

# City of Van Buren

## ORDINANCE NO. 11-2001

**AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING THE PLACEMENT AND MAINTENANCE OF SIGNS IN THE CITY OF VAN BUREN, ESTABLISHING HEIGHT, AREA AND OTHER RESTRICTIONS FOR SAID SIGNS AND DECLARING AN EMERGENCY.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF VAN BUREN, ARKANSAS:**

### **SIGNS AND BILLBOARDS**

#### **Sign Procedure Overview**

In an effort to ensure compliance with this ordinance, all signs require permits through the City of Van Buren Building Department except where otherwise stated within this ordinance. All signs within the Van Buren Historic District must comply with the requirements of the Van Buren Historic Commission.

#### **1.0 Purpose**

The Mayor and Council of the City of Van Buren are enacting this Ordinance to ensure that noncommercial messages are authorized with restriction only as to the size of such signage and to establish reasonable regulations for signage containing commercial messages. The Mayor and Council find that signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and the City's overall public welfare as an aesthetic nuisance.

By enacting this amendment, the Mayor and Council intend to:

- (a) Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (b) Protect the public health, safety, and welfare;
- (c) Reduce traffic and pedestrian hazards;
- (d) Maintain the historical image of the City;
- (e) Protect property values by minimizing the possible adverse effects and visual blight caused by signs;

- (f) Promote economic development; and
- (g) Ensure the fair and consistent enforcement of sign regulations.

## **2.0 Definitions and Interpretations**

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trade marks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are visible from any public street or adjacent property and used to attract attention. This definition includes the structure or the face on which a sign message is displayed. For the purposes of this ordinance, this definition shall not include “trade dress” i.e.: architectural features identified with a product or business, as a sign. Signs, including various kinds of signs are further defined in the Signs section of this ordinance.

### **Awning Sign:**

A sign which is a part of a fabric or other non-structural awning.

### **Back to Back Sign:**

A single structure with two parallel and directly opposite outdoor advertising signs with their faces oriented in opposite directions.

### **Banner:**

A sign made of a lightweight fabric or similar material, which is either mounted permanently or in such a way as to allow movement caused by the atmosphere.

### **Canopy Sign:**

A sign which is painted, affixed, or otherwise displayed on a permanent porch or cover other than an awning which may be attached to a building or supported by columns extending to the ground such as at fuel station islands.

### **Changeable Copy Sign:**

Any sign where letters or numbers displayed on the sign can be changed periodically on the sign to display different messages.

### **Construction Sign:**

A sign which identifies architects, engineers, contractors and other individuals or firms involved with construction on the premises, the name of the building or development, the intended purpose of the building, and /or the expected completion date.

### **Door Sign:**

A sign, which is attached to, painted on or etched onto or into a door. A sign in a window, which is part of a door, is a door sign for the purposes of this section.

### **Freestanding Sign:**

A sign, which is not attached to a building and permanently, attached to the ground by one or more supports. There are two (2) types of freestanding signs:

- 1). Low stature freestanding signs (ground or monument signs) – freestanding signs in which the distance from the ground to the highest point of the sign is five (5) feet or less.

2). High stature freestanding signs – freestanding signs in which the distance from the ground to the highest point of the sign is more than five (5) feet.

**Historical or Memorial Marker:**

A sign or tablet attached to a building, indicating the date of construction and/or the names of the building or the principals involved in its construction. Also an attached sign on bona fide historic buildings.

**Incidental Sign:**

An on-premise sign giving information or direction for the convenience and necessity of the public such as “entrance”, “exit”, “no admittance”, “telephone”, “parking”, etc.

**Marquee Sign:**

A sign used to identify a theater or a sign projection over the entrance to a theater.

**Maximum Sign Area:**

The aggregate square footage of sign area on a lot or building. For lots fronting on more than one street, the maximum sign area shall be the allowable sign area for each street frontage. Maximum allowable sign area may not be transferred from one street frontage to another.

**Noncommercial Sign:**

A sign which is not an on-premise or off-premise sign and which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. Noncommercial signs include but are not limited to: signs expressing political views, religious views or signs of non-profit organizations related to their tax-exempt purposes.

**Obsolete Sign:**

A sign relating to or identifying a business or activity which has not been conducted on the premises for six (6) months, or to a transpired election or event, or to a political party or non-profit organization that no longer exists; in addition, the structure for a sign that is not allowed under this ordinance if such structure cannot be used for a legal use or does not comply with the height, size, or other physical requirements of the ordinance, or a sign which has missing or broken panels, broken or damaged supports or frame, or otherwise displays inadequate maintenance, dilapidation, obsolescence or abandonment.

**Off-Premise Sign, Off-Site Sign, or Billboard:**

A permanent sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located, or which business, commodity, service or entertainment forms only minor or incidental activity upon the premises where the sign is displayed. These product-oriented signs shall be considered on-premises signs if they comply with on-premise sign requirements. Portable signs are excluded from this definition.

**On-Premise Sign or On Site Sign:**

A sign, which advertises or directs attention to a business, commodity, or service conducted, offered, or sold on the premises, or directs attention to the business or activity conducted on the premises.

**Portable Sign:**

Any sign not permanently attached to the ground or other permanent structure, including but not limited to signs with attached wheels and those converted to A- or T- frame structure.

**Projecting Sign:**

A sign forming an angle with a building which extends from the building and is supported by the building.

**Public Sign:**

A sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.

**Roof Sign:**

A sign, which is higher than the roof to which it is attached. Signs attached to the lower slope of a roof or attached to a parapet wall above a flat roof are considered wall signs. Signs on mansard or canopy roofs are considered wall signs.

**Real Estate Sign:**

A sign advertising the premises for sale, rent or lease.

**Side-By- Side Sign:**

Two adjacent outdoor advertising signs on a single structure with both faces oriented in the same direction.

**Sign Area:**

The sign area is measured by finding the area of an imaginary rectangle, circle or triangle which fully encloses the sign message, including background and logos but not including supports or braces. For multi-faced signs, sign area shall be computed from the vantagepoint, which gives a view of the largest amount of sign area. If two (2) identical signs are back to back, and are part of the same sign structure the sign area shall be computed by the measurement of one of the faces.

**Sign Height:**

The height of a sign shall be the vertical distance from normal grade to the highest point of the sign. Any berming or filling or excavating solely for the purpose of locating the sign, shall be computed as part of the sign height.

**Stacked Sign:**

A single structure with two outdoor advertising signs with one sign placed directly above the other with their faces oriented in the same direction.

**Suspended Sign:**

A sign which is attached to the underside of a horizontal plane or arm and is supported by the horizontal plane.

**Tri-Vision Sign:**

A sign constructed to use multiple face panels or slats that rotate to different messages in a fixed position.

**V Sign:**

A single structure with two outdoor advertising signs with their faces oriented in different directions placed at an angle.

**Wall Sign:**

Any sign, other than a projecting sign, which is oriented in a parallel direction to the wall of any building and is painted on or attached to that wall. The sign may extend above or below that wall, provided that any extension must be parallel to that wall and placed not more than twenty-four (24) inches forward or backward from the face of that wall. For purposes of this section only, a "wall" shall include any permanent architectural extension of a wall, including parapets, mansards, and awnings even if such extension projects beyond or above the enclosed portions of the building.

**Window Sign:**

Any sign, which is attached to, painted on, or etched into a window or which is displayed within twelve (12) inches of the window and is legible from outside the window.

### **3.0 Signs Allowed in all Zoning Districts Without a Permit**

The following shall be allowed in all zoning districts. No sign permit shall be required.

1. Any federal, state or local traffic control or other public sign.
2. Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance.
3. Works of art which do not identify a business, product or service.
4. Hand carried noncommercial signs.
5. Lighting and displays that are part of customary holiday decorations, provided that they contain no commercial message and are not located in the right-of-way.
6. Any sign not legible either from any public right-of-way or from any lot or parcel other than the parcel on which such signs are located or from an adjacent lot or parcel under common ownership with the lot or parcel on which such sign is located.
7. Signs placed in or on windows provided such signs in combination with other window signs do not block the view by public safety officials of the cashier or teller area from the exterior of the building.
8. Customary identification signs, such as: building numbers, addresses, private parking signs, no trespassing signs or dangerous animal signs.
9. U.S., State, Municipal, or Corporate Flags
10. Traffic control signs on private property such as "stop", "yield", and similar signs, the face of which meet Arkansas Department of Transportation standards and which contain no logo or commercial message.
11. Incidental signs which do not exceed three (3) square feet of area per sign. The signs shall not exceed four (4) feet in height.
12. Yard sale signs, which do not exceed six (6) square feet in area per sign, are limited to one (1) per lot and must be removed one (1) day after the event.

13. Vending machines, automatic tellers, or gasoline pumps which display the name, trademark or logo of the company or brand or prices provided the display is an integral part of the machine or pump and does not exceed thirty-two (32) square feet in area per side.
14. Construction signs in residential districts which do not exceed six (6) square feet in area and six (6) feet in height and which are limited to one per lot. The sign must be removed prior to the issuance of a Certificate of Occupancy.
15. Real estate signs in residential districts which do not exceed six (6) square feet in area and six (6) feet in height for freestanding signs and which are limited to one per street frontage and one wall sign per dwelling unit.
16. Real estate signs in nonresidential districts which do not exceed thirty-two (32) square feet in area per sign, and do not exceed eight (8) feet in height for freestanding signs and which are limited to one freestanding sign per street frontage. One wall sign per building façade is allowed if the entire building is for sale or lease. One wall sign per leaseable unit is allowed if portions of the buildings are for sale or lease.
17. Announcements by public or non-profit organizations of fund raising events, special events or activities of interest to the general public, other than political signs. Such signs shall not exceed six (6) square feet in area for residential uses in residential districts and thirty-two (32) square feet in area for nonresidential districts and nonresidential uses in residential districts. Signs shall be limited to one per event. The sign may be erected up to three (3) weeks prior to the event and shall be removed within seven (7) days after the event.
18. Political signs erected in connection with elections or political campaigns provided that:
  - a. Such signs are prohibited on utility poles and may not obstruct drivers vision clearances at an intersection.
  - b. Such signs shall not be posted earlier than sixty (60) days prior to a primary, general or special election and are to be removed within seven (7) days after the election.
  - c. Such signs shall not exceed ten (10) feet in height and 40 square feet per side.
  - d. Such signs shall not be placed in public rights-of-way.
  - e. Signs found to be in violation of this section may be removed by Code Enforcement Officers.
19. Attached or freestanding historic or memorial markers erected by a governmental agency or private, nonprofit historic preservation or education organization pursuant to a plan or program for the erection of such signs or markers applied on a national, state, county, or municipal wide basis or to properties within a duly authorized local historic district. Such plan or program must employ uniform standards of eligibility and the sign or marker must commemorate a person, building, place or event or historical, civic, cultural, natural historical, scientific, or architectural significance. Each such sign or marker shall be made of cast metal, cut masonry, painted wood or metal or other similar weather proof material.

20. Signs in public parks of a noncommercial nature erected by a government agency such as directional signs, rules signs, safety signs or site identification signs. Such signs shall not be greater than eight (8) feet in height.
21. Special event signs and civic event signs may be allowed for a limited period of time as a means of publicizing special events such as grand openings, special and holiday sales, carnivals, parades, and charitable events. Such special event signs shall be limited to the following provisions:
  - b. Special event signs shall be limited to 30 days per event from time of the erection.
  - b. Special event signs may include balloons, inflated devices, festoons, pennants, banners, and streamers.
  - c. All special event signs shall be maintained in good condition.
22. Commercial signs inside stadiums, sports fields, or arenas.
23. Directional signs for the sale or rent of residential property:
  - a. The signs shall not be placed in the right-of-way and shall be maintained in a good condition.
  - b. The signs are unlit and limited to four (4) square feet per side for a single user or four (4) square feet per side when shared by multiple projects. The sign message may be placed on each side of the sign. The signs shall not exceed four (4) feet in height and shall not obstruct vision clearances.
  - c. In order to avoid the placement of a series of signs along several miles of roadway, no more than five (5) signs shall be allowed per project (or per property when a single dwelling is for sale or rent). Signs shall be placed no farther than two (2) road miles from the project or property for which directions are given.
  - d. Up to two (2) directional signs are allowed at intersections. However, each user is allowed only one (1) sign per intersection. Therefore, each of the signs must identify different users. If the number of signs at an intersection exceeds two (2) a Code Enforcement Officer may remove all directional signs.
  - e. Signs for properties for sale shall be removed within seven (7) days of when a contract is closed on the property.
  - f. To encourage assistance in compliance with these requirements, the Code Enforcement Officers may notify the Board of Realtors or the Home Builders Association regarding violations of these provisions. Signs in violation of these requirements may be removed.
24. Signs visible only from the interior of a structure, such as in a mall, where they are not visible from a public right-of-way or public space.
25. Directional Signs for local churches.
  - a. Such signs must not exceed six (6) square feet in area or eight (8) feet in height.
  - b. Such signs must not obstruct site distances at intersections or otherwise create a hazardous condition for vehicular or pedestrian traffic.
  - c. Such signs require property owner permission.
  - d. No more than four such signs shall be placed for any given church.
  - e. Such signs may only bear the name and address of the church with direction and distance to the church.

- f. Failure to comply with these requirements will cause the removal of the signs.

#### **4.0 Signs Allowed in Public Rights-of-Way Without a Permit**

The following signs shall be allowed within public rights-of-way. No sign permit shall be required.

1. Public signs erected by the city, county, state or federal government.
2. Emergency warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way.
3. Signs identifying a recognized community, subdivision or development provided that such signs were lawfully erected pursuant to an encroachment agreement, and are consistent with an approved overall sign plan, site plan or subdivision plat. Must be included in preliminary plat or large-scale development plan.

#### **5.0 Prohibited Signs**

The following signs shall be prohibited, and may neither be erected nor maintained:

1. Signs with flashing effects or rotating lights; however, this provision shall not prohibit signs with an alternating electronic display of time or temperature or text messages.
2. Obsolete signs.
3. Signs which have broken supports or are overgrown with vegetation.
4. Any sign which constitutes a hazard to traffic including, but not limited to, signs located within the right-of-way or .
5. Signs which block entrances or exits to buildings.
6. Signs attached or painted on vehicles parked and visible from the right-of-way, unless said vehicle is used as a vehicle in the normal day to day operations of the business.
7. All signs, including supports, frames, and embellishments, which are located within a public right-of-way and/or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right-of-way or on public property, except as allowed elsewhere in this section.
8. Roof signs.
9. All other signs, which are not expressly exempt from regulation or expressly, allowed by this ordinance.

## 6.0 Administration of Sign Permits

Certain signs shall be allowed with sign permits. The city shall process all sign permit applications within five (5) working days of the City's actual receipt of an application and a sign permit fee. Sign permits for signs allowed in conformance with Section 7 shall be issued by the Building Department in accordance with the following procedures.

### 6.1 Applications for Permits

Applications for sign permits shall be submitted on forms provided by the Building Department. The specified fee and the following information shall accompany the completed application:

1. Name, address and phone number of the sign owner, sign installer, local maintenance contact, and owner of the real property upon which the sign is situated.
2. Description of the type of sign and sign materials including construction materials and proposed lighting, if any.
3. Drawings showing the design, location, content, and dimensions of the sign and the design and dimensions of any measures used to support the sign or used to affix the sign to a wall, window or the ground.
4. All applications for permits for signs, which exceed 30 feet in height from the ground, must be accompanied by appropriate plans bearing the name, address, business telephone number, and seal of a registered professional engineer.

### 6.2 Fees.

No permit shall be issued until the appropriate application has been filed and fees have been paid for each sign installed:

1. On premise:

|                           |   |
|---------------------------|---|
| (a) 1 to 50 square feet   | \$ 25.00  |
| (b) 50 to 75 square feet  | 35.00   |
| (c) 75 to 100 square feet | 50.00   |
| (d) Above 100 square feet | .50 per square foot   |
| (e) Banners               | 15.00 per sign or banner  |
| (f) Portable signs        | 15.00 for first sign on the property<br>10.00 annual fee for additional signs<br>payable at time privilege licenses are due |
2. Off premise:

|  |  |
|--|--|
|  | .50 per square foot, plus an annual<br>renewal fee of \$15.00. |
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### **6.3 Approval and Inspection**

After a review of the application by the Building Department shows that the sign meets zoning, electrical, and SBCCI Building Code requirements, and other requirements for an application in this ordinance, the applicant shall receive a temporary permit to erect or install the approved signs.

1. **Permanent Sign:** The applicant shall request an inspection after installation of the sign. If the sign is found to be in compliance, the Building Department shall issue a final permit. Final sign permits may be assignable to a successor of the business.
2. **Portable Signs and Banners:** The approved time period shall be specified on the final permit. An inspection shall not be required for portable signs and banners.

### **6.4 Expiration date.**

A temporary sign permit shall become null and void if the sign for which the temporary permit was issued has not been completed within twelve (12) months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

### **6.5 Revocation of Permits**

Sign permits shall be revoked if a sign is found to be in violation of this ordinance.

## **7.0 Signs Allowed With Sign Permits**

The following signs are allowed with a permit:

### **7.1 Awning Signs**

Awning signs are allowed in all commercial and industrial zoning districts, subject to the following requirements:

1. The sign shall be flat against the surface of the awning.
2. The sign shall maintain a clearance of nine (9) feet above a public right-of-way or front yard.
3. The sign shall not be within any right-of-way, nor within ten (10) feet of the edge of roadway pavement.

### **7.2 Freestanding Signs In Nonresidential Districts**

Freestanding signs shall be allowed in all commercial and industrial zoning districts, subject to the following requirements:

1. For each street frontage of a property, a building may have a freestanding sign up to 150 square feet. If the building has more than 150 feet but less than 300 feet of street frontage, the freestanding sign size limit may be increased by an additional one (1) square foot per linear foot of street frontage up to a maximum size of 300 square feet on each street on which the property fronts. One additional sign is allowed if the street frontage of the property exceeds 300 feet. If two signs are placed on a single street frontage the combined area of the two signs shall not exceed 300 square feet. Each sign must meet all other requirements for freestanding signs.
2. The sign shall not be within any right-of-way, nor within ten (10) feet of the edge of roadway pavement.
3. Signs shall be located at least twenty-five (25) feet from any property line, which is adjacent to property in a residential zone.
4. Freestanding signs may not exceed 36 feet in height. However, signs up to 70 feet in height are allowed for restaurants, hotels, motels, and fuel sales establishments when the property on which the sign is located is situated within 1500 feet of Interstate 40/ 540. The height shall be measured from the grade of the ground on which the sign sits except when a street or highway is higher than the grade of the sign location, in which case the measurement may be from the grade at the point on the centerline of the street or highway which is nearest from the sign location.

### **7.3 Freestanding Signs in Residential Districts**

1. Identification Signs for Residential Subdivisions, which are not PUD's, or Multifamily: Up to 2 freestanding signs may be placed at each entrance to identify the subdivision. Each sign shall be limited to 4 feet in height and 32 square feet in area. Signs shall be incorporated into a permanent landscape feature such as a wall, fence, or masonry column.
2. Identification Signs for PUD's and Multifamily Developments: Up to 2 freestanding signs may be placed at each entrance to identify the project. The total sign area shall not exceed 32 square feet in area. The sign shall be incorporated into a permanent landscape feature such as a wall, fence, monument, or masonry column and may not exceed 4 feet in height.
3. Charitable organizations include but are not limited to: churches, mosques, synagogues, or other religious organizations shall be allowed to have freestanding signs up to 100 square feet in area and shall be limited to 16 feet in height.
4. New Residential Developments: In addition to permanent identification signs, identified in 1-3 above, residential developments selling new dwellings may locate 1 free standing sign at each entrance to the development. A sign permit must be obtained for each sign, but the permit may be renewed annually at no cost. The sign shall be removed upon expiration of the permit. The maximum allowable sign area is 100 square feet per sign. The maximum sign height is 16 feet.

5. The sign shall not be within any right-of-way, nor within ten (10) feet of the edge of roadway pavement

#### **7.4 Marquee Signs**

Marquee signs shall be allowed in all commercial and industrial zoning districts, subject to the following requirements:

1. The sign shall maintain a vertical clearance over a sidewalk of at least 9 feet.
2. The sign shall not be within any right-of-way, nor within ten (10) feet of the edge of roadway pavement.
3. The sign may extend the full length of the marquee on theaters, auditoriums and assembly halls. The height of the message area may not exceed 8 feet.
4. The sign may not exceed 100 square feet in area.
5. Only one marquee sign shall be allowed per establishment.

#### **7.5 Noncommercial Signs**

Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this ordinance. Noncommercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted.

#### **7.6 Projecting Signs**

Projecting signs may be located in all commercial and industrial zoning districts, subject to the following requirements:

1. The sign may not extend above the top of the wall to which it is attached, except that a sign 18 inches or less in width and perpendicular to such wall may extend up to a maximum of 2 feet beyond the top of the wall.
2. The sign shall not be within any right-of-way, nor within ten (10) feet of the edge of roadway pavement.
3. The sign may not exceed 40 square feet in area.
4. Only one sign shall be allowed per establishment.

#### **7.7 Suspended Signs**

Suspended signs shall be allowed in all commercial and industrial zoning districts, subject to the following requirements:

1. The sign shall not be within any right-of-way, nor within ten (10) feet of the edge of roadway pavement.
2. The sign shall allow a 9-foot clearance to the walking surface.
3. No sign shall exceed eight (8) square feet in area.

4. Only one sign shall be allowed per establishment.

### **7.8 Wall Signs in Commercial and Industrial Districts**

Wall signs shall be allowed in all commercial and industrial zoning districts, subject to the following requirements:

1. Wall signs are allowed up to the full size of the wall. However, a wall sign may not extend more than 24 inches beyond the building, except in the case of a sign on the lower slope of a roof or a awning, where the sign may extend the distance required to make the sign vertical.
2. The sign shall not be within any right-of-way, nor within ten (10) feet of the edge of roadway pavement.

### **7.9 Canopy Signs**

Canopy signs shall be allowed in all commercial and industrial zoning districts, subject to the following requirements:

1. The vertical edge of the canopy shall be a maximum of 42 inches in height.
2. Signage on the canopy shall not exceed 100 square feet per canopy side. In no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.
3. The sign shall not be within any right-of-way, nor within ten (10) feet of the edge of roadway pavement.

### **7.10 Portable Signs**

Portable signs shall be allowed in all commercial and industrial zoning districts, subject to the following requirements:

1. Maximum sign area for a portable sign is 40 square feet.
2. Should the sign have electrical power it shall meet the requirements of the National Electrical Code.
3. The sign shall not be within any right-of-way, nor within ten (10) feet of the edge of roadway pavement.

### **7.11 Billboards**

Billboards shall be allowed in all commercial and industrial zoning districts, subject to the following requirements:

1. No billboard shall be located within 600 feet of another billboard abutting either side of the same street or highway. Back-to-back billboard structures and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be

considered as one billboard. Additionally, side-by-side billboard structures shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection "2" below.

2. No billboard shall be located within 200 feet of a residential zone.
3. The sign shall not be within any right-of-way, nor within ten (10) feet of the edge of roadway pavement.
4. The surface display area of any side of a billboard may not exceed 300 square feet. In the case of billboard structures with side-by-side or stacked billboards, the combined surface display area of both faces may not exceed 300 square feet. However, those signs located along the interstate highway system and oriented toward the interstate highway may contain up to 700 square feet of surface display area.
5. The overall height of a billboard shall not exceed 55 feet, and the bottom of the billboard shall not be less than 37 feet measured from the grade of the ground on which the billboard sits, except when the street or highway is higher than the grade of the sign location, in which case the measurement may be from the grade at the point on the centerline of the street or highway nearest to the sign location.
6. No billboards shall be attached to, cantilevered from, or otherwise suspended by the roof of any building.
7. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be allowed to rotate or oscillate.
8. A billboard must be constructed using no more than one monopole support. The structure must meet applicable building code requirements and be constructed in such a fashion that it will withstand all wind and vibration forces which can reasonably be expected to occur in the vicinity. Design calculations must be provided to the Building Department as a part of the application process.
9. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
10. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with this Ordinance, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

## **8.0 General Requirements for Signs**

### **8.1 Illumination**

1. Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety.
2. Signs may not be illuminated by a string of lights placed around the sign.
3. Within 200 feet of off-site residential zones, only internally illuminated signs which allow only the sign characters and logos to emit light or signs which are illuminated by means of a light that shines on the face of the sign shall be allowed. For the purposes of this subsection, property on the other side of a public right-of-way other than a controlled access highway shall be considered adjacent property.

### **8.2 Design, Construction and Maintenance**

1. All signs shall comply with the provisions of the applicable version of the Southern Building Code and the National Electrical Code as adopted by the City of Van Buren.
2. Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for the following signs:
  - a. Banners and special event signs meeting the requirements elsewhere in this Ordinance.
  - b. Signs advertising premises for sale, lease or rent.
  - c. Signs providing information on construction taking place on the premises.
  - d. Window signs.
  - e. Yard sale signs, political, and election signs.
  - f. Portable signs.
3. All signs shall be maintained in good condition at all times and shall be kept free of cracked or peeling paint, missing or damaged sign panels or supports, and weeds, grass or vegetation which obscures the view of the sign message.
4. Signs shall be located so as not to impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys. The sign may not prevent the free entrance and exit from any window, door or fire escape.

### **8.3 Changeable Copy on Signs**

Changeable copy is allowed on signs in all commercial and industrial zoning districts, and for schools and places of worship in any district.

## **9.0 Nonconforming Signs**

All signs in existence or hereafter placed into service are covered by this Ordinance with no sign being “grandfathered.” All existing signs, except portable signs and banners, which do not conform to the provisions of this Ordinance may be eligible for the designation “legal nonconforming” and allowed to continue to exist until one of the following conditions occurs:

1. The deterioration of the sign or damage to the sign that makes it a hazard;
2. The sign has been damaged to such extent that require repair costs greater than two-thirds of the replacement cost of the sign;
3. The sign is relocated or replaced, except as required by street relocation or other work by a government entity, or if the size of the sign is altered toward compliance with this Ordinance.

A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of message, poster panels, painted boards or dismountable material on nonconforming signs shall be allowed, as long as no changes are made to the structure of the sign.

The legal nonconforming sign is subject to all requirements of this Ordinance regarding safety, maintenance, and repair. However, no changes in the size or shape of this sign shall be allowed except to make the sign comply with the requirements of this Ordinance.

## **10.0 General Provisions**

### **10.1 Violations and Penalties**

If, upon inspection, the Building Department or its designated representative, finds that a sign has been abandoned, or is structurally, materially, or electrically defective, or is otherwise in violation of this Ordinance, the Building Department or its designated representative shall issue a written order to the sign owner and the owner of the real property upon which the sign is situated.

The order shall specify those sections of this Ordinance which the sign violates, and shall state that the owner of the sign has 21 days from the date of the order in which to correct the alleged violation or to file an appeal as set out in this Ordinance.

Any person who fails to comply with the provisions of the Ordinance within 21 days after receipt of notice from the Building Department or its designated representative shall be subject to prosecution in the local courts and upon conviction shall be subject to a fine of up to \$100.00 for each day thereafter that the violation continues except that any person who has more than one portable sign and fails to pay the annual fee shall be guilty of a misdemeanor and shall be subject to a fine of no less than twenty-five dollars (\$25) per day per sign and no more than fifty dollars (\$50) per day per sign each day the violation continues. In the event of an adverse decision upon appeal, the penalty shall be assessed for

that period beginning 21 days after notice was given by Building Department or its designated representative and shall not be stayed or abated by the filing of the appeal.

In cases of emergency, where a sign constitutes a present hazard to public safety as defined in other ordinances or laws, the Building Department or its designated representative may cause the immediate removal of a dangerous or defective sign without notice.

In cases of signs being placed too close to the right-of-way or street as provided in this Ordinance, the Building Department or its designated representative may cause the immediate removal of the sign without notice to the sign owner or the owner of the real property upon which the sign is situated.

After removal or demolition of the sign, a notice shall be given to the sign owner and the owner of the real property upon which the sign is situated, stating the nature of the removal work and the date on which it was performed, demanding payment for all costs incurred by the Building Department. If the amount specified in the notice is not paid within 21 days of the notice, the amount stated shall become a lien against the property of the owner of the sign and the owner of the real property upon which the sign is located.

## **10.2 Appeals**

An owner of a sign or the real property upon which a sign is situated may appeal a decision of the Building Department or its designated representative, whether such decision is the denial of a permit or is related to an alleged violation of this ordinance in the following manner:

Within 21 days, the owner of the sign or the real property upon which the sign is located shall file an appeal of the decision of the Building Department with the secretary of the Van Buren Planning Commission. The decision of the Planning Commission may thereafter be appealed to the Van Buren City Council and thereafter to the Circuit Court of Crawford County, Arkansas.

## **10.3 Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

**10.4 Emergency Clause.**

That this Ordinance is necessary to preserve the public peace, health, safety and welfare, and because of such, an emergency is declared to exist, and this Ordinance shall be in full force and effect from the date of its passage and approval.

**PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.**

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK