

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING SIGNS IN THE PUBLIC RIGHT-OF-WAY; AMENDING AND REPEALING CERTAIN PROVISIONS OF THE NORTH LITTLE ROCK CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, there has been a proliferation of the placement of signs in the public right-of-way that have resulted in clutter of the City’s public spaces; and

WHEREAS, the City has a compelling governmental interest in public safety and the City has determined that regulation of signs placed in the public right-of-way can have a significant effect on traffic safety, as well as property values, economic development, business opportunities, and community appearance; and

WHEREAS, the City Council has determined that it is in the best interest of the City and its residents to prohibit the placement of signs in the public right-of-way, and such prohibition is necessary to preserve, protect and promote public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That the following terms as used in this Ordinance are defined as follows:

- “Sign” shall mean any device, fixture, placard, display, or structure visible to the general public that uses or is designed to use any color, form, graphic, illumination, symbol, writing, or visual presentation of any kind to advertise, announce, draw attention to, or identify a product, place, activity, person, institution, business, or other entity, or to communicate a message of information of any kind to the public. The term “sign” shall not include “governmental sign” as defined herein.
- “Public right-of-way” shall mean any area of real property dedicated to or owned by the City of North Little Rock or the public or any other public body, or over which the City of North Little Rock, or the public, or any other public body holds any easement, for public street, alley, sidewalk, pedestrian, equestrian, or public utility purposes.
- “Governmental sign” means any sign erected by, or on behalf of, the unit of government having jurisdiction over the public right-of-way.

SECTION 2: Except for governmental signs erected by, or on behalf of, the unit of government having jurisdiction, no sign may be placed or located on or within any public right-of-way in the City of North Little Rock, or affixed to or upon any public property located within the public right-of-way. This prohibition includes any sidewalk; drainage ditch; landscape strip; shoulder; parkway; crosswalk; median; curb; light post; utility pole, wire or crossbar; traffic or

parking control signs or devices; hydrant; tree; shrub; or any other object located within said public right-of-way.

SECTION 3: That any sign violating any provision of this ordinance is hereby declared to be and is a public nuisance.

SECTION 4: That any sign violating any provision of this ordinance may be removed by any employee of the City duly authorized to do so by the Mayor or his designee. Any sign so removed shall be placed in the custody of the Street Department of the City and stored for a minimum of ten (10) days. The person or entity owning such sign shall have the right to claim such sign to the extent ownership can be reasonably ascertained from information contained on the sign. Any sign not claimed by its owner within ten (10) days may be disposed of by the City.

SECTION 5: That North Little Rock Municipal Code, Chapter 13, Solid Waste, Section 1.2.1 is hereby amended as follows:

1.2.1 Unlawful acts. It shall be unlawful for any person to place, throw, deposit, or otherwise put any newspaper, advertising circular, pamphlet, brochure, or any other publication, advertising material or printed material in or on any city street, alley, curb, gutter, drainage ditch, or related drainage facility. ~~Provided, however, that this prohibition shall not apply to the placement of political advertisements or political campaign signs on private residential premises or commercial property over either of which the city owns or enjoys a right-of-way.~~

SECTION 6: That Section 14.28 - Temporary Open House, Estate Sale, and Yard Sale Signs of the North Little Rock Zoning Code is hereby repealed.

SECTION 7: That Section 2.2 - Definitions of the North Little Rock Zoning Code is hereby amended to delete the definition for "Sign, political".

SECTION 8: That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 9: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 10: It is hereby found and determined that the proliferation of signs within the public right-of-way has created a public nuisance within the City and the prohibition of such signs will have a significant positive effect on traffic safety, property values, economic development, business opportunities, and community appearance, and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, 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:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

ATTEST:

Linda Robinson
Council Member Linda Robinson

by AT Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED	<u>11:05</u>	A.M.	_____	P.M.
By	<u>Asst city Atty Marie Miller</u>			
DATE	<u>2-4-2020</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>K. Thomas</u>			