

**ORDINANCE 2023-28**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRONDALE, ALABAMA,** in regular meeting duly assembled, a quorum being present, and by authority thereof as follows:

**Section 1. MODIFICATION TO CHAPTER 14 OF THE MUNICIPAL CODE OF THE CITY OF IRONDALE.** Chapter 14, Signs, of the *Municipal Code of the City of Irondale* is hereby deleted in its entirety without replacement.

**Section 2. MODIFICATION TO APPENDIX A, ARTICLE I OF THE MUNICIPAL CODE OF THE CITY OF IRONDALE.** Appendix A, Zoning, Article I. – Purpose and Methods, Section 1:02. – Methods of the *Municipal Code of the City of Irondale* is hereby amended by deleting Section 1:02 in its entirety and replacing it with the following:

Appendix A – Zoning

Article I. – Purpose and Methods

Section 1:02. – Methods

For the purposes herein before stated, the City of Irondale is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use, protect the common rights and interest within each district, preserve the general rights and interests of all, and to promote improved wholesome, sightly, harmonious and economic results in civic service, activities and operations; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings or other structures, including the ratio of lot occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

These regulations have been made with reasonable 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 the city.

**Section 3. MODIFICATION TO APPENDIX A, ARTICLE II OF THE MUNICIPAL CODE OF THE CITY OF IRONDALE.** Appendix A, Zoning, Article II. – Definitions of the *Municipal Code of the City of Irondale* is hereby amended by inserting the following:

Appendix A – Zoning

## Article II. – Definitions

### Section 2:14A. – Building Official.

That official of the City of Irondale appointed to oversee the enforcement and administration of this zoning ordinance, or their designee.

### Section 2:15A. – City Building Code.

The most recently adopted building, construction, electrical and fire-related codes adopted by the City of Irondale.

**Section 4. MODIFICATION TO APPENDIX A, ARTICLE V OF THE MUNICIPAL CODE OF THE CITY OF IRONDALE.** Appendix A, Zoning, Article V. – Special Use Regulations, Section 5:22 Sign Regulations of the *Municipal Code of the City of Irondale* is hereby deleted in its entirety and replaced with the following:

## Appendix A – Zoning

### Article V. – Special Use Regulations

#### Section 5:22. – Sign Regulations.

##### Section 5:22.1 – Purpose; Applicability; Intention.

1. It is the finding and intent of the City Council that regulation of signs is necessary to protect the health, safety and welfare of the citizens and the general aesthetics of the city. The purposes of the City's sign regulations are as follows: to control the use of publicly legible signs; to lessen congestion in the streets; to preserve, protect and enhance areas of historical, architectural, cultural, aesthetic and economic value, regardless of whether they are natural or human-made to provide adequate light and air; to prevent the overcrowding of land; to promote traffic safety; to support and promote the use of signs to aid the public in the identification of businesses and other activities, to assist the public in its orientation within the city, to express the history and character of the city, to promote the community's ability to attract sources of economic development and growth, and to serve other informational purposes; to encourage the safe construction and effective use of signs as a means of

communication to the public; to safeguard the public use and nature of city streets and sidewalks; to prevent the accumulation of trash; to preserve the views of natural resources, green space and other open spaces; to minimize adverse effects to nearby public and private property; to enhance the visual environment of the city; and to promote general health and welfare. These regulations have been made with reasonable 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 the city.

2. In every zoning district in the city all signs hereafter installed or maintained, which are designed or intended to be seen by or attract the attention of the public and which are legible from any public property or private property other than the one on which the sign is located, must comply with the requirements of this §5:22, except as provided in §5:22-4(2).

#### Section 5:22-2 – Definitions.

Certain words and terms, when used in this §5-22, are defined as follows, except where the context clearly indicates a different meaning:

1. ***Abandoned Sign.*** A permanent sign (1) that has displayed no message for a continuous period of one year or more or (2) that the principal use to which it was accessory has not been active on the premises for a continuous period of one year or more. A sign is considered accessory to a use when the operator of the use or owner of the property, on which the use was located, installed, maintained or received a permit for the sign during the time the use was active on the premises.
2. ***Attached Sign.*** A permanent sign other than a Freestanding Sign, including Wall Signs, Projecting Signs and Awning and Canopy Signs.

3. ***Awning or Canopy Sign.*** A sign directly painted on or directly affixed to an awning or canopy.
4. ***Changeable Copy Sign.*** A sign in which the message may be manually or electronically changed without otherwise altering the structure of the sign.
5. ***Commercial Message.*** A sign message that identifies or directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.
6. ***Electronic Message Center.*** A sign or part thereof designed so that characters, letters or illustrations can be displayed and changed or rearranged electronically.
7. ***Freestanding Sign.*** A sign supported by its own structure, which support structure is mounted upon the ground and not attached to another structure.
8. ***Holiday Decorations.*** Decorations and lighting, containing no commercial message, that are installed in a temporary manner and displayed during religious, national, state and cultural holidays and events. The term is limited to items that are mass-produced and marketed for decorative use, rather than as signs, and items of a similar design and use that are hand- or custom-made.
9. ***Illumination, Direct.*** Lighting of a sign from a source within or affixed to the sign face and beaming outward from it.
10. ***Illumination, Indirect.*** Lighting of a sign message from a separate outside source aimed toward it, including signs lit from above or below as well as “back-lit” signs.

11. ***Install.*** To place, construct, erect, mount, paint, affix or attach a sign to a structure or to the ground.
12. ***Legible.*** Able to be read by a person of ordinary eyesight, either standing at grade level or seated in a vehicle, at a location on an adjoining public right-of-way, public space or, if applicable, an adjoining private property.
13. ***Noncommercial Message.*** Any message other than a Commercial Message including, but not limited to, signs expressing political or 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; however, there shall be a rebuttable presumption that any sign not bearing a commercial message and bearing any other message at all is a noncommercial message, protected under this §5-22. Noncommercial messages are not considered Off-premises messages.
14. ***Nonconforming sign.*** Any sign within the jurisdiction of the zoning ordinance of the city on the effective date of this §5:22, which is prohibited by, or does not conform to the requirements of, these regulations.
15. ***Official Sign.*** Any sign erected on public property and maintained by the City, State or Federal Government for dissemination of general information and matters of public interest.
16. ***Off-Premises Sign.*** A permanent sign relating, through its message and content, to an activity, use, product or service that is not available on the premises on which the sign is erected. Any permanent sign located or to be located on a vacant, undeveloped property is considered an Off-Premises Sign.

17. ***Permanent Sign.*** A sign constructed of durable materials, attached to the ground or a building in a manner to resist wind and other environmental loads and to prevent ready removal or movement.
18. ***Portable Sign.*** Any freestanding sign greater than six square feet in area that is of permanent construction but that is readily movable and not permanently affixed to the ground, including signs mounted on a weighted base or wheeled chassis.
19. ***Premises.*** One or more adjoining lots developed in a unified manner and design with shared parking and driveway facilities together with the structures thereon or an undeveloped property.
20. ***Projecting Sign.*** An attached sign, other than an awning sign, extending from a building wall and oriented so that the sign face may be read from a vantage point along the plane of the building wall.
21. ***Public Area.*** A public street, right-of-way, sidewalk, alley, park, or parking area or other public property, except for property used for public utility purposes, owned by a municipality, a county, the state, or the United States government.
22. ***Sign.*** Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, service, event, person, activity, opinion, or organization, or which identifies or promotes the interests of any person or any group of people and which may be viewed from the private property of another or from any public area. For the purposes of these regulations, the term Sign includes the entire sign, sign structure, source of illumination and sign face. The term Sign does not include the following objects though they may be legible from a public area: cemetery markers, vending

machines, express mail drop-off boxes, decorations, a building's architectural features, or a manufacturer's or seller's markings on machinery or equipment.

23. **Sign Face.** The surface of the sign upon, against or through which the message of the sign is displayed.
24. **Sign Owner.** Any property owner, person, firm, corporation, candidate or other entity identified on a sign, whether by name, address, product line, candidacy or telephone number, that is solely or jointly responsible for the placement of such sign. Ownership is a rebuttable presumption. Any owner of property which has been leased to any person, firm or corporation and over which the owner has no control by operation of said lease, shall not be deemed a sign owner upon proof by the owner of the same.
25. **Sign Structure.** The supports, uprights, bracing, or framework of any structure exhibiting a sign.
26. **Temporary Sign.** A sign used for a limited time that is not permanently attached to the ground or a structure, that is not intended for permanent display and that is designed and fabricated with materials of a temporary nature, including but not limited to paper, fabric, corrugated plastic, cardboard and vinyl.
27. **Wall Sign.** A sign painted on or permanently affixed or fastened to the wall of a structure in such a manner that the sign face is parallel to the wall plane and in which the wall is the supporting structure of the sign.
28. **Window Sign.** A sign applied or attached to a window or displayed within a first-floor window to attract attention of persons outside the building. Window Signs do not include merchandise in a window display.

### Section 5:22-3 – Prohibited Signs.

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by these regulations. In the interest of public safety and aesthetics, the following are prohibited in all zoning districts:

1. Signs with moving, strobing or flashing lights, any design that may be confused with the lights of a police, fire or emergency response vehicle or that exceeds a maximum luminance level at night of 1,675 nits.
2. Signs that contain or are an imitation of an official traffic signal or contain the words “stop”, “go slow”, “caution”, “danger”, “warning”, or similar words, when used in such a manner that the sign may be mistaken for an official sign.
3. Portable signs, except as allowed by §5:22-7.
4. Signs wrapped around or otherwise affixed to bollards.
5. Signs that obstruct a motorist’s, cyclist’s or pedestrian’s line of sight on a street or at driveways and/or intersections in accordance with §5:22-6.3(c).
6. Signs that move, rotate, whirl, spin or otherwise make use of motion to attract attention (this does not include Changeable Copy Signs), including but not limited to inflatable signs, streamers, pennants, string lights and other attention-getting devices that may be moved by the wind; this does not include flags installed on flagpoles or stanchions in accordance with §5:22-8.
7. Signs that emit any detectable noise, smoke, vapor, odor, particles or that include any lighting or control mechanism that interferes with radio, television or electronic means of communication.
8. Signs constructed of mirrors or other surfaces that reflect light.
9. Signs that are in violation of the City Building Code.

10. Any signs, other than official traffic control devices, highway identification markers, warning signs, and other official signs, erected within the right-of-way of any street or alley.

11. Signs on public land, other than those erected at the direction or with the permission of the governmental authority that manages the land, in accordance with its established policies and procedures.

12. Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians; or that illuminate adjacent residential development.

13. Signs erected on public utility poles, even if they are located on private property, other than signs erected by a public authority for public purposes.

14. Signs and or sign structures that have become deteriorated, damaged or have become structurally deteriorated by any means to an extent of more than 50% of the sign or sign structure as determined by the Building Official exclusive of foundations.

15. Off-premise signs.

#### Section 5:22-4 – Sign Permit.

1. Sign Permit Required. No sign may be installed, replaced, altered or changed in location or size without first obtaining a valid Sign Permit issued by the City, unless exempted by this §5:22-4. Sign Permit applications must show the proposed location of the sign, any pavement, curb, public right-of-way or easement within 25 feet of the sign, sign type, size, height, type of foundation, electrical design, illumination design, and any other information required by the Building Official.

2. Exempted Signs. The following are exempt from regulation under this article and do not require a Sign Permit, though they may require other types of permits, whenever applicable:

a. Signs that are not legible from any public area or another property;

- b. Any permanent sign with a sign area of one square foot or less;
- c. Official signs and signs of a public utility including, but not limited to, traffic or similar regulatory devices, legal devices, warnings at railroad crossings, governmental survey or boundary markers, and notices of water lines or buried cables ;
- d. Publicly owned memorial tablets or signs;
- e. Signs required by law or governmental order, rule, or regulation;
- f. Signs inside a building other than Window Signs;
- g. Holiday decorations; and
- h. Signs on an operable vehicle used in the normal course of business; except signs on vehicles that are kept, on a recurring basis, on the premises so that the sign is legible from the street.

3. Signs and Actions not Requiring a Permit. The following signs and sign-related actions do not require a Sign Permit, unless the sign or action is of a nature that requires a Building Permit. However, they must nonetheless conform in all other respects to the requirements of this §5:22 and may not be directly illuminated:

- a. Temporary signs;
- b. Window signs;
- c. Changing of copy on Changeable Copy Signs provided there is no structural change or change in the primary lighting source;
- d. Routine sign maintenance, including bulb replacement, painting, cleaning or comparable maintenance of a sign that does not alter the design, electrical service, structure, size, image or message of the sign; and
- e. Signs and notices issued by any court in a proceeding in which the City is a party, and any officer of a higher governmental power acting in performance of a governmental duty.

#### 4. Sign Permit Application

a. Sign permit applications shall be made to the Building Official upon a form provided by the Building Official and shall be accompanied by such information and requisite documentation as may be required by the Building Official to assure compliance with all appropriate laws and regulations of the City, including, but not limited to, the following: (i) Name and address of owner of the sign; (ii) Name and address of owner of the person in possession of the premises where the sign is located or to be located; (iii) Clear and legible drawings with description definitely showing the location of the sign which is subject to the permit and all other existing signs; and (iv) Drawings showing the dimensions, construction supports, size, electrical wiring and component materials of the sign and method of attachment.

b. The Building Official, only upon determination that all fees accompany the application form, will accept the application and shall review the application, plans, and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations and of the City Building Code.

c. If the sign permit application conforms with all appropriate laws and regulations, then the Building Official shall notify the applicant in writing within 30 days of the date of receipt of the completed application whether the application will be approved or disapproved.

#### 5. Sign Fees

a. Application Fee. Sign permit applications shall be accompanied by a sign permit fee as specified in Table 5-22-1. Sign permit applications shall not be considered complete until the applicable sign permit fee is received by the city. The sign permit fee is in addition to, and not in lieu of, any other fees or licenses required by the municipal code of the City.

b. Annual Fee. Each sign for which a sign permit has been issued is subject to an annual fee which must be paid to the city’s Revenue Department. Annual sign fees must be paid to the City by January 31st of each year. No additional permits will be issued until all such annual fees have been paid, including permits that are pending.

<b>Table 5-22-1 Sign-related Fees</b>	
Application Fee	Amount
Attached Sign	\$175.00
Freestanding Sign	\$300.00
Electronic Message Center	\$100 per face in addition to base fee amount
Annual Fee	\$200.00

6. Sign Permit Expiration. Sign permits shall be valid for a period of 180 days from the date issued. Failure to fully construct the sign within the allotted time period shall void the permit and necessitate reapplication including payment of all applicable fees. Any sign erected after 180 days from the original issuance of the permit for which a new permit has not been issued for an additional 180 days, shall be considered an illegal sign and subject to removal pursuant to the requirements of this §5:22.

7. Indemnification of City. Every Sign Permit application must include an agreement to indemnify and hold the City harmless for any damages or expenses that may be incurred because of the construction, posting, or operation of the sign, related structure and any portion of the premises altered or improved for installation of a freestanding sign.

8. Decal Required. A permanent decal, bearing the permit number, will be issued by the Building Official for an Electronic Message Center. The applicant is responsible for ensuring that the decal is affixed to the permitted sign and in a manner that the decal is clearly and easily visible and readable.

9. Permit Revocation. The City may revoke a Sign Permit if it is found that there has been concealment or misrepresentation of material facts in the Sign Permit

application or submitted plans and a Sign Owner may be required to remove any structure built under such permit.

10. Sign Inspections. The person erecting, altering, relocating, enlarging or converting any sign shall notify the Building Official upon completion of the work for which permits are required and issued. All freestanding signs shall be subject to a footing inspection and all electric-powered signs to an electrical inspection by the Building Official.

#### Section 5:22-5 – Appeals.

An appeal of the denial for a sign permit or of other action taken by the Building Official under this Section 5:22 may be taken to the Zoning Board of Adjustment (hereinafter “Board”). Within 30 days of the time any such notice is received, the recipient shall have the right to submit an appeal for administrative review before the Board, on forms provided by the City Clerk, or such recipient is deemed to have waived the right of appeal. Appeals shall be heard at the next regularly scheduled meeting of the Board, after compliance with application and notification procedures for said appeal. Appeals from the Board shall lie to the circuit court in the same manner as all other appeals.

#### Section 5:22-6 – General Sign Regulations.

1. All signs must comply with the City Building Code.
2. Safety and Maintenance
  - a. All signs and sign structures must be kept in a proper state of repair and legibility. The Building Official is authorized to order the painting, repair or alteration of signs, which may include correcting conditions such as rust or peeling paint on signs and faded messages. The Building Official may cause any structurally unsafe or insecure sign to be immediately removed if the sign presents an immediate peril to the public health or safety.
  - b. Vegetation must be maintained beneath and for 10 ft in all directions from the perimeter of a permanent, freestanding sign. This area must also be maintained free of debris and rubbish and contain no condition that would constitute a fire or health hazard or nuisance.

c. All electronic and illuminated signs that are no longer functional must be made functional within ten days of notice by the City or removed at the owner's expense within 30 days of written notice by the City.

d. The sign owner is responsible for the costs of any required repair, painting, alteration or removal of signs.

e. Should any sign or any portion thereof become damaged or structurally deteriorated by any means to an extent of more than 50% of the value of the structure as determined by the Building Official, it shall not be reconstructed except in conformity with the provisions of this §5:22.

### 3. Placement

a. Permanent signs may not encroach into or interfere with any public right-of-way. However, the Building Official may permit a sign to encroach into a public right-of-way if the Building Official determines that:

(i) there are conditions unique to the premises that are beyond the control of the applicant and that prevent the installation of allowable signage in conformance with placement restrictions, and

(ii) the proposed location does not conflict with the public interest.

b. No freestanding sign shall be located so as to cause a public hazard, obstruct or impair a motorist's vision, diminish safe ingress and egress to any property or impede the flow of pedestrian or vehicular circulation.

c. No portion of a sign may be placed between the heights of 3.5 feet and 10 feet above street level, if the placement will obstruct a motorist's line of sight at intersections of streets, driveways or alleys, as determined by the City Engineer in accordance with the following or AASHTO Geometric Design of Highways and Streets, latest addition. The triangular area to remain unobstructed is determined as follows (refer also to Figure 5:22-1):

(i) At the intersection of two streets: 30 ft from the intersection measured along each curb line/edge of pavement;

(ii) At the intersection of a street and a driveway or alley: 20 ft from the intersection measured along the curb line/edge-of-pavement and 20 ft along the driveway or alley pavement; or

(iii) At the intersection of a street, alley or driveway with a major street or railroad: 20 ft from the intersection measured along the curb line/edge-of-pavement of the street, alley or driveway and 70 ft along the curb line/edge-of-pavement of the major street or the railroad right-of-way.

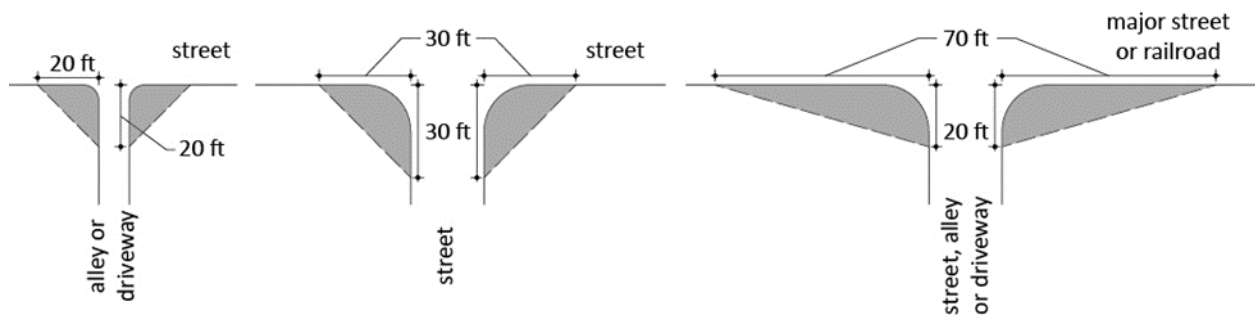


Figure 5:22-1 Intersection sight distance requirements

d. Signs may not extend over a property line and may not be displayed on a property without the consent of the property owner except as required by law.

e. Signs may not be installed at any location, whereby the position, size, shape, color, movement, or illumination would cause the sign to be confused with an official traffic signal, safety barricade or emergency vehicle.

f. Signs may not be placed in such a manner as to obstruct the visibility of signs on adjoining properties from street view.

g. Signs may not be painted on, drawn on nor attached to rocks, trees, utility poles, streetlights,

light poles or placed on any public property except as authorized by the City Council.

h. Signs may not extend above the wall or eave or parapet of the roof along which it is attached.

i. On any premises where the principal structure is set back less than the required setback for freestanding signs, the Building Official may authorize a lesser setback provided the Building Official determines that a public hazard will not be created.

j. Signs may not obstruct openings required for ventilation or means of egress, including any fire escape, window, door, stairway, exit, walkway, utility access or fire department connection.

k. Wall signs are to be located on the front facade of a building, unless the property is in a nonresidential zone. If a building is located within a nonresidential zone, wall signs may be placed on facades other than the front, provided however that no wall signage is allowed on the side of a building facing an adjoining residential zone.

#### 4. Determining sign height, area and spacing

a. When only one sign face is legible from any vantage point along the street, the area of one side (the larger, if applicable) is counted toward allowable sign area. If the two sign face areas are legible from the same vantage point, the area of both sides is counted in determining sign area.

b. For sign messages installed on a background panel, cabinet, or surface distinctively designed to serve as the background for the sign message, sign area is calculated as the smallest rectangle that encompasses the extreme limits of the background panel, cabinet or surface. See Figures 5:22-2 and 5:22-3.

c. For sign messages where individual letters or elements are installed on a building wall and where there is no background panel, cabinet or surface distinctively designed to serve as the background for

the sign message, sign area is calculated as the smallest rectangle that encloses all the letters or elements associated with the sign. When there are multiple sign elements on the same surface, the Building Official determines the outermost boundaries of individual sign elements. See Figure 5:22-4.

d. For sign messages that are nonplanar, the sign area is calculated as the smallest rectangle that encompasses the profile of the sign message and any background object, panel, cabinet or surface distinctively designed to serve as the background for the sign message. The profile used is the largest area of the sign message and background visible from any one point. See Figure 5:22-5.



Figure 5:22-2 Wall Sign with panel



Figure 5:22-3 Freestanding Sign



Figure 5:22-4 Wall Sign without panel



Figure 5:22-5 Nonplanar message

e. Supporting framework, bracing, or decorative fences or walls are not included in calculating sign area.

f. Sign height. For attached signs, clearance height is measured from grade level directly beneath the sign to the lowest point of the sign. For freestanding signs, including permanent, temporary and portable signs,

height is measured from grade level at the base of the sign to the highest part of the sign. However, when the base of a freestanding sign is lower than that of the adjoining roadway, sign height is measured from the grade of roadway. Berms or fill material, which raise the base of the sign above the average elevation of the surrounding ground, shall not be used to increase the height of a freestanding sign.

g. Sign spacing. Distance between freestanding signs is measured along the nearest edge of pavement of the main traveled way of the adjoining street or highway.

5. Abandoned Signs. The Building Official may require the sign face of a conforming sign be covered or removed when such sign becomes abandoned.

#### Section 5:22-7 – Sign Type Standards.

##### 1. Permanent Signs

a. Untreated wood and unfinished wood may not be used on the exterior of a sign, including any background panel, cabinet, surface, message or supporting structure.

b. When visible from off the premises, the backs of signs must present a finished appearance and continue the color scheme of the front of the sign or be painted a single, neutral color.

c. Freestanding signs on nonresidential premises must be set back at least 15 ft from the nearest property line of any residential property.

2. Attached signs, other than awning signs, may not extend outward more than three feet from the surface of the wall to which it is attached and may not extend beyond the ends of the wall surface on which such sign is placed.

3. Portable Signs, existing on the effective date of this Zoning ordinance, must be secured, subject to the approval of the Building Official, to prevent unintended movement due to wind or other causes.

##### 4. Electronic Message Center (“EMC”) Signs

- a. EMC signs, regardless of the method of illumination measured 25 feet from the base of the EMS, may not be brighter than 4,690 nits throughout the daytime until at least one-half hour before Apparent Sunset and 1,675 throughout at the nighttime until Apparent Sunrise. Apparent Sunrise and Apparent Sunset are determined by the National Oceanic and Atmospheric Administration for the specific geographic location and date.
- b. EMC signs must be equipped with a dimmer control and photocell and must automatically adjust the display intensity as required herein.
- c. EMC signs must have a default mechanism that will freeze the display in a static message, turn off the display or revert to a black screen if a malfunction occurs.
- d. EMC signs may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver or constitute a nuisance to traffic and pedestrian safety.
- e. Message displays must be static, employing no motion, animation or changes in color or brightness, and may not change more frequently than eight seconds. Transitions between message displays must be instantaneous and may not simulate movement, such as flashing, racing, strobing, twinkling, or animation. The transition time between messages and graphics shall not exceed one second and shall not include visually distracting techniques.
- f. Exposed neon or fiber-optic tubing on EMC signs is prohibited.

## 5. Illuminated Signs

- a. Illuminated signs must conform in all respects to the City Electrical and Fire Codes. Any other provision of this §5:22 notwithstanding, the Building Official may order the repair or removal of any sign which does not conform to these codes.
- b. Any light mounted on, within or directed toward any sign must be shielded so that no direct

illumination is cast upon any surrounding property or on or toward any public right-of-way or impair the vision of any motorist, bicyclist or pedestrian.

## 6. Temporary Signs

a. Temporary signs may be used for commercial or noncommercial speech.

b. Freestanding temporary signs are limited to a height of four feet when located on residential premises and six feet in all other cases.

c. Temporary signs may not be posted in a public right-of-way and must be set back at least 20 ft from the nearest edge of pavement or back of curb, whichever is applicable, and at least three feet from the back of any sidewalk or other pedestrian or bicycle path. However, temporary signs may be placed on the sidewalk in the historic district provided:

(i) The sign is no larger than six square feet and no taller than three feet;

(ii) The sign is placed on the sidewalk by the operator or tenant of the business nearest its location, and the sign is removed from the sidewalk during the hours and days that the business is not regularly open to the public, or not open for a private event with specific limited hours; and

(iii) A clear horizontal space of at least five feet in width is maintained along the sidewalk for pedestrian traffic and the sign does not interfere with a motorist's line of sight at intersections of streets, driveways, or alleys as determined by the Building Official.

### Section 5:22-8 – Flagpoles and Stanchions.

1. Flagpoles and stanchions are allowed in all zoning districts.

2. Unless otherwise required by state law, for each parcel and development site in residential use with at least one principal

structure, one flagpole is allowed. There is no limit to the number of flags that may be displayed per flagpole.

3. For each nonresidential premises up to one-half acre in size, one flagpole may be installed. For each additional acre, one additional flagpole may be installed. Up to two flags may be displayed per flagpole.

4. Flagpoles may not exceed 1.5 times the allowed building height for the district, but in no event may a flagpole be taller than 50 ft above grade.

5. For each principal structure, up to two flag brackets or stanchions may be attached or placed on the structure for the display of flags.

#### Section 5:22-9 – Residential Districts.

##### 1. General Standards

a. Only those signs expressly listed in §5:22-8 and this §5:22-9 are allowed.

b. Signs authorized in residential districts by this section shall not be directly illuminated. Indirectly illuminated signs shall be constructed so that the light does not shine off the premises.

c. EMC signs are allowed within residential districts only on the premises of conforming institutional uses and are counted toward the number and area of permanent signs allowed by this section. Only one EMC sign is allowed per premises. The display area of EMC signs may not be larger than 24 sf. EMC signs must be set back at least 100 ft from the nearest property line of any dwelling.

##### 2. Attached Signs

a. Each multifamily building is allowed one attached sign, which may not exceed 12 sf in area.

b. Any building containing a permitted institutional use is allowed one attached sign. Attached signs may not be larger than one square foot of sign area per two linear feet of the entire length of the elevation containing the main entrance or 80 sf, whichever is more restrictive. One additional attached sign is

allowed for a secondary façade along an adjoining public street or an on-premises parking area. The additional attached sign is limited to 40 sf in area.

### 3. Freestanding Signs

a. Residential Subdivisions. Each residential subdivision is allowed one sign at each street entrance, which may not be taller than six feet above grade nor be larger than 24 sf in sign area and may not be within a public right-of-way unless placed, at the requestor's expense, within an easement for such purposes that has been favorably recommended by the City Engineer and Public Works Director and approved by the City Council . An acceptable legal entity must be identified, made responsible for the perpetual maintenance for the sign, and expressly agree within the easement agreement to such perpetual maintenance.

#### b. Multifamily Developments, Manufactured Home Parks and Institutional Premises

(i) Each multifamily, manufactured home park and institutional premises is allowed one freestanding sign per facing street, which may not exceed six in height nor 72 sf in sign area.

(ii) Signs not more than four sf in area and not more than four feet in height may be installed within six feet of the vehicular access to the premises. No more than one such sign is allowed per direction of travel at each vehicular access.

### 4. Temporary Signs

a. During construction of a residential subdivision, manufactured home park or a multifamily or other permitted development, only the following temporary signs are allowed:

(i) Up to two temporary signs are allowed at the primary entrance to the development. Each sign may be up to 32 sf in area. These signs must be removed within 30 days

following the completion of the development. For residential subdivisions, “completion” refers to issuance of Certificates of Occupancy for 75% of the dwellings in the subdivision or phase thereof, as applicable, or 24 months after Final Plat approval, whichever comes first. In all other cases “completion” refers to issuance of a Certificate of Occupancy for the development.

b. After initial construction, each residential and nonresidential premises is allowed the following temporary signs:

(i) At any time, three temporary signs with a combined area of 20 sf, with no sign larger than nine square feet in sign area.

(ii) For nonresidential uses, one additional temporary sign may be posted for up to 30 days from the time of its initial opening and up to 30 days prior to its final closing. The sign may not be larger than 32 sf in sign area.

c. Undeveloped properties are allowed one temporary sign no larger than 12 sf in area.

## Section 5:22-10 – Nonresidential Districts.

### 1. General Standards

a. In all Business, Manufacturing, Office and Institutional Districts, only those signs listed in §5:22-8 and this §5:22-10 are allowed.

b. EMC signs are allowed on nonresidential premises only and are counted toward the area and number of permanent signs allowed by this section. Only one EMC sign is allowed per premises. The display area of EMC signs may not be larger than 32 sf. EMC signs must be set back at least 50 ft from any residential district boundary.

### 2. Attached Signs

- a. Each multifamily building is allowed one attached sign, which may not exceed 12 sf in area.
- b. For nonresidential and mixed-use premises, each ground floor tenant is allowed one attached sign and two canopy or awning signs subject to the following:
  - (i) For each building wall along which tenants have a main entrance, the aggregate area of attached signs may not exceed two square feet of sign area per linear foot of building wall.
  - (ii) One additional attached sign is allowed for tenant spaces with a second façade facing an adjoining public street or on-premises parking area. Such signs may not exceed one square foot of sign area per linear foot of building wall.
  - (iii) The aggregate area of window signs may not exceed 50% of the total glass area of all windows on that building wall on the same floor.

### 3. Freestanding Signs

- a. Nonresidential and mixed-use premises are allowed freestanding signs as follows:
  - (i) For premises with 300 ft or less of street frontage, one freestanding sign per street frontage. Premises with more than 300 ft along a street frontage may have one additional freestanding sign along the same street frontage provided a minimum sign spacing of 200 ft is met.
  - (ii) The maximum height is six feet at the top of the sign area, measured from the height of the centerline of the adjacent right-of-way. The overall height of the sign structure shall not exceed eight feet, measured from the centerline of the adjacent right-of way.
  - (iii) Freestanding signs may have up to two sides, with a maximum of 32 sf per side. The

maximum aggregate area for freestanding signs may not exceed 100 sf.

(iv) Signs are to meet minimum setback at the property line.

(v) Freestanding signs are not allowed within sight triangle of vehicular access to the premises.

#### 4. Temporary Signs

a. Nonresidential and mixed-use premises are allowed temporary signs as follows:

(i) During construction, up to two temporary signs are allowed at the primary entrance to the premises. Each sign may be up to 32 sf in area. These signs must be removed within 30 days following the completion of the development. For residential subdivisions, “completion” refers to issuance of Certificates of Occupancy for 75% of the dwellings in the subdivision or phase thereof, as applicable, or 24 months after Final Plat approval, whichever comes first. In all other cases “completion” refers to issuance of a Certificate of Occupancy for the development.

(ii) At any time after initial construction, each premises is allowed two temporary signs with a combined sign area of 32 sf on each frontage of 100 ft or more. For street frontages less than 100 ft, no individual sign may exceed 20 sf in area. Upon request and subject to conditions it deems necessary for the public safety, the Building Official may permit a portable sign to be used as one of the allowed temporary signs and for no more than 30 consecutive days.

(iii) In the historic district, temporary signs allowed in accordance with §5:22-7.6.c. are counted toward the above allowed temporary signage.

(iv) One additional temporary sign may be posted for up to 30 days from the time of the initial opening of a nonresidential use and up to 30 days prior to its final closing. The sign may not be larger than 32 sf in sign area.

b. Undeveloped properties are allowed one temporary sign no larger than 32 sf in area.

## Section 5:22-11 – Agricultural Districts.

### 1. General Standards

a. Only those signs allowed in §5:22-8 and this §5:22-11 are allowed.

b. Electronic message signs are prohibited.

2. Attached Signs. Each agricultural or nonresidential premises is allowed one attached sign as follows:

a. The aggregate area of attached signs may not exceed one square foot of sign area per linear foot of building wall.

b. One additional attached sign is allowed for premises with a second façade facing an adjoining public street or on-premises parking area. Such signs may not exceed 0.75 sf of sign area per linear foot of building wall.

c. Window signs may not exceed 50% of the total glass area of the window in which it is placed.

### 3. Freestanding Signs

a. Agricultural and nonresidential premises. Agricultural and nonresidential premises are allowed only one freestanding sign regardless of the number of street frontages. Freestanding signs may not be taller than 10 feet above grade and may not exceed 100 sf in sign area. In addition, signs not more than four sf in area and not more than four feet in height may be installed within six feet of the vehicular access to the premises. No more than one such sign is allowed per direction of travel at each vehicular access.

b. Subdivisions. Each residential subdivision is allowed one sign at each street entrance, which may not be taller than six feet above grade nor be larger than 24 sf in sign area and may not be within a public right-of-way unless placed, at the requestor's expense, within an easement for such purposes that has been favorably recommended by the City Engineer and Public Works Director and approved by the City Council. An acceptable legal entity must be identified, made responsible for the perpetual maintenance for the sign, and expressly agree within the easement agreement to such perpetual maintenance.

#### 4. Temporary Signs

##### a. Residential premises

(i) During construction of a residential subdivision, up to two temporary signs are allowed at the primary entrance to the premises. Each sign may be up to 32 sf in area. These signs must be removed within 30 days following the completion of the development. For residential subdivisions, "completion" refers to issuance of Certificates of Occupancy for 75% of the dwellings in the subdivision or phase thereof, as applicable, or 24 months after Final Plat approval, whichever comes first. In all other cases "completion" refers to issuance of a Certificate of Occupancy for the development.

(ii) After initial construction, each residential premises is allowed the following temporary signs at any time, three temporary signs with a combined area of 20 sf, with no sign larger than nine square feet in sign area.

b. Agricultural and nonresidential premises. Agricultural and nonresidential premises are allowed temporary signs as follows:

(i) During construction, up to two temporary signs are allowed at the primary entrance to

the premises. Each sign may be up to 32 sf in area. These signs must be removed within 30 days following the completion of the development.

(ii) At any time after initial construction, each premises is allowed two temporary signs with a combined sign area of 32 square feet on each frontage of 100 ft or more. For street frontages less than 100 ft, no individual sign may exceed 20 sf in area.

(iii) One additional temporary sign may be posted for up to 30 days from the time of the initial opening of the agricultural or nonresidential use and up to 30 days prior to its final closing. The sign may not be larger than 32 sf in sign area.

c. Undeveloped properties are allowed one temporary sign no larger than 24 sf in area.

#### Section 5:22-12 – Nonconforming Signs.

1. Intent. It is the intent of this zoning ordinance to permit nonconforming signs to remain until they are removed, discontinued or altered, but not to encourage their survival.

2. No lawful nonconforming sign shall be enlarged, extended, structurally altered, or reconstructed in any manner, except to bring it into full compliance with these regulations, except that these regulations shall not prohibit maintenance, minor repairs, or the replacement of the content of a sign provided there is no structural modification of its size, location or configuration. All lawfully nonconforming signs in existence or under construction with a valid permit upon the effective date of this §5-22 may continue subject to the following:

a. The sign does not become damaged or deteriorated so as to become a public hazard. The Building Official may order the removal of any nonconforming sign which becomes a public hazard. Such sign must be removed within 30 days of the date of the order.

b. The sign is not extended or maintained in such a way as to extend its nonconformity.

c. The sign is not expanded and, if a permanent sign, relocated or removed for any length of time.

3. Nonconforming on-premise signs

a. 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§5:22.

b. The sign face of a directly-illuminated, nonconforming sign may be removed from the sign structure if the sign face is not an integral and permanent part of the sign structure without jeopardizing the legal nonconforming status of the sign.

c. Maintenance of the sign face on a nonconforming sign in which the sign face is an integral and permanent part of the sign structure, shall require the sign to conform in all respects to the provisions of this zoning ordinance.

4. 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.

5. A sign shall lose its lawful nonconforming status and become an illegal sign if any of the following occurs:

a. If such sign is damaged to an amount exceeding 50% of the sign's replacement value, as determined by at least two sign companies requested to provide a quote by the city;

b. The sign structure is altered in any form, except as allowed herein;

c. The sign is relocated; or

d. The nonconforming sign and its structure are determined by the Building Official, to be unsafe or

in violation of this zoning ordinance or any applicable code, and are declared a nuisance.

6. Any nonconforming sign that becomes abandoned becomes an illegal sign and must be removed or brought into conformity with the provisions of this zoning ordinance at the owner's expense.

#### Section 5:22-13 – Illegal Signs.

1. Illegal Signs Defined. The following signs shall be considered to be illegal and a violation of the terms of this §5:22.

a. A sign maintained after the effective date of §5:22 in a manner inconsistent with the terms contained herein.

b. Any sign posted or installed in violation of the provisions of §5:22 after its effective date.

c. An abandoned sign that does not comply with the provisions of §5:22.

d. Any sign erected, placed or installed in the public right-of-way or on public property (excepting official federal, state or local government signs) shall be deemed abandoned and a public nuisance. Such signs may be removed by the City or its agents or employees and disposed of without notice to the party placing the sign or compensation to the owner. Removal by the City shall not affect penalties applicable for the unlawful erection or placement of the sign in the public right-of-way or on public property and shall be in addition to penalties and other remedies for violation of this zoning ordinance.

e. Any sign which was illegal under the zoning ordinance(s) in effect prior to the adoption of this amended §5:22 and which does not conform with the provisions of this §5:22.

f. Any sign that, in the opinion of the Building Official, due to structural, maintenance or other issues, constitutes a danger to the public, notwithstanding the fact that it may conform with the dimensional and other standards of this §5:22. The

determination that a sign is a danger to the public shall be made in writing, and a copy thereof shall be promptly served on the permit holder for the sign or the property owner of record. Such determination shall specify the characteristics of the sign that constitute a danger. If sign owner or property owner responds within three business days with a proposed plan to eliminate the danger and begins and maintains diligent work to implement that plan, the sign shall no longer be considered "illegal." Otherwise, the sign shall be considered illegal, and the Building Official shall proceed in accordance with this section.

g. A nonconforming sign that has lost its nonconforming status.

2. Action Upon Determination. Upon determining that a certain sign is illegal, the Building Official shall act to remedy the violation, which may include:

a. Causing the issuance of a notice of violation to the individual 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 individual is afforded to accomplish such action;

b. The removal of any illegal sign, in which case the City shall have the right to recover from the individual posting or installing such sign the full costs of removal and disposal.

c. Failure to bring any illegal sign into conformity with the terms in this Section 5:22 or any other violation of the terms contained in this Section 5:22 shall be considered a violation of the zoning ordinance and shall be subject to the remedies and penalties provided by such ordinance and by state law.

3. Responsibility for violations and cure. There shall be a rebuttable presumption that any sign owner is solely or jointly responsible for the placement of such sign and may be cited for violation of the zoning ordinance. The Sign

Owner so cited may request a hearing on the citation in municipal court and shall have the burden of proving by a preponderance of the evidence that the particular sign involved in the violation was posted or installed without the knowledge or consent of the Sign Owner. However, any owner of property which has been leased to any Sign Owner and over which the property owner has no control by operation of said lease, shall not be subject to the civil or criminal provisions of the zoning ordinance upon proof by the property owner of the same.

**Section 5. MODIFICATION TO APPENDIX A, ARTICLE VI OF THE MUNICIPAL CODE OF THE CITY OF IRONDALE.** Appendix A, Zoning, Article VI. – Administration of the *Municipal Code of the City of Irondale* is hereby deleted in its entirety and replaced with the following:

Appendix A – Zoning

Article VI. – Administration

Section 6:01. – Enforcement.

The provisions of this ordinance shall be administered and enforced by the Building Official, fire inspector, city engineer and city police of the city as applicable within the scope of the appropriate and herein defined duties of each. The Building Official and fire inspector shall have the right to enter upon any premises at any reasonable time prior to the issuance of a certificate of occupancy for the purpose of inspecting the building or premises to carry out his duties in the enforcement of this zoning ordinance.

Section 6:02. – Building Permit.

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except repairs, not changing the character of the structure and not exceeding \$100.00 in value, or painting or wallpapering) of any building or structure, including accessory structures, until the Building Official has issued a building permit for such work. Prior to issuance of a building permit, plans and specifications shall be submitted, reviewed, and approved in writing by the Building Official, the fire marshal, and, if applicable, the city engineer. Application for a building permit shall be made to the Building Official of the city on forms provided for that purpose. Applicant

must complete in full and sign the application form prior to its consideration for approval.

**Section 6:03. – Approval of plans and issuance of building permit.**

The applicant and/or his/her designated agent or representative shall submit three sets of plans and specifications along with the application for a building permit, and in the event approval is deemed necessary by the city engineer, a fourth set shall be submitted to the Building Official along with the completed permit application form for approval. The Building Official shall distribute one set to the fire inspector and, if applicable, one set to the city engineer for review. If the proposed excavation, construction, moving or alteration, plans and specifications as set forth in the application are in conformity with this zoning ordinance and the City Building Code, the Building Official, fire inspector and, if applicable, city engineer shall approve the issuance of a permit in writing on the application form. Upon concurrence of approvals by each of the above, the Building Official shall notify the applicant that a permit may be issued. The issued permit and one approved set of plans shall be returned to the applicant and shall be kept at the construction premises for the duration of said construction. If conformity with this zoning ordinance and the City Building Code is not met by the application, plans, and/or specifications, the appropriate reviewing authority shall notify the applicant, in writing, and shall await the submittal of revised or amended plans and specifications which are in conformance before approval is granted.

The Building Official shall review and approve applications based on their conformance with this zoning ordinance, the standard building, electrical, gas, mechanical and plumbing codes as adopted by the city. The fire inspector shall review and approve applications based on their conformance with the standard fire prevention code, the life safety code and the fire prevention related aspects of the City Building Code. The city engineer shall review and approve applications based on their conformity with structural integrity aspects of the City Building Code for buildings and structures with educational, institutional, group, or assembly type occupancies and all buildings three or more stories in height or more than 5,000 square feet in gross floor area. Site storm drainage, sanitary sewage disposal, or vehicular traffic considerations on adjoining public streets and roads shall also be reviewed and approved by the city engineer based on accepted engineering principles and practices if deemed necessary by the Building Official.

Plans submitted for approval shall include a plot plan of the proposed construction site showing the lot of record drawn to scale and proportion. Lot lines shall be dimensioned. All buildings or structures, existing and proposed to be erected, altered or moved shall be shown, drawn to scale and proportioned on the plot plan along with the existing and intended use of each such building or structure. Setback and side lines of buildings on adjoining lots and such other information which may be deemed necessary for the determination of compliance with this zoning ordinance shall be included on the plot plan.

Section 6:04. – Certificate of occupancy.

No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be occupied or utilized until the Building Official of the city has issued a certificate of occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this zoning ordinance and the City Building Code.

Within a time not to exceed seven business days after the owner and/or his/her agent has notified the Building Official and the fire inspector of the city that the building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official and fire inspector of the city to make a final inspection thereof, and to jointly issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this zoning ordinance and the City Building Code or, if such certificate is refused, to state the refusal in writing with the cause.

Section 6:05. – Expiration of building permit.

Any permit under which no construction work has been done above the foundation walls or other foundation support within 90 days from the date of issuance shall expire by limitation, but shall upon reapplication be renewable, subject, however, to the provisions of all ordinances in force at the time of said renewal.

Section 6:06. – Unlawful structure.

Any uses of land or dwellings or construction or alteration of buildings or structures including tents or trailers, coaches used, erected, altered, razed or converted in violation of any of the provisions of this zoning ordinance or the City Building Code are hereby declared to be a nuisance per se. The Building Official or fire inspector is hereby authorized to notify the city clerk of the need to

apply to a court of equity to abate the nuisance created by such unlawful use of structure. Whenever the Building Official has declared a structure to be not conforming with the requirements contained in this zoning ordinance, the owner or occupant may be required to vacate such structure or premises which shall not again be used or occupied until such structure or premises have been adapted to conform with the provisions of this zoning ordinance.

Section 6:07. – Penalties.

Any person, firm, corporation, or other organization which violates any provision of this zoning ordinance shall be fined upon conviction in accordance with Section 1-10 of the Municipal Code. Each day such violation continues shall constitute a separate offense. The conviction of a violation and imposition of any fine shall not constitute an exemption from compliance with the provisions of this zoning ordinance.

Section 6:08. – Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building structure or land is used in violation of this zoning ordinance, the Building Official, or fire marshal of the city or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action of proceeding to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violations or to prevent occupancy of such building, structure or land.

Section 6:09. – Conditional uses.

Requests for conditional uses as stipulated within the zone district regulations are permitted only after review by the Planning and Zoning Commission and approval of the City Council.

*A. Review Procedure.* The following review procedure shall be adhered to:

1. The applicant shall submit a complete conditional use application to the City Clerk, at least twenty-eight (28) days prior to the Planning and Zoning Commission meeting at which the conditional use is

to be considered, containing as a minimum, the following information.

- I. A \$100.00 fee to defray the cost of processing the application.
- II. Five (5) copies of a site development plan, each of which shall be folded to a dimension of 8½ by 11 inches which shall show the following:
  - a. Existing and proposed topography;
  - b. Property lines;
  - c. Scale;
  - d. Storm drainage facilities and other utility easements;
  - e. Existing and proposed structures and their uses;
  - f. Exterior lighting;
  - g. General landscaping and fences;
  - h. Outside storage areas;
  - i. Parking and loading areas;
  - j. Points of ingress and egress;
  - k. Signs; and
  - l. The location of all existing and proposed sidewalks and pedestrian ways on the subject property and adjacent property.

2. A minimum of fourteen (14) days prior to the Planning and Zoning Commission meeting at which the conditional use request is to be considered, the City Clerk shall mail notifications to all adjacent property owners. The notice shall state:

- I. The location of the conditional use request;
- II. The nature of the request, indicating the current zoning of the site and the proposed conditional use; and

III. The time, date and location of the Planning and Zoning Commission meeting at which the request will be considered.

3. The Planning and Zoning Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein. An application shall not be continued more than three times at the request of the applicant.

4. Upon receipt of a favorable recommendation from the Planning and Zoning Commission, the City Clerk shall schedule and advertise the proposed conditional use request for a public hearing before the City Council. A proposed conditional use request shall not be continued more than three times at the request of the applicant.

5. Upon receipt of a negative recommendation from the Planning and Zoning Commission, the City council review process will be initiated at the request of the applicant.

6. When the City Council denies a conditional use request, the Planning and Zoning Commission shall not reconsider the same request for a period of six (6) months. Each time the City considers a conditional request, the \$100.00 administrative fee must be paid.

**Section 6.**     **ORDINANCES REPEALED.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 7.**     **SEVERABILITY.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Irondale hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 8.**     **LEGAL RIGHTS NOT IMPAIRED.** That nothing in this ordinance or in the municipal code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 9. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS.** This ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**Section 10. PUBLICATION OF ORDINANCE.** That the City Clerk of the City of Irondale is hereby ordered and directed to cause this ordinance to be published and that a copy of this ordinance be entered upon the minutes of the meeting of the City Council.

**Section 11. EFFECTIVE DATE OF ORDINANCE.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

**ADOPTED & APPROVED:** This 19th day of September, 2023.

\_\_\_\_\_  
David Spivey, City Council President

**APPROVED:**

\_\_\_\_\_  
James D. Stewart, Jr., Mayor

**ATTESTED:**

\_\_\_\_\_  
Leigh Ann Allison, City Clerk

### **CERTIFICATION**

I, Leigh Ann Allison, City Clerk of the City of Irondale, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Irondale at its regular meeting held on the 19th day of September, 2023 as the same appears in the minutes of record of said meeting.

\_\_\_\_\_  
Leigh Ann Allison, City Clerk