

**ORDINANCE NUMBER 2014-19**

**AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 2006-42  
REGARDING THE CONTROL AND ERECTION OF BILLBOARDS WITHIN THE  
CITY OF BRYANT, ARKANSAS. TO ESTABLISH FEES, AND FOR OTHER  
PURPOSES.**

**WHEREAS**, the City Council of the City of Bryant, Arkansas has determined that the control of billboard advertising is in the best interest of the development of the City of Bryant; and

**WHEREAS**, billboards may adversely affect the safe and orderly flow of pedestrian and vehicular traffic within the city limits by contributing to poor visibility, congestion, and obstructions on the roadway, and might also result in harm to the welfare of the City by creating visible clutter, blight and by promoting a negative aesthetic impact within the city.

**THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS THAT:**

**SECTION 1: DEFINITIONS:**

- A. **Free Standing Sign:** A permanently installed sign supported upon the ground by poles or braces not attached to a building.
- B. **Maintenance:** The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic design, structure, or location.
- C. **Billboard:** A billboard is a free standing sign over 32 square feet which meets any one or more of the following criteria: 1) a permanent structure sign which is used for the display of offsite commercial messages; 2) a permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory or ancillary use, of the parcel on which it is located; 3) an outdoor sign used as advertising for hire, i.e., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel as the sign) in exchange for a rent, fee or other consideration; or 4) an off-site outdoor advertising sign on which space is leased or rented.

Billboards do not include on-premises commercial or non-commercial signs as defined by Ordinance No. 2012-29 and its accompanying regulations.

- D. **Owner:** A person identified and recorded as such on official records. For the purpose of this ordinance, the owner of the property on which a sign is located is presumed to be the owner of the sign, unless official records required by this Ordinance indicate otherwise.
- E. **Permanent Sign:** To set, fix, or secure in or on a support, thereby allowing such sign to become a fixed object to be used for the purpose of advertising or identifying any establishment, product, goods or services.
- F. **Sign:** Any device, structure, fixture, or placard using graphics, symbols, color and/or written copy to advertise, to announce the purpose of, or to identify the purpose of a person, entity, establishment, product, good, service, or event or to communicate information of any kind to the public.

- G. **Sign Facing:** The directional view of a sign visible from the approaching traveled way.

## **SECTION II: REGULATED OFF-PREMISE SIGN REQUIREMENTS:**

- A. Within 120 days after the effective date of this ordinance, the City shall compile an inventory of existing billboards within the City. Until the inventory is completed, no billboard shall be erected, modified, or relocated, nor shall the City of Bryant issue any permits. Following completion of the inventory, the City shall grant a billboard permit for each existing billboard reflecting the location, size, height, zoning, and the degree of conformity with the requirements of this ordinance. Only inventoried billboards may be issued alteration or relocation permits.
- B. The regulated billboard requirements of this ordinance are to ensure there are no unplanned construction of billboards and that there are no pedestrian, vehicular traffic safety, hazardous situations, or obstructions to utility service access and setback requirements within the city limits of Bryant because of poor visibility, congestion, and obstructions on the roads and highways and that the welfare of the City is protected by preventing visible clutter and blight and by promoting a positive aesthetic impact.
- C. All inventoried billboards or those billboards under contract prior to the adoption of this ordinance are grandfathered within the city limits of Bryant.
- D. Billboard requirements:
- (1) There will be no new billboards allowed within the city limits of Bryant, Arkansas except where allowed along Interstate 30 according to Arkansas Highway Department and Federal Highway regulations and rules, but they will be spaced no closer than 1,000 feet to another billboard.
  - (2) Billboards on Arkansas Highways 5, Highway 183, and Springhill Road will be capped to the total number of signs existing on those roads at the time of the acceptance of this ordinance.
  - (3) Billboards shall not be altered with regard to size, shape, orientation, height, or location without the prior issuance of a billboard alteration or relocation permit. All such permits shall require full compliance with the provisions of this ordinance. Ordinary and necessary repairs which do not change the size, shape orientation, height, or location of an inventoried billboard shall not require alteration permits but may require a relocation permit. An inventoried billboard may be replaced with a same sized or smaller billboard matching the previously existing orientation, but may also be less than the previously existing billboard size, shape, and height.
  - (4) Billboards on Arkansas Highways 5, Highway 183, and Springhill Road will not be allowed to relocate within the city limits of Bryant. However, they may relocate to Interstate 30 corridor provided the owner obtains a relocation permit. Billboards will meet the City of Bryant, Arkansas Highway Department, and Federal Highway regulations. An application/registration request must be submitted to the Bryant Planning Commission for review and approval.

- (5) Except as stated in subparagraph thirteen (13) below, the number of commercial signs per billboard shall comply with the standards provided for in Regulations for Control of Outdoor Advertising on Arkansas Highways as provided for by the Arkansas Highway Department.
- (6) All non-grandfathered billboards will have a maximum size of 14 feet by 48 feet and will be spaced no closer than 1000 feet from another billboard. Requests to relocate existing billboards shall comply with the requirements of this Ordinance.
- (7) No billboard shall be located in such a position that it obstructs or obscures the view of vehicular or pedestrian traffic in such a manner as to endanger the safe movement thereof.
- (8) Each billboard, any single face of which is larger than 24 square feet, shall be erected utilizing a 25 foot front and 25 foot rear set back requirement, measured from the closest part of the sign and at least 25 feet from any road or street right-of-way line, measured from the closest part of the sign. Each billboard shall comply with this minimum spacing or the spacing provided in subparagraph nine (9) below whichever provides greater spacing.
- (9) All billboards shall be erected in conformity with the front, side and rear yard requirements of the zoning district in which they are located. All spacing requirements shall be measured along the nearest edge of pavement between points directly opposite the signs, provided that only on streets separated by a median, each side of the street shall be considered separately for distance purposes.
- (10) No billboard shall be permitted whenever property zoned residential would be between the sign and the roadway toward which it is oriented.
- (11) No part or foundation or support of any billboard shall be placed on, in, or over any public property, including public rights-of-way, or any utility or drainage easement, or upon telephone or utility poles, or natural features such as trees and rocks, except for the following:
  - a. Signs, displays, and devices which locate, identify, mark, or warn of the presence of pipelines, utility lines, or rail lines and appurtenances thereto, including, but not limited to, markers used in maintenance, operation, observation, and safety.
  - b. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct and regulate pedestrian or vehicular traffic
- (12) Any wood pole billboard may be upgraded to a monopole, with a maximum size of a single 14 foot by 48 foot face, provided it conforms to the Arkansas Highway Department and Federal Highway regulations. Prior to replacement, a building and alteration permit must be obtained from the City of Bryant.
- (13) New, replacement, upgraded, or relocated billboards will be single faced and no more than two sides.

- (14) After the effective date of this ordinance, it shall be unlawful for any person to erect, expand, move, or place any billboard which does not conform to the requirements set forth herein.
- (15) All billboards other than those allowed herein are prohibited within the city limits.

### **SECTION III: APPLICATIONS AND REGISTRATIONS:**

- A. Applications for billboards to be located within the city limits will have a plan sheet showing, but not limited to, the following: location, materials list, methods of construction, anchoring and supporting, landscape plan, and certification of compliance to all federal, state, and/or city codes.
- B. Applications will be turned into the Planning Commission office before the deadline for the regularly scheduled monthly meeting.
- C. All existing billboards or those under contract prior to the adoption of this ordinance, which are located within the city limits, are not subject to application or building fees. However, all billboard owners, unless otherwise exempted in this Ordinance, will be required to register with the City of Bryant, Permit Office for purposes of obtaining a valid permit and establishing the annual Billboard Permit fee.
- D. The Planning Commission shall take appropriate action on applications for permits under this Ordinance and issue a decision within thirty (30) days thereafter. Should a decision not be reached within thirty (30) days, the application shall be deemed to be denied.
- E. Should an application be denied, the applicant may appeal the decision to the Planning Commission within thirty (30) days of the denial. The Planning Commission shall hold a public hearing at the next regularly scheduled meeting. After the public hearing is closed, the Planning Commission shall make a decision based upon the regulations of this ordinance and by evidence supported in the record.
- F. While any appeal is pending, status quo of billboards or proposed billboards shall be maintained, unless by virtue of its physical condition the sign presents immediate and significant threat to public safety.
- G. Substitution of any non-commercial message, in whole or in part, on any existing, legal sign, may be made without any permitting or approval.

### **SECTION IV: FEES AND MAINTENANCE:**

- A. Purpose
  - 1. The purpose of the annual permit fee is to offset the cost to the City of Bryant of enforcement of this Ordinance and should not be construed as a charge for the privilege of doing business.
- B. General Administrative:

1. Billboard building permit, one time fee, is seventy-five dollars (\$75.00).
  2. Annual Billboard Permit fees will be for the period January 1 through December 31 (annually).
  3. Billboard owners will be required to apply and pay annual permit fees to the City of Bryant, Permit Office, not later than January 1 of each year. If fees are not paid by January 30 of each year, Section V: Enforcement, will apply as stated below.
- C. Annual Permit Fees for billboards within the Bryant City limits will be one hundred dollars (\$100.00) annually for billboards larger than 4 feet by 8 feet. Any billboard 4 feet by 8 feet or smaller will incur an annual permit fee of twenty-five dollars (\$25.00).
  - D. The owner shall maintain all freestanding billboards and the premises surrounding the sign in a clean, sanitary, and inoffensive condition, free of all obnoxious substances, rubbish, and weeds.
  - E. All billboards shall be properly maintained at all times. Exposed surfaces shall be clean and painted (if paint is required). Defective parts shall be replaced.
  - F. Construction and placement of all billboards must conform to the applicable traffic codes of the city and in no way restrict the safe view and/or efficient movement of traffic.

#### **SECTION V: ENFORCEMENT**

- A. Code Enforcement shall send a certified letter notifying the billboard owner of non-payment of fees, damage, safety violation, hazard, non-maintenance, or non-compliance with this ordinance. From the day of receipt of this certified letter, the owner will have 20 days (includes Saturdays and Sundays) to show the violation(s) have been resolved or/repair(s) have been arranged or completed.
- B. If the notice is for non-payment of fees, the billboard owner will have 30 days to remit and for code enforcement to receive fees owing before a 25% additional late fee penalty is assessed. All other notifications by Code Enforcement shall be remedied within 20 days. If the notified violation is not remedied within 20 days, then code enforcement may then issue the billboard owner a citation with potential fines up to \$500 per violation. Each day after the 20<sup>th</sup> day after the receipt of the initial certified letter shall constitute a separate violation for purposes of enforcement.
- C. If the violation(s) is not addressed within 60 days of receipt of the initial certified letter, the city will withdraw the permit and have the billboard removed at the owner's expense.
- D. These time periods and limitations shall commence to run upon the receipt of the first letter received by the billboard owner from the City of Bryant for each individual violation. The time shall not be affected, re-initialized, or excluded in any manner, even by the receipt of subsequent letter(s) by the billboard owner for the same offense.

#### **SECTION VI: GENERAL REPEALER:** All ordinances and resolutions and parts hereof in

conflict with this ordinance are hereby repealed to the extent of such conflict, specifically including 2006-42.

**SECTION VII: SEVERABILITY:** Should any section, clause, or phrase of this ordinance be declared by the courts to be invalid, that validity shall not affect the other provisions of this Ordinance which shall be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

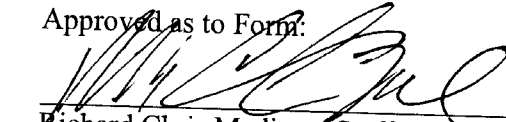
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS, on this the 25th day of Sept., 2014**

  
Jill Dabbs, Mayor

ATTEST:

  
Heather McKim, City Clerk

Approved as to Form:

  
Richard Chris Madison, Staff Attorney

