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MOUNTAIN HOME SIGN, BULLETIN BOARD AND OUTDOOR ADVERTISING  
STRUCTURE ORDINANCE DATED FEBRUARY 7, 2008  
UPDATED NOVEMBER 2019

The City Council of the City of Mountain Home, Arkansas, believes that the construction, repair, alteration, location, and maintenance of signs should be controlled within the city limits of the City of Mountain Home in order to protect the public investment in the streets and highways, to promote the safety and recreational value of public travel and to preserve natural beauty.

The purpose of this Ordinance is to promote the reasonable, orderly, and effective display of signs while remaining consistent with the City policy to protect the public investment in the streets and highways, to promote the safety and recreational value of public travel and to preserve natural beauty.

**Section 1. Title and Purpose.**

This Ordinance shall, upon passage, shall become the Mountain Home Sign, Bulletin Board and Outdoor Advertising Structure Ordinance, hereinafter referred to as the "Sign Ordinance". Should there be any conflict or duplication within this ordinance to any other ordinance, or ordinances, the more stringent regulation shall apply.

**Section 2. Definitions Pertaining to Signs.**

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein:

**Abandoned Sign:** A sign, which no longer correctly identifies, exhorts, directs, or advertises a business, product, activity, project or person. May apply to either an on-site or off-site sign.

**Area Identification Sign:** A sign to identify a common area containing a group of structures or a single structure on a minimum site of five (5) acres, such as a residential subdivision, apartment complex, industrial park, mobile home park, or shopping center, located at the entrance or entrances of the area, and consisting of a fence or wall or archway with letters of symbols affixed thereto.

**Banner:** Any sign printed or displayed upon cloth or other flexible material, Exception: flags attached to a flagpole.

**Billboard:** See Outdoor Advertising Structure.

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**Building Inspector, Code Enforcement Officer:** Enforcement Officer unless another Enforcement Officer is designated by the Mayor and/or City Council. The City may designate more than one Enforcement Officer.

**Business/Professional Directory:** For purposes of this Ordinance a Business/Professional Directory shall mean that type of on-site sign, normally used to list the businesses and/or professional goods and services being offered on the premises and shall contain no additional commercial message.

**City:** The City of Mountain Home, Arkansas

**City Attorney:** The City Attorney of Mountain Home, Arkansas.

**City Council:** The City Council of Mountain Home, Arkansas.

**Clear Sight Triangle:** Standards for Street intersection sight triangle shall reflect the Street Classification System within the Mountain Home Master Street Plan. The clear sight triangle indicates the minimum requirements as measured along the right-of-way lines. The City may require additional triangle area for clear sight and safety as determined by a traffic study on special conditions.

**Construction Sign (s) That are required by State Law:** Signs used in conjunction with construction projects or publicizing future occupants, contractors, developers, architects, engineers and other individuals or organizations participating in the project, to be removed upon completion of the project and/or final inspection by the Enforcement officer.

**Directional Sign:** Signs, which provide only basic guidance to the public, such as entrance and exit signs at driveways or on buildings. No commercial or sales message beyond identification of the business, profession, or activity shall be allowed. Flashing or intermittent illumination is prohibited. Location and size of such signs shall be reviewed and approved by the Enforcement Officer.

**Display Surface Area:** The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations; provided, however, "Display Surface Area" shall not include the structural supports for free standing signs; provided further, that only one face of a double -faced sign as defined shall be considered in determining the display surface area. See "Sign Area"

**District or Zoning District:** A section or sections of the incorporated area of the City for which the then-effective zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein.

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**Electronic Variable Message Sign.** A device capable of showing a series of different messages in a predetermined sequence using a message changing mechanism which may be controlled remotely by wired or radio and programmed for either automatic operation for manual activation.

**Enforcement Officer:** The City Building Inspector, Code Enforcement Officer and/or other official or representative designated by the Mayor and/or City Council. The City may designate more than one enforcement officer.

**Existing Signs:** Permanent signs erected before adoption of this Ordinance.

**Floodlighting:** For purposes of this Ordinance floodlighting illumination shall mean illumination from lamps, lenses, or devices designed to spread light uniformly over the entire area of the sign, except that no light shall fall beyond the sign.

**Freestanding Sign:** A sign, which is attached to, or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

**Grandfather Clause:** Section 5, Existing Signs, paragraph 1.

**Identification and Informational Signs:** Signs bearing no advertising or commercial message and which identify or inform the public of places of interest, public parks, buildings, boundaries etc. and indicated direction thereto.

**Illegal Signs:** A sign which contravenes this Ordinance, or a non-conforming sign for which a permit required under a previous Ordinance was not obtained.

**Joint Identification Sign:** A sign, which serves as common or collective identification for a group of persons or businesses operating on the same zone lot (e.g. shopping center,



office complex, etc.) Such sign may name the persons, or businesses included but carry no other advertising matter.

**Mayor:** Mayor of City of Mountain Home, Arkansas.

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**Mobile Sign:** Any sign that is movable, portable, capable of or intended to be movable or portable, originally intended to be movable or portable. A sign which is not permanently secured in or on the surface upon which it rests or a sign erected on a frame, platform, trailer, or other portable or movable structure, either transportable, towable, or self-propelled. Does not apply to any sign or lettering directly affixed to or printed on the surface of a self-propelled vehicle frequently used in the ordinary course of business by owners or employees of such business nor to temporary signs as defined by this Ordinance. See Portable Swinger and "A" Frame or Sandwich Sign, and Portable Temporary Attraction Signboard.

**Off-Site Sign:** A sign, which directs attention to a business, commodity, service, entertainment or attraction, sold, offered or existing elsewhere than upon the same lot where such sign is displayed. Such signs may also display a noncommercial message. The term "off-site sign" shall include an outdoor advertising structure (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

**On-Site Sign:** A sign, which directs attention to a business, commodity, service, entertainment or attraction, sold, offered or existing on the same lot where such sign is displayed; provided an on-site sign may also display a noncommercial message.

**Outdoor Advertising Structure:** A structure erected and maintained for outdoor advertising purposes upon which a poster, bill printing, device, or painting may be placed to advertise products, goods, services, or business establishments other than those located, conducted, manufactured or sold upon the premises on which the structure is erected; provided and outdoor advertising structure may also display a noncommercial message. For purposes of this Ordinance, Outdoor Advertising Structure shall be considered same as billboard.

**Planning Commission:** The Planning Commission of Mountain Home, Arkansas.

**Projecting Sign:** Any sign that shall be affixed at an angle perpendicular to the wall of any building in such a manner to read perpendicular or at an angle to the wall on which it is mounted.

**Roof Sign:** Any sign erected, constructed or maintained on the roof of any building.

**Setback:** The distance which a sign, sign support or sign framework shall be removed from a curb line, established curb line, right-of-way line or private property line.

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**Sign:** The term "sign" shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter,

which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public; in addition, any of the above which is not placed out of doors, but which is illuminated with artificial or reflected light not maintained stationary and constant in intensity and color at all times when in use shall be considered a sign within the meaning of this Ordinance, when placed near the inside surface on a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists. For the purpose of determining number of signs, a sign shall be considered to be a single display surface of display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner, without organized relationship to elements, or where there is a reasonable doubt as to the relationship or elements, each element shall be considered to be a single sign. For the purposes of this Ordinance it shall include bulletin boards and outdoor advertising structures.

**Sign Structure:** Any structure support or framework, which supports, has supported, or is capable of supporting a sign with or without decorative trim.

**Temporary Sign:** Any sign constructed of paper, cloth, canvas, or other similar lightweight expendable materials with or without frames, and either nailed, clamped, or held to a pole or other structure or object and intended to be displayed for a short period of time only. Includes Garage Sale and Open House signs and Real Estate Signs.

**Wall Sign:** Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign not project above the top of the wall or beyond the end of the building. For purposes of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning, or a building canopy shall be considered a wall sign.

**Wind Sign:** Any banner, flag, pennant, propeller, or similar device which is designed to flutter, rotate, or display movement under influence of the wind for the purpose of displaying a message or attracting attention. This definition shall not include official flags, pennants, or banners of nations; Federal, state or local governments; their political subdivision; schools, religious institutions, or fraternal organizations.

**Zoning Ordinance:** The Zoning Ordinance of the City of Mountain Home, Arkansas.

### **Section 3. Sign Permits.**

1. Generally it shall be unlawful for any person to erect, repair, alter, relocate or keep within the City of Mountain Home any sign or other advertising structure as defined in this Ordinance, except as exempted under Section 6 or Section 7 without first obtaining a sign permit from the Enforcement Officer and payment of the fee as required by this Section. Every sign, all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and City regulations and building codes currently in effect. All illuminated signs shall, in addition, be subject to the provisions of the National Electric Safety Code, the regulations of the Arkansas State Highway and Transportation Department where applicable, and the provisions of this Ordinance.

2. **Application for Initial Sign Permit.** Application for initial sign permits shall contain the following information.

- A. Name, address and telephone number of the applicant.



- B. Location of the building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- C. Position of the sign or other advertising structure in relation to buildings or structures that are within 25 feet of where the same is to be placed on the property.
- D. A print or scale drawing of the sign with specifications and method of construction and attachment to the building or in the ground. Drawings shall contain details, which will show compliance with all applicable State, Federal and City regulations and building codes. All signs erected will require at least one construction inspection. The timing of the construction inspection shall be at the discretion of the Enforcement Officer, and shall be set at the time of the permit issuance.
- E. Any freestanding sign over 40 sq ft shall have an Engineered designed footing submitted with the application.
- F. Such other information as the Enforcement Officer shall require showing full compliance with City Ordinance.

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- 3. **Sign Permit Fees.** Every applicant, before being granted a permit hereunder shall pay to the Enforcement Officer's Office a sign permit fee. The sign permit fee shall be calculated at \$1.00 per square foot times the total sign surface square footage, with a minimum fee of Twenty Dollars (20.00). This permit fee shall apply to each job, each face shall be counted for the total square footage for each advertising structure regulated by this Ordinance including all new signs and the moving of existing signs to a new location.
- 4. **Issuance of Sign Permit.** It shall be the duty of the Enforcement Officer upon the filing of an application, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if the proposed structure is in compliance with all the requirements of this Ordinance and all other laws and Ordinances of the City of Mountain Home, he shall then issue the permit. If the work authorized under the permit had not been completed within six (6) months after date of issuance, the said permit shall become null and void.
- 5. **Sign Permit Revocable.** All rights and privileges acquired under the provisions of this Ordinance or any amendment thereto are mere licenses revocable at any time by the City Council and all permits shall contain this provision.

#### **Section 4. Sign Maintenance**

- 1. **Premises Maintenance.** Every sign, including those specifically exempt from this ordinance in respect to permits and permit fees, and all parts, portions, and sections thereof shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, free from rust, corrosion and well maintained. Also all premises surrounding the sign shall be maintained in a clean, sanitary, inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

2. **Unsafe and Unlawful Signs.** If the Enforcement Officer shall find that any sign or other advertising structure regulated herein is unsafe, is a menace to the public, is abandoned or maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this Ordinance, he shall give written notice to the sign owner and/or lessee, and/or property owner thereof. If the sign owner or lessee or property owner fails to remove or alter the sign or advertising structure so as to comply with the standards set forth within a reasonable time specified in the notice, the sign or other advertising structure may be removed or altered to comply by the Enforcement Officer. Failure to comply with the Notice shall be considered a violation and, as provided for in Section 18 of this Ordinance, any expense incidental to removal or alteration shall be charged to the sign owner and/or lessee and/or property owner. The Enforcement Officer may cause any sign or other advertising structure, which is an immediate peril to persons or property to be removed summarily without notice. Such signs or other advertising structures are hereby declared to be a public nuisance. When any sign is removed summarily without notice, the owner or lessee thereof shall have the right to a post-seizure administrative hearing to determine whether there was probable cause to remove the sign. Said administrative hearing shall be governed by, and held in accordance with the procedure prescribed by Section 16 of this Ordinance.

#### **Section 5. Existing Signs.**

1. This Ordinance shall not apply to permanent, existing signs, which were legal at time of installation, with the exception of legal signs regulated in Section 7, Number 6, and do not constitute a safety hazard; but shall apply to any signs erected after this Ordinance is adopted.
2. If the sign face, of an existing sign, 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. If an existing sign is damaged to the extent of more than 50% of the structure or sign face it shall not be replaced except to comply with all section of this ordinance.
4. An existing sign shall not be altered in any way except toward compliance with this ordinance. This does not refer to change of copy, face of the sign, or "customary maintenance or repair". Customary maintenance and repair shall be the routine replacing of border and trim as well as repair of structural members, and replacing of structural members Re-erection of an existing sign rendered unfunctional is specifically prohibited as customary maintenance, and shall be required to comply with all sections of this ordinance. The raising or lowering of the height of a sign structure as a result of any repair is specifically prohibited.

#### **Section 6. Exemptions.**

Exempt signs shall comply with all applicable safety provisions. No sign permit shall be required for erection of the following signs:

1. Business/Professional Directories erected flat on walls of building.
2. Building Construction Signs.
3. Real Estate Signs. On a lot in any district, there may be erected one unanimated real estate sign. Exception: Corner lots may have a sign facing each street
4. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or non advertising signs as may be approved by the City Council.
5. Posting of bills on signs, repainting of signs, or the changing of letters or numbers on signs designed for changeable lettering or numbering, which were legally erected and maintained for such purposes.
6. Election campaign signs and banners. Political signs are permitted to be placed on private property in any district, subject to the following conditions:
  1. In districts where signs and banners are not otherwise permitted, a political sign or banner may be erected, but no earlier than 60 days prior to a election primary, general or special election, and said sign shall be removed within seventy-two (72) hours following the election to which it applies. The owner of the property on which said sign or banner is placed shall be responsible for its removal.
  2. In districts where signs or banners are otherwise permitted, political signs shall meet the requirements of each specified district.
7. Banners, when used in conjunction with public events shall be limited as follows:
  1. Shall not exceed 32 square feet in size.
  2. Shall not be erected more than 30 days prior to the event.
  3. Shall be removed within seventy-two hours following the event to which the banner applies.
  3. Dates of the event shall be printed on the Sign.

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Notwithstanding any limitation herein contained, any banner(s) otherwise permitted that are affixed to a building shall not accumulatively exceed more than 1/3 the size of the wall to which they are affixed and no single banner shall exceed 100 square feet in size, whichever is lesser. Any sign permanently affixed to a wall shall be considered a wall sign as compared to a banner.

8. All signs located within a building that are not visible to the public outside said Building.
9. Signs painted on, or affixed to, glass surfaces of windows or doors and pertaining to the lawful conducted therein.
10. Directional, identification, and informational signs; provided, such signs shall be limited to wall and freestanding signs with a maximum of four (4) square feet of display surface area.
11. Subdivision Identification signs.



## 12. Fuel price informational signs.

One fuel price informational sign shall be permitted to each end of fuel Pump Island. Nothing herein shall be constructed to prohibit the advertisement of fuel prices or any other sign meeting the requirements of the Ordinance.

## **Section 7. General Regulations.**

### **1. Removal of Certain Signs:**

In the event a business ceases operation the sign owner or lessee, or property owner, shall immediately remove any information on signs within the corporate limits of the City, identifying or advertising said business or any product sold thereby. Upon failure of the sign owner or lessee, or property owner, to comply with this section, the Enforcement Officer shall issue a written notice to the sign owner and any lessee and to the property owner, which notice shall state that such sign information shall be removed within thirty (30) days. If the sign owner and/or lessee, and/or property owner, fails to comply with such written notice to remove, the Enforcement Officer is hereby authorized to cause removal of such sign information. Failure to comply with said NOTICE shall be considered to be a violation and, as provided for Section 18 of this Ordinance, any expense incidental to the removal shall be charged to the sign owner and/or lessee and/or property owner.

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All temporary signs must be removed within 72 hours after the event for which it was utilized is accomplished.

2. **Signs not to constitute traffic hazard:** No sign or other advertising structure as required by this Ordinance shall be erected or continued to be displayed in such a manner as to obstruct free and clear vision.
3. **Placing signs on public and private property:** Placing signs on public property. No signs other than signs placed by agencies of government shall be erected on any public property; provided, directional signs may be erected upon City street name signposts, or upon traffic signposts under the following conditions:
  - A. The sign directs the reader to the location of a public facility attended principally by out-of-town patrons, to a facility operated by a nonprofit entity and attended principally by out-of-town patrons, to a facility relating to the public health, safety or welfare, or to scenic or historic sites;
  - B. The signs are fabricated, erected and maintained by the City Street Department;
  - C. The entire cost of the sign is borne by the entity requesting the sign;
  - D. The sign conforms to the manual on uniform traffic-control devices.
4. **Sign Illumination.** Direct sign illumination is permitted but cannot be distracting or blinding. Every part of the light source of any illuminated sign shall be concealed from view from vehicular traffic in the public right-of-way or adjacent property. The light shall not travel from the light source directly to vehicular traffic in the public right-of-way or adjacent property but instead shall be visible only from a reflecting or diffusing surface. Illumination of signs shall be in a manner, which avoids glare or reflection, which in any way interferes with traffic safety.



**5. Spot lights and beacons prohibited.** It shall be unlawful to operate or erect any attraction device or sign, which contains a beacon or spotlight.

**6. Portable and Temporary Signs.** Portable swinger, "A" frame, sandwich, portable temporary attraction signboards, Feather signs Banners are prohibited except as follows:

1. These signs can be utilized by a new business for a total for fifteen (15) days from the day that a business license has been issued to the business. A permit for the portable sign must be obtained from the Enforcement Officer.
2. Also, portable signs are permitted for a period of thirty (30) days immediately following a natural disaster, which has destroyed or substantially damaged a sign. A permit for the portable sign must be obtained from the Enforcement Officer.
3. Where portable temporary attraction signs are used under the above exceptions, flashing illumination is prohibited.
4. Retail Business: Can use temporary signs for a period of up to 7 days. Said signs can only be out during business hours. Business can only use temporary signs 3 times a year. A permit is required for the temporary signs. All temporary signs shall meet the setbacks required for freestanding signs set forth in Section 9
5. Temporary Job Signs not required by State Law: Any sign placed in any zoning district where someone is working. Includes, Lawn Care, Landscaping, Handyman, Roofing, Fencing, Paving & Sealing ext. may be on site while someone is on the job working. The sign must be removed upon completion of the job. The sign shall not be placed on site until the first full day workers are on site. But in no case is the sign to be up any longer than 7 days. Exception: if a permit is required for the job a temporary sign can remain on site until the job is completed.
6. Warning Signs: Signs placed in yards warning people of burglar or fire alarms are allowed in any district as long as the sign is under 0.5 sq ft in size.

7. Signs on Vehicles or Trailers: Nothing in this ordinance shall prevent any business from having signs advertising their business on their vehicles or trailers as long as the said vehicles or trailers are used in the everyday operation of said business.

8. Revolving, rotating or moving signs prohibited.

**Section 8. Roof Signs:**

1. Roof Signs are prohibited in the R-1, R-1A, R-2, R-3, R-4 and R-5 zoning districts.
2. Roof Signs are permitted in commercial, industrial zoning districts.

**Section 9. Freestanding Signs:**

1. Freestanding signs are prohibited in the R-1, R-2, R-3, R-4, and R-5 zoning districts.
2. Freestanding signs are permitted in commercial, industrial zoning districts. and subject to the following:
  1. Shall be set back a minimum of fifteen (15) feet from edge of street pavement or curb but shall not be set within the street right-of way.
  2. Shall be set back a minimum of twenty-five (25) feet from the boundary of any residential zoning district.
  3. Shall be prohibited in any area where the wall of a building is 8 feet or less from the curb line or street right-of-way.
  4. Designs may be illuminated by direct or indirect illumination.
  5. May be erected a minimum of one-foot from adjoining property.

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**Section 10. On-Site Signs.**

1. On-site signs, which shall include, but is not limited to, all Roof Signs, Freestanding signs and Joint Identification Signs, also known as On-Site Stacker signs, shall have a maximum height of 40 feet from finished ground level of the lot on which the sign is constructed. Finished ground level shall not include any landscaping which would elevate the ground immediately under the sign. The maximum height shall be measured to the highest point including cutouts and trim on the sign.
2. All On-site signs shall be limited to a total face surface of 150 square feet, with the exception of On-site Joint Identification Signs. The square footage shall be calculated by measuring the length at the maximum horizontal span, including cutouts and trim, and shall include all signs when two or more signs are placed on one footing. This length will then be multiplied by the height as determined in No. 1 above for On-site signs.
3. Joint Identification Signs shall be limited individually, instead of collectively, to 32 square feet for each individual sign.



**Section 11. Off-Site Signs.**

1. Off-Site Signs are prohibited in all zoning districts of the City of Mountain Home.
3. All existing Off-Site Signs are grandfathered in under all the guidelines set forth in Section 5 - Existing Signs, of this Ordinance.

**Section 12. Projecting Signs.**

1. It shall be unlawful to erect any projecting sign that projects from the wall of a building upon which it is erected a distance of more than two-thirds of the width of the setback except in no instance can the sign be within less than two (2) feet of the street right-of-way or curb line.
2. Projecting signs over sidewalks or pedestrian walkways shall have a minimum of 7-feet of clearance from walk surface to the sign bottom.

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3. Projecting signs shall be prohibited in R-1, R-2, R-3, R-4 and R-5 zoning districts.

**Section 13. Wall Signs.**

1. Wall signs shall be permitted in commercial and industrial zoning districts.
2. Wall signs shall be prohibited in R-1, R-2, R-3, R-4 and R-5 zoning districts.

**Section 14. Area Identification Sign.**

1. Area identification signs are permitted in all zoning districts.
2. The Enforcement Officer, who will approve such structure upon the criteria of traffic safety sight lines, must approve the size and location of the area identification sign.

**Section 15. Business/Professional Directory.**

A Business/Professional Directories may be a wall sign, freestanding sign or projecting sign. When erected as a wall sign only one (1) shall be allowed for each main entrance to a building and total size shall not exceed one (1) square foot per listing. When erected as a freestanding or other type sign it shall conform to all applicable provisions of this Ordinance and in a shopping center or other common use parking lot area, shall be limited to one (1) Directory for each major entrance to the parking lot.

**Section 16. Board of Sign Appeals.**

The Planning Commission shall constitute a Board of Sign Appeals. The word "board" when used in this section shall be construed to mean the Board of Sign Appeals.

1. **Interest in Sign:** Any members of the Board who shall have direct or indirect interest in any sign or in any decision relating to such sign which shall be the subject matter of, or affected by, a decision of the Board, shall be disqualified from participating in the discussion, decision or proceeding of the Board in connection therewith.

**2. Appeals:**

1. A person may appeal to the Board any order, requirement, decision or interpretation made in the enforcement of this Ordinance. When an appeal is filed with the Board, the Enforcement Officer will take no further action on the matter appealed until the appeal has been heard and a decision has been made.
2. The Board shall fix a time for the hearing of the appeal, give due notice to the parties in interest and decide the appeal within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.
3. **Jurisdiction:** The Board shall have the following powers and it shall be its Duty:
  1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or interpretation made in the enforcement of this Ordinance.
  2. To hear requests for variances from the literal provisions of this Ordinance for the erection of a new sign in instances where strict enforcement this Ordinance would cause practical difficulties due to circumstances unique to the individual sign under consideration, and grant such variance only when it is demonstrated that such action will be in keeping with the spirit and intent of this Ordinance.
  3. The Board may impose reasonable conditions in the granting of a variance to insure compliance and to protect adjacent property. A violation of such conditions shall constitute a violation of this Ordinance.
4. **Appeals from Board of Sign Appeals:** Any person or persons aggrieved any decision of the Board of Sign Appeals may seek review by a court of record of such decision, in the manner provided by the laws of the State.

**Section 17. SEVERABILITY.**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**Section 18. Penalties.**

1. Violation of the provision of the Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00). Each day such violation continues shall be considered a separate offense. Also, upon conviction



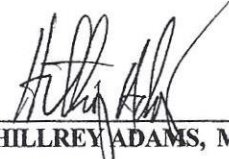
for a violation, a person will be required to make restitution of the City for any expense incurred by the City in the removal or alteration of unsafe and/or unlawful signs.

2. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of separate offense and suffer the penalties herein provided.
3. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

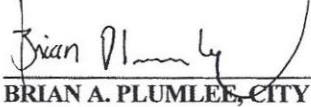
**Section 19. Provisions Declared to be Minimum Requirements.**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of any other Ordinance, the highest or most restrictive standard shall apply.

PASSED AND APPROVED THIS 19<sup>th</sup> DAY OF DECEMBER, 2019

  
HILLREY ADAMS, MAYOR

ATTEST:

  
BRIAN A. PLUMLEE, CITY CLERK