

ORDINANCE NO.: 1142-10

AN ORDINANCE AUTHORIZING CERTAIN SIGNS
WITHIN THE FOLEY-BEACH EXPRESS RIGHT-OF-WAY
AND ESTABLISHING CRITERIA AND REGULATIONS FOR THE SAME

WHEREAS, the City Council of the City of Foley hereby declares and finds that certain types of signs in the Foley-Beach Express right-of-way are in the best interest of the public;

NOW, THEREFORE, IT IS HEREBY ORDAINED as follows:

Sec.1. That the following shall appear and be codified as an ordinance of the City of Foley:

I. Purpose

The following procedures for "Directional Signs" are hereby established for the purpose of providing for the display of approved, off-premises signs within the Foley-Beach Express and City of Foley right-of ways to inform motorists on such right-of-way of service, retail, entertainment, restaurants and lodging by certain authorized means consisting of the words "GAS," "RETAIL," "ENTERTAINMENT," "FOOD," "LODGING," "CAMPING," and/or "ATTRACTIONS."

II. Definitions

As used herein unless the context clearly indicates otherwise, the following words shall have the following meanings:

- A. City - the City of Foley, Alabama or the corporate limits of the City of Foley, Alabama.
- B. Directional Sign - an information panel located within the right-of-way and consisting of the words "SERVICE", "RESTAURANTS", "LODGING", "RETAIL", "ENTERTAINMENT", "CAMPING", and/or "ATTRACTIONS", and directional information with space for one or more individual business (logo) signs to be mounted on the panel.
- C. Business Logo or Logo Sign - a separately attached, fully reflectorized sign mounted on the Directional Sign panel to show the brand, symbol, trademark, or name, or a combination of these, for the motorist service available on or adjacent to the crossroad at or near the next intersection.
- D. Foley-Beach Express - that right-of-way in which the roadway by this name exists, which is generally located East of Highway 59 and which is within the corporate limits of the City of Foley, Alabama.
- E. Bumping- occurs when a new business is placed on the Directional Sign panel and the presently displayed business is taken off the panel due to the new business being closer to the zero point/ interchange. This can only occur when the panel is full and on the annual renewal date.
- F. Disqualified Business- is any participating business which receives written notice of deficiencies, fails to comply with procedures within (30) days, and whose logo signs have been properly removed.

III. Specifications and Requirements

- A. Directional Sign Panel Shape & Legend. A directional sign bearing separately attached business logos shall be rectangular in shape with the appropriate words as

follows: "SERVICE - Next Left [Right]," "RESTAURANT - Next Left [Right]," "LODGING - Next Left [Right]," "RETAIL- Next Left [Right]," "ENTERTAINMENT - Next Left [Right]," "CAMPING - Next Left [Right]," and/or "ATTRACTIONS- Next Left [Right]", with the capacity for one or more individual business logo signs to be mounted on the panel.

B. Business Logo Display. Business logos separately attached on a directional sign shall show the logo, name, brand, or trademark of the fuel, food, lodging, camping or attraction facility located at or conveniently accessible from an intersection on the Foley-Beach Express. Each logo sign shall display only one business logo. Nationally, regionally, or locally known commercial symbols or trademarks shall be used when applicable. The brand or trademark identification symbol used shall be reproduced with the colors and general shape consistent with customary use. Any messages or trademarks of brand symbols which interfere with, imitate, or resemble any official warning or regulatory sign, signal or device shall not be permitted. Descriptive advertising words, phrases or slogans shall not be allowed on a business logo (e.g., "Open 24 Hours," "Great Food," "Free Coffee," "Credit Cards Accepted"), however, a portion at the bottom of a GAS logo sign may be used to display the legends for alternative fuels if these are available.

C. Spacing. Directional signs shall be erected between the previous intersection and not less than 726 feet in advance of intersection from which the services are available. There should be at least 726 feet spacing between different directional signs. In the direction of travel, the successive panels shall be those of "SERVICE", "RESTAURANTS", "LODGING", "RETAIL", "ENTERTAINMENT", "CAMPING", and/or "ATTRACTIONS", in that order.

D. Number. No more than one (1) directional sign for retail, entertainment, gas, food, lodging, camping or attraction shall be erected in each direction of travel for an intersection.

E. Application. The directional signs are intended for application within the City limits of Foley.

F. Maximum Capacity. Space on the individual "SERVICE", "RESTAURANTS", "LODGING", "RETAIL", "ENTERTAINMENT", "CAMPING", and/or "ATTRACTIONS" directional signs shall be limited to a maximum of six (6) business logo signs.

G. Size of Directional Sign Panels. The maximum size of the "SERVICE", "RESTAURANTS", "LODGING", "RETAIL", "ENTERTAINMENT", "CAMPING", and/or "ATTRACTIONS" directional signs shall be 15 feet wide and 10 feet high including border.

H. Background & Legend. The background color of a directional sign shall be reflectorized blue with white reflectorized legend and border. The words "SERVICE", "RESTAURANTS", "LODGING", "RETAIL", "ENTERTAINMENT", "CAMPING", and/or "ATTRACTIONS", as appropriate, and directional information, shall be in white reflectorized 10 inch (minimum) capital letters mounted on the blue background panel. Each "SERVICE", "RESTAURANTS", "LODGING", "RETAIL", "ENTERTAINMENT", "CAMPING", and/or "ATTRACTIONS", business logo on a directional sign shall be contained within a forty-eight inch (48") wide by thirty-six inch (36") high rectangular background area, including border. The border may be omitted where the business identification symbols or trademarks are used alone. Any legend or message not a part of the nationally, regionally or locally known symbol or trademark shall be in reflectorized white on a blue reflectorized background with

principal legend uppercase and lowercase letter heights of eight inches (8") and six inches (6") respectively.

I. Business Qualifications. A motorist service business located at or conveniently accessible from a Foley-Beach Express intersection will be eligible for placement of business logos on directional signs if there exists an appropriate directional sign and if the business meets the following conditions:

1. SERVICE – To qualify for erection of a "SERVICE" business logo on a directional sign a business must meet the following conditions:

- a. Located no more than 2 miles from the Foley-Beach Express via an all weather road.
 - b. Appropriate licensing as required by law.
 - c. Vehicle services of gas, oil, and tire air. Water for batteries and/or radiators must be available at no charge.
 - d. Rest room facilities and state, county and/or local government approved drinking water available for public use.
 - e. Year round operation at least sixteen (16) continuous hours per day, seven (7) days a week.
 - f. An on premise attendant to collect monies and/or make change.
- However, this section does not preclude the use of automatic collection fuel pumps.

2. RESTAURANT – To qualify for erection of a "RESTAURANT" business logo on a directional sign a business must meet the following conditions.

- a. Located no more than 2.5 miles from the Foley Beach Express intersection via an all weather road.
- b. Appropriate licensing as required by law and a permit to operate issued by the State Health Department as well as compliance with all local ordinances governing the provision of food to the public.
- c. Priority will be given by size of building and/or sales tax collected by City.
- d. Year round operation at least eight (8) continuous hours per day, minimum six (6) days a week, to serve at least two (2) meals per day. Sandwich type entrees may be considered meals under this section, but prepackaged items on display shall not qualify as meals. The hours of food service operation shall coincide with normal time periods for lunch and dinner (must open no later than 12:00 p.m.), (cannot close earlier than 8:00 p.m.).
- e. Indoor seating for at least twenty (20) persons.
- f. Rest room facilities available on site and suitable for public use.

3. LODGING – To qualify for erection of a "LODGING" business logo on a directional sign a business must meet the following conditions:

- a. Located not more than 2.5 miles from the Foley Beach Express intersection via an all weather road.
- b. Appropriate licensing as required by law and a permit to operate issued by the State Health Department.
- c. Year round operation.
- d. Adequate sleeping accommodations consisting of a minimum of ten (10) units available and suitable for public occupancy.
- e. Off-street vehicle parking spaces for each lodging room for rent.

4. RETAIL – To qualify for erection of a "RETAIL" business logo on a directional sign a facility must meet the following conditions:

- a. Located no more than 2.5 miles from the Foley Beach Express intersection via an all weather road.
- b. Appropriate licensing as required by law as well as compliance with all local ordinances.
- c. Restroom facilities and State, County and/or local government approved drinking water available for public use.
- d. Year round operation at least eight (8) continuous hours per day, six (6) days a week.
- e. Free standing buildings have to be at least 35,000/sf or larger to qualify and Shopping Centers, outlet centers, and enclosed malls must have a minimum of 100,000/sf of shops to qualify.

5. ENTERTAINMENT – To qualify for erection of an “ENTERTAINMENT” business logo on a directional sign, a facility must meet the following conditions:

- a. Located no more than 2.5 miles from the Foley Beach Express intersection via an all weather road.
- b. Appropriate licensing as required by law as well as compliance with all local ordinances.
- c. Restroom facilities and State, County and/or local government approved drinking water available for public use.
- d. Year round operation at least eight (8) continuous hours per day, six (6) days a week.
- e. Must be at least 15,000/sf and have onsite parking equal to 5 parking spaces per 1000/sf.
- f. Must be family oriented and have multiple venues.

6. CAMPING – To qualify for erection of a “CAMPING” business logo on a directional sign a business must meet the following conditions:

- a. Located not more than 6 miles from the Foley Beach Express intersection via an all weather road.
- b. Appropriate licensing as required by law including compliance with all state, county, and local health and sanitation codes. Provision of adequate water and sewer systems which have been duly inspected and approved by the appropriate health authority with documented evidence of such inspection and approval.
- c. A minimum of ten (10) camp sites with full hookup accommodations for all types of travel trailers, tents and other camping vehicles.
- d. Adequate parking accommodations for each camp site available for rent.
- e. Continuous operation, seven days a week during the business season.
- f. Removal or masking of the business logo by the Department during off-seasons if operated on a seasonal basis.

7. ATTRACTION – To qualify for erection of an “ATTRACTION” business logo on a directional sign a facility must meet the following conditions:

- a. Located not more than 15 miles from the Foley Beach Express intersection via an all weather road.
- b. Continuous operation at least eight (8) hours per day, six (6) days per week, or (48) hours per week. Seasonal operation (100) days per years, six (6) hours per day, will be considered continuous operation. Masking is required for seasonal operation unless specified otherwise herein.
- c. Attendants and/or tour conductor on site during operating hours.
- d. Restroom facilities available and suitable for public use.
- e. Drinking water available and suitable for public use.

f. Adequate parking to accommodate the facility's traffic with a minimum of ten (10) spaces.

g. Must be an activity or location that is one or more of the following categories:

(1) Natural Beauty/Phenomena

(a) A natural phenomenon is limited to features created by nature. Examples include but are not limited to unusual rock formations, caves, fossil beds, and waterfalls.

(b) Areas of natural or scenic beauty that are of outstanding interest to the public to the general public including State or National Parks, wilderness areas, mountain ranges, bays lakes, rivers, canyon and similar areas.

(2) Historic Site

(a) A historic site is limited to a structure or site that is of definite historical significance as determined by the Alabama Historical Commission and/or listed in the National Register of Historical Places. The site must be of State and/or National significance. It must be opened to the public for regularly scheduled daily tours. Self-guided tours are permissible if attendants are on site.

(3) Cultural Site/Museum

(a) A cultural site is limited to any facility for the performing arts, exhibits, or concerts that is open to all age groups.

(b) A museum is limited to a facility, open to the public at least one hundred (100) days per year, in which works of artistic, historical or scientific value are cared for and exhibited to the public.

(4) Educational Site

(a) Zoological or Botanical Park – A facility in which living animal, insects, or plants are kept and exhibited to the public.

(b) Winery or Brewery – A licensed site which produces a minimum of five hundred (500) gallons of wine and/or beer per year, produced commercially packaged for off-premise sales. Open to public for tours a minimum of three hundred twenty (320) hours per year and provides an educational format for informing visitors about wine and beer processing.

(c) Facility Tour Location – A facility such as a factory, institution, or plant, which conducts regularly scheduled daily public tours year-round.

(d) Science Centers – Science Centers offering a state-of-the-art learning environment such as quality educational programs, hands-on type exhibits, theater presentations, etc., which is open to all age groups.

(5) Recreational Site

(a) Recreational Area – An area that offers four (4) or more of the following activities: cycling, boating, camping, fishing, hiking, skating, picnicking, swimming, field sports, horseback riding, rock climbing.

(b) Amusement Park – A permanent area which is open to the general public for three (3) or more of the following activities: picnicking, water activities, entertainment rides, live shows, food services, etc., in operation more than three (3) months per year.

(c) Golf Course – A facility open to the public and offering at least nine (9) holes of play. *Miniature golf courses, driving ranges, chip-and-putt courses, and indoor golf shall not be eligible.*

(d) Arena – A stadium, sports complex, auditorium, fairground, or civic or convention center which has a capacity of at least one thousand (1,000) seats and is holding events on at least twenty-eight (28) days of the year.

NOTE: For non-profit attractions the City will waive one-half (1/2) of the amount of the annual fees.

h. Attractions that do not qualify under any category:

(1) Flea Markets, Trade Days, Junkyards, Yard Sales, Etc.

(2) Any facility which is not open to the traveling public or motorists per On-Demand basis. (On-Demand basis shall be the non-reservation accommodation of drop-in visitors. Exceptions are scheduled tours/showings, tee times, etc.)

J. Maximum Distance. Distances to eligible services should not exceed those listed above for the service in either direction. If services of the type being considered are not available within the specific limit, the distance requirement may be extended. The extended distance shall be in 3 mile increments up to a maximum of 15 miles. Bumping procedures will apply to any business that participates due to the incremental extension distance requirement.

K. Distance Measurement. Measurement of maximum distances from intersections referred to above shall be made from the normal edge of pavement of the crossroad, as a vehicle must travel to reach the nearest driveway to the business.

L. Combination Signs County Road 20. Combination Directional Signs may be used in certain areas in accordance with the following criteria:

1. The combination of directional signing using business logos will include "SERVICE", "RESTAURANTS", "LODGING", "RETAIL", "ENTERTAINMENT", "CAMPING", and/or "ATTRACTIONS". No more than three (3) types of services shall be represented on any one directional sign panel. If three (3) types of services are shown on one directional sign, then the logo panels shall be limited to a maximum of two (2) for each type of service. If only two (2) types of services are shown on one directional sign, then the logo signs shall be limited to a maximum of four (4) for both types of services.

2. If the number of qualified businesses at an interchange increases to more than the number of spaces available on the combination sign for one or both services, existing combination signs may be removed and replaced with full size directional signs dedicated to each individual service, provided adequate spacing can be maintained and other provisions of this ordinance are observed.

IV. Special Requirements

A. Each business applicant shall offer written assurance that it conforms with all applicable laws concerning the provision of public accommodations with regard to race, religion, color, age, sex, national origin or disability, and laws concerning the licensing and approval of service facilities. The business is to notify the City upon any changes/deviations to original survey and/ or agreement, and/ or the above applicable laws affecting qualification. The City reserves the right to remove any disqualified business logo by furnishing the business written notice of such intent not less than thirty (30) calendar days prior to such action. A business having received written notice of such intent, may correct deficiencies within the same thirty (30) calendar days in

order to remain qualified. A disqualified business will not be eligible for application resubmission for (12) months from date of disqualification. City personnel will attempt to contact business upon sign removal. Neither compensation nor refund will be afforded a disqualified business. A disqualified business is any participating business which receives written notice of deficiencies, fails to comply with procedures within (30) days and whose signs have been properly removed.

B. The selection by the City of businesses to be displayed on directional signs will be made from the businesses conforming to the provisions of this ordinance, with the businesses closer to the intersection receiving preference over the businesses farther away in the event of a conflict. If a business meets the distance criteria for either approach to an intersection, it may be allowed space for business logos for both approaches unless such permission would prevent another eligible business from acquiring one space. If a new business wants to become a participant which is closer to the intersection than one which is presently displayed on the directional sign, then upon the annual renewal date, bumping may occur where applicable. The City reserves the right to remove any business logo affected by this section and shall in no way be held responsible for damages arising from such action.

C. All business logos shall be furnished to the City by the business participant at no cost to the City and shall be manufactured using materials and workmanship which are in accordance with the latest adopted edition of the Alabama Department of Transportation Standard Specifications for Highway Construction and any supplements thereto, and to the criteria contained in this ordinance. Sheeting shall be Type II or Type III. Logo signs with dark background colors may use Super High Intensity Microprismatic sheeting. Type I-N (non-reflective vinyl) is not approved for use on business logos.

D. A participating business may be located within the facility of another business (host). The host business shall meet the qualifications of one of the service types but is not required to be a participant of this program. Businesses are allowed to share use of restrooms in order to meet qualifications provided such improvements are located on the same premises; all other category qualifications shall be met separately by each business.

E. Applications shall be submitted in writing and all qualifications shall be met before a facility can be approved for participation subject to Council approval. No business shall be placed on the sign prior to the opening of its facility.

F. NO BUSINESS WILL BE ELIGIBLE TO PARTICIPATE IN THE DIRECTIONAL SIGNING PROGRAM WHICH HAS AN ILLEGAL OUTDOOR ADVERTISING SIGN IN THE CITY. (See Procedure and Requirements for Outdoor Advertising, Chapter 450-10-1).

V. Fees and Forms

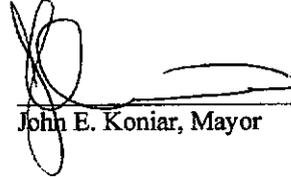
A. Annual fees shall be as follows:

Logo Signs	\$450.00 each/year
Seasonal Masking	\$ 150.00 each/year

B. Forms, applications, and pertinent technical documents pertaining to the implementation, administration, enforcement of this ordinance shall be developed and revised from time-to-time by the City of Foley Engineering Department.

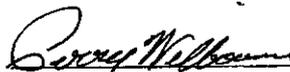
Sec. 2. That all other ordinances which are directly contradicted by this ordinance are hereby repealed, but only to the extent of the direct conflict.

PASSED, ADOPTED AND APPROVED on this the 16th day of August, 2010.



John E. Koniar, Mayor

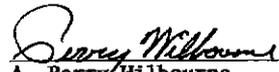
ATTEST:



A. Perry/Wilbourne
City Clerk/Administrator

"I certify that the foregoing Ordinance was published in the Foley Onlooker, a newspaper of general circulation in the City of Foley, in its issue of Friday, August 27, 2010."





A. Perry/Wilbourne
City Clerk/Administrator