

ORDINANCE NO. 1156

AN ORDINANCE AMENDING CHAPTER 7.28, EUREKA SPRINGS MUNICIPAL CODE, RELATING TO SIGNS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

SECTION 1: PURPOSES DECLARED.

Pursuant to Section 7.28.07, Eureka Springs Municipal Code, a public hearing was held on July 13, 1982 on proposed changes to the existing sign ordinance of Eureka Springs, Arkansas. After public discussion, the City Council has found that the revisions of the sign ordinance contained in this ordinance will better serve the community.

SECTION 2: SECTION 7.28.01, EUREKA SPRINGS MUNICIPAL CODE AMENDED.

Section 7.28.01, Eureka Springs Municipal Code, is hereby amended as follows:

A. The terms "Business sign", "wall sign" and "window sign" and their definitions are repealed.

B. The following terms and their definitions are amended in their entirety as follows:

Mobile Sign:

Any sign erected on a trailer, van, towable or self-propelled vehicle, or which was originally intended as moveable or portable, or is capable of being moved within thirty (30) minutes of the commencement of operations, but not including any sign or lettering directly affixed to or painted on the surface of a self-propelled vehicle frequently used in the ordinary course of business by the owner of such business to which such vehicle belongs.

Off-Site Sign:

Signs advertising a business not on the premises of the business advertised.

Sign:

Any structure bearing letters, numbers, straight and/or curved lines, geometric figures, abstract designs, and/or pictures meant in whole or in part to convey information, and/or to attract attention to such information, whether it be free-standing or projecting or suspended or erected on the exterior wall or roof of a building, or any lettering or painted surface applied directly to the exterior wall, roof, interior or exterior surface of a display window or other exterior appurtenances of a building.

Suspended Sign:

Any sign suspended from an overhead outdoor ceiling or from some other permanent structure, or suspended from a supportive structure is affixed.

C. The following term is added to the definition of terms.

Zoning District:

The following outlines the various zoning districts in the City:

R-1	Victorian Residential District
R-2	Contemporary Residential District
C-1	Victorian Commercial District
C-2	Contemporary Commercial District
A	Agricultural District

SECTION 3: SECTION 7.28.02, EUREKA SPRINGS MUNICIPAL CODE, AMENDED.

Section 7.28.02, Eureka Springs Municipal Code, is hereby amended as follows:

A. The last full sentence of Section 7.28.02 (a), Eureka Springs Municipal Code, is repealed.

B. The last sentence of Section 7.28.02 (b), Eureka Springs Municipal Code, is amended by substitution of a permit fee of "Ten (\$10.00) Dollars plus fifty (\$.50) cents per square foot of display area".

C. Section 7.28.02 (c) is amended by addition of the following sentence:

Provided, however, the Board of Zoning Adjustment shall have no power to grant to any person a variance to the requirements of this Chapter or otherwise permit erection of a sign not in compliance with this Chapter.

D. Section 7.28.02 (d) is amended by substitution of the following:

Business vacating premises.

Any business, corporation or other commercial entity permanently ceasing to operate or function within the corporate limits of the City must remove or cause to be removed any and all signs pertaining to such business located within the corporate limits of the City in no less than thirty (30) days after so ceasing to do business.

E. Section 7.28.02 (e) is amended by substitution of exemption number 8, exemption number 9 and exemption number 10 as follows:

8-Banners announcing events for non-profit organizations. The organization is responsible for removing such advertising within forty-eight (48) hours after the event.

9-Open and closed signs, and decals indicating an affiliation for which the businessperson pays, such as Mastercharge, Bankamericard, etc., or seal of approval such as AAA.

10-Signs designating or reserving automobile parking spaces on private property.

SECTION 4: SECTION 7.28.03, EUREKA SPRINGS MUNICIPAL CODE, AMENDED.

Section 7.28.03, Eureka Springs Municipal Code, is hereby amended by complete elimination of the existing section and substitution of the following:

A, Signs in the C-1, R-1 and R-2 Districts.

Plastic signs, phosphorescent signs, brand-name signs, glass or mirror signs, directly illuminated signs, flashing signs, and revolving signs, or signs which appear to flash and revolve shall not be permitted. No off-site signs shall be permitted.

B. Signs in C-1 District.

Two (2) on-site structured signs and signs lettered or painted on the surface of a window identifying each business in C-1 are permitted. Each sign can be no larger than twelve (12) square feet, must be elevated to at least eight (8) feet above the sidewalk or thirteen (13) feet above the street, and must not project more than four (4) feet from the side of a building. Current existing signs on walls are acceptable and exempted from the provision of this chapter, provided that no additional signs on walls shall be approved by the enforcing officer, nor shall the altering or modification of any existing sign on a wall be permitted.

C. Signs in C-2 District.

Directly illuminated signs are permitted, but glass or mirror signs, flashing signs, and revolving signs, or signs which appear to flash or revolve, or signs which have moving arrows shall not be permitted.

D. On-site Signs in C-2 District.

No signs shall be larger than two hundred fifty (250) square feet excluding supports. Two such signs shall be permitted for each direction of traffic approaching or passing the boundaries of the business: e.g. on a three-way intersection, six signs shall be allowed. No roof signs shall be permitted.

E. Off-site Signs in C-2 District.

Two off-site signs shall be permitted.

F. Signs in C-1 or C-2 District.

No sign may obstruct the vision of drivers in any direction, or employ such words as "STOP", "LOOK", "DANGER", "SLOW" or others which might confuse or mislead drivers or interfere with traffic.

G. Hand bills, posters and notices are prohibited except in areas designated by the City Council.

SECTION 5. SECTION 7.28.04, EUREKA SPRINGS MUNICIPAL CODE, AMENDED.

Section 7.28.04, Eureka Springs Municipal Code, is hereby amended as follows:

A. Section 7.28.04, (b), Eureka Springs Municipal Code, is repealed.

B. Section 7.28.04 (e), Eureka Springs Municipal Code, is repealed.

C. The remaining subsections shall be re-lettered in consecutive alphabetical order.

D. As re-lettered Section 7.28.04 (e) is amended by the clause "or utility poles" at the end of the sentence.

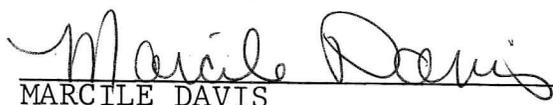
E. As re-lettered Section 7.28.04 (g) is amended by substitution of the language "No mobile sign shall be permitted".

SECTION 6. Other sections unaffected.

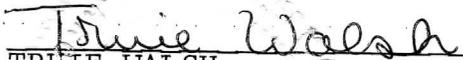
In all other respects, the provisions of Chapter 7.28, Eureka Springs Municipal Code, remain unaffected by this Ordinance and shall remain in full force and effect.

PASSED AND ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF EUREKA SPRINGS, ARKANSAS  
ON THIS 14th DAY OF September, 1982.

APPROVED:

  
MARCILE DAVIS  
Mayor

ATTEST:

  
TRUIE WALSH  
City Clerk-Treasurer

BY:   
VESTA LE MAY  
Deputy City Clerk-Treasurer