

ORDINANCE NO. 2011-07

AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE CHAPTER 18.04, TITLED SIGNS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the citizens of Centerton, Arkansas, will be better served by having a separate Municipal Code Title concerning sign regulations; and

WHEREAS, the amendment of the Municipal Code to facilitate proper sign construction within the corporate limits of the City is related to the public safety, health and general welfare of the citizens of the City of Centerton.

NOW, THEREFORE, be it ordained by the City Council of the City of Centerton, Arkansas:

Section 1: That Chapter 18.04, titled “Signs,” be amended in its entirety to read as follows:

SIGNS

Sections:

- 18.04.01 Purpose
- 18.04.02 Definitions
- 18.04.03 Sign permit required
- 18.04.04 General requirement; all signs
- 18.04.05 Requirements; specific sign types
- 18.04.06 Sign construction specifications
- 18.04.07 Non-conforming uses
- 18.04.08 Abandoned signs; unsafe signs
- 18.04.09 Variances
- 18.04.10 Enforcement
- 18.04.11 Sign Examples
- 18.04.12 Application
- 18.04.13 Penalties
- 18.04.14 Severability Clause
- 18.04.15 Repeal of Conflicting Code Sections, Ordinances or Resolutions

18.04.01 Purpose The purpose hereof is to provide minimum standards to safeguard life, health, property, public welfare, community aesthetics and orderly development of the

community by regulating and controlling the design and quality of the maintenance of signs visible to public places. Signs pre-existing to the passage of this ordinance shall be considered approved unless the sign structure is removed, abandoned, or reaches a state of disrepair.

18.04.02 Definitions For the purposes hereof, the following words and terms used herein are defined as follows:

Abandoned Sign - A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

Animated Sign - A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

- A. **Electrically activated**- Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - 1. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.
 - 2. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.
- B. **Environmentally activated** - Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
- C. **Mechanically activated** - Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

Architectural projection - Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also “Awning”, “Backlit awning”; and Canopy, attached and freestanding.”

Awning - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid fire resistant material

and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

Awning sign - A sign displayed on or attached flat against the surface or surfaces of an awning. See also “Wall or fascia sign.”

Backlit awning - An awning with a translucent covering material and a source of illumination contained within its framework.

Banner sign – A sign made of fabric or any non-rigid material with no enclosing framework. A flexible material on which copy or graphics may be displayed.

Billboard - A free-standing sign having a sign face area in excess of one-hundred twenty (120) square feet. (Ord. No. 05-26, Sec. 1) An “off-premise sign” and “Outdoor advertising sign.”

Building elevation - The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

Canopy (attached) - A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also “Marquee.”

Canopy (free-standing) - A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

Canopy Sign - A sign affixed to the visible surface(s) of an attached or free-standing canopy.

Changeable Sign - A sign with the capability of content change by means of manual or remote input.

City - The City of Centerton, Benton County, Arkansas, an Arkansas municipal corporation.

Clear visibility zone - An area of safe traffic visibility bordered by a sight triangle that is devoid of visual obstructions, both natural and manmade.

Code Enforcement Officer - The Code Enforcement Officer shall be the designated official of the City of Centerton in connection with this Chapter, which shall be the building inspector, or the Mayor, or their designated representatives.

Construction sign - A sign identifying an architect, contractor and/or material supplier participating in construction on the property upon which the sign is located.

Copy - Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

Development complex sign - A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord.

Development sign - A sign identifying the project, developer, engineer, realtor, lot cost, and layout of a development or subdivision.

Directional sign - Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Double-faced sign - A sign with two faces, back to back.

Entrance/exit sign - A sign for facilitating traffic onto and out of a site.

Flashing sign - A sign that contains an intermittent or sequential flashing-light source.

Electric sign - Any sign activated or illuminated by means of electrical energy.

Electronic message sign or center - An electrically activated changeable sign whose variable message capability can be electronically programmed.

Exterior sign - Any sign placed outside a building.

Fascia sign - See “Wall or fascia sign.”

Flashing sign - See “Animated sign, electrically activated.”

Free-standing sign - A sign principally supported by a structure affixed to the ground, and not supported by a building, or wall including signs supported by one or more columns, poles or braces placed in or upon the ground by a foundation.

Frontage (building) - The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

Frontage (property) - The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

Garage/porch/yard sale sign - A sign advertising the sale of goods from residential property.

Government sign - A sign used solely by a local, state or federal government or agencies thereof or by any public utility company for the purpose of giving notice of matters of public safety or of governmental concern.

Ground sign - See “Free-standing sign.”

Ground clearance - The vertical distance measured from the lowest point of the sign and/or structural foundation to the grade of the ground surface beneath the sign.

Hanging sign - A sign, other than a wall sign, attached to a building or other structure, perpendicular to the street and extending past the building or structure.

Height of a sign - The vertical distance measured from the highest point of the sign and/or structural foundation, to the grade of the adjacent street or of the ground surface beneath the sign, whichever grade is lower.

Home occupation sign - Any type of sign describing services provided from the home or residence. Home occupation signs shall only be displayed on the premises being advertised. No off-premise signs allowed.

Illuminated sign - A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

Inflatable's – A device that can be filled with air or gas, constructed so as to resemble a figure or object when inflated.

Interior sign - Any sign placed within a building, but not including “window signs” as defined by this ordinance.

Luminous tube sign (neon sign) - Any sign which has characters, letters, figures, designs, or outlines, illuminated by gas filled luminous tubes, such as neon, argon or fluorescent.

Mansard- An inclined decorative roof-like projection that is attached to an exterior building façade.

Marquee- See “Canopy (attached).”

Marquee sign- See “Canopy sign.”

Maximum height - The vertical distance measured from the highest point of the sign and/or structural foundation to the grade of the ground surface beneath the sign.

Menu board - A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification.

Multiple-faced sign - A sign containing three or more faces.

Multi-tenant (freestanding) - A freestanding sign that provides information for multi-tenant projects.

Off-premise sign - (Restricted) Any sign placed on property other than where the residential business or commercial business services take place. Signs placed on locations other than their own physical location or place of business.

On-premise sign - (Allowed) Placement of any sign on physical location of the residential business or commercial business which are advertising products sold or services offered.

Outdoor advertising sign - A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed. See billboard.

Parapet - The extension of a building façade above the line of the structural roof.

Person - Any individual, corporation, association, firm, partnership or legal entity whatsoever.

Pole sign - See “Free-standing sign.”

Political sign – A temporary sign advertising any candidate or any position on an issue upon which the citizens of the city may vote.

Portable signs – Any single or double-faced sign that has a sign face maximum of 16 square feet or less, which is temporary in nature and is capable of being easily transported or of being easily changed, moved, or removed from time to time; or any sign mounted on wheels or legs or capable of being so mounted. This includes frame signs and sandwich signs. Any sign not permanently attached to the ground or to a building or building surface.

Projecting sign - A sign, other than a wall sign, which is attached and extends perpendicular to a wall or roof of a building. A sign that projects more than 18” from a building face or wall or from a structure.

Real estate sign - A temporary sign advertising the sale, lease or rental of the property or premise upon which it is located.

Revolving sign - A sign that revolves 360 degrees about an axis. See also “Animated sign, mechanically activated.”

Roof line - The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

Roof sign - A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

Sight triangle - An area of land, at an intersection or on a curve, for which a clear visibility zone must be maintained, described as follows: Commencing at the property corner and measuring twenty-five feet (25') along the right-of-way in both directions. Nothing is allowed between 30" and 72" in height within the triangle.

Sign - Any device visible from the public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

Sign area - The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle ($A=3.14 \times r \times r$) (r =radius). The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

Sign canopy - Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

Sign face - The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

- A. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
- B. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.

- C. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
- D. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.
- E. Sign face for all signs shall not exceed 120 square feet.

Sign structure- Any structure supporting a sign.

Special occasion sign - A sign advertising a special occasion, such as a family reunion, birth of a child, school play, special church event or similar noncommercial function.

Street name signs - A sign used solely by local, state or federal governmental bodies, or agencies thereof, to identify the name of any street, road or similar right-of-way located within the City of Centerton that has been erected at the direction of or under the supervision of the Mayor, the Centerton City Council, or their designated representatives.

Structural foundation - A structure or supporting member affixed to the premises for the purpose of supporting or displaying a sign but carrying no graphic or communicative symbol other than that within the sign area.

Subdivision signs - A sign that may be erected at any principal entrance to a subdivision and or a maximum of two (2) off-premise signs to identify a subdivision, and which may be indirectly illuminated.

Temporary signs - Any sign permanently affixed to any real property or appurtenances (ground or building) by some method of support to maintain itself in place (poles buried in the ground or by support legs). This sign will only be found on-premise of the site of construction or business in development. Electricity may not be allowed to this type of sign. Temporary signs must adhere to Section 18.04.04 B. Prohibited Locations.

Traffic directional sign A sign bearing only property numbers, post box numbers, names of occupants on premises or words or symbols guiding traffic or parking on private property and having no other message or any commercial connotation.

Under canopy sign or under marquee sign - A sign attached to the underside of a canopy or marquee.

V sign - Signs containing two faces of approximately equal size, erected upon common or separate structures, Positioned in a “V” shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 5 feet at their closest point.

Wall sign – A sign which is:

- A. Painted on the surface of a wall or a building, or
- B. Attached to and supported by the vertical wall of a permanent building and which is entirely within a plane which is:
 - 1. Coplanar with the wall: or
 - 2. Parallel with the plane of the wall and is removed there from only by structural foundation.
 - 3. Projects no more than 18 inches from the building or structure wall.

Window sign - A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

18.04.03 Sign Permit Required

- A. **Permit required** A separate permit shall be required for each sign, including banners and inflatables. No sign shall be erected, maintained or utilized within the City except by a permit issued by the Code Enforcement Officer. No permit shall be issued except for signs in compliance with this Chapter. In addition, electrical permits shall be obtained for electrical signs.
- B. **Application** The application for a sign permit shall be made in writing upon forms furnished at Centerton City Hall. The application shall contain or have attached thereto the following information:
 - 1. Name, address and telephone number of the applicant;
 - 2. Name, address and telephone number of the owner of the property where the sign will be located, if different from the applicant;
 - 3. Location of the building, structure or lot to which or upon which the sign is to be attached or erected;
 - 4. One (1) site plan showing the position of the sign in relation to nearby buildings or structures; with adequate reference points and dimensions including right-of-way, fire hydrants, and any other important landmarks.
 - 5. One (1) drawing of the sign plans, including the sign dimensions and the lighting and construction design, specifications and method of construction, and attachment to the building or in the ground;
 - 6. Name, address and telephone number of the person, firm, corporation, association or other entity erecting the sign structure;

7. Written consent of the owner of the building, structure or land to which or on which the sign structure is to be erected;
8. Any applicable electrical permit required and issued for said sign, together with an application requesting electrical permit for the proposed sign, if applicable;
9. Such other information as the City's Code Enforcement Officer shall require to show full compliance with all applicable codes, laws and regulations.

The permit for any sign not erected within six (6) months of the date of the permit shall be void.

- C. Fees Permit fees shall be fifty dollars (\$50.00) for all signs other than banners and inflatables. Permit fees shall be ten dollars (\$10.00) for Banners & Inflatables.
- D. Inspection All signs shall be subject to inspection by the Code Enforcement Officer in accordance with law. The Code Enforcement Officer may revoke any permit and/or may order any sign removed at any time upon notice and for good cause, including without limitation for failure to erect, use or maintain the sign in compliance with this Chapter.
- E. Approval After a review of the Application by the Code Enforcement Officer, together with payment of the applicable fees, the Code Enforcement Officer will determine if approval from the Planning Commission is required. Those signs required to be approved by the Planning Commission include, but are not limited to subdivision signs, inflatable's, awning and canopy signs, projecting signs, and any sign not in accordance with this sign code. After approval by the proper authorities showing that the sign meets all zoning, electrical, building or other code requirements, the applicant shall receive a permit decal which must be displayed in the lower left corner of one face or on the structural support of the sign evidencing permission to erect or install the approved sign.
- F. Appeal to Board of Adjustment Any revocation or order of the Code Enforcement Officer pursuant to this Chapter may be appealed to the City's Board of Zoning Adjustment provided; however, that written notice of appeal must be delivered to the Code Enforcement Officer by the appellant within five (5) workdays following notice of the revocation and/or order. Except during the pendency of a timely appeal, failure to comply with the order of the Code Enforcement Officer shall constitute a violation of this Chapter.
- G. Removal of signs All unpermitted signs, including signs for which the permit is revoked without appeal or after unsuccessful appeal, shall be removed or brought into full compliance with law within five (5) workdays; provided, however, and subject to the provisions of Section 18.04.07(B). That any sign determined by the Code Enforcement Officer to present a great and present hazard to public safety

shall be removed immediately, whether or not appeal is taken from the determination and whether or not any sign permit has been revoked.

H. Exemptions

1. The following signs do not require permits, but they must meet all other requirements of this Chapter, including those specified in Section 18.04.04(B) and Section 18.04.05:
 - a. Garage or yard sale signs
 - b. Construction signs
 - c. Political signs
 - d. Government signs
 - e. Real estate signs
 - f. Special occasion signs
 - g. Traffic directional signs
 - h. Street name signs.
2. Any lawful change of the advertising copy or message on a painted or printed sign which does not cause a structural change shall not require an additional permit.

18.04.04 General requirements; all Signs

A. Prohibited signs No sign shall be permitted, erected, used or maintained in the City which:

1. Is a billboard, or flashing sign;
2. Is not constructed in full compliance with the Standard Building Code and the electrical wiring standards of National Electrical Code and with the approved plastic materials as specified in the Standard Building Code, as applicable, and with all other applicable provisions of this Chapter and all other City codes, ordinances, laws, rules and regulations except signs exempt from permit requirements as set forth in Section 18.04.05(H) and except as otherwise herein provided;
3. Is not permanently attached and anchored in full compliance with the construction requirements of this Chapter and the Standard Building Code, whichever is more restrictive, except for signs exempt from permit requirements of Section 18.04.03 and except temporary signs;
4. Is constructed, erected, used and/or maintained so as to be an obstruction of vision near any driveway, parking lot or roadway or interferes with, obstructs

the view of or is likely to be confused with any authorized traffic sign, signal or device by such location as may interfere with, mislead or confuse traffic;

5. No longer identifies a bona fide business, service, current interest or activity;
6. Is an attraction device or sign which contains a beacon of any type and/or contains a spot light providing direct illumination to the public;
7. Has an exterior which revolves, rotates or otherwise moves in whole or in part;
8. Utilizes a vehicle or a trailer or any similar type property as a sign in circumvention of this Chapter; or
9. Is in a state of structural, mechanical, or cosmetic disrepair such that it does not meet the construction standards hereof or such that it is a visual blight or eyesore clearly visible from public right-of-ways.

B. Prohibited locations No sign shall be erected, placed, attached or otherwise affixed, used or maintained which is:

1. Not in accordance with the regulations of the electric utility company which has jurisdiction in that area.
2. Located within ten (10) feet of a fire hydrant;
3. Located on any public property or right of way, public building, sidewalk, crosswalk, curb, curbstone, fence, wall, public playground equipment and/or facilities, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, pole for electric light or power, or telephone or telegraph (or other communication service), or other utility, or trolley wire (or wire appurtenance thereof), or upon any fixture of the fire alarm or police telegraph system, or upon any lighting system, public bridge, drinking fountain, street sign, or traffic sign; unless placed thereon by authorization of a utility, or a government official or agency;
4. Attached to any rock or tree; or
5. Erected above a roof or parapet of any building or structure.
6. Located within a sight triangle or clear visibility zone.

C. Setback requirements Unless otherwise specified herein, no sign shall be erected, used or maintained except in conformance with the following:

1. Front setback Permanent signs shall be set back a minimum of fifteen (15) feet from the street right-of-way. Exempt and temporary signs shall not be placed in public right-of-way.
2. Side setback All signs shall be set back a minimum of fifteen (15) feet from the nearest side property line.

D. Exceptions The following exceptions shall apply to this Section 18.04.04:

1. The location restrictions of Section 18.04.04(B). Hereinabove shall not apply to street name signs.
2. The setback requirements of Section 18.04.04(C). hereinabove shall not apply to the following:
 - a. Wall signs which otherwise conform to all provisions of this Chapter and which are mounted on building walls lawfully sited within the setback space; and
 - b. Awning and canopy signs which otherwise conform to all provisions of this Chapter and which are mounted on building walls lawfully sited within the setback space.
 - c. Street name signs and government signs.

18.04.05 Requirements; specific sign types

A. Awning signs Awning signs shall have a minimum ground clearance of eight (8) feet. A maximum of fifty percent (50%) of the awning area may be used for sign area. The awning may project a maximum of four (4) feet from the face of the building or structure to which it is attached, except when used as an entrance. Awnings may only be located above doors, windows or walkways. Fire resistant canvas is required for the awning. Awnings may consist of one field color and one contrasting color. Awning signs may identify the name of the tenant or the nature of the goods sold or services provided and the telephone number of the establishment. Awning signs are permitted in all zones except residential.

B. Banner signs additional requirements:

1. The maximum sign face area for banners shall be 60 square feet.
2. Subject to no time frame but must be renewed on yearly basis with a permit.
3. Land (parcel) owner must approve in writing.
4. Must meet all sign setback requirements.

5. If the sign appears to be in disrepair and not structurally sound then notice shall be given to repair or remove according to ordinance.
 6. Single or double faced allowed.
 7. Sign must be removed in a timely manner (7 days) at the end of 6 month permit. Failure to comply/remove may impair ability to get future permits.
 8. Banner shall not be located on public property or ROW.
 9. One banner per parcel unless frontage exceeds 150 feet, if so banners must be 150 feet apart.
- C. Canopy and marquee signs Canopy and marquee signs shall have a minimum ground clearance of eight (8) feet. The permanently-affixed copy area of canopy or marquee signs shall not exceed an area equal to 25 percent of the face area of the canopy, marquee or architectural projection upon which such sign is affixed or applied. Graphic striping, patterns or color bands on the face of a building, canopy, marquee, or architectural projection shall not be included in the computation of sign copy area.
- D. Changeable sign
1. Electrically activated - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "Electronic message sign or center."
 2. Manually activated - Changeable sign whose message copy or content can be changed manually.
- E. Construction signs-non residential Construction signs in non residential zones shall have a maximum sign face area of thirty-two (32) square feet and a maximum height of eight (8) feet. All such signs shall be removed within five (5) days of completion of such construction. Construction signs are permitted in all zones.
- F. Construction signs-residential Construction signs in residential districts shall meet the following:
1. Maximum sign face area- Nine (9) square feet
 2. Maximum height- six (6) feet
 3. Removal- The sign shall be removed prior to the issuance of a Certificate of Occupancy.
- G. Entrance/exit signs Entrance and exit signs shall have a maximum height of three (3) feet. The maximum sign face area is limited to three (3) square feet. These

signs should be located at entrance and exit drives only and should not hinder traffic. One entrance and one exit sign is permitted at each approved driveway, but must not be located on the City right-of-way. The content of the sign is limited to the word “entrance” or “exit”. The design of these signs should be simple in form and compatible with the architectural elements of the building, and they should be constructed of materials of high quality and construction. Entrance/exit signs are permitted in all industrial zones, and regional and local commercial zones.

- H. Freestanding signs Freestanding signs may have a maximum height of thirty (30) feet with the maximum sign face area limited to one-hundred twenty (120) square feet. The sign must be set back from the property line, street or right-of-way, if applicable, a minimum of fifteen (15) feet and oriented towards pedestrian and vehicular traffic in order to maintain safety. The design of freestanding signs should be simple in form and compatible with the architectural elements of the corresponding building or structure, and they should be constructed of high quality materials, such as wood, metal and glass. Only one freestanding sign is allowed on each property. If there is more than one street front for the property, one additional sign may be permitted; however, the total square footage of both signs must not exceed one hundred fifty percent (150%) of the allowed area. The sign may identify the name of the tenant or the nature of the goods sold or services provided the street address and the telephone number of the establishment. Freestanding signs are permitted in all zones except residential and agricultural.
- I. Garage, porch, or yard sale signs Garage, porch, or yard sale signs shall have a maximum sign face area of six (6) square feet and shall be limited to one (1) sign per each lot, parcel or property. At least one (1) sign must be located on the property where the sale is being held, and a maximum of two (2) additional signs may be placed in the area only after obtaining the permission of the property owners. These signs shall advertise only occasional residential sales of used goods and must be removed one (1) day after the event, and shall be displayed without lighting having a primary purpose or effect of illuminating the sign. Garage signs are permitted in residential zones only.
- J. Government signs Government signs shall be exempt from the provisions of this Chapter.
- K. Home occupation sign Any type of sign describing services provided from the home or residence. Home occupation signs shall only be displayed on the premises being advertised and shall not exceed a sign height of three (3) feet and a maximum sign face area of nine (9) square feet. No home occupation sign shall be illuminated by any means. The sign shall be constructed of fire resistant non-combustible material- light gauge metal. The sign shall not be constructed of wood, any sort of plastic or cardboard. The sign shall be professionally constructed by a graphics/sign company. Only one (1) sign per site shall be

allowed. The location of the sign shall be clear of all public, city, and state setbacks and right of ways. Any signs existing prior to the effective date of this ordinance shall be considered non-conforming and shall be either approved or disapproved by the planning commission for continued use. No sign shall be placed within ten (10) feet of a fire hydrant.

- L. Luminous tube signs (neon signs) Luminous tube (neon) signs shall be located within a building or structure and displayed through a window. These signs may not be attached to the exterior of the building. The maximum sign area is limited to ten percent (10%) of the total area of the window through which it is displayed. These signs are limited to ground floor elevation, unless the business is located solely on the second story of a building, in which case said signs must adhere to all the standards contained, herein, except the height restriction. Only one such sign is permitted per business. The sign may include letter graphics and symbols displaying the name and primary purpose of the business. The following are prohibited: message/sales promotion and product brand names. The sign may not flash, move, alternate or show animation. The colors used in such signs are subject to design standards. Luminous tube signs are permitted in commercial zones only.
- M. Low profile freestanding sign Signs shall be limited to a maximum height of eight (8) feet and a maximum sign face area of thirty-two (32) square feet. They must be oriented towards pedestrian paths and vehicular traffic and maintain required zone setbacks. The signs must be simple in form and compatible with the architectural elements and materials of the building. The signs should be constructed of high quality materials. Only one sign is permitted for each business. The sign may identify the name of the tenant or the nature of the goods sold or services provided the street address, and the telephone number. Monument signs are permitted in all zones. However, signs in Residential zones are restricted only to identify the subdivision.
- N. Multi-tenant (freestanding) signs Multi-tenant signs shall be limited to a maximum height of thirty (30) feet and a maximum sign face area of one hundred twenty (120) square feet. The sign must be located in the common area of the project, oriented towards pedestrian and/or vehicular traffic, and must maintain required zone setbacks. The signs must be simple in form and compatible with the architectural elements and materials of the building. The signs should be constructed of high quality materials. Only one multi-tenant sign is permitted for each business center.
- O. Off-premise signs Off – premise signs shall be presented to the Centerton Planning Commission for approval.
 - 1. Restricted use in the City of Centerton by any business, subject to the approval by the City of Centerton Planning Commission.

2. Exceptions: Garage sale, yard sale, political and government signs.
3. Real Estate – See allowances and restrictions under Section P. Real Estate Signs.

P. Political signs Political signs shall be temporary in nature, and may be placed or erected on private property with the consent of the property owner (or person entitled to possession) or their authorized agent in connection with elections or political campaigns provided that:

1. Such signs are prohibited on utility poles and may not obstruct drivers' vision clearances at an intersection;
2. Such signs shall not be posted earlier than sixty (60) days prior to a primary, general or special election and are to be moved within three (3) days after the election;
3. Such signs shall not exceed eight (8) feet in height; and
4. Such signs shall not be placed in public right-of-ways; and
5. Signs found to be in violation of this section may be removed by the Code Enforcement Officer.

Political signs are permitted in all zones.

Q. Portable Signs Additional Requirements:

1. The maximum sign face area for portable signs shall be 16 square feet per side and restricted to 6 feet in height.
2. Only one portable sign may be erected per parcel or business establishment, subject to a six-month time limit per 12 month period.
3. The permit shall run for a consecutive six-month period from the date of approval of the permit application.
4. All portable signs must meet sign setback requirements.
5. Illuminated portable signs not allowed.
6. Portable sign must stay 50 feet from an existing permanent sign.
7. Sign must be removed in a timely manner (7 days) at the end of 6 month permit. Failure to comply/remove may impair ability to get future permits.
8. If the sign appears to be in disrepair and not structurally sound then notice shall be given to repair or remove according to ordinance.
9. A sketch drawing of proposed sign and site plan shall be provided according to ordinance.
10. Sign must be professionally designed and made with high quality materials for frame. If frame is made of wood it must be cedar or treated lumber. Face of sign must be metal.

R. Real estate signs Real estate signs shall only be displayed on the premises being advertised and shall not exceed a maximum sign height of three (3) feet and a maximum sign area of nine (9) square feet. Provided, however, that any sign

giving notice of and directions to any “open house” being shown for sale may be displayed off the premises advertised so long as it is otherwise maintained in full compliance with the size requirements of this subparagraph, and shall be removed by the beginning of the first business day following the last day of the open house. “For sale” signs shall be removed upon occupancy. Real estate signs shall be displayed without lighting having a primary purpose or effect of illuminating the sign. Real estate signs are permitted in all zones. Materials shall be of either non-combustible material or approved treated and painted wood products.

Off Premise signs: Off-premise directional real estate signs for the sale, lease, or rental of residential property are subject to the following regulations:

1. Maximum sign face area- nine (9) square feet for a single user, or sixteen (16) square feet when shared by multiple projects.
2. Maximum height – Four (4) feet.
3. Maximum number permitted - Five (5) directional real estate signs per project (or per property when a single dwelling is for sale or rent) in order to avoid the placement of a series of signs along several miles of roadway.
4. Location - Directional signs shall be placed no farther than two (2) road miles from the project or property for which directions are given.
5. Subject-The directional sign contains only directional information (i.e. directional arrows, “right 200 yards”, “1st right”, etc.) and “home for rent”, “open house”, “new home for sale”, or the name of the project. The name of a builder or real estate company is permitted.
6. Intersections- 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.
7. Illumination- Off-premise directional real estate signs shall not be illuminated.
8. Removal- Signs for the properties for sale or lease shall be removed when a contract is closed on the property.

Real estate signs- non-residential: Real estate signs in nonresidential districts, subject to the following regulations:

1. Maximum sign face area- Thirty-two (32) square feet.
2. Maximum height- Eight (8) feet.
3. Maximum number permitted.
 - a. Freestanding: One (1) per property
 - b. Wall: If the entire building is for sale or lease: one (1) per building façade.
If portions of the building are for sale or lease: one (1) per lease space.

- S. Roof signs Roof signs should be constructed of high quality materials, such as wood, metal and glass. The design should be compatible with the architectural

elements of the corresponding building or structure. Roof signs shall not exceed a maximum sign face of 120 square feet for each structure or tenant space.

- T. Special occasion signs Special occasion (Temporary) signs shall only advertise occasional, special events of no more than seven (7) days duration. Special occasion signs shall be the same size as temporary signs. Each sign shall be erected no more than seven (7) days prior to the first day of the special occasion and removed by the end of the third day after the end of the special occasion. Special occasion signs are permitted in all zones. Special occasion banners, balloons, streamers, etc. shall be approved by the Building Inspection Division prior to advertising. Special occasion signs shall be exempt from any fees. Special occasion signs used for advertising the sale, lease, or business related shall be for a special event, not a routine business activity.
- U. Street name signs Street name signs shall be exempt from the provisions of this chapter.
- V. Subdivision Sign Subdivision signs shall identify 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. Signs shall be included in preliminary plat or large-scale development plan and be completed before final plat given.
- W. Temporary signs additional requirements:
1. Only one Temporary Sign can be placed per site (On-premise only).
 2. Temporary signs shall not exceed six feet in height and shall have a maximum sign-face area of 60 square feet.
 3. Sign must be secured to the ground in a manner that it will stay in place due to winds other natural events that may occur. Owner will be responsible if this event happens.
 4. Time limit of sign will be brought and discussed with the City of Centerton Planning Commission where at this time length of time will be granted or denied.
- X. Traffic directional signs Traffic directional signs shall follow the latest edition of the MUTCD (Manual of Uniform Traffic Control Devices) as published by the Federal Highway Administration.
- Y. Wall signs One wall sign may be installed per business. Sign area shall not exceed twenty percent (20%) of the wall area, or two hundred (200) square feet, whichever is less. In the event that it is determined that a structure has more than one front facing a street or highway right-of-way, a second sign may be permitted upon application to the planning commission. Wall signs are permitted in all zones except residential and agricultural.

- Z. Window signs Window signs may not exceed a maximum sign area of thirty percent (30%) of the total area of the window and are limited to the main floor level of the building. Businesses located solely on the second story of a building are allowed a sign that adheres to all of the standards contained herein, except the height restriction. These signs include those within three (3) feet of the window, visible from the street and in excess of two (2) square feet in area. There is no maximum number of window signs on a window face; however the aggregate sign area of all signs in each window must not exceed thirty percent (30%) of the window area maximum. Temporary signs, such as sale signs, are permitted for a maximum time of two weeks. The signs must be permanently attached to the window face by using vinyl, etching, or other similar attachment methods. Signs detached from the surface should be constructed of comparable materials. The sign may identify the name of the tenant, the nature of the goods sold or services provided the street address, and the telephone number of the business. Window signs are permitted in all zones except residential and agricultural.

18.04.06 Sign construction specifications

A. Wind-resistance construction specifications

1. General

- a. Signs and sign structures shall be designed and constructed to resist wind as specified in this Section 18.04.06. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof.
- b. The overturning moment produced from lateral forces shall in no case exceed two-thirds ($2/3$) of the dead-load-resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in the determining of the dead-load-resisting moment. Such earth shall be carefully placed and thoroughly compacted.

2. Wind loads For the purposes of design, wind pressure shall be taken upon the gross area of the vertical projection of all signs and sign structures at not less than thirty (30) pounds per square foot for those portions less than sixty (60) feet above the ground and at not less than forty-five (45) pounds per square foot for those portions more than sixty (60) feet above the ground. In calculating wind pressure on curved surfaces, such as cylindrical or spherical signs or sign structures, this pressure shall be assumed to act on sixth-tenths ($6/10$) of the projected area. In all open-frame signs or sign structures, the area used in computing

wind pressure shall be one and one-half (1 ½) times the net area of the framing members exposed to the wind.

3. Combined loads Wind loads need not be combined in the design of signs or sign structures, only that loading producing the larger stresses need to be used. Vertical design loads shall be assumed to be acting simultaneously with the wind loads.

4. Allowable stresses The design of steel, concrete or wood members shall conform to the requirements of current adopted codes. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in Code XIII, Section 1302.2 of the Standard Building Code.

B. Construction requirements in general.

1. General Signs requiring a design by an engineer licensed by the State of Arkansas will be determined by current building codes and Chief Building Official. Refer to current codes for requirements.

2. Supports The supports for all signs or sign structures shall be securely built, constructed and erected in conformance with the requirements of this Chapter.

3. Materials Materials used for constructions of signs and sign structures shall be of the quality and grade as specified for buildings in the Standard Building Code. In all signs and sign structures, the materials and details of construction shall, in the absence of specified requirements, conform to the following: Structural steel shall be of such quality as to conform to current adopted codes. Secondary members in contact with or directly supporting the display surface may be formed of light gauge steel, provided such members are designed in accordance with the specifications of the design of light-gauge steel as specified in Chapter XV. Secondary members, when formed integrally with the display surface, shall not be less than Number 18-gauge in thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be at least Number 20-gauge in thickness. The minimum thickness of hot-rolled steel members furnishing structural support for signs shall be at least one-eighth (1/8) inch. Steel members may be connected with one (1) bolt provided the connection is adequate to transfer the stresses in the members.

4. Restrictions and combustible materials

a. All electric signs and electrical sign structures shall have structural members of incombustible materials.

b. Ground signs may be constructed of any material meeting the requirements of this Chapter, except as provided above.

- c. Wall signs, projecting signs, and signs on marquees shall be constructed of noncombustible materials, except as provided in this section. No combustible materials other than approved plastics shall be used in the construction of electric signs.
5. Nonstructural trim Nonstructural trim may be of wood, metal, approved plastics or any combination thereof.
 6. Anchorage
 - a. Members supporting un-braced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind load acting in any direction. Anchors and supports shall be designed for safe-bearing loads on the soil. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.
 - b. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied.
 - c. No wooden block or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage except in the case of signs attached to wood framing.
 7. Rules of Construction For the purposes of this Chapter, the following rules of construction shall apply:
 - a. When determining setback, the leading edge of the sign nearest the curb, edge of the street or sidewalk shall be the point from which the setback is determined.
 - b. When determining the maximum height of a sign, the road surface nearest the sign or the average level of terrain adjacent to the sign, whichever is higher, and the uppermost portion of the sign shall be the reference points from which the maximum height is determined.
 - c. When determining the maximum surface area upon which a sign may be displayed or illustrated, the square footage of only one side of both single-faced signs and double-faced signs shall be used, but the total square footage of all sides of triple-faced signs and other multi-faced signs shall be used. Several small signs that are supported by the same

structure shall be considered to be one sign for purposes of calculated area.

- d. When determining the maximum number of signs, those that are supported by the same structure shall be considered to be one sign.
- e. Illumination
 1. Source- 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. Internal Illumination- Internally illuminated signs in residential and office districts shall have an opaque background and translucent copy.
 3. Strung lights- Signs shall not be illuminated by a string of lights placed around the sign.
 4. Near Residential- Sign lighting shall not be detrimental to adjacent residential property. Within 200 feet of off-premise residential zones or uses, 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 are permitted. 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.

18.04.07 Non-conforming uses

Nonconforming signs For purposes of this Section 18.04.07, a nonconforming sign shall be defined as a sign existing at the effective date of this Chapter which could not be built under the terms of this Chapter or under the terms of the City's zoning code.

- A. Any existing sign which is subsequently destroyed to the extent of 50 percent (50%) of its then replacement cost or 50 percent (50%) of its physical structure shall not be repaired or rebuilt unless it shall be reconstructed so as to comply with the provisions of this Chapter.
- B. Any on-site nonconforming sign shall be removed or shall be altered to conform to the provisions of this Chapter when the nature of the business conducted on the premises changes and the sign is changed or modified in shape or size.
- C. Any off-site nonconforming sign not otherwise prohibited by the provisions of this Chapter shall be removed or shall be altered so as to conform with the

provisions of this Chapter when the sign is changed or modified, either in shape or size.

- D. No nonconforming sign shall be enlarged, extended, changed to another use or location, or otherwise altered in such a way as to increase its nonconformity.
- E. Any existing sign, which is subsequently abandoned as provided in Section 18.04.08 of this ordinance, shall not be used after such abandonment unless it shall be made to comply with the provisions of this Chapter.
- F. All portable signs shall be subject to this Chapter.
- G. All existing hazardous signs shall be subject to immediate removal.
- H. No sign shall block entrances or exits (egress) to buildings to include windows, doors, and fire escapes.

18.04.08 Abandoned signs; unsafe signs

A. Any sign which:

1. Continues in a state of structural, mechanical, or cosmetic disrepair for thirty (30) calendar days after the Code Enforcement Officer gives written notice that it constitutes a safety hazard or is a visual blight or eyesore clearly visible from any public right-of-way; or
 2. For thirty (30) consecutive calendar days, advertises or gives notice of a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted or is otherwise obsolete shall be deemed abandoned and shall be removed within thirty (30) days after written notice of abandonment from the Code Enforcement Officer.
- B. Any sign presenting a clear and imminent threat to public safety may be summarily removed by the Code Enforcement Officer who shall give notice of the action as soon as reasonably possible.
- C. Signs not timely removed in compliance with paragraph A above may be removed by the Code Enforcement Officer who shall give reasonable notice of the action.
- D. Persons who, according to the provisions of Section 18.04.10 (A), are responsible for signs removed by the Code Enforcement Officer pursuant to paragraphs B and C of this Section 18.04.08 shall be jointly and severally liable for all costs of the removal, which costs shall also constitute a lien against the real property on which the sign is located. The costs shall be paid within five (5) weekdays following notice thereof;

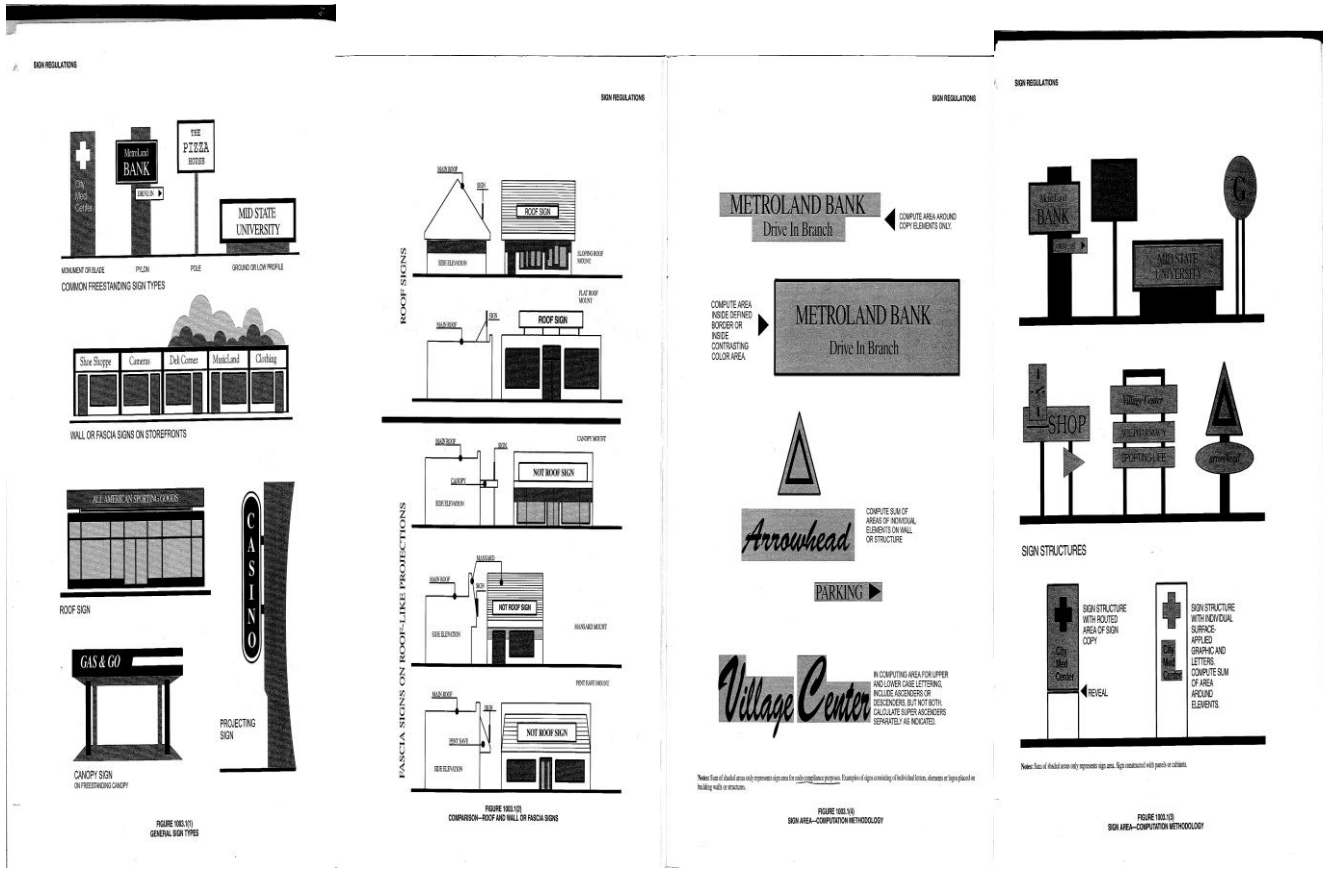
provided, however, that appeal may be taken to the City Council by written notice delivered to the City Clerk within five (5) weekdays of notice of the costs. Failure to pay costs when due shall constitute a separate violation of this Chapter.

18.04.09 Variances Upon written application delivered to the City Planning Department and containing such information as he may reasonably require, the Centerton Planning Commission may grant variances from the provisions of this Chapter with terms and conditions. Variances may be granted for historic, aesthetic, or other reasonable causes, which cause shall be stated upon the record.

18.04.10 Enforcement

- A. Any and all persons having express or implied authority over the size, appearance, content and/or location of a sign, together with the landowner and/or lesser of the real property upon which the sign is sited, shall be responsible for causing the sign to be in full compliance with law and shall be jointly and severally liable for any violations of this Chapter or other law pertaining to the sign. The real property landowner shall be presumed to be the person recorded as such in county records.
- B. Citations for violations of the provisions of this Chapter shall be issued by the Code Enforcement Officer upon proper authority.
- C. Any sign not properly permitted may be removed by the Code Enforcement Officer after due notice to the landowner and failure to comply with the corrections required pursuant to this Section 18.04.10.

18.04.11 Sign Examples



18.04.12 Application All references in this Chapter to standards, requirements or specifications contained in the Standard Building Code, National Electric Code or any other code, law or regulation shall include such standards, requirements and specifications as same exist on the date of the adoption of this Ordinance and as thereafter amended.

18.04.13 Penalties Any sign in violation of any of the provisions of this Chapter shall be cited and fined in the amount of twenty-five dollars (\$25.00) for each offense. Each day the violation exists shall constitute a separate offense.

18.04.14 Severability clause In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Chapter shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Chapter as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Chapter shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

18.04.15 Repeal of conflicting code sections, ordinances or resolutions Any matters set forth in this Chapter which are contrary to the existing ordinances of the City of Centerton shall prevail,

Code sections, and all other ordinances and resolutions or parts of ordinances and resolutions in conflict herewith and therewith are hereby repealed to the extent of such conflict.”

Section 2. The City Council of the City of Centerton, Arkansas, has determined that the implementation of the regulation amended as herein provided is essential and critical to the continued orderly growth of the City and the public peace, health and safety affected thereby, and an emergency is hereby found to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this ____ day of _____ 2011.

APPROVED:

Bill Edwards, Mayor

ATTEST:

Todd Wright, City Clerk