

ORDINANCE NO. 2009-98

BE IT ENACTED BY THE QUORUM COURT OF SALINE COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED: "AN ORDINANCE TO REGULATE BILLBOARDS IN SALINE COUNTY, ARKANSAS."

WHEREAS, the regulation of billboards is a legitimate governmental interest which is exercised by many municipalities, counties, and other agencies; and

WHEREAS, Amendment 55, Section 1 of the Arkansas Constitution grants the Quorum Court the authority to exercise local legislative authority not denied by the Constitution or by law; and

WHEREAS, Ark. Code Ann. § 14-14-802 grants the Quorum Court the authority to provide for certain services including planning; and

WHEREAS, the proliferation in number, size and manner of outdoor advertising unreasonably distracts operators of motor vehicles and promotes confusion with regard to traffic lights, signs, or signals or other interference with the effectiveness of traffic regulations and is therefore hazardous to highway users.

WHEREAS, the scenic nature of roadways should be preserved to protect the public interest; to promote the public health, safety and welfare, to promote tourism and to preserve the natural beauty and aesthetics of Saline County.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF SALINE COUNTY, ARKANSAS:

Article 1. Permits.

(a) No billboard shall be erected in the unincorporated area of Saline County without first obtaining permit approval from the Saline County Planning Board as provided herein. "Billboard" shall mean for the purposes of this ordinance any off-premises object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations, or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues. Billboards do not include traffic control signs, traffic flow informational signs, directional signs, safety control signs, and other government signage.

(b) Permits shall not be required under the following conditions:

- (1) Replacing or altering changeable copy;
- (2) Painting, repairing, cleaning or normal acts of maintenance.

(c) Structural alteration shall not be considered maintenance and shall require a permit prior to the activity.

(d) Written authorization from the owner or other person in lawful possession or control of the site designated as the location of the billboard shall be obtained prior to the submission of an application for a permit.

(e) An application for a permit must be made on forms provided by the Planning Board and a separate application must be made for each request.

(f) A permit is required for each sign facing.

(g) An application for a billboard permit shall include the following:

- (1) Site Plan indicating proposed billboard location, orientation to the roadway, setbacks, and adjacent structures including roadways, parking areas and driveways;
- (2) A vicinity map indicating nearby roadways, billboards and other locations which require distance setbacks as provided herein;
- (3) Construction plans indicating sign height, dimensions and face area; and

(h) A billboard permit shall be valid for one (1) six (6) month period. If no construction has commenced at the site the permit shall become void.

Article 2. Nonconforming Signs. Any billboard lawfully existing under all applicable codes or regulations in effect at the time this ordinance is adopted or amendments made thereto, may continue to be maintained and operated as a legal nonconforming billboard as long as it remains lawful, provided, that:

(a) No billboard shall be changed in any manner that increases its nonconformity with these regulations; and

(b) If the billboard is structurally altered or moved, its legal nonconforming status shall be voided and any replacement thereof shall be required to conform to the provisions of these regulations. Nothing in this section shall be construed to restrict normal structural repair and maintenance as provided herein; and

(c) The billboard is not a hazard or an abandoned billboard. For purposes of this ordinance "Abandoned billboard" shall mean a billboard which has not carried a message for more than one hundred and eighty (180) consecutive days.

Article 3. No billboard or part thereof, shall be erected, used, or operated, or maintained:

- (a) Within any public or county road right-of-way.
- (b) Within twenty-five (25) feet of the nearest edge of any public, county arterial or collector road right-of-way as identified by the Saline County Master Road Plan.
- (c) Overhanging a public right-of-way or a private road or drive.

Article 4. Persons in violation.

(a) Any person(s), whether owner, lessee, principal, agent, employee, or occupant of any land or part thereof, and any architect, engineer, builder, contractor, agent or other person who:

- (1) violates any provision of this ordinance,
- (2) or permits, participates, assists, directs, creates or maintains any such violation,
- (3) or fails to comply with any of the requirements hereof, including conditions, stipulations, or safeguards attached to any approval or permit, or
- (4) who erects, constructs or reconstructs any billboard structure, in violation of any written statement or plan submitted and approved pursuant to this ordinance, shall be in violation.

(b) Any person(s) in violation of these regulations may be held responsible for such violation and be subject to the penalties and remedies as provided herein and as provided by law.

(c) Separate violation. Each and every person who commits, permits, participates in, assists, directs, creates or maintains a violation may be found individually in violation of a separate offense. Each day that any violation continues to exist shall constitute an additional and separate violation.

Article 5. Penalty Enforcement.

(a) Fines. Pursuant to A.C.A. § 14-14-906, any person(s) violating any of the provisions herein shall be fined not more than one thousand dollars (\$1,000) for each separate violation plus all court costs. Each day such violation continues shall constitute a separate violation and shall be fined not more than five hundred dollars (\$500) for each day that it may be unlawfully continued.

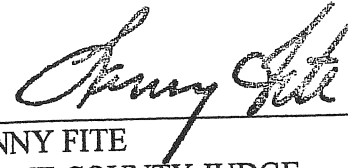
(b) Revocation of permits. The Planning Board may revoke, or cause the revocation of, permits or approvals in those cases where an administrative determination has been duly made that false statements or misrepresentations of material fact(s) were made in the application or plans upon which the permit or approval was based.

Article 6. Fees. There shall be a fee of \$100.00 for permit application. Fees must be paid in full before a permit may be issued.

Article 7. Severability. Should any section, clause, or phrase of this Ordinance be declared by the courts to be invalid, that validity shall not affect the other provisions of this Ordinance which shall be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable..


DATE: DECEMBER 15, 2009

APPROVED: _____



LANNY FITE
SALINE COUNTY JUDGE

ATTEST: _____



FREDDY BURTON
SALINE COUNTY CLERK

SPONSOR: _____

PUBLIC WORKS COMMITTEE