



**Kit Williams**  
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**TO: Mayor Jordan**  
**City Council**

**CC: Don Marr, Chief of Staff**  
**Jeremy Pate, Development Services Director**

**FROM: Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read 'Kit Williams', written over a horizontal line.

**DATE: February 22, 2012**

**RE: Political Sign installations**

As we near the primary election, I thought it might be helpful to detail the regulations in the Sign Ordinance that relate to political signs. The first exemption from the City's general prohibition of unpermitted signs allows one non-illuminated up to 8 square feet non-commercial sign (religious or political) to be erected on any residential lot. This simple sign can be displayed year round. On Commercial and Industrial zoned lots, an existing commercial or industrial sign can be **replaced** (not added to) by a political sign. This is also a year round exemption. §174.02(H)(1) & (2)

**Sixty (60) days prior to an election** (primary, general or run-off) additional political signs **that do not exceed 8 square feet** may be placed by or with the permission of the property owner as follows:

One sign may be placed by the property owner for each "candidate, referendum or initiative issue the property owner wishes to support." §174.02 (H)(3)

"All such (additional) signs ... shall be removed within three (3) days of the general or primary election." §174.02(H)(3)

**Sixty (60) days prior to an election Large Election Signs (32 square feet)** are allowed as follows:

Residential zones: A property owner may place **one** large (not to exceed 32 square feet) election campaign sign on his or her property not earlier than 60 days before the election to which the sign applies. §174.02(J)(a)

All other (non-residential) zones: A property owner may place **one large (not to exceed 32 square feet) election campaign sign per hundred feet of street frontage** of the lot.

**All large election campaign signs must be removed within three days following the election** to which the sign applies (unless the sign supports a candidate involved in a run-off scheduled to be held within sixty days). §174.02(J)(b).

### **Election Campaign Banners**

**Election Campaign Banners not to exceed 3' by 30'** may be installed in **commercial zones** as a substitute for and in conformance with the requirements of a "special sales event banner **no more than two weeks prior to (and to be removed within three days following) the election to which the banner applies.**" §174.02(J)(b)

### **Property Owner's Right**

Please remember that placement of political signs pursuant to the Sign Ordinance is a **property owner's right**, not a political candidate's or campaign's right. Property owners must always consent to placement of any signs upon their property.

### **City or State Property**

**No political signs may be legally placed upon city property**, including all city parks and city right-of-way which normally would include at least the sidewalk, culvert, ditch and utility area along a street. Signs found on city property may be removed and disposed of without further notice. The Arkansas Highway and Transportation regularly removes all signs within its highway right-of-way. Political signs may not be affixed to utility poles or traffic signs.

Current law

# Political Signs

## TITLE XV UNIFIED DEVELOPMENT CODE



complying with certain applicable provisions of this chapter. The exemptions shall apply to the requirement for a sign permit. No sign permit shall be required for the erection of the following signs which are hereby authorized to be erected in compliance with the listed conditions:

- (A) *Professional name plates.* Professional name plates erected flat on walls of building and not exceeding four (4) square feet of display surface area.
- (B) *Building construction signs.* One on-site building construction sign on each construction site in any zoning district, provided that maximum display surface area shall be eight (8) square feet or less in R zoning districts; 32 square feet or less in other zoning districts.
- (C) *Real estate signs.* On a lot in any district, there may be erected one on-site unanimated real estate sign while the lot is for sale. Provided further, such signs shall be limited to wall signs, freestanding signs or platform signs; and freestanding signs or platform signs shall be set back a minimum of 10 feet from the street. Real Estate signs shall be removed within 72 hours following the closing (sale) of the property on which it is located. The permitted illumination and maximum display surface area for a real estate sign shall be as follows:

District	Permitted Illumination	Area (Sq. Ft.)
RA	Nonilluminated	32
R, R-O	Nonilluminated	8
P-1, C and I	Illuminated	32

- (D) *Home occupation signs.* Home occupation signs erected flat against the wall and not exceeding three (3) square feet.
- (E) *Memorial signs, name signs.* Memorial signs or tables, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (F) *Traffic signs, etc.* Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or nonadvertising signs as may be approved by the City Council.
- (G) *Posting bills, repainting signs.* Posting of bills on signs, repainting of signs, or the changing of letters or numbers on signs designed for changeable lettering or numbering which were legally erected and maintained for such purposes.

(H) *Non-Commercial Signs.* Non-Commercial signs that do not advertise a product or service for profit or for a business purpose, do not propose a commercial transaction nor relate primarily to economic interests are permitted to be placed on private property in any zoned district subject to the following conditions:

- (1) *Districts where signs not otherwise permitted.* In districts where signs are not otherwise permitted, one political or religious non-commercial sign may be erected subject to the same limitations of real estate signs.
- (2) *Districts where signs are permitted.* In districts where signs are otherwise permitted, non-commercial signs may be placed over or substituted for the permitted commercial sign.
- (3) *All districts.* In addition to the noncommercial sign allowed above, sixty (60) days prior to a general or primary election, a property owner may display one political sign (not to exceed eight square feet) for each candidate, referendum or initiative issue the property owner wishes to support. All such signs, except those relating to a candidate in a run-off election, shall be removed within three (3) days of the general or primary election. All remaining political signs except the sign allowed in subsection (1) shall be removed within three (3) days of the run-off election.

(I) *Time and temperature displays.* Time and temperature displays without advertising matter, may change their illuminated time and temperature displays as often as reasonably necessary to provide accurate and convenient information to observers without being considered to be in violation of §174.08 B. Fluctuating Illumination.

(J) *Banners.* Public event, special sales event, and election campaign banners (not to exceed 3' x 30') and large election campaign signs (not to exceed 32 square feet) may be installed under the following terms and conditions:

- (1) *Election campaign banners and large signs.*
  - (a) *Residential zones including Neighborhood Conservation, R-O, R-A and R-PZD.* In addition to the non-commercial sign allowed in subsection (H), the owner of a residentially zoned parcel may install one large election campaign sign of up to 32 square feet no more than sixty days prior to (and to be removed within three days following) the election to which the sign applies.

Sign  
limits  
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Large  
election  
Signs

# Large election Campaign signs ↓

## Fayetteville Code of Ordinances

- (b) *All other zones.* The owner of a parcel may install one election campaign sign of up to 32 square feet no more than sixty days prior to (and to be removed within three days following) the election to which the sign applies. If the parcel has more than 100 feet of frontage on a street, the owner may install one large campaign sign per hundred feet of frontage and may substitute and install an election campaign banner for an allowed special sales event banner no more than two weeks prior to (and to be removed within three days following) the election to which the banner applies.
- (2) *Special sales event banner.* In Commercial, Downtown Core, Downtown General, Main Street Central, and C-PZD zones, a commercial retail business may advertise a special sales event by installing a special sales event banner on its property at least 40' from the street right of way and no higher than 30' above street level for a total display time of no more than ten days, no more than one time a year.
- (3) *Public event banners.* Nonprofit organizations and government entities may install public event banners under the following conditions:
- (a) In order to notify or invite the public to attend a public festival or event sponsored by the nonprofit organization or government entity, this organization may install a public event banner (that may not contain advertising or commercial logos) on its property, at least 20' from the street right of way or on the building's facade and no more than 30' above the street for a total display time of no more than fourteen days six times a year.
- (b) In order to notify or invite the public to attend a public festival or event within the Downtown Master Plan area or the University of Arkansas campus sponsored by the nonprofit organization or government entity, that organization may pay the costs of the City to install one, two, or three cross street public event banners (with no advertising or commercial logos) at one or more City authorized sites {intersections of Dickson and Block, and Dickson and Arkansas, and on Block between Dickson and Meadow} for no more than fourteen days once a year. When more than one nonprofit organization or government entity would qualify and timely requests to pay for the installation of cross street banners during the same period, the number of cross street banners for each organization may be reduced to one and/or the length of display may be shortened to one week so that each qualified applicant is treated equally.
- (K) *Signs located in buildings.* Any sign located within a building that is not visible to the public outside said building is exempt from all regulations in this chapter.
- (L) *Signs on windows.* Signs painted on or affixed to glass surfaces of windows or doors and pertaining to the lawful business conducted therein are exempt from the permit requirement, but are considered a wall sign to determine allowable square footage. No signs affixed to a window and visible outside shall flash or fluctuate illumination.
- (M) *Directional identification and informational signs.* Directional, identification, and informational signs; provided such signs shall be limited to wall and freestanding signs with a maximum of four (4) square feet of display surface area. Notwithstanding the restrictions on the location and number of freestanding signs prescribed by §174.10, one freestanding sign not exceeding four (4) square feet in display surface area shall be permitted at each entrance or exit on a lot or parcel to identify such entrance or exit and to encourage the use of motor vehicle seatbelts, subject to the following restrictions.
- (1) *Traffic hazard.* No such sign shall be erected which would create a traffic hazard.
- (2) *Seat belt sign.* Any words or symbols encouraging the use of seatbelts shall face the interior of the lot or parcel on which the sign is located and shall not face the street.
- (3) *Advertising.* No advertising or commercial logos may be incorporated into the sign.
- (N) *Collection boxes.* Collection boxes for charitable or nonprofit organizations containing no commercial advertising and located on private property in any Commercial or Industrial zoning districts.
- (O) *Subdivision signs.* In any district, one temporary subdivision identification sign indirectly illuminated, not to exceed 50 square feet in area per surface may be erected at any principal entrance to a subdivision, provided that in no event shall such sign remain for more than six (6) months within 50 feet of a dwelling in a R district occupied as a dwelling.