

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE DECLARING A MORATORIUM ON THE  
ISSUANCE OF PERMITS FOR ELECTRONIC CHANGEABLE  
COPY SIGNS IN THE CITY OF NORTH LITTLE ROCK;  
DECLARING AN EMERGENCY; AND FOR OTHER  
PURPOSES.**

WHEREAS, the City of North Little Rock, through Ordinance Nos. 7674 (“The Sign Ordinance”) and 7697 (“The Zoning Ordinance”), regulates signs, including electronic changeable copy signs; and

WHEREAS, a moratorium was declared on issuance of permits for electronic changeable copy signs through September 30, 2009 (Resolution No. 7453) in order to study relevant issues concerning this type of signs; and

WHEREAS, an informal committee was formed to investigate applicable requirements for electronic changeable copy signs with a mission to establish appropriate regulations therefor; and

WHEREAS, after discussing nationwide studies and the projected impact of electronic changeable copy signs to the City, the committee determined that:

- The bright and quickly changing images shown on electronic changeable copy signs may present a safety hazard by distracting traveling motorists;
- The proliferation of electronic changeable copy signs will likely result in visual blight along commercial corridors;
- When located near residential areas, the light emissions from electronic changeable copy signs will likely interfere with the use and enjoyment of homes;
- The high cost and marketing value of electronic changeable copy signs creates a competitive disadvantage to small businesses that are valued by our community; and
- The legal standard for treatment of electronic changeable copy signs has not been fully heard.

WHEREAS, the committee determined that the City would be best served by avoiding the likely negative impacts of electronic changeable copy signs until the law regarding treatment of the signs has matured.

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

SECTION 1: That there is hereby declared a moratorium on issuance of permits by the North Little Rock Department of Community Planning (“Planning Department”) for electronic changeable copy signs no later than April 27, 2011. In furtherance of this moratorium:

- (a) **INFORMAL COMMITTEE ESTABLISHED.** The Committee on Electronic Changeable Copy Signs (the “Committee”) established at the July 13, 2009 meeting of the North Little Rock City Council shall continue in its investigative and recommendation capacity.
- i. Alderman Murry Witcher shall chair the Committee.
  - ii. Any member of City Council may attend and participate in the Committee which shall comply with all Arkansas Freedom of Information Act (“FOIA”) requirements.
  - iii. The Department of Community Planning shall send a representative to each Committee meeting and provide administrative support to the Committee.
  - iv. The Legal Department shall send a representative to each Committee meeting.
  - v. The Committee shall study permitting of electronic changeable copy signs and make recommendations to City Council no less than 90 days prior to expiration of the moratorium.
- (b) **PERMITS.** No permits for electronic changeable copy signs may be issued to any person, corporation, or other entity during the moratorium, except for the normal renewal of a permit for a sign that was previously issued. Any exception to this rule must be approved by ordinance of City Council.
- (c) **MAINTENANCE.** Existing electronic changeable copy signs may be maintained during the moratorium; provided that such maintenance shall not result in the physical enlargement, increased brightness, or increased rate of copy change, of the electronic changeable copy sign.
- (d) Any person or business who illegally erects an electronic copy sign within the municipal limits of the City of North Little Rock during this moratorium, or any extension thereof, may be punished by a fine not to exceed \$1000.00 or, if the violation is continuing in nature, by a fine not to exceed \$500.00 per day.

**SECTION 2:** That the term “electronic changeable copy sign” is defined by the Zoning Ordinance, as amended. A copy of the definition is attached hereto as Exhibit A for convenience.

**SECTION 3:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**SECTION 4:** 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 5:** It is hereby found and determined that there is an immediate need for a moratorium on electronic changeable copy signs in North Little Rock to afford

appropriate time to study the various issues on their safety and viability; 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:

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SPONSORS:

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Alderman Murry Witcher

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Alderman Debi Ross

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Alderman Beth White

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Alderman Maurice Taylor

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Alderman Cary Gaines

APPROVED AS TO FORM:

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C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

APPROVED:

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Mayor Patrick H. Hays

ATTEST:

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Diane Whitbey, City Clerk

## **EXHIBIT A**

### **DEFINITION OF ELECTRONIC CHANGEABLE COPY SIGN**

A sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed surface composed of electrically illuminated or mechanically driven changeable segments.