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### **REFERENCES:**

- Amended by Ordinance 2009-09, published August 5, 2009.  
Effective Date September 4, 2009.
- Original Adoption by Ordinance 2008-19.

## ARTICLE 100 Purpose

- (A) The purpose of this Ordinance is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while also safeguarding the rights of the people in the community to a safe, healthful and attractive environment. This Ordinance provides standards for signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility and enhancing the City's image. Within this overall framework, it is the intent of these regulations to:
- (1) Encourage creative and well-designed signs that contribute in a positive way to the City's visual environment;
  - (2) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood;
  - (3) Prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
  - (4) Protect the right to the use of signs for the identification of activities and any related products, services and events and for non-commercial messages;
  - (5) Protect the right of individuals to privacy and freedom from nuisances;
  - (6) Protect the value of property and improvements thereon; and
  - (7) Provide an efficient and effective means of administration and enforcement.
- (B) This Ordinance:
- (1) Identifies which signs need a permit and which do not, and identifies signs not allowed within the City.
  - (2) Describes:
    - (a) The permit process,
    - (b) The review and appeal process, and
    - (c) Design, material and location standards.

## ARTICLE 200 Definitions

(A) Any words in this Ordinance that are not defined below are assumed to have the standard dictionary definition.

*“Alter”*: To change the size, shape, outline, intent or type of sign.

*“Banner”*: A temporary sign constructed of a lightweight material, such as cloth, canvas, fabric, or flexible plastic, either enclosed in a frame or mounted to allow movement caused by the atmosphere.

*“Billboard”*: A sign, having a face exceeding 100 square feet, and which promotes or advertises commodities or services available at a location other than where the sign is located and shall include those signs whose message space is available for lease, rent, or hire.

*“District”*: Any section or sections of Bella Vista for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

*“District, Commercial”*: Any land within the city limits of Bella Vista where retail businesses that provide personal goods and services are located.

*“District, Industrial”*: Any land within the city limits of Bella Vista where light manufacturing, assembly and accessory warehousing for products which present low risk of objectionable environmental influences are located.

*“District, Non-Residential”*: Any land within the city limits of Bella Vista where single-family dwellings, town homes, and manufactured housing is not located.

*“District, Residential”*: Any land within the city limits of Bella Vista where single-family dwellings, town homes, and manufactured housing is located.

*“Lumens”*: A unit of measurement of the amount of brightness that comes from a light source. Lumens define “luminous flux,” which is energy within the range of frequencies we perceive as light.

*“Maximum Area”*: Maximum area is the area of one side of the sign, measured as height by width.

*“Measurable Area”*: The area within the outer boundaries of standard geometrical shapes, primarily squares, rectangles, and circles, containing and defined by the extreme reaches of information or graphic parts of the signs.

*“Sign”*: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, pictures, trade names or trade marks by which anything is made known; such as are used to designate an individual, a commodity, a firm, an association, a corporation, a profession, a business, a service, or a product, which are visible from any public street or right-of-way and designed to attract attention. “For Sale” and “For Rent” signs shall be deemed signs within the meaning of this definition, but the term “sign” shall not include the flag, a pennant or insignia of any nation, state, city, or other political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event, that are used for a public purpose in the public interest. A sign shall not include such devices located within a building except for illuminated signs within show windows.

Directional, warning or other signs posted by public officials in the course of their public duties are specifically excluded for the purpose of this Ordinance. Neither directional, warning, nor other signs posted by public officials in the course of their public duties, nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this Ordinance.

*“Sign, Animated”*: See Sign, Fluctuating Illumination.

*“Sign, Area”*: The sign area is measured by finding the area of an imaginary rectangle, circle or triangle which fully encloses the sign message, including background and logos but not including supports or braces. For multi-faced signs, sign area shall be computed from the vantage point which gives a view of the largest amount of sign area. If two (2) identical signs are back to back, and are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

*“Sign, Awning”*: A sign which is a part of a fabric or other non-structural awning.

*“Sign, Bulletin”*: A sign erected by a church, school, institution, or public agency on its premises for announcements and is of a temporary nature.

*“Sign, Changeable Copy”*: Any sign where letters or numbers displayed on the sign can be changed periodically on the sign to display different messages.

*“Signs, Changeable Copy, Electronic”*: Signs on which alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed surface composed of electronically illuminated or mechanically driven changeable segments.

*“Signs, Changeable Copy, Manual”*: Signs on which alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.

*“Sign, Commercial”*: A sign which directs attention to a service, product, profession, business, or entertainment conducted, sold, or offered on the same lot.

*“Sign, Construction”*: A sign which identifies architects, engineers, contractors and other individuals or firms involved with construction on the premises, the name of the building or development, the intended purpose of the building, and /or the expected completion date. This sign is of a temporary nature.

*“Sign, Directional”*: Any sign that guides one to a specific destination.

*“Sign, Door”*: A sign which is attached to, painted on, or etched onto or into a door. A sign in a window which is part of a door is a door sign for the purposes of this section.

*“Sign, Fluctuating Illumination”*: Signs, or any means of advertising, with the illusion of movement by means of a preprogrammed repetitious sequential switching of action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

*“Sign, Freestanding”*: A sign which is not attached to a building and is securely affixed to the ground by one or more supports. There are two (2) types of freestanding signs:

- (1) Low stature freestanding signs (ground or monument signs): freestanding signs in which the distance from the ground to the highest point of the sign is five (5) feet or less.
- (2) High stature freestanding signs: freestanding signs in which the distance from the ground to the highest point of the sign is more than five (5) feet.

*“Sign, Garage Sale”*: Any temporary, promotional sign for the occasional (i.e., not on-going) sale of personal household goods, typically displayed in a residential area or on the property of a non-profit organization.

*“Sign, Height”*: The height of a sign shall be the vertical distance from normal grade to the highest point of the sign. Any berm, filling or excavating solely for the purpose of locating the sign, shall be computed as part of the sign height.

*“Sign, Incidental”*: An on-premise sign giving information or direction for the convenience and necessity of the public such as “entrance”, “exit”, “no admittance”, “telephone”, “parking”, etc.

*“Sign, Identification”*: Is a sign that is commercially made, such as: building numbers, addresses, private parking signs, no trespassing signs, or dangerous animal signs.

*“Sign, Marquee”*: A sign used to identify a theater or a sign projecting over the entrance of a building.

*“Sign, Maximum Area”*: Maximum area is the area of one side of the sign, measured as height by width.

*“Sign, Monument”*: Any sign mounted to a solid base support at ground level.

*“Sign, Noncommercial”*: A sign which is not an on-premise or off-premise sign and which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. Noncommercial signs include but are not limited to: signs expressing political views, religious views or signs of non-profit organizations related to their tax-exempt purposes.

*“Sign, Obsolete”*: A sign relating to or identifying a business or activity which has not been conducted on the premises for six (6) months, or to a transpired election or event, or to a political party or non-profit organization that no longer exists; in addition, the structure for a sign that is not allowed under this ordinance if such structure cannot be used for a legal use or does not comply with the height, size, or other physical requirements of the ordinance, or a sign which has missing or broken panels, broken or damaged supports or frame, or otherwise displays inadequate maintenance, dilapidation, obsolescence or abandonment.

*“Sign, Off-Premise, Off-Site Sign”*: A sign that directs attention to a business, profession, event, entertainment, product, or service that is located, offered or sold somewhere other than on the premises.

*“Sign, On-Premise or On-Site”*: A sign which advertises or directs attention to a business, commodity, or service conducted, offered, or sold on the premises, or directs attention to the business or activity conducted on the premises.

*“Sign, Political”*: A sign that is for the purpose of advertising a particular political person, position, and/or election.

*“Sign, Portable”*: Any sign not permanently attached to the ground or other permanent structure, including but not limited to; signs with attached wheels; converted to A- or T- frame signs; menu and sandwich board signs; gas, air or hot air filled displays; signs attached or painted on vehicles parked and visible from the right-of-way, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business.

*“Sign, Projecting”*: A sign forming an angle with a building which extends from the building and is supported by it.

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

*“Sign, Roof”*: A sign which is higher than the roof to which it is attached. Signs attached to the lower slope of a roof or attached to a parapet wall above a flat roof are considered wall signs. Signs on mansard or canopy roofs are considered wall signs.

*“Sign, Suspended”*: A sign which is attached to the underside of a horizontal plane or arm and is supported by the horizontal plane.

*“Sign, Temporary”*: Any sign which is intended for temporary use or which is not permanently mounted and is intended for a designated period in time.

*“Sign, Wall”*: Any sign, other than a projecting sign or a banner sign, which is attached to or painted on any wall of any building. This definition shall not include freestanding walls. A sign attached to the lower slope of a mansard or canopy roof, or a sign affixed to or forming an awning or a canopy, shall be considered a wall sign for purposes of this ordinance, notwithstanding the fact that certain portions of such a sign may project more than twelve (12) inches. For purposes of this section only, a “wall” shall include any permanent architectural extension of a wall, including parapets, even if such extension projects beyond or above the enclosed portions of the building. For signs higher than the roof, see “Sign, Roof”.

*“Sign, Windblown”*: Any flag, pennant, balloon, spinner, or blimp.

*“Sign, Window”*: Any sign which is not a temporary sign and which is attached to, painted on or etched into a window or which is displayed within twelve (12) inches of the window and is legible from outside the window.

*“Street Frontage”*: Street frontage shall be considered separately for each street the lot fronts, measured by property lines.

## ARTICLE 300 General Requirements

- (A) *Compliance.* All signs erected after passage of this ordinance must be in compliance with City codes. Signs which were lawful at the time of their construction or placement but are not in conformance with current Ordinances shall be permitted as non-conforming signs until such time that the sign is damaged, in a state of disrepair, has lived its functional life span, or has a change of use of the site.
- (B) Each sign erected in Bella Vista, whether requiring a permit or not, must contain somewhere on the sign information indicating name, address and telephone number of the person responsible for the sign. That information can be an integral part of the message conveyed by the sign or an added entry in an inconspicuous place on the sign.
- (C) *Design and Construction.*
- (1) All signs shall comply with the International Building Code and the National Electrical Code.
  - (2) Signs shall be permanently affixed to the ground or building except for the following which are explained in following sections of this ordinance:
    - (a) Temporary signs;
    - (b) Real estate signs advertising the premises for sale, lease or rent;
    - (c) Construction signs during construction;
    - (d) Window signs;
    - (e) Yard sale signs, political and election signs; and
    - (f) Special event signs.
- (D) *Changeable Copy Signs.* Manual changeable copy signs and electronic changeable copy signs shall be allowed subject to the following:
- (1) *Manual Copy Change.* Each message must be displayed at least seven (7) days except a gas station may change its copy as needed.
    - (a) *Area.* No more than 50% of the area of a sign shall be devoted to changeable copy.
    - (b) *Theatres.* Signs for theaters may devote up to 80% of a sign area to changeable copy.

(2) *Electronic Copy Change.*

- (a) *Fluctuating Illumination.* Is prohibited
- (b) *Copy Rotation.* Each message shall be displayed for at least three (3) seconds before alternating to the next message. Messages shall be permitted to scroll from one direction onto the message board so long as the message remains on the message board for at least three (3) seconds before scrolling off.
- (c) *Time/Temperature Signs.* Time/Temperature signs may have one (1) additional message and the three (3) messages may each rotate for no less than three (3) seconds each per rotation.
- (d) *Lumens.* Screen may not be brighter than five (5) lumens measured at any point along the public right-of-way.
- (e) *Screen Size.* Screen shall be no more than twenty percent (20%) of the total size of the sign.

(E) *Illumination.*

- (1) *Source.* Signs may be illuminated from within or from an external source, but such illumination shall be in a manner which avoids glare or reflection which in any way interferes with traffic safety or infringes on neighboring residential districts. External, down-lighting is preferred.
- (2) *Internal illumination.* Internally illuminated signs in all districts shall have an opaque background and translucent copy.
- (3) *External Illumination.* External illumination shall be selected, located, aimed and shielded so that direct illumination is focused solely on the sign face, away from adjoining properties and the public street right-of- way. Down lighting is preferred.
- (4) *Strung Lights.* Signs shall not be illuminated by a string of lights placed around the sign.
- (5) *Lighting Adjacent to Residential Areas.* Sign lighting shall not be a nuisance to adjacent neighboring residential areas and shall be at least four hundred (400) feet beyond a boundary designating a Residential District or at the farthest point of the commercial property from the residential district.

(F) *In Public Right-Of-Way.* No sign, including supports, frames, and embellishments, shall be located within a public right-of-way or attached, affixed, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right-of-way or on public property, except as specifically permitted in this Ordinance.

(G) *Sign landscaping.* All permitted permanent signs require:

- (1) A defined, bordered, landscaped area at the base of the sign.
- (2) The required landscaped area shall be parallel to the face(s) of the sign.
- (3) The required landscaped area shall be at least fifty (50) square feet in area, be kept neat, weed free and in compliance with the original site plan.
- (4) For signs with multiple faces, the landscaped area shall be allocated so that a portion of the required landscaping is located in front of each sign face.
- (5) The required landscaped area shall contain living plant materials covering at least 50% of the defined landscaped area. Artificial plant materials are not authorized for use.
- (6) A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.

- (H) *Maintenance.* All signs, permanent and temporary, whether or not a permit is required, shall be maintained in good condition, shall be legible, kept free of cracked or peeling paint, kept free of missing or damaged sign panels or supports, and kept free of weeds, grass or vegetation which obscures the view of the sign message, and shall not be in disarray or fallen over. Sign landscaping shall be maintained so as not to interrupt the view of the sign. The owner will be required to remove signs within 30 days or face citations for signs not maintained as required herein when notified by the City Administration Office or other city authority appointed by the Mayor.
- (I) *Obstructions.* No sign shall block entrances or exits to buildings, including fire escapes.
- (J) *Nonconforming, Obsolete, and Unpermitted Signs.* Signs which were lawful at the time of their construction or placement but are not in conformance with current Ordinances shall be permitted as non-conforming signs until such time that the sign is damaged, in a state of disrepair, has lived its functional life span, or has a change of use of the site. At that time, the sign, if replaced, shall be in compliance with this Ordinance.
- (K) *Sight Triangle.* No sign shall constitute a hazard to traffic including, but not limited to signs located within the sight triangle of an intersection. The sight triangle is defined by a triangular area formed by a diagonal line connecting two points on intersecting street rights-of-way, measured thirty-five (35) feet along each pavement edge starting at the intersection point.
- (L) Any sign erected with or without a sign permit, must have the property owner's permission.

## ARTICLE 400 Signs Allowed without a Permit

*The following signs shall be allowed in all zoning districts without a permit.*

(A) *Art.* Works of art which do not identify a commercial business, product or service.

(B) *Construction Signs.*

(1) *Residential Districts – Individual Lot.* Construction signs on individual lots in residential districts, subject to the following regulations:

(a) *Number Permitted.* One (1) construction sign per street frontage identifying on the single sign Builder; HVAC, Plumbing, and Electrical Contractors, if applicable.

(b) *Maximum Area.* Five (5) square feet in total for all.

(c) *Removal.* The sign shall be removed prior to the issuance of a Certificate of Occupancy.

(2) *Residential Districts - Subdivision.* Construction signs for a subdivision in residential districts, subject to the following regulations:

(a) *Number Permitted.* One (1) per street frontage of subdivision.

(b) *Maximum Area.* Thirty two (32) square feet per sign face.

(c) *Maximum Height.* Nine (9) feet.

(d) *Removal.* The construction sign shall be removed within seven (7) days of erection of a permanent subdivision sign or within one (1) year of issuance of sign permit, whichever comes first.

(3) *Non-Residential Districts.* Construction signs in non-residential districts, subject to the following regulations:

(a) *Number Permitted.* One (1) per street frontage.

(b) *Maximum Area.* Thirty two (32) square feet per sign face.

(c) *Maximum Height.* Nine (9) feet.

(d) *Removal.* The construction sign shall be removed prior to obtaining a certificate of occupancy or erection of a permanent sign or within one (1) year of issuance of sign permit, whichever comes first.

- (C) *Farm Signage.* Signs on farms of at least five (5) acres in size and registered with the U.S. Department of Agriculture's Farm Service Agency (FSA) advertising sale of products grown or produced on the premises. A maximum of two (2) signs are allowed per property location. Each sign size shall not exceed thirty two (32) square feet and must be maintained in good condition.
- (D) *Flags.* U.S., State, Municipal, or Corporate Flags.
- (E) *Hand Carried Non-Commercial Signs.*
- (F) *Historic Markers.* Attached or freestanding historic or memorial markers erected by a governmental agency or private, non-profit historic preservation or education organization pursuant to a plan or program for the erection of such signs or markers applied on a national, state or county wide basis or to properties within a duly authorized local historic district. Such plan or program must employ uniform standards of eligibility and the sign or marker must commemorate a person, building, place or event of historical, civic, cultural, natural historical, scientific, or architectural significance. Historical markers are subject to the following regulations:
- (1) *Maximum Area.*
- (a) *Freestanding:* Eighteen (18) square feet.
- (b) *Wall:* Six (6) square feet.

(2) *Materials.* Each such sign or marker shall be made of metal, cast metal, cut masonry, brick, stone, painted wood, vinyl or other similar weather resistant, durable, permanent material.

(3) *Condition.* Markers must be kept in good condition.

(4) *Location.* A map showing the location of any and all historic markers must be filed with the City Clerk's Office.

(G) *Holiday Decorations.* Temporary lighting and displays that are part of customary holiday decorations, subject to the following regulations:

(1) *Time Period.* Displays and lighting associated with holiday celebrations shall not be illuminated more than forty five (45) days prior to the holiday and shall not be illuminated more than thirty (30) days after the holiday.

(2) *Subject.* Such decorations shall not contain a commercial message.

(3) *Location.* Such decoration shall not be located in the public right-of-way.

(H) *Identification Signs.*

(1) *Customary Identification Signs:* Are described as those which are commercially made, such as: building numbers, addresses, private parking signs, no trespassing signs or dangerous animal signs and are no larger than three (3) square feet in area per sign.

(2) *Individual Numbers.* Are those posted on a structure or a post. They must be clearly visible from the road so that an emergency response vehicle can readily identify the location of the home or business. The numbers shall be of a color that contrasts with the background or made of reflective material and must be three (3) to four (4) inches in height.

(3) *Location.* Numbers must be displayed on the front of the building or on the side that faces the street or driveway. If the building is not visible from the street, the numbers must be displayed on a post at the road where the driveway starts so an emergency vehicle will know the house or building is down that driveway. The numbers should be located at least three (3) to four (4) feet from the ground so they are easily seen. The area surrounding this post must be kept neat and free of weeds, grass or vegetation so they do not cover up the numbers. If there is more than one address on a driveway, all addresses must be visible.

(I) *Incidental or Directional Signs.* Incidental signs, those that give information or direction for the convenience and necessity of the public, such as "entrance", "exit", "no admittance", "telephone", or "parking, subject to the following regulations:

- (1) *Maximum Area.* Five (5) square feet.
  - (2) *Maximum Height.* Three (3) feet.
- (J) *Interior Signs.* Signs visible only from the interior of a structure, such as in a mall, where they are not visible from a public right of way or public space.
- (K) *Non-Readable.* Any sign not readable either from any public right-of-way or from any lot or parcel other than the parcel on which such signs are located or from an adjacent lot or parcel under common ownership with the lot or parcel on which such sign is located.
- (L) *Political Signs.* Temporary political signs erected in connection with elections or political campaigns, subject to the following regulations:
- (1) *Maximum Size.* Five (5) square feet in residential areas and eighteen (18) square feet in non-residential areas.
  - (2) *Materials.* Political signs must be made of a durable, and non-destructible weather resistant material.
  - (3) *Location.* Political signs are prohibited on utility poles, street signs, or any other permanent sign; signs can not obstruct driver's vision clearances at an intersection; signs shall not be placed in public right-of-ways. Sign may be on owner's property/lot with owner's permission.
  - (4) *Maximum Number Permitted.* One per each 20 feet of street frontage the property borders.
- (M) *Public Notice.* Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance. The location must be on file with the proper City authority. Sign must be removed within three (3) days of date of posted event.
- (N) *Public Park Signs.* Signs in public parks of a noncommercial nature erected by a government agency such as directional signs, rules signs, safety signs or site identification signs that are no greater than four (4) feet in height.
- (O) *Public Sign.* Any federal, state or local traffic control or other public sign.
- (P) *Real Estate.*
- (1) *Residential Districts.* On-site signs, subject to the following regulations:
    - (a) *Maximum Area.* With or without a rider: six (6) square feet.
    - (b) *Maximum Height.* Four (4) feet.

- (c) *Riders Permitted.* Two (2) sign riders are permitted as long as the maximum sign area does not exceed six (6) square feet.
- (d) *Location.* No real estate signs shall be located in the public right-of- way. If the right-of-way cannot be determined, signs shall be placed at least six (6) feet distant from the edge of the paved road.
- (e) *Removal.* Signs for properties for sale shall be removed within seventy two (72) hours of property closing.
- (f) *Maximum Number Permitted.*
  - (i) *Freestanding:* One (1) per street frontage.
  - (ii) *Wall:* One (1) per dwelling unit.
- (g) *Illumination.* Is not permitted.
- (h) *Attention Getting Devices.* Banners, balloons and any attention getting devices are not allowed.

(2) *Non-Residential District.* On site signs, subject to the following regulations:

- (a) *Maximum Area.*
  - (i) *Freestanding:* Thirty two (32) square feet.
  - (ii) *Wall:* Nine (9) square feet.
- (b) *Maximum Height.* Nine (9) feet.
- (c) *Riders Permitted.* Two (2) sign riders are permitted as long as the maximum sign area does not exceed the size and height requirements described above.
- (d) *Location.* No real estate sign shall be located in the public right-of- way. If the right-of-way cannot be determined, signs shall be placed at least six (6) feet distant from the edge of the paved road.
- (e) *Removal.* Signs for properties for sale shall be removed within seventy two (72) hours of property closing.
- (f) *Maximum Number Permitted.*

- (i) *Freestanding*: One (1) per street frontage.
  - (ii) *Wall*: If the entire building is for sale or lease: one (1) per building façade. If portions of the buildings are for sale or lease: one (1) per building.
  - (g) *Illumination*. Is not permitted.
  - (h) *Attention Getting Devices*. Banners, balloons and any attention getting devices are not allowed.
- (3) *Off-Site Directional Signs*. Off-site directional signs for the purpose of an Open House, placed in any zoning district, for the sale or rental of a property or space, subject to the following regulations:
- (a) *Maximum Area*. With or without a rider: six (6) square feet.
  - (b) *Maximum Height*. Four (4) feet.
  - (c) *Riders Permitted*. Two (2) sign riders are permitted as long as the maximum sign area does not exceed six (6) square feet. Signs must include the location address and the hours of the open house.
  - (d) *Location*. Directional signs shall be placed no farther than five (5) road miles from the project or property for which directions are given. Directional signs may be located at intersections only.
  - (e) *Removal*. Signs may be put up the morning of the Open House and must be removed at the end of the Open House each day.
  - (f) *Maximum Number Permitted*. Five (5) directional real estate signs per project or per property whether for sale or rent.
  - (g) *Illumination*. Is not permitted
  - (h) *Attention Getting Devices*. Banners, balloons and any attention getting devices are not allowed.
  - (i) *Intersections*. Up to two (2) directional signs are allowed at any intersection. Each company is allowed one directional sign per property at each corner per intersection. Directional signs may be located at intersections only.

- (Q) *Stadium Signage.* Commercial signs within City and school stadiums.
- (R) *Traffic Control Signs.* Traffic control signs on private property such as “stop”, “yield”, and similar signs, the face of which meet Arkansas Department of Transportation standards, subject to the following regulations:
- (1) *Maximum Area.* Eight (8) square feet.
  - (2) *Subject.* Such sign shall not contain a logo or commercial message.
- (S) *Vending Machines, ATM, Gas Pumps.* Vending machines, automatic tellers, or gasoline pumps which display the name, trademark or logo of the company or brand or prices shall not exceed thirty two (32) square feet in area per side. The display shall be an integral part of the machine or pump.
- (T) *Window Signs.* Any sign, pictures, symbol or combination thereof that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window shall not exceed 40% of the window area. One (1) sign, announcing employment opportunities for an on-site business, is allowed, exempt from a time requirement, subject to a maximum area of five (5) square feet or 40% of the window area, whichever is less.
- (U) *Yard Sale Signs.* All such signs including, but not limited to, yard, garage, moving, estate, auction, and rummage sale signs, are subject to the following regulations:
- (1) *Advertising.* No sign shall be posted advertising said sale more than three (3) days prior to the sale. Signs must be removed no later than the final day of the sale. The sign must include the address, date(s) and time of the sale.
  - (2) *Maximum Area.* Five (5) square feet.
  - (3) *Maximum Number Permitted.* One (1) at the site of the sale and five (5) off-site directional sign.
  - (4) *Materials.* Sign shall be made of a durable, non-destructible, weather resistant material. Cloth, paper, cardboard and similar materials, unless laminated, are not allowed.
  - (5) *Location.* Signs shall be placed no farther than five (5) road miles from the property for which directions are given. Signs shall be placed at least six (6) feet distant from the edge of the nearest paved road, shall be located at intersections only, and be securely attached to the ground with a pole or stake. Signs are not allowed on street signs, utility poles, directional signs, mail boxes, trees or similar permanent existing signage; signs are not allowed freestanding attached to a box, rock or similar device.

**ARTICLE 500 Signs Allowed in a Public Right-of-Way**

*The following signs shall be allowed within public rights-of-way.*

- (A) *Emergency.* Emergency warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way. No permitting required.
- (B) *Public.* Public signs erected by the city, county, state or federal government. No permitting required.
- (C) *Directional Signs.* Small directional signs referred to in the Articles 400 and 600 for signs not requiring permits and for signs requiring temporary permits are allowed in the right of way, however they must be at least six (6) feet from the nearest paved street, securely fastened to the ground, readable from a moving vehicle, and made of weather resistant material. They also cannot create a cluttered unsightly condition because so many are located in close proximity to one another. Signs must be removed the day after the event ends.
- (D) *Use of Structures within the Public Right-of-Way.* Placement on signs on bridges and other structural members within the public right-of-way shall be allowed upon permitting procedures under Article 600.

## **ARTICLE 600 Temporary Signs Allowed with a Sign Permit**

*The following Temporary signs are allowed but must be registered with the proper City authority at least ten (10) days prior to the display period, unless specified differently elsewhere. Temporary signs are those that are intended for a temporary use and are not permanently mounted to any support, or are not permanently affixed to the ground. Temporary signs shall be permitted for special sales events and promotions, fund raising events and non-recurring activities of interest to the general public, subject to the following regulations.*

*(A) Special Sales Events and Promotions for an Existing Business.*

- (1) Subject.* The temporary sign shall be for a special sales event or promotion, not a routine business activity, for a business located within a permanent location in a non-residential district. This does not include a business operated within a residence.
- (2) Maximum Number Permitted Per Event.* Only one (1) sign shall be allowed per business per special sales event or promotion.
- (3) Display Period.* The temporary sign shall be displayed for not more than fifteen (15) consecutive days.
- (4) Maximum Number Permitted Per Year.* Each business site may be issued only four (4) permits for a temporary sign within a twelve (12) month period. Each twelve (12) month period shall begin with the issuance of the first permit and shall expire twelve (12) months from that date.
- (5) Types of Signs Allowed.*
  - (a) Banners.* The banner shall be attached to the building or a permanent free standing sign and shall not exceed thirty-two (32) square feet.
  - (b) Freestanding Signs.* Shall be located on private property, outside of the right-of-way and sight triangle, within ten (10) feet of the main entrance to the business premises and shall not exceed five (5) square feet.

- (6) *Conformance with Other Regulations.* The temporary sign shall conform to the regulations for suspended signs, projecting signs or freestanding signs depending on the method of installation and support.
- (B) *New Business.* New businesses shall be permitted one (1) additional special event sign that may be used for a period of up to thirty (30) consecutive days to announce the opening of the business when the business opens.
- (1) *Types of Signs Allowed.*
- (a) *Banners.* The banner shall be attached to the building or a permanent freestanding sign and shall not exceed thirty two (32) square feet.
- (b) *Freestanding Signs.* Shall be located on private property, outside of the right-of-way and sight triangle, within ten (10) feet of the main entrance to the business premises, and shall not exceed five (5) square feet.
- (2) *Balloons.* Balloons shall be permitted once, for three (3) consecutive days, for a grand opening event only and must be removed at the end of those three (3) days.
- (3) *Conformance with Other Regulations.* The temporary sign shall conform to the regulations for suspended signs, projecting signs or freestanding signs depending on the method of installation and support.
- (C) *Non-Recurring Events, For a Business, individual or Organization.* This section governs announcements by any business, individual or organization for fund raising events, special events or activities of interest to the general public, other than political signs, subject to the following regulations.
- (1) *Subject.* The temporary sign shall be for a special event or promotion.
- (2) *Maximum Area.*
- (a) *Residential:* Five (5) square feet.
- (b) *Non-Residential:* Thirty-two (32) square feet.

- (3) *Display Period.* The temporary sign shall be displayed no more than fourteen (14) days prior to the event and three (3) days after. Signs may be displayed for up to twenty-four (24) consecutive days.
- (4) *Maximum Number of Signs Permitted Per Event.* Six (6) signs, banner or freestanding, shall be allowed per event.
- (5) *Maximum Number of Events Permitted Per Year.* Each organization may be issued two (2) permits for temporary signs within a twelve (12) month period. Each period shall begin with the issuance of the first permit and shall expire twelve (12) months from that date.
- (6) *Types of Signs Allowed.*
  - (a) *Banners.* The banner shall be attached to the building or a permanent free standing sign and shall not exceed thirty two (32) square feet. Banners shall be hung tautly and shall not be allowed to sag or become unreadable.
  - (b) *Freestanding Signs.* Shall be located on private property, outside of the right-of-way and sight triangle, within ten (10) feet of the main entrance to the event, and shall not exceed thirty-two (32) square feet.
- (7) *Permitted Special Event Signs.* When a property owner agrees to allow a non-profit announcement on his/her property, such sign shall count toward the special sales event and promotion signs permitted.
- (8) *Permitted Locations.* Signs shall not be located in the public right-of-way. If the right-of-way cannot be determined, signs shall be placed at least six (6) feet distant from the edge of the paved road. Signs are prohibited on utility poles, street signs, or any permanent signs; signs cannot obstruct driver's vision clearances at an intersection. One (1) sign may be on owner's property lot.
- (9) *Directional Signs.* A maximum of forty (40) directional signs may be placed subject to the following requirements:
  - (a) *Maximum Height.* Three (3) feet.
  - (b) *Maximum Area.* Five (5) square feet.
  - (c) *Location.* Directional Signs may only be placed at intersections.

(10) *Conformance with Other Regulations.* The temporary sign shall conform to the regulations for suspended signs, projecting signs or freestanding signs depending on the method of installation and support.

(D) *Recurring Event for a Business, Individual or Organization.* A sign for a special event for a business, individual, organization or group for fund raising purposes that occurs on a recurring basis described as a monthly, bi-monthly, weekly or bi-weekly event shall be allowed. A temporary sign permit must be obtained yearly pursuant to this sub-section. The Applicant will provide information detailing the frequency of the recurring event.

(1) *Subject.* The temporary sign shall be for a recurring event.

(2) *Maximum Area.*

(a) *Residential:* Five (5) square feet.

(b) *Non-Residential:* Thirty-two (32) square feet.

(3) *Display Period.*

(a) *Monthly.* The sign may be put up seven (7) days before the event and must be taken down the day the event ends.

(b) *Other.* The sign may be put up three (3) days before the event and must be taken down the day the event ends.

(4) *Maximum Number of Signs Permitted Per Event.* Six (6) signs, banner or freestanding, shall be allowed per event.

(5) *Types of Signs Allowed.*

(a) *Banners.* The banner shall be attached to the building or a permanent freestanding sign and shall not exceed thirty-two (32) square feet. Banners shall be hung tautly and shall not be allowed to sag or become unreadable.

(6) *Permitted Special Event Signs.* When a property owner agrees to allow a non-profit announcement on his/her property, such sign shall count toward the special sales event and promotion signs permitted.

(7) *Permitted Locations.* Signs shall not be located in the public right-of-way. If the right-of-way cannot be determined, signs shall be placed at least six (6) feet distant from the edge of the paved road. Signs are prohibited on utility poles, street signs, or any permanent signs; signs can

not obstruct driver's vision clearances at an intersection. One (1) sign may be on owner's property lot.

(8) *Directional Signs.* A maximum of ten (10) directional signs may be placed subject to the following requirements:

(a) *Maximum Height.* Three (3) feet

(b) *Maximum Area.* Five (5) square feet.

(9) *Conformance with Other Regulations.* The temporary sign shall conform to the regulations for suspended signs, projecting signs or freestanding signs depending on the method of installation and support.

## **ARTICLE 700 Permanent Signs Allowed with a Sign Permit**

*The following signs are allowed with a sign permit, subject to the size, height and location regulations specified in this Section. Where indicated, a common signage plan is required in accordance with the Common Signage Plan, Article 800. Erection of the following signs without a permit is a violation of this Section.*

- (A) *Awning Signs, Fabric.* Any fabric awning valance may not extend more than one (1) foot below the rigid mount of the awning. Awning signs shall be permitted for uses in the non-residential districts subject to the following regulations:
- (1) *Placement.* The sign shall be flat against the surface of the awning and may not extend more than one (1) foot below the rigid mount of the awning.
  - (2) *Clearance.* The sign shall maintain a clearance of eight (8) feet above a public right-of-way or front yard.
  - (3) *Setback.* The sign shall not be closer than two (2) feet, measured in horizontal distance, from the curb line of any street.
  - (4) *Right-of-Way.* The sign shall not extend into the right-of-way.
- (B) *Canopy Signs.* A canopy sign is a sign on or attached to any overhead protective structure that is constructed in such a manner as to allow pedestrians and vehicles to pass under. Canopy signs shall be permitted in non-residential districts, subject to the following regulations.
- (1) *All Canopies.* In no case shall the sign extend beyond the vertical edge of the canopy it is attached to.
  - (2) *Fuel Canopies.* Signage for fuel canopies shall be limited to logo signs.
- (C) *Freestanding Signs - Non-Residential Districts.* A freestanding sign is a sign that is not attached to a building and is permanently attached to the ground. Freestanding signs shall be permitted in non-residential districts, subject to the Common Signage Plan and the following regulations:
- (1) *Maximum Area.* Thirty two (32) square feet.
  - (2) *Maximum Height.* Nine (9) feet.
  - (3) *Buffer Areas.* The signs must be placed within the required buffer area or within a landscaped area.
  - (4) *Sign Setback.* All sign must be set back at least ten (10) feet from the property set back line.
- (D) *Freestanding Signs - Residential Districts.* Freestanding signs to identify residential subdivisions or multifamily developments shall be permitted in all residential districts, subject to the following regulations:
- (1) *Maximum Area.* Thirty two (32) square feet.

- (2) *Maximum Height.* Four (4) feet.
- (3) *Subject.* No commercial message shall be placed on the identification sign.
- (4) *Permanent Feature.* Identification signs shall be incorporated into a permanent landscape feature such as a wall, fence, or masonry column.
- (5) *Materials and Colors.* Shall conform to area sub-division regulations.
- (6) *Buffer Areas.* The signs must be placed within the required buffer area or within a landscaped area.
- (7) *Sign Setback.* All sign must be set back at least ten (10) feet from the property set back line.
- (E) *Marquee Signs.* A marquee is a sign used to identify a theater, assembly hall or auditorium or a sign projected over the entrance to a theater. Marquee signs shall be permitted in non-residential districts, subject to the following regulations:
- (1) *Clearance.* The sign shall maintain a vertical clearance over a sidewalk of at least eight (8) feet.
- (2) *Setback.* No marquee sign may be closer than two (2) feet, measured in horizontal distance, from the curb line of any street.
- (3) *Length.* The sign may extend the full length of the façade of the building.
- (F) *Monument Signs.*
- (1) *Maximum Sign Area.* Thirty-two (32) square feet.
- (2) *Maximum Height.* Nine (9) feet. Height shall be calculated as the height from the ground level and shall not include any built up area.
- (3) *Materials.* The sign display area shall be completely enclosed with materials that match the facade of the principal use or be of a similar quality, color and texture as the primary masonry materials used in the exterior finish of the primary structure on site.
- (4) *Design.* The top of the sign display area shall be located a minimum of twelve (12) inches below the top of the sign structure. No air space shall be visible within or between any portion of the sign display area and sign structure.
- (G) *Projecting Signs.* A projecting sign is a sign that forms an angle with the building, which extends from the building, and is supported by the building. Projecting signs shall be permitted in non-residential districts, subject to the following regulations:

- (1) *Extending Above Wall.* The sign may not extend above the top of the wall to which it is attached, except that a sign eighteen (18) inches or less in width and perpendicular to such wall may extend up to a maximum of two (2) feet beyond the top of the wall.
  - (2) *Setback.* The sign may not extend into a required front yard more than six (6) feet and no closer than two (2) feet measured in horizontal distance from back of curb of any street.
  - (3) *Clearance.* The sign shall maintain a vertical clearance over a sidewalk of at least eight (8) feet.
- (H) *Roof Signs.* A roof sign cannot project above the height of the building it is attached to. The total area of the sign cannot exceed twenty five percent (25%) of the total roof area.
- (I) *Suspended Signs.* A suspended sign is a sign attached to the underside of a horizontal plane or arm and is supported by the horizontal plane. Suspended signs shall be permitted in all non-residential districts, subject to the following regulations:
- (1) *Clearance.* The sign shall allow an eight (8) foot clearance to the walking surface.
  - (2) *Setback.* No sign shall be closer than two (2) feet measured, in horizontal distance, to the curb line of any street.
- (J) *Wall Signs – Non-Residential Districts.* A wall sign is any sign that is attached to or painted on any wall of a building. Wall signs shall be permitted in non-residential districts, subject to the following regulations:
- (1) *Determination of Sign.* A wall sign is measured as upon the wall it is located. Each wall is considered separately.
  - (2) *Extending Beyond Wall.* The sign may not extend beyond eighty percent (80%) of the width of the wall to which it is attached.
  - (3) *Calculating Sign Area.* The total sign area for wall signs shall be the sum of all signs on the wall including signs on the wall surface, signs affixed to the wall parallel and in the same plane as the wall, signs on awnings or canopies, window signs, door signs, signs on the lower slopes of roofs or canopy roofs, and signs on parapets above roofs.
  - (4) *Maximum Area.* The sign(s) shall not exceed twenty five per cent (25%) of the total wall area as measured as height by width.

## ARTICLE 800 Common Signage Plan

*Prior to issuance of a sign permit in a non-residential district development containing several buildings or businesses, a common signage plan for the development shall be approved and filed with the proper City authority. In the case of any conflict between the signage plan and the zoning ordinance, the ordinance shall govern.*

- (A) *Drawings.* Drawings, sketches and/or photographs demonstrating compliance with this regulation, shall be submitted and kept on file to demonstrate the common signage plan. The common signage plan shall consist of three (3) elements as well as any other requirements of this regulation or required by the proper City authority:
- (1) *Location.* Identification of sign location on buildings or property.
  - (2) *Materials.* Description of the type of sign and all sign materials including construction materials and proposed lighting and landscaping.
  - (3) *Size.* Description of sign size and area at above identified locations.
- (B) *Multiple signs.* Where more than one (1) sign is located on a property, or where more than one (1) building or business is located in a single development project, such as a shopping center, the common signage plan will demonstrate that these elements create consistency and uniformity among signs within the project. The requirements of a common signage plan shall apply to all businesses within a related project, even if the properties have been subdivided.
- (C) *Amendments.* Revisions or amendments to the common signage plan shall require documentation from all tenants on the property prior to approval of the revisions or amendments.
- (D) *Minor alterations.* Minor alterations in sign locations resulting from unexpected conditions on site must be approved by the proper City authority.

## **ARTICLE 900 Application for a Sign Permit**

- (A) *Application.* The applicant shall complete the Sign Permit Application provided by the proper City authority.
- (B) *Fee.* The applicant shall pay the fee designated by the City Council at time of application.
- (C) *Drawings.* The applicant shall provide a scaled drawing of the sign including sign height, width, depth, area, design, content, color, dimensions, and materials composed of, as well as the design and dimensions of any measures used to support the sign or used to affix the sign to a wall, window or the ground.
- (D) *Site Plan and Landscaping.* The applicant shall provide a scaled site plan showing the location of the sign on the property or building including street right-of-way and property lines. For wall signs, building face shall be dimensioned.
- (E) *Materials List.* The applicant shall provide a list of materials used to construct the sign.
- (F) *Plan.* A plan of the landscaped area with the name, quantity, and spacing of plant materials shall be included as a part of the sign permit application.
- (G) *Additional.* Any additional information needed by the proper City authority.

## ARTICLE 1000 Review and Approval Process

- (A) *Review and Approval.* After a review of the application by the proper City authority shows that the sign meets all requirements including zoning, electrical, the Arkansas Fire Prevention Code and the International Building Code requirements, the applicant shall receive a permit to erect or install the approved sign(s).
- (1) *Permanent Sign.*
- (a) *Sign Installation.* The applicant must request an inspection from the proper City authority within three (3) days of completion of permanent sign(s) to determine that the plans submitted were followed.
- (b) *Expiration of Permit.* The sign permit shall be null and void if sign installation is not started within thirty (30) days of granting of permit, is not completed within six (6) months of the issuance date of the permit or if the sign(s) are not in conformance with the approved application.
- (c) *Extension of Permit.* The proper City authority may grant one thirty (30) day extension to the sign permit.
- (d) *Successors.* Valid sign permits may be assignable to a successor of the business provided the sign is in conformance with current ordinances.
- (2) *Temporary Sign.* Temporary sign permits shall be reviewed and issued in compliance with the regulations set forth in “Signs Allowed with a Temporary Sign Permit.”
- (B) *Minor Alterations.* Any alteration in sign locations resulting from unexpected conditions on site must be approved by the proper City authority.
- (C) *Revocation of Permits.* The proper City authority, or his/her designee, may revoke a sign permit if a sign is found to be in violation of this ordinance.

## ARTICLE 1100 Signs not Allowed

- (A) *Billboards.*
- (B) *Fluctuating Illumination.* Signs, or any means of advertising, with the illusion of movement by means of a preprogrammed repetitious sequential switching of action in which illuminated elements of the sign are turned off or on to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns. Illumination of attraction devices or signs that fluctuates in light intensity shall be prohibited. Signs that operate or employ any motion picture projection in conjunction with any advertisements shall be prohibited.
- (C) *Obsolete Signs.* Obsolete signs, signs which have broken supports, are in disarray or fallen over, are not in good condition, have a message that is not relevant, are for a business that is not in currently in existence, are non-conforming to these regulations or are overgrown with vegetation.
- (D) *Off-Site Signs.* Permanent off-site signs are signs that direct attention to a business, commodity, service, event or entertainment not conducted, sold or offered on the premises where the sign is located.
- (E) *Portable Sign.* Any sign not securely affixed to the ground or other permanent structure.
- (F) *Road Side Markers.* Signs or memorials commemorating a death location.
- (G) *Rotating or Revolving Signs.* Lighted or not.
- (H) *Strung Lights.* Lights strung across buildings or property, except those allowed under Section 4.G. Holiday Lighting.
- (I) *Vehicle Signs.* Signs attached to or painted on vehicles including automobiles, trucks, boats, campers, and trailers, which are parked on or otherwise utilizing a public right-of-way, public property or on private property so as to be intended to be viewed from a vehicular right-of-way for the basic purpose of providing advertisement for products or services or directing people to a business or activity. This excludes political signs. This definition is not to be construed to include those signs on a vehicle that identify a firm or its principal products or such advertising devices as may be attached to and within the normal unaltered lines of the vehicle of a licensed transit carrier, when and during that period of time said vehicle is regularly and customarily used to traverse the public highways during the normal course of business.
- (J) *Windblown.* Fluttering, spinning, windblown or inflated devices including pennants, propeller discs and balloons.

(K) *Other*. All other signs which are not expressly permitted under this section.

(L) *Banners*. Are not allowed except for those allowed in Article 600.

## **ARTICLE 1200 Enforcement**

(A) *Unlawful Activity.* It shall be unlawful for any person to place, erect, repair, replace, alter, or relocate a sign in the City of Bella Vista except in accordance with the provisions of this ordinance. Unless exempted herein, a sign permit must be obtained from the City authority before erection, relocation, or altering any sign in the City of Bella Vista.

(B) *Administrator.*

- (1) The City Administration Department or a city official appointed by the Mayor (the Administrator) is authorized to process applications for permits and variances, and enforce and carry out all provisions of this ordinance.
- (2) The Administrator is authorized to establish procedures consistent with this function.
- (3) The Administrator is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections and appurtenances to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

(C) *Inspections and Violations.*

- (1) If, upon inspection, a violation of the sign ordinance exists, the Administrator shall issue a written notice to the alleged violator. The order shall specify those sections of the sign ordinance which the individual may be in violation of and shall state that the individual has sixty (60) days from the date of the order in which to correct the alleged violation or to appeal to the City Council.
- (2) If, upon inspection, the Administrator finds that a sign is abandoned or structurally, materially, or electrically defective in such a way that it endangers the public, the Administrator shall issue a written order to the owner of the sign and occupant of the premises, if they are not the same person, stating the nature of the violation and requiring them to remove the endangerment immediately and to repair or remove the sign within sixty (60) days of the date of the order.
- (3) In cases of emergency, the Administrator may cause the immediate removal of a dangerous or defective sign without notice, and by any means deemed acceptable. Signs removed in this manner must present a hazard to the public safety as defined in the local building or traffic codes.

- (4) In cases of illegal signs placed in the public right-of-way, the Administrator may cause immediate removal of the sign without notification of the owner of the sign.

(D) *Removal of Signs by the Administrator.*

- (1) The Administrator may cause the removal of an illegal sign in cases of emergency, if it is located within the public right-of-way or for failure to comply with the written orders of removal or repair.
- (2) After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Administrator.
- (3) If the amount specified in the notice is not paid within sixty (60) days of the notice, it shall become an assessment as a lien against the property of the sign owner, and will be certified as an assessment against the property together with a ten percent (10%) penalty for collection in the same manner as the real estate taxes.
- (4) The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless documented facts to the contrary are brought to the attention of the Administrator, as in the case of a leased sign.
- (5) For purposes of removal, the definition of sign shall include all embellishments and structures designed specifically to support the sign.
- (6) The Administrator may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

- (E) *Penalties.* Any person who fails to comply with the provisions of this Ordinance within ten (10) days after a notice by the Administrator may be subject to a fine of not less than \$250 nor more than \$1000 per week, with each week a violation continues constituting a separate offense.

## **ARTICLE 1300 Severability**

- (A) If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council declare that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional or invalid or ineffective.