days after the sale, lease, or rental is closed or otherwise completed.
- (2) One unlighted construction site identification sign per street frontage, not exceeding eight square feet if in a residential district, or 32 square feet if in any other district. Such signs shall not be erected prior to the issuance of the building permit and shall be removed no later than ten days after the issuance of the certificate of occupancy or the commencement of the intended use, whichever occurs first.
- (3) Signs erected in connection with the observance of generally recognized holidays. Such signs shall be removed no later than ten days after the end of the holiday being observed.

- (4) Signs erected in connection with elections or political campaigns which do not exceed eight square feet in area if in a residential district, or 32 square feet in area if in any other district. Such signs shall be removed no later than ten days after the election, final runoff election, or conclusion of the campaign for which they were erected.
  - (5) One sign per street frontage, not exceeding eight square feet in area if in a residential district, or 32 square feet in area if in any other district, which indicates that a special event such as a grand opening, fair, carnival, circus, festival, animal show, contest, race, entertainment show, or similar event is to take place, so long as such event is of a temporary nature. Such signs shall not be erected sooner than ten days before the event and shall be removed not later than ten days after the event.
  - (6) One garage or yard sale sign per street frontage, provided that such signs shall not exceed eight square feet in area and shall be removed not later than three days after the sale.
  - (7) Signs evidencing an award by a governmental agency, chamber of commerce, or other nonprofit organization in recognition of the beauty and aesthetically pleasing condition of the premises; and signs recognizing and honoring historical properties or excellence and distinction in architectural rehabilitation of the premises on which the sign is located, so long as such signs remain on the premises for no more than one year, do not exceed eight square feet in area, and do not exceed six feet in height.
- (b) No person shall place or erect a temporary sign within any street right-of-way, or attach it to any utility pole; nor shall any person place or erect any such sign upon a building, wall, tree, fence, or other property of another person or business without first obtaining the consent of the owner of such property.
  - (c) All temporary signs shall be labeled in a manner that, upon inspection, will identify the owner or other party responsible for their removal, including name and telephone number of the individual to be contacted for removal of temporary signage.

**Sec. 37-6. Permit requirements.**

No sign, not exempted under sections 37-4 and 37-5, above, shall be located, constructed, erected, posted, attached, altered, or repaired unless in accordance with all codes of the City of Winfield, provided however, that no permit shall be required for the performance of maintenance as herein defined.

**Sec. 37-7. General sign regulations.**

- (a) Height requirements: No detached sign shall be located, erected, or maintained in any district unless the sign shall meet the height requirements of that district set forth in Section 37-7. Permitted signs by districts.
- (b) Roof-mounted signs shall not be permitted in the any residential district, but shall be permitted in any other district, provided however, that said signs shall not exceed a height equal to ten percent of the height of the building to which they are attached.
- (c) Attached signs other than roof-mounted signs, meaning those attached to the side of a building, shall not extend above a line equal to the height of the building to which they are attached.
- (d) A two-sided sign shall be regarded as one sign so long as the two sides are at no point separated by a distance in excess of five feet.

- (e) Advertisement signs must only advertise businesses at that specific location.
- (f) All signs, and all components, supporting structure, and appurtenances thereof, shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked panels, and broken or missing letters, presenting a clean and finished appearance.
- (g) The area within ten feet in all directions of any part of a detached sign shall be kept clear of debris and trash, and grass and other undergrowth in said area shall not exceed five inches in height, measured from ground level.
- (h) Exposed backs of all signs shall be painted a single color and shall present a clean and finished appearance.
- (i) Signs fixed or mounted directly on or in windows shall not require a permit and shall not count against the signage allocation for the premises, provided that such signs do not cover more than 20 percent of the total window area.
- (j) No sign shall display rotating or moving lights or lights of changing degrees of intensity which imitate emergency vehicle lights, which are visible from the right-of-way of a public street or highway, or from any other vehicular travel way open to the public.
- (k) One detached subdivision identification sign shall be permitted at each entrance to a residential subdivision.
- (l) Any number of attached condominium or apartment identification signs shall be permitted, provided however, that the total area of all such signs per development or complex shall not exceed 36 square feet, none of which shall extend above the building.
- (m) One detached condominium or apartment identification sign shall be permitted on each public street frontage, provided such signs and all supporting members, trim, and other parts thereof shall be located ten feet or more from the public right-of-way, and shall not exceed six feet in height nor 40 square feet in area.
- (n) The following signs, which are hereby declared a public nuisance, are prohibited and shall not be given nonconforming status. Any such signs existing on the effective date of this article, or thereafter, shall be removed or brought into conformance herewith not later than one year from the effective date of this ordinance.
- (1) Signs which copy, imitate, or in any way approximate an official traffic sign or device, designed to cause the public to focus attention on the sign, where the ultimate purpose of such sign is to draw attention to the service or product being offered, and not to warn the public of a real and genuine danger.
  - (2) Signs, which hide from the view of street, traffic, or interfere with, any sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information.
  - (3) Signs which permit focused light, such as beams or rays of light, to be directed onto a public street, highway, road, sidewalk, or premise of another owner or tenant when such light is of such intensity or brilliance as to cause glare or reflection and impair vision, or constitute a traffic hazard or nuisance.

- (4) Signs on public property that are attached to or maintained upon trees, or painted or drawn upon rocks or other natural features.
- (5) Signs incorporating any noisy mechanical device, which emits sound of such a volume as to be heard over the normal road noise by an average motorist on a highway or street.
- (6) Signs, which fail to meet the standards, set out by any other applicable codes enforced by the City of Winfield, Alabama, including without limitation, applicable wind load and electrical requirements.
- (7) Signs, or any parts or appurtenances or supporting members thereof, which obstruct or interfere with any door, fire escape, ventilation opening, or other means of ingress and egress or ventilation.
- (8) Signs which interfere with the view necessary for vehicular or pedestrian traffic to proceed safely or to enter onto or exit from public or private streets, roads, or highways.
- (9) Signs, including without limitation those existing on the effective date of this article, which violate one or more of the provisions of this article, and which are not nonconforming signs as defined in this article.
- (10) Portable signs as defined under section 37-3 are not allowed. However, a new business within the city shall be allowed a portable sign for a period not to exceed 60 days from the date the permit for it is issued. Signs will have to meet the definition of a portable sign set forth under section 37-3.

**Sec. 37-8. Permitted signs by districts.**

The following signs and no others, which shall comply with the provisions of this article, shall be permitted in the districts hereinafter set forth:

- (1) *Residence R-1, R-2, R-3, R-4, and M-H districts:*
  - a. Signs not exceeding six feet in height and three square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers, or names of occupants, signs on mailboxes or newspaper tubes, signs giving historical identification of the premises, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
  - b. Home occupation signs as allowed by law.
  - c. Institutional signs not exceeding 36 square feet in area as follows: one detached, and one attached such sign per street frontage.
  - d. Condominium and apartment identification signs complying with the general sign regulations under section 37-7.
  - e. Subdivision entrance signs complying with the general sign regulations under section 37-7.
  - f.

Temporary signs as permitted under section 37-5.

(2)

*Business districts B-1, B-2, manufacturing districts M-1, M-2 within 1,500 feet of an interstate highway:*

a.

Any number of attached signs, provided that the total area of all such signs as located per wall face shall not exceed ten percent of the total of such wall face area, to a maximum area of 100 square feet per wall face.

b.

On lots or tracts of land having occupant, tenant, or commercial or business enterprise, detached sign(s) meeting the following guidelines:

1.

Sign area shall not to exceed 200 square feet per sign. The maximum height of any ground supported sign shall not exceed 75 feet in height and shall have a vertical clearance of eight feet. Signs six feet or less in height are exempt from vertical clearance requirements provided there is no visual hindrance.

2.

Maximum one sign per 250 feet of street frontage or fraction thereof, provided however, that where additional signs are permitted because of frontage in excess of 250 feet, such signs shall not be placed closer to another detached sign on the same property than 100 feet. If such lot or tract of land has frontage on more than one street, such as on a street corner or intersection, one additional detached sign, subject to the above restrictions, may be erected for each additional abutting street segment which equals or exceeds 100 feet in length, and shall be erected and located on the property immediately abutting such additional street segment.

c.

Marquee signs (multi-tenants), business center signs, and marquee signs on theaters, which may be in addition to all other signs permitted by this section.

1.

On lots or tracts of land having occupant, tenant, or commercial or business enterprise, one detached sign meeting the following guidelines:

Two square feet of signage per linear front foot of building but not to exceed 200 square feet. The maximum height of any ground supported sign shall not exceed 75 feet in height and shall have a vertical clearance of eight feet. Signs six feet or less in height are exempt from vertical clearance requirements provided there is no visual hindrance.

2.

No sign shall have its support located closer than five feet from the public right-of-way. No sign shall extend into a public right-of-way. The building inspector for the city shall approve the means of support for all signs hereunder.

d.

Subdivision entrance signs complying with the general sign regulations under section 37-7.

e.

Temporary signs as permitted under section 37-5.

f.

Awnings shall be permitted in the district upon application and approval of plans and specifications submitted therewith to the zoning officer. Awnings shall project no further than eight feet from the vertical face of the building to which



they are attached. Signs attached to awnings shall not block passage beneath and shall not extend more than 20 inches down from the lowest point of the canopy and shall not exceed 56 inches in length nor 12 inches in width.

(3)

*Business districts B-1, B-2, manufacturing districts M-1, M-2 beyond 1,500 feet of an interstate highway:*

a.

Any number of attached signs, provided that the total area of all such signs as located per wall face shall not exceed ten percent of the total of such wall face area, to a maximum area of 100 square feet per wall face.

b.

On lots or tracts of land having occupant, tenant, or commercial or business enterprise, detached sign(s) meeting the following guidelines:

1.

Two square feet of signage per linear front foot of building, but not to exceed 200 square feet per sign. The maximum height of any ground supported sign shall not exceed 25 feet in height and shall have a vertical clearance of eight feet. Signs six feet or less in height are exempt from vertical clearance requirements provided there is no visual hindrance.

2.

Maximum one sign per 250 feet of street frontage or fraction thereof, provided however, that where additional signs are permitted because of frontage in excess of 250 feet, such signs shall not be placed closer to another detached sign on the same property than 100 feet. If such lot or tract of land has frontage on more than one street, such as on a street corner or intersection, one additional detached sign, subject to the above restrictions, may be erected for each additional abutting street segment which equals or exceeds 100 feet in length, and shall be erected and located on the property immediately abutting such additional street segment.

c.

Marquee signs (multi-tenants), business center signs, and marquee signs on theaters, which may be in addition to all other signs permitted by this section.

1.

On lots or tracts of land having occupant, tenant, or commercial or business enterprise, one detached sign meeting the following guidelines:

Two square feet of signage per linear front foot of building but not to exceed 200 square feet. The maximum height of any ground supported sign shall not exceed 25 feet in height and shall have a vertical clearance of eight feet. Signs six feet or less in height are exempt from vertical clearance requirements provided there is no visual hindrance.

2.

No sign shall have its support located closer than five feet from the public right-of-way. No sign shall extend into a public right-of-way. The building inspector for the city shall approve the means of support for all signs hereunder.

d.

Subdivision entrance signs complying with the general sign regulations under section 37-7.

e.

Temporary signs as permitted under section 37-5.

f.

Awnings shall be permitted in the district upon application and approval of plans and specifications submitted therewith to the zoning officer. Awnings shall project no further than eight feet from the vertical face of the building to which they are attached. Signs attached to awnings shall not block passage beneath and shall not extend more than 20 inches down from the lowest point of the canopy and shall not exceed 56 inches in length nor 12 inches in width.

**Sec. 37-9. Setback requirements.**

(a)

In all districts other than residential districts, unless otherwise specifically provided, temporary signs shall not be located within ten feet of a public right-of-way and shall not be between three and one-half feet to eight feet in height.

(b)

Temporary signs located in residential districts which do not exceed eight square feet in area or six feet in height and signs enumerated in section 37-8(1)(a) may be located, erected, and maintained in the front, rear, or side yard setback up to the public right-of-way.

(c)

All other detached signs shall be located, erected and maintained so that neither the sign itself nor any part or supporting member thereof extends into, over, or is located within 25 feet of an abutting public street right-of-way, or extends into, over, or is located within any applicable front, rear, or side yard setback, the greater of which shall apply; provided however, that if such sign and all appurtenances thereof are no higher than three and one-half feet inclusive of border or trim, and if such sign does not exceed 25 square feet in area inclusive of border or trim, then such sign may be erected, located, and maintained up to a line ten feet back from the abutting public street right-of-way.

(d)

All attached signs shall be located, erected, and maintained so that neither the sign itself nor any part thereof extends more than fourteen (14) inches over the applicable front, rear, or side yard setback.

(e)

Where property is situated at the intersection of public streets or highways, and there is no applicable setback for one or more of the street or highway frontages, the front setback shall apply as the applicable setback.

**Sec. 37-10. Maintenance and appearance of signs.**

All signs shall be maintained in good condition, so as to present a neat and orderly appearance. The building inspector may cause to be removed, after due notice, any sign that shows gross neglect or becomes dilapidated. Illegal and nonconforming signs:

(1)

Except as provided in section 37-8(o), nonconforming signs may remain in use and may be maintained as defined in section 37-3(18). However,

(a)

If such sign is altered as defined in section 37-3(2); or

(b)

If at any time after six months from the effective date of this article said sign requires repairs of a value in excess of 50 percent of its replacement value, exclusive of foundations and supports; or

(c)

If after such time it is destroyed to the extent of more than 50 percent of its replacement value, exclusive of foundations and supports; or

(d)

As respects an sign only, if the use of said sign is abandoned for a period of 90 days, or changes so that it advertises a business, activity, product, or service of a different type, category, or nature than the business, activity, product, or service which it advertised before the change; then in any of said instances, said sign shall lose its nonconforming status, and shall be deemed an illegal sign and shall be made to conform to all provisions of this article, or be removed. As used herein, "abandoned" shall be taken to refer to a sign which advertises an activity or business no longer being conducted, or a service or product no longer being offered or produced, on the premises where such sign is located.

(2)

No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.

(3)

A nonconforming sign may not be moved or replaced except to bring it into complete conformity with this article.

(4)

No detached sign shall be erected on the same lot with an existing nonconforming detached sign until the nonconforming sign has been removed or made to conform to the provisions of this article; provided however, such provision shall not apply to an off-premises detached sign which is or could be deemed nonconforming solely by virtue of the spacing requirements of this article for off-premises signs.

#### **Sec. 37-11. Sign removal and repair.**

(a)

*Unsafe signs.* If the building inspector shall find that any sign or any part of any sign is in danger of falling, or presents a hazard from electrical shock or fire, or is otherwise unsafe, insecure, or a menace to the public, she/he shall give written notice to the owner, agent, or person having the beneficial interest in such sign, or in the building or the premises on which such sign is located. If the sign was conforming in all other respects at the time notice was given, repairs of the condition prompting the notice shall be made within 30 days. If the sign had been deemed nonconforming pursuant to this article at the time notice was given, and if no more than six months' time has elapsed since the effective date of this article, such sign shall be permitted to remain, but shall be subject to the above 30-day repair requirement. However, after six months from the effective date of this article, if repairs required to a nonconforming sign under this section are in excess of 50 percent of its replacement value, exclusive of foundations and supports, then such sign shall be removed or brought into conformance with this article within 30 days and shall not be repaired as nonconforming sign.

If the repair or removal of an unsafe sign is not accomplished within the above mandated 30-day period, the building inspector is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in such sign, or in the building or premises on which such sign is located. Notwithstanding the foregoing provisions, the building inspector is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in such sign, or in the building or premises on which such sign is located, whenever she/he determines that such sign is an immediate and imminent peril to persons or property.

(b)

*Obsolete signs.* Any sign, whether existing on or erected after the effective date of this article, which advertises a business or activity no longer being conducted, or a service or product no longer being offered or produced, shall be removed by the owner, agent, or person having the beneficial interest in such sign, or in the building or premises on which the sign is located, within 180 days of the cessation of such business, service, sale, or production. If the building inspector

shall find that any such sign contemplated by the above paragraph has not been removed within the above mandated ninety-day period, she/he shall give written notice to the owner, agent, or person having the beneficial interest in such sign, or in the building or premises on which such sign is located. Removal of the sign shall be effected within ten days after receipt of the notice from the building inspector. If such sign has not been removed at the conclusion of such ten-day period, the building inspector is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in such sign, or in the building or premises on which such sign is located.

(c)

*Permit limitation.* No sign permit shall be issued for any premises where there exists an unsafe or obsolete sign as defined above, until the provisions of (a) and (b) above have been complied with.

**Sec. 37-12. Appeal.**

Any decision of the zoning officer or the building inspector made in the administration and enforcement of this article may be appealed to the Board of Zoning Adjustment, subject to the provisions of Code of Ala. 1975, §§ 11-52-80, et seq.

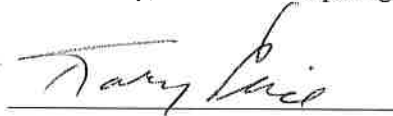
**Sec. 37-13. Other codes applicable.**

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

**Sec. 37-14. Severability.**

The requirements and provisions of this article are severable, and should any section or part thereof be declared by any court of 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.

**BE IT FURTHER ORDAINED**, this Ordinance shall become effective upon final reading and publication, public health, safety, and welfare requiring it.



Randy Price,

Mayor



Angie Oliver,

City Clerk

DATE: 11-30-18