

CITY OF DAPHNE

ORDINANCE NO. 2014-12

**AN ORDINANCE AMENDING ARTICLE XXXIII OF THE CITY OF
DAPHNE'S LAND USE AND DEVELOPMENT ORDINANCE**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance by the Code Enforcement Officer; and,

WHEREAS, the City of Daphne Planning Commission held a special work session on the 7th day of January, 2014, for further discussion of pending changes regarding the sign ordinance; and,

WHEREAS, the City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 23rd day of January, 2014, and has made a favorable recommendation for adoption to the City Council; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on March 17, 2014.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance by replacing the Section 33-2(a)(1) with the following:

(a) General Prohibition:

(1) Signs Prohibited:

No sign, unless herein excepted, shall be erected, constructed, posted, painted, altered, maintained, or relocated, until a permit has been issued by the Code Enforcement Officer. Before any permit shall be issued an application on prescribed forms, which shall indemnify and hold harmless the City of Daphne of all damages, all demands or expenses of every character which may in any manner be caused by the erection and use of said sign or sign structure, shall be filed together with drawings and specifications as may be necessary to fully advise and acquaint the Code Enforcement Officer with the location, size, construction, materials, manner of illuminating, and securing or fastening, and the number of signs being requested. The applicant is required to provide all necessary information in order for the Code Enforcement Officer to determine if the sign is an "on-premises" or "off-premises" sign.

A decision by the Code Enforcement Officer shall be made within thirty (30) calendar days from the date the application is received. If no decision is made within the thirty (30) day period, the applicant has the right to seek a decision from the Board of Zoning Adjustment pursuant to Article XXI, Section 21-1(f). Further, an application for a business license shall be a prerequisite for applying for a sign permit.

SECTION II: This Section hereby amends the City of Daphne Land Use and Development Ordinance by replacing Section 33-5(d) with the following:

(d) Residential Real Estate Signs:

(1) General Provisions:

Real estate signs, temporary in nature, non-illuminated, not exceeding six-and-one-half (6-1/2) square feet in area, advertising real estate for sale or lease or rent, or announcing contemplated improvements of real estate; one (1) sign for each street frontage will be allowed on the site and shall be removed within ten (10) days, upon closing.

(2) Violations:

Any person who fails to remove the sign(s) within the prescribed time period outlined above shall be fined upon conviction, not less than fifty dollars (\$50.00) per sign remaining. Chronic violations may result in the enforcement of *Article 45, Section 45-7, entitled Penalties and Remedies*.

SECTION III: This Section hereby amends the City of Daphne Land Use and Development Ordinance by replacing Section 33-5(k) with the following:

(1) In order to properly and effectively control signs, this subsection is deleted in its entirety.

SECTION IV: CONFLICT WITH OTHER ORDINANCE

That any Ordinance heretofore adopted by the City Council, which is in conflict with this Ordinance, is hereby replaced to the extent of such conflict.

SECTION V: SEVERABILITY

That the provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION VI: EFFECTIVE DATE

This Ordinance shall take effect and be in forced from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

SECTION VII: REPEALER

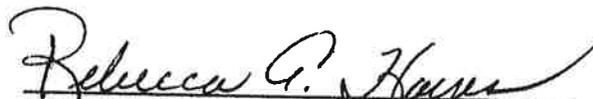
All other City Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THIS THE 7th DAY OF April, 2014.



DANE HAYGOOD, MAYOR

ATTEST:



REBECCA A. HAYES, CITY CLERK