

**AN ORDINANCE AMENDING SECTION 130, ARTICLE III – SIGNS, OF THE ROGERS CITY CODE, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: That Section 130, Article III - Signs, of the Rogers City Code is hereby amended as follows:

A copy of said Amended Sign Ordinance is attached hereto and incorporated by reference as if set out word for word herein.

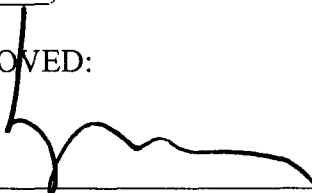
Section 2: Said document was approved by the Rogers Planning Commission, after the required public hearing was held on August 19, 2008.

Section 3: That all Ordinances or parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 4: That the need to amend said Ordinance is immediate and in order to protect the public peace, health, safety and welfare, an emergency is hereby declared to exist, and this Ordinance shall become effective upon its passage and approval.

PASSED this 28th day of October, 2008.

APPROVED:

  
\_\_\_\_\_  
STEVE WOMACK,  
Mayor

Attest:

  
PEGGY DAVID, City Clerk



Requested by: Candy Anderson

Prepared by: Ben Lipscomb, City Attorney

# MULBERRY MOUNTAIN

## Music & Camping Festival

Ozark, Arkansas

August 13-15, 2009

Ozark, Arkansas

**ATTENTION VENDORS:** The "Mulberry Mountain Music & Camping Festival" is held at **Mulberry Mountain** located 16 miles north of Ozark, Arkansas along Hwy 23 the "Pig Trail National Scenic Byway". We welcome vendors from all over the United States (no regional restrictions). All vendor spaces will be outside spaces. Restroom facilities are available, and there will be a full line of food concessions at the festival. This is **NOT** a food vendor application. For information regarding food vending please call 1-866-667-1919.

1. The Festival Committee will evaluate each booth and reserves the right to deny space or individual items in a space which are not the highest of quality. Any vendor in violation of any of the rules listed may be asked to leave.
2. To be complete, this entry form must be filled out in its entirety and be accompanied by payment for the full booth fee and at least 2 different photographs showing a sample of the merchandise to be sold. Payment is accepted in the form of cash, check, money order, or credit card (Visa, MasterCard, Discover, American Express accepted). Vendors not accepted will receive a full refund of the booth space fee.
3. Deadline for completion of all applications is August 1, 2009.
4. Vendor Spaces are a flat fee of \$395.00 each. (Vendor fee includes entry into the festival for (2) people. Any additional help must purchase event tickets.) All spaces are 12 ft. X 12 ft. Entire display including stakes, ropes, supports, etc. must be within these boundaries. Please send application with payment to: **Arkansas Ozarks Promotions, Inc.; 4117 Mulberry Mountain Loop; Ozark, Arkansas 72949.**
6. There is a \$35.00 additional fee for each booth needing electric. Each space is permitted no more than 120 watts per space, for example, 2-60 watt bulbs, 3-40 watt bulbs etc. Vendors requesting electric must bring a 50 ft. extension cord. No generators are to be used in the vendor area.
7. All vendors **must** provide a canopy, tarp, plastic or other type of overhead cover. Vendors must provide their own table, background materials, and all other materials used to make an attractive booth display. Vendors may **NOT** operate out of a vehicle or trailer.
8. Festival hours are 10:00a.m. – 12:00a.m. Thursday, and 10:00a.m. - 2:00a.m. Friday and Saturday. **Setup time** is Tues. August 11<sup>th</sup>, 10:00 a.m. to 8:00 p.m. Everyone must be out of the festival area by 10:00 p.m. Tues. August 11<sup>th</sup>.
9. Vendors must be present and setup during all hours open to the public. All vehicles/trailers should be removed from the vendor area immediately after unloading prior to display setup. On Sunday **DO NOT** bring your vehicle into the vendor area until you are packed. Vehicles will not be allowed in the vendor area until 6:00 a.m. on Sunday morning.
10. **Paid vendors not checked-in by 8:00 p.m. Tues. August 11, 2009 will lose their space with NO REFUNDS.**
11. Vendors canceling prior to June 1<sup>st</sup> 2009 will receive a refund of 50% of the fee paid. **AFTER** June 1<sup>st</sup> 2009 **NO REFUNDS.**
12. Overnight Security will be provided Wednesday, Thursday, Friday, and Saturday. However, ARKANSAS OZARKS PROMOTIONS, INC. and those associated with the festival accept no responsibility for damage, thefts or loss to vendors or their merchandise.
13. Vendors and visitors to the festival will assume all risk of accident or injury. Neither ARKANSAS OZARKS PROMOTIONS, INC. or anyone associated with the "MULBERRY MOUNTAIN MUSIC & CAMPING FESTIVAL" will be held responsible.
14. Absolutely no pets are allowed on the festival grounds.
15. Your check being cashed does not declare acceptance into the festival. Applicants not accepted will receive a full refund.

DETACH HERE – KEEP UPPER PORTION FOR YOUR RECORDS

**MULBERRY MOUNTAIN MUSIC**

**August 13-15, 2009**

**MULBERRY MOUNTAIN MUSIC**

LIABILITY: I agree to hold harmless (not responsible) Arkansas Ozarks Promotions, Inc. and any associates from any known or unknown bodily injuries, losses, damages, judgments and/or claims from any cause whatsoever that may be suffered by an entrant or persons accompanying them.

Brief description of merchandise to be sold at this festival.

Date \_\_\_\_\_  
Vendor Signature \_\_\_\_\_  
Vendor Name (Print) \_\_\_\_\_  
Business Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Please Mark Number of Spaces**

\_\_\_\_\_ Space(s) requested with payment of \$395.00 for each

\_\_\_\_\_ Payment of \$35.00 per booth for electric

Total Payment Enclosed \$ \_\_\_\_\_

<b>OFFICIAL USE ONLY</b>	
Cash _____	
Check _____	Credit Card _____
Acceptance returned _____	
Space # _____	

**Credit Card Information** (Circle One) Visa MasterCard Discover American Express

Name on Card \_\_\_\_\_

Credit Card Number \_\_\_\_\_ Expiration Date \_\_\_\_/\_\_\_\_

ARKANSAS OZARKS PROMOTIONS, INC.  
4117 MULBERRY MOUNTAIN LOOP  
OZARK, AR 72949  
PH: (479) 667-1919  
www.mulberrymountainmusic.com

# SIGN ORDINANCE

## SEC. 1 PURPOSE

Signs use private land and the sight line created by public rights-of-way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with these standards so as to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public, to preserve and protect the aesthetic quality of Rogers, and to achieve the following:

**A. Safety.** To promote the safety of persons and property by providing that signs:

1. Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;
2. Do not obstruct fire fighting or police surveillance;
3. Do not create traffic hazards by confusing or distracting motorists;
4. Do not impair the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs and signals; and,
5. Do not otherwise interfere with or detract from the safety of persons or property.

**B. Communications Efficiency.** To promote the efficient transfer of information in sign messages by providing that:

1. Customers and other persons may locate a business or service;
2. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and,
3. The messages in signs may otherwise be communicated efficiently.

**C. Landscape Quality and Preservation.** To protect the public welfare and to enhance the appearance and economy of the city, by providing that signs:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using the public rights-of-way;
3. Do not constitute a nuisance or safety hazard to occupancy of adjacent property by their brightness, size, height, or movement;
4. Are not detrimental to land or property values;
5. Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore said messages, according to the observer's purpose;
6. Do not negatively affect the city's tourism industry;
7. Do not create or worsen visual clutter or visual blight;
8. Do contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and be oriented within it;

9. Do otherwise protect and preserve a quality landscape in the city; and
10. Do otherwise enhance the appearance and economy of the city.

## **SEC. 2 COMMON SIGNAGE PLAN**

Prior to issuance of any sign permit in a development containing several buildings or businesses, a common signage plan for the development shall be approved and filed with the Planning Department. Signage plans require Planning Department approval. 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 shall be submitted and kept on file to demonstrate the common signage plan. The common signage plan shall consist of three (3) elements:
  - 1. Location.** Identification of sign locations on buildings or property.
  - 2. Materials.** Description of the type of sign and sign materials including construction materials and proposed lighting, if any.
  - 3. Size.** Itemization of sign size and/or area at identified locations.
- B. Multiple signs.** Where more than one sign is located on a property, or where more than one 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. Minor alterations.** Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the City Planner or his/her designated representative.

## **SEC. 3 APPLICATION FOR A SIGN PERMIT**

All signs either permanent or temporary, except as listed in Section 7, shall require a sign permit issued by the Planning Department.

- A. Application.** Complete the Sign Permit Application provided by the Planning Department.
- B. Fee.** The applicant shall pay the fee as adopted from time to time by the City Council.
- C. Drawings.** A scaled drawing of the sign including sign height, area, design, content, and dimensions of the sign and the design and dimensions of any

measures used to support the sign or used to affix the sign to the wall, window or the ground.

**D. Site plan.** 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, the dimensions of the building face shall be provided.

**E. Materials List.** A list of materials used to construct the sign.

#### **SEC. 4 REVIEW AND APPROVAL**

**A. Approval.** After a review of the application by the Planning Department shows that the sign meets zoning, electrical, and ICC Building code requirements, the applicant shall receive a permit to erect or install the approved signs.

**B. Permanent Signs.** The applicant shall request an inspection after installation of permanent signs.

**1. Expiration of permit.** The sign permit shall be null and void if sign installation is not completed within six (6) months or the signs are not in conformance with the approved application. The City Planner may grant one thirty (30) day extension to the sign permit.

**2. Successors.** A new sign permit will be required only if the name of the business or logo changes.

**C. Temporary Sign.** Temporary sign permits will only be allowed for special occasions, (Grand Openings, Seasonal Sales, and Going Out of Business). These permits will only be allowed for ten (10) business days. A one time extension for ten (10) additional business days may be granted by the City Planner.

**D. Revocation of Permits.** The City Planner or his/her designee may revoke a sign permit if a sign is found to be in violation of this ordinance.

**E. Minor alterations.** Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the City Planner or his/her designated representative.

#### **SEC. 5 INTERPRETATION OF SIGN REGULATIONS**

**A. Street frontage.** Street frontages shall be considered separately for each street the lot fronts, measured by property lines.

**B. Maximum area.** Maximum area shall be the area of one side of the sign.

- C. Measurable area.** Measurable area is the area within the outer boundaries of standard rectangular boundary.
- D. Maximum height.** Height is measured from the point at which the sign and supports are attached to the ground, measured to the highest point on the top of the sign.
- E. Appeal of Interpretation.** All administrative interpretations of sign regulations may be appealed to the Board of Adjustment.

## **SEC. 6 GENERAL REGULATIONS**

### **A. Design and Construction**

- 1. Code Compliance.** All signs shall comply with applicable provisions of the ICC Building code and the National Electrical code.
- 2. Materials.** Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for the following signs:
  - a) Temporary signs meeting the regulations elsewhere in this Article
  - b) Real estate signs
  - c) Window signs
  - d) Yard sale signs, political and election signs.

- B. 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 25' along each right-of-way starting at the intersection point.

No signs or structures between 30" and 60" in height will be allowed within the sight triangle.

- C. Maintenance.** All signs to include permanent and temporary signs and signs that do and do not require a permit, shall be maintained in good condition, kept free of cracked or peeling paint, missing or damaged sign panels or supports, and weeds, grass or vegetation which obscures the view of the sign message. Sign landscaping shall be maintained so as not to interrupt the view of the sign.
- D. Obstructions.** No sign shall block entrances or exits to buildings to include windows, doors, and fire escapes.

**E. In public right-of-way.** No sign, including supports, frames, and embellishments, shall be located within a public right-of-way and/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 Article. The front face of all signs must be located a minimum of five (5) feet behind the public right-of-way.

**F. 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.
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.
4. **Strung lights.** Signs shall not be illuminated by a string of lights placed around the sign.

**G. Changeable Copy Signs.** Manual changeable copy signs and electronic changeable copy signs shall be allowed subject to the following:

1. **Area.** No more than 50% of the area of a sign shall be devoted to changeable copy except for signs for theaters which may devote up to 80% of a sign to changeable copy.
2. **Animation.** In no instance shall changeable copy signs produce flashing or blinding illumination.
3. **LED Changeable Copy Sign.** LED signs shall only be allowed in the C-2 Highway Commercial District and C-4 Open Display Commercial District.
4. **Manuel Changeable Copy Signs.** Manuel Changeable Copy Signs shall comply with Section 9 of the code.

**H. Nonconforming, Obsolete, and Unpermitted Signs**

Signs which were lawful at the time of their construction or placement but are not in conformance with current regulations shall be permitted to be maintained as nonconforming signs until such time that the sign is replaced with new sign copy or with a change of use of the site. At that time, the sign shall be replaced with a sign compliant with these regulations.

**SEC. 7 SIGNS PERMITTED WITHOUT A PERMIT**

The following signs shall be permitted in all zoning districts. No sign permit shall be required.

- A. Art.** Works of art which do not advertise a commercial business, product or service.
- B. Flags.** U. S. State, Municipal, or Corporate Flags. The United States flag shall be flown consistent with the federal flag code (U. S. Code Title 13 Chapter 1 – The Flag).
- C. Hand carried noncommercial signs.**
- D. Historic markers.** Attached or freestanding historic or memorial markers erected by a governmental agency or private, nonprofit 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 or historical, civic, cultural, natural historical, scientific, or architectural significance. Historical markers are subject to the following regulations:
  - 1. Maximum area.**
    - Freestanding: Eighteen (18) square feet
    - Wall: Six (6) square feet.
  - 2. Materials.** Each such sign or marker shall be made of cast metal, cut masonry, painted wood or metal or other similar weather proof material.
- E. 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 before November 1, and shall not be illuminated after January 15.
  - 2. Subject.** Such decorations shall not contain a commercial message.
  - 3. Location.** Such signs shall not be located in the right-of-way.
- F. Identification signs.** Customary identification signs, such as: building numbers, addresses, private parking signs, no trespassing signs or dangerous animal signs that are no larger than three (3) square feet in area per sign.

**G. 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.** Three (3) square feet
2. **Maximum height.** Four (4) feet.
3. **Subject.** Such sign shall not contain any logos.

**H. 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.

**I. Non-profit announcements.** Announcements by public or not-profit organizations of fund raising events, special events or activities or interest to the general public, other than political signs, subject to the following regulations.

1. **Maximum area**  
Residential: Six (6) square feet  
Non-residential: Twelve (12) square feet
2. **Maximum number permitted.** One per lot.
3. **Time period.** Signs may be erected up to two (2) weeks prior to the event.
4. **Removal.** Signs shall be removed within three (3) days after the event.
5. **Banner attachment.** Banners shall be attached to a fixed structure, either a building or freestanding sign.

**J. Political signs.** Temporary political signs erected in connection with elections or political campaigns, subject to the following regulations:

1. **Maximum height.** Six (6) feet.
2. **Location.** Political signs are prohibited on utility poles and may not obstruct driver's vision clearances at an intersection. Such signs shall not be placed in public right-of-ways
3. **Time period.** Political signs shall not be posted earlier than sixty (60) days prior to a primary, general or special election.
4. **Removal.** Such signs shall be removed within three (3) days after the election.

**K. Public notice.** Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance.

**L. 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 eight (8) feet in height.

**M. Public sign.** Any federal, state or local traffic control or other public sign.

**N. Real estate signs – residential.** Real estate signs in residential districts.

**1. Generally.**

- a) 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 behind sidewalks and/or utility poles.
- b) Removal. Signs for properties for sale shall be removed within 72 hours of property closing.

**2. On-site signs.** On-site real estate signs in residential districts, subject to the following regulations:

- a) Maximum area. Without a rider: six (6) sq. ft; with riders: eight (8) sq. ft.
- b) Maximum height. Six (6) feet.
- c) Maximum number permitted.  
Freestanding – One (1) per street frontage.
- d) Riders permitted. Two sign riders are permitted as long as the maximum sign area does not exceed eight (8) square feet.

**3. Off-site signs.** Off-site directional real estate signs are not permitted in the City of Rogers.

**O. Real estate signs – non residential.** Real estate signs in nonresidential districts subject to the following regulations:

**1. Maximum area.** Thirty-two (32) square feet.

**2. Maximum height.** Eight (8) feet.

**3. Maximum number permitted.**

- a) Freestanding: One (1) per street frontage
- b) 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 lease space.

**P. Religious institution directional signs.** Off-site directing a person to a religious institution shall meet the following conditions:

**1. Maximum area.** Six (6) square feet.

**2. Maximum height.** Eight (8) feet.

**3. Subject.** Such signs may only bear the name and address of the church with direction and distance to the church.

**4. Permission.** Such signs require property owner permission.

**Q. Stadium signage.** Commercial signs within City stadiums (High School football and Baseball 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, ATMS, 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.

## **SEC. 8 SIGNS PERMITTED IN PUBLIC RIGHT-OF-WAY WITHOUT A PERMIT**

The following signs shall be permitted within public rights-of-way. No sign permit shall be required.

A. **Emergency.** Emergency warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way.

B. **Public.** Public signs erected by the city, county, state or federal government.

C. **Moveable sidewalk signs.** Moveable signs located on sidewalks with the street right-of-way in pedestrian-oriented commercial areas within the C-1 Downtown Commercial District, provided that all the following criteria are met.

1. **Area.** The sidewalk in the area must be wide enough to allow for at least six (6) feet of width for unrestricted pedestrian movement with the sidewalk signs in place.
2. **Maximum height.** Four (4) feet
3. **Maximum width.** Two and one-half (2 ½) feet, or 30% of the sidewalk width, whichever is less.
4. **Illumination.** There shall not be any lighting allowed on the sign and the lettering shall be small enough to not be legible from automobile traffic on the street.
5. **Detached.** The sidewalk sign shall be moveable, shall not be attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.
6. **Location.** Sidewalk signs shall also not be placed on any section of the sidewalk in a way that narrows the effective width of the sidewalk for pedestrian movement purposes at that point to less than six (6) feet.
7. **Encroachment agreement.** An encroachment agreement allowing for a sidewalk sign on the public right-of-way. As part of the encroachment agreement approval, each individual merchant desiring

to utilize such signs, alternatively, the merchants association or community development agency representing such merchants collectively, shall produce a form of surety (insurance) acceptable to the City Street Department for sidewalks in the City.

- 8. Removal.** Each sidewalk sign permitted under this section shall be removed each day by the close of business, and be replaced or removed when the appearance or condition of the sign deteriorates through damage, weathering, etc.

- D. Subdivision.** Signs identifying a recognized community, subdivision or development provided that such signs were lawfully erected pursuant to an encroachment agreement, and are consistent with an approved overall sign plan, site plan or subdivision plat. Must be located on the preliminary plat or large-scale development plan.

**SEC. 9 SIGNS PERMITTED WITH A SIGN PERMIT**

The following signs are allowed with a sign permit, subject to the size, height, and location regulations specified in the Section. A common signage plan is required. Erection of the following signs without a permit is a violation of this Section.

**A. Height and Area Regulations**

<b>Zoning District</b>	<b>Permitted sign Types</b>	<b># of signs permitted</b>	<b>Max. Height</b>	<b>Max. Sign Area</b>
A-1	Freestanding	1	16 ft.	32 sq. ft.
R-E	Name Plate	1	N/A	4 sq. ft
RSF	Church Bulletin	1	6 ft	12 sq. ft.
R-AH	Board			
R-DP				
R-MF	Name Plate	1	N/A	4 sq. ft.
	Church Bulletin	1	6 ft.	12 sq. ft.
	Board			
	Freestanding	1	6 ft.	12 sq. ft.

Zoning District	Permitted sign Types	# of signs permitted	Max. Height	Max. Sign Area
R-MHC	Name Plate	1	N/A	4 sq. ft.
R-RVP	Development Identification	1	10 ft	150 sq. ft.
R-O O	Freestanding Monument Wall	1 1 1/street frontage	12' 6' 10" projection	32 sq. ft. 48 sq. ft 30 sq. ft.

C-1	Wall	1/wall For lease space 1/wall of lease Space	N/A	15% of wall area (includes canopy, awning, window, and door signs) A minimum of 25 sq. ft. of wall area permitted 32 sq. ft. (Shall be deducted from the maximum allowable area of wall signs) 12 sq. ft.  Projecting 40 sq. ft. Suspended 4 sq. ft.
	Awnings	1/lease space	N/A	
	Canopies	1/canopy face	2'	
	Projecting or Suspended	1/lease space	N/A	
C-2	Freestanding	1 per street frontage	24 feet	150 sq. ft.
	Monument	1 per street frontage	6 feet	72 sq. ft.
	Wall	1/wall For lease spaces, 1/wall of lease space	N/A	2 sq. ft. of sign for every one linear ft of frontage not to exceed 400 sq. ft.

Zoning District	Permitted sign Types	# of signs permitted	Max. Height	Max. Sign Area
	Awnings	1/lease space	N/A	Each lease space will be sq. ft. 32 sq. ft. ( Shall be deducted from maximum allowable wall sign
	Canopies	1/canopy face	Fuel: 42” Other 2’	12 sq. ft. (Shall be deducted from maximum allowable wall sign
	Marquee	1/building	8’	72 sq. ft.
C-3	Freestanding	1 per lot	12’	40 sq. ft.
	Wall	1/wall for lease spaces 1/wall of lease space	N/A	50 sq. ft. Includes canopy, awning, window, and door signs. A minimum of 25 sq. ft. of wall area permitted
	Awnings	1/lease space	N/A	25 sq. ft. (Shall be deducted from the maximum allowable area of wall signs)
	Canopies	1/canopy face	Fuel: 42” Other 2’	12 sq. ft. (Shall be deducted from the maximum allowable area of wall signs)
	Monument	1 per lot	6 ft.	40 sq. ft.

<b>Zoning District</b>	<b>Permitted sign Types</b>	<b># of signs permitted</b>	<b>Max. Height</b>	<b>Max. Sign Area</b>
	Marquee	1/building	6 ft.	42 sq. ft.
	Projecting	1/lease space	N/A	42 sq. ft.
	Suspended	1/lease space	N/A	4 sq. ft.
C-4	Freestanding	1/street frontage	24 ft.	150 sq. ft.
	Monument	1/street frontage	6 ft.	72 sq. ft.
	Wall	1/wall For lease spaces, 1/wall of lease space	N/A	2 sq. ft. of sign for every one linear ft of frontage not to exceed 400 sq. ft. Each lease space will be allowed a minimum of 25
	Awnings	1/lease space	N/A	32 sq. ft. ( Shall be deducted from the maximum allowable area for wall signs)
	Canopies	1/canopy face	Fuel: 42" Other : 2'	12 sq. ft. (Shall be deducted from maximum allowable area of wall signs)
	Marquee	1/building	8 ft.	72 sq. ft.
W-O	Freestanding	1 per lot	24 ft.	150 sq. ft.
	Monument	1 per lot	6 ft.	72 sq. ft.
	Wall	1/wall For lease spaces, 1/wall of lease space	N/A	2 sq. ft. of sign for every one linear ft of frontage not to exceed 300 sq.

Zoning District	Permitted sign Types	# of signs permitted	Max. Height	Max. Sign Area
	Awnings	1/lease space	N/A	Ft. (includes canopy, awning, window, and door signs). A minimum of 25 sq. ft. of wall area permitted  32 sq. ft. (Shall be deducted from the maximum allowable area of wall signs)
	Canopies	1/canopy face	Fuel: 42" Other: 2'	12 sq. ft. (Shall be deducted from the maximum allowable area of wall signs)
I-1 I-2	Freestanding	1 per lot	24 ft.	150 sq. ft.
	Monument	1 per lot	6 ft.	72 sq. ft.
	Wall	1/wall For lease spaces, 1/wall of lease space	N/A	2 sq. ft. of sign for every one linear ft of frontage not to exceed 400 sq. ft. Each lease space will be allowed a minimum of 25 Sq. ft.

**B. Awning Signs.** An awning sign is a sign that is part of a fabric or other non-structural awning. Awning signs shall be permitted for nonresidential zoning districts listed subject to the following regulations.

- 1. Placement.** The sign shall be flat against the surface 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 five (5) 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.
5. **Fabric awnings.** Any fabric awning valance may not extend more than 1 foot below the ridge mount of the awning.

**C. 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 nonresidential zoning districts, subject to the following regulations.

1. **All canopies.** In no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.
2. **Fuel canopies.** Signage for fuel canopies shall be limited to logo signs.

**D. Freestanding Signs – Nonresidential 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 nonresidential zoning districts, subject to the following regulations.

1. **Buffer areas.** The signs may be placed within the required buffer area or within other landscaped areas.
2. **Sign setback.** No sign can be any closer to the right-of-way of a public street or property line than five (5) feet.
3. **Sign landscaping.** All non-residential signs require:
  - a) A defined landscaped area at the base of the sign.
  - b) The required landscaped area shall be parallel to the face of the signs.
  - c) The required landscaped area shall be at least 50 square feet in area.
  - d) 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.
  - e) If the size of the site imposes practical difficulties on the placement of the plant materials, the City Planner may make adjustments in these regulations.

- f) The required landscaped area shall contain materials such as, but not limited to vegetative ground covers, perennials, shrubs, and ornamental trees covering at least 50% of the defined landscaped area at maturity.
- g) Paving and artificial plant materials shall not be included in fulfilling this requirement.
- h) 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.

**4. Additional signs.**

- a) Street frontage over 300 feet. One (1) additional sign may be allowed by the City Planner or his or her designee for a street frontage that exceeds 300 feet. If two signs are placed on a single street frontage, no individual shall exceed 80 square feet in area and there shall be a minimum of 150 feet between the signs. The City Planner shall consider the approval standards found in Sec 9 D.4(b) below. Each sign must meet all other regulations for free standing signs.
- b) Considerations for approval of additional signs. In making a determination to approve additional signs, the City Planner shall consider the following standards:
  - i. The signs comply with other applicable provisions of the ordinance;
  - ii. The views of adjacent properties or from adjacent properties are not impaired;
  - iii. The signs do not interfere with public utilities, government uses, transportation, and landscaping;
  - iv. The width of the street, the traffic volume, and the traffic speed warrant the proposed signage; and
  - v. The signs do not pose a hazard to public safety.

**5. Adjacent to I-540 (Interstate Sign District).** One additional sign up to 45' in height and 150 sq. ft. will be allowed in C-2 Highway Commercial District and C-4 Open display Commercial District when the property which the sign is located is within 500 feet of Interstate 540. The sign must be located in the rear or side yard setback and can not be closer to the front than the 75 ft. front yard setback.

**6. Monument Signs.** A monument sign is a sign that is not attached to a building and is permanently attached to the ground with no space between the ground and the sign. The sign will be measured from the adjacent curb line to the top of the sign.

- a) Maximum Height. 6 ft.
- b) Materials. The sign display area shall be completely enclosed with materials that match the façade of the principal use or similar quality, color, and texture as the primary masonry materials used in the exterior finish of the primary structure on site.
- c) 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.

**E. Freestanding Signs – Residential Districts.** Freestanding signs to identify residential subdivisions, PUD's or multifamily developments shall be permitted in all residential districts, subject to the following regulations:

1. **Subject.** No commercial message shall be placed on the identification signs.
2. **Permanent feature.** Identification signs shall be incorporated into a permanent landscape feature such as a wall, fence, or masonry column.

**F. Marquee Signs.** A marquee is a sign used to identify a theater or a sign projected over the entrance to a theater. Marquee signs shall be permitted in commercial zoning 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 five (5) feet, measured in horizontal distance, from the right-of-way line of any street.
3. **Length.** The sign may extend the full length of the marquee on theaters, auditoriums and assembly halls.

**G. Projecting Signs.** A projecting sign is a sign that forms an angle with the building that extends from the building and is supported by the building. Projecting signs shall be permitted in nonresidential zoning districts, subject to the following regulations:

1. **Setback.** The sign may not extend into a required front yard more than six (6) feet and no closer than five (5) feet measured in horizontal distance from the right-of-way line of any street.

**H. Roof Signs.** Roof signs are not allowed in any zoning district in the City of Rogers.

**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 nonresidential zoning 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 five (5) feet measured, in horizontal distance from the right-of-way of any street.

**J. Wall Signs – Nonresidential Districts** (includes Window Signs). A wall sign is any sign, other than a projecting or suspended sign, that is attached to or painted on any wall or any building. Wall signs shall be permitted in nonresidential zoning districts, subject to the following regulations:

1. **Extending beyond building.** The sign shall not extend more than 10 inches beyond the building.
2. **Extending beyond wall.** The sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on two (2) adjacent walls of the same building, the connecting portion may extend to but not beyond the face of the adjoining portion.
3. **Calculation 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, and door signs.

## **Sec. 10 SIGNS PERMITTED WITH A TEMPORARY SIGN PERMIT**

**A. Special Sales Events and Promotions.** Temporary signs, such as banners, are those that are intended for a temporary use and are not permanently mounted. Temporary signs shall be permitted in all zoning districts for special sales events and promotions, subject to the following regulations:

1. **Maximum number permitted per event.** Only one (1) sign shall be allowed per business per special sales event or promotion.
2. **Display period.** The temporary sign shall be displayed for not more than 10 business days.

3. **Maximum number permitted per year.** Each business site may be issued only four (4) permits for a temporary sign within a 12 month period. Each 12 month period shall begin with the issuance of the first permit and shall expire 12 months from that date. New businesses shall be permitted one additional special event sign per wall up to 6 consecutive months to announce the opening of the business, subject to the maximum area of 32 square feet per sign.
4. **Banners.**
  - a) Maximum area. 32 square feet.
  - b) Display location. The temporary banner shall be attached to the building or a permanent freestanding sign.
5. **Subject.** The temporary sign shall be for a special sales event or promotion, not a routine business activity.
6. **Exception.** This section shall not affect non-profit announcements for public and non-profit events.
7. **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. Vertical Streetscape Banners.** Vertical streetscape banners placed along thoroughfares to enhance the visual aesthetics of the streetscape typically attached to a street light pole are permitted, subject to the following regulations:

1. **Locations.** Vertical streetscape banners may be located within the Downtown area, and other areas approved by the Rogers City Council.
2. **Subject.** Such signs shall be solely decorative, noncommercial or promote a special public or non-profit event and shall not display a logo, message, statement, or expression relating to commercial interests.
3. **Size.** Each banner shall not exceed a maximum size of 2 ½' in width and 5' in length.
4. **Attachment.** Each banner shall be individually attached to an existing pole, mast arm or other permanent structure. Any vertical streetscape banners proposed to be attached to street light shall be installed by the

Rogers Street Department. No more than two banners, on opposing sides, may be mounted to each light pole.

5. **Display period.** Banners for events shall not be placed earlier than two weeks prior to the event and shall be removed within 3 days after the event. All other banners may remain in place for up to a year if they do not become torn, faded, loose or otherwise in disrepair.
6. **Multiple banners.** An overall signage plan shall be approved when multiple vertical streetscape banners are placed on a lot or street section. All banners on the same lot shall be consistent in terms of colors and materials used.

## **SEC 11 SIGNS NOT PERMITTED**

The following signs shall be prohibited, and may neither be erected nor maintained:

- A. **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.
- B. **Obsolete signs.** Obsolete signs or signs which have broken supports or are overgrown with vegetation.
- C. **Off-site signs.** Off-site signs are signs that direct attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located.
- D. **Portable signs.** 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; and hand carried signs promoting a commercial interest.
- E. **Rotating or revolving signs.**
- F. **Strung lights.** Lights strung across buildings or property except those allowed under Holiday Lighting.

**G. Windblown.** Fluttering, spinning, windblown or inflated devices including pennants, propeller discs, and balloons. Flags, other than governmental or corporate, are prohibited.

Exception: Balloons shall be permitted for three (3) consecutive days for a grand opening event.

**H. Others not exempt.** All other signs which are not expressly exempt from regulation and expressly permitted under this section.

## **SEC 12 OVERLAY DISTRICT**

The purpose of the Overlay District is to protect and enhance the scenic quality of the highway corridors, create design standards for developments, provide effective land use planning and facilitate traffic flow.

The Overlay district shall extend along West Walnut Street from 28<sup>th</sup> Street to Interstate I-540; along South 8<sup>th</sup> Street from Olrich Street to the South city limits; along Highway 62 from the East city limits to the West city limits; along State Highway 12 from 2<sup>nd</sup> Street to the East city limits; along New Hope Road from Dixieland Road to Interstate I-540; along Interstate I-540 from the North city limits to the South city limits; and along Pleasant Grove Road from South 8<sup>th</sup> Street to Bellview Road. The district encompasses all lands with highway frontage, including local streets, lying within three hundred thirty (330) feet of the right-of-way on both sides of the designated corridors within the city limits.

A monument sign shall be allowed with a maximum of six (6) feet in height and seventy-two (72) square feet in sign face area. A commercial development defined as having three or more tenants will be allowed a maximum of one sign ten (10) feet in height and one-hundred (100) square feet in sign face area.

## **SEC. 13 ENFORCEMENT**

Code Enforcement Officers may remove the following signs that are in violation of this ordinance; Yard sale signs, garage sale signs, rummage sale signs, moving sale signs, construction signs, real estate signs, political signs, banners and temporary signs, and directional signs for religious institutions. Failure to comply with any section of this sign code shall be a misdemeanor punishable by a fine not to exceed two hundred fifty dollars (\$250.00) per day that said violation exists. Each day shall constitute a separate offense.

## **SEC. 14 SEVERABILITY**

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 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

# SIGN ORDINANCE

## SEC. 1 PURPOSE

Signs use private land and the sight line created by public rights-of-way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with these standards so as to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public, to preserve and protect the aesthetic quality of Rogers, and to achieve the following:

**A. Safety.** To promote the safety of persons and property by providing that signs:

1. Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;
2. Do not obstruct fire fighting or police surveillance;
3. Do not create traffic hazards by confusing or distracting motorists;
4. Do not impair the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs and signals; and,
5. Do not otherwise interfere with or detract from the safety of persons or property.

**B. Communications Efficiency.** To promote the efficient transfer of information in sign messages by providing that:

1. Customers and other persons may locate a business or service;
2. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and,
3. The messages in signs may otherwise be communicated efficiently.

**C. Landscape Quality and Preservation.** To protect the public welfare and to enhance the appearance and economy of the city, by providing that signs:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using the public rights-of-way;
3. Do not constitute a nuisance or safety hazard to occupancy of adjacent property by their brightness, size, height, or movement;
4. Are not detrimental to land or property values;
5. Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore said messages, according to the observer's purpose;
6. Do not negatively affect the city's tourism industry;
7. Do not create or worsen visual clutter or visual blight;
8. Do contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and be oriented within it;

9. Do otherwise protect and preserve a quality landscape in the city; and
10. Do otherwise enhance the appearance and economy of the city.

## **SEC. 2 COMMON SIGNAGE PLAN**

Prior to issuance of any sign permit in a development containing several buildings or businesses, a common signage plan for the development shall be approved and filed with the Planning Department. Signage plans require Planning Department approval. 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 shall be submitted and kept on file to demonstrate the common signage plan. The common signage plan shall consist of three (3) elements:
  - 1. Location.** Identification of sign locations on buildings or property.
  - 2. Materials.** Description of the type of sign and sign materials including construction materials and proposed lighting, if any.
  - 3. Size.** Itemization of sign size and/or area at identified locations.
- B. Multiple signs.** Where more than one sign is located on a property, or where more than one 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. Minor alterations.** Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the City Planner or his/her designated representative.

## **SEC. 3 APPLICATION FOR A SIGN PERMIT**

All signs either permanent or temporary, except as listed in Section 7, shall require a sign permit issued by the Planning Department.

- A. Application.** Complete the Sign Permit Application provided by the Planning Department.
- B. Fee.** The applicant shall pay the fee as adopted from time to time by the City Council.
- C. Drawings.** A scaled drawing of the sign including sign height, area, design, content, and dimensions of the sign and the design and dimensions of any

measures used to support the sign or used to affix the sign to the wall, window or the ground.

**D. Site plan.** 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, the dimensions of the building face shall be provided.

**E. Materials List.** A list of materials used to construct the sign.

#### **SEC. 4 REVIEW AND APPROVAL**

**A. Approval.** After a review of the application by the Planning Department shows that the sign meets zoning, electrical, and ICC Building code requirements, the applicant shall receive a permit to erect or install the approved signs.

**B. Permanent Signs.** The applicant shall request an inspection after installation of permanent signs.

**1. Expiration of permit.** The sign permit shall be null and void if sign installation is not completed within six (6) months or the signs are not in conformance with the approved application. The City Planner may grant one thirty (30) day extension to the sign permit.

**2. Successors.** A new sign permit will be required only if the name of the business or logo changes.

**C. Temporary Sign.** Temporary sign permits will only be allowed for special occasions, (Grand Openings, Seasonal Sales, and Going Out of Business). These permits will only be allowed for ten (10) business days. A one time extension for ten (10) additional business days may be granted by the City Planner.

**D. Revocation of Permits.** The City Planner or his/her designee may revoke a sign permit if a sign is found to be in violation of this ordinance.

**E. Minor alterations.** Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the City Planner or his/her designated representative.

#### **SEC. 5 INTERPRETATION OF SIGN REGULATIONS**

**A. Street frontage.** Street frontages shall be considered separately for each street the lot fronts, measured by property lines.

**B. Maximum area.** Maximum area shall be the area of one side of the sign.

- C. Measurable area.** Measurable area is the area within the outer boundaries of standard rectangular boundary.
- D. Maximum height.** Height is measured from the point at which the sign and supports are attached to the ground, measured to the highest point on the top of the sign.
- E. Appeal of Interpretation.** All administrative interpretations of sign regulations may be appealed to the Board of Adjustment.

## **SEC. 6 GENERAL REGULATIONS**

### **A. Design and Construction**

- 1. Code Compliance.** All signs shall comply with applicable provisions of the ICC Building code and the National Electrical code.
- 2. Materials.** Signs shall be constructed of permanent materials and permanently affixed to the ground or building except for the following signs:
  - a) Temporary signs meeting the regulations elsewhere in this Article
  - b) Real estate signs
  - c) Window signs
  - d) Yard sale signs, political and election signs.

- B. 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 25' along each right-of-way starting at the intersection point.

No signs or structures between 30" and 60" in height will be allowed within the sight triangle.

- C. Maintenance.** All signs to include permanent and temporary signs and signs that do and do not require a permit, shall be maintained in good condition, kept free of cracked or peeling paint, missing or damaged sign panels or supports, and weeds, grass or vegetation which obscures the view of the sign message. Sign landscaping shall be maintained so as not to interrupt the view of the sign.
- D. Obstructions.** No sign shall block entrances or exits to buildings to include windows, doors, and fire escapes.

**E. In public right-of-way.** No sign, including supports, frames, and embellishments, shall be located within a public right-of-way and/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 Article. The front face of all signs must be located a minimum of five (5) feet behind the public right-of-way.

**F. 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.
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.
4. **Strung lights.** Signs shall not be illuminated by a string of lights placed around the sign.

**G. Changeable Copy Signs.** Manual changeable copy signs and electronic changeable copy signs shall be allowed subject to the following:

1. **Area.** No more than 50% of the area of a sign shall be devoted to changeable copy except for signs for theaters which may devote up to 80% of a sign to changeable copy.
2. **Animation.** In no instance shall changeable copy signs produce flashing or blinding illumination.
3. **LED Changeable Copy Sign.** LED signs shall only be allowed in the C-2 Highway Commercial District and C-4 Open Display Commercial District.
4. **Manuel Changeable Copy Signs.** Manuel Changeable Copy Signs shall comply with Section 9 of the code.

**H. Nonconforming, Obsolete, and Unpermitted Signs**

Signs which were lawful at the time of their construction or placement but are not in conformance with current regulations shall be permitted to be maintained as nonconforming signs until such time that the sign is replaced with new sign copy or with a change of use of the site. At that time, the sign shall be replaced with a sign compliant with these regulations.

**SEC. 7 SIGNS PERMITTED WITHOUT A PERMIT**

The following signs shall be permitted in all zoning districts. No sign permit shall be required.

- A. Art.** Works of art which do not advertise a commercial business, product or service.
- B. Flags.** U. S. State, Municipal, or Corporate Flags. The United States flag shall be flown consistent with the federal flag code (U. S. Code Title 13 Chapter 1 – The Flag).
- C. Hand carried noncommercial signs.**
- D. Historic markers.** Attached or freestanding historic or memorial markers erected by a governmental agency or private, nonprofit 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 or historical, civic, cultural, natural historical, scientific, or architectural significance. Historical markers are subject to the following regulations:

  - 1. Maximum area.**

Freestanding: Eighteen (18) square feet  
Wall: Six (6) square feet.
  - 2. Materials.** Each such sign or marker shall be made of cast metal, cut masonry, painted wood or metal or other similar weather proof material.
- E. 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 before November 1, and shall not be illuminated after January 15.
  - 2. Subject.** Such decorations shall not contain a commercial message.
  - 3. Location.** Such signs shall not be located in the right-of-way.
- F. Identification signs.** Customary identification signs, such as: building numbers, addresses, private parking signs, no trespassing signs or dangerous animal signs that are no larger than three (3) square feet in area per sign.

**G. 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.** Three (3) square feet
2. **Maximum height.** Four (4) feet.
3. **Subject.** Such sign shall not contain any logos.

**H. 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.

**I. Non-profit announcements.** Announcements by public or not-profit organizations of fund raising events, special events or activities or interest to the general public, other than political signs, subject to the following regulations.

1. **Maximum area**  
Residential: Six (6) square feet  
Non-residential: Twelve (12) square feet
2. **Maximum number permitted.** One per lot.
3. **Time period.** Signs may be erected up to two (2) weeks prior to the event.
4. **Removal.** Signs shall be removed within three (3) days after the event.
5. **Banner attachment.** Banners shall be attached to a fixed structure, either a building or freestanding sign.

**J. Political signs.** Temporary political signs erected in connection with elections or political campaigns, subject to the following regulations:

1. **Maximum height.** Six (6) feet.
2. **Location.** Political signs are prohibited on utility poles and may not obstruct driver's vision clearances at an intersection. Such signs shall not be placed in public right-of-ways
3. **Time period.** Political signs shall not be posted earlier than sixty (60) days prior to a primary, general or special election.
4. **Removal.** Such signs shall be removed within three (3) days after the election.

**K. Public notice.** Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance.

**L. 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 eight (8) feet in height.

**M. Public sign.** Any federal, state or local traffic control or other public sign.

**N. Real estate signs – residential.** Real estate signs in residential districts.

**1. Generally.**

- a) 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 behind sidewalks and/or utility poles.
- b) Removal. Signs for properties for sale shall be removed within 72 hours of property closing.

**2. On-site signs.** On-site real estate signs in residential districts, subject to the following regulations:

- a) Maximum area. Without a rider: six (6) sq. ft; with riders: eight (8) sq. ft.
- b) Maximum height. Six (6) feet.
- c) Maximum number permitted.  
Freestanding – One (1) per street frontage.
- d) Riders permitted. Two sign riders are permitted as long as the maximum sign area does not exceed eight (8) square feet.

**3. Off-site signs.** Off-site directional real estate signs are not permitted in the City of Rogers.

**O. Real estate signs – non residential.** Real estate signs in nonresidential districts subject to the following regulations:

- 1. Maximum area.** Thirty-two (32) square feet.
- 2. Maximum height.** Eight (8) feet.
- 3. Maximum number permitted.**
  - a) Freestanding: One (1) per street frontage
  - b) 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 lease space.

**P. Religious institution directional signs.** Off-site directing a person to a religious institution shall meet the following conditions:

- 1. Maximum area.** Six (6) square feet.
- 2. Maximum height.** Eight (8) feet.
- 3. Subject.** Such signs may only bear the name and address of the church with direction and distance to the church.
- 4. Permission.** Such signs require property owner permission.

**Q. Stadium signage.** Commercial signs within City stadiums (High School football and Baseball 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, ATMS, 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.

## **SEC. 8 SIGNS PERMITTED IN PUBLIC RIGHT-OF-WAY WITHOUT A PERMIT**

The following signs shall be permitted within public rights-of-way. No sign permit shall be required.

A. **Emergency.** Emergency warning signs erected by a government agency, utility company, or a contractor doing work in a public right-of-way.

B. **Public.** Public signs erected by the city, county, state or federal government.

C. **Moveable sidewalk signs.** Moveable signs located on sidewalks with the street right-of-way in pedestrian-oriented commercial areas within the C-1 Downtown Commercial District, provided that all the following criteria are met.

1. **Area.** The sidewalk in the area must be wide enough to allow for at least six (6) feet of width for unrestricted pedestrian movement with the sidewalk signs in place.
2. **Maximum height.** Four (4) feet
3. **Maximum width.** Two and one-half (2 ½) feet, or 30% of the sidewalk width, whichever is less.
4. **Illumination.** There shall not be any lighting allowed on the sign and the lettering shall be small enough to not be legible from automobile traffic on the street.
5. **Detached.** The sidewalk sign shall be moveable, shall not be attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.
6. **Location.** Sidewalk signs shall also not be placed on any section of the sidewalk in a way that narrows the effective width of the sidewalk for pedestrian movement purposes at that point to less than six (6) feet.
7. **Encroachment agreement.** An encroachment agreement allowing for a sidewalk sign on the public right-of-way. As part of the encroachment agreement approval, each individual merchant desiring

to utilize such signs, alternatively, the merchants association or community development agency representing such merchants collectively, shall produce a form of surety (insurance) acceptable to the City Street Department for sidewalks in the City.

- 8. Removal.** Each sidewalk sign permitted under this section shall be removed each day by the close of business, and be replaced or removed when the appearance or condition of the sign deteriorates through damage, weathering, etc.

- D. Subdivision.** Signs identifying a recognized community, subdivision or development provided that such signs were lawfully erected pursuant to an encroachment agreement, and are consistent with an approved overall sign plan, site plan or subdivision plat. Must be located on the preliminary plat or large-scale development plan.

**SEC. 9 SIGNS PERMITTED WITH A SIGN PERMIT**

The following signs are allowed with a sign permit, subject to the size, height, and location regulations specified in the Section. A common signage plan is required. Erection of the following signs without a permit is a violation of this Section.

**A. Height and Area Regulations**

<b>Zoning District</b>	<b>Permitted sign Types</b>	<b># of signs permitted</b>	<b>Max. Height</b>	<b>Max. Sign Area</b>
A-1	Freestanding	1	16 ft.	32 sq. ft.
R-E	Name Plate	1	N/A	4 sq. ft
RSF	Church Bulletin	1	6 ft	12 sq. ft.
R-AH	Board			
R-DP				
R-MF	Name Plate	1	N/A	4 sq. ft.
	Church Bulletin	1	6 ft.	12 sq. ft.
	Board			
	Freestanding	1	6 ft.	12 sq. ft.

Zoning District	Permitted sign Types	# of signs permitted	Max. Height	Max. Sign Area
R-MHC	Name Plate	1	N/A	4 sq. ft.
R-RVP	Development Identification	1	10 ft	150 sq. ft.
R-O O	Freestanding Monument Wall	1 1 1/street frontage	12' 6' 10" projection	32 sq. ft. 48 sq. ft 30 sq. ft.

C-1	Wall	1/wall For lease space 1/wall of lease Space	N/A	15% of wall area (includes canopy, awning, window, and door signs) A minimum of 25 sq. ft. of wall area permitted 32 sq. ft. (Shall be deducted from the maximum allowable area of wall signs) 12 sq. ft.  Projecting 40 sq. ft. Suspended 4 sq. ft.
	Awnings	1/lease space	N/A	
	Canopies	1/canopy face	2'	
	Projecting or Suspended	1/lease space	N/A	
C-2	Freestanding	1 per street frontage	24 feet	150 sq. ft.
	Monument	1 per street frontage	6 feet	72 sq. ft.
	Wall	1/wall For lease spaces, 1/wall of lease space	N/A	2 sq. ft. of sign for every one linear ft of frontage not to exceed 400 sq. ft.

Zoning District	Permitted sign Types	# of signs permitted	Max. Height	Max. Sign Area
	Awnings	1/lease space	N/A	Each lease space will be sq. ft. 32 sq. ft. ( Shall be deducted from maximum allowable wall sign
	Canopies	1/canopy face	Fuel: 42” Other 2’	12 sq. ft. (Shall be deducted from maximum allowable wall sign
	Marquee	1/building	8’	72 sq. ft.
C-3	Freestanding	1 per lot	12’	40 sq. ft.
	Wall	1/wall for lease spaces 1/wall of lease space	N/A	50 sq. ft. Includes canopy, awning, window, and door signs. A minimum of 25 sq. ft. of wall area permitted
	Awnings	1/lease space	N/A	25 sq. ft. (Shall be deducted from the maximum allowable area of wall signs)
	Canopies	1/canopy face	Fuel: 42” Other 2’	12 sq. ft. (Shall be deducted from the maximum allowable area of wall signs)
	Monument	1 per lot	6 ft.	40 sq. ft.

<b>Zoning District</b>	<b>Permitted sign Types</b>	<b># of signs permitted</b>	<b>Max. Height</b>	<b>Max. Sign Area</b>
	Marquee	1/building	6 ft.	42 sq. ft.
	Projecting	1/lease space	N/A	42 sq. ft.
	Suspended	1/lease space	N/A	4 sq. ft.
C-4	Freestanding	1/street frontage	24 ft.	150 sq. ft.
	Monument	1/street frontage	6 ft.	72 sq. ft.
	Wall	1/wall For lease spaces, 1/wall of lease space	N/A	2 sq. ft. of sign for every one linear ft of frontage not to exceed 400 sq. ft. Each lease space will be allowed a minimum of 25
	Awnings	1/lease space	N/A	32 sq. ft. ( Shall be deducted from the maximum allowable area for wall signs)
	Canopies	1/canopy face	Fuel: 42" Other : 2'	12 sq. ft. (Shall be deducted from maximum allowable area of wall signs)
	Marquee	1/building	8 ft.	72 sq. ft.
W-O	Freestanding	1 per lot	24 ft.	150 sq. ft.
	Monument	1 per lot	6 ft.	72 sq. ft.
	Wall	1/wall For lease spaces, 1/wall of lease space	N/A	2 sq. ft. of sign for every one linear ft of frontage not to exceed 300 sq.

Zoning District	Permitted sign Types	# of signs permitted	Max. Height	Max. Sign Area
	Awnings	1/lease space	N/A	Ft. (includes canopy, awning, window, and door signs). A minimum of 25 sq. ft. of wall area permitted  32 sq. ft. (Shall be deducted from the maximum allowable area of wall signs)
	Canopies	1/canopy face	Fuel: 42" Other: 2'	12 sq. ft. (Shall be deducted from the maximum allowable area of wall signs)
I-1 I-2	Freestanding	1 per lot	24 ft.	150 sq. ft.
	Monument	1 per lot	6 ft.	72 sq. ft.
	Wall	1/wall For lease spaces, 1/wall of lease space	N/A	2 sq. ft. of sign for every one linear ft of frontage not to exceed 400 sq. ft. Each lease space will be allowed a minimum of 25 Sq. ft.

**B. Awning Signs.** An awning sign is a sign that is part of a fabric or other non-structural awning. Awning signs shall be permitted for nonresidential zoning districts listed subject to the following regulations.

- 1. Placement.** The sign shall be flat against the surface 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 five (5) 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.
5. **Fabric awnings.** Any fabric awning valance may not extend more than 1 foot below the ridge mount of the awning.

**C. 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 nonresidential zoning districts, subject to the following regulations.

1. **All canopies.** In no case shall the sign extend beyond the vertical edge of the canopy to which it is attached.
2. **Fuel canopies.** Signage for fuel canopies shall be limited to logo signs.

**D. Freestanding Signs – Nonresidential 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 nonresidential zoning districts, subject to the following regulations.

1. **Buffer areas.** The signs may be placed within the required buffer area or within other landscaped areas.
2. **Sign setback.** No sign can be any closer to the right-of-way of a public street or property line than five (5) feet.
3. **Sign landscaping.** All non-residential signs require:
  - a) A defined landscaped area at the base of the sign.
  - b) The required landscaped area shall be parallel to the face of the signs.
  - c) The required landscaped area shall be at least 50 square feet in area.
  - d) 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.
  - e) If the size of the site imposes practical difficulties on the placement of the plant materials, the City Planner may make adjustments in these regulations.

- f) The required landscaped area shall contain materials such as, but not limited to vegetative ground covers, perennials, shrubs, and ornamental trees covering at least 50% of the defined landscaped area at maturity.
- g) Paving and artificial plant materials shall not be included in fulfilling this requirement.
- h) 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.

4. **Additional signs.**

- a) Street frontage over 300 feet. One (1) additional sign may be allowed by the City Planner or his or her designee for a street frontage that exceeds 300 feet. If two signs are placed on a single street frontage, no individual shall exceed 80 square feet in area and there shall be a minimum of 150 feet between the signs. The City Planner shall consider the approval standards found in Sec 9 D.4(b) below. Each sign must meet all other regulations for free standing signs.
- b) Considerations for approval of additional signs. In making a determination to approve additional signs, the City Planner shall consider the following standards:
  - i. The signs comply with other applicable provisions of the ordinance;
  - ii. The views of adjacent properties or from adjacent properties are not impaired;
  - iii. The signs do not interfere with public utilities, government uses, transportation, and landscaping;
  - iv. The width of the street, the traffic volume, and the traffic speed warrant the proposed signage; and
  - v. The signs do not pose a hazard to public safety.

5. **Adjacent to I-540 (Interstate Sign District).** One additional sign up to 45' in height and 150 sq. ft. will be allowed in C-2 Highway Commercial District and C-4 Open display Commercial District when the property which the sign is located is within 500 feet of Interstate 540. The sign must be located in the rear or side yard setback and can not be closer to the front than the 75 ft. front yard setback.

6. **Monument Signs.** A monument sign is a sign that is not attached to a building and is permanently attached to the ground with no space between the ground and the sign. The sign will be measured from the adjacent curb line to the top of the sign.

- a) Maximum Height. 6 ft.
- b) Materials. The sign display area shall be completely enclosed with materials that match the façade of the principal use or similar quality, color, and texture as the primary masonry materials used in the exterior finish of the primary structure on site.
- c) 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.

**E. Freestanding Signs – Residential Districts.** Freestanding signs to identify residential subdivisions, PUD's or multifamily developments shall be permitted in all residential districts, subject to the following regulations:

1. **Subject.** No commercial message shall be placed on the identification signs.
2. **Permanent feature.** Identification signs shall be incorporated into a permanent landscape feature such as a wall, fence, or masonry column.

**F. Marquee Signs.** A marquee is a sign used to identify a theater or a sign projected over the entrance to a theater. Marquee signs shall be permitted in commercial zoning 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 five (5) feet, measured in horizontal distance, from the right-of-way line of any street.
3. **Length.** The sign may extend the full length of the marquee on theaters, auditoriums and assembly halls.

**G. Projecting Signs.** A projecting sign is a sign that forms an angle with the building that extends from the building and is supported by the building. Projecting signs shall be permitted in nonresidential zoning districts, subject to the following regulations:

1. **Setback.** The sign may not extend into a required front yard more than six (6) feet and no closer than five (5) feet measured in horizontal distance from the right-of-way line of any street.

**H. Roof Signs.** Roof signs are not allowed in any zoning district in the City of Rogers.

**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 nonresidential zoning 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 five (5) feet measured, in horizontal distance from the right-of-way of any street.

**J. Wall Signs – Nonresidential Districts** (includes Window Signs). A wall sign is any sign, other than a projecting or suspended sign, that is attached to or painted on any wall or any building. Wall signs shall be permitted in nonresidential zoning districts, subject to the following regulations:

1. **Extending beyond building.** The sign shall not extend more than 10 inches beyond the building.
2. **Extending beyond wall.** The sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on two (2) adjacent walls of the same building, the connecting portion may extend to but not beyond the face of the adjoining portion.
3. **Calculation 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, and door signs.

## **Sec. 10 SIGNS PERMITTED WITH A TEMPORARY SIGN PERMIT**

**A. Special Sales Events and Promotions.** Temporary signs, such as banners, are those that are intended for a temporary use and are not permanently mounted. Temporary signs shall be permitted in all zoning districts for special sales events and promotions, subject to the following regulations:

1. **Maximum number permitted per event.** Only one (1) sign shall be allowed per business per special sales event or promotion.
2. **Display period.** The temporary sign shall be displayed for not more than 10 business days.

3. **Maximum number permitted per year.** Each business site may be issued only four (4) permits for a temporary sign within a 12 month period. Each 12 month period shall begin with the issuance of the first permit and shall expire 12 months from that date. New businesses shall be permitted one additional special event sign per wall up to 6 consecutive months to announce the opening of the business, subject to the maximum area of 32 square feet per sign.
4. **Banners.**
  - a) Maximum area. 32 square feet.
  - b) Display location. The temporary banner shall be attached to the building or a permanent freestanding sign.
5. **Subject.** The temporary sign shall be for a special sales event or promotion, not a routine business activity.
6. **Exception.** This section shall not affect non-profit announcements for public and non-profit events.
7. **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. Vertical Streetscape Banners.** Vertical streetscape banners placed along thoroughfares to enhance the visual aesthetics of the streetscape typically attached to a street light pole are permitted, subject to the following regulations:

1. **Locations.** Vertical streetscape banners may be located within the Downtown area, and other areas approved by the Rogers City Council.
2. **Subject.** Such signs shall be solely decorative, noncommercial or promote a special public or non-profit event and shall not display a logo, message, statement, or expression relating to commercial interests.
3. **Size.** Each banner shall not exceed a maximum size of 2 ½' in width and 5' in length.
4. **Attachment.** Each banner shall be individually attached to an existing pole, mast arm or other permanent structure. Any vertical streetscape banners proposed to be attached to street light shall be installed by the

Rogers Street Department. No more than two banners, on opposing sides, may be mounted to each light pole.

5. **Display period.** Banners for events shall not be placed earlier than two weeks prior to the event and shall be removed within 3 days after the event. All other banners may remain in place for up to a year if they do not become torn, faded, loose or otherwise in disrepair.
6. **Multiple banners.** An overall signage plan shall be approved when multiple vertical streetscape banners are placed on a lot or street section. All banners on the same lot shall be consistent in terms of colors and materials used.

## **SEC 11 SIGNS NOT PERMITTED**

The following signs shall be prohibited, and may neither be erected nor maintained:

- A. **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.
- B. **Obsolete signs.** Obsolete signs or signs which have broken supports or are overgrown with vegetation.
- C. **Off-site signs.** Off-site signs are signs that direct attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located.
- D. **Portable signs.** 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; and hand carried signs promoting a commercial interest.
- E. **Rotating or revolving signs.**
- F. **Strung lights.** Lights strung across buildings or property except those allowed under Holiday Lighting.

**G. Windblown.** Fluttering, spinning, windblown or inflated devices including pennants, propeller discs, and balloons. Flags, other than governmental or corporate, are prohibited.

Exception: Balloons shall be permitted for three (3) consecutive days for a grand opening event.

**H. Others not exempt.** All other signs which are not expressly exempt from regulation and expressly permitted under this section.

## **SEC 12 OVERLAY DISTRICT**

The purpose of the Overlay District is to protect and enhance the scenic quality of the highway corridors, create design standards for developments, provide effective land use planning and facilitate traffic flow.

The Overlay district shall extend along West Walnut Street from 28<sup>th</sup> Street to Interstate I-540; along South 8<sup>th</sup> Street from Olrich Street to the South city limits; along Highway 62 from the East city limits to the West city limits; along State Highway 12 from 2<sup>nd</sup> Street to the East city limits; along New Hope Road from Dixieland Road to Interstate I-540; along Interstate I-540 from the North city limits to the South city limits; and along Pleasant Grove Road from South 8<sup>th</sup> Street to Bellview Road. The district encompasses all lands with highway frontage, including local streets, lying within three hundred thirty (330) feet of the right-of-way on both sides of the designated corridors within the city limits.

A monument sign shall be allowed with a maximum of six (6) feet in height and seventy-two (72) square feet in sign face area. A commercial development defined as having three or more tenants will be allowed a maximum of one sign ten (10) feet in height and one-hundred (100) square feet in sign face area.

## **SEC. 13 ENFORCEMENT**

Code Enforcement Officers may remove the following signs that are in violation of this ordinance; Yard sale signs, garage sale signs, rummage sale signs, moving sale signs, construction signs, real estate signs, political signs, banners and temporary signs, and directional signs for religious institutions. Failure to comply with any section of this sign code shall be a misdemeanor punishable by a fine not to exceed two hundred fifty dollars (\$250.00) per day that said violation exists. Each day shall constitute a separate offense.

## **SEC. 14 SEVERABILITY**

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 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.