

ORDINANCE NO. 02-08
02-08
11-03

* Includes
instructions
for different
zoning areas.

AN ORDINANCE REPEALING ORDINANCE NO. 97-3 AND REGULATING THE
ERECTION AND PLACEMENT OF SIGNS WITHIN THE CITY LIMITS OF THE CITY OF
GRAVETTE, ARKANSAS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GRAVETTE, ARKANSAS:

Section 1. Intent and purpose: The City Council of Gravette recognizes the valid use of signs for advertising and identifying locations within the community. The City Council also recognizes that unrestricted use of signs can create visual pollution, traffic hazards, and general disarray of the community, and for these reasons it is necessary to limit the use of signs within the city limits. The intent and purpose of this ordinance is to provide for the use of signs in a way that will accommodate specific uses while at the same time protect the public interest and the community at large. This ordinance shall not be considered to be an amendment to the Zoning Ordinance of the City of Gravette, but will make reference to same. This ordinance will also be used in conjunction with the Standard Building Code.

Section 2. Definitions:

A. Sign: Any device designed to inform or attract attention provided, however, that the following shall not be included in the application of this definition herein:

1. Sign not exceeding one square foot in area and bearing only the following information:
 - a. Property numbers
 - b. Post box numbers
 - c. Name of occupants or premises
 - d. Other identification of premises not having commercial promotion.
2. Flags and insignias of the United States of America, the State of Arkansas or any of her political subdivisions, except when displayed in connection with commercial promotion.
3. Legal notices, identification, informational or directional signs erected or required by the United States of America, the State of Arkansas or any of her political subdivisions.
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- B. Sign, On-site: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
 - C. Sign, Off-site: A sign other than an on-site sign.
 - D. Zoning districts: When zoning districts are referred to in this ordinance, said references are to the districts defined by the text and map of the Zoning Ordinance of the City of Gravette, Arkansas, as amended.

Section 3. Sign permitted:

- A. All Zoning Districts:
 1. Those signs excluded from the definition of signs as herein set forth, and
 2. Any sign used in conjunction with or necessary for the provision of a public facility.
- B. Residential Districts:
 1. Real estate and building construction signs not to exceed 32 square feet and 10 feet in height; and
 2. Subdivision name signs when used as an architectural or landscape feature of the subdivision.
 3. Churches, museums, libraries, and other non-profit organizations located in residential districts may have a pre-approved sign on location. Approval of the sign shall be granted by the Gravette City Inspector.
- C. C-1, C-2, C-5 and C-6 Districts:
 1. Real estate and building construction signs not to exceed 32 square feet and 10 feet in height; and
 2. Free-standing on-site signs not to exceed 75 square feet and 30 feet in height. Such sign shall not obstruct vision of incoming or outgoing traffic; and
 3. Two free-standing off-premises, off-site signs, not to exceed 20 square feet and 15 feet in height, each may be placed on an off-site location by any business or industry located within the corporate limits of Gravette, Arkansas. However, only one may be placed on a parcel adjacent to Highway 59, Highway 72 or Main Street as extending from the east city limits to the west city limits. Such off-premises, off-site free-standing signs shall be subject to all other regulations and permit requirements of this ordinance.

4. A new business or industry shall be allowed and permitted one temporary, non-flashing sign to be placed on the premises of the business or industry for a period of sixty (60) days subject to payment of the minimum permit fee as required by this ordinance.
5. No more than one off-premises, off-site sign may be placed on any given parcel.

D. C-3, C-4 Districts.

1. Real estate and building construction signs not exceeding 32 Square feet and 10 feet in height; and
2. Free-standing on site signs not to exceed 20 square feet and 15 feet in height. Such signs shall not obstruct vision of incoming or outgoing traffic; and
3. Two free-standing off-premises, off-site signs, not to exceed 20 square feet and 15 feet in height, each may be placed on an off-site location by any business or industry located within the corporate limits of Gravette, Arkansas. However, only one may be placed on a parcel adjacent to Highway 59, Highway 72 or Main Street as extending from the east city limits to the west city limits. Such off-premises, off-site free-standing signs shall be subject to all other regulations and permit requirements of this ordinance.
4. A new business or industry shall be allowed and permitted one temporary, non-flashing sign to be placed on the premises of the business or industry for a period of sixty (60) days subject to payment of the minimum permit fee as required by this ordinance.
5. No more than one off-premises, off-site sign may be placed on any given parcel.

E. Industrial Districts:

1. Real estate and building construction signs not to exceed 32 square feet and 10 feet in height; and
2. One free-standing on-site sign not to exceed 75 square feet and 30 feet in height. Such sign shall not obstruct vision of incoming or outgoing traffic.
3. Two free-standing off-premises, off-site signs, not to exceed 20 square feet and 15 feet in height, each may be placed on an off-site location by any business or industry located within the corporate limits of Gravette, Arkansas. However, only one may be placed on a parcel adjacent to Highway 59, Highway 72 or Main Street as extended from the east city limits to the west city limits. Such off-premises, off-site free-standing signs shall be subject to all other regulations and permit requirements of this ordinance.
4. A new business or industry shall be allowed and permitted one temporary, non-flashing sign to be placed on the premises of the business or industry for an period of sixty (60) days subject to payment of the minimum permit fee as required by this ordinance.

5. No more than one off-premises, off-site sign may be placed on any given parcel.

Section 4. Signs prohibited in all districts:

- A. Flashing or blinking signs
- B. Billboard type signs over 75 square feet

Section 5. Set Back: Signs of any description shall be set back at least 10 feet from any property line, except in Zoning District C-1 where no set back is required. Highway, Street, Alley, and Road Easements do not require a 10 foot setback, however, no sign shall be set up within the said easements.

Section 6. Nonconforming signs:

- A. For the purpose of this section, a nonconforming sign shall be defined as a sign existing at the effective date of this ordinance, which could not have been built under the terms of this ordinance.
- B. All on-site nonconforming signs not otherwise prohibited by the provisions of this ordinance shall be removed if they present a safety hazard to the citizens of the City of Gravette or:
 1. When the nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size or legend; or
 2. When the name of the business changes and the sign is changed or modified either in shape, size or legend, or
 3. All flashing or blinking signs shall within 30 days of the adoption of this ordinance, be altered by the owner to eliminate the flashing or blinking character of the sign.
- C. Any off-site nonconforming signs, not otherwise prohibited by the provisions of this ordinance, shall be removed or shall be altered so as to conform with the provisions of this ordinance at the time the ordinance is passed..
- D. No nonconforming sign may be enlarged or altered in a way.
- E. Should any nonconforming sign be damaged by any means to an extent of more than fifty percent (50%) of its replacement cost and time of damage, it shall not be reconstructed except in conformity with the provisions of this ordinance.

Section 7. Board of Sign Appeals:

- A. Created: The City Planning Commission of Gravette shall be the Board of Sign Appeals. The work "Board" when used in this section shall be construed to mean the Board of Sign Appeals.
- B. Appeals: Any appeal to the Board of Sign Appeals shall be filed in writing with the Secretary of the Board within seven (7) days of notice of a decision by the building official with regard to any sign. The Board shall fix a reasonable time for the hearing of the appeal, give seven (7) days public notice thereof by publication in a newspaper of general circulation of the City, and give due notice to the parties in interest, and decide the appeal within a reasonable time. At the hearing, any party may appear in person, or by agent, or by attorney.
- C. Jurisdiction: The Board shall have the following powers, and it shall be its duty:
 - 1. To hear and decide appeals where it is alleged that 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 literal provisions of this ordinance for the erection of a new sign and in instances where strict enforcement of this ordinance would cause practical difficulties due to circumstances unique to the individual sign under consideration, and grant such variances only when it is demonstrated that such ordinance will be in keeping with the spirit and intent of this ordinance. In connection therewith, the Board may impose reasonable conditions and the granting of a variance to ensure compliance to protect adjacent property owners. A violation of such conditions shall constitute a violation of this ordinance.
 - 3. Appeals from Board of Sign Appeals: Any person or persons aggrieved by any decision of the Board of Sign Appeals may seek review by the City Council of the City of Gravette, Arkansas, by filing such request with the Clerk of the City of Gravette within seven (7) days of the decision of the Board.

- Section 8. Separability: Should any section or provision of this ordinance be declared by the Court to be unconstitutional or invalid, such decision shall not affect the validity of the articles as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 9. Penalties

- A. Violation of the provisions of this ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any requirement shall, upon conviction thereof, be fined no less than \$25.00 nor more than \$1,000.00. Each day such violation continues shall be considered a separate offense.
- B. The owner of tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the city from taking such other lawful action as in necessary to prevent or remedy any violation.

Section 10. Provisions declared to be minimum requirement: In this 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. Whenever the requirements of this ordinance are at variance with the requirements of any other ordinance, the higher or more restricted standard shall apply.

Section 11. Permit fees: The minimum permit fee shall be \$20.00. The maximum fee will be determined by the Building Inspector. The fee shall be based upon the number of inspections required.

Section 12. Repeal of conflicting ordinances: All ordinances or parts of ordinances in conflict herewith are hereby repealed and this ordinance does hereby specifically repeal Ordinances 97-3 of the City of Gravette, Arkansas.

PASSED AND APPROVED THIS 29th DAY OF August, 2002

APPROVED:

[Signature]
MAYOR

[Signature]
CITY RECORDER