

AN ORDINANCE FOR THE CONTROL OF OUTDOORS ADVERTISING WITHIN THE CITY OF GASSVILLE, BAXTER COUNTY, ARKANSAS

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

SECTION I Short title: This ordinance shall be known and may be cited as the Gassville, Arkansas Sign Control Ordinance.

SECTION II Definitions:

A. Sign - an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing within 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 Gassville, except for wall or window signs.

B. Erect - 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.

C. Unsafe - perilous, dangerous, apt to harm

D. Disrepair - the condition of being neglected or in need of repair

E. Temporary - short-term, a sign to be placed for a length of time no longer than 30 days.

F. On Premise - any sign advertising the business placed on the property the business is operated on.

G. Off Premise - any advertising sign not placed on the property the business is operated on.

SECTION III Determination of sign standards and criteria for control of outdoor advertising”:

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

1. Signs that imitate or resemble any official traffic signs, signal or device.
2. Signs that 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 driver’s 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 off premise sign shall be permitted to be erected closer than 200 feet to an existing off premise on the same side of the street or roadway.
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 (60) 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 business ownership change a new sign permit will be required.
5. Strip malls with more than one business per building will be limited to one sign per

building with the various businesses being listed thereon. In cases where a developer needs more sign space for strip mall tenants, each situation will be individually considered by the Council for exceptions.

6. On premises signs shall not be arranged or erected so as to block an adjacent neighboring business sign.

7. All electric signs shall require an electrical permit in addition to a sign permit.

8. 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.

9. All on premise signs to be erected at one time by one business may be covered by one permit. The number of signs and physical location will be listed on the permit.

C. Size:

1. All signs shall not exceed 300 sq. feet with a maximum of two (2) signs per side.

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 situations of some of the outside dimensions or pointed 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 Gassville Building Inspector or Gassville City Hall. A fifteen (15) dollar fee shall accompany each application for permit and at the time of application for such permit, the applicant shall arrange with the Gassville 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 comply 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 the 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.

C. Banners, special occasion signs and decorations, and temporary 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.

B. Failure to maintain the device in a state of good repair after thirty (30) days 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 thirty (30) days 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.

SECTION VII Non-compliance

A. Violation of the provision of this ordinance or failure to comply with any of its' requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its' requirements shall, upon conviction, thereof, be fined not less than twenty-five (25) dollars or more than one hundred (100) dollars. Each day such violation continues shall be considered a separate offence.

B. Nothing herein provided shall prevent the city from taking such other lawful actions as necessary to prevent or remedy any violations.

SECTION VIII Portable and Flashing Arrow Signs

A. Portable and flashing arrow signs must be connected to a ground fault interrupter receptacle and placed off any road or street right-of-way. These signs must be reasonably plumb and level and kept in good repair.

B. Portable and flashing arrow signs must conform to this sign ordinance including the obtaining of sign permits and electrical permits, if lighted.

SECTION IX Obscenity

All signs whether defined in Section 2, Paragraph A or not, shall not advertise strip clubs, nude dancers, X rated movies and or books or sexually oriented businesses other than by name. In addition, no sign shall depict nude or semi-nude persons.

Definitions are as follows:

Nudity or state of nudity:

- a. The appearance of the bare human buttock, anus, male genitals, female genitals, or female breast.
- b. A state of dress which fails to opaquely cover a human buttock, anus, male genitals, Female genitals or areola of the female breast.

Semi-nude:

A state of dress in which clothing covers no more than the genitals, public region and/or the female breast, as we. as portions of the body covered by supporting straps or devices.

SECTION X Grandfather Clause

All signs within the limits of the City of Gassville constructed prior to the adoption of the ordinances are legal, but require a permit to notify the city of placement and as reference for future use.

Any sign destroyed by an act of God, fire or any reason other than deliberate dismantling may be reconstructed in its original fashion.

SECTION XI Emergency Clause

This ordinance being necessary for the preservation of the public, health and safety and emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage.

Passed and adopted this 17th day of August, 2004

Approved by: Louis R. Mershon
Louis R. Mershon, Mayor

Attest: Wanda Watson
Wanda Watson, Rec./Treas.