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ORDINANCE # 99-09

THIS ORDINANCE REPEALS ORDINANCE #90-02 IN ITS ENTIRETY

AN ORDINANCE FOR THE CONTROL OF OUTDOOR ADVERTISING WITHIN THE CITY OF LAKEVIEW, BAXTER COUNTY, ARKANSAS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKEVIEW, BAXTER COUNTY, ARKANSAS AS FOLLOWS:

SECTION I SHORT TITLE: This ordinance shall be known and may be cited as the Lakeview, Arkansas Sign Control Ordinance.

SECTION II DEFINITIONS:

(A) "Sign" means an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform any part of the advertising or informative contents of which are visible from anywhere on the main highways or streets, in the City of Lakeview, except for wall or window signs.

(B) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign, but excluding customary maintenance or repair and the activities incident to the changing of advertising messages on established signs or sign structures.

SECTION III DETERMINATION OF SIGN STANDARDS AND CRITERIA FOR CONTROL OF OUTDOOR ADVERTISING:

(A) General. The following signs shall not be permitted:

1. Signs which imitate or resemble any official traffic sign, signal or device.
2. Signs which are erected upon trees, or painted or drawn upon rocks or other natural features.
3. Signs which are structurally unsafe or in disrepair.
4. Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of streets, or roadways which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interferes with any drivers' operation of a motor vehicle.
5. Electrical signs which are not properly grounded or electrically safe.
6. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device or obstruct or interfere with the drivers view of approaching.

merging or intersecting traffic

7. Use of a vehicle as a sign -- it shall be unlawful to use a permanently parked or inoperable vehicle or trailer as a sign to circumvent this ordinance.

(B) Special Provisions.

1. No outdoor advertising sign or structure shall be permitted to be erected closer than 300 feet to an existing outdoor advertising sign or private house on the same side of the street or roadway except for back-to-back signs and on premises of a business.
2. All persons or companies having signs located within the city limits which cease operation of the business or activity advertised by such signs, shall remove the said sign or signs within sixty days of the cessation of the business or activity.
3. If any non-conforming sign is damaged or destroyed by any cause to the extent of 50% or more of its replacement cost it shall be considered a total loss and shall not be permitted to be replaced except in conformance to this ordinance.
4. should a business ownership change a new sign permit will be required.
5. With the exception of back-to-back signs on one framework and signs attached to the side of the building of the business being advertised, business firms will be limited to one sign per business. All businesses with premises away from highway 17B shall be permitted one directional sign, back-to-back off the premises of the business.
6. Strip malls with more than one business per building will be limited to one sign per building with the various businesses being listed thereon.
7. On premises signs shall not be arranged or erected so as to block an adjacent neighboring business sign.
8. All electric signs shall require an electrical permit in addition to a sign permit.
9. Signs advertising for political candidacy may not be erected more than 60 days prior to the election date and must be removed within 7 days following the election. This responsibility shall be the landowner or tenants'. Sign permits will not be required.

(C) Size:

1. All signs shall not exceed 4 feet X 8 feet in size except on business premises.

(D) Maintenance and Repair:

1. The following activities are considered to fall within the meaning of customary maintenance, repair, and/or copy change:
  - (a) The routine replacing of border and trim as well as structural members and the replacement of structural members destroyed by an outside force other than

- normal deterioration.
- (b) Temporary alterations of some of the outside dimensions or painted bulletin boards incidental to copy change which do not substantially change the overall dimensions of the advertising copy portion of the device.
  - (c) Any net decrease in the outside dimension of the advertising copy portions of the device will be permitted and any subsequent change in the outside dimensions of the panel will be permitted so long as it does not exceed the actual dimensions city and owner records indicate existed when the device was permitted.

#### SECTION IV PERMITS

Permits may be obtained from the Lakeview Building Inspector or his designee. A \$25 fee shall accompany each application for permit and at the time of application for such permit the applicant shall arrange with the Lakeview Building Inspector for an inspection and approval of the actual site of the proposed advertising sign or device and the sign or device itself. Before any permit is issued the applicant must show that the sign will be in compliance with this ordinance and all applicable state and federal laws and regulations.

#### SECTION V EXCEPTIONS

Permits shall not be required for the following advertising devices however all such signs or devices must comply with the requirements of this ordinance.

- (A) Signs or devices advertising the sale or lease of the property on which they are located.
- (B) Directional or other official signs such as signs erected by or for public officials in the discharge of their duties such as zoning changes, historical markers, public utility signs, etc. and service club signs providing information about meetings of Rotary, Kiwanis, Lions or other service clubs, and church signs.

#### SECTION VI REVOCATION OF PERMITS

The following actions and conditions shall be cause for revocation of a permit:

- (A) Violation of the laws of the State of Arkansas, the violation of any part of this ordinance, or any other ordinance of the City of Lakeview.
- (B) Failure to maintain the device in a state of good repair after reasonable notice to the owner that the device is in a state of disrepair.
- (C) Fraud or misrepresentation in the application for such a permit. The owner of the offending advertising device will be notified that the permit will be revoked and given a reasonable time in which to correct the deficiency. If the deficiency is not corrected within the allotted time the device will be removed as an illegal sign.