

**ORDINANCE NO. 21-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
EAST CAMDEN, ARKANSAS, REGULATING SIGNS;  
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

**WHEREAS**, the placement of signs can negatively impact the community's appearance;  
and

**WHEREAS**, signs are a useful and beneficial tool businesses; and

**WHEREAS**, the proper regulation of signs can enhance the community's appearance and  
protect property values; and

**WHEREAS**, the proper regulation of signs can also assist businesses fulfill their proper  
purposes; and

**WHEREAS**, the City desires to provide fair and reasonable standards for the regulation  
of signs.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF EAST CAMDEN, ARKANSAS, THAT:**

**SECTION 1. SHORT TITLE**

This ordinance may be known and recited as the "sign ordinance," the "Sign Ordinance  
for the City of East Camden, Arkansas" or "Ordinance No. 21-01."

**SECTION 2. DEFINITIONS**

Words and terms not herein defined shall have their customary dictionary meanings.

*Abandoned sign:* A sign which no longer correctly directs or exhorts any person,  
advertises a bona fide business, or activity conducted or product available on the  
premises where such sign is displayed.

*Accessory sign:* (See "on-premises sign.")

*Act of God:* An event that directly and exclusively results from the occurrence of natural  
causes that could not have been prevented by the exercise of foresight or caution; an  
inevitable accident. Courts have recognized various events as acts of God: tornadoes,  
earthquakes, extraordinarily high tides, violent winds, and floods.

*Animated sign:* Any sign which includes action or motion.

*Architectural blade:* A roof sign or projecting sign with no legs or braces. Designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

*Area of copy:* The entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message, announcement or decoration on a fascia or wall sign.

*Area of sign:* The area of a sign consisting of letters, words, numerals, symbols, and the like includes measurement of all face surfaces and where those message elements are not enclosed or circumscribed by a boundary or frame shall be that area of a square or rectangle which just encompasses the entire message.

*Assignment of the billboard permit:* A current and valid billboard permit (annual renewal permit, not initial building permit) shall be freely assignable to a successor, as owner of the property where the billboard is located or of the leasehold of the billboard, subject to filing such application as the city may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

*Awning:* A temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

*Awning sign:* A sign attached to or incorporated into an awning or an awning that is internally illuminated.

*Banner sign:* A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

*Billboard:* (See "outdoor advertising sign.")

*Blinking:* Any form of flashing where a pattern of sudden illumination changes occurs, excluding the transition of electronic messages. (Source: Arkansas Highway and Transportation Department.)

*Building identification sign:* A sign lettered to give the name of a building itself, as opposed to the name of occupants or services.

*Building line:* A straight line along the length or width of a lot parallel to the street line which describes the setback of a building on a lot.

*Building official:* The official of the City of East Camden, Arkansas, or his authorized representative who inspects buildings and structures under the codes and ordinances adopted by the city.

*Building sign:* Any sign mounted directly onto a building.

*Business identification sign:* A sign which identifies only the name of the business and sets forth no other advertisements.

*Canopy (or marquee):* A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material such as metal, glass or plastic.

*Canopy (or marquee) sign:* Any sign attached to or constructed in or on a canopy or marquee.

*Centermount:* Means a billboard monopole structure in which the supporting column is affixed to the center of the display panel(s) and consists of a maximum of one (1) vertical support, constructed of non-corrosive material.

*Changeable copy sign (manually or automatically):* A sign on which copy is changed manually or automatically in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

*City:* Means the City of East Camden, Arkansas.

*City Council:* The words "City Council" is the same as the "Board of Directors" and shall designate the duly elected governing body of the City of East Camden, Arkansas.

*City board of directors:* The words "board of directors" is the same as the "City Council" and shall designate the duly elected governing body of the City of East Camden, Arkansas.

*Clearance (of a sign):* The smallest vertical distance between the grade and the lowest point of any sign, including framework and embellishments, extending over that grade.

*Conditional use and conditional use permit:* The zoning ordinance designates certain land development activities as "conditional uses" under the zoning regulations. Specifically, off-premises advertising signs (billboards) are designated as a "conditional land use" in certain commercial and industrial zones. The zoning ordinance states standards and criteria that include general requirements for all conditional uses; and insofar as practical, requirements that are specific to each designated conditional use. A "conditional use" is a "permitted use with conditions." An applicant for a conditional use permit must show that the standards and criteria in the ordinance will be satisfied through submission of a site/development plan. Reasonable conditions may be attached to a conditional use permit by the City Council. Conditional use permits "run with the land" and are not granted to a specific owner or for a specific time period. However, the city can revoke a conditional use permit if there is not substantial compliance with the submitted site/development plan. Such a revocation would be based upon evidence and would follow notice to the permit holder and a hearing.

*Copy:* The wording on a sign surface either in permanent or removable letter form.

*Digital billboard or smartboard:* A type of off-premises sign without moving parts utilizing digital message technology, capable of changing the static/digital message or

copy on the sign electronically. A digital billboard may be internally or externally illuminated. Digital billboards shall contain static messages only and shall not have animation, movement, scrolling, travel, or the appearance or optical illusion of movement, of any part of the sign structure. Each static message shall not include flashing, scintillating lighting or the varying of light intensity.

Messages on digital billboards shall be displayed for a minimum dwell time of eight (8) seconds and a maximum transition time between messages shall not exceed one (1) second. Digital billboards can be designed to display several different displays from the same company, and even exist to provide several companies a certain slot of time during the day. Because of the versatility and increased potential revenue for these signs, they are likely to become the standard for the future. All digital billboards must have the capability to network with city emergency officials.

*Directional sign:* Any sign which serves solely to designate the location or direction of any place or area.

*Directly illuminated sign:* Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign. Illumination of any sign shall be governed by the appropriate provisions of the Standard Building Code.

*Directory sign:* A sign located in a complex that lists tenants and corresponding addresses located within the complex.

*Double-faced or back-to back billboards:* An advertising structure with two closely located billboards with faces in opposing directions, spaced less than ten (10) feet apart at the point of shortest distance, and which describe an internal angle between face planes extended of no more than thirty (30) degrees.

*Drive-thru restaurant menu board:* A sign placed adjacent to a designated drive-thru lane of a drive-thru service establishment.

*Electrical sign:* Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

*Electronic message device (EMD):* A sign with the capability of displaying words, symbols, figures or images controlled by electronic communications. (Source: Arkansas Highway and Transportation Department.)

*Electronic sign:* A sign using electrical impulses to display a message, picture or design, whether stationary, moving or tracking in character as in an electronic message center (EMC).

*Erect:* To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a device or sign or sign structure but excluding customary maintenance or repair and the activities incident to the change of advertising messages on established devices or sign structures. (Source: Arkansas Highway and Transportation Department.)



*Fade:* A mode of message transition on an electronic message device (EMD) accomplished by varying the light intensity or pattern where the first message gradually reduces the intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility. (Source: Arkansas Highway and Transportation Department.)

*Flag mount:* Monopole structure in which the supporting column is affixed to the left or right of the center of the display panel.

*Flashing:* Any pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated, excluding the transition of electronic messages. (Source: Arkansas Highway and Transportation Department.)

*Freestanding sign:* A permanently attached sign supported upon the ground by poles or braces and not attached to any building.

*Height (of a sign):* The vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. (Compare "clearance.")

*Identification sign:* A sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

*Illuminated sign:* Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

*Indirectly illuminated sign:* Any sign which reflects light from a source intentionally directed upon it. For example, by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.

*Individual-letter sign:* Any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of or below a marquee, or as a freestanding sign. They are signs in themselves and are not mounted on a sign face. The area of such signs shall be the area of each individual letter.

*Intermittent:* Any pattern of changing light intensity, other than that achieved with fade, dissolve, or instantaneous transitions, or the temporary suspension of illumination. (Source: Arkansas Highway and Transportation Department.)

*Landscaping:* Landscaping shall be defined, for the purposes of these requirements, as plant material including, but not limited to, grass, trees, shrubs, flowers, vines, and other ground cover, natural land forms, planters, walks, and plaza areas.

*Lot:* A parcel of land which meets any of the following requirements:

- (1) A subdivision map recorded with the circuit clerk's office of Ouachita County, Arkansas.

(2) A record of survey map containing the seal of a registered engineer or surveyor licensed to practice in the State of Arkansas.

(3) Any map, plot, or plot plan showing a division of property which was legally recorded in the Ouachita County, Arkansas circuit clerk's office.

*Maintenance or repair, customary:* The following activities are considered to fall within the meaning of customary maintenance or repair and copy change:

(1) The routine replacing of border and trim as well as repair of structural members and replacing of structural members destroyed by an outside force other than normal deterioration. The raising or lowering of the height of a sign structure as a result of any repair is specifically prohibited.

(2) Slight temporary alterations of some of the outside dimensions of painted bulletin boards incidental to copy change, which do not substantially increase the overall dimensions of the advertising copy portion of the device.

(3) Any net decrease in the outside dimensions of the advertising copy portion of the device will be permitted. Any subsequent change in the outside dimensions of the panel will be permitted so long as it does not exceed the actual dimensions of the city's and owner's records indicate existed when the device was permitted. In no case, however, will legal size limitations be exceeded.

*Malfunction:* Any interruption in the normal display on the electronic message device (EMD) that results in blinking, flashing, intermittent or moving light display, and any other abnormal function of the sign that would cause distraction to motorists. (Source: Arkansas Highway and Transportation Department.)

*Message:* The wording or copy on a sign.

*Monopole:* See "centermount." Also known as pole/pylon sign.

*Monument sign:* A visually prominent, freestanding, low profile self-supporting sign, supported by columns and a base, which is placed on or at ground level, and not attached to any building wall, fence or other structure which identifies a single- or multiple-tenant building development. The permanent, non-movable monument sign is placed on a solid base that extends a minimum of one (1) foot above the ground and extends at least seventy-five (75) per cent of the length and width of the sign. The aboveground portion of the base is considered part of the total allowable height of a monument sign.

*Moving light:* The physical change in position of any visible illumination source while lighted or the stimulation of movement achieved with a pattern of sequentially visible illumination sources within close proximity of each other. (Source: Arkansas Highway and Transportation Department.)

*Multi-prism sign:* Signs made with a series of triangular vertical sections that turn and stop, or index, to show three (3) pictures or messages in the same area.

*Multitenant building:* A building or complex of buildings containing two (2) or more businesses utilizing common facilities for vehicular access, parking, landscaping, etc., such as shopping centers and office buildings.

*Multitenant signage:* Signs located on a multitenant building or on the property thereof, including pole/monument signs, building signs, and temporary signs.

*Nameplate:* A nonelectric sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located. If any premises include more than one (1) occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

*Nonconforming sign:* Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this ordinance and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this ordinance. (See sections 21-112(1); 21-8(1)—(3), and 21-23(1)—(3).)

*Official sign:* A sign required or specifically authorized for a public purpose by any law, statute or ordinance which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute or ordinance under which the signs are erected.

*Off-premises sign also billboard:* A sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which the sign is located, (e.g., billboards or outdoor advertising signs) provided the billboard meets all city requirements, and complies with all state and federal regulations governing billboard size and location. Off-premises signs shall not consist of nor utilize electronic message boards (e.g. billboards, outdoor advertising, and electronic message boards).

*On-premises sign (on-site sign):* Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

*Outdoor advertising device:* Any outdoor sign, display, figures, painting, drawing, message, plaque, poster, billboard, or other thing, hereinafter referred to as "device," which is designated, intended, or used to advertise, any part of the advertising of which is visible from any place on the main traveled way of the interstate system and the primary highway (federal-aid primary system) or primary highway. (Source: Arkansas Highway and Transportation Department.)

*Outdoor advertising sign (off-site sign):* An off-premises sign, commonly termed "billboard," which advertises goods, products or services not necessarily sold on the premises on which the sign is located, and are generally between one hundred fifty (150) and one thousand two hundred (1,200) square feet in area, and are of three (3) main types:

- (1) Poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of pasted paper.
- (2) Multi-prism signs. Same as above, and alternating advertising messages on the one (1) display area.

(3) Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted or freestanding display area.

*Parapet or parapet wall:* That portion of a building wall that rises above the roof level.

*Pole sign:* (See "freestanding sign.")

*Portable sign:* A folding sign not permanently attached to the ground or a building, constructed in an "A-frame" configuration.

*Poster panel:* A type of billboard containing up to three hundred (300) square feet of sign area.

*Premises:* An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

*Projecting signs:* A sign, other than wall sign, which is attached to and projects from a structure or building face. The areas of double-faced projecting signs are calculated on one (1) face of the sign only.

*Reader board sign, electronic changeable copy:* A permanent sign on which copy can be changed electronically by using patterns of lights that may be changed at intervals not exceeding one (1) change in copy or display, or intensity or color of lighting in any sixty-second period.

*Real estate sign:* Any sign pertaining to the sale, lease or rental of land or buildings.

*Responsible party(ies):* The person(s) designated as the owner, tenant, and/or entity legally responsible for the property upon which a sign is erected, located, or maintained.

*Right-of-way:* The publicly dedicated roadway as measured from property line to property line.

*Roof sign:* Any sign erected upon, against or directly above or on top of or above the parapet of a building.

*Rotating sign:* Any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

*Scroll or travel:* A message transition where the message that is leaving or appearing appears to move vertically or horizontally across the display surface.

*Seasonal or holiday signs:* Signs such as Christmas decorations, those used for an historic holiday and installed for a limited period of time.

*Shingle sign:* A sign which is suspended by chains or hooks and is generally placed under eaves and over walkways.

*Sign:* An outdoor display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designated, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the interstate system and the primary highway (federal-aid primary system) or primary highway. (Source: Arkansas Highway and Transportation Department.)

*Sign:* Any identification, description, illustration or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, light, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

*Sign identification:* Every sign or other advertising structure hereafter registered shall show the sign permit number in a conspicuous place thereon which is visible to the city inspector and is readable by the inspector from the ground.

*Sign, area of:* That area enclosed by one (1) continuous line connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one (1) time from any one (1) point. This area does not include the main supporting sign structure but all other ornamental attachments, inner connecting links, etc., which are not a part of the main supports of the sign, are to be included in determining sign area.

*Sign, double-faced:* Two (2) signs on the same structure facing opposite directions.

*Sign facing:* The surface of a sign, board, background area, and structural trim upon, against or through which a message is displayed or illustrated upon the sign.

*Sign structures:* Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

*Sign, subdivision or apartment:* A sign containing only the names of a subdivision and its developer, or the name and address of an apartment complex. Specific information regarding types of apartments and rentals is permitted.

*Sign triangle:* A triangular area on a corner lot at the intersection of the street right-of-way lines which shall be kept clear so as not to materially impede visibility across corners for traffic using the intersection. Said triangle shall be described as being in the area bounded by the street right-of-way lines of such corner lots and a line joining points along said street right-of-way lines twenty-five (25) feet from the point of the intersection. Within said triangle, no sign facing shall be erected in a vertical area between three (3) and nine (9) feet above the sidewalk or curb line or if no sidewalk or curb exists, above the crown or highest elevation of the roadway.

*Single-tenant site:* A development that is not a complex.

*Site:* Site shall be defined, for the purposes of these guidelines, as a plot, tract or parcel of land or combination of contiguous lots, tracts or parcels of land which is developed (or intended for development) according to an overall site plan. A site shall be exclusive of any land dedicated for public use through the platting process.

*Sloping-roof sign:* Any sign erected upon or against a sloping roof, such as on a mansard-type roof. Such signs shall be considered to be wall signs.

*Spacing:* Spacing of billboards shall be the minimum distance between signs measured along the nearest edge of the pavement between points directly opposite the signs and each side of the highway will be considered separately.

*Standard Building Code:* The code adopted by the City to provide a code to minimize the danger to the health, and welfare of the public.

*Street:* A public highway, road or thoroughfare which affords the principal means of access to adjacent lots.

*Street frontage:* The combined total distance of all street lines on a lot.

*Street line:* The lot line of a lot which is coincident with a street right-of-way line.

*Street, residential:* Any street in East Camden that is not a freeway, expressway, arterial, or state highway.

*Swinging sign:* A sign installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole. If the spar or arm is mounted on a building, then the sign and its structure will be considered as a projecting sign.

*Temporary sign:* A sign which is not permanently affixed. All devices such as banners, pennants, flags (not intended to include flags of any nations); searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air- or gas-filled figures are temporary signs.

*Trailerable sign:* Any sign not exceeding thirty-two (32) feet in billboard area and constructed as a part or attached to a trailer and can be towed behind a motor vehicle.

*Tri-vision sign:* A single faced sign having a series of three-sided vertical slats arranged side by side which are rotated in the same direction, simultaneously, by an electric-mechanical process displaying a total of three (3) separate and distinct messages, one (1) message at a time. Tri-vision signs are approved by permit prior to installation and are subject to the following:

- (1) The slat twirl time shall be two (2) seconds or less.
- (2) The slat dwell time shall be eight (8) seconds or more.
- (3) Tri-vision signs shall contain a default design that will freeze the sign in one (1) position if a malfunction occurs.



(4) Tri-vision signs shall comply with all other requirements of federal and state highway beautification laws and regulations. (Source: Arkansas Highway and Transportation Department.)

*Unlawful sign:* A sign which contravenes the provisions of this Ordinance or which the building official may declare unlawful.

*V-face:* A billboard structure having two (2) display panels that are not parallel to each other, facing in opposite directions.

*Wall sign:* Any sign attached to or erected against the wall of a building or structure or attached to or erected against a roof which does not vary more than twenty (20) degrees from vertical, with the exposed face of the sign in a plane parallel to the plane of the wall or roof and which does not project more than eighteen (18) inches from the wall or roof.

*Window sign:* A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

*Zoning, comprehensive:* A zoning plan established by state or local law, regulation or ordinance, which includes regulations consistent with customary use and the provisions of the agreement controlling the erection and maintenance of signs in the zoned areas.

### **SECTION 3. STATEMENT OF POLICY**

The sign advertising industry provides a necessary service to the business and other sectors of the community, thereby contributing directly to the economy of the City of East Camden, Arkansas. The sign advertising medium is an effective and highly visible method of transmitting messages on a large scale to the general public. This extreme visibility and large scale application has an impact upon the attractiveness of the community, which if not regulated, causes clutter and proliferation of signs. Therefore, the sign advertising medium should be regulated so that the deleterious effects of over signage will be alleviated. The sign advertising industry should not, however, be unreasonably limited by regulations so that it may remain a viable service in the community, and so that the business and other sectors of the community may utilize sign advertising to its maximum advantage. The public interest will best be served if uniform standards are applied to sign advertising as they are to any other land use under the zoning ordinance, thus assuring the most efficient use of that medium and avoiding adverse effects upon the community.

### **SECTION 4. PURPOSES**

These regulations are enacted to promote the public health, safety and general welfare in the City of East Camden, Arkansas, and are designed to achieve the following objectives:

- (1) To promote the efficiency of the sign advertising medium;
- (2) To prevent the deleterious effects of over signage;
- (3) To preserve the character and property values of residential, commercial and industrial areas;



- (4) To protect public investment by enhancing the character of public thoroughfares;
- (5) To reduce hazards to motorists and pedestrians traveling the public ways;
- (6) To enhance the local environment by providing defined standards of cleanliness;
- and
- (7) To preserve locally recognized values of community appearance.

## **SECTION 5. ENFORCEMENT**

(1) *Inspection.* The building official is hereby empowered to enter or inspect any building, structure, or premises in the city upon which, or in connection with which a sign as defined by this Ordinance is located for the purpose of inspection of the sign, or its structural and electrical connections, and to ensure compliance with the provisions of this Ordinance. Such inspections shall be carried out during business hours, unless an emergency exists. It shall be the duty of the building official or his authorized representative to periodically inspect every freestanding sign, roof sign, wall sign, projecting sign, or any other sign covered by this Ordinance.

(2) *Penalty.* In case any sign shall be installed, erected, or constructed in violation of any of the terms of this Ordinance, the building official shall, by procedure hereinafter set forth, cause such sign to be in conformance with these regulations. If such order is not complied with, the building official shall, by procedures hereinafter set forth, cause the removal of such sign at the expense of the owner or lessee thereof.

## **SECTION 6. APPROVAL**

All signs to be installed in or on any real property or in or on any building or improvement placed or constructed on any real property within the incorporated boundaries of the City of East Camden, Arkansas, shall be approved by the building official prior to installation thereof. Permits shall then be obtained prior to any signs being erected and shall be issued upon request after approval.

## **SECTION 7. NONCONFORMING SIGNS**

(1) Any sign located within the City on the date of adoption of this Ordinance, or located in an area annexed to the City thereafter, which does not conform with the provisions of this Ordinance, is categorized as a "nonconforming" sign and shall be allowed to remain, subject to other provisions of this Ordinance.

(a) *Replacing billboards damaged by an act of God.* Outdoor advertising structures (billboards) that are replaced due to damage by an act of God shall conform to current construction and size requirements, except for spacing requirements.

(1) *Act of God defined.* An event that directly and exclusively results from the occurrence of natural causes that could not have been prevented by the exercise of foresight or caution; an inevitable accident. Courts have recognized various events as acts of God: tornadoes, earthquakes, extraordinarily high tides, violent winds, and floods.

(2) If the nonconforming sign is damaged to the extent of more than fifty (50) per cent of the replacement cost. The determination for this per cent of damage shall be based on the average of three (3) estimates from three (3) separate sign companies.

(b) *Upgrading nonconforming signs.* Existing outdoor advertising structures (billboards), nonconforming because of spacing requirements only, may be upgraded at the current location provided the billboard meets all other requirements of this ordinance.

(1) Upgraded billboards shall be constructed of steel or monopoles. (See monopole or centermount.)

(2) Location of upgraded billboard. Nonconforming billboards, due to spacing requirements only, may be moved to a practical portion of the lot or parcel occupied by the billboard within a fifty-foot radius of the existing nonconforming billboard while satisfying required side yard setbacks. Overhead power lines, underground utilities, underground storm water facilities, manmade structures, trees, etc. shall be considered during the relocation/repositioning of the nonconforming billboard to be upgraded.

(3) Upgrading nonconforming billboards (nonconforming because of spacing requirements only) shall be reviewed on a case by case basis by the City Council since each billboard was initially issued a conditional use permit. A request to upgrade an existing nonconforming billboard (due to spacing requirements only) shall be submitted twenty-one (21) days prior to the regular City Council meeting date when such upgrade will be considered by the City Council. Notice to adjacent property owners shall be required and completed by the applicant. The applicant shall provide the following information:

(a) The name, address, and telephone number of the applicant, the landowner, the billboard owner, the sign designer, and the person or responsible party(ies) responsible for erecting the billboard.

(b) Written permission from the landowner for the location and erection of the proposed billboard or a current lease.

(c) An area map showing the location of the lot on which the billboard is to be erected within the city, and adjacent roads.

(d) A billboard site plan showing the position of the sign in relationship to property lines, and all other billboards within two thousand (2,000) feet of the proposed billboard, including both sides of the fronting road or roads.

(e) A billboard plan showing the height and width of the proposed billboard, as well as its supporting structure, and other similar features, and the type or design of the billboard (T-type, V-type, etc.)

(f) The detail of all lighting and illuminating methods and elements, where billboard lighting or illumination is proposed, including the type and wattage of the luminary, mounting brackets, location of mounting devices on the ground or billboard, housing or shielding devices, the direction of light beams, and related specifics as needed to evaluate lighting.

(g) Other information as may be required by the City in order to determine compliance with this ordinance or any applicable laws.

(4) Upon City Council approval, a new sign permit shall be obtained in order to upgrade the existing nonconforming billboard (nonconforming due to spacing requirements only), provided the upgrade conforms to all other requirements of the sign regulations.

(5) The original conditional use permit that authorized the outdoor advertising sign (billboard) shall be rendered null and void and dissolved should the nonconforming billboard be demolished and/or removed from the property.

- (2) If the sign face is damaged or destroyed, the face may be replaced. The sign face supporting structure may be temporarily placed on the ground in order to immediately replace the sign face or service the structure.
- (3) A billboard is allowed to change the advertising copy without loss of legal nonconforming status.
- (4) A nonconforming sign shall immediately lose its legal status if:
  - (a) The sign is altered in any way which tends to make the sign less in compliance with the requirements of this Ordinance than it was before the alteration; or
  - (b) The sign is relocated to a position making it less in compliance with the requirements of this Ordinance than it was before the relocation.
- (5) On the occurrence of subsections (a) or (b) in subsection (4) above, the sign shall immediately be brought into compliance with this Ordinance with a new permit secured therefore, or shall be removed.

## **SECTION 8. CONFLICT; SEVERABILITY**

- (1) *Conflict.* If any portion of this Ordinance is found in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the City of East Camden, Arkansas, the provision which establishes the higher standard shall prevail.
- (2) *Severability.* If any article, section, subparagraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this Ordinance, or the application of the provisions to other persons or circumstances, is in effect and shall remain in full force and effect.

## **SECTION 9. PERMITTED SIGNS IN ZONING DISTRICTS**

Permitted signs for each zone shall be as follows:

*R-1 and R-1A—Rural residential district:*

Name plates and address signs not over four (4) square feet in area.

Bulletins for churches and public buildings not over twelve (12) square feet in area.

Official signs for public buildings not over twelve (12) feet in area.

*R-2—Single-family residential district:*

Name plates and address signs not over one (1) square foot in area.

Bulletins for churches and public buildings not over twelve (12) square feet in area.

Official signs not over twelve (12) square feet in area.

Temporary real estate signs not over twelve (12) square feet in area.

*C-1—General commercial district:*

Name plates not over four (4) square feet in area.

Bulletins not over twelve (12) square feet in area.

Official signs not over twelve (12) square feet in area.

Commercial signs not over fifty (50) square feet in area.

*C-2—Central business district:*

No limitations are placed on signs with the following exceptions: Where buildings are built on street right-of-way lines, signs may project over the street lines one (1) foot for each five (5) feet of distance between the sign and the nearest side lot line, but in no case may a sign project within three (3) feet of the curb.

*C-3—Open display commercial district:*

Official signs.

Commercial advertising signs not over three hundred (300) square feet in area.

*M-1—Limited manufacturing district:*

Name plates not over four (4) square feet in area.

Bulletins not over twelve (12) square feet in area.

Official signs not over twelve (12) square feet in area.

Commercial signs not over three hundred (300) square feet in area.

*M-2—General manufacturing district:*

Name plates not over four (4) square feet in area.

Bulletins not over twelve (12) square feet in area.

Official signs not over twelve (12) square feet in area.

Commercial signs not over three hundred (300) square feet in area.

*M-3—General manufacturing district:*

Name plates not over four (4) square feet in area.

Bulletins not over twelve (12) square feet in area.

Official signs not over twelve (12) square feet in area.

Commercial signs not over three hundred (300) square feet in area.

## **SECTION 10. PERMITS – REQUIRED**

Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit for each sign from the city inspection department.

(a) *Sign permit (general).* The application for a sign permit shall contain the location by street and number of the proposed sign structure as well as the names and addresses of the owner of the sign and the owner [or] person in possession of the premises where the sign is located or to be located, the sign contractor or erector, the total sign area square footage of both signs on the building and freestanding, the building or tenant's building frontage, the lot frontage, building wall area, a scale drawing of the sign and the structure, and a certification that the sign meets the requirements of the Standard Building Code for its structural and other systems. The building official may require filing of additional plans or other pertinent information where, in his opinion, such information is necessary to ensure compliance with this Ordinance.

(b) *Outdoor advertising structure (billboard) permit.* A permit application for construction of an outdoor advertising structure (billboard) must be submitted to the chief building official for approval. The permit fee shall be based on the total value of the work, including materials and labor, and be charged the same as the fee charged for building permits, in accordance with the Arkansas Fire Prevention Code.

For any billboard on property annexed at a later date, applications for billboard permits shall be submitted within six (6) months of the effective date of the annexation or within such period as may be established on an annexation agreement between the municipality and the landowner. Applications for permits for existing billboards submitted within one hundred eighty (180) days of the effective date of this ordinance shall be exempt from the initial fees adopted under authority of this Ordinance, but not from any subsequent fees.

(c) *Electrical permit.* Electrical permits shall be obtained for signs which are electrified or connected to an electric power supply.

## **SECTION 11. PERMITS - FEES**

- (1) *Sign permit fee (general).* A sign permit fee shall be charged the same as the fee charged for building permits, in accordance with the Standard Building Code.
- (2) *Outdoor advertising structure (billboard) annual fee.* Outdoor advertising structure (billboard) owners will be required to pay an annual fee to the City of East Camden for the period of January 1 through December 31. The annual fee will be one hundred fifty dollars (\$150.00) per billboard structure location.
- (3) *Penalty.* Any person failing or refusing to pay a permit fee or license fee shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) and each day that such sign or signs are left without having said license or permit fee paid shall constitute a separate offense.

## **SECTION 12. PERMITS – EXEMPT ACTIVITIES**

The following operations shall not be considered as creating a sign insofar as requiring issuance of a sign permit, but the signs must be in conformance with all other building, structural and electrical laws and regulations of the City:

- (1) Changing of the advertising copy or message on an existing approved or legal nonconforming painted or printed sign, marquee, changeable copy sign or a similar approved sign or a legal nonconforming sign whether electrical, illuminated, electronic changing message center or non-illuminated painted message which are all specifically designed for the use of replaceable copy.
- (2) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of the plastic face will be excluded as an exempt operation provided that it is due to a change caused by breakage and/or deterioration of the face, or replacement in order to change copy, shape, or design, but that such replacement shall not be larger than the face replaced.
- (3) Changes in the content of show window displays and permitted temporary signs.

## **SECTION 13. PERMITS – EXEMPT SIGNS**

The following signs shall be exempt from permit requirements:

- (1) *Construction signs.* Any sign denoting a construction project provided that such signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed five (5) days after completion of construction and prior to occupancy.
- (2) *Directional or instructional signs.* Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed four (4) square feet in area; signs identifying rest rooms, public telephones and walkways; or signs providing direction such as parking lot entrance and exit signs and those of similar nature.
- (3) *Flags.* The flags, emblems, or insignia of any nation or political subdivision or corporate flag.

- (4) *Governmental signs.* Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service or safety which are erected by or on the order of a public officer in the performance of his public duty.
- (5) *Holiday decorations.* Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday, provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days nor more than sixty (60) days in any one (1) year. Signs and decorations shall be of any type, number, area, or height. Illumination of such signs and decorations shall be governed by the provisions of this Ordinance. All such signs and decorations shall be approved by the building official.
- (6) *House numbers.* House numbers not exceeding two (2) square feet in total area for each residential building.
- (7) *Interior signs.* Signs located within the interior of any building, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theatre, which may be visible from a public way that are not intended to address the public traveling the public ways. This does not, however, exempt such signs from the structural, electrical, or material specifications as set out in this Ordinance.
- (8) *Memorial signs.* Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.
- (9) *Notice bulletin boards.* Notice bulletin boards not over twenty-four (24) square feet in area for medical, public charitable or religious institutions where the same are located on the premises of said institutions.
- (10) *No trespassing or no dumping signs.* No trespassing or no dumping signs not to exceed two (2) square feet in area per sign and not exceeding four (4) in number per lot, except that special permission may be obtained from the building official for additional signs under proven special circumstances.
- (11) *Home occupation signs.* One (1) sign for each dwelling unit not to exceed four (4) square feet in area indicating the name of the occupant, location or identification of a home profession office.
- (12) *Name plates.* Plaques or name plate signs for commercial buildings not more than four (4) square feet in area which are fastened directly to the building.
- (13) *Political and campaign signs.* Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that their signs are subject to the following regulations:
- (a) Said signs may be erected not earlier than sixty (60) days prior to said election and shall be removed within five (5) days following said election.
  - (b) No sign shall be located within or over the public right-of-way.
  - (c) No sign shall be greater in area than thirty-two (32) square feet.
- (14) *Public notices.* Official notices posted by public officers or employees in the performance of their duties.
- (15) *Official signs.* Signs required or specifically authorized for a public purpose by any law, statute or ordinance which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute or ordinance under which the signs are erected.



(16) *Real estate signs.* One (1) real estate sign on any lot or parcel provided such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed eight (8) square feet in area, and is removed within seven (7) days after the sale, rental, or lease has been accomplished. Permits are required for real estate signs greater than eight (8) square feet.

(17) *Permanent window signs.* Except in residential structures, permanent window signs may be painted on or otherwise displayed from the surface of any window, showcase or other similar facility. Said signs shall be in addition to those signs permitted under the other provisions of this Ordinance.

(18) *Signs in display windows.* Signs in the display window of a business use which are incorporated with a display or merchandise or display relating to services offered.

(19) *Symbols or insignia.* Religious symbols, commemorative plaques of recognized historical agencies, identification emblems of religious orders or historical agencies, or business trademarks or symbols, provided that no such symbol, plaque, or identification emblem shall exceed four (4) square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.

(20) *Temporary signs.* Temporary signs not exceeding thirty-two (32) square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided said signs are posted only during said drive or no more than thirty (30) days before said event and are removed no more than five (5) days after an event.

(21) *Warning signs.* Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.

(22) *Signs on awnings.* Any message which is painted directly onto the hanging border or fringe of an awning, or is a physical part of the awning border or fringe through use of a photographic or other process on a canvas awning is exempt from permit requirements.

## **SECTION 14. INSPECTIONS**

*Inspections.* The person erecting, altering, or relocating a sign shall notify the building official upon completion of the work for which permits are required. All freestanding signs shall be subject to a footing inspection, and all electrical signs shall be subject to a final electrical inspection. Periodic inspections shall be conducted under the provisions of the Arkansas Fire Prevention Code.

*Annual inspection.* Sign companies will provide the city with an annual inspection performed by a licensed engineer attesting to the adequacy of the foundation, sign structure electrical components, etc. Said annual inspection report shall be submitted with the annual permit fee.

## **SECTION 15. VESTED RIGHTS**

No vested rights shall accrue regarding any sign which was erected without a permit being secured therefore and final approval being given by the building official or his authorized representative.



## **SECTION 16. VARIANCES**

Variances may be issued by the City Council.

Requests for billboard variances shall be in writing at least twenty-one (21) days prior to the City Council meeting at which the variance request will be considered.

- (1) No variances shall be allowed from the size area requirements, spacing requirements, or electronic message board requirements of these regulations.
- (2) A variance for any other requirement of these regulations, i.e. height, front yard setback, rear yard setback, etc. may be applied for.
- (3) Requests for sign variances shall be in writing and shall be submitted along with the sign permit application. Such request shall demonstrate that special conditions or circumstances exist that are not applicable to other lands, structures, or buildings and such that a literal interpretation of these regulations would result in an undue hardship.
- (4) Only the minimum variance required to make possible the variance request, provided that such variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

## **SECTION 17. ELECTRONIC MESSAG DEVICE (EMD)**

All electronic message center signs located within the City shall adhere to the following requirements:

- (a) "Time and temperature" EMD signs shall have a minimum hold of one and one-half (1.5) seconds and a maximum hold of two and one-half (2.5) seconds.
- (b) The maximum area of an EMD sign shall not exceed sixty-four (64) square feet.
- (c) No animation of any type, or flashing light, or "spell on" display mode is allowed on any EMD sign.
- (d) Every EMD sign shall be equipped with an automatic dimmer device.
- (e) The area of the EMD will be counted in the total allowable area of the sign.
- (f) All EMD signs shall comply with the appropriate city sign and other regulations.
- (g) All EMD signs shall be equipped with a glare screen.
- (h) Any malfunctioning EMD sign shall be turned off or display a blank screen until repaired.
- (i) All electrical equipment shall be UL listed.
- (j) All power to an EMD sign shall be supplied via underground carrier, inside approved conduit, and shall be installed according to the city's electrical code requirements.
- (k) All EMD signs shall be kept in good operating condition and maintained with good external appearance.

## **SECTION 18. UNLAWFUL SIGNS – WHEN DECLARED; CORRECTIONS**

The building official may declare any sign unlawful if it falls within any of the categories of unlawful signs contained in this Ordinance. The building official shall cause any deficiencies to be corrected or order removal of such signs as provided for in this Ordinance.

## **SECTION 19. UNLAWFUL SIGNS – ENUMERATED**

Except as otherwise provided, any sign listed and defined below which is in conflict with this Ordinance is hereby declared to be an unlawful sign.

- (1) *Nonconforming sign.* No person shall install, erect or construct on any premises owned or controlled by him any sign which is in violation of any of the provisions of this Ordinance.
- (2) *Abandoned sign.* Any sign which pertains to a time, an event, a purpose which no longer applies, or advertises a defunct business, shall be deemed abandoned after the property remains vacant for a period of six (6) months.
- (3) *Unsafe sign.* No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition.
- (4) *Unmaintained sign.* All signs for which a permit is required, together with all their supports, braces, guys and anchors shall be kept in repair, and unless of galvanized or noncorroding metal shall be thoroughly painted at least once every two (2) years. The land upon which signs are located shall be maintained in accordance with this Ordinance. If compliance with this Ordinance is not made within twenty (20) days after written notice from the building official to the landowner and/or lessee, said sign shall be declared to be an unlawful sign.
- (5) *Poster panels.* All outdoor advertising structures (billboards) shall be properly maintained in a sound condition in accordance with City codes. Outdoor advertising structures (poster panels) with paper faces shall be maintained regularly and when the paper face is not properly attached to the structure, the sign owner shall remedy the situation within seventy-two (72) hours of notice by the City.

## **SECTION 20. DISPOSAL OF SIGNS**

All signs which are unlawful as provided in this Ordinance shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

- (1) Whenever the building official shall find any sign unlawful, as defined in this Ordinance, he shall, in accordance with established procedure for legal notices, give the owner, agent, or person in control of said property written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the sign or portion thereof.
- (2) If necessary, the building official shall cause to be posted a notice stating: "THIS SIGN IS UNLAWFUL AND ITS USE HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm, or corporation or their agents, or other servants to remove such notice without written permission of the building official.
- (3) If any person shall fail or refuse to comply with the building official's request, after having been given twenty (20) days' written notice to do so by the building official, it shall be the duty of the building official, or his authorized representative, to cause the correction of the unlawful conditions thereon, and the cost of such work shall be charged to the owner of such property. In order to secure payment of such charges, a lien will hereby be declared to exist upon such property in favor of the City, and the City is hereby

authorized to enforce all liens arising under this section by condemnation or other appropriate action in the Circuit Court of Ouachita County. If the owner of any such property is unknown, or if his whereabouts is unknown, or if he is a nonresident of this state, the notice provided for by this section may be given by posting the same upon such property. If such property is occupied by a person other than the owner thereof, such person shall be deemed the agent of such owner for the purpose of accepting service of the notice provided for by this section and service upon such occupant shall be deemed service upon the owner.

#### **Section 21. EMERGENCY DECLARED**

It being necessary to immediately enact this Ordinance to enable and promote fair and reasonable regulation of signs within the City of East Camden, and to protect the public health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its date of passage, approval and publication.

PASSED AND APPROVED THIS 26 DAY OF August, 2021.

Angie McAdoo  
Mayor

Demanda Cathery  
City Clerk

