

Ordinance No. 2020-02

AN ORDINANCE REPEALING ORDINANCES 2000-05, 2000-06, & 2013-09
AN ORDINANCE REGULATING SIGNS IN THE CITY OF BULL SHOALS, ARKANSAS

Short title and purpose.

This ordinance shall be known and may be cited as the “Sign Ordinance” of the City of Bull Shoals, Arkansas. The purposes of these regulations are: to encourage the effective and safe use of signs as a means of communication in the city; to preserve and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth; to preserve and improve pedestrian and traffic safety; to eliminate visual clutter and to minimize possible adverse effects of signs on nearby public and private property and to enhance and enable the fair and consistent enforcement of these sign regulations. This sign ordinance is adopted pursuant of the zoning authority of the city and is also in furtherance of both the more general purpose set forth in the zoning ordinance and the more specific purposes as are set forth herein.

Applicability – effect.

A sign may be erected, placed, established, painted created or maintained in the city only in conformance with standards, procedures, exemptions, and other requirements of this ordinance. The effect of this ordinance as more specifically set forth herein, is:

To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones subject to the standards and the permit procedures of this ordinance.

To allow certain signs that are small, unobtrusive, and incidental to the principle use of the respective lots on which they are located. These signs shall be subject to the substantive requirements of this ordinance but without requirement for permits.

To prohibit all signs not permitted by this ordinance: and to provide for the enforcement of the provisions of this ordinance.

Short title and purpose

Applicability – effect

Article 1 – Definitions

Article 2 – Sign permit general regulations

Article 3 – Maintenance for all signs

Article 4 – Pre-existing signs

Article 5 – Exemptions (Signs not needing permits)

Article 6 – General Regulations

Article 7 – Regulations for specific types of signs

Article 8 – Board of Zoning Adjustment

Article 9 – Severability

Article 10 – Penalties

Article 1 – Definitions

For the purpose of this ordinance, the following terms, phrases, words and their definitions shall have the meaning given herein. They have been divided into three groups: (A) types of signs, (B) building terms and (C) other definitions.

A. Type of Signs.

Banner. Any sign displayed upon cloth or other flexible material, with or without frames.

Beacon. A stationary or revolving light with flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention. The term beacon is not intended to include lighting devices which are required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

Building marker. Any sign indication the name of a building, date and incidental information about its construction which sign is cut into a masonry surface or made of bronze or other permanent material.

Directional sign. A sign which directs the reader to any location where it is public, historical, church or commercial. This sign may contain name of institution, directional arrow, and distance.

Election Campaign Sign. A sign representing or portraying the name and/ or picture of an individual person who is a candidate for election to public office or containing a reference to an issue in an upcoming election such as “vote no on amendment 2” during the election season.

Electronic message board. A changeable copy sign that displays electronic, sometimes pictorial, text information in which alphanumeric characters and punctuation marks are defined by illumination devices, such as, but not limited to, light emitting diodes (LED), fiber optics, light bulbs, and liquid crystal display (LCD).

Flashing sign. An illuminated sign on which artificial or reflected light is not maintained, stationary and constant intensity and color at all times when in use which is used solely to attract attention.

Free standing sign. Sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to a building or any other structure whether portable or stationary.

Identification sign. A sign which serves to identify a person, business operating lawfully, in a subdivision or area located on the premise where the sign is located. Such sign may show the name and/ or the address of the person, organization, business or area but shall not portray any other message. A logo or decorative artwork to make the sign more attractive is allowed.

Illuminated Sign. Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

Incidental sign. A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign, a sign indicating hours of business or the business phone number.

Joint identification sign. A sign which serves as a common or collective identification for a group of persons or businesses operating within a given area e.g. same street, same part of town etc. Such sign may name the persons, organizations, businesses and line of business.

Mobile and /or Portable Sign. Any sign that may be hauled or towed from one (1) location to another, is self-supporting and/ or, when placed, is not permanently attached to the ground or a building. Any sign not permanently attached to the ground or other permanent structure, or:

1. A sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels or displayed on a vehicle or trailer.
2. Signs converted to A – or T- frames; menu and sandwich board signs.
3. Balloons used as signs.
4. Umbrellas used for advertising.
5. Signs attached to or painted on vehicles parked and visible from the public right -of-way, unless said vehicle is used primarily in the normal day-to -day transportation operations of the business.

Off-site sign. A sign which directs attention to or advertises a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term off-site sign shall include any outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message for a business or service not located at that property.

On-site sign. A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot where such sign is displayed; an on-site sign may also display a noncommercial message.

Projecting sign. Any sign that shall be affixed at an angle perpendicular to the wall of any building in such a manner to read perpendicular or at an angle to the wall on which it is mounted.

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

Real estate sign. Temporary sign placed upon a property for the purpose of advertising the sale or lease of said property to the public.

Residential sign. Any sign located in a district zoned for residential uses that contains no commercial message except such sign may contain a representation advertising the sale or lease of the residential premises.

Roof sign. Any sign wholly erected, constructed or maintained on the roof structure or parapet wall of any building.

Sign. The term "sign" shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. In addition, any of the aforementioned which are not placed out of doors, but which are illuminated with artificial or reflected light not maintained stationary and constant in intensity and color at all times when in use shall be considered a sign within the meaning of this ordinance, when placed near the inside surface of a window in such a way as to be in the view of the general public and used or intended to be used to attract attention or convey information to motorists. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner, without organized relationship of elements, or where there is a reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign.

Temporary sign. Any sign that is used only temporarily and not for a period exceeding seven (7) days and which is not permanently mounted.

Traffic control sign. Traffic or other municipal signs, legal notices, danger, and such temporary, emergency or non-advertising signs as may be approved by the City Council.

Wall sign. Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted. Wall signs shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign, Any sign that is affixed to the face of a building marquee, building awning, or a building canopy shall be considered a wall sign.

Wrap sign. A sign printed or painted on flexible permanent material that is mounted by stretching it onto a new or preexisting permanent sign frame.

B. Building Terms.

Building. A permanent structure on a permanent foundation.

Erect. To build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of wall signs.

Display surface area. The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations: provided, however, the "display surface area" shall not include the structural supports for free standing signs; provided further that only one face of a double-faced sign as defined shall be considered in determining the display surface area of that one face.

C. Other Definitions

District or zoning district. A section or sections of the incorporated area of the city for which the then effective zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein. References to individual zoning districts contained herein shall refer to the zoning districts established by the City Council, City of Bull Shoals, Arkansas.

Illuminated, direct. Illumination which is so arranged that the light is directed into the eyes of the viewer from the light source.

Illuminated, indirect. Illumination so arranged that the light is reflected from the sign to the eyes of the viewer.

Lease. An agreement by which a property owner conveys, usually for a specified rent, to other persons, permission to erect and maintain an advertising sign upon his property. It will also include an advertising sign owned by a property owner that is leased to another person.

Lot. A parcel of land under one or more ownership whether described by metes or bounds or as a platted lot.

Maintenance inspection. The Building Official or designee will inspect the appearance, condition of the sign structure and for electrical safety. Free standing signs and the premises surrounding same shall also be inspected for clean, sanitary conditions and freedom from rubbish and weeds. The sign owner will receive a statement from the City Official or designee upon completion of inspection. The statement may state that maintenance is required. The required maintenance shall be completed by the sign owner within fourteen (14) days of notice or the sign will be removed by the city.

Pre-existing sign. A sign legally existing at the effective date of the adoption of this ordinance which is not in compliance with the terms of this ordinance.

Person. "Person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

Shopping center. Two (2) or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking areas, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownership.

Spotlight illumination. "Spotlight illumination" shall mean illumination which comes from lamps, lenses or devices designed to focus or concentrate the light rays of the source towards the signs.

Article 2 – Sign Permits General Regulations.

It shall be unlawful for any person to erect, perform electrical repair, alter or relocate within the City of Bull Shoals, Arkansas, any sign or other advertising structure as defined in this ordinance, except as exempted under Article 5, without first obtaining a sign permit from the City Official / Sign Inspector and payment of the fee as required by this article. All illuminated signs shall in addition, be subject to the provisions of the electric code, and the permit fees required thereunder.

A. A sign permit is required:

1. Prior to the initial installation of any new sign, sign face or structure not exempted by this ordinance.
2. Prior to an existing sign being relocated or moved.
3. Prior to an existing sign structure being altered.
4. Prior to an existing sign in poor condition being renovated.
5. When the ownership of the sign or business changes. Sign permits are not transferable.
6. For wrap signs if the entity which the sign represents changes.

B. Application for a sign permit. For the purposes of this ordinance, the applicant is defined as the business or real estate owner. Application for a sign permit shall be made by completion of application forms provided by the City Clerk and shall contain or have attached thereto the following information:

1. Legal location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
2. Two (2) blueprints or ink drawings of the plans and specifications and method of construction and attachment to the building or in the ground minimum 4X4 inch post, plus the information that is to be displayed on sign.
3. Name, address and phone number of the real estate owner. The legally responsible person is the real estate owner.
4. Name, address, and phone number of the business which the sign will advertise.
5. Name, address and phone number of firm, person, corporation or association erecting sign.
6. The applicant may be either the real estate owner or the business owner.
7. The application shall be signed by both the real estate owner and the business owner.
8. Any electrical permit required and issue for said sign. Application requesting electrical permit for proposed sign must accompany sign application.

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9. Such other information as the Building Official / Sign Inspector shall require to show full compliance with city ordinance.

C. Sign permit fees.

1. Every applicant, before being granted a permit hereunder, shall pay a permit fee to the City Clerk for each sign or other advertising structure regulated by this ordinance. The permit fee shall be established by resolution of the City Council of the City of Bull Shoals (current resolution is 2020-R-01).
2. Sign permit fees shall be annual fees payable in January.
3. Occupational or business licenses shall be required for entities obtaining commercial sign permits. An occupational or business license renewal shall not to be issued unless the sign permit renewal is also paid.

D. Issuance of sign permit. It shall be the duty of the Building Official / Sign Inspector upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure. If it appears the proposed structure is in compliance with all the requirements of this ordinance and all laws and ordinances of the City of Bull Shoals, Arkansas, then the sign permit shall be issued, If the work authorized under a sign permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.

E. Sign permit revocable. All rights and privileges acquired under the provisions of this ordinance or any amendment thereto are mere licenses revocable at any time by the City Council of the City of Bull Shoals, Arkansas, and all such sign applications shall contain this provision.

F. It shall be the responsibility of the applicant to ensure that all codes and ordinances of the City of Bull Shoals, laws and regulations of the State of Arkansas and the Federal Government, which may change from time to time, are adhered to. The issuance of a permit does not grant permission to violate any of the codes. The Building Official/ Sign Inspector shall be held harmless for a permit for a non-conforming sign.

G. The city shall establish a system to track sign permits and information.

Article 3 – Sign maintenance for all signs.

- A. All signs and the premises surrounding the same shall be maintained by the real estate owner thereof in a clean, sanitary, condition, free and clear of rubbish and weeds.
- B. All signs shall be designed, constructed and maintained in accordance with the following standards:
 1. All signs shall comply with applicable provisions of the Building Code and the Electrical Code of the city at all times.
 2. All signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.

3. All signs shall be continuously maintained in good structural and readable condition and in conformance with this sign ordinance at all times. Free standing signs are encouraged to not have cables or other supporting bracing.

Article 4 – Pre-existing signs.

For the purpose of this article, a pre-existing sign shall be defined as a legal sign existing at the effective date of this ordinance which could not be built under the terms of this ordinance.

Where a lawful sign exists at the effective date of adoption or amendment of this ordinance that is not in compliance with the terms of these regulations, such sign may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. Said pre-existing sign must be in good condition as determined by the Building Official at the date this ordinance is adopted or amended.
- B. No pre-existing sign may be enlarged or altered in a way which would increase its nonconformity.
- C. A pre-existing sign may be altered to become less non-conforming, such as reducing its size after approval of a new sign permit. The alteration may include changing the location if approved by the Building Official / Sign Inspector.
- D. Should any pre-existing sign be damaged by any means or deteriorate to an extent of more than fifty (50) percent of its replacement cost at time of damage as determined by the Building Official / Sign Inspector, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- E. Pre-existing signs of Bull Shoals business may have the business or item being advertised or new wrap as long as its cost does not exceed the restriction in Art. 4, Par. D of this ordinance. The Building Inspector / designee must inspect and approve the repainting or new wrap before it is begun.
- F. Existing signs may remain as long as the business is active.

Article 5 – Exemptions.

The following signs do not require a sign permit but this does not relieve the owner from the responsibility of compliance with all other provisions of this ordinance. The exemptions are contingent upon the standards set forth for each such exempt sign. No permit shall be required for the erection of the following signs:

- A. Identification signs and joint identification signs erected flat on the wall of a building and not exceeding four (4) square feet of display surface area.
- B. Any signs required by State or Federal law.
- C. One residential sign provided the same is unanimated, non-illuminated and has a maximum display surface area of two (2) square feet or less. It shall not display advertising.
- D. Incidental signs not exceeding two (2) square feet of display surface area.
- E. Building markers.

- F. The repainting of signs or the changing of letters or numbers on signs designed for changeable lettering or numbering.
- G. If a wrap sign is used to update a sign message instead of repainting the sign face, no new permit is needed if the entity which the sign represent does not change.
- H. Election Campaign Signs. The City Council hereby finds that the citizens of the city have a compelling community interest in the furtherance of the democratic process and the support of free elections with widespread participation of both candidates and voters in that process as well as n the importance of an electorate informed as to their choice among candidates. Therefore, election campaign signs are exempt from the requirement of a permit and are allowed to be placed only on private property in any district subject to the following conditions:
 - 1. In districts where signs are not otherwise permitted, an election campaign sign may be erected but shall be removed within seventy-two (72) hours following the final election to which it applies; the owner of the property on which said sign is placed shall be responsible for its removal.
 - 2. In districts where signs are otherwise permitted, election campaign signs shall meet those requirements and in addition shall be removed within seventy-two (72) hours after the final election to which is applies. The owner of the property on which said sign is placed shall be responsible for its removal.
- I. Banners shall be exempt when used to announce a specific event provided, they are not placed more than ten (10) days prior to and removed seventy-two (72) hours following said event.
- J. All signs located within a building that are not visible to the public outside said building.
- K. Signs painted on or affixed to glass surfaces of windows or doors of building and pertaining to the lawful business of the persons located therein.
- L. Fuel price informational signs on gas pumps.
 - 1. Nothing herein shall be construed to prohibit the advertisement of fuel prices on any other sign meeting the requirements of this ordinance.
- M. Public signs are exempt from all of the requirements of this ordinance.

Article 6 – General regulations.

- A. Routine alteration including repainting, repair, replacement of broken parts or structural members, shall be the responsibility of the sign owner/ real estate owner.
- B. Re-erection of a sign rendered nonfunctional, unsafe or unsightly is specifically prohibited as routine maintenance.
- C. Sign permits are nontransferable.
- D. Signs advertising businesses no longer active in the business community shall be removed within forty-five (45) days after cessation of the business or activity except that if a business is temporarily closed, remodeling, or other legitimate reasons which do not change the nature of said business, then off-site signs must indicate “ Temporarily Closed” and there must be a sign displayed on the business premises which indicates “Temporarily Closed”.

1. If the business is closed but for sale, the signs may remain but must indicate that it is closed and for sale.
 2. If the business is closed and only the property is for sale, the signs shall be removed.
- E. If any sign is damaged or destroyed beyond repair, the replacement shall be considered a new sign and subject to all regulations under this ordinance.
- F. Signs shall be professional looking. Graffiti styles are not allowed.
- G. Signs shall be installed plumb and level within reasonable tolerance.
- H. The total combined square footage of all on-site signs shall not exceed eighty (80) square feet per entity. A two-sided sign may not exceed eighty (80) square feet per side.
- I. A sign for which the permit is lapsed or has not been renewed or for which the time allowed for continuance of a pre-existing sign has expired, a thirty (30) day notice shall be given for renewal of the permit. If the permit has not been renewed, the city shall remove the sign without notice.
- J. The word "remove" shall mean:
1. The sign face along with posts, columns, or supports of freestanding signs shall be taken down and removed from the property.
 2. The sign face and supporting structures of "projecting", "roof" or "wall" signs shall be taken down and removed from the property.
 3. The sign face of "painted wall signs" shall be removed by painting over the wall sign in a neutral color in such a manner as to completely cover up and hide from sight the sign in question.
- K. Signs shall not constitute a traffic hazard or interfere with sight distance needed for safety.
- L. Placing signs on public property. No signs shall be allowed on public property except for the following:
1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
 2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.
 3. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
 4. No signs shall be placed or painted on any tree or rock.
 5. No signs shall be placed on any utility pole except for utility identification or similar purposes.
- M. Placing signs on private property.
1. No signs shall be placed on any private property without the written consent of the owner thereof.
 2. No signs shall be placed or painted on any tree or rock.
 3. No signs shall be placed on any utility pole except for utility identification or similar purposes.
- N. Off-site signs. In accordance with this ordinance which shall be issued only for signs meeting the following requirements:
1. Off-site signs shall be placed no closer than 600 (six hundred) ft. apart with a fifteen (15) ft. setback from property line.

2. No more than two off-site signs shall be permitted for any entity.
 3. The total combined square footage of all off-site signs shall not exceed eighty (80) square feet per sign face if it is a two-sided sign.
 4. Off-site signs shall not be allowed in residential or the C-1 zones.
- O. Illuminated sign. Direct illumination by incandescent light bulbs shall be restricted to light bulbs rated at twenty-five (25) watts or less.
- P. Spotlights and beacons prohibited. It shall be unlawful for any person to erect any attraction device or sign which contains a beacon of any type and/or contains a spotlight providing direct illumination to the public.
- Q. Fluctuating illumination prohibited except for electronic digital signs, It shall be unlawful for any person to erect additional attraction devices or signs or an attraction device or sign which flashes, blinks, or is animated. Illumination of attraction devices or sign located in the city that fluctuates in light intensity shall be prohibited.
- R. Portable signs and Mobile signs, it shall be unlawful for any person to display or erect any mobile sign in the city.
Portable signs are allowed on a temporary basis, such as a sign designating that business is open. The sign shall be taken in when the business is not open.
- S. Use of vehicle sign. It shall be unlawful to use a vehicle or a trailer as a sign in circumvention of this ordinance.
- T. Revolving, rotating, or moving signs prohibited, It shall be unlawful for any person to erect any sign on the exterior of a building which revolves rotates or otherwise moves in whole or in part.

Article 7- Regulations for Specific Types of Signs.

- A. Freestanding signs.
The maximum height for freestanding signs is fifteen (15) feet above ground or street level whichever is higher upon which the sign faces. Freestanding signs shall be permitted to be erected in the city subject to the following:
1. R Districts. Freestanding signs shall be prohibited, and no freestanding signs shall be erected in any R district of the city.
 2. C and I Districts.
 - a. Only one (1) freestanding sign shall be permitted on a lot with a building at a shopping center or at a mall.
 - b. Freestanding signs shall be subject to the following:
 - 1) Display Surface Area. Surface area shall not exceed eight (80) square feet per face of a two- sided sign.
 - 2) A fifteen (15) ft. setback from property line is required on free standing signs.
- B. Projecting signs.
The display surface area of a projecting sign shall not exceed sixteen (16) sq. ft. Only one (1) projecting sign per building shall be permitted and a projecting sign shall not be permitted on property which has a freestanding sign.
- C. Roof signs.
Roof signs shall be of a size in scale with the building on which they are located and shall not be higher than ridge line of the roof.

D. Wall signs.

1. Wall signs shall be mounted flat against the wall on which they are located.
2. Wall signs shall be limited in number to one wall sign per tenant on each wall with a limit of four (4) wall signs per building.
3. The display surface area of all wall signs on any one wall shall not exceed eighty (80) square feet or fifteen (15%) of the area of the wall on which they are located, whichever is less.
4. Wall signs shall only be permitted for activities within the building or property on which the sign is located.

E. Identification Signs.

Identification signs are needed to name a person, location, or business.

1. Identification signs shall contain only the name and/or street address being identified and contain no other advertising or directional information.
2. Identification signs shall be at the location identified.
3. Identification signs may be in any zone
 - a. In residential zones the maximum identification sign size is two (2) square feet.
 - b. Home occupation businesses may have an identification sign with a maximum size of two (2) square feet.
 - c. Area and subdivision signs in any zone may be of an appropriate size to the location with a maximum of thirty-two (32) square feet.
 - d. In commercial or industrial zones the signs shall be in proportion to the building or property. A variance is required for a sign larger than 32 square feet or exceeding 15% of the wall area.
 - e. The size and location of the fence, wall, or other structure which will contain the identification sign, must be approved by the Building Official/ Sign Inspector, who will approve such structure upon the criterion of traffic safety sight lines.

F. Directional Sign.

Directional signs are needed to guide people to destinations that might otherwise not be known and are not visible from the route of travel.

1. Directional signs shall not exceed one (1) foot by four (4) feet. More than one directional sign may be attached to the same structure, one above the other.
2. Directional signs may be in any zone.
3. Real estate directional signs are not allowed except during Open House events when an agent is in attendance at the property for sale or lease. Real estate directional signs shall be allowed only on private property and not on the public right-of-way.
4. Some directional signs may be considered public if they direct travelers to an attraction, non-profit purposes such as food pantry, library, recreation, public use space or civic location.
5. Commercial directional signs are not public and shall not be on public property without written permission and an annual maintenance fee paid to the public entity owning the land. The annual fee shall be equal to the maintenance fee charged by the Arkansas Highway & Transportation Department's Tourist Oriented Directional sign program.
6. Directional signs may be on-premise such as entrance/exit signs or off-premise to indicate turns required to reach the destination.

7. Directional signs shall be permanently mounted on posts firmly attached to the ground.

Article 8 – Board of Zoning Adjustment

- A. The word “Board” when used in this article shall be construed to mean the Board of Zoning Adjustment.
- B. Any member of the Board who shall have direct or indirect interest in any sign or in any decision relating to such sign, which shall be the subject matter of, or affected by, a decision of the Board, shall be disqualified from participating in the discussion, decision or proceeding of the Board in connection therewith.
- C. Appeals. An appeal stays all proceedings in furtherance of the action appealed from unless the Building / Official Sign Inspector certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order granted by the Board, or by a court of record on application or notice to the Building Official/ Sign Inspector and on due cause shown. The Board shall fix a reasonable time for the hearing of the appeal, give seven (7) days public notice hereof by publication in a newspaper or general circulation in the city, give due notice to the parties in interest and decide the appeal within reasonable time. At the hearing, any party may appear in person or by agent or by attorney.
- D. Jurisdiction. The Board shall have the following powers and it shall be its duty:
 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or interpretation made in the enforcement of this ordinance.
 2. To hear requests for variances from the provisions of this ordinance for the erection of a new sign in cases where strict compliance with this ordinance would cause extreme hardship due to the circumstances unique to the property and the individual sign under consideration. The Board may grant such variance only when it is demonstrated that such action is necessary and the only way possible to reduce the extreme hardship found. In determining where extreme hardship exists, the Board shall consider the relative economic cost to the applicant if the variance is granted compared to such cost if it is not; the lack of effectiveness as a means of communication of signs allowed on such property under this ordinance compared to the proposed sign for which a variance is requested; the proposed size, lighting and type of materials to be used in the proposed sign; whether the proposed variance can be made subject to such conditions as would address the concerns of city staff and adjacent property owners and whether the variance, if granted, will be in keeping with purpose and spirit of this ordinance.

As there may be situations in which a smaller sign would be out of proportion to the building or location, the Board of Zoning Adjustment may also hear variance requests for signs that do not meet the size requirements of this ordinance.

- a) The board may impose reasonable conditions in the granting of a variance to ensure compliance and to protect adjacent property. A violation of such conditions shall constitute a violation of this ordinance.
- b) In exercising the above-mentioned powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or interpretation as ought to be made.
- c) The concurring vote of a majority of the full Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official / Sign Inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in the ordinance.

Any variance granted by the Board shall automatically be revoked if the applicant does not comply with terms of the variance within thirty (30) days from the granting thereof and the applicant shall be required to comply with the literal provisions of this ordinance.

Article 9 – Severability

Should any article or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Article 10 – Penalties

- A. Any person convicted for a violation of this Ordinance shall be deemed guilty of a misdemeanor. ASA 14-55-504 limits municipal fines at this time to Two Hundred Fifty Dollars (\$250.00) for the first offense to Five Hundred Dollars (\$500.00) for a repeat violation, but a fine not to exceed Fifty (\$50.00) per day for each day the violation continues. In addition, any person convicted for a violation of the provisions of this Ordinance may be imprisoned in accordance with Section ASA 14-55-602.

The power of the enforcement is dedicated in ASA 14-55-601 through 14-55-607. The remedies include prosecution or a civil action to recover fines.

- B. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.
- C. If the Building Official/ Sign Inspector finds that any sign regulated herein has been constructed or erected or is being maintained in violation of the provisions of this ordinance, shall give written notice to the permittee or the owner of the property where the sign is located. If the permittee or the owner fails to remove or alter the sign so as to comply with the standards herein set forth within 10 days as specified in such notice such sign may be removed or altered to comply by the Building Official / Sign Inspector. Any expense incidental to such removal or alteration shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. Further, the Building Official / Sign Inspector may cause any sign which is an immediate peril to persons or property to be removed summarily without notice. In determining

whether an immediate peril exists, the Building Official / Sign Inspector shall consider whether a person may be injured or whether the time in which the sign might be removed pursuant to written notice. Such signs are hereby declared to be a public nuisance. When any sign is removed summarily without notice, the owner or lessee thereof shall have the right to a post-seizure administrative hearing to determine whether there was probable cause to remove the sign. Said administrative hearing governed by and held in accordance with the procedure prescribed by the Board of Zoning Adjustment of the City of Bull Shoals.

D. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Provisions declared to be minimum requirements.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of this ordinance are at variance with requirements of any other ordinances, the highest and most restrictive standard shall apply.

Repealing Clause.

All other ordinances of parts of ordinances in conflict herewith are hereby repealed.

Passed and adopted by the City Council of the City of Bull Shoals, Arkansas on this 28TH day of May 2020.

APPROVED: David L. Jeffrey

ATTESTED: Lina M. Bailey

In accordance with Arkansas Statute 14-55-206 I, Lina M. Bailey Recorder/
Treasurer, certify that I posted this ordinance in five (5) of the most public places in the City of Bull Shoals, Arkansas (City Hall, Arvest Bank, First Security Bank, Harps Market, and CS Woods Family Center bulletin board).