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to D.C.

City of Conway, Arkansas
Ordinance No. O-08-133

**AN ORDINANCE AMENDING THE SIGN ORDINANCE, SECTION 1301 OF THE CONWAY ZONING
ORDINANCE O-94-54; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:**

WHEREAS, The City of Conway would like to amend the language of the Conway sign regulations further clarifying the prohibition and replacement of electronic message boards:

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

SECTION 1. Section 2.01, Sign Prohibited, is hereby amended to read as follows:

Section 2.01- Signs Prohibited

The following types of signs are prohibited in all districts:

- (1) Abandoned signs.
- (2) Pylon or single pole signs with the exception of on-premise interstate signs as allowed in Section 3.05.
- (3) Festoons and search lights. (Except as allowed in Sections 2.0.4 and 3.0.1).
- (4) Signs imitating or resembling official traffic or government signs or signals.
- (5) Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way.
- (6) Animated, moving, flashing, blinking, reflecting, revolving, or any other similar sign.
- (7) Electronic message boards and electrically activated signs with the exception of static LED fuel price signs as allowed in the interstate zone. See Section 3.05.**
- (8) Permanent sale or come-on signs.
- (9) Signs painted on fences or roofs.
- (10) Portable signs
- (11) Obscene signs
- (12) Inflatable Signs over ten (10) feet tall by ten (10) feet wide by ten (10) feet deep, or 1000 cubic feet.

SECTION 2. Section 2.07, Changeable Copy, is hereby amended to read as follows:

Section 2.07- Changeable Copy

Unless otherwise specified by this ordinance, any sign herein allowed may use manual changeable copy. Only one changeable copy area per sign is allowed. **Electronic message boards and electronic numeric displays are prohibited with the exception of static LED fuel price signs within the interstate zone. See Section 3.05.**

SECTION 3. Section 4.01, Determination of Legal Nonconformity, is hereby amended to read as follows:

SECTION FOUR

Nonconforming Signs

Section 4.01-Determination of Legal Nonconformity

- (1) A nonconforming sign is any permanent sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this sign ordinance. This includes all signs; freestanding, wall, awning, etc.
- (2) A legally established sign which fails to conform to this Ordinance shall be allowed continued use, except that the sign shall not be expanded, moved, or relocated, except in the case of street relocation.
- (3) Non functioning, nonconforming electronic message boards shall not be replaced with another electronic message board either used or new.**

SECTION 4. Section 6.06, Variances for Signs, is hereby amended to read as follows:

Section 6.06- Variances for Signs

No variances shall be allowed from the size area requirements of this ordinance. **No variances concerning electronic message boards shall be allowed.** A variance for any other requirement of this ordinance, i.e., height, location, ~~type~~, etc. may be applied for.

SECTION 5. Section 6.11, Inventory and Abatement, is hereby removed:

~~Section 6.11 Inventory and Abatement~~

~~Within six (6) months from the date of adoption of this Ordinance, the City shall commence a program to inventory and identify illegal or abandoned signs within its jurisdiction. Within sixty (60) days after this six (6) month period, the City shall commence abatement of identified illegal or abandoned signs.~~

SECTION 6. Section 8.0, Definitions, is hereby amended to read as follows:

Face of Sign- The area of a sign on which the copy is placed. This does not include the mounting structure. **Face of Sign does not include an electronic message board or panel.**

Message Board – The portion of a sign whose informational content can be changed or altered by manual, electric, electromechanical, or electronic means. See: Changeable signs. **Electronic message boards are not allowed prohibited.**

Changeable Copy Sign- A sign whose informational content can be changed or altered by manual, ~~or~~ electric, electromechanical, or electronic means. Changeable **copy** signs include the following types:

1. Manual ~~ly Activated~~ Changeable Copy Sign: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.

2. Electrical ~~ly Activated~~ Changeable Copy Sign: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments, ~~includes the following two types: including electronic message boards.~~

~~a- Fixed Message Electronic Signs: Signs whose basic informational content has been preprogrammed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.~~

~~b- Computer Controlled Variable Message Electronic Signs: Signs whose information content can be changed or altered by means of computer driven electronic impulses.~~

~~Electronic Message Center~~ see "Changeable Signs, Electrically Activated"

Electronic Message Board - A sign that uses changing light (including LEDs) to form a message, pictures, or logos in a display controlled by electronic means.

Message Board – The portion of a sign whose informational content can be changed or altered by manual, electric, electromechanical, or electronic means. See: Changeable signs. **Electronic message boards are not allowed prohibited.**

Noncommercial sign -A temporary sign which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. The message does not direct attention to a business operated for profit, or to a commodity or service for sale. **A noncommercial sign shall not be an electronic message board.**

SECTION 7. All ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 8. That this ordinance is necessary for the protection of the public peace, health, and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.


PASSED this 28th day of October, 2008.

APPROVED:



Mayor Tab Townsell

ATTEST:



Michael O. Garrett
City Clerk/Treasurer