

## ORDINANCE NO. 2027

### **An Ordinance amending Chapter 7.84, Signs, of the Eureka Springs Municipal Code FOR THE CITY OF EUREKA SPRINGS, ARKANSAS:**

**WHEREAS**, the Planning Commission of Eureka Springs, Arkansas, finds it necessary to recommend amendments to the Municipal Code from time to time in order to ensure consistent application and enforcement of the code, and

**WHEREAS**, the Vision Plan for the city ~~which~~ recommends regulating signage in the city in the interest of public safety and to reduce visual pollution, and

**WHEREAS**, the Planning Commission finds the current regulations regarding signs as codified in Eureka Springs Municipal Code, Chapter 7.84, are in need of amendment in order to attain these goals ~~of the Vision Plan~~,

**NOW THEREFORE**, be it hereby ordained, by the City Council of the City of Eureka Springs, Arkansas that Chapter 7.84 of the Eureka Springs Municipal Code regarding sign regulations is amended thus:

No permit for any sign to be located within the Eureka Springs Historic District shall be issued without a Certificate of Appropriateness issued by the City of Eureka Springs Historic District Commission being obtained by the applicant pursuant to Eureka Springs Municipal Code Sec. 2.60.04.

See Appendix 7(A) for definitions related to signage.

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See Appendix 7(B) for permitted signs.

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See Appendix 7(C) for prohibited signs

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See Appendix 7(D) for legal non-conforming signs

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**Section 7.84.03 shall be removed in its entirety and placed in Appendix 7(A).**

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**Section 7.84.05(A) shall be removed in its entirety and placed in Appendix 7(C)**

**Section 7.84.05(B) shall become 7.84.05**

**Section 7.84.05(C) is repealed in its entirety.**

**Section 7.84.06 shall be removed in its entirety and placed in Appendix 7(B)**

Section 7.84.07(A) is replaced with the sentence. ~~By a steady stationary light of not to exceed a total of 150 watts incandescent light or 70 watts of any other type of lighting (i.e. metal halide or halogen) per side of sign and directed solely at the sign and away from vehicular and pedestrian traffic.~~ External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.

**Section 7.84.07 “Dimension and Quality (C) is amended by inserting R-3 in the first sentence after R-2 and before districts.**

**Section 7.84.07 “Signs in C-2 and A districts” (B)(3) is amended by replacing twenty-five (25) feet with sixteen (16) feet in the first sentence after exceed and before above.**

**Sec. 7.84.08, Administration, is amended by repealing 7.84.08(A) and 7.84.08(B) and inserting the following:**

Sec. 7.84.08 Building Department and Historic District Commission Administrative Powers.

A. Building Permit and Historic District Commission Approval Required.

- (1) No permit for any sign to be located within the Eureka Springs Historic District shall be issued without a Certificate of Appropriateness issued by the City of Eureka Springs Historic District Commission being obtained by the applicant pursuant to Eureka Springs Municipal Code Sec. 2.60.04.
- (2) Except as otherwise provided for in this chapter, no sign shall be erected, constructed, relocated, altered, or displayed until a permit for the same has been issued by the Building ~~Inspector~~ Official or designee of the City of Eureka Springs.
- (3) A permit shall not be required for regular maintenance of legally permitted signs where there will be no change to the structure, sign face, copy, colors, size, or any other characteristic of the sign.

B. Application for Sign Permit.

- (1) Applications shall be submitted for review to the Building Department on forms provided by the city.
- (2) The following information shall be submitted with an application for a sign permit:
  - a. Name, address, telephone number, and signature of the owner or duly authorized lessee of the premises where the sign is to be located.
  - b. Name, address, telephone number, city business license number and signature of sign contractor.
  - c. Street address or legal description and zoning of premises of property upon which the sign is to be located.
  - d. Type of sign for which a permit is being sought.
  - e. One (1) copy of a sketch, blueline, photograph, or similar presentation drawn to scale and dimensioned showing the sign location and elevations of the sign proposed on a building facade, awning or canopy and the relationship to other existing adjacent signs.
  - f. Freestanding sign applications shall include a site plan and photograph showing the sign location and elevations of the sign proposed and the relationship to other existing adjacent signs shall also be shown and any existing or proposed landscaping which is affected by such sign. The location for a new freestanding sign shall be clearly identified by a white stake visible above the ground line at each location at which a support pole will be embedded in the ground.
  - g. Certificate of Appropriateness (CofA) from the Historic District Commission where applicable.
  - h. Such other information as the building department may require which is necessary to verify full compliance with all applicable provisions contained in the Municipal Code.

**Sec. 7.84.08, Administration, 7.84.08(D) is amended by replacing Building Inspector with Building Official or Designee**

**Sec. 7.84.08(F)(2) shall be relocated to Sec. 7.84.09(C)(2).**

**Section 7.84.09, Enforcement, is repealed and replaced by the following:**

Sec. 7.84.09. Enforcement, Violations, and Penalties.

- A) The Building Official or any person so authorized by the city shall issue a notice of violation immediately, either in person or by certified mail, to any permittee, business owner, business manager or property owner in violation of this chapter, or who causes or allows any sign to be placed, erected, or maintained in a manner not in accordance with this chapter.

If the Building Official shall determine that any sign, or sign structure regulated by this chapter is:

- Illegal.
- Unsafe.
- A menace to public safety, health or welfare.
- Abandoned.
- Poorly maintained to the extent that the paint is faded and/or lights are burned out or flickering, or
- Is erected in a manner at variance with the permitted design.

the Building Official shall issue a notice of violation immediately either in person or by certified mail to any permittee, business owner, business manager or property owner in violation of this chapter, or who causes or allows any sign to be placed, erected, or maintained not in accordance with this chapter.

- B) Action to correct violations listed in the notice of violation must be undertaken by the permittee, business owner, business manager or property owner ~~person, corporation or entity~~ named in the notice ~~or~~ and a written plan for corrective action must be received and approved by the Building Department within seven (7) business ~~14~~ days of receipt of the notice of violation. Corrective action must be completed within sixty (60) days of notice, unless a written extension is granted by the building department.
- C) Failure to submit a plan of action within seven (7) business days ~~at~~ on the notice of violation shall result in the city issuing a fine in the amount of \$50.00. ~~citation, or summons to district court, citing the permittee, business owner, business manager or property owner named in the notice of violation as being in violation of this chapter, and the city may petition any court of proper jurisdiction for immediate injunctive relief from the alleged violation. See appendix XXb for a complete list of fees and fines.~~
- D) Failure to ~~at~~ complete correction within sixty (60) days of the notice of the violation shall result in the city issuing a ~~summons~~ citation to the ~~district court, citing the permittee~~ business owner, business manager or property owner named in the notice of violation as being in violation of this chapter, and the city may petition any court of proper jurisdiction for immediate injunctive relief from the alleged violation

1. Each violation shall be a misdemeanor and be punishable by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense upon conviction.

- a. Continuous violation(s) of this chapter shall be considered separate offenses for each day the violation(s) exists.
- b. When the court finds a violation of this chapter exists, or grants the city injunctive relief from alleged violations of this chapter, the sign or sign structure in question must be brought into compliance with this chapter or removed from public display.

- i. If corrective action is not taken in accordance with any order entered by a court of proper jurisdiction, the city shall have the right to take whatever corrective action is allowed by law, including but not limited to entering upon private property for the purpose of removal of the sign or sign structure found to be in violation.
- ii. A lien not to exceed the actual costs the city may incur to correct any violation may be placed by the city on the real and/or personal property and assets of the person, corporation, or entity ordered by the courts to take corrective action or convicted of a violation of this chapter.

E) Issuance of a second Notice of Violation for the same sign within ninety (90) days of the first Notice, will be considered as a continuation of the original violation.

F) Removal of an Abandoned Sign – A sign cannot remain in existence thirty (30) days after a business has closed.

**Section 7.84.10 is amended by inserting the following:**

(c) Appeals and requests for variances from this chapter shall require a public hearing and public notice in accordance with Eureka Spring Municipal Code Chapter 14.08.10(C)(2) (Zoning).

Section 7.84.10 (c)1. is amended on the third line by inserting “Scenic View Corridor” after “sight distances.”

All Ordinances or Resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

**PASSED AND APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_, 2006**

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Kathy Harrison, Mayor

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Mary Jean Sell, City Clerk

**Appendix 7(A)**

Except as specifically defined herein, each word used in this chapter shall have its customary dictionary definition. ~~All other terms shall remain codified and be defined as already set forth before adoption of this amendment.~~ For the purpose of this chapter, certain words or terms used herein shall be defined as follows:

**Abandoned Sign-** A sign which no longer advertises or identifies a legal business establishment, product, activity, or location.

**Accessory Sign-** Any sign advertising information strictly incidental and subordinate to the lawful use of the premises upon which it is located, including signs indicating the business transacted, service rendered, goods sold or produced on the premises, name of business, name of person occupying the premises.

**Aggregate Surface Area-** The surface area of the sign face used to determine size for purposes of this chapter. Surface dimensions shall be computed on the basis of a rectangle using the outermost width and height measurements of the display area.

**Alteration-** Any change in copy, color, size, or shape, or any change in appearance of the sign, including location, position, construction or support structure.

**Animated Sign-** Any sign which has any visible movement, flashing or oscillating lights, or apparent visible movement achieved by any means, excluding **flags** or **banners**.

**Antique Legally Non-Conforming Signs-** Any sign existing for ~~greater~~ longer than 50 years.

**Attraction or Reader Board-** Any sign having changeable copy for the purpose of advertising events, sales, services or products on the site which may change copy in accordance with provisions of this chapter.

**Awning-** A shelter extending from the exterior wall of a building and composed of non-rigid material except for the support structure.

**Awning Sign-** Any sign painted on or attached to or supported by an awning.

**Back to Back Sign-** shall mean a sign constructed on a single set of supports with messages visible on any side, provided that double message boards are physically contiguous.

**Balloon Sign-** A lighter-than-air, gas-filled balloon tethered to a fixed location or structure.

**Banner-** A sign made of fabric or any nonrigid material with no enclosing framework (see also “Special Event Sign”).

**Bench Signs-** shall mean any sign displayed on a bench, for example, benches at trolley stops.

**Billboard or Poster Panel-** Signs located off-premises from the location, service, or business advertised.

**Building Code-** The Eureka Springs Building Code.

**Building Frontage-** The linear dimensions of a building which faces upon a public right of way. Where a building faces more than one (1) public right of way, the side facing the principal street address shall be designated the building frontage.

**Building Identification Sign-** Any sign containing the name or address of a building and may include hours of operation and emergency information, such sign being located on the same site as the structure.

**Building Official-** Any individual authorized by the City of Eureka Springs to enforce this chapter.

**Canopy-** A structural, ornamental, roof-like appendage projecting from a building. A canopy may also be free-standing.

**Canopy Sign-** shall mean a sign which is suspended from, attached to, supported from or forms part of a canopy.

**Changeable Copy-** Removable copy or graphics for temporary use where copy is changed at periodic intervals for the purpose of communicating a message.

**Changeable Copy Sign-** See **Attraction or Reader Board**.

**City-** Refers to any department or individual employed by the city of Eureka Springs and authorized by the Mayor and City Council to administer this chapter.

**Commercial Enterprise-** Any activity conducted within the corporate limits of the city which requires the issuance of a business license by the City of Eureka Springs.

**Commercial or Industrial Center-** shall mean two (2) or more separate occupancies located within the same or adjacent building or buildings on the same commercial or industrial plat of record.

**Dilapidated Sign-** shall mean any sign which is structurally unsound, has defective parts, or is in need of painting or maintenance.

**Complex Identifier-** A sign which identifies by name any multi-function or multi-tenant structure, complex, or mall.

**Construction Sign-** A temporary sign erected on a construction site identifying the persons, firms, or companies directly connected with the construction project.

**Directional Sign-** shall mean;

(1) A sign, permanently erected or permitted in the public right-of-way or private property by the city, county, state, or other governmental agency to denote the name of any thoroughfare, the route to any city, town, village, educational institution, public building, historic place, shrine, hospital, to direct and regulate traffic, to denote any railroad crossing, bridge or other transportation or transmission company for the direction or safety of the public.

(2) An on-premise temporary sign which contains information regarding the time and place of regular meetings of civic or religious groups.

**Directory sign-** shall mean a sign listing only the names and/or use, or location of more than one (1) business, activity or professional office, conducted within a building, group of buildings or commercial center.

**Double faced sign-** shall mean a sign with two (2) faces which are usually, ~~but not necessarily,~~ parallel or back to back.

**Easel-** an adjustable frame support for a sign.

**Electrical Sign-** shall mean a self-illuminated sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper.

**Emitting Sign-** A sign which emits sound, odor or visible matter such as smoke, steam, or bubbles.

**Existing sign-** shall mean any sign that was erected, mounted, or displayed prior to the adoption of this article.

**Façade-** shall mean the entire building wall, including main street wall face, and parapet, fascia windows, doors, canopy and roof on any complete elevation.

**Face or Surface-** That part of the sign upon, against or through which any message is displayed or illustrated.

**Fixed Projecting Sign-** shall mean a sign, other than a flat sign, which extends outward for more than six inches from the facade of any building and is rigidly attached thereto.

**Flags-** A piece of fabric or any non-rigid material with a pattern or logo attached to a pole or staff.

**Flat-Mounted Wall Sign-** A sign attached to a wall parallel to the wall surface.

**Flashing Sign-** Any sign on which lighting is intermittently on and off.

**Free-Standing Sign-** A sign which is permanently affixed in or upon the ground, supported by one (1) or more structural members, with air space between the ground and the sign face.

**Frontage-** shall mean the length of the property line of any one (1) premises parcel serving as a public right-of-way line.

**Frontage Wall Face-** shall mean the building facade, excluding parapet, fascia, soffit, mansard and roof, which faces a frontage of the premises.

**Ground Sign-** A sign which is permanently affixed to the ground with no air space between the ground and the sign face.

**Height of a Sign-** shall mean the vertical distance measured; from ground level or from the elevation of the nearest public highway if ground level is below highway elevation to the top of the sign face, or sign structure, whichever is greater.

**Historic District-** The area designated by the City of Eureka Springs on its official map of the Eureka Springs

Historic District.

**Historic District Commission (HDC)**- Legally established commission of the City of Eureka Springs.

**Holiday Lighting**- Lighting installations used to denote and/or celebrate/commemorate traditionally recognized national, state and local holidays and/or holiday seasons.

**Illegal Sign**- Any sign or sign structure erected or displayed contrary to the terms of this chapter.

**Illuminated Sign**- A sign illuminated by external or internal artificial light sources.

**Inflatable Sign**- shall mean a sign that is either expanded to its full dimensions or supported by gasses contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

**Informational Sign**- A sign conveying information such as "Open", "Closed", "Exit", etc., not connected to any brand, trade, or business identification.

**Ingress/Egress Sign**- shall mean a sign which designates only the direction of ingress or egress of a parking area or driveway, such as "In," "Out," "One-way," "Do not enter," or "No exit".

~~Lodging facility shall mean and include any place of public accommodation providing bedrooms or sleeping quarters to the general public in exchange for consideration. A lodging facility shall include, but shall not be limited to, hotels, motels, inns, motor courts motor inns, boarding houses, bed and breakfast establishments, lodges, road houses, taverns, auberges, hostels, boatels, caravansaries, tourists cabins, tourists camps, trailer camps, "RV" or recreational vehicle parking areas, campgrounds, and any place of public accommodation reasonably thereto.~~

**Legally Nonconforming Sign**- shall mean any sign which has a valid permit, was erected or displayed prior to the effective date of this article or any subsequent amendment hereto and does not conform with any provision of this article.

**Mall**- shall mean two (2) or more separate occupancies located within the same building where at least one (1) occupancy is restricted to no public frontage.

**Marquee**- see definition for Attraction or Reader Board ~~changeable copy sign.~~

**Monument Sign**- A ground sign having a horizontal dimension greater than its vertical dimension.

**Moving Sign**- Any sign designed to attract attention through the movement or semblance of movement of the whole or any part of the sign.

**Multi-function or Multi-tenant Complex**- Any non-residential structure or complex designed to accommodate two (2) or more functions or tenants.

**Neon Sign**- A sign with tubing containing neon or other electrically charged gas for the purpose of illuminating the sign or message.

**Non-Permanent Outdoor Sign**- shall mean an outdoor sign which, by its nature, may be removed with only a minimal amount of time or a nominal expenditure of consideration.

**Occupancy**- shall mean any use of or activity upon the premises.

**Off Premises Sign**- shall mean any sign located at any place other than within the same platted parcel of land on which the specific business or activity being promoted on such sign is itself located or conducted. For purposes of this article, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign. Signs identifying public service, religious or civic club organizations not to exceed four (4) square feet as approved by the Building ~~Inspector~~ Official are exceptions to this definition.

**On-Premises Sign**- Any sign advertising or promoting a business, product, or interest located on the same property as the sign.

~~Operator shall mean a direct or indirect owner of a lodging facility, a manager of a lodging facility a franchise or licensee of a lodging facility, or a person who directs or supervises the operation of a lodging facility. An operator may include any firm, corporation, partnership, joint enterprise, limited partnership, limited liability~~

~~company, or any other organization.~~

~~Outdoor sign shall mean any sign which may be seen from any public highway, roadway, or street regardless whether such sign is inside or outside of any building or structure. An outdoor sign may be either a permanent outdoor sign or a non-permanent outdoor sign.~~

**Painted wall sign-** shall mean a sign painted directly on any exterior building wall or door surface, exclusive of window and door glass areas on any outside wall or roof or on glass of any building.

**Panel-** shall mean the primary surface of a sign upon which the message of the sign is carried.

**Parapet-** shall mean a vertical wall extension above the roof line.

**Parcel-** Section or lot of real property defined by a legal description filed with the county clerk.

**Pennant-** shall refer to a long, narrow, triangular or tapering flag or string of tapered flags. See also banners, pennants, and balloons.

**Permanent outdoor sign-** shall mean an outdoor sign which, by its nature, cannot be removed or modified to conform with this article without a substantial amount of time or without a substantial expenditure of consideration.

**Permitted sign-** shall mean a sign for which a valid permit has been issued.

**Pole or Post Sign-** A free-standing sign.

**Political sign-** shall mean a sign erected by a political candidate, group or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the city shall vote.

**Portable Sign-** Any movable sign not permanently attached to the ground or a building.

**Poster Sign-** A sign printed on paper, cardboard, or similar material generally displayed in windows, affixed to walls or bulletin boards, or staked in the ground for the purpose of advertising an event or attraction.

**Premises-** shall mean the plat of record which is affected either directly or indirectly by the contents of this article.

**Primary Road-** Public right of way to which a building front faces.

**Project sign-** shall mean any sign erected and maintained on the premises temporarily while undergoing construction by an architect, contractor, developer, finance organization, subcontractor, or materials vendor upon which property such individual is furnishing labor, services or material.

**Projecting Sign-** A sign which projects from and is supported by a wall or parapet of a building with the display surface approximately perpendicular to the wall.

**Projection-** The distance a sign extends beyond a building or structure.

**Public Right-of-Way Line-** shall mean the line where the property meets the public right-of-way at a public street, provided that this definition shall not include unimproved alleys, easements or other similar dedicated uses.

**Public way-** shall mean any street, highway, road, path or right-of-way, whether privately or publicly owned, which is designed, or used for vehicular or pedestrian traffic either by public right or custom, or by invitation of two (2) or more common owners.

~~**Rate or price sign-** shall mean an outdoor sign, or any sign placed within a business window, door, or open store front which can be read from outside the structure, which contains language and/or figures thereon advertising the rates or prices for rooms in lodging facilities.~~

**Real estate sign-** shall mean a temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, for lease, or for sale. Sign must be removed within fourteen (14) days of the date the property is rented, leased or sold.

**Roof-** shall mean the exterior upper covering of the top of a building.

**Roof sign-** shall mean a sign erected over or on, and wholly or partially dependent upon, the roof of any building for support, or attached to the roof in any way.

**Rotating sign-** shall mean any sign which revolves around one (1) or more fixed areas.

**Scenic View Corridor-** A vista which has been deemed to be of aesthetic value and is viewed between existing buildings and/or natural obstructions.

**Seasonal holiday sign-** shall mean a sign used for emphasizing the celebration of a traditionally recognized ~~an~~ ~~historic~~ American holiday, which is erected for a limited period of time.

**Sidewalk or sandwich sign-** shall mean a movable sign not secured or attached to the ground or any building or structure.

**Sign-** Any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others which is located on or attached to premises, real property, structures on real property, or a vehicle.

**Sign area-** (See also Aggregate Surface Area) shall mean the square foot area enclosed in the smallest rectangle encompassing the sign face. With respect to signs which are composed of individual symbols, letters, figures, illustrations, message, forms or panels, sign area shall be considered to include all lettering, working, and accompanying designs and symbols together with the background on which they are displayed, any frame around the sign and any cutouts or extensions, but shall not include any supporting structure or bracing. The area shall be computed as including the maximum number of faces viewable from any single ground position as follows:

- (1) Double faced sign- one (1) face counted;
- (2) "V" sign with 45-degree or greater angle- two (2) faces counted.

~~(b) For purposes of this chapter, the term Sign shall not include:~~

- ~~(1) Official notices issued by any court, governmental agency, or officer or agent thereof;~~
- ~~(2) Notices posted by any public officer in performance of a public duty or by any person posting legal notice;~~
- ~~(3) Directional, warning or informational structures required or authorized by municipal, county, state, or federal authority.~~

**Sign Structure-** Supports, uprights, bracing, and framework of a sign. Structures shall not be part of the aggregate area measurement of a sign.

**Snipe Sign-** shall mean a sign that which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences, or to other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

**Special Event Sign-** A temporary sign or banner advertising or pertaining to a civic, patriotic or special event of general public interest.

**Statue-** Three (3) dimensional representation, including sculpture. Statues related to the advertisement of any product, service, or business shall constitute a sign for purposes of this chapter.

**Swinging sign-** shall mean a sign installed on an arm, mast, or bracket that is not, in addition, permanently fastened to an adjacent wall or upright pole.

**Temporary Sign-** Any sign intended to be displayed and maintained for a period not exceeding thirty (30) days in any twelve (12) month period, but does not apply to Real Estate Signs.

**Time and temperature sign-** shall mean an electrical sign utilizing lights going on and off periodically to display the current time and temperature in the community.

**Traffic direction safety sign-** shall mean a sign which is on-premises consisting of type and or an arrow and is designed, sized and erected solely for the purpose of vehicular or pedestrian traffic direction or safety. ~~Said sign will have no advertising words or phrases.~~

**Upper Level-** Any occupied floor of a building above the ground floor level.

**Upper Level Sign-** Any sign mounted on a building placed in whole or in part between thirty (30) inches above

the second floor line and the roof line.

**Vehicle Sign-** Any sign attached to or placed on a vehicle or trailer.

**Wall Sign-** a sign painted on the surface of an exterior wall of a building or structure.

**Window sign-** shall mean any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors.

**Window sign, temporary-** shall mean a window sign of a temporary nature used to direct attention to the sale of merchandise, or a change in the status of the business, including, but not limited to sign for sales, specials, going out of business and grand openings.

## Appendix 7(B)

### ~~1.—Section 7.84.06(b) is amended by inserting the following:~~

**Permit required.** Unless specifically exempted pursuant to Appendix 7(B) ~~section 86-5(b)~~, no sign or sign structure shall be erected, displayed, moved or relocated, or altered until a permit fee has been paid and a sign permit issued by the Building ~~inspector~~ Official pursuant to section 7.84.08 of this article.

**Sign exempt from permit requirement.** The following are exempt from payment of the permit fee and the need for obtaining a numbered sign permit; such exemption shall not relieve the applicant from the responsibility of complying with other applicable provisions of this section and with all applicable sections of this article;

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The following signs are not subject to approval of the Planning Commission or Building Official under the provisions of this Chapter:

- A. Athletic Field Advertising Signs
- B. Barber Poles. When associated with a barber shop.
- C. Change of Copy. The change of copy of any approved on-premises sign.
- D. Construction Signs. Signs denoting the architect, engineer, contractor or lending institution 'when placed upon work under construction, which do not exceed five (5) feet in height above grade or ~~twenty-five (25)~~ thirty-two (32) square feet in area. Limited to one (1) sign for each street frontage, provided that such signs are related to a current building permit and are removed upon completion of construction.
- E. Informational Signs. Informational signs not to exceed four (4) square feet in area for each sign except for open, closed, exit, access, egress and entry signs have other square footage allowances. See Appendix 7(B)Y.
- F. Flags
  - (~~1~~)—Governmental. Flags of the United States, State of Arkansas or other government entity shall be permitted; however, ~~normally~~ no more than three (3) such flags be permitted to be flown on any one property containing a commercial enterprise at ~~any one~~ the same time. ~~Nor shall a property containing a commercial enterprise have on display more than a total of four (4) Governmental and non-governmental flags.~~
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  - (~~2~~)—Non-governmental – No more than one (1) non-governmental flag, which may bear the name of the

business, or denoting the primary business at the commercial site are allowed. No more than a total of three (3) non-governmental flags can be concurrently displayed at a commercial site. Flags that do not directly, or indirectly, advertise a business or activity on the property containing a commercial enterprise, provided that no more than three (3) such flags for each such site are exempt under this Section.

~~(3) Total Flags per Commercial Site – No~~ Nor shall property containing a commercial enterprise may have on display more than a total of four (4) flags of which one must be a government flag. in any combination of governmental and non-governmental flags displayed at the same time.

~~(4) Additional Flags – Requests for approval of more than four (4) flags displayed at the same time, per commercial site, may be considered by the Eureka Springs Board of Zoning Adjustment.~~

~~(5) Disclaimer – the limitations imposed by this section do not apply to flags that are only displayed. It is not the intent of this regulation to control display of merchandise for sale.~~

~~G. Proposals for more than three Governmental flags on a property containing a commercial enterprise are subject to the approval from the Board of Zoning Adjustments.~~

~~H. Governmental Signs. Signs regulated by or required by any governmental agency, i.e. traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary, emergency or other non-commercial signs as may be approved by the City.~~

~~G. Holiday Decorations. Holiday displays, not to exceed a total of seventy-six (76) exceed (90) days for any such display holiday.~~

~~H. A maximum of two (2) off-site directional guide signs, excluding Real Estate (see below), for public, charitable or religious institutions. Any more shall be subject to review and approval by the Board of Zoning Adjustment as provided by this Chapter.~~

~~I. Signs, tablets, or plaques not greater than four (4) square feet in surface area for the purpose of commemorating or identifying historic events or buildings may be erected or placed subject to the approval of the Historic District Commission.~~

#### J. Real Estate Signs

~~1. A temporary, double faced, real estate sign not to exceed six (6) square feet, per face, to be removed within ten (10) days after closing. Residential signs are limited to one (1) sign per street frontage. On large commercial properties, one (1) sign per three hundred feet (300') of frontage, with a maximum of three (3) per frontage are allowed.~~

~~2. One (1) temporary directional sign is allowed for those properties that are for sale and are not located on a through street. Directional sign is to be located at the nearest intersection with a through street. Real estate directional signs cannot exceed eight inches (8") in height and twenty-four inches (24") in length, and at a maximum can display:~~  
a.) the phrase "Property for sale" or similar language

b.) a directional arrow four inches (4") in height and eighteen inches (18") in length.

c.) The name of the Real Estate Agency

3. No real estate signs can be co-located with a directional sign.

4. The directional sign is to be removed at the same time as the real estate sign. See paragraph (2.) above.

K. "Going out of Business" and "Relocating" signs or banners may be displayed for a period not to exceed thirty (30) days. These banners not to exceed twenty-four (24) square feet.

L. "Grand Opening" sign or banner may be displayed for a period not to exceed fourteen

(14) days. These banners not to exceed twenty-four (24) square feet.

M. Bench signs shall be permitted in C-1 and C-2 and limited to six (6) feet in length and no more than two (2) benches per property. The total sign area for the property shall not exceed the allowable square footage for the zone.

~~N. An official sign or notice issued by any court, public agency or office.~~

~~O. A traffic directional, warning or information sign authorized by any public agency.~~

N. A private road or street name sign or a traffic directional sign which does not exceed four (4) square feet per sign face.

O. "No trespassing," "No hunting," "No fishing," "No loitering," and like signs not exceeding one (1) square foot in area.

P. An ingress/egress sign which does not exceed one (1) square foot per sign face, except on Highway 62 and Highway 23 South of Highway 62 where four (4) square feet per sign face is allowed. Professional nameplates erected flat on walls of buildings to be non-illuminated and not to exceed two (2) square feet of display surface area.

Q. Professional nameplates erected flat on walls of buildings not to be illuminated ~~to non-illuminated~~ and not to exceed two (2) square feet of display surface area.

R. Signs indicating names of residents, names and addresses of houses, erected flat against the wall or porch or suspended from the porch ceiling or in the yard, not to exceed two (2) square feet of display area. (See Sec. 11.48.05(E) Refers to House Numbering).

S. Cornerstones or tablets, names of buildings and dated of erection, when cut into any masonry surface or when constructed of metal or other approved material.

T. Election campaign signs if posted by or with the approval of the property owner(s); such signs may be erected before the applicable election, and must be removed within three (3) days after the election. The owner of the property is responsible for removal of election signs.

U. Banners announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a ~~"limited~~ license". approved by the Mayor or City Clerk. The size, number, type and wording of such signs must be specified in the license, as well as the location and duration of use. all such licenses shall be filed with the Building Official, who shall be responsible for ensuring that all conditions of the license are adhered to. Because of their unique location within the public right-of-way, such banners shall not be placed so as to interfere with legitimate traffic and safety concerns. Banners for special events that are approved by the City are allowed to be displayed ten (10) days prior to and removed within two (2) days following the event. Banners shall not exceed forty (40) square feet, are allowed only in C-1 and C-2 zones, and shall advertise only the business or event. Product advertisement may be allowed if approved by the City Council.

V. Open and closed signs not to exceed one (1) square foot per sign face except on Hwy 62 and Hwy 23 South of Hwy 62 where two (2) square feet per sign space is allowed.

W. Decals or signs indicating an affiliation for which the businessperson pays, such as MasterCard, Visa, etc, or seal of approval such as AAA may be displayed within a total area not to exceed two square feet on Hwy 62 or Hwy 23 south of the junction of Hwy 62 and 23 South.

X. Signs designating or reserving automobile parking spaces on private property, not to exceed two (2) square feet in area per parking space.

~~F. "Grand opening" signs shall be displayed for a period not to exceed 14 days.~~

~~U. "Going out of business" signs may be displayed for a period not to exceed 30 days.~~

AA. One (1) temporary menu sign for eating places, not to exceed three (3) square feet in sign face area, to be a flat or window sign. (Sidewalk or sandwich signs not allowed).

BB. One (1) externally illuminated marquee sign, not to exceed thirty-two (32) square feet, will be allowed for a public facility in C-1 zone with seating capacity of 800 or more.

CC. Plaques for promotional events authorized by the city. Plaques shall not exceed one and one-half (1½) square feet or three (3) square feet and may be attached to buildings or on-site business signs that are in compliance with all other provisions of this chapter. Not more than one (1) plaque shall be displayed at any premises at any one time.

Said plaques are permitted as follows:

1. C-1 Zones: only one and one-half (1½) square foot plaques are permitted in C-1 zones.
2. C-2 Zones: only one and one-half (1½) and three (3) square foot plaques are permitted in C-2 zones.
3. C-3, R-1 and R-2 Zones: No promotional plaques are permitted in these zones.

(Ord. 1634-A, 10-25-1994; Ord. 1782, 10-13-1998; Ord. No. 1848, § 1, 10-5-2000)

## ~~Appendix XXB~~

### ~~Schedule of Fees~~

#### ~~Signs~~

~~Each violation of the sign ordinance shall be a misdemeanor and be punishable by a fine not less than \$50.00 nor more than \$500.00 for each offense upon conviction.~~

## Appendix 7(C)

~~Sec. 86-4.~~ Prohibited signs.

(a) Except as may be hereinafter specifically permitted, it shall be unlawful after effective date of this article, or any amendment hereto, for any person to erect, place, or use within the city when visible from any public way or

within two (2) feet of the window facing the street, any of the following signs:

- (1) Snipe signs.
- (2) Sidewalk ~~and~~ or sandwich signs unless placed on private property and within the footprint of the structure and the total of all signs shall not exceed the square footage allowed in that zone.
- (3) Banners except as defined under "festival regulations", pennants, balloons, flags, (nongovernmental), except as defined under Appendix 7(A) and Appendix 7(B) Subsections (F)&(G).
- (4) Off-premises signs in R-1, R-2, C-1, C-3, (only allowed in C-2), except as allowed in ~~86-6(b), (1), f~~ Appendix 7(A).
- (5) A sign which contains any moving, flashing, animated lights, visible moving parts, or giving the appearance of animation.
- (6) Roof signs over twelve (12) square feet or that extend above the peak of the roof
- (7) Any sign which emits a sound, odor, or visible matter.
- (8) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exitway.
- (9) Any sign and or sign structure which obstructs the view of, may be confused with or purports to be a governmental or traffic direction safety sign.
- (10) Signs using the words "stop", "danger", or any other word, phrase, symbol or character in a manner that misleads, confuses or distracts a vehicle driver.
- (11) Moving message and time and temperature signs.
- (12) Except as otherwise provided, no sign whether temporary or permanent, except by a public agency, is permitted within any street or highway right-of-way.
- (13) Signs painted on or attached to trees, fence posts, rocks or other natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thoroughfare.
- (14) Abandoned or dilapidated sign.
- (15) Any sign which exhibits statements, words or pictures of obscene or pornographic subjects.
- (16) Portable signs.
- (17) Signs affixed to a private residence or dwelling or displayed upon the grounds thereof, except one (1) personal identification sign not exceeding two (2) square feet and one (1) non-illuminated "for sale" or "for rent" sign not exceeding six (6) square feet.
- (18) Inflatable signs.
- (19) Bench signs shall be prohibited in Zones A, I, MHP, R-1, R-2, R-3 and C-3.
- (20) ~~Signs~~ Advertising painted on waste receptacles.
- (21) Signs with light-reflecting backgrounds or light-reflecting lettering.
- (22) Phosphorescent signs.
- (23) Sign that block a Scenic View Corridor
- (24) Houses and Fences – Whoever shall stick or put up on any house, fence, wall or other public place in this city any printed, written, painted or other advertisement, bill, notice, sign or poster or cause the same to be done, without having first obtained permission of the owner of such house fence, wall or other public place, shall be deemed in violation of this section. (Also, see snipe sign.)

(b) It shall be unlawful for any person to:

- (1) Erect, place, display, paint, maintain, or use any outdoor sign within the city which contains any

untrue, misleading, or fraudulent information; or

- (2) Erect, place, display, paint, maintain, or use any outdoor sign within the city which fails to state all relevant information necessary to make any statements or representation on any such outdoor sign true, correct, and complete.

~~(c) No person shall erect or maintain, for value or profit, any rate or price sign which states the charge for daily or weekly rental of short term lodging, including, without limitation, hotel and motel rooms, and any other lodging facility leased or rented, for a term of less than ten days.~~

~~(Ord. No. 1399, § 1, 8-14-1990; Ord. No. 1660, § 2, 6-13-1995; Ord. No. 1818, § 2, 10-21-1999)~~

## **APPENDIX 7(D) Legally Non-Conforming Signs**

### **PAINTED MURALS and WALL (GHOST) SIGNS**

- 22 S. Main Centennial Mural on northeast side of building
- 37 N. Main North/Main Street side of building – including the words: Grand Central Hotel  
East/Parking lot side – including the words: General Merchandise, Aristos Flour with circular pastoral painting
- 99 Spring Street North side of Wadsworth Building – including words: Queens Ware, Sash and Doors, Glassware, 5¢  
South side/Mountain St. side – including Eureka Springs Times Echo, Ruchters', Patton's
- 67 Spring Street South side of building – including: numbers 65½ and toadstools in bottom left corner
- 53 Spring Street North side of building – including words: Blocksom & Co Undertakers & Embalmers with hand pointing down the stairs
- 5 Spring Street North side of building – including words: needa Biscuit Co., soda, 5¢ Spring Street/West side  
– including words: Onyx Cave, Famous since 1891 and Crescent Spring South side/2  
Main Street – single word - Rosser
- 18 White Street North side of building – 7-Up logo
- 6&8 Main Street North side of Basin Spring Bath House Building – restored words: Basin Spring Bath House, and Lucky 13 Cinema painted screen with curtains; front at top - Basin Spring Water has made 90% of cures in Eureka

### **MANUFACTURED SIGNS OF HISTORIC SIGNIFICANCE**

- 36 Spring Street Sweet's Fudge Kitchen
- 58 Spring Street Kodak Film Box
- 135 Spring Street Palace Bath House with neon trim
- 10 Eugenia Street Neon – Vacancy sign
- 75 Prospect St. Crescent Hotel metal Crescent Hotel sign in south garden on Prospect St.  
side
- 85 S. Main Schlitz Beer plastic, interior lighting