

**ORDINANCE NO.: 2018-7-01**

**REGARDING THE PLACEMENT OF CERTAIN SIGNS IN THE CITY**

**WHEREAS**, it is the responsibility of the governing body of the City of Argo to set policies and ordinances, establish plans, enact regulations which improve the safety and quality of life for everyone who lives, works or does business in the City and to attract new residents and new and diverse businesses to become a part of the community; and

**WHEREAS**, the City of Argo is uniquely situated along the U.S. Highway 11 corridor, adjacent to the U.S. Interstate 59 right-of-way, and along St. Clair County Road 6, and this unique municipal layout requires a heightened level of attention to the safety of the traveling public and to the controlled growth and development along primary City corridors; and

**WHEREAS**, the City of Argo finds it necessary, proper and in the public interest to reassess its planning and building policies and procedures concerning the locations of certain types of signage throughout the City; and

**WHEREAS**, the Argo City Council finds that it is necessary and proper for the promotion of the prosperity and welfare of the citizens and in the best interest of the City, to implement certain rules and prohibitions for certain types of signage and structures for the primary benefit of public safety and the proper development of property within the City.

**NOW THEREFORE, BE IT ORDAINED**, by the City Council of the City of Argo that:

1. The Recitals above are true, correct and included herein as if fully set forth.
2. The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the City of Argo, to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety, to minimize the possible adverse effects of signs on nearby public and private property, and, to enable the fair and consistent enforcement of these regulations.
3. The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements for the public health, safety and welfare. This Ordinance shall be deemed to be cumulative to any existing or hereinafter enacted state law that is a city violation by reference to state law.
4. **Prohibited signs.** As determined by the City Council or its official designee, the following signs are prohibited throughout the City of Argo, Alabama.
  - a. Any sign erected or maintained at any location where by reason of its position, illumination, shape, symbol, color, form or character may obstruct, impair, obscure, interfere with the view of, or may be confused with any authorized traffic sign, signal or device, or interfere with, misled, confuse or disrupt traffic safety or flow.
  - b. Any sign incorporating any noisy mechanical device (whistles, horns, sirens, or any other noisy audible devices) or emitting smoke or steam;
  - c. Any sign of any type or support thereof placed, extending, or projecting on a public right-of-way or located or projecting beyond a property line, unless expressly authorized.
  - d. Any sign located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private drives.
  - e. Any sign with illegal, obscene, or prurient words, scenes, or graphics.
  - f. Any unsafe sign.
  - g. Any unlawful sign.

- h. Billboards. For the purpose of this Ordinance, the term Billboard shall include any off-premises outdoor advertising sign that is owned by a person, company or legal entity that engages in the renting or leasing of advertising space on signs for dissemination of information or for a business, service, commodity, activity, or entertainment at a location other than the premises on which said sign is located. This definition shall not include signs erected or maintained by the state department of transportation or by an entity authorized by the state providing direction or information to the traveling public. This Ordinance is not intended to impact those billboards currently constructed within the City of Argo.
- i. Snipe Signs. Snipe sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

**5. General regulations applying to all signs.**

- a. No sign of any type or foundation or support thereof shall be placed in a public street or its right-of-way.
- b. Any signs not otherwise prohibited by this Ordinance and which are located along primary or interstate highways shall meet all the regulations of the Alabama Department of Transportation, and shall first require a permit from ADOT.
- c. Any request, application or other question in reference to this Ordinance shall be submitted and decided by the City Council in a manner consistent with the requirements and terms identified herein.

**6. Separate Violations.** Each sign installed, created, erected or maintained in violation of this Ordinance shall be considered a separate violation when applying the penalty portions herein.

**7. Confiscation of signs located on public right-of-way.** Any sign installed, erected or placed on a public right-of-way, except in conformance with the requirements of this Ordinance, shall be forfeited to the public and subject to confiscation. In addition to the other remedies provided for under this Ordinance, the City of Argo shall have the right to recover from the owner or person placing the sign, the full cost of removal and disposal.

**8. Notification.** All notices, if any, mailed by the City or its official designee shall be sent by Certified Mail. Any time period, provided in this Section, shall be deemed to commence of the date of the receipt of the certified mail. The notice shall be mailed to the owner of the property, on which the sign is located, as shown on the latest available tax records and maps, as well as the occupant, which the sign serves. Any person or persons with an interest in the sign or the property may appeal the determination of the City or its official designee. The City's order of the removal of a sign or the measures necessary to bring the sign into compliance with the provisions of this Ordinance may be appeal and request reconsideration by the full City Council. This application must be filed within thirty (30) days of the date the City or its official designee's notice.

**9. Removal of sign.** The City or its official designee may order the removal of any sign that has been found by the City or its official designee to endanger public safety. Failure on the part of the party or parties notified of such violations to rectify all the cited violations shall result in the removal of the sign(s) in accordance with the provisions of this Ordinance. Any sign installed or placed within the City in violation of this Ordinance, shall be forfeited to the public, and shall be subject to confiscation. In addition to other remedies provided under this Ordinance, the City shall have the right to recover, from the owner or person placing such a sign, the full cost of removal and disposal as described herein.

**10. Penalties & Enforcement.**

- a. Unless another penalty is expressly provided, every person convicted of a violation of any provision of this ordinance of the city shall be punished by a fine of not less than \$1.00 nor more than \$500.00. Such person may also be imprisoned or sentenced to hard labor for not more than six months. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty imposed on a corporation shall consist of a fine only, plus costs of court.
- b. Violations of this ordinance of the city are a public nuisance subject to abatement by equitable or other relief.
- c. The imposition of a penalty does not prevent revocation or suspension of a license or permit.
- d. Any person who shall violate, or fail, neglect or refuse to comply with, any lawful order of any lawful officer of the city made in pursuance of and under such officer's authority as such, or who shall violate, or shall fail, neglect or refuse to comply with, any of the rules and regulations or laws adopted by this Ordinance, shall be guilty of an offense; provided, however, the provisions of this section shall not apply to violations of official duty imposed by this Ordinance upon officers or employees of the city as such, unless the provision imposing the duty also expressly makes the violation thereof unlawful or punishable.

**11. Conflict.** If any part of this chapter is found to be in conflict with any other ordinance of this county or any state or federal statute, the most restrictive or highest standard shall prevail. If any part of this sign ordinance is explicitly prohibited by state or federal statute, that part shall not be enforced.

**12. Severability.** The provisions of this Ordinance are severable. If any part of this Ordinance is determined by a court of law to be invalid, unenforceable or unconstitutional, such determination shall not affect any other part of this Ordinance. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phase, clause, term or word of this Ordinance.

**13. Effective Date.** The Ordinance shall become effective following proper posting or advertising according to law.

ADOPTED and APPROVED this the 27th day of August, 2018.

**CITY OF ARGO, ALABAMA:**

  
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**BETTY BRADLEY MAYOR**

**DATE** 8-28-18

ATTEST:  
  
\_\_\_\_\_  
**CASIE BETHUNE, CITY CLERK**

AYES: 6  
NAYS: 0  
ABSENT FROM VOTING: 0  
ABSTAIN: 0

I, Casie Bethune, City Clerk of the City of Argo, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Argo at a regular meeting held on the 27th day of August, 2018.

  
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Casie Bethune, City Clerk