

Passed April 1976
Wa Hill
Mayor

AN ORDINANCE REGULATING THE LOCATION AND ERECTION OF SIGNS OF ANY AND ALL KINDS WHATSOEVER, PRESCRIBING PROCEDURES FOR THE IMPLEMENTATION THEREOF, AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, it is the express objective and purpose of the City of Eureka Springs, Arkansas, to regulate the approval of the location and erection of signs of any and all kinds whatsoever within the corporate limits of the City of Eureka Springs, Arkansas, in order to promote the scenic and historic nature of said city and to provide for the health, safety and welfare of the inhabitants thereof and visitors thereto.

WHEREAS, it is indispensable to the accomplishment of said express objective and purpose to establish regulations for the approval of the location and erection of signs of any and all kinds whatsoever within the corporate limits of said city.

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

SECTION 1: DEFINITION OF TERMS.

1.1. Definition of terms: The following terms shall have meaning as defined herein:

Advertising sign: any on or off-site signs which bears the name and/or picture or logo of a specific product, e.g., Coca-Cola, Ford, Pabst, etc.

Board of Adjustment: that certain public body created by Ordinance No. 915 of the City of Eureka Springs, Arkansas, in Section 7 thereof, said Ordinance being passed and approved on January 15, 1970, and thereafter published according to law.

Business sign: any on or off-site sign which conveys the name of the business, addresses, name of proprietor, and/or general classification of merchandise or service provided, either pictorially or by use of words or symbolically.

Directly illuminated sign: any sign which radiates light by transmission from within itself or by electric lights or luminous tubes as a part of the/sign proper.

Enforcing Officer: that person appointed by the Mayor, as set forth in Section 8-1 of Ordinance No. 915 of the City of Eureka Springs, Arkansas.

Mobile Sign: any sign erected on a trailer, van, towable or self-propelled vehicle which is capable of being moved within thirty minutes of the commencement of operations to so move the same, 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.

Projecting Sign: any sign affixed to any vertical wall at an angle perpendicular to said vertical wall.

Roof sign: any sign wholly erected, constructed, or maintained above the highest point of the roof and physically a part of said roof.

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 wall or roof of a building, or any lettering or painted surface applied directly

to the wall, roof, display window or other appurtenances of a building.

Suspended sign: any sign suspended by chains or hooks from an overhead outdoor ceiling or from some other permanent structure, or suspended from a supportive structure affixed to and perpendicular to a vertical wall, such sign being perpendicular, more or less, to the vertical wall adjoining such ceiling or permanent structure, or to which such supportive structure is affixed.

Wall sign: any sign printed or painted directly on the surface of the wall which does not project above the top of the wall or beyond the end of the building.

Window sign: any sign painted on the glass surface of a window or door.

SECTION 2: PROCEDURE FOR SIGN PERMIT, EXEMPTIONS.

2.1. Sign approval and permit. It shall be unlawful for any person, partnership, corporation or other entity to erect, alter, relocate, repair (as provided in Subsection 4.8) within the City of Eureka Springs any sign without first obtaining a numbered sign permit from the Enforcing Officer for its erection, construction, fabrication, or creation: ^{permit shall not be required to repaint} however, a sign/exactly as originally approved and permitted pursuant to this Ordinance, or any sign within the provision of Section 6.1 of this Ordinance.

repair a sign

2.2. Procedure. Sign approval by the Enforcing Officer is contingent upon the property owner's compliance with all applicable provisions of this Ordinance and upon submission to the Enforcing Officer of one (1) drawing of the sign with scale dimensions ~~and dimensions~~ and method of attachment outlined, for retention by the City. When the Enforcing Officer is certain that the proposed sign adheres strictly and without variance to this Ordinance, he shall issue a numbered sign permit upon payment of a permit fee of \$2.00 plus \$.10 per square foot of display area.

2.3. Administrative appellate procedure. Appeals from decisions of the Enforcing Officer shall be heard by the Board of Adjustment in accordance with Section 7 of Ordinance 915.

2.4. Business vacating premises. Any business corporation or other commercial entity permanently ceasing to operate or function in a specific location and on certain premises within the corporate limits of the City of Eureka Springs, Arkansas, or which had ceased to do business in a specific location before the effective date of this ordinance where the signs for such business remain, shall in no less than thirty (30) days after so ceasing to do business, or after the effective date of this Ordinance, as the case may be remove or cause to be removed any and all signs pertaining to such business located within the corporate limits of the City of Eureka Springs, Arkansas, whether such signs be off-site signs or on the premises of such business. Any such person, corporation, partnership or other entity permanently ceasing to do business in such location and on such premises and thereafter resuming to engage in substantially the same business activity elsewhere within the corporate limits of the City of Eureka Springs, Arkansas, shall comply with the foregoing provisions regarding the old premises and, in addition, shall fully comply with Subsection 2.1 and 2.2 set forth above, prior to erecting any signs whatsoever on the new business premises or elsewhere within said corporate limits, whether any such signs were used on the old premises or not so used.

2.5. Exemptions: the following are exempt from payment of the permit fee and the need for obtaining a numbered sign permit: however, such exemption shall not relieve the applicant from the responsibility of complying with other applicable provisions of this section and with all other applicable sections of this Ordinance:

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

(2) 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 four (4) square feet of display surface area.

(3) Temporary real estate "for sale," "for lease-rent-let" signs.

(4) Cornerstones or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of metal or other approved materials.

(5) Traffic or other municipal signs authorized by city, county, state or federal government.

(6) Election campaign signs if posted by or with the approval of the property owner(s): such signs may not be erected more than thirty (30) days 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.

(7) One (1) temporary building construction sign on-site, provided that it does not exceed eight (8) square feet in area.

(8) Banners, posters and notices announcing events for non-profit organizations, and handbills and posters announcing performances, movies, plays and exhibits by such organizations; the property owner is responsible for removing such advertising within forty-eight (48) hours after the event.

SECTION 3: GENERAL RESTRICTIONS.

3.1 Signs in the downtown commercial residential zones HC-2, HR, C-2 and R: 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, are considered inappropriate to the historic and scenic nature of the City of Eureka Springs and shall not be approved for those areas in said City which area, at the time application is made to the Enforcing Officer for approval of such sign, zoned Central Business District (C-2), or Historic Residential (H-R) or Historic Commercial (HC-2), or Residential (R or HR) or for those areas which shall be, at the time said application is made, be included in a Historic District established pursuant to Acts 1963, No. 484, as amended by Acts 1965, No. 170.

3.2. Signs in downtown business HC-2 and C-2 districts. Two (2) on-site signs identifying each business in C-2 and HC-2 districts 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. Wall signs currently existing are acceptable and exempt from the provisions of this Ordinance, provided that no additional wall signs shall be approved by the Enforcing Officer, nor shall the altering or modification of any existing wall sign be approved. In addition to the two business signs, window signs painted or permanently affixed on the glass portion of a facade are permitted, as are decals indicating an affiliation for which the businessperson pays, such as

Mastercharge, BankAmericard, etc.; or seal of approval, such a AAA, Duncan Hines, etc

3.3. Signs in C-1, HC-1, I and A districts. Phosphorescent signs, glass or mirror signs, flashing signs and revolving signs, or signs which appear to flash or revolve, or signs which have moving arrows, are hereby declared to be a menace to the health, safety and welfare of the inhabitants of and visitors to the City of Eureka Springs and shall not be permitted within the corporate limits of the City of Eureka Springs. 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.

3.3a. On-site signs in HC-1, C-1, I and A districts. No sign shall be larger than 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.

3.3b. Off-site signs. Free-standing signs advertising a business not on the premises of the business advertised are permitted only in the C-1, I and A districts, and are limited to two hundred fifty (250) square feet of display surface area, excluding supports.

SECTION 4. SPECIFIC REGULATIONS.

4.1. Signs for Public Institutions. Churches, schools, community centers or other public institutional buildings may have one identification sign and one bulletin board, provided that the total area of both shall not exceed twenty (20) square feet.

4.2. Off-site Signs for Civic and Non-Profit Organizations. One off-site sign, not to exceed eight (8) square feet in area, shall be permitted for each civic and/or non-profit organization which desires such, located within the city limits on each of the four major thoroughfares (23N, 62E, 23S, 62W) in and out of the City of Eureka Springs.

4.3. Real Estate Signs. No more than two (2) non-phosphorescent, non-reflective real estate signs, each not over six (6) square feet in area, advertising the sale, rental, or lease of the premises on which they are maintained shall be permitted within the City of Eureka Springs.

4.4. Subdivision Signs. A temporary sign not to exceed fifty (50) square feet advertising a subdivision may be placed in said subdivision during the initial sales and development, provided the sign is located at least fifty (50) feet from the abutting property line and is removed within thirty (30) days of the sale of the last lot in the subdivision.

4.5. Signs in Residential and Historic Districts. No off-site signs shall be permitted in R, H-R, and H-C districts, except as provided for in the Subsection 4.2. No residential (R or H-R) business sign shall be considered by the Enforcing Officer until he is certain that the business has received a Conditional Use Permit from the Planning Commission.

4.6. Floodlighting. It shall be unlawful for any person, firm, or corporation to install, erect, or maintain any floodlight source or floodlighted sign within the city limits in such a manner that the light beams from such source or sign are directed or reflected into, on, or across any open public street or alley used by vehicular traffic in such a manner that the light beams from such source or sign are directed or reflected into the windows of any neighboring

building used as a residence, or in any such manner that the light beams from such source or sign may be reasonable presumed to impair the vision of the driver or operator of any vehicle.

4.7. Signs nailed to trees. No sign may be nailed to or otherwise directly affixed to any tree, shrub, bush, or other plant.

4.8. Damaged Signs. If any sign is damaged by wind, fire, and/or natural force or by human accident to the extent of more than 50% of its replacement cost, the owner shall fully comply with the provisions of Section 2, together with all other applicable provisions of this Ordinance, in repairing such damaged sign or in replacing it with a new sign.

4.9. Mobile sign. No permit shall be issued for any mobile sign.

SECTION 5: ADMINISTRATION OF ORDINANCE.

5.1. Sign measurement. Sign area shall be the area of the smallest geometric figure which encompasses the facing of a sign including copy, insignia, background and borders. Cut-out letter signs shall have their aggregate area credited toward allowable sign area at one-half the measured area. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign: except where two such faces are placed back to back and are at no point more than two feet (2') from one another, the area of the sign shall be taken as the area of the face if the two faces are of equal area, or as the area of the larger face if of unequal area.

5.2. Every sign or other advertising structure hereafter registered shall show in a conspicuous place visible to the Enforcing Officer its permit number.

5.3. All free-standing and attached signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, safe, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

5.4. Violations and Unsafe Signs. If the Enforcing Officer shall find, or shall be so advised by any citizen or public body of the City of Eureka Springs, that any sign or other advertising structure regulated herein is unsafe, or insecure, or is a menace to public safety, health and welfare, or is abandoned or maintained in a dilapidated condition, e.g. faded paint, burnt-out or flickering lights, or has been constructed or erected in a manner at variance with the design for which a permit was issued, or has been erected without a permit, subsequent to the effective date of this Ordinance, he shall give written notice of such violation to the permittee, business owner, business manager or property owner thereof, and if the permittee, business owner, business manager, or property owner fails to remove or alter the sign to comply with applicable standards within ten (10) days, the Enforcing Officer shall take the necessary steps to have a warrant for the arrest of such permittee, business owner, property owner, or business manager issued by a proper court.

5.5. Revocation of Numbered Permit. A numbered permit issued by the Enforcing Officer may be revoked by the City Council after it has set forth the applicable provision of this Ordinance which has been violated. Ten (10) days written notice of such pending action shall be given by the Enforcing Officer to the property owner or business owner affected, upon receipt by the Enforcing Officer of the recommendation by City Council of Eureka Springs given in writing.