

CHAPTER 5

SIGN CODE

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ARTICLE I. PURPOSE AND DEFINITIONS

16-5-1. Adoption; purpose; objectives.

16-5-1.1. Adoption.

The following regulations are hereby adopted and this Ordinance shall be referred to as the “Hot Springs Sign Code:”

16-5-1.2. Purpose; objectives.

The purpose and objectives of this code are as follows:

- (a) Regulate the location, size, construction, alteration, use and maintenance of all onsite and offsite signs located within the jurisdiction of the City of Hot Springs.
- (b) Protect the health, safety, welfare, convenience and the natural beauty of the city, and protect the public from damage or injury caused or attributable to improperly designed or constructed signs.

16-5-2. Definitions.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used as follows:

Administrator means the person designated by the city manager to administer and enforce this ordinance.

Banner means a sign printed or displayed upon cloth or other flexible material.

Cross references-building and construction, Title 15, historic district, § 16-7-1 et seq; streets and sidewalks, § 12-1-1 et seq; seasonal parking lot signs, § 16-1-10.5; planning and zoning, § 16-1-1 et seq; advertising, § 4-1-1 et seq.

Beacon means stationary or revolving light which flashes or projects illumination, single-color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include a kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

Controlled access highway means any state or federal numbered highway designated by ordinance as a controlled access highway by the board of directors of the city.

Development means use of an identifiable parcel of land for any purpose other than a single-family structure.

Directional sign means a sign of a noncommercial nature which directs the reader to the location of public or educational institutions, or to the location of historical structures or areas, or to the location of public parks or buildings.

Display surface area means the area of a sign computed by including the entire area within a single, continuous circle, ellipse, sphere or rectangle enclosing the extreme limits of the writing, representation, emblems, copy, letters, canisters, supports or structural component. Provided, the structural components shall not be included in the surface area calculation if they are constructed or arranged in a manner that is incidental to the display surface area of the sign.

District or zoning district means a section or sections of the zoning area within the city for which the zoning ordinance governing the use of buildings and land are uniform. References to individual zoning districts contained herein shall refer to the zoning districts which are, now or may hereafter be established.

Electronic variable message sign means a device capable of showing a series of different messages in a predetermined sequence using a message changing mechanism which may be controlled remotely by wire or radio and programmed for either automatic operation or manual activation.

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

Flashing sign means an illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times.

Freestanding sign means a sign which is attached to or is a part of a completely self-supporting structure and located on the lot or parcel which is advertise on the sign. Portable temporary signs, billboards and offsite signs are not included in this definition.

Height means (the distance) from the finished grade to the top of the structure.

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

Illuminated sign means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign proper.

Lease means 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.

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

Maintenance means cleaning, painting, electrical repair, and repair of the parts of a sign structure, other than the changing of the copy, that does not alter the basic design, configuration or structure of the sign.

Mall means any concentration of retail stores and/or service establishments which share customer parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

Mansford roof means any roof that has an angle greater than forty-five (45) degrees and which derives part of its support from the building wall and is attached to (but not necessarily a part of) a low slope roof and which extends along the full length of the front building wall or three-quarters of the length of a side building wall. For purposes of this article, a low slope roof shall mean any roof with a pitch less than three (3) inches rise per twelve (12) inches horizontal.

Mural means a painting permanently attached or painted on a structure which does not bear any trademarks, moving parts, lights or any advertising material or devices.

Nonconforming sign means a sign existing at the effective date of the adoption of this code which could not be built under the terms of this code.

Onsite sign means a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot or parcel of property where such sign is displayed.

Outdoor advertising sign means a sign, billboard or off site sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere other than upon the same lot or parcel where such sign is displayed. The term "offsite sign" shall include sign or billboard on which space is leased, rented or contributed by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

Outdoor advertising sign face means the area of an outdoor advertising sign on which the copy of the advertising is placed. The sign face is attached to the sign structure.

Outdoor advertising sign structure means a sign structure which may consists of some or all of the following component parts, the foundation, the pole structure, the horizontal torsion pipe, the uprights, the stringers, the catwalks, the ladders, the safety cables, the aprons, and the electrical components.

Parapet means either the edge of the roof or the top of a wall which forms the top line of a building silhouette. When a building has several roof levels, the roof or parapet shall be the one belonging to that portion of the building where the sign is located.

Parking informational sign means a wall sign or a freestanding sign indicating the location of a motor vehicle parking lot and designating the persons authorized to park in said lot.

Person means and includes any person, firm, partnership, association, corporation, company or organization, of any kind.

Projecting sign means any sign that shall be affixed at an angle or 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.

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

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

Sign means and includes every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, reading matter or other similar device, 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 above which is not placed out of doors, but which is illuminated with artificial or reflected light, when placed near the inside surface of a window in such a way as to be in 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 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 to elements, or where there is a reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign.

Shopping center means 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 means illumination which comes from lamps, lenses or devices designed to focus or concentrate the light rays of the source.

Temporary sign means any sign not permanently attached to the ground, a building or structure. Included under this term are portable temporary signs, poster panels, banner type signs, balloons and other inflatable devices or any other portable device used to attract attention.

Wall sign means 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. For the purpose of this article, 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 awnings, or a building canopy shall be considered a wall sign.

16-5-3. Penalty.

(a) The penalty for violation of this ordinance shall, upon conviction in Hot Springs Municipal Court, or any other court of competent jurisdiction be such fines as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

(b) The owner or tenant of any building, structure or 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 provided in this article.

(c) Nothing contained in this shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Cross reference-Violation of building and development codes - disconnection of water service, §15-1-8.

16-5-4. Conflict.

If any portion of this code is found to be in conflict with any other provision of any zoning, building, fire, safety or health ordinance of the city code, the provision which establishes the higher standard shall prevail.

16-5-5–16-5-9. Reserved.

ARTICLE II. PERMITS AND ADMINISTRATION

16-5-10. Sign permit required.

(a) Except as otherwise provided, no sign may be constructed, erected, moved, enlarged, illuminated or altered except in accordance with the provisions of this article. Repainting a sign or repainting the message on a sign may not, in and of itself, be considered a alteration.

(b) Signs may be constructed, erected, moved, enlarged, illuminated or altered only after issuance of a permit by the administrator. It shall be the contractor's or owner's responsibility to call for a final inspection when construction of the sign has been completed.

(c) All electrical work performed in conjunction with the installation of a sign shall require an electrical permit as prescribed in the city electrical code.

16-5-11. Sign permit - Fees.

Permit fees for new or altered onsite signs shall be based on the square feet of the sign. Said fee(s) shall be such amount as may now or hereafter be established by resolution of the board of directors. The square footage of a sign shall be calculated using only one side of the surface area of the sign. The largest side shall be used if the sides are different sizes. The surface area of a sign shall be computed by including the entire area within a single, continuous circle, ellipse, sphere or rectangle enclosing the extreme limits of the writing, representation, emblems, canisters, supports or structural components. If a sign consists of more than one section or module necessary to convey a name or phrase, channel letters, etc., all of the area, including that between sections or modules, shall be included in the computation of the display surface area. Provided, the structural components shall not be included in the surface area calculation if they are constructed or arranged in a manner that makes them not part of and incidental to the display surface area of the sign.

Cross reference-Fee schedule, §16-5-34.

16-5-12. Signs excluded from regulation.

The following signs are exempt from regulation under this code, provided they meet the requirements listed below.

- (a) Signs not exceeding four (4) square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as:
 - (1) Signs giving property identification names or numbers or names of occupants;
 - (2) Signs on mailboxes or newspaper tubes; and
 - (3) Signs posted on private property warning the public against trespassing or danger from animals.
- (b) Signs erected by or on behalf of or pursuant to the authorization of a government body; including legal notices, identification and informational signs, and traffic, directional or regulatory signs.
- (c) Official signs of a noncommercial nature erected by public utilities.
- (d) Flags, pennants or insignia of any governmental organization when not displayed in connection with a commercial promotion or as an advertising device.
- (e) Integral decorative or architectural features of a building as long as such features do not contain letters, trademarks, moving parts, lights or any advertising material or devices. This does not include murals.
- (f) Signs directing or guiding traffic on private property that do not exceed six (6) square feet each and bear no advertisement matter other than the company name and or logo.

- (g) Off-premises directional signs for religious and non-profit institutions that do not exceed four (4) square feet that are located on private property. (Ord. No. 5548, §2, 3-5-07)
- (h) Signs permanently painted or similarly applied to the body of a currently licensed motor vehicle when such vehicle is necessary to the conduct of business and when the vehicle is not primarily used or intended to be used as a sign. Signs on vehicles must relate directly to the business for which the vehicle is used. Provided, further, no sign board of any kind or nature may be attached or affixed to a vehicle except as permitted pursuant to Article III, §13-1-24 (j) (vehicles for hire). (Ord. No. 5580, §1, 7-2-07)
- (i) Seasonal parking lot signs that meet the requirements of such Ordinance(s) as may now or hereafter be adopted by the board of directors governing seasonal parking lots.
- (j) Signs attached to no more than twenty-five (25) percent of the interior of a building window or glass door at any given time. This prohibition does not apply to open/close signs of two square feet or less.
- (k) Reader boards for drive thru restaurants located on the drive thru lane that do not exceed eighty (80) square feet in surface area and do not exceed twelve (12) feet in height.
- (l) Parking lot informational signs that do not exceed twenty-four (24) square feet. One parking information sign shall be allowed at each parking lot entrance.
- (m) Each building or separate parcel of real estate is permitted one real estate sign per street frontage which advertises the sale, rental or lease of the premises or property on which said sign is placed, subject to the following limitations. Signs shall be removed immediately after sale, lease or rental of property.
 - (1) Residential, single family to five (5) units: Maximum area shall be not more than nine (9) square feet and the maximum height shall be not more than six (6) feet.
 - (2) Residential, multifamily, five (5) units or more: Maximum area shall be not more than fifty (50) square feet and the maximum height shall be not more than ten (10) feet.
 - (3) Commercial, industrial and quiet business: Maximum area shall be not more than eighty (80) square feet and the maximum height shall be not more than fifteen (15) feet.
- (n) Construction site identification signs may identify the project, the owner or developer, architect, engineer, contractor and sub-contractors, funding sources, and may contain related information including, but not limited to, sale or leasing information. Not more than one such sign may be erected per site, per contractor, and said signs shall not exceed one hundred (100) square feet in area. Said signs shall not be erected prior to the issuance of a building permit and must be removed when the project is completed.

- (o) Signs erected in connection with elections or political campaigns shall be governed by such ordinance(s) as may now or hereafter be adopted by the board of directors.
- (p) Signs indicating that the grand opening of a business enterprise is to take place may be erected on site not more than two (2) weeks before the event and must be removed not later than three (3) days after the event, this does not include sales or re-openings.
- (q) Temporary signs erected in connection with an approved event held on publicly owned property. Such temporary signs may be erected no earlier than forty-eight (48) hours prior to the event and must be removed not later than the day following the event. Placement of such temporary signs shall be restricted to the event site at such locations as shall be approved by the site manager. Temporary signs permitted by this paragraph shall not be placed in any public right-of-way or any other public property, other than the event site, unless specifically approved by the appropriate governing body. (Ord. No. 5269, § 1, 6-7-04)
- (r) Permanent signs on airport property approved by the airport manager as follows: Each lease holder shall be allowed one permanent free standing sign. Said signs shall be no larger than 32 square feet in area and no taller than 8 feet above grade. All such signs shall be constructed to comply with local building and electrical codes. Provided that signs erected under this exemption shall be set back a minimum of 350 feet from Highway 70/Airport Road and shall be located in the immediate proximity of the lessee's location. Said signs shall be removed by the lessee within 30 days of their lease termination. (Ord. No. 5320, § 1, 2-7-05)
- (s) Third party advertising and informational signs and displays placed on the exterior of public transit vehicles operated by a government agency. (Ord. No. 5548, §1, 3-5-07)

Cross reference-Seasonal parking lot signs, §16-1-10.5.

16-5-13. Sign regulation - Appeals.

The planning commission shall hear all appeals to the requirements of this ordinance.

- (a) The planning commission shall have the following powers and it shall be its duty:
 - (1) to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or interpretation made in the enforcement of this article.
 - (2) to hear requests for minimal deviations from the literal provisions of this code for the erection of a new sign in instances where strict enforcement of this code would cause practical difficulties due to circumstances unique to the individual sign under consideration, and

grant such deviation only when it is demonstrated that such action will be in keeping with the spirit and intent of this article. The commission may impose reasonable conditions in the granting of a deviation to insure compliance and to protect adjacent property. A violation of such conditions shall constitute a violation of this ordinance. Any deviation granted by the planning commission shall automatically be revoked if the applicant does not comply with the terms of the variance within ninety (90) days from the granting thereof.

- (b) In exercising the above-mentioned powers, the commission may reverse or affirm, in whole or in part, 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 commission shall be necessary to reverse any order, requirement, decision or determination of a city official, or to decide in favor of the applicant on any matter addressed under this article, or to effect any variation in this ordinance.
- (d) Decision of the planning commission may be further appealed to the board of directors who shall hear such appeal in accordance with the provisions of subsection (a) of this section.

16-5-14–16-5-19. Reserved.

ARTICLE III. SIGN STANDARDS

16-5-20. Wall signs.

(a) Wall signs in all zones shall not project more than eighteen (18) inches from the wall on which it is mounted. Further provided that the upper edge of a wall sign mounted on a mansford roof may project more than eighteen (18) inches from the surface on which it is mounted as long as the sign is perpendicular to the ground. Wall signs may not project above the top of the wall or parapet or beyond the end of a building.

(b) The display surface area allowed for wall signs in C1, C2, C3, C4, M1, and M2 zones shall not exceed two hundred (200) square feet for any one wall sign. Multiple or single wall signs may not exceed more than twenty (20) percent of the area of the wall on which they are located. Further provided that wall signs in C-Tr zones shall only be allowed on walls facing a street. Wall signs in C-Tr zones shall not exceed twenty-four (24) square feet, further provided that only one (1) wall sign will be allowed in C-Tr zones.

(c) A projecting wall sign will be allowed in place of a freestanding sign. Projecting wall signs shall meet all the construction requirements of the city building code. A projecting wall sign shall be included in the total allowable signage for the wall it is attached to or projects from. The allowable display area of a single side of a projecting wall sign shall not exceed 150 square feet. Projecting signs that extend into the street right-of-way or over walk

Editor's note: Ord No. 5858, approved on 12-12-2011, removed all references to C-5, M-3 and O-1 from the Sign Code.

ways must have at least nine (9) feet of clearance between the bottom of the sign or sign structure and the sidewalk. Projecting signs must be designed, constructed and attached in accordance with the construction standards as stated in the city building code.

(d) Unless otherwise provided for in this section or other sections of this code, the maximum surface area allowed for a wall sign in any residential zone shall be four (4) square feet.

(e) *Reserved*

(f) Canopies, signs painted on or attached to canopies, shall be considered wall signs and count towards the total surface area allowed for the wall the canopy is attached to.

(g) Multi tenant structures, tenant wall signs on multi tenant structures, shall be located on that part of the structure the tenant occupies and shall meet the requirements for wall signs as stated in this article. A shopping center, development or other multi tenant use may have wall signs identifying the center or development on the side of the structure from which the principal entrance to the center is obtained. Individual tenant signs shall also be allowed on that side of the structure, provided the surface area of all signs on that side of the structure do not exceed twenty (20) percent of the total area of that wall.

16-5-21. Freestanding signs.

(a) For purposes of this section, the display surface area of a freestanding sign shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Only one side of a freestanding sign will be used to calculate allowed square footage of the sign. Provided, further, that the distance between the backs of the sign does not exceed four (4) feet.

(b) The sign surface area of a double-faced sign constructed in the form of a “V” shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), as long as the angle of the “V” does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

(c) In the C-1 (except historical districts), C-2, C-3, C4 commercial or mixed use planned development, M-1 and M-2 districts, a single side of a freestanding sign may not exceed one square foot in surface area for every linear foot of street frontage of the lot along the street toward which such sign is oriented. However, in no case may a single side of such signs exceed two hundred and fifty (250) square feet in surface area.

(d) In the C-Tr districts, a single side of a freestanding sign may not exceed twenty-four (24) square feet.

Editor’s note: Ord No. 5858, approved on 12-12-2011, removed all references to C-5, M-3 and O-1 from the Sign Code.

16-5-22. Freestanding signs- Number.

Unless authorized by this section, no development may have more than one freestanding sign except as follows:

- (a) If a development is located on a corner lot that has at least one hundred (100) feet of street frontage on each intersecting public street, the development may have one freestanding sign along each side of the development bordered by such public streets. Further provided, side street signs must be located at least fifty (50) feet back from the intersecting corner and must be oriented towards the side street.
- (b) If a development is located on a lot that is bordered by two (2) public streets that do not intersect at the lot boundaries (double front lots) then the development may have one (1) freestanding sign on each side of the development bordered by said streets.
- (c) Lots having five hundred (500) feet or more of continuous frontage on a public street may have one sign for every five hundred (500) feet of continuous frontage, provided that each sign is located at least five hundred (500) feet apart.
- (d) If a development is located on a lot that is bordered by a public street and the lakefront, then the development may have a sign on each side. The lakefront sign shall be one-half the size permitted on the public street.
- (e) In the case of a development occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center or multi tenant development), regardless of the number of individual business enterprises, the development will be allowed the number of freestanding signs as provided for in this code for a single business enterprise. The administrator may assist the owner by suggesting a formula whereby the maximum square footage of sign area allowed may be allocated equitably among all tenants, but the administrator shall be responsible for enforcing only the provisions of this code and not the provisions of any allocation formula, lease, or other private restriction.
- (f) If a development is located on a lot that does not have frontage on the street that serves as the primary entrance to the development, the development may have a freestanding sign located on the lot, provided the sign is constructed to meet the size and spacing requirements as stated in this article.

16-5-23. Location and height requirements.

(a) All parts of freestanding signs shall be positioned on site in such manner that no part of the sign projects over a property line. Freestanding signs constructed on a solid base such as monument signs, cased pylon signs or other similar signs shall be setback from the property lines sufficient distance to insure the sign does not interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets, private roads or driveways.

(b) No part of a freestanding sign may exceed a height, measured from ground level, of thirty-five (35) feet in commercial or mixed use planned developments, C-1, C-2, C-3, C-4, M-1 and M-2 districts. Freestanding signs in all other districts shall not exceed twenty (20) feet.

Editor's note: Ord No. 5858, approved on 12-12-2011, removed all references to C-5, M-3 and O-1 from the Sign Code.

16-5-24. Miscellaneous sign restrictions and prohibitions.

(a) *Residential development entrance signs.* At any entrance to a residential planned development, residential subdivision or multifamily development, there may be not more than two (2) signs identifying such subdivision or development. A single side of any such sign may not exceed forty-eight (48) square feet.

(b) *Illumination; signs containing lights.* Unless otherwise prohibited in this article, signs may be illuminated if such illumination is in accordance with this section.

- (1) No sign within one hundred fifty (150) feet of a residential zone may be illuminated between the hours of midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.
- (2) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.
- (3) Internally illuminated signs are not permissible in residential zoning districts, except signs giving property identification names or numbers; provided, however, that internally illuminated signs are permissible for any conditional use establishment authorized by the planning commission within a residential zone; and provided further, that said illuminated signs shall be in compliance with any special conditions as may be determined necessary by the planning commission to protect the residential character of a neighborhood
- (4) No sign may contain or be illuminated by flashing or intermittent light or lights of changing degrees of intensity that shine or flash in a way that can be confused with official traffic signals or emergency vehicles, nor may they shine in such a way that they are a nuisance to occupants of neighboring property or to obscure the view of oncoming vehicular traffic.

(c) *Temporary signs.* Temporary signs or banners are not allowed within the corporate limits of Hot Springs except under the following conditions or as otherwise provided in this ordinance:

- (1) One temporary sign may be placed per business address for three (3) 30 consecutive day periods per calendar year; provided, however, there shall be not less than 30 days between each display;
- (2) A temporary sign permit shall be obtained for each time displayed and the established permit fee paid. Such permits shall be issued to the business or activity located at the display address only. Temporary sign permits shall not be issued to or utilized by third party vendors;
- (3) The temporary sign advertisement or message shall be limited to the business or activity for which the permit was issued as an “onsite sign.” Third party advertisement is not permitted and temporary signs shall not be used as a form of off-site advertising;

- (4) Banners or other types of flexible temporary signs shall be affixed to a building;
- (5) Rigid non-flexible temporary signs shall be allowed anywhere on the property to which the permit is issued; provided, however, that such signs shall not be placed within any public right-of-way; and
- (6) Temporary signs shall not exceed 60 square feet per sign face. (Ord. No. 5548, §4, 3-5-07)

(d) *Roof signs.* Roof signs are permitted in lieu of wall signs or freestanding signs when the placement of wall or freestanding signs would be unpractical. Further provided that all roof signs must be approved by the planning commission and meet the requirements of the city building code. The maximum allowed surface area of a roof sign shall be one hundred and fifty (150) square feet.

(e) *Interference.* No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets, private roads or driveways. No sign may be erected so that by its location, color, size, shape, nature or message, it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(f) *Building code.* All signs must be designed and constructed to meet all the requirements pertaining to sign design and construction as stated in the city building code.

(g) *Historic districts.* Because of the unique character of historic districts there have been specific regulations and procedures established which may provide for regulations of a greater or lesser degree than found elsewhere in this article. All signs in the historic district shall be subject to the ordinance(s) regulating signs within the historic districts.

(h) *Commercial or mixed use planned development zones.* All signs constructed or altered in commercial or mixed use planned development zones must be approved by the planning commission. In no event shall the commission approve signs in a commercial or mixed use planned development which would exceed the provisions for the maximum number, area, spacing or height of a sign as established in this ordinance.

(i) *Signs placed on public property.* Offsite sign, bulletins or other such amenities bearing signs, placed on public property for the primary benefit of the general public/community shall be permitted with the approval of the board of directors. Such signs, or amenities including community event message boards, public rest benches, etc., may or may not bear private advertising as authorized by the board of directors.

(j) *Vehicles for hire.* Third party advertising and informational signs and displays placed on vehicles for hire, except limousines, duly licensed under the City's Transportation Code shall be permitted pursuant to this paragraph. Third party signage shall be limited to three (3) sign faces or display areas per vehicle. Each sign face or display area shall not exceed eight (8) square feet each. Third party signs shall only be placed on the rear or roof of the vehicle. A double sided sign shall be consider as two sign faces for purposes of this ordinance.

Such signage shall be placed in a manner which does not interfere with the lawful operation of the vehicle and is affixed to the vehicle in a frame or other device or means as approved by the administrator. An annual permit and permit fee shall be required for each sign face. The annual permit fee shall be as established by resolution of the Board of Directors. (Ord. No. 5548, §5, 3-5-07)

(k) *Murals.* Murals to be painted or otherwise affixed to a wall or other portion of any temporary or permanent structure or public facility must first be approved by the Planning Commission after review and recommendation of the Arts Advisory Committee. Murals will bear no moving parts, lights or any advertising material or devices nor anything that may be construed as graffiti. Murals may contain an area no larger than six (6) square feet with the artist's and/or sponsor's name. In determining whether or not a proposed mural should be approved, the Planning Commission shall in addition to these regulations, consider the following factors:

- (1) the non-binding recommendation of the Arts Advisory Committee;
- (2) how and by whom long-term maintenance of the mural will be guaranteed or if temporary in nature how, when and by whom removal will be accomplished; and
- (3) the overall impact of the mural on its surroundings. (Ord. No. 5639, §1, 3-3-08)

16-5-25. Sign maintenance.

(a) All signs and all components thereof including, without limitation, supports, braces and anchors, shall be kept in a good state of repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.

(b) If a sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted on the lot the sign is located, that sign shall be considered abandoned and shall, within thirty (30) days after such abandonment, be removed by the sign owner, owner of the property where the sign is located or other party having control over such a sign; provided, however, that such signs may be retained if the property owner or controlling party renovates the sign within thirty (30) days of its abandonment, removes all obsolete advertisement, and thereafter maintains said sign in a good state of repair.

16-5-26. Cutting of trees and shrubs.

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located:

- (a) Within the right-of-way of any public street or road, unless the work is done pursuant to the expressed written authorization of the city (or other agency having jurisdiction over the streets).

- (b) On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the expressed authorization of the person owning the property.

16-5-27. Nonconforming signs.

(a) Subject to the remaining restrictions of this section, nonconforming signs that were preexisting on the effective date of this article may be continued until they are to be rebuilt, altered or removed by the owner.

(b) A nonconforming sign that is determined to be a landmark or of historical interest or aesthetic interest within a historical district and/or as determined by the national register of historical places may be restored or maintained. If replaced, the sign must be a duplicate of the original sign or comply with the requirements of this article.

(c) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. No illumination may be added to any nonconforming sign.

(d) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.

(e) If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this article.

(f) The message of a nonconforming sign may be changed so long as this does not create an increase in the nonconformity.

16-5-28–16-5-29. Reserved.

ARTICLE IV. OUTDOOR ADVERTISING.

16-5-30. Outdoor advertising signs and billboards.

The primary intent of this article shall be to regulate signs that are defined to be off-premise advertising of a commercial nature, that are intended to be viewed from any vehicular or pedestrian public right-of-way. No offsite signs shall be allowed within the city limits other than those provided for in this code or those approved pursuant to the “ Logo Signing Program” of the Arkansas State Highway and Transportation Department. The Highway 70-270 East/West arterial (Dr. Martin Luther King, Jr., Expressway) and all future extensions thereof are hereby designated a scenic corridor and no offsite signs shall be constructed that would be visible from a scenic corridor.

16-5-31. New outdoor advertising signs/billboards.

New outdoor advertising signs will be allowed only in zones M-1 and M-2. All new outdoor advertising signs shall require planning commission approval prior to the issuance of a permit and shall be constructed to meet the construction standards for new signs as stated in this article.

16-5-32. Outdoor advertising signs; Pre-existing sign provisions.

(a) *Pre-existing signs.* All pre-existing outdoor advertising signs that are existing on the effective date of this code, or those coming within the jurisdiction of the city limits by subsequent annexation of the property on which the sign is located, and those signs which have been approved by the planning commission prior to the effective date of this code shall not be subject to the provisions of this code unless they are to be rebuilt.

(b) *Rebuilding.* All pre-existing outdoor advertising signs may be rebuilt at their current location provided the rebuilt sign does not exceed the size, number and construction requirements of this section. All applications for the rebuilding of an existing sign must be approved by the planning commission.

(c) *Maintenance.* All outdoor advertising signs shall be properly maintained. Normal maintenance of an outdoor advertising sign shall not require the issuance of a permit provided the maintenance does not result in an increase in the size, height or area of the sign. Replacing the structural members of a sign shall be considered rebuilding the sign. The city shall have the authority to order the repair or removal of any outdoor advertising sign which is substantially deteriorated, damaged or defective and constitutes a hazard to the public. Obsolete or damaged copy shall be removed within 30 days of the date the copy became obsolete or damaged.

16-5-33. Outdoor advertising sign construction standards.

The following requirements apply to all new or rebuilt advertising signs within the city limits of Hot Springs.

- (a) *Height.* No outdoor advertising sign, shall exceed thirty five (35) feet in height above the surrounding grade.
- (b) *Area of sign face.* The area of a single face of an outdoor advertising sign shall not exceed three hundred (300) square feet.
- (c) *Number of sign faces.* All new or rebuilt outdoor advertising signs shall be single-faced or back to back configuration. No stacked or double-faced signs shall be permitted.
- (d) *Lighting.* Outdoor advertising signs may be illuminated provided the illumination meets the requirements established in this code.
- (e) *Construction standards of outdoor advertising signs.* All outdoor advertising signs shall be constructed as per design plans stamped by a structural engineer and shall meet the construction requirements as stated in the city building and electrical codes.
- (f) *Aprons, moldings, and nameplates.* Decorative aprons and moldings are permitted on outdoor advertising signs. No advertising copy may be placed on the aprons and the apron shall not count towards the total square feet of the sign face. Sign company information nameplates of less than (4) four square feet in size are permissible on outdoor advertising signs.

- (g) *Safety devices.* All outdoor advertising signs shall have such safety devices as needed to insure the safe operation and maintenance of the sign.
- (h) *Spacing.* No outdoor advertising sign be spaced less than 300 feet from another outdoor advertising sign on the same side of the roadway.
- (i) *Setbacks.* All parts of an outdoor advertising sign shall be positioned on the site in such a manner that no part of the sign projects over the public right of way or onto public property.

(Ord. No. 5086, §1, 4-15-02)

16-5-34. Sign permits - Fees.

(a) *That the following fees are hereby adopted for permits issued pursuant to Article II Paragraph 11 (Fees), of the Hot Springs Sign Code (Ordinance No. 5086, as amended):*

<i>AREA (in square feet)</i>	<i>FEE PER PERMIT</i>
<i>One (1) to sixty (60) square feet</i>	<i>\$ 15.00</i>
<i>Sixty-One (61) to 300 square feet</i>	<i>\$ 0.25 cents per square foot</i>

The square footage of a freestanding, roof, projecting, or outdoor advertising sign shall be calculated using only one side of the sign. The largest side shall be used if the sides are different sizes.

(b) *That the temporary sign permit fee for each sign permitted pursuant to Article III, Paragraph 24, Sub-paragraph (c) (Portable or temporary signs), of the Hot Springs Sign Code (Ordinance No. 5086, as amended) shall be \$25.00 per permit.*

(c) *That the initial permit fee for vehicles pursuant to Article III, Paragraph 24, sub-paragraph (j) (Vehicles for Hire), of the Hot Springs Sign Code (Ordinance No. 5086, as amended) shall be \$25.00 per sign face. Thereafter, the annual fee shall be \$25.00 per sign face to be paid concurrently with vehicle annual licensing pursuant to the Transportation Code.*

(Res. No. 6528, §§1-3, 3-5-07)

Editor's note-§16-5-34 was adopted by Resolution but included in the Codebook due to its permanent nature.

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