

ORDINANCE NO. 2013-09

AN ORDINANCE ESTABLISHING THE REGULATION OF ADVERTISING
BY BUSINESS AND POLITICAL SIGNS IN THE CITY OF POCAHONTAS
AND FOR OTHER PURPOSES

WHEREAS, the City of Pocahontas has determined that in order to encourage an attractive environment, to promote the development of businesses and organizations, to inform and direct the general public, to protect and enhance the physical appearance of the community, to ensure public safety along streets and highways the placement of advertising, posters, banners or other signs upon street signs, public right of ways, buildings, fences, walls or other structures in the City should be regulated.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF
POCAHONTAS, ARKANSAS:

SECTION I: Bill posting by certain type business; permit and bond required.

It shall be unlawful for any circus, carnival, amusement company or other persons to place advertising, posters, banners or other signs upon the buildings, fences, walls or other structures in the City without first obtaining a permit from the City Clerk.

The City Clerk shall not issue any permit to any circus, carnival, amusement company or other persons until the circus, carnival, amusement company or other persons applying for a permit to post bills, as aforesaid, shall file with the city clerk a surety bond for the sum of one hundred dollars (\$100.00) to guarantee the removal of the signs posted within five (5) days after the performance advertised in the posters, bills or signs permitted.

The penalty for violation of this ordinance, shall, upon conviction in the Randolph County District Court, or any other court of competent jurisdiction, shall be \$100.00 for each violation.

SECTION II: Handbills, etc., posted on telephone, street signs and light poles.

Posting of any bills, cards, notices, signs or advertisements of any kind whatsoever upon any telegraph, telephone, street sign or electric light pole or post or any sidewalks, public right of ways within the corporate limits of the City is hereby prohibited. The penalty for violation of this ordinance, shall, upon conviction in the Randolph County District Court, or any other court of competent jurisdiction, shall be \$25.00 for each violation for the first offense and \$100 for each violation for each subsequent offense.

SECTION III: Off-premises outdoor advertising

Off-premises outdoor advertising is not allowed in R-1 or R-2 zones. An off-premises outdoor advertising sign means a sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located.. The following shall not be considered an off-premises sign for the purposes of this section:

- (1) Directional or official signs authorized by law;
- (2) Real estate signs;
- (3) On-premises signs as allowed by zoning ordinances; and
- (4) Yard sale signs.

SECTION IV: Political signs.

(a) Definition. As used herein, the term "political sign" means and refers to any sign which supports any political candidate or issue.

(b) Prohibited. Political signs may not be placed on public property, including without limitation, public rights-of-way, streets, alleys and sidewalks, government buildings and property, and public utility poles and other facilities. Provided, however, if any government building is utilized as an official polling place by the Randolph County Election Commission, electioneering, including the display of political signs, may be permitted on such government

property, on the day of the election only, provided such electioneering is conducted in accordance with A.C.A. § 7-1-103(a)(9).

(c) Conditions for placement. Political signs may be placed upon private property within any zoning classification, subject to the following conditions:

1. No political sign may be placed upon private property without permission of the owner;
2. Political signs must be removed within ten (10) calendar days after the election to which they pertain; and
3. Contact information about the candidate and/or the person sponsoring the candidate or issue must be on located on the sign.

(d) Authority of city. If a political sign is placed improperly or is not removed as required herein, the City is authorized to enter upon private property and to remove the sign.

(e) Responsibility. The candidate for whom a political sign is placed and the person who places a political sign are responsible for the placement and removal thereof according to the provisions of this section and, upon failure to do so, shall be subject to the penalties provided herein.

(f) Copies of section. Copies of this section shall be provided by the City of Pocahontas to all candidates for municipal offices, and copies hereof shall be provided to the Secretary of State and to the Randolph County Clerk for distribution to candidates filing in those offices.

(g) Penalty. The penalty for violation of this ordinance shall, upon conviction in the Randolph County District Court, or any other court of competent jurisdiction, shall be \$25.00 for the each violation for the first offense and \$100 for each violation for each subsequent offense.

PASSED AND APPROVED THIS 13th DAY OF August, 2013.

Frank Bigger
Mayor Frank Bigger

ATTEST:

Suzanne Hawkins
Suzanne Hawkins, Clerk/Treasurer