

ORDINANCE NO. 2037

AN ORDINANCE AMENDING CHAPTER 7.84, SIGNS, SECTION 7.84.09 (A) AND 7.84(D)(1), ENFORCEMENT VIOLATIONS AND PENALTIES AND APPENDIX 7(B)(F)(3) FLAGS AND APPENDIX 7(B)(U), OF THE EUREKA SPRINGS MUNICIPAL CODE

FOR THE CITY OF EUREKA SPRINGS, ARKANSAS:

WHEREAS, certain sections of the Eureka Springs Sign Ordinance, codified in Chapter 7 of the Eureka Springs Code have proven to be ambiguous

NOW THEREFORE, be it hereby ordained by the City Council of the City of Eureka Springs, Arkansas, that Chapter 7.84, Signs, Section 7.84.09 (A) and Section 7.84.09(D)(1), Enforcement, Violations and Penalties, and Appendix 7(B)(F)(3) and 7(B)(U) of the Eureka Springs Municipal Code be amended to read as follows:

Section 1. That Section 7.84.09(A) of the Eureka Springs Municipal Code shall be amended to read as follows:

- A) If the Building Official, his/her designee or certified law enforcement officer shall determine that any sign, or sign structure within the city limits of Eureka Springs is:
- (1) Illegal;
 - (2) Unsafe;
 - (3) A menace to public safety, health or welfare;
 - (4) Abandoned
 - (5) Poorly maintained to the extent that the paint is faded and/or lights are burned out or flickering
 - (6) Erected in a manner not in compliance with the permitted design

The Building Official or his/her designee or certified law enforcement officer shall issue a Notice of Violation to the person or entity having control over the property where the sign or sign structure is located giving that person or entity not less than Ten (10) days to correct the violation. In the event the violation is not corrected within the time prescribed by the Notice of Violation, the Building Official, his/her designee or certified law enforcement officer shall issue a Citation for the Violation. From and after the issuance of a citation pursuant hereto, each violation of this section shall be considered separate offenses for each day the violation exists.

Section 2. That Section 7.84.09(D)(1) of the Eureka Springs Municipal Code shall be and is hereby amended to read:

1. Each violation of this Section 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) plus applicable court costs for each offense upon conviction.

Section 3. That Appendix 7(B)(F)(3) of Chapter 7.84 of the Eureka Springs Municipal Code is hereby amended to read:

Appendix 7(B)

F. Flags

(3) Total Flags and size requirements per Commercial Enterprise – No property containing a commercial enterprise may have more than a total of four (4) flags. For properties which have less than Forty (40) linear feet of road or street frontage, one (1) flag shall be permitted for each Ten (10) linear feet of business frontage owned or controlled by the business. No flag shall be larger than Three (3) feet x Five (5) feet.

Section 4. That Appendix 7(B)(U) of Chapter 7.84 of the Eureka Springs Municipal Code is hereby amended to read:

U. Banners

(1) Banners announcing specific events or promotions may be erected within the public right-of-way when authorized by a license approved by the Mayor or City Clerk. The size, number, type must be specified in the license, as well as the location and duration of use. 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 not more than Ten (10) days prior to the event and removed within Two (2) days following the event. Banners shall not exceed one hundred (100) square feet, are allowed only in C-1 and C-2 zones, and shall advertise only the business or event.

(2) Individual businesses may display a banner no larger than Twenty-four (24) square feet for specific events. The banner may be erected Seventy-two (72) hours prior to event and must be removed within Twenty-four (24) hours after the event. The banner must be specific to the event or festival.

Section 5. All Ordinances or Resolutions, and parts thereof, in conflict with this ordinance are hereby repealed to the extent of such conflict. In the event any one or more of the provision contained in this ordinance shall for any reason be held by a court of competent jurisdiction 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 12th day of MARCH, 2007

Dani Wilson, Mayor

Mary Jean Sell, City Clerk