

ORDINANCE NO 97-06

Amended

CITY OF COTTER, ARKANSAS

AN ORDINANCE AMENDING ORDINANCE 158-71 TO ADD A CHAPTER DEFINING RULES TO PROMOTE THE REASONABLE, ORDERLY AND EFFECTIVE DISPLAY OF SIGNS WITHIN THE CITY LIMITS OF THE CITY OF COTTER, ARKANSAS 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.

WHEREAS, it was found and determined by the City of Cotter Planning Commission the need to regulate the construction, repair, alteration, location and maintenance of signs within the city limits of the City of Cotter, Arkansas to promote the safety and recreational value of public travel and to preserve natural beauty.

WHEREAS, Ordinance 97-06 will be known as Chapter IV Section 6, **SIGN, BULLETIN BOARD AND OUTDOOR ADVERTISING STRUCTURE ORDINANCE** of the City of Cotter, Arkansas Zoning Regulations and upon passage will be known as the **COTTER SIGN ORDINANCE**.

NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTER, ARKANSAS THAT:

Section 1 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 an on-site or off-site sign.

Animated Sign: Any sign which is designed and constructed to give its message through movement or semblance of movement created through a sequence of progressive changes of parts, lights or degree of lighting. (see flashing 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 (number) 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, wall or archway with letters or symbols affixed thereto.

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Banner: Any sign printed or displayed upon cloth or other flexible material normally but not always without frame.

Beacon: a stationary or revolving light which flashes or projects illumination, single color or multicolors, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or prescribed by the Federal Aviation Agency, or used by any official public body, public utility or any authorized commercial enterprise when operating in behalf of public safety, health and welfare.

Billboard: see Outdoor Advertising Structure

Board of Sign Appeals: See Section 14

Building Face: the visible outer surface of a main external wall of a building. The area of the face of the building shall be the total area of such surface including the area of doors and windows which open into the surface. Each building wall be considered to have only one building face and normally this shall be that wall containing the principle entry into the building and facing the street used for access to the building.

Building Inspector: Enforcement Officer unless another Enforcement Officer is designated by Mayor and/or City Council. The City may designate more than one enforcement officer.

Bulletin Board: Sign erected by a charitable, educational or religious institution or a public body, which is erected upon the same property as said institution, for the purposes of announcing events which are held on the premises.

Canopy: See Marquee

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

Central Business District: to be defined

City: The City of Cotter, Arkansas

City Attorney: The City Attorney of Cotter, Arkansas

City Council: The City Council of Cotter, Arkansas

Clear Sight Triangle: See sketch for street intersection sight triangle within the Cotter Comprehensive Development 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: Signs used in conjunction with construction projects for 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, are considered non-commercial directional signs. Commercial directional signs are usually off-site signs pointing the way to a nearby business or professional location or activity. 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-effected zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein. See respective section of the Zoning Ordinance for details of use zones.

Erect: To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post or display. Normal maintenance, including refinishing, is not included in this definition provided the sign copy is not changed or altered.

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

Flashing Sign: An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Floodlighting: For the 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.

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

Frontage: The length of the sides along the street or any other principal public thoroughfare, but not including such length along and alley, water course, railroad or street or thoroughfare with no permitted access. Frontage may refer to lineal footage of a lot or of a building or other structure.

Grandfather Clause: Signs in place prior to the enactment of this Ordinance.

Ground Level: Immediate surrounding grade by vertical measurement.

Hanging Sign: See Suspended Sign

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, etc and indicate direction thereto.

Illegal Signs: A sign which contravenes this Ordinance.

Illumination, direct: Illumination which is so arranged that the light is directed into the eyes of the viewer from the light source.

Illumination, indirect: Illumination so arranged that the light is reflected from the sign to the eyes of the viewer.

Illuminated Sign: Any sign which has characters, letter, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

Joint Identification Sign: A sign which serves as common or collective identification for a group of persons or business operating on the same lot (e.g., shopping center, office complex, etc). Such sign may name the persons or business included but carry no other advertising matter.

Lease: For purposes of this Ordinance, agreement by which a property owner conveys, usually for a specific rent, to other persons, permission to erect and maintain a sign, bulletin board or outdoor advertising structure upon his property.

Lot: A parcel of land defined by metes and bounds or as a platted lot of record.

Lot Line: The line or lines bounding a lot as described herein.

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

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

Marquee: A marquee shall mean and include any roofed structure attached to and supported by a building and projecting over public property. Can also be described as a Canopy.

Mayor: Mayor of the City of Cotter, Arkansas

Mobile Sign: Any sign that is movable, portable, capable of or intended to be movable or portable, or 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. Includes signs non-illuminated, illuminated or capable of being illuminated. 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.

Nameplate: An on-site sign serving to identify the residents and/or address of a dwelling, building or location. Such signs shall not exceed a total area of one (1) square foot.

Non-illuminated Sign: Any sign which uses no artificial light source, internal , external or detached to call attention to or provide assistance in reading the message thereon.

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.

Open House Sign: See Temporary Sign

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 an outdoor advertising structure may also display a noncommercial message. For the purposes of

this ordinance, Outdoor Advertising Structure shall be considered the same as a billboard.

Person: "Person" shall mean and include any person, firm, partnership, association, corporation, company, organization or entity of any kind.

Planning Commission: The Planning Commission of Cotter, Arkansas.

Portable Sign: See A Frame Sign and Mobile or Portable Sign.

Portable Swinger Sign and A Frame or Sandwich Sign: An advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually two-sided. See Mobile Sign.

Portable Temporary Attraction Sign Board: A single or double surface sign or some variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached thereto. See Mobile Sign.

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 structure 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 or private property line.

Shopping Center: Two (2) or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking areas, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownership.

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 shall be considered a sign within the meaning of this ordinance, when placed near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner, without organized relationship to elements, or where there is a reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign. For the purposes of this ordinance includes bulletin boards

and outdoor advertising structures.

Sign Structure: Any structure support or framework which supports, has supported, or is capable of supporting a sign.

Temporary Sign: Any sign constructed of paper, cloth, canvas or 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, Open House 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 sign shall not project above the top of the wall or beyond the end of the building. For the 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 subdivisions; schools, religious institutions or fraternal organizations.

Zoning Ordinance: The Zoning Ordinance of the City Of Cotter, Arkansas.

Section 2 Sign Permits

1. Generally. It shall be unlawful for any person to erect, repair, alter or relocate within the City of Cotter any sign or other advertising structure as defined in this ordinance, except as exempted under Section D or Section E without first obtaining a sign permit from the Enforcement Officer and payment of the fee as required by this Section. All illuminated signs shall, in addition, be subject to the provisions of the City Electrical Code and its fees. All signs shall be subject to the provisions of the National Electric Safety Code, the regulations of the 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 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 sign 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.
 - e. Such other information as the Enforcement Officer shall require to show full compliance with the ordinance.
3. Sign Permit Fees. Every applicant, before being granted a permit hereunder shall pay to the City Enforcement Officer's Office a ---- dollars (\$~~50.00~~) permit fee for each job or 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 the 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 Cotter, he shall then issue the permit. If the work authorized under the permit has 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 such permits shall contain this provision.

Section 3 Sign Maintenance

1. Premises Maintenance. All free standing signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and 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 standard set forth within thirty (30) days after written notification, 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 16 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 be determined 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 14 of this Ordinance.

Section 4 Existing Signs

1. This Ordinance shall apply to permanent, existing signs which constitute a safety hazard, or are in an abandoned or dilapidated condition shall apply to any sign erected after this Ordinance is adopted.

Section 5 Exemptions

Exempt signs shall comply with the applicable safety provisions and Section 6 of the Ordinance, except that the exempt signs mentioned herein shall not be required to comply with Paragraph 7 of Section 6 of the Ordinance. No sign permit shall be required for the erection of the following signs:

1. Business/Professional directories erected flat on the walls of a building.
2. Building Construction Signs.
3. Real Estate Signs. On a lot in any district, there may be erected one unanimated real estate sign.
4. Reserved for special use signs.
5. Official notices.
6. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
7. Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary, emergency or nonadvertising signs as may be approved by the City Council.
8. 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 purpose.

9. Election campaign signs. Political signs are permitted to be placed on private property in any district, subject to the following conditions:
 - a. In districts where signs are not otherwise permitted, a political sign may be erected but said sign shall be removed within seventy-two (72) hours following the final election to which it applies; the owner of the property on which said sign is placed shall be responsible for its removal.
 - b. In districts where signs are otherwise permitted, political signs shall meet those requirements.
10. Time and temperature displays without advertising matter providing all clearances prescribed herein for signs similarly located are maintained.
11. Banners shall be exempt when used in conjunction with public and private events as follows:
 - a. Election campaigns: Election campaign banners when said banners are not placed more than ten (10) days prior to and removed within seventy-two (72) hours following the election to which the banner applies.
 - b. Public events: Public event banners shall be removed within seventy-two (72) hours following the event to which the banner applies.
 - c. Private sales events: Banners placed on private property for advertising a special event provided said banners are removed within seventy-two (72) hours after the event to which they apply.
12. All signs located within a building that are not visible to the public outside said building.
13. Signs painted on, or affixed to, glass surfaces of windows or doors and pertaining to the lawful business conducted therein.
14. 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.
15. Collection boxes for charitable or nonprofit organizations containing no commercial advertising.
16. Subdivision Identification signs.
17. A freestanding bulletin board.

18. Fuel price information signs.
 - a. One fuel price information sign shall be permitted to each end of fuel pump island. Nothing herein shall be construed to prohibit the advertising of fuel prices or any other sign meeting the requirements of this Ordinance.
19. The integral and/or self-contained message on newspaper vending machine boxes, other vending devices, telephone, mailboxes, trash containers and boxes or depositories of charitable and/or nonprofit organizations provided all such devices, boxes and depositories conform to all other regulations of this Ordinance and the Zoning Ordinance.
20. Decorative devices or emblems without commercial message, such as may be displayed on a persons mailbox.

Section 6 General Regulations

1. Removal of Certain Signs:
 - a. In the event of a business ceases operation for a period of time in excess of sixty (60) days, the sign owner or lessee, or the property owner, shall immediately remove any information on signs within the corporate limits or 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 with 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 in violation and, as provided for in 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.
 - b. All temporary signs must be removed within thirty (30) days after the event for which it was utilized is accomplished.
2. Signs Not to Constitute Traffic Hazard. No sign or other advertising structure as regulated by this ordinance shall be erected or continue to be displayed in such a manner as to obstruct free and clear vision.
3. Placing Signs on Public and Private Property.
 - a. 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 signposts, or upon traffic signposts under the following conditions:

- i. The signs direct 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 site;
 - ii. The signs are fabricated, erected and maintained by the City Street Department;
 - iii. The entire cost of the signs is borne by the entity requesting the signs;
 - iv. The signs conform to the manual on uniform traffic-control devices.
4. Sign Illumination. Direct sign illumination is permitted but cannot be distracting or blinding.
5. Spot Lights and Beacons Prohibited. It shall be unlawful to operate or erect any attraction device or sign which contains a beacon.. Spotlights may be used only as provided in Section 6, item 4.
6. Fluctuating Illumination Prohibited. Illumination of attraction devices or signs location in the City, that fluctuates in light intensity shall be prohibited.
7. Portable Signs. Portable Swinger, "A" Frame, Sandwich and Portable Temporary Attraction sign boards are prohibited except as follows:
 - a. These signs can be utilized by a new business for a total of fifteen (15) days. A permit for the portable sign must be obtained from the Enforcement Officer.
 - b. 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.
 - c. Where portable temporary attraction signs are used under the above exceptions, flashing illumination is prohibited.
8. Revolving, rotating or moving signs are prohibited.

Section 7 Roof Signs

1. Roof signs are prohibited in the R-1 zoning districts.
2. Roof signs are permitted in commercial, industrial ~ zoning districts

Section 8 Freestanding Signs

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

Section 9 Off-Site Signs

1. Spacing of off-site signs: No two (2) signs shall be spaced less than two hundred (200) feet apart; provided, the minimum spacing herein shall not apply to signs separated by buildings or other obstructions in such a manner that only one sign is visible from the street or highway at any one time.
2. Off-site signs shall not contain more than seventy-five (75) square feet of total surface area.
3. Off-site freestanding signs shall be prohibited in industrial districts.

Section 10 Projecting Signs

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.

2. Projecting signs over sidewalks or pedestrian walkways shall have a minimum of seven (7) feet of clearance from walk surface to the sign bottom.

Section 11 **Wall Signs**

1. Wall signs shall be permitted in commercial, industrial and residential zoning districts except R- 1.
2. Wall signs shall be prohibited in R-1 zoning districts.
3. Wall signs shall not contain more than 75 square feet of total surface area.

Section 12 **Area Identification Signs**

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

Section 13 **Business/Professional Directory**

A Business/Professional Directories may be a wall sign, freestanding sign or a projecting sign. When erected as a wall sign, only one (1) shall be allowed for each main entrance to a building and total size will 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 14 **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:
 - a. 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.

- b. The Board shall fix a time for the hearing of the appeal, give due notice to the parties in the 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:
 - a. 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.
 - b. To hear requests for variances from the literal provisions of this Ordinance for the erection of a new sign in instances where strict enforcement of 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.
 - i. The Board shall not permit as a variance any sign the erection of which or the continuance of which is prohibited by Section 6 of this Ordinance. The Board may grant a variance from the provisions of section 4,1 of this Ordinance where strict enforcement of said section would be unreasonable.
 - ii. 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.

Section 15 Separability.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not 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 16 Penalties

1. Violations of the provisions of this 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 (\$25.00) nor more the one thousand (\$1,000.00) dollars. 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 to 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 a separate offense and suffer the penalties here provided.
3. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

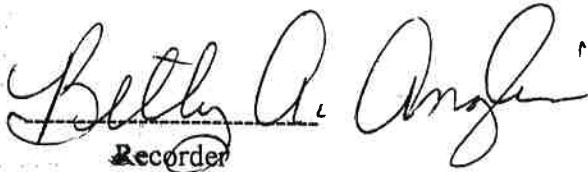
Section 17 Provisions Declared to be Minimum Requirements

In their interpretation and application, the provision 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 the Ordinance are at variance with the requirements of any other ordinances, the highest or most restrictive standard shall apply.~~

Passed this day 17th of July, 1997



Mayor


Recorder

COPY

ADDENDUM To: ORDINANCE No. 97-06

Section 18: Emergency Clause.

This Ordinance being necessary for the immediate preservation of the public welfare, prosperity and safety of the Citizens of Cotter, Arkansas, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and publication.

Passed this 17th day of July, 1997

APPROVED:

ATTEST:


Betty A. Anglin
Recorder, Treasurer


Bill Jennings
Mayor

COPY