

ORDINANCE NO. 227

AN ORDINANCE AMENDING ORDINANCE NO. 177 OF THE CITY OF GARFIELD, ARKANSAS, BY ESTABLISHING RESTRICTIONS ON LIGHTED SIGNAGE ALONG HIGHWAY 62 WITHIN THE CITY LIMITS; PROVIDING FOR EXCEPTIONS, ENFORCEMENT, AND PENALTIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of Garfield has previously enacted Ordinance No. 177 establishing minimum standards for the regulation and control of signs visible to the public within Garfield; and

WHEREAS, the City Council of Garfield hereby makes the following findings of fact and declarations of policy:

(a) Garfield's rural landscape, agricultural heritage, and small-town character constitute significant assets of the community that contribute to the quality of life, property values, and civic identity of its residents;

(b) Highway 62, as the primary commercial corridor through Garfield, is the gateway through which residents and visitors experience the character of the community, and the visual environment along this corridor has a direct and substantial effect on the community's identity and aesthetic appeal;

(c) Garfield's rural setting affords its residents and visitors an exceptionally dark night sky, which is a natural and scenic resource of value to the community for purposes of recreation, astronomy, wildlife habitat, and quality of life, and which is diminished by excessive artificial illumination;

(d) The proliferation of lighted signage along Highway 62 would, if unregulated, erode the small-town character, rural aesthetic, and scenic night sky that define Garfield and distinguish it from more heavily commercialized communities;

(e) The City Council finds that a general restriction on new lighted signage along the Highway 62 Corridor, with reasonable and defined exceptions, strikes the appropriate balance between the legitimate needs of commerce and the community's overriding interest in preserving its character, heritage, and environment; and

WHEREAS, the City Council of Garfield finds that this amendment is necessary for the public health, safety, and general welfare of the citizens of Garfield;

NOW, THEREFORE, be it ordained by the City Council of Garfield, Arkansas, that Ordinance No. 177 is hereby amended by the addition of the following provisions:

SECTION 1: DEFINITIONS

For purposes of this ordinance, the following terms shall have the meanings set forth below, in addition to the definitions already set forth in Section A of Ordinance No. 177:

- (a) **"Lighted Sign"** means any sign, banner, or pennant illuminated by any internal or external artificial light source, including but not limited to electrically illuminated signs, backlit signs, LED signs, and neon signs. This definition includes and applies to all signs, banners, and pennants of any type defined under Section A of Ordinance No. 177.
- (b) **"Highway 62 Corridor"** means that section of U.S. Highway 62 located within the City Limits of the City of Garfield, Arkansas.
- (c) **"Lawfully Installed"** means a Lighted Sign erected in compliance with all applicable ordinances, permits, and regulations in effect at the time of installation, including any required sign permit issued pursuant to Ordinance No. 177.
- (d) **"Indirect Lighting"** means illumination directed onto the sign face from an external source rather than emanating from within the sign itself.

SECTION 2: GENERAL RESTRICTION ON LIGHTED SIGNS ALONG HIGHWAY 62 CORRIDOR

Except as provided in Section 3 of this ordinance, no Lighted Sign shall be erected, installed, or maintained along the Highway 62 Corridor within the city limits of the City of Garfield.

As set forth in Section 7, *infra*, the restriction outlined in this section supersedes the general illumination provision set forth in Section O of Ordinance No. 177. To the extent of any conflict between this ordinance and Ordinance No. 177 with respect to Lighted Signs along the Highway 62 Corridor, this ordinance shall control.

This ordinance does not authorize any sign that is otherwise prohibited under Ordinance No. 177 or under applicable state or federal law, including the regulations of the Arkansas State Highway Commission governing outdoor advertising on Arkansas highways.

The exception for time and temperature displays set forth in Section E(6) of Ordinance No. 177 does not apply along the Highway 62 Corridor, and no new time and temperature display shall be erected, installed, or maintained along the Highway 62 Corridor after the effective date of this ordinance.

SECTION 3: EXCEPTIONS AND LIGHTING STANDARDS

The following signs shall be exempt from the general restriction set forth in Section 2 of this ordinance. All signs exempted under this section remain subject to the general lighting standards set forth in subsection (a) below, except as otherwise expressly provided in the

Section 3 subsection applicable to a particular sign type.

(a) General Lighting Standards. All Lighted Signs permitted pursuant to this section shall comply with the following lighting standards, in addition to any other applicable requirements of this ordinance and Ordinance No. 177:

(1) Compliance with State Law. All exempt Lighted Signs shall comply with the Shielded Outdoor Lighting Act, Ark. Code Ann. § 8-14-101 et seq., as amended from time to time, and any regulations promulgated thereunder.

(2) Indirect Lighting. Except as otherwise expressly provided in this Section 3, all lighting shall be Indirect Lighting.

(3) Shielding and Direction. All light fixtures shall be fully shielded such that the bulb or lamp is not directly exposed as a source of glare. All illumination shall be directed onto the sign face only. No light shall be directed upward. Illumination shall not spill onto adjacent private properties or the night sky beyond what is reasonably necessary to illuminate the sign face.

(4) Wattage. No exposed reflective-type bulbs or incandescent lamps exceeding fifteen (15) watts shall be used.

(5) Brightness of Digital Signs. Notwithstanding the Indirect Lighting requirement of subsection (a)(2), where a digital Lighted Sign is expressly permitted under this Section 3, the following brightness standards shall apply: (i) the maximum luminance of any digital sign face shall not exceed one hundred fifty (150) candelas per square meter (nits) during nighttime hours (from one-half hour after sunset to one-half hour before sunrise), consistent with the maximum nighttime luminance recommended under ANSI/IES RP-39-19, Recommended Practice: Off-Roadway Sign Luminance (Illuminating Engineering Society, 2019); (ii) during daytime hours, luminance shall not exceed five thousand (5,000) candelas per square meter (nits); (iii) all digital signs shall be equipped with an automatic dimming sensor or control system that continuously and automatically adjusts brightness in response to ambient light conditions to ensure compliance with the foregoing limits; and (iv) to the extent that animation, image changes, or variable messaging are permitted under Ordinance No. 177 or this ordinance, no digital sign shall display any image, animation, or message change at a frequency greater than once every eight (8) seconds. For purposes of this subsection, "digital sign" means any Lighted Sign that displays a message or image by means of light-emitting diodes (LEDs), liquid crystal display (LCD), or any other electronically controlled variable-message technology.

(b) Fuel Pricing Signs. Lighted Signs displaying fuel pricing information at gasoline service stations located along the Highway 62 Corridor, the display of which is required

or regulated by applicable state and federal law governing the disclosure of fuel prices to the motoring public, shall be permitted as an exemption compelled by law rather than one based upon the content of the sign, subject to the following conditions: (i) such signs shall be limited to one (1) Lighted Sign per fuel grade; (ii) the maximum sign face area shall not exceed twelve (12) square feet per sign; and (iii) such signs shall comply with all other applicable provisions of Ordinance No. 177 and all applicable state and federal regulations. Notwithstanding the Indirect Lighting requirement set forth in subsection (a)(2) of this section, digital Fuel Pricing Signs are permitted. All other general lighting standards set forth in subsection (a) shall apply.

(c) Grandfathered Lighted Signs. Any Lighted Sign along the Highway 62 Corridor that was Lawfully Installed prior to the effective date of this ordinance may remain in place as a nonconforming sign ("Grandfathered Sign"), subject to the following:

(1) The sign must be maintained in good repair and safe condition in compliance with the maintenance and safety provisions of Ordinance No. 177, including Sections F, E(1), and E(7) thereof. If the sign falls into disrepair, the notice and enforcement provisions of Ordinance No. 177, including the thirty (30) day notice and removal requirement of Section G(a), shall apply.

(2) The nonconforming sign restrictions set forth in Section H, subsections (a) through (g) of Ordinance No. 177 are hereby incorporated by reference and shall apply to all Grandfathered Signs. For purposes of applying Section H(a) of Ordinance No. 177 to a Grandfathered Sign, "compliance with the provisions of this Ordinance" shall mean compliance with both Ordinance No. 177 and this ordinance; accordingly, any Grandfathered Sign that is subsequently destroyed to the extent of fifty (50) percent of its then replacement cost or fifty (50) percent of its physical structure shall not be repaired or rebuilt as a Lighted Sign along the Highway 62 Corridor, and any reconstruction shall conform in all respects to the requirements of this ordinance and Ordinance No. 177.

(3) Nothing in this subsection shall require the immediate modification of any Grandfathered Sign; provided, however, that upon any modification, replacement, or reconstruction of a Grandfathered Sign or its lighting fixtures, the general lighting standards set forth in subsection (a) of this section shall apply in full.

(d) Government, Traffic, and Safety Signs. Lighted Signs used solely by local, state, or federal government or agencies thereof, or by any public utility company or railroad, for the purpose of giving notice of matters of public safety or governmental concern - including lighted traffic or other municipal signs, legal notices, railroad crossing signs, and warning signs placed by proper authority - as defined in Section A of Ordinance No. 177, shall be exempt as compelled by law from the restriction set forth in Section 2 of this ordinance. Notwithstanding the Indirect Lighting requirement set forth in

subsection (a)(2) of this section, digital Government, Traffic, and Safety Signs are permitted. All other general lighting standards set forth in subsection (a) shall apply.

- (e) Off-Premises and Outdoor Advertising Signs.** Off-premises signs and outdoor advertising signs, as defined in Section A of Ordinance No. 177, that are permitted along the Highway 62 Corridor pursuant to Section E(5) of Ordinance No. 177 shall be exempt from the general restriction set forth in Section 2 of this ordinance, subject to the following:

(1) Existing Off-Premises Signs. Any off-premises or outdoor advertising sign along the Highway 62 Corridor that was Lawfully Installed prior to the effective date of this ordinance may remain in place and shall be treated as a Grandfathered Sign subject to the same conditions set forth in subsection (c) of this section, including the nonconforming sign provisions of Section H of Ordinance No. 177. The general lighting standards set forth in subsection (a) of this section shall apply to any such sign to the extent required upon any modification, replacement, or reconstruction of the sign or its lighting fixtures.

(2) New Off-Premises Signs. Any off-premises or outdoor advertising sign first erected along the Highway 62 Corridor on or after the effective date of this ordinance shall be subject to the following conditions as a requirement of permit issuance under Section J of Ordinance No. 177: (i) the maximum sign face area shall not exceed sixty-four (64) square feet; (ii) any lighting shall comply with the general lighting standards set forth in subsection (a) of this section, including without limitation the shielding and direction requirements of subsection (a)(3); and (iii) such signs shall comply with all applicable regulations of the Arkansas State Highway Commission governing outdoor advertising on Arkansas highways.

(3) Federal and State Preemption. To the extent that applicable federal or state law expressly prohibits or preempts the application of the conditions set forth in subsection (2) of this section to any particular sign, those conditions shall be deemed superseded only to the specific extent necessary to comply with such federal or state law.

- (f) Loss of Exempt Status.** Any Lighted Sign that qualified for an exemption under this section but subsequently ceases to meet the requirements of that exemption - whether by reason of disrepair, change of use, structural alteration, or non-compliance with the conditions of the applicable exemption - shall no longer be exempt from the general restriction set forth in Section 2 of this ordinance and shall be subject to immediate enforcement pursuant to Section 5 of this ordinance.

- (g) Amortization of Non-Grandfathered Lighted Signs.** Any Lighted Sign along the Highway 62 Corridor that was not Lawfully Installed prior to the effective date of this ordinance - including any sign erected without a required permit or in violation of the requirements of the ordinance in effect at the time of installation - shall not qualify as a Grandfathered Sign under subsection (c) of this section. The owner or operator of any such sign shall have one hundred eighty (180) days from the effective date of this ordinance to remove the sign or bring it into full compliance with this ordinance and Ordinance No. 177. The thirty (30) day compliance period set forth in Section 4(c) of this ordinance shall not begin to run with respect to any such sign until after the expiration of the one hundred eighty (180) day amortization period. Upon expiration of the amortization period, any such sign remaining in non-compliance shall be subject to immediate enforcement pursuant to Section 5 of this ordinance.

SECTION 4: PROHIBITED CONDUCT

It shall be unlawful for any person to:

- (a)** Erect, install, or maintain any Lighted Sign along the Highway 62 Corridor in violation of the general restriction set forth in Section 2 of this ordinance;
- (b)** Fail to comply with the lighting standards set forth in Section 3 of this ordinance with respect to any Lighted Sign permitted as an exception under Section 3 of this ordinance;
- (c)** Fail to remove or bring a non-compliant Lighted Sign into compliance within thirty (30) days of receipt of written notice pursuant to Section 5(b) of this ordinance;
- (d)** Maintain, display, or permit to remain on any property any sign declared prohibited under Section E of Ordinance No. 177;
- (e)** Erect, repair, alter, or relocate any sign within the City of Garfield without first obtaining a written permit as required under Section J of Ordinance No. 177;
- (f)** Violate any requirement applicable to temporary signs as set forth in Section P of Ordinance No. 177; or
- (g)** Violate any requirement applicable to portable signs or banners as set forth in Section Q of Ordinance No. 177.

SECTION 5: ENFORCEMENT

(a) Authority. The City Council of Garfield and its designated Code Enforcement Officer shall have the authority to enforce the provisions of this ordinance and of Ordinance No. 177 in accordance with the enforcement procedures set forth in Ordinance No. 177, which are hereby incorporated by reference as if fully set forth herein.

(b) Notice. Any person found to be in violation of this ordinance shall receive written notice from the City Council of Garfield or its Code Enforcement Officer directing that the non-compliant sign be removed or brought into compliance within thirty (30) calendar days of the date of such written notice.

(c) Misdemeanor. Any person who violates any provision of Section 4 of this ordinance or who commits any act declared unlawful under Ordinance No. 177, after having received written notice of such violation as provided in Section 5(b) of this ordinance or Sections E(1), E(3), or G(a) of Ordinance No. 177, shall be guilty of a Class C Misdemeanor and, upon conviction in the District Court of Benton County, Arkansas, shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Each day that a violation continues after written notice has been given pursuant to Section 5(b) of this ordinance or Sections E(1), E(3), or G(a) of Ordinance No. 177 shall constitute a separate offense.

(d) Injunctive Relief. In addition to any other remedy provided in this ordinance or in Ordinance No. 177, the City of Garfield is hereby authorized to seek injunctive or other equitable relief in the Benton County Circuit Court compelling the removal of, or compliance with respect to, any sign in violation of this ordinance or Ordinance No. 177. The pendency of any criminal prosecution pursuant to subsection (c) of this Section 5, the availability of administrative remedies, or the existence of any other remedy at law or in equity shall not bar the city from seeking or obtaining injunctive relief in the Circuit Court.

SECTION 6: SEVERABILITY

The provisions of this ordinance are severable. If any provision is declared unconstitutional, invalid, or unenforceable, all remaining provisions shall remain in full force and effect.

SECTION 7: CONFLICT WITH PRIOR ORDINANCES

Any provision of Ordinance No. 177 that is inconsistent or in conflict with this ordinance is hereby repealed and superseded to the extent of such inconsistency or conflict, and this ordinance shall control.

Specifically, the paragraph titled "ILLUMINATION" set forth in Section O of Ordinance No. 177 is hereby amended to read in its entirety as follows:

"ILLUMINATION: Only Indirect Lighting shall be permitted for the illumination of signs, subject to the exceptions set forth in Sections 3(b) and 3(d) of Ordinance No. 227. In addition, all illumination shall comply with the Shielded Outdoor Lighting Act, Ark. Code Ann. § 8-14-101 *et seq.*"

Except as expressly amended or modified herein, all provisions of Ordinance No. 177 shall remain in full force and effect.

SECTION 8: EMERGENCY CLAUSE

It is hereby declared that an emergency exists and that this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the citizens of the City of Garfield, Arkansas, by reason of the need to immediately regulate Lighted Signage along the Highway 62 Corridor in order to prevent the further proliferation of non-compliant Lighted Signs, to protect the rural character and scenic night sky of the community, and to minimize light pollution and its associated harms. Therefore, by a two-thirds (2/3) vote of the members of the City Council, this ordinance, being necessary for the immediate preservation of the public peace, health, safety, and welfare, shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED THIS 12th day of May, in the year of our Lord, 2026.

APPROVED:

Gary Blackburn
Gary Blackburn, Mayor of Garfield

ATTEST:

Christal Allen
Christal Allen, City Recorder-Treasurer

