

**ORDINANCE NO. 669**

**AN ORDINANCE AMENDING THE COMPREHENSIVE SIGN  
REGULATIONS FOR THE CITY OF PEA RIDGE, ARKANSAS;  
REPLACING AND UPDATING ORDINANCE NO. 519 AND SECTION  
14.24 (SIGNS) OF THE PEA RIDGE MUNICIPAL CODE; AND FOR  
OTHER PURPOSES**

**WHEREAS**, the City Council has determined that in order to promote, preserve and protect the health, safety, general welfare, convenience and enjoyment of the public, and to preserve and protect the aesthetic quality of Pea Ridge, it is necessary to update its comprehensive regulations for the placement, installation and maintenance of signs within the city of Pea Ridge.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the city of Pea Ridge, Arkansas:

That Chapter 14.24 Signs of the Pea Ridge Municipal Code is hereby amended in its entirety as follows:

**“Section 1: Purpose** Signs use private land and the sight lines created by public rights-of-way to inform and persuade the general public by publishing a message. This chapter provides standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with these standards. The general purpose of these standards is to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public, to preserve and protect the aesthetic quality of Pea Ridge, and to achieve the following:

- A. Safety** To promote the safety of persons and property by providing that signs:
1. Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;
  2. Do not obstruct firefighting or police surveillance;
  3. Do not create traffic hazards by confusing or distracting motorists;
  4. Do not impair the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs and signals; and,
  5. Do not otherwise interfere with or detract from the safety of persons or property. (Ord. No. 519; Ord. No. 669)
- B. Communications Efficiency** To promote the efficient transfer of information in sign messages by providing that:

1. Customers and other persons may locate a business or service;
2. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and,
3. The messages in signs may otherwise be communicated efficiently.

**C. Landscape Quality and Preservation** To protect the public welfare and to enhance the appearance and economy of the city, by providing that signs:

1. Do not unreasonably interfere with scenic views;
2. Do not create a nuisance to persons using the public rights-of-way;
3. Do not constitute a nuisance to occupancy of adjacent property by their brightness, light glare and reflection, size, height, or movement;
4. Are not detrimental to land or property values;
5. Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore said messages, according to the observer's purpose;
6. Do not negatively affect the city's tourism industry;
7. Do not create or worsen visual clutter or visual blight;
8. Do contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and be oriented within it;
9. Do not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
10. Do not obstruct views of users of adjacent buildings to side yards, front yards or to open space;
11. Are compatible with building heights of the existing neighborhood and do not impose a foreign or inharmonious element to an existing skyline;
12. Do otherwise protect and preserve a quality landscape in the city; and
13. Do otherwise enhance the appearance and economy of the city (Ord. No. 669).

**D. Authority to Act**

The City Planning Official ("Director"), and/or his or her designee, is authorized and directed to administer and enforce this chapter. Code Enforcement Officers may remove or relocate signs if such signs are placed improperly thereby causing vehicle or pedestrian safety issues, ADA accessibility issues or other similar critical issues.

**E. Interpretations**

1. *Administrative interpretations* Interpretations of this chapter are to be made by the Director in consultation with the city attorney. Where a particular type of sign

is proposed, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Building Code, as adopted by the City, then the Director, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this chapter.

2. *Appeal of interpretation* All administrative interpretations of sign regulations may be appealed to the Board of Adjustment. Where necessary, the Board may consider not only the current or intended uses of a sign but also its past use, in light of the purposes of this chapter and applicable legal principles. It shall be the obligation of the sign owner or permit applicant to furnish records concerning the past use, if requested by the Board.
3. *Text vs. tables* In the event of inconsistency between text and tables, text shall prevail.

#### **F. Responsibility for compliance**

The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, the permit holder, all parties holding the present right of possession and control of the property whereon a sign is located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent or knowledge of the owner and / or other parties holding the legal right to immediate possession and control.

**Section 2: Common Signage Plan** Prior to issuance of any sign permit in a development containing several buildings or businesses, a common signage plan for the development shall be approved and filed with the Building Inspection Department. Common Signage Plans require Planning Commission approval. In the case of any conflict between the signage plan and the zoning ordinance, this chapter shall govern.

- A. **Drawings** Drawings, sketches and/or photographs shall be submitted and kept on file to demonstrate the common signage plan. The common signage plan shall consist of three (3) elements:
  1. Location - Identification of sign locations on buildings or property.
  2. Materials - Description of the type of sign and sign materials including construction materials and proposed lighting, if any.
  3. Size - Itemization of sign size and/or area at identified locations.
- B. **Multiple signs** Where more than one (1) sign is located on a property, or where more than one (1) building or business is located in a single development project, such as a shopping center, the common signage plan will demonstrate that these elements create consistency and uniformity among signs within the project. The requirements of a common signage plan

shall apply to all businesses within a related project, even if the properties have been subdivided.

- C. Review Criteria** The Director shall use the purpose of this chapter as criteria to review and approve a common signage plan.
- D. Amendments** Revisions or amendments to the common signage plan shall require approval from all tenants on the property prior to approval.
- E. Minor alterations** Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Building Inspection Department.

**Section 3: Applications For a Sign Permit** All signs within the city require a permit unless specifically stated otherwise in this chapter.

- A. Application** Complete the Sign Permit Application provided by the Building Inspection Department.
- B. Fee** The applicant shall pay the fee as adopted from time to time by City Council.
- C. Drawings** A scaled drawing of the sign including sign height, area, design, content, and dimensions of the sign and the design and dimensions of any measures used to support the sign or used to affix the sign to a wall, window or the ground.
- D. Site plan** A scaled site plan showing the location of the sign on the property or building, including street right-of-way and property lines. For wall signs, building face shall be dimensioned.
- E. Materials List** A list of materials used to construct the sign.

#### **Section 4: Review and Approval**

- A. Approval** After a review of the application by the Building Inspection Department shows that the sign meets zoning, electrical, and ICC Building Code requirements, the applicant shall receive a permit to erect or install the approved sign.
- B. Permanent Signs** The applicant shall request an inspection after installation of permanent signs.
  - 1. Expiration of permit - The sign permit shall be null and void if sign installation is not completed within six (6) months or the signs are not in conformance with the approved application. The Building Inspection Department may grant one thirty (30) day extension to the sign permit.
  - 2. Successors - Valid sign permits may be assignable to a successor of the business.

- C. **Temporary Sign** Temporary sign permits shall be reviewed and issued in compliance with the regulations set forth in this chapter.
- D. **Revocation of Permits** The Building Inspection Department may revoke a sign permit if a sign is found to be in violation of this chapter.
- E. **Minor alterations** Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the Building Inspection Department.

#### **Section 5: Interpretation of Sign Regulations**

- A. **Street frontage** Street frontages shall be considered separately for each street the lot fronts, measured by property lines.
- B. **Maximum area** Maximum area shall be the area of one side of the sign.
- C. **Measurable area** Measurable area is the area within the outer boundaries of standard geometrical shapes, primarily squares, rectangles, and circles, containing and defined by the extreme reaches of information or graphic parts of the signs.
- D. **Maximum height** Height is measured from the point at which the sign and supports are attached to the ground, measured to the highest point on the top of the sign.
- E. **Appeal of Interpretation** All administrative interpretations of sign regulations may be appealed to the Board of Adjustment. Where necessary, the Board may consider not only the current or intended uses of a sign but also its past use. It shall be the obligation of the sign owner to furnish records concerning the past use, if requested by the board.

#### **Section 6: General Regulations**

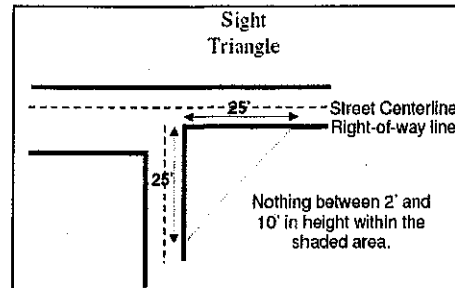
##### **A. Design and Construction**

1. **Code Compliance** All signs shall comply with applicable provisions of the ICC Building Code, the National Electrical Code, and requirements of the City, whether the sign is located in the public right of way or outside of the public right of way.
2. **Materials** Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for the following signs:
  - a. Temporary signs meeting the regulations elsewhere in this chapter
  - b. Real estate signs
  - c. Construction signs

d. Window signs

e. Yard sale, political and election signs

- B. Sight Triangle** No sign shall constitute a hazard to traffic including, but not limited to, signs located within the sight triangle of an intersection. The sight triangle is defined by a triangular area formed by a diagonal line connecting two (2) points on intersecting street rights-of-way measured twenty-five (25) feet along each right-of-way starting at the intersection point.



- C. Maintenance** All signs, to include permanent and temporary signs and signs that do and do not require a permit, shall be maintained in good condition, kept free of cracked or peeling paint, missing or damaged sign panels or supports, and weeds, grass or vegetation which obscures the view of the sign message. Sign landscaping shall be maintained so as not to interrupt the view of the sign.

- D. Obstructions** No sign shall block entrances or exits to buildings to include windows, doors, and fire escapes.

**E. Illumination**

1. Source Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety. External illumination is preferred.
2. Internal illumination Internally illuminated signs in all districts shall have an opaque background and translucent copy.
3. External Illumination External illumination shall be selected, located, aimed and shielded so that direct illumination is focused solely on the sign face, away from adjoining properties and the public street right-of-way. Down-lighting is preferred.
4. Strung lights Signs shall not be illuminated by a string of lights placed around the sign.
5. Temporary signs Temporary signs, whether allowed with or without a temporary sign permit, shall not be artificially illuminated.

- F. Changeable copy signs** Manual changeable copy signs and electronic message centers (EMC's) shall be allowed subject to the following:

1. Maximum area No more than 50% of the measurable area of a sign shall be devoted to changeable copy except for signs for land uses characterized

by public assembly and periodically changing programs, such as theaters (live or film), convention centers, concert facilities, religious facilities, etc., which may devote up to 80% of a measurable area to changeable copy.

2. Animation Messages, images and slides shall be static. In no instance shall changeable copy signs produce fluctuating illumination or animation as prohibited in Sec. 11.C *Fluctuating Illumination*.
3. Copy rotation Each message, image or slide shall be displayed for at least five (5) seconds before alternating to the next message without violating Sec. 11.C *Fluctuating Illumination*. Messages shall be permitted to scroll from one direction onto the message board so long as the message remains on the message board for at least five (5) seconds before scrolling off.
4. EMC illumination The illumination of electronic message centers or digital displays must meet the requirements below:
  - a. *Measurement criteria* The illuminance of an EMC or digital display shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off and again with the EMC displaying a white image for a full color capable EMC or a solid message for a single color EMC. All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total square footage of the EMC in the table below.

Sign Area and Measurement Distance					
Sign Area	Measure Distance	Sign Area	Measure Distance	Sign Area	Measure Distance
10	32	70	84	150	122
15	39	75	87	160	126
20	45	80	89	170	130
25	50	85	92	180	134
30	55	90	95	190	138
35	59	95	97	200	141
40	63	100	100	220	148
45	67	110	105	240	155
50	71	120	110	260	161
55	74	130	114	280	167
60	77	140	118	300	173
65	81	150	122		

For signs with an area in square feet other than those specifically listed in the table, the measurement distance may be calculated with the following formula: Measurement Dimensions =  $\sqrt{\text{Area of Sign (sq. ft.)} \times 100}$

- b. *EMC illumination limits* The difference between the off and solid-message measurements using the EMC measurement criteria above shall not exceed 0.3 footcandles above ambient light. Documentation shall be provided at time of permit issuance certifying the EMC will not exceed this limit.
- c. *Dimming capabilities* EMC's and digital displays shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements. Upon the City's request, EMC devices shall be turned off during times of energy shortage or civil emergency.

**G. Nonconforming signs** Signs that were lawful at the time of their construction or placement but are not in conformance with current regulations shall be allowed to be maintained as nonconforming signs until such time that the sign meets any of the following conditions. At such time, the sign shall be removed or brought into compliance with this chapter. If only the sign face is being replaced, the nonconforming sign structure may remain.

1. 50% of the size of the sign and/or sign structure is damaged or in a state of disrepair;
2. The sign is proposed for replacement or major alteration, which includes but is not limited to, increasing the sign size or height, replacing the sign cabinet, changing or adding lighting, or any other alteration determined to be major as determined by the director
3. The primary structure on the site on which the sign is located is:
  - a. Damaged 50% or more of the structure's gross square footage;
  - b. Proposed for major alteration, renovation or replacement; or
  - c. Is or is proposed to be demolished.
4. Development on the site on which the sign is located requires large scale development approval, including both administrative and planning commission approvals.

**H. Banners** All banners allowed in this chapter shall be attached to a permanent sign or building. If no permanent sign or building is available, the Director may approve another method of installation that creates a frame around the banner.



**Section 7: Signs Permitted On Private Property Without A Permit** The following signs shall be permitted in all zoning districts. No sign permit shall be required.

**A. Sign types allowed** The following signs may be installed, mounted and displayed in all zoning districts without a sign permit, subject to the rules and conditions applicable to each sign type and located in such a manner that meets the intent and purpose of this chapter.

1. Handheld signs Handheld signs are allowed to display any protected noncommercial message but may not be used for general advertising for hire.
2. Incidental or directional signs Incidental three (3) square foot signs are allowed to display any protected noncommercial message but may not be used for general advertising for hire.
3. Interior signs Non-legible interior signs are allowed.
4. Temporary signs
5. Residential uses Each legal dwelling unit may have a total display area (cumulative of all temporary signs on the lot) of 24 square feet at all times. Such signage may be used to display any protected noncommercial message but may not be used for general advertising for hire.
6. Non-residential uses Each non-residential establishment may have a total display area (cumulative of all temporary signs on the lot) of 36 square feet at all times. Such signage may be used to display any protected noncommercial message but may not be used for general advertising for hire.
7. Window and door signs Window and door signs are allowed subject to a maximum area that does not exceed 40% of the window or door area.

**B. Additional signs** In addition to any other allowed sign, the following signs may be installed, mounted and displayed without a sign permit when the current condition of the property meets any of the conditions below, subject to the corresponding rules and conditions. Maximum area is measured per sign face. Maximum height applies to freestanding signs only.

Property Condition	Land Use		Max. No.	Max. Area (sf)	Max Height (ft)
	Res	Non-Res			
Property Under Construction	•		1 / street frontage of the lot	16	6
		•	1 / street frontage of the neighborhood or subdivision	32	12
Subdivision Under Construction	•	•	1 / street frontage of the lot or development	32	12
Property for Sale or Lease	•		1 freestanding / street frontage and 1 wall / dwelling unit	8	6
		•	1 freestanding / street frontage and 1 wall / lease space	32	8

- C. Conformance with other regulations** All signs allowed without a permit shall conform to the clearance and encroachment regulations for suspended signs, projecting signs or freestanding signs depending on the method of installation and support.

### **Section 8: Signs Permitted on Private Property with a Temporary Sign Permit**

The following temporary signs, as defined in this chapter, may be installed, mounted, or placed on public display in all nonresidential districts only pursuant to a duly authorized and issued temporary sign permit, subject to the size, height and location regulations specified in this section. Erection of the following signs without a temporary sign permit is a violation of this section.

- *Sign types allowed* The following sign types are allowed as a temporary sign on nonresidential property: banners, wall signs, commercial mascots, yard signs, and projected images.
- *Maximum area* . 32 square feet, cumulative of all temporary signs on a lot, exclusive of noncommercial speech.
- *Display period* The temporary sign shall be displayed for not more than 15 consecutive calendar days.
- *Maximum number allowed per year* Each establishment may be issued only four (4) permits for a temporary sign within each calendar year.

- *Conformance with other regulations* The temporary sign shall conform to the clearance and encroachment regulations for suspended signs, projecting signs or freestanding signs depending on the method of installation and support.

**Section 9: Signs Permitted on Private Property With A Sign Permit** The following signs are allowed with a sign permit, subject to the size, height and location regulations specified in this section. A common signage plan is required in accordance with Section. 2 Common Signage Plan. Erection of the following signs without a permit is a violation of this section.

*See chart on next page*

# A. Height and Area Regulations.

Sign Type	ZONING							Use	No. Allowed	Max. Height	Max. Area (per sign face)
	A RE R1, R2, R3		C 1	C 2	C 3	I 1 & I 2	P U D				
Free-standing	•							Subdivision & Multi-family	2/street entrance	6 ft.	32 sq. ft.
	•							Non residential	1/street entrance	6 ft.	32 sq. ft.
			•					All	1/street frontage	6 ft.	32 sq. ft.
				•		•	•	Single tenant	1/street frontage	8 ft.	60 sq. ft.
				•		•	•	Multiple tenant	1/street frontage	12 ft.	100 sq. ft.
					•			All	1/street frontage	6 ft.	32 sq. ft.
Wall	•							Residential	1/building	1 ft. above roof peak	4 sq. ft., non-illuminated
	•							Non-residential	1/building	1 ft. above roof peak	25 sq. ft.
			•	•	•	•	•	All	1/wall <u>OR</u> 1/wall of each suite	1 ft. above roof peak	15% of wall area* (includes awning, canopy, projecting and roof signs) 25 sq. ft. min. allowed
Awning			•	•	•	•	•	All	1/awning face	1 ft. above highest roof peak	32 sq. ft.* must be included as part of the maximum area allowed for wall signs.
Projecting			•	•	•	•	•	All	1/wall <u>OR</u> 1/wall of each suite	No Max.	32 sq. ft.* must be included as part of the maximum area allowed for wall signs.

Sign Type	ZONING								Use	No. Allowed	Max. Height	Max. Area (per sign face)
	A-RE R1, R2, R3,		C 1	C 2	C 3		I 1 & I 2	P U D				
Roof					•				<i>Buildings 3 or more stories</i>	1/building	Max. height allowed in the district	32 sq. ft.* <i>must be included as part of the maximum area allowed for wall signs.</i>
Canopy			•	•	•		•	•	<i>All</i>	1/canopy face	No Max.	12 sq. ft.
Suspended			•	•	•		•	•	<i>All</i>	1/suite	No Max.	4 sq. ft.
Marquee					•				<i>All</i>	1/building	8 ft.	100 . ft.

**B. Canopy Signs** Signs on or attached to freestanding canopy structures shall be placed flat against the surface of the structure to which it is attached and shall not extend beyond the edges of structure to which it is attached.

**C. Freestanding Signs – Nonresidential Districts** Freestanding signs allowed in non-residential districts are subject to the following regulations:

1. Monument style Freestanding signs shall be designed to meet the definition of a monument sign. No air space shall be visible within or between any portion of the sign display area and sign structure.

2. Setback Freestanding signs shall meet the setback requirements in the table below. Freestanding signs may be placed within buffer or landscaped areas required in the city's applicable landscaping regulations.

Condition	Min. setback from property line
Sign area of 32 sq. ft. or less	5 ft.
Sign area more than 32 sq. ft.	10 ft.
Sign adjacent to residential property	25 t.

**3. Landscaping** All non-residential freestanding signs require:

- a. A defined landscaped area at the base of the sign.
- b. The required landscaped area shall be parallel to the face[s] of the sign.
- c. The required landscaped area shall be at least 50 square feet in area.
- d. For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face.
- e. If the size of the site imposes practical difficulties on the placement of the plant materials, the Building Inspection Department may make adjustments in these regulations.
- f. The required landscaped area shall contain materials such as, but not limited to lawn grass or herbaceous groundcovers such as juniper or liriope, etc., perennials, shrubs, and ornamental trees covering at least 50% of the defined landscaped area at maturity.
- g. Paving and artificial plant materials shall not be included in fulfilling this requirement.

A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

**D. Additional signs**

1. Street frontage over 300 feet One (1) additional sign may be allowed by the Building Inspector for a street frontage that exceeds 300 feet. If two signs are placed on a single street frontage, no individual sign shall exceed 80 square feet in area and there shall be a minimum of 150 linear feet between the signs.
2. Considerations for approval of additional signs In making a determination to approve additional signs, the Director shall consider the following standards:
  - Each sign meets all other regulations for freestanding signs;
  - The signs comply with other applicable provisions of this chapter, including its purpose; and
  - The width of the street, the traffic volume, and the traffic speed warrant the proposed signage.

**E. Materials** The sign display area shall be completely enclosed with materials that match the façade of the principal use or similar quality, color and texture as the primary masonry materials used in the exterior finish of the primary structure on site.

**F. Freestanding signs - residential districts** Freestanding signs allowed in residential districts are subject to the following regulations:

1. Monument style Freestanding signs shall be designed to meet the definition of a

monument sign. No air space shall be visible within or between any portion of the sign display area and sign structure.

2. Subject No commercial message shall be placed on subdivision or multifamily identification signs.
3. Permanent feature Identification signs may be incorporated into a permanent landscape feature such as a wall, fence, or masonry column, subject to maximum area requirements.

**G. Marquee, projecting and suspended signs** Marquee, projecting and suspended signs are subject to the following regulations:

1. Extending above wall The sign may not extend above the top of the wall to which it is attached, except that a sign 18 inches or less in width and perpendicular to such wall may extend up to a maximum of two (2) feet beyond the top of the wall.
2. Clearance The sign shall maintain a vertical clearance over a public right-of-way, sidewalk or front yard of at least eight (8) feet.
3. Setback The sign may not extend into a required front yard more than six (6) feet and no closer than two (2) feet, measured in horizontal distance, from back of curb of any street.

**H. Wall signs - nonresidential districts** Wall signs are subject to the following regulations:

1. Extending beyond building The sign shall not extend more than 12 inches beyond the building, except in the case of a sign on the lower slope of a roof or a canopy roof, where the sign may extend the distance required to make the sign vertical.
2. Extending beyond wall The sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on two (2) adjacent walls of the same building, the connecting portion may extend to but not beyond the face of the adjoining portion.
3. Calculating sign area The total sign area for wall signs shall be the sum of all signs on the wall including signs on the wall surface, signs affixed to the wall parallel and in the same plane as the wall, signs on awnings or canopies, window signs, door signs, projecting signs, signs on the lower slopes of roofs or canopy roofs, and signs on parapets above roofs.

**Section 10: Signs Permitted In Public Right-Of-Way and on City property Without A Permit** The following signs may be installed, mounted and displayed on or within public rights-of-way and city owned property without a sign permit, subject to the rules and conditions provided herein:

**A. Official signs.** Nothing in this Article limits in any way the use of the following signs, which may be erected and displayed on city property without a sign permit:

1. Traffic control and traffic directional signs erected or authorized by the City or another

governmental unit;

2. Emergency and warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way;
3. Official notices required or authorized by law;
4. Governmental messages erected by the city, county, state or federal government, in furtherance of its governmental functions.

**B. Wayfinding signs** erected or authorized by the City or another governmental unit.

**C. Public events signs** used in connection with a community event, parade, protest, march or demonstration and does not exceed 32 square feet.

**D. Noncommercial messages** that are within the protection of the First Amendment, subject to:

1. Handheld The signs must be personally held by a person, or personally attended by one or more persons;
2. Maximum area The maximum area of a single sign is 8 square feet, measured on one-side only.
3. Inflatables The sign may not be inflatable or air-activated.
4. Safety In order to serve the City's interests in traffic flow and safety, persons displaying signs pursuant to this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles. Persons displaying signs on public sidewalks must allow at least six (6) feet width clearance for pedestrians to pass by. Signs and persons holding signs may not block the free and clear vision of drivers, bicyclists and pedestrians;
5. Unattended Inanimate signs which are unattended may not be displayed under this section, regardless of the type of message they may display.

**E. Subdivision** Signs identifying a recognized community, subdivision or development provided that such signs were lawfully erected pursuant to an encroachment agreement, and are consistent with an approved overall sign plan, site plan or subdivision plat. Must be included in preliminary plat or large-scale development plan.

**F. Sidewalk signs** Moveable signs, including A-frame and T-frame signs, located on sidewalks within the street right-of-way in pedestrian-oriented commercial areas within the C-1, C-2, C-3, and PUD Districts, provided that all the following criteria are met:

1. Maximum area Six (6) square feet.
2. Maximum height Four (4) feet.
3. Illumination Such signs may not be artificially illuminated.
4. Detached The sidewalk sign shall be moveable, shall not be attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.



5. Location Sidewalk signs shall also not be placed on any section of the sidewalk in a way that narrows the effective width of the sidewalk for pedestrian movement purposes at that point to less than six (6) feet.

6. Removal Each sidewalk sign permitted under this section shall be removed each day by the close of business, and be replaced or removed when the appearance or condition of the sign deteriorates through damage, weathering, etc.

### **Section 11: Signs Permitted In Public Right-Of-Way and on City Property with a Sign Permit**

The following signs may be installed, mounted, or placed on public right-of-way and city owned property only pursuant to a duly authorized and issued sign permit, subject to the regulations specified herein:

**A. Vertical Streetscape Banners** Vertical streetscape banners placed along thoroughfares to enhance the visual aesthetics of the streetscape typically attached to a street light pole are permitted, subject to the following regulations:

1. Locations Vertical streetscape banners may be located along Curtis Avenue or other locations as approved by City Council.
2. Applicants Eligible applicants include non-profit organizations, charitable, or civic organizations, expressly made eligible by City Council.
3. Subject Such signs shall be solely decorative, noncommercial or promote a special public or non-profit event and shall not display a logo, message, statement or expression relating to commercial interests. The City's logo shall be incorporated into the banner display.
4. Size Each banner shall not exceed a maximum size of 2 ½' in width and 5' in length.
5. Attachment Each banner shall be individually attached to an existing pole, mast arm or other permanent structure. Any vertical streetscape banners proposed to be attached to a city street light shall be installed by the Street Department, or by the fabricator of the sign if approved by the Director. No more than two banners, on opposing sides, may be mounted to each light pole.
6. Display period Banners for events shall not be placed earlier than two weeks prior to the event and shall be removed within 3 days after the event. All other banners may remain in place for up to six (6) months if they do not become torn, faded, lose or otherwise in disrepair.
7. Multiple banners An overall signage plan shall be approved when multiple vertical streetscape banners are placed on a lot or street section. All banners on the same street section shall have a standard visual theme, including graphic design elements (i.e. fonts) and color schemes

### **Section 12: Encroachments**

Signs that are mounted on private property but that project over the public right-of-way, or otherwise extend into or over city property, are authorized only when all of the following conditions are satisfied:

**A. Compliance** The sign must comply with all applicable requirements for a sign permitted to be permitted on private property.

**B. Encroachment agreement** The sign owner must provide a fully-executed encroachment agreement to the Director. As part of the encroachment agreement approval, each individual merchant desiring to utilize such signs, or, alternatively, the merchants association or community development agency representing such merchants collectively, shall produce a form of surety (insurance) acceptable to the city Street Department for sidewalks in the city, which protects the city or state from any liability resulting from injury or property damage caused by any such sign.

### **Section 13: Prohibited Signs In Public Right-Of-Way and on City Property**

Unless otherwise allowed in this Article, no private party signs, to include commercial mascots, may be mounted, erected, maintained or displayed on city property or the public right-of-way.

### **Section 14: Prohibited Signs**

The following signs shall be prohibited, and may neither be erected nor maintained, unless otherwise specifically allowed within this chapter.

**A. Generally prohibited** The following signs and methods of drawing attention, as defined in this chapter, are prohibited:

1. Air-activated graphics;
2. Pole signs;
3. Rotating or revolving signs;
4. Commercial handheld signs; and,
5. Portable message center signs.

**B. Signs in public right-of-way** No sign, including supports, frames, and embellishments, shall be located within a public right-of-way and/or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right-of-way or on public property, except as specifically allowed in this chapter, Section 10: Signs Permitted In Public Right-Of-Way and on City property Without A Permit, and Section 11: Signs Permitted In Public Right-Of-Way and on City property with a sign permit.

**C. Fluctuating illumination** Signs, or any means of advertising, with the illusion of movement by means of a preprogrammed repetitious sequential switching of action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns. Illumination of attraction devices or signs that fluctuates in light intensity shall be prohibited. Signs that operate or employ any motion picture projection in conjunction with any advertisements shall be prohibited. Changeable copy shall be permitted so long as it is in compliance with Sec. 6.G.

**D. Obsolete signs** Obsolete signs or signs which have broken supports or are overgrown with vegetation.

**E. Billboards** Billboards are prohibited with the exception of the following:

1. Billboards that are located on property that is annexed into the city on or after July 1, 2020;
2. Billboards that are located along federal aid primary highways or interstate highways for which sign compensation is regulated by state and federal law;
3. Billboards that were erected and are allowed and maintained in compliance with state regulations and this ordinance; and
4. Billboards specifically permitted within this chapter.

**F. Mobile billboards** Mobile billboards which are parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right-of-way for the basic purpose of providing general advertising for hire and not used for normal business operations. This regulation is not to be construed to include those signs that identify a firm or its principal products on a vehicle or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time said vehicle is regularly and customarily used to traverse the public highways during the normal course of business.

**G. Others not exempt** All other signs which are not expressly exempt from regulation and/or expressly allowed under this chapter.

## **Section 15: Enforcement**

**A. Notice** If the Code Enforcement Officer shall find that the provisions of this chapter are being violated, the Officer shall notify the party responsible for such violation and the owner of the property upon which the violation has or is occurring, in writing, indicating the nature of the violation, directing the action to be taken to correct it, and the time within which the correction shall be completed. Said time for correction shall not be less than 14 calendar days.

## **B. Penalty**

1. Permit Cancellation If, after the expiration of the period set for correction provided in the notice required in subsection A above, the violation has not been corrected, the Code Enforcement Officer shall cancel the offending party's permit, if one has been previously been issued, and notify the offending party of said cancellation.
2. Injunction Any violation remaining uncorrected after the expiration of the period provided in the notice required in subsection B above shall be referred to the City Attorney, who may apply the to the appropriate court for an injunction to abate the violation.
3. Misdemeanor - Any person, who violates any of the provisions of this chapter, shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined in the sum of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00), and each day that the violation continues shall be deemed a separate offense.

**Section 16: Severability** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by

any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective

**Section 17: Repeal Clause** All ordinances or parts of ordinances and all code sections or parts of code sections in conflict with the provisions of this ordinance are hereby repealed. (Ord. No. 669, Section 17).

### **Section 18: Definitions**

For the purpose of this chapter, certain terms and words are to be used and interpreted as defined hereinafter. Where any words are not defined, the standard dictionary definition shall apply.

*Applicant* means any person, firm, group, organization or corporation applying for permits or other approvals required by this chapter.

*Awning* means an overhead protective structure that is attached to and/or projects from a wall or roof structure of the building that is constructed to allow pedestrians and/or vehicles to pass under or as a decorative embellishment. This definition does not include freestanding canopies.

*Awning sign* means a sign on or attached to an awning.

*Artwork* means all forms of original creations of visual art that does not identify a commercial business, establishment, product or service and is not thematically linked to a commercial business, establishment, product or service.

*A-Frame sign (a.k.a., Sandwich Board Sign or Sidewalk Sign)* means a freestanding sign that is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable and is not permanently, attached to the ground or any structure.

*Air-activated graphic* means a sign, all or any part of, which is designed to be moved by action of wind or forced air so as to make the sign appear to be animated or otherwise have motion, including pennants, balloons, propeller discs, blade signs, banners not securely attached to a structure, or other objects.

*Banner* means a temporary sign constructed of a lightweight material, such as cloth, canvas, fabric, flexible plastic, or similar lightweight non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be enclosed in a frame supported by stakes in the ground.

*Billboard* means a permanent sign structure in a fixed location which meets any one or more of the following criteria: (1) it is used for the display of off-site commercial messages; (2) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration, *i.e.*, it is general advertising for hire; (3) the sign is

a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

*Blade sign (a.k.a. feather sign, quill sign, teardrop sign, and flag sign)* means a sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole, mounted into the ground or on a portable structure.

*Building* means any structure intended for shelter, housing or enclosure of persons, animals, goods or equipment that includes walls and a roof. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate structure.

*Canopy* means a permanent freestanding overhead protective structure that is constructed to allow pedestrians and vehicles to pass under, which is supported by columns extending to the ground. This definition does not include an awning.

*Canopy sign* means a sign on or attached to a canopy.

*Changeable copy sign* means a sign displaying a message that is changed by means of moveable letters, slats, lights, light emitting diodes, or moveable background material, or the functional equivalent of any of them. Electronic and manual changeable copy signs are included within this definition.

*City* means the City of Pea Ridge, Arkansas.

*City property* means real property over which the City (1) holds an interest, including without limitation, fee title ownership, easement, leasehold, and public street right-of-way; and (2) has the present right of possession and control.

*Commercial mascot (a.k.a. living signs)* means a person or animal attired or decorated with commercial insignia, images, costumes, masks or symbols, and/or holding signs displaying commercial messages, when a principal purpose is to draw attention to or advertise a commercial enterprise. This definition includes "sign twirlers," "sign clowns," "sign spinners," "sign twirlers" and "human" signs. Such person may or may not be holding a sign.

*Commercial message* means a message that proposes a commercial transaction or pertains primarily to the economic and commercial interests of the message sponsor and/or the sign audience.

*Commission* means the Pea Ridge Planning Commission.

*Common signage plan* means a plan for all signs associated with a development project. If the project consists of several buildings, businesses or establishments that are related in a single development, the signage plan shall include all signs within the development including out parcels. The signage plan elements shall include: colors, dominant lettering style, location, materials, and size.

*Digital billboard or smartboard* means a type of billboard utilizing digital display

technology, capable of changing the static message or copy on the sign electronically that may be internally or externally illuminated.

*Digital display* means an electronic display method utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image, either in a "slide show" manner (series of still images), or full motion animation, or any combination of them.

*Director* means the City of Pea Ridge Planning Official/Building Inspector or designee.

*Door sign* is a sign which is attached to, painted on or etched onto or into a door. A sign in a window which is part of a door is considered a door sign.

*Electronic message center (a.k.a. changeable electronic variable message sign (CEVMS), digital signs, dynamic signs)* means a sign on which alphabetic, pictographic, or symbolic informational content and can be changed or altered on a fixed surface composed of electronically illuminated, mechanically driven or computer-generated changeable segments, or digital display. This definition does not include 'digital billboards', which is separately defined.

*Establishment* means any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries, but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. Multi-unit housing developments are considered establishments during the time of construction; individual units are not within the meaning of establishment once a certificate of occupancy has been issued or once a full-time residency begins.

*Freestanding sign* is a sign which is principally supported on the ground by one or more uprights, braces, poles, pylons or other similar structural components. This category includes both monument signs and pole signs.

*General advertising*, also known as "general advertising for hire," means the enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising.

*Handheld sign* means a sign displaying a message that is held by a natural person, not including insignia on apparel or aspects of personal appearance.

*Illuminated sign* means a sign whose message is made readable by internal or external lights or light emitting diodes (or functionally equivalent technology), typically (but not necessarily) during hours of darkness.

*Incidental sign* means an onsite sign giving information or direction for the convenience and necessity of the public such as "entrance", "exit", "no admittance",

“telephone”, “parking”, etc.

*Install or installation* includes but is not limited to the act by which a sign is constructed or placed on land or a structure, or the act of attaching, painting, printing, producing, or reproducing, or using any other method or process by which a visual message is presented or placed upon a surface.

*Interior or non-legible signs* are signs that are located within private property boundaries and are not readable from the public right-of-way.

*Legible* means readable for persons of ordinary visual acuity.

*Lot* means a parcel of land, legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved private drive.

*Manual changeable copy sign* means signs on which alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means only.

*Marquee sign* is a permanent sign commonly used by land uses characterized by human assembly periodically changing programs such as theaters (live or film), schools, convention centers, concert facilities, religious facilities, etc., extending from part of the wall of a building, but not supported by the ground, constructed of a durable material and designed to have changeable copy, either manually or electronically.

*Mobile billboard* means a sign on a wheeled conveyance (whether motorized or not) or water craft, including those which carry, convey, pull or transport any sign used for general advertising for hire. The term does not include vehicles and vessels that display identification information concerning the usual business or regular work of the vehicle/vessel owner (not including general advertising for hire).

*Monument sign* means a low-profile, permanent, freestanding sign supported by a solid structural base, or other solid structural feature other than support poles.

*Multiple tenant sign* is a sign intended to provide identification to a multiple tenant commercial development of more than 25,000 square feet of gross building area.

*Non-commercial message or speech means* a constitutionally protected message that addresses topics of public concern or controversy such as, by way of example and not limitation, politics, religion, philosophy, science, art or social commentary. This definition shall be construed in light of relevant court decisions.

*Obsolete sign* a sign relating to or identifying a business, establishment or activity which has not been conducted on the premises for six (6) months or more, or to a transpired election or event, or to a political party or non-profit organization that no longer exists; in addition, the structure for a sign that is not allowed under this ordinance if such structure cannot be legally used or does not comply with the height, size, or other physical requirements of the ordinance, or a sign which has missing or broken panels, broken or damaged supports or frame, or otherwise

displays inadequate maintenance, dilapidation, obsolescence or abandonment.

*Offsite commercial message* means a message that advertises commercial products, accommodations, services or activities not provided in or on the property or premises upon which it is located. The on- site/off-site distinction does not apply to non-commercial messages.

*Onsite or on premise commercial message* means a message that advertises the commercial business, establishment, accommodation, services or activities provided on the premises on which the sign is located, or is expected to be provided in the near future. In the case of developments subject to a common signage plan, all establishments subject to the plan are considered on-site whenever located within any location subject to the plan. All establishments within a shopping center are on-site as to any sign(s) also located within that shopping center. The onsite / offsite distinction does not apply to non-commercial messages.

*Parcels (or property)* or similar references or descriptions mean parcels defined or delineated by assessor parcel numbers maintained by the County tax assessor or as defined in the Definitions section of the Subdivision Code.

*Pennant* is a banner with three sides, or swallow-tail form, or a triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached in strings or strings or supported on small poles intended to flap in the wind.

*Permanent sign* means a sign that is solidly attached to a building, structure, or the ground by means of mounting brackets, bolts, welds, or other combination of attachment methods, thereby rendering the sign non-moveable or difficult to reposition without the use of machinery, cutting devices, or mechanical devices.

*Pole sign* means a permanently mounted, freestanding sign which is supported above the ground by one or more uprights, braces, poles, or other similar structural components.

*Portable message center sign* means a sign not permanently affixed to the ground, building or other structure, which may be moved from place to place, including but not limited to signs designed to be transported by means of wheel; A-frame or T-frame signs; menu and sandwich board signs. Such signs may include changeable copy.

*Projected image sign* means a sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface, from a distant electronic device, such that the image does not originate from the plane of the wall, structure, or other surface.

*Projecting sign* is any sign which projects beyond a building face and uses a wall or vertical element of a building as its main source of support. The term includes a



double-faced sign that is installed more or less perpendicular to the face of a building so as to allow a message to be viewable from either side. The term does not include signs that are installed along the face of a building and that are completely attached to the face of a building.

*Public events banners* means a sign made of material similar to heavy canvas or reinforced plastic and used in connection with a community event, parade, protest march or demonstration.

*Roof-mounted sign* means a sign attached to any portion of the highest roof or fascia of a building.

*Safety codes* means the Building, Electrical, Plumbing, Grading and similar codes which ensure safe construction, to the extent they have been officially adopted by the City.

*Shopping center* shall mean a group of commercial buildings.

*Sign* means any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trademarks by which anything is made known such as are used to designate an individual, an establishment, a commodity, a firm, an association, a corporation, a profession, a business, a service, or a product, which are visible from any public street or right-of-way and designed to attract attention. "For Sale" and "For Rent" signs shall be deemed signs within the meaning of this definition. Includes any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever including billboards and statuary, placed for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing, or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning or other signs posted by public officials in the course of their public duties, nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this chapter. Artwork that does not identify a commercial business, establishment, product or service and is not thematically linked to a commercial business, establishment, product or service, is not considered a sign under this definition.

*Sign face* means the area of a sign on which copy may be placed.

*Sign height* means the vertical distance from normal grade to the highest point of the sign. Any berming or filling or excavating solely for the purpose of locating the sign, shall be computed as part of the sign height.

*Sign structure* means the entire composition of the sign, including the sign face, framing, trim, molding and supporting structure.

*Single tenant sign* is a sign intended to provide identification to a building with a single tenant

only.

*Suspended sign* is a sign which is attached to the underside of a horizontal plane or arm and is supported by the horizontal plane.

*T-Frame sign* is a freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable and is not permanently attached to the ground or any structure.

*Temporary sign* means any sign which is intended for temporary use or which is not permanently mounted and intended for a designated period in time.

*Traditional public forum areas* means the surfaces of City-owned streets, City-owned parks during the hours that they are normally open to the public, sidewalks that are connected to the City's main pedestrian circulation system. In consultation with the City Attorney, the Director shall interpret this phrase for compliance with court decisions.

*Wall* means one of the sides of a room or building connecting floor and ceiling or foundation and roof.

*Wall sign* means any sign, other than a projecting sign, or a temporary banner sign, which is permanently attached to or painted on any wall of any building and projects from the plane of the wall less than twelve (12) inches. This definition shall not include freestanding walls or fences. A sign attached to the lower slope of a mansard roof shall be considered a wall sign for purposes of this chapter, notwithstanding the fact that certain portions of such a sign may project more than twelve (12) inches. A "wall" shall include any permanent architectural extension of a wall, including parapets, even if such extension projects beyond or above the enclosed portions of the building.

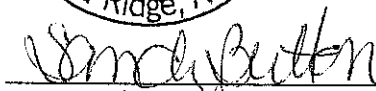
*Wayfinding sign* means signs that are graphically and thematically similar in design that assist in helping people orient themselves and navigate from place to place.

*Window sign* means any sign, temporary or permanent, which is attached to, painted on or etched into a window or which is displayed within twelve (12) inches of the window and is legible from outside the window. (Ord. No. 669)"

**PASSED AND APPROVED** this 16th day of June, in the year of our Lord, 2020.



  
\_\_\_\_\_  
JACKIE CRABTREE, Mayor

  
\_\_\_\_\_  
SANDY BUTTON, City Recorder

# CITY OF PEA RIDGE

## Sign Permit

### Application & Checklist

Do not leave any spaces empty or blank. If the question is not applicable, enter N/A.

### Fees

**Temporary or Face Change:** No fee

**Permanent:** \$50 + \$0.75 per sq. ft.\*

\*If sign is double-sided, square footag for both sides are included in calculating the fee.

**\*\*PLEASE NOTE THAT PERMIT APPLICATIONS EXPIRE AFTER 60 DAYS OF INACTIVITY.**

<b>Sign Type:</b>	<input type="checkbox"/> Temporary	<input type="checkbox"/> Permanent	<b>Applicant Name</b>	
<b>Sign Location (address)</b>			<b>Business Name</b>	
<b>Establishment Name</b>			<b>Address</b>	
<b>Linear Street Frontage</b>			<b>City, State, Zip</b>	
			<b>Email</b>	
			<b>Phone</b>	

Temporary Signs		Existing Signs to Remain		<p>Submit complete application to:            Building Official, P.O. Box 10, Pea Ridge,            AR 72751            (479) 451-1122</p> <p>Payment is required at time of approval.</p>
Sign Type	Sign Area (sq. ft.)	Sign Type	Sign Area (sq. ft.)	
<b>Dates of Display</b>		<input type="checkbox"/> No existing signs		

Permanent Signs		Check all that apply: <input type="checkbox"/> electronic message center <input type="checkbox"/> double-sided <input type="checkbox"/> exterior lighting <input type="checkbox"/> interior lighting <input type="checkbox"/> sign face change only			
Sign Type	Dimensions	Installed Height (ft.)	Sign Area (sq. ft.)	Wall Area (sq. ft.)	Valuation (include cost & labor)

Please see next page for required documents.

## **Required for all signs:**

☐ **Scaled Drawing.** A scaled drawing of the sign showing the design and dimensions of the sign height, area, design, content, and dimensions of any measures used to support the sign or used to affix the sign to a wall, window, or ground.

☐ **Scaled Site Plan.** A scaled site plan showing the location of the sign on the property or building and showing street right-of-way and property lines. For wall signs, provide dimensions of walls.

## **Additionally required for permanent signs:**

☐ **Narrative.** Provide a brief narrative for the scope of work to be completed.

☐ **Public Utility Locations.** Public utilities must be located by ArkUps (811) and visible for inspection by the City Official prior to approval.

☐ **Landscape Plan.** For freestanding signs only.