

Regular Meeting: November 8, 2021  
First Read: November 8, 2021

ORDINANCE NO. 2022- 01

AN ORDINANCE OF THE  
CITY OF FAIRFIELD BAY, ARKANSAS,  
TO AMEND THE MUNICIPAL CODE;  
ADDING SECTION 14.04.32,  
SIGNS,  
TO TITLE 14 OF THE MUNICIPAL CODE,  
ZONING;  
AMENDING SECTION 14.04.21,  
SIGNS;  
AMENDING THE MUNICIPAL CODE, ACCORDINGLY;  
DECLARING AN EMERGENCY;  
AND FOR OTHER PURPOSES

WHEREAS, the City of Fairfield Bay desires to amend its Municipal Code provisions for the regulation of signs in the City of Fairfield Bay; and

WHEREAS, the City has previously regulated signs, in the City, and will continue to regulate signs in the City, as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS, that the following amendments are made to TITLE 14 of the Municipal Code, by adding attached Section 14.04.32, Signs, as set forth on the attachment hereto, and by amending Section 14.04.21, Signs, with new language indicated in *bold italics*, and deletions (if any) set forth in bold interlineations (as shown here: ~~deletions~~) from the Municipal Code and the Zoning Code:

1. NOT TO BE CODIFIED: Section 14.04.32, Signs, is added to the Municipal Code, in its entirety, as attached hereto, as an appropriately-numbered Section in Title 14, Zoning, Chapter 14.04, Zoning Ordinance.
2. NOT TO BE CODIFIED: Section 14.04.32, be, and it is hereby ADDED TO THE MUNICIPAL CODE, as attached; it shall be codified, accordingly.

3. AMENDMENT: Section 14.04.21, is amended as follows:

14.04.21 Signs Signs are permitted in the various zoning districts, *until Section 14.04.32 Signs, enters into force, and the time for any referendum has expired, or until a referendum has been held (and the final vote totals certified by the respective Election Commissions), whichever date is later*, as follows:

\* \* \* \*

4. NOT TO BE CODIFIED: THE MUNICIPAL CODE OF THE CITY OF FAIRFIELD BAY BE, AND IT IS HEREBY, AMENDED ACCORDINGLY. Items set forth on the attached, shall amend the Code. Items set forth in *bold italics* herein, shall amend the Code. Items set forth in text as bold interlineations [like this word ~~deleted~~], shall be stricken from the Municipal Code and deleted, accordingly.

5. NOT TO BE CODIFIED: EMERGENCY CLAUSE: EFFECTIVE DATE:  
Because of the potential danger to public peace, health, and safety; because there is a real risk of confusion, and the placement of signs is an on-going, daily occurrence, the City Council finds and concludes that AN EMERGENCY HEREBY EXISTS, and this Ordinance being necessary for the peace, health, safety, and general welfare of the City and its Citizens, IT SHALL BE IN FULL FORCE AND EFFECT ON FEBRUARY 1, 2022.

Dated this 10 Day of January, 2022.



Honorable Linda Duncan  
Mayor, City of Fairfield Bay, Arkansas

Attest:



Rose O. Owen, Recorder-Treasurer

Drafted by:  
Planning and Zoning Comm.

and  
AJ Kelly  
Kelly Law Firm, PLC  
Rev: 11/8/21  
Rev2: 11/29/21

## **SECTION 14.04.32. SIGNS**

**Section 14.04.32.1 Purpose:** The purpose of this Section 14.04.32 is to:

- 1) Promote the creation of an attractive visual environment that promotes a healthy economy.
- 2) Protect and enhance the physical appearance of the community in a lawful manner.
- 3) Foster public safety and welfare of drivers and pedestrians along public and private streets within the community by assuring that all signs are constructed and displayed in a Safe manner by avoiding unsafe and harmful visual clutter.
- 4) Have administrative review procedures that allow consistent enforcement, minimize discretion in review, and minimize the time required to review applications.

This Section 14.04.32 is in addition to regulations established under U.S. Code by the Federal Highway Administration and the Arkansas State Highway and Transportation Department under Regulations for Control of Outdoor Advertising on Arkansas Highways.

### **Section 14.04.32.2 Definitions**

**Interpretation:** For the purposes of interpreting these regulations, words used in the present tense shall include the future tenses; words in the singular number shall include the plural, and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. The word "person" includes a firm, partnership, business entity, or corporation as well as an individual.

**Definitions:** For the purpose of interpreting these regulations, certain terms and words are to be used and interpreted as defined.

*Illumination, External:* Sign illumination which is generated from outside the sign's internal structure.

*Illumination, Internal:* Sign illumination which is generated from inside the sign's internal structure.

*Setback:* Distance between the *lot line* and the *building line*.

*Banner:* A sign made of fabric or other non-rigid material with no enclosing framework.

*Cone of Vision:* The area that is clearly visible to a driver, generally described as a "fan-shaped envelope" preceding the driver which allows the driver to safely see and observe moving objects and persons in front of and to the immediate left and right of the driver.

*Conspicuity:* The capacity of a sign to stand out or be distinguishable from its surroundings and thus be readily discovered by the eye.

*Contrast:* The difference or degree of difference in the appearance of adjacent surfaces, such as light and dark areas, different colors, or typefaces, and graphics appearing on various backgrounds.

*Copy:* The words or message, or both, displayed on a sign.

*Copy Area:* That area which displays the actual copy on a sign.

***Inflatable Device:*** A sign that is a cold air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air.

***Luminance:*** An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft<sup>2</sup>)

***Development Sign:*** A temporary construction sign denoting the architect, engineer, contractor, subcontractor, financier, or sponsor of a residential or commercial development which may also designate the future occupant or use of the development.

***Sign:*** Any device, structure, fixture, figure, painting, message, poster, or visual image using words, graphics, symbols, numbers, or letters designed and used for the purpose of communicating a message or attracting attention.

***Sign, Abandoned:*** A sign relating to or identifying an entity which has ceased operations or existence on the premises for at least six (6) months.

***Sign, Awning or Canopy:*** A sign which is part of a fabric or other non-structural awning. Such signs are considered Wall Signs and may provide additional functionality as shelter.

***Sign, Billboard:*** An off-premise sign. See definition for off-premise sign.

***Sign, Complying:*** A sign that is legally installed in accordance with federal, state, and local permit requirements and laws.

***Sign, Electronic Message:*** A sign which uses artificial light to display changing electronically programmed messages.

***Sign, Event:*** A temporary sign, other than a commercial sign, posted to advertise an event.

***Sign, Facia:*** A building mounted sign.

***Sign, Freestanding:*** A sign that is not attached to a building.

***Sign, Ground:*** A freestanding sign with a visible support structure.

***Sign, Governmental or Public:*** A sign erected by or on behalf of governmental body to post a legal notice, identify public property, convey public information and direct or regulate pedestrian, bike, or vehicular traffic.

***Sign, Ground-Mounted:*** A freestanding sign that is supported by a solid base (other than poles) such that the bottom of the sign face is three (3) feet or less above grade, and no air space is visible within or between any portion of the sign display area and the signs supporting structure.

***Sign, Height:*** The vertical distance from the highest point of the sign or structure to the grade of adjacent street or surface grade beneath the sign, whichever grade is lower.

***Sign, Illuminated:*** A sign designed to give forth any artificial light or reflect light from an artificial source.

***Sign, Multi-tenant:*** A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

*Sign, Non-conforming:* Any sign which is not permitted under the terms of this ordinance within the district in which it is located.

*Sign, Non-complying:* A sign that was legally erected and maintained but does not currently comply with sign restrictions because such restrictions were enacted after the sign was originally permitted and installed.

*Sign, Off-premise:* A sign, whether leased or owned by the advertising entity, which directs attention to an entity activity, business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

*Sign, On-premise:* A sign whose message and design relates to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

*Sign, Pennant:* A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

*Sign, Permanent:* Signs anchored to the ground or building in a secure permanent fashion as stipulated in applicable codes as adopted by the City of Fairfield Bay.

*Sign, Pole:* A freestanding sign with visible support structure.

*Sign, Projecting:* A sign which projects from and is supported by a wall of a building.

*Sign, Roof:* A building-mounted sign erected upon, against, or over the roof of the building.

*Sign, Sandwich Board:* A sign set on the ground, without attachment to the ground in an "A" frame configuration consisting of two sign panels hinged at the top.

*Sign, Snipe:* A temporary or permanent sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

*Sign, Surface Area:* The total surface area of a sign, excluding support structures

*Sign, Temporary:* Any sign which is intended for temporary use and which is not permanently mounted to the ground or a building.

*Sign, Wall:* Any sign, other than a projecting sign or a temporary sign, which is permanently attached to or painted on any facade of any building.

*Sign, Window:* A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.

**Section 14.04.32.3 Rules of Interpretation:** The following rules apply to all signage:

- 1) When determining setback, the leading edge of the sign nearest the curb or edge of street shall be the point from which the setback is determined. All setbacks shall be measured from the property line or the projected edge of the Master Street Plan right-of-way, whichever is greater.

2) When determining maximum signage area of a sign, the total area of one side of the sign shall be used, except for signs having more than two sign faces. The total area of all sign faces shall be used for such signs.

3) When determining maximum signage area where signage is made from individual letters or figures (sometimes referred to as channel letters), the area shall be calculated by measuring a continuous boundary around the entirety of the signage elements.

4) Window signs shall count toward the maximum sign surface area allowed for wall signs.

**Section 14.04.32.4 Permit Requirement:** No sign shall be erected, transferred, rebuilt, or structurally altered within the city unless a permit has been issued by the Code Enforcement Officer. Addition or modification to the illumination of any existing sign which changes the type or intensity of the lighting shall require a new sign permit. Refacing a sign or a change in message of a permitted sign shall not require a permit unless it involves modification to the electrical or structural components of the signs. A separate permit shall be required for each sign. Electrified signs shall also require an electrical permit.

1) Applicants who wish to erect new on-premise Permanent signs or those seeking to significantly modify existing signs must obtain written authorization from the Code Enforcement Officer prior to installation/modification of the signs.

2) Applications: Application for a sign permit shall be made on forms provided by the Code Enforcement Officer. Requirements shall include but are not limited to:

- A) Name of organization and location.
- B) Contact person.
- C) Address and phone number for contact person.
- D) Sign contractor
- E) Description of the activities occurring on the site where the sign will be installed.
- F) Description of any existing signage that will remain on the site.
- G) Identification of the type of sign/signs to be erected by the applicant.
- H) Site plan depicting the locations of proposed signage and existing remaining signage.
- I) Scale drawings of the proposed signage.
- J) Written description explaining the drawing of the proposed signage, including a detailed description of materials, colors, and letter height, type and style.

3) Application Approval and Permit Issuance: The Code Enforcement Officer will be charged with review of all sign permit applications based upon the provisions of this code and other applicable regulations. The Code Enforcement Officer shall have 20 business days from receipt of the completed application to approve or deny the sign permit application. If the Code Enforcement Officer fails to render a decision on a completed sign permit application that appears to meet the provisions of this code and other applicable regulations within 20 days, the

applicant shall be issued a permit for the sign immediately. A written explanation of denial shall be provided for denied permit applications upon request of the applicant. All decisions rendered by the Code Enforcement Officer concerning sign permit applications can be appealed to the Board of Adjustment by the applicant. The Board of Adjustment shall review the application on its face and it will make independent findings in assessing the adherence of the application to the provisions of the ordinance. If the Board of Adjustment finds the application meets the requirements of this Code, it will direct the Code Enforcement Officer to promptly issue the permit.

4) Sign Erection Deadline: Permit for any sign not erected Within six (6) months of date of issuance shall be void.

5) Inspection: The person or contractor responsible for completion of the sign erection shall notify the Code Enforcement Officer upon completion of work. A final inspection shall be required, including electrical inspection, if needed, to confirm compliance with the terms of the sign permit.

6) Fees: Fees shall be submitted upon approval of the application, in the amount set by the schedule of fees set by the City Council. If a penalty has been assessed for non-compliance, both the penalty and the normal permit fee must be paid before a permit shall be issued.

7) Variances: A variance may be sought for the construction of a sign, Permanent or Temporary, which does not comply with the requirements established in this Sign Code. A variance will be granted if the applicant can demonstrate the following criteria:

- A) The application of the Sign Code would substantially limit the applicant's ability to put the property to its highest and best use;
- B) Neighboring property owners would not be detrimentally harmed by the grant of the variance; and
- C) The hardship suffered is unique to the property and was not created by the applicant for the variance.

The City may impose conditions on the variance, as necessary, to further the purpose of the Sign Code and other applicable Municipal Ordinances.

**Section 14.04.32.5 Permit Exemptions:** The following signs are exempted from the sign permit requirements, but must comply with all other requirements of this title:

- 1) Temporary Signs
- 2) Governmental and official public signs, including wayfinding signs.
- 3) Window displays and signs affixed to windows.
- 4) Placement of ATV and Hiking trail signs on the trails are exempt from individual permits. The design, appearance, size of the signs used on the trails do need to be approved by the Planning and Zoning Committee or the Board of Adjustment after application from the proper entity. Signs for the trails will be standardized and used throughout Fairfield Bay as needed. All other



signs, except for the directional and trail information signs, must be approved by the Code Enforcement Officer prior to installation.

**Section 14.04.32.6 Prohibited Signs:** The following signs are prohibited within city limits:

- 1) Signs imitating warning signals, or which constitute a traffic hazard.
- 2) Billboards
- 3) Abandoned signs.
- 4) Signs within a public right-of-way, excluding wayfinding signs.
- 5) Signs painted on or attached to trees, rocks, or other natural formations, fence posts, street signs, or utility poles.
- 6) Signs affixed or painted on a vehicle or trailer that is parked adjacent to a public right-of-way
- 7) Rotating signs, excluding Barber Pole signs
- 8) Signs containing flashing or intermittent illumination unless part of a permitted Electronic Message Sign.

**Section 14.04.32.7 Exemptions:** The following are exempted from the provisions of this Section 14.04.32:

- 1) Signs not visible or which are clearly not intended to be visible from the public right-of-way.
- 2) Signs which are mandated to be displayed by law or action of a governmental entity.
- 3) Any display or construction not defined as a sign.
- 4) Art displays that do not contain a commercial message.
- 5) Signs within a building: directories, directional and essential advisory signs.

**Section 14.04.32.8 Standards:** The following apply to all signs:

**14.04.32.8.1 Prevention of Access:** No sign shall be erected which prevents free ingress and egress from any driveway, parking lot, structure door, window, or fire escape. No sign of any kind will be attached to any part of a fire escape or building standpipe.

**14.04.32.8.2 Obstruction of Vision:** No sign shall be placed in a manner that would allow it to obstruct the vision of drivers and pedestrians at driveway entrances

**14.04.32.8.3 Interference with Utilities:** No sign shall be located:

- 1) Within the designated safety zone of overhead electrical conductors as directed by the utility owner.
- 2) Within 10 feet of a fire hydrant.
- 3) Upon any easement.

4) Upon any utility pole, traffic control signs, street signs, or other municipal signs, nor on any utility signs.

5) Signs shall not be placed on any property owned or controlled by a non-profit organization, other than by the owner of the property.

**14.04.32.8.4 Illumination adjacent to Residential Areas:** If facing or adjoining a residential lot line or district, no freestanding sign or wall sign on a side or rear facade shall be internally illuminated unless shielded in a manner to minimize the trespass of light into the residential lot or district.

**14.04.32.8.5. Construction Standards:** All signs and sign structures permitted herein shall conform to the applicable building and electrical codes adopted by the City of Fairfield Bay. All signs, except Temporary Signs, shall be constructed of materials that are durable and permanent in nature, and permanently affixed through secure anchoring to the ground or a building. Temporary signs shall be securely anchored to the ground or a building in a non-permanent fashion.

**14.04.32.8.6 Content of Signs:** These regulations are not intended to regulate the message or content of non-commercial signs or temporary signs. A sign with a non-commercial message may substitute a sign with a commercial message, provided it meets all requirements of this code.

**Section 14.04.32.9 Temporary Signs:** Temporary signs shall not be electrified or illuminated.

**14.04.32.9.1 Temporary Signs - Type 1:** Temporary sign allowed while a building or property is under construction or renovation.

- 1) Allowable Zones: All zones
- 2) Maximum Size: 16 square feet in residential zones, 50 square feet in all other zones
- 3) Maximum Height: 10 feet
- 4) Minimum Setback: 10 feet
- 5) Number Allowed: 1 sign per contractor or finance company

**14.04.32.9.2 Temporary Signs – Type 2:** Temporary sign allowed while a property or building is for sale, lease, or rent.

- 1) Allowable Zones: All zones
- 2) Maximum Size: 6 square feet in residential zones, 32 square feet in all other zones
- 3) Maximum Height: 10 feet
- 4) Minimum Setback: 10 feet
- 5) Number Allowed: 1 sign per lot

**14.04.32.9.3 Temporary Signs – Type 3:** Temporary Signs (not previously described hereinabove).

- 1) Allowable Zones: All zones

- 2) Maximum Size: 6 square feet in residential zones, 32 square feet in all other zones
- 3) Maximum Height: 10 feet
- 4) Minimum Setback: 10 feet
- 5) Number Allowed: 1 sign per lot
- 6) Time: Signs may be displayed a maximum of 30 consecutive days within a 90-day period. The 90-day period shall be counted to begin from the first day a temporary sign is displayed. The sign shall be allowed to be displayed only within the first 30 consecutive days of the 90-day period.
- 7) Other Requirements: To be valid and allowed such signs shall require a sticker from the Code Enforcement Officer to be affixed to the sign indicating the starting and expiration date for when the sign will be displayed. The starting date shall not be more than 15 days after the date which the sticker is requested from the Code Enforcement Officer.
- 8) Election Period: During a period of 60 days prior to and 7 days after any public election authorized by the Van Buren or Gleburne County Election Commission, items 5, 6, 7 of this subsection shall not apply to temporary signs.

**14.04.32.9.4 Temporary Signs — Type 4: Sandwich Board Signs.**

- 1) Allowable Zones: All commercial zoned areas
- 2) Maximum Size: 12 square feet
- 3) Maximum Height: 4 feet
- 5) Placement: The sign shall be placed on private property or may be placed on a public or private sidewalk. The sign shall be placed such that sidewalk remains ADA compliant with at least five (5) feet of total sidewalk width clear of any obstructions.
- 6) Time: Signs may be displayed only from 7 a.m. in the morning to 10 p.m. in the evening each day.

**Section 14.04.32.10 Sign Standards by Type:**

**14.04.32.10.1 Electronic Message Signs:**

- 1) Sign Type and Zoning: Electronic message signs shall only be allowed on freestanding signs in commercial zones.
- 2) Size: The maximum sign surface area of an electronic message sign shall not exceed 32 square feet. Such sign may be considered part of a larger freestanding sign and count against the maximum allowable surface area of the freestanding sign.
- 3) Dimming and Brightness: Signs shall be equipped with dimming technology that automatically adjusts the display brightness based on ambient light conditions. The sign shall not exceed 0.3-foot candles of illumination above ambient light level.

4) **Flashing Illumination and Movement:** The illusion of movement by means of a preprogrammed (repetitious or sequential) switching action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of flashing, chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns, is prohibited.

5) **Rate of Change:** No electronic message sign shall change copy more frequently than once every 8 seconds.

**14.04.32.10.2 Wayfinding Signs:** Wayfinding signs shall be allowed on public property or within a public right-of-way under the following conditions:

1) **Entity:** The sign shall direct the reader to the location of a public or educational institution, a facility operated by a non-profit entity that is intended to attract out-of-town patrons, a facility relating to the public safety and welfare or public health, a scenic or historic structure, or trails and parks.

2) **Approval and Installation:** Wayfinding signs must be expressly approved by the Code Enforcement Officer and any additional authority having jurisdiction. The signs must be fabricated, installed, and maintained by the City or its agent.

3) **Traffic Hazard:** The signs shall not be allowed to be installed in a location or manner that would constitute a hazard to vehicles or pedestrians.

4) **Maximum Number:** The maximum number of signs allowed each entity shall be 7. This limitation shall not apply to scenic or historic structures and trails or parks.

**14.04.32.10.3 Wall Signs:**

1) **Placement:** A wall sign shall not project above the facade on which it is mounted. Wall signs shall not be allowed on roofs. A mansard roof shall be considered a facade under the terms of this Article.

**Section 14.04.32.11 Signs Allowed by Zoning District:**

**14.04.32.11.1 Commercial Districts**

1) **Wall Signs:**

A. Maximum Size and Number: The maximum number of wall signs shall be limited by the total sign surface area permitted for wall signs. The total sign surface area for all wall signs shall not exceed 10% of the total area of the wall on which the sign is placed, 2 square feet for each linear foot of building facade, or 100 square feet, whichever is less. These requirements shall apply independently to each building facade. Signs upon awnings shall be considered wall signs. No wall signs shall be allowed to project above the roof line of the *building* facade. In the case of multi-tenant structures, each tenant space shall be considered a separate *building* facade.

2) **Projecting Signs:**

A. Maximum Size: 10 square feet for signs at least 80 inches above the surface grade of the sidewalk; 40 square feet for signs at least 12 feet above the surface grade of the sidewalk.

B. Number: 1 per building façade or 1 per tenant in a multi-tenant structure

C. Minimum Height: 8 feet above the surface grade of the sidewalk

D. Distance from Street: All elements of the sign including any support structures must be at least 2 feet from back of the curb of the adjacent street.

3) Temporary Signs: See Section 14.04.32.9

4) Freestanding Signs:

A. Maximum Sign Surface Area: The maximum size for a free-standing sign for a single tenant structure shall be 100 square feet. The sign surface area shall not exceed one square foot for every four linear feet of public street frontage, counted from along the street where the sign will be placed.

The maximum size for a free-standing sign for a multi-tenant structure shall be 200 square feet. The sign surface area shall not exceed one square foot for every three linear feet of public street frontage, counted from along the street where the sign will be placed.

B. Number: 1 per main building

C. Maximum Height: 20 feet above the surface grade of the street

D. Minimum Setback: 10 feet, 5 feet if ground-mounted and not exceeding 8 feet in height

E. Electronic Message Sign: Allowed, See Section 14.04.32.10

#### 14.04.32.11.5 Residential and Agricultural Zones

1) Residential Uses:

A. General Requirements: Internal or external illumination is allowed but cannot be obtrusive or illuminate beyond the property setbacks and must conform to other provisions of this Code.

B. Wall Signs:

1. Number: 2 on front façade

2. Maximum Sign Surface Area: 2 square feet per sign, 4 square feet total.

C. Temporary Signs: Three allowed, See Section 14.04.32.9

D. Multi-Family units are allowed one permanent free standing sign depicting business identification.

**2) Non-Residential Uses:**

**A. General Requirements:** Internal or external illumination is allowed.

**B. Wall Signs:**

1. Number: 1 on front façade
2. Maximum Sign Surface Area: 32 square feet

**C. Freestanding Signs:**

1. Number: 1
2. Maximum Sign Surface Area: 32 square feet.
3. Maximum Height: 8 feet above the grade of the street or surface grade, whichever is greater. Sign shall be ground-mounted.
4. Minimum Setback: 10 feet

**D. Temporary Signs:** See Section 14.04.32.9

**Section 14.04.32.12 Billboards:** The following regulations apply to billboards in the City of Fairfield Bay

**14.04.32.12.1 Placement:** Placement of billboards is not allowed anywhere within the city limits of Fairfield Bay

**14.04.32.12.2 Existing Billboards:** Existing billboards lawfully permitted by the State or Federal Highway Agencies shall be allowed to remain under the terms of the issuing agencies' agreement and permit for such signs. If damaged to an extent beyond one-half (1/2) of its current replacement cost, it shall not be replaced.

**Section 14.04.32.13 Administration and Enforcement**

**14.04.32.13.1 Responsibility and Maintenance:** Any person having express or implied authority over the size, appearance, and/or location of a sign, together with the landowner or lessor upon which the sign is sited, shall be responsible for causing the sign to be in full compliance with this ordinance and shall be jointly and severally liable for any violations of this ordinance. All sign(s)/sign structure and premises surrounding the same shall be maintained in a clean, sanitary condition and free and clear of all rubbish and weeds. All sign components, including supports, braces, anchors, etc., shall be kept in compliance with all building and electrical codes, and in conformance with the requirements of this Code. All components should be free from deterioration, termite infestation, rot, rust or loosening. Repair and replacement of any faded, peeled, cracked or otherwise damaged or broken parts of a sign is required by this Code.

**14.04.32.13.2 Notice of Violations:** The Code Enforcement Officer shall issue a written notice of violation for all signs violating the provisions of the ordinance. The owner shall have 10 business days to correct the violation. Owners may seek an extension of time to correct the violation. Such extensions may be granted if there is evidence that the owner is working to correct the violation. If the owner fails to correct the violation within the 10-day period, or to obtain a

written approval for extension, the Code Enforcement Officer may, upon inspection, issue a notice compelling the removal of those signs which continue to be in violation of this provision of the Sign Code.

The owner or agent may challenge the notice compelling the removal of the sign by (1) filing an engineer's report stating the condition of the sign with the City, within 30 business days of receipt of the initial written notice of the violation, or (2) appealing to the Board of Adjustment. In the case where the engineer's report confirms the City's inspection report, the Code Enforcement Officer shall serve a second written notice compelling removal of the sign at the owner's expense within 30 business days receipt of said notice.

**VIOLATIONS:** Failure to remove the sign, and failure to correct the sign as otherwise required, after the initial written notice, in a timely fashion shall be a VIOLATION, for which a criminal citation may issue. The VIOLATION will result in a fine of \$50.00 , plus court costs, court fees, and other statutory expenses. Each day of non-conformance is a separate violation, for which the fine, costs, and expenses may be imposed. Upon the issuance of a third citation for Violations herein, the City shall revoke the owner's permit to maintain the previously-permitted sign(s). Once a permit has been revoked, the owner must apply for a new permit to reinstate the use of the sign(s) or to install (a) conforming replacement sign(s) in the case of (a) non-conforming sign(s). The City reserves the right to remove non-conforming signs 30 business days after the third citation, without further notice.

**14.04.32.13.3 Removal of Signs:** The Code Enforcement Officer shall have the authority to remove any sign placed within a dedicated or prescriptive public right-of-way, and to designate another employee to take the same actions.

#### **Section 14.04.32.14 Non-complying Signs:**

**14.04.32.14.1 General:** Non-complying signs shall be brought into compliance or eliminated by attrition. A non-complying sign shall not be relocated, replaced, expanded, or altered except to bring the sign into compliance with this code. Non-complying signs which have been deemed abandoned shall be removed. Non-complying signs damaged to an extent beyond one-half (1/2) of its current replacement cost, shall not be replaced or repaired. Where a sign is non-complying due to an encroachment of the required setback, such Sign may not be structurally altered or expanded without a variance. The expansion or alteration shall not reduce the amount of the sign's existing setback, and the sign must have an existing setback of at least 5 feet from the property line or master street plan right-of-way, whichever is greater. Any non-complying sign must be brought up to code upon transfer of ownership of the affected property. Failure to remove or upgrade the sign to conform to these regulations will result in the removal of the sign following 14.04.32.13.2, Violations.

#### **Section 14.04.32.15 Indemnification**

The City, its officers, agents, and employees shall be held harmless against any and all claims resulting from the erection, alteration, relocation, construction, or maintenance of on-premise commercial signs legally allowed as a result of this Sign Code.