

City Council Staff Report

December 2, 2015

Applicant: Mapleton City

Location: City wide

Prepared by: Sean Conroy,
Community Development
Director

Public Hearing: Yes

Zone: All

Attachments:

1. Proposed
Amendments.

REQUEST

Consideration of an Ordinance amending Mapleton City Code (MCC) Chapter 18.86 regarding standards for signs throughout the City.

BACKGROUND AND PROJECT DESCRIPTION

MCC Chapter 18.86 outlines the City's rules and regulations regarding signs throughout the City. The current ordinance outlines standards for temporary and permanent signs as well as standards for residential and commercial signs.

Staff is proposing several amendments to the sign ordinance as shown in strike out and underline in attachment "1".

EVALUATION

Signs play an important role in community character and appearance. As the City begins to experience more commercial development, and more signage requests in general, it will be important to have standards that are consistent with the desired character of the community. One of the stated goals of the sign ordinance is:

"To preserve and enhance the beauty of the city by minimizing visual clutter and regulating the physical characteristics of and placement of signage within the city."

The proposed amendments are designed to more fully implement this goal. Below is a summary of some of the key amendments included in this proposal.

Residential Signs: Amendments to the residential sign requirements include:

- Clarification on setback requirements (15' from street);
- Limitation on number of freestanding signs (1 for each street frontage); and
- Limitation on size (24 sq. ft. max).

Commercial Signs: Amendments to commercial sign requirements include:

- Prohibition on free standing pole signs;

- Adoption of standards for free standing monument signs (number, size, location, etc.);
- Amendments to the standards for wall mounted signs (no more than 15% of each façade may be used for signage); and
- Adoption of standards for sign lighting.

Temporary Signs: Reduces the amount of time a temporary sign may be permitted from 180 days to 90 days.

Sign Regulations and the 1st Amendment: Sign regulations have been the subject of a significant amount of litigation relative to the free speech protections of the 1st Amendment. Sign regulations that regulate the content of signs are subject to strict judicial scrutiny when challenged in court. This means that the sign restrictions must be found to serve a compelling government interest and that there is no way of serving the interest that is less speech-restrictive. Content regulations are easily overturned.

However, sign regulations that only address place (location standards), time (temporary vs. permanent) and/or manner (design), but are content neutral are typically subject of intermediate judicial scrutiny when challenged in court, meaning the government must only show that the law serves an important objective (such as community character, safety, etc.) not involving the suppression of speech.

The proposed amendments are content neutral and only regulate time, place and manner. The amendments only modify existing requirements to be more consistent with the goals already stated in the ordinance.

STAFF RECOMMENDATION

Adopt the attached ordinance.

ORDINANCE NO. 2015-

**CONSIDERATION OF AN ORDINANCE AMENDING MAPLETON CITY CODE
(MCC) CHAPTER 18.86 REGARDING STANDARDS FOR SIGNS THROUGHOUT
THE CITY.**

WHEREAS, the City has adopted a sign ordinance in MCC Chapter 18.86; and

WHEREAS, sign regulations play an important role in maintaining a high quality physical appearance; and

WHEREAS, one of the stated goals of the sign ordinance it to preserve and enhance the beauty of the city by minimizing visual clutter and regulating the physical characteristics of and placement of signage within the city; and

WHEREAS, the proposed amendments are designed to more fully implement the goals of the sign ordinance; and

WHEREAS, the proposed amendments do not regulate content, only place, time and manner.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to amend Mapleton City Code Chapters 18.86 as described in Exhibit "A".

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 2nd Day of December, 2015.

Brian Wall
Mayor

ATTEST:

Camille Brown
City Recorder
Publication Date:
Effective Date:

Chapter 18.86 SIGNS

18.86.010: PURPOSE AND INTENT:

The Mapleton City, Utah, city council, finding it necessary to promote public safety and to foster an appealing cityscape, and in accordance with the general plan, and for the general welfare, hereby desires to regulate signage within Mapleton City limits.

The city council finds that unregulated signage can be detrimental to public safety, that it can result in visual blight and negatively impact local property values, and that it can displace alternative land uses. Specifically, the city council finds it necessary:

- A. To promote the health and wellbeing of the public, generally pedestrians and motorists, by minimizing obstruction, visual or otherwise, distraction, and related safety and traffic hazards within the city; and
- B. To preserve and enhance the beauty of the city by minimizing visual clutter and regulating physical characteristics of and placement of signage within the city. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.020: GENERAL PROVISIONS:

- A. Signage shall be regulated within each zone of the city. Signage in residential zones shall have specific limitations as set forth herein. Signage in commercial/industrial zones shall have specific limitations as set forth herein.
- B. Signs shall be deemed either permanent or temporary. ~~Both temporary and permanent signs are allowed in all zones, except where specifically prohibited. A permit shall be required for all permanent signs, except as otherwise provided herein.~~
- C. All signage shall be reasonably secured and maintained so as to withstand normal weather conditions including, but not limited to, wind, rain, snow and so forth. Signs, whether temporary or permanent, shall be constructed and placed in such a way so as to preserve the public safety and shall be maintained in such a manner so as to prevent disrepair and visual blight.
- D. All signage shall be generally prohibited from being posted or left behind on public property, in any public right of way, on utility poles, historical markers, on publicly owned property, including trees, and on street and traffic signs with the following exceptions:
 - 1. Exception: Where the city has traditionally allowed public property to be used as an open public forum, temporary noncommercial signage shall be allowed only if the signage is

handheld or personally attended, and where said signage presentation does not block public rights of way, disrupt the peace, incite to violence, or cause any other public disturbance.

2. Exception: Signage dedicated for government use including traffic signs, traffic lights, street signs, directional signs, public safety signs, advertising for community events, and related signage shall be exempt from the prohibition against signage in any public right of way.

3. Exception: Signage approved by the City as part of a special event permit.

E. All signage shall be subject to a discontinued use limitation, whereupon the owner of said signage shall remove such no later than thirty (30) days after a discontinued use. A "discontinued use" shall include the expiration of a permit, abandonment of the sign, or the happening of an event or sale for which the sign was posted. "Discontinued use" shall not include the involuntary destruction of a sign in whole or in part due to fire or other calamity unless the sign has been abandoned. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.030: RESIDENTIAL ZONES:

A. ~~1.~~ In residential zones, permanent signage may be placed in accordance with the ~~greater of the~~ following setback limitations:

~~a. Signage may be placed on a lot in accordance with the front, side, and rear yard limitations of the applicable zone, if there be such, and may conform to setback limitations provided for accessory buildings, so long as such placement conforms to all setback and placement limitations for accessory buildings as set forth in the zoning code; or~~

1b. Signage may be placed no closer than fifteen (15) feet from the edge of the street ~~ten (10) linear feet from the back of the sidewalk, ten (10) linear feet from the edge of the street, fifteen (15) linear feet from the edge of the lot, whichever is more restrictive, and~~ fifteen (15) linear feet from a neighboring lot.

B2. A temporary sign has no setback requirements in a residential zone but must be placed on private property unless an exception applies per section 18.86.020.D of this title.

C3. A sign may not be placed in a "clear vision triangle", defined as follows: At intersections of alleys and driveways (this includes private driveways and adjacent private driveways), the triangle shall be defined by drawing a line between two (2) points that are a minimum of fifteen feet (15') from the intersection along the property lines. At intersections of public streets, the triangle shall be defined by drawing a line between the two (2) points that are a minimum of thirty feet (30') from the intersection along the property lines.

DB. 1. Except for window signs, only one sign not exceeding four feet (4') in height and twenty four (24) square feet in total size shall be allowed per lot. For corner lots or lots with frontage on

~~two public streets, up to two signs may be permitted. all signage on any residential lot shall be limited to a maximum elevation or height of six feet (6').~~

~~2. Where a building on a residential lot has more than one level, window signs shall be allowed on each level of the building.~~

~~E3. Any window sign shall not exceed twenty five percent (25%) of a the size of the window display area and shall not exceed a total window display area for all windows of thirty two (32) square feet.~~

~~F4. In multiple-unit residential buildings, the total window display area allowed shall apply to each individually rented or owned unit and not to the building as a whole.~~

~~C. Commercial signage on a residential lot shall be limited to a cumulative display area of sixteen (16) square feet for temporary commercial signs, plus an additional six (6) square feet for a permanent commercial sign if a variance has been granted for a business use on the residentially zoned lot.~~

~~D. Noncommercial signage on a residential lot shall be limited to a cumulative display area equal to that permitted for any commercial signage on the same lot.~~

~~GE. The display area of a two (2) faced sign with identical copy on both sides shall be counted as the display area of only one of the faces. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)~~

18.86.040: COMMERCIAL AND INDUSTRIAL ZONES:

Permanent signs are the primary method for identifying businesses and providing commercial messages associated with those businesses. Temporary signs should be used sparingly, in conjunction with the opening of a business or for special events. Signs not specifically permitted by this part are prohibited.

~~A. 1. In commercial or industrial zones, permanent signage may be placed in accordance with the greater of the following setback limitations:~~

~~a. Signage may be placed on a lot in accordance with the front, side, and rear yard setback limitations of the applicable zone, if there be such; or~~

A. Monument Signs. A "monument sign" is a freestanding sign that is supported by a solid base (other than poles) such that the bottom of the sign face is three feet (3') or less above grade.

1. One monument sign shall be allowed for each site. Sites that front on more than one public street shall be allowed one monument sign per street frontage. For the purpose of this section, site means a lot or lots that have been developed with a common plan of development.

2. For signs representing only one business or entity, the sign shall not exceed five (5) feet in height, and forty (40) square feet in total size. For signs representing multiple businesses or entities, the sign shall not exceed eight (8) feet in height, and eighty (80) square feet in total size.

3. Sign height shall be measured as the plumb vertical distance from the top of the sign to the existing or finished grade below, whichever results in a lower height. If a sign is to be located on top of a berm that is being proposed as part of the sign application, the sign height may be measured from the top of the berm provided the berm is part of a larger landscape proposal and not just proposed to add height to the sign.

4. The Planning Commission may grant additional monument signs for sites that exceed 300 feet of frontage on any public street as part of a master signage plan. If more than one monument sign is permitted, each monument sign shall be at least one hundred (100) feet apart.

5. The Community Development Director or his/her designee may approve a monument sign that contains an electronic message board if the following findings can be met:

a. That the electronic component of the sign shall not exceed twenty five percent (25%) of the surface area of the sign;

b. That the electronic component will only display information associated with the business(s) represented by the monument sign; and

c. That the electronic component is simple in nature and does not include bright flashing lights or images that are distracting to vehicles, pedestrians or neighboring uses.

6. If a monument sign is supported by pillars or posts such that the bottom of the sign does not reach the ground, the pillars or posts must be constructed of brick, stone, stucco or wood with a thickness of at least one (1) foot.

5b. Monument signs may be placed no closer than three feet (3') from the property line facing a street or three feet (3') from the back of the sidewalk, whichever is more restrictive. All other signage may be placed no closer than fifteen (15) linear feet from the back of the sidewalk, fifteen (15) linear feet from the edge of the street, fifteen (15) linear feet from the edge of the lot, and fifteen (15) linear feet from a neighboring lot, whichever is more restrictive. Signs must also comply with interior side and rear lot setbacks as established in the zone in which the sign will be located.

~~2. A temporary sign has no setback requirements in a commercial and industrial zone.~~

~~3. A sign may not be placed in a "clear vision triangle", defined as follows: At intersections of alleys and driveways (this includes private driveways and adjacent private driveways), the triangle shall be defined by drawing a line between two (2) points that are a minimum of fifteen~~

~~feet (15') from the intersection along the property lines. At intersections of public streets, the triangle shall be defined by drawing a line between the two (2) points that are a minimum of thirty feet (30') from the intersection along the property lines.~~

B4. Roof signs. Roof signs that are placed on a roof between the eaves and the ridge of a building, and which are not prohibited by section [18.86.090](#) of this chapter shall require review and approval by the planning commission. The following standards shall apply to roof signs:

1a. Informative of the business name and use. The business name shall be the primary design feature on the sign, and all logos and other graphics shall be subordinate to the business name;

2b. Simple in design. Any creative graphic depictions should be related to the business use and in scale with sign text;

3e. Compatible in design, color, size and scale to the business storefront, adjoining structures and surroundings;

4d. Made of permanent and durable materials (i.e., wood, wrought iron, metal, slate, etc.) unless otherwise approved by the planning commission; and

5e. Consistent with the size limitations as outlined in subsection C of this section. (Ord. 2013-05, 6-18-2013, eff. 7-12-2013)

6. No electronic copy shall be permitted.

~~B. 1. All signage on a commercial or industrial lot shall be limited to a maximum elevation or height of thirty feet (30'), or up to the height of the main building, whichever is greater.~~

C. Wall mounted signs. Wall mounted signs or signage otherwise attached to a building shall be limited to a cumulative display area of fifteen percent (15%) of each façade, not including the roof, of the building upon which it is located. Wall mounted or freestanding commercial signage on a commercial or industrial lot shall be limited to a cumulative display area of twenty five percent (25%) of the street facing facade(s) of the building or structure it represents or which is found on the commercial lot, or to one hundred (100) square feet, whichever is greater.

D2. Window signs. Any window sign on a commercial or industrial building lot shall not exceed fifty percent (50%) of a window display area and shall not exceed a total window display area for all windows of one hundred (100) square feet.

~~3. Where a building on a commercial lot has more than one level, window signs shall be allowed on each level of the building.~~

~~C. Wall mounted or freestanding commercial signage on a commercial or industrial lot shall be limited to a cumulative display area of twenty five percent (25%) of the street facing~~

facade(s) of the building or structure it represents or which is found on the commercial lot, or to one hundred (100) square feet, whichever is greater.

~~D. Noncommercial signage on a commercial or industrial lot shall be limited to a cumulative display area equal to that permitted for any commercial signage on the same lot.~~

E. Temporary signs are permitted in accordance with 18.86.060 of this title.

F. General requirements. The following requirements apply to all signs:

~~1E.~~ The display area of a two (2) faced sign with identical copy on both sides shall be counted as the display area of only one of the faces. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

2. A sign may not be placed in a "clear vision triangle", defined as follows: At intersections of alleys and driveways (this includes private driveways and adjacent private driveways), the triangle shall be defined by drawing a line between two (2) points that are a minimum of fifteen feet (15') from the intersection along the property lines. At intersections of public streets, the triangle shall be defined by drawing a line between the two (2) points that are a minimum of thirty feet (30') from the intersection along the property lines.

3. Lighting: Signs may include lighting provided that the lighting shall not create light pollution beyond the sign area, and subject to the following.

a. Free standing signs may be externally illuminated from behind the lettering or from the ground. If the lighting is from the ground it shall be screened from the right-of-way by landscaping and contained within the landscaping area.

b. Signs attached to a building may be externally illuminated from behind the lettering or from wall or roof mounted lighting. Wall or roof mounted lighting shall only include the following:

1. Small, bullet-type fixtures.
2. Mounted to nearby building element (wall, eave, post, etc.) or incorporated into support bracket.
3. Not designed or mounted so as to become part of the sign.
4. Architecturally compatible with building or mounted to be recessed or shielded or otherwise not readily visible to pedestrians.

18.86.050: PERMANENT SIGNS:

A. A sign is considered to be permanent if it satisfies one or more of the following:

1. Any sign that is permanently constructed, attached, or intended to remain for more than ninety (90) ~~one hundred eighty (180)~~ days shall be deemed permanent.

2. A sign which is standing alone and exceeds thirty two (32) square feet in display area, or exceeds six feet (6') in height, or weighs more than fifty (50) pounds.

3. A sign that is connected to or protruding from any building or similar structure, interior window signs excluded.

~~4. A sign intended for use during a specified, limited time, which is posted more than one hundred fifty (150) days before the occurrence of an event or sale and which shall remain for more than thirty (30) days after the occurrence of an event or sale or commencement thereof.~~

B. A permit is required for a permanent sign. Permanent signs shall be subject to a fee and inspections shall be required.

C. The city finds that permanent signage requires review by the community development director to ensure that the constructed sign will be structurally safe and durable so as to preserve and promote public safety.

D. Permanent signage is subject to the discontinued use provision set forth above. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.060: TEMPORARY SIGNS:

Any sign that is not considered permanent as defined above, or that is intended for use during a specified, limited time of ninety one hundred eighty (90+80) ~~ninety one hundred eighty (90+80)~~ days or less shall be deemed temporary and shall not require a permit or be subject to a fee. All temporary signage shall be subject to the discontinued use provision set forth above.

18.86.070: WINDOW SIGNS:

A. No permit or fee required. No time limitation.

B. A window sign is any copy posted on or sign posted inside of a window of a building, house, or similar structure. No permit or fee is required to post a window sign. Window signs shall not be limited to a specific number of days allowed for display; however said signage shall be removed upon discontinued use. Window signs shall be subject to the display area limitations and size limitations set forth above under signs in residential and commercial/industrial zones. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.080: SEXUALLY ORIENTED BUSINESS SIGNAGE:

Commercial signage for a sexually oriented business shall be prohibited off site from the actual lot where the business is lawfully located. Said signage shall be limited to alphanumeric copy only and shall be limited to a display area of thirty two (32) square feet. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.090: PROHIBITED SIGNS:

ABANDONED SIGN: Any sign or structure that no longer correctly directs or influences a person, identifies or advertises a bona fide business, lessor, service, owner, product, or activity.

ANIMATED OR FLASHING SIGN: A sign that includes movement or optical illusion of movement or rotation of any part by mechanical, artificial or atmospheric means or a sign that displays flashing or intermittent lights. Time and temperature devices and banners and flags shall be exempted from this definition.

BALLOON OR INFLATABLE SIGN: Any device supported by heated air, forced air, or other gases for the purpose of drawing attention.

BILLBOARD: A high profile freestanding ground sign on one or more poles, typically located along freeways or major highways, but not limited thereto, designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

MARQUEE SIGN: Any sign attached to, in any manner, or made part of a marquee. A marquee is a permanent rooflike structure projecting beyond a building or wall of the building, generally designed and constructed to provide protection from the weather.

MOTION SIGN: A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent flashing, scintillating, or varying the intensity of illumination whether or not said illumination is reflected from an artificial source or the sun.

POLE SIGN: A freestanding sign not meeting the definition of a monument sign that is detached from a building and is supported by one or more structural elements that are: (a) architecturally dissimilar to the design of the sign; and/or (b) less than 1/2 the width of the sign face.

PROJECTING SIGN: A sign attached perpendicular to a building structure and extending in whole or in part more than twelve inches (12") beyond the wall to which it is attached.

ROOF SIGN: A sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof or which lies flat on the roof.

ROTATING SIGN: Any sign or portion of a sign that moves in a revolving or similar manner.

SNIPES SIGNS: Any sign typically made of non- or semi-durable material, mounted to a tree, to a utility pole, or to the ground by nails, staples, a wire frame, or similar device within a right of way, including public and private parking strips and medians, or on public property. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011; amd. Ord. 2013-05, 6-18-2013, eff. 7-12-2013)

18.86.100: ISSUING A PERMIT:

A. Permit issuance is subject to the following application process and review:

1. Application Process: The city shall prepare a "sign permit application" form, which shall request the applicant or agent's name, telephone number, address, where the proposed sign(s) will be placed, whether the sign is intended to remain for more than one hundred eighty (180) days, whether the sign is intended to serve commercial purposes, to identify zoning restrictions, and which may include, but is not limited to, a site plan, sign layout, a sign depiction, elevation of existing and future buildings, and any other reasonably related information necessary for the community development director to be able to determine whether the sign complies with the design and placement requirements set forth in this chapter. Proposed signs that are larger and that are intended to remain for a longer period of time will require more information to assist the community development director in determining whether the sign will be safe and durable.
2. Required: Applications will not be accepted without the accompanying fee for a permanent sign.
3. Fees: Permanent signage shall be subject to a permit application fee as determined by the City council.
4. Form: The sign permit application form shall include a checkbox with a statement indicating that, if checked, the applicant agrees to allow the city to enter and remove the sign for which the permit is requested if the sign's removal period expires, in lieu of prosecution by the city prosecutor and in lieu of a fine.
5. Review: If the community development director determines that a sign permit application is incomplete, or that signage will conflict with the provisions of this chapter because of illegal content or nonconforming proposed design and placement, the request shall be returned to the applicant as incomplete. The applicant may revise and resubmit the amended sign permit application with additional information as necessary.
6. Decision: The community development director shall make a decision to grant or deny a sign permit application in accordance with this chapter and other applicable city, state, and federal laws and ordinances. No sign permit shall be issued unless the sign permit application and sign comply with the provisions of this chapter.
7. Permanent Signs: The community development director shall issue a decision to grant, deny, or return as incomplete the sign permit application within thirty (30) days of submission.
8. Appeal: ~~See section 18.84.460 of this Title. An applicant wishing to appeal the community development director's decision to reject a permit application to the planning commission has ten (10) days to do so². The planning commission, on administrative appeal, shall review the applicant's sign permit application form for completeness and then determine~~

~~whether the applicant's proposed sign complies with the design and placement requirements set forth in this chapter, and subsequently return a decision either to uphold or reverse the community development director's decision within twenty (20) days. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)~~

18.86.110: PERMIT LIMITATIONS:

A. Validity:

1. Transferability: Permits, permit numbers, permit applications, and supporting information shall not be transferable to other sites or signs and shall be valid only for a specific sign at the designated location. If at any time a sign or sign structure is altered, removed, or relocated in a manner different from the terms of an issued sign permit, such existing sign permit will become void and a new application must be made for the sign as altered or relocated.

2. Exception: Signs associated with a business that has its ownership transferred with no proposed alteration to the business name, building, or signage shall, upon notification to the city, have its permits transferred to the new business owner without need of a new application.

B. Expiration: A permit shall expire and become null and void if work on the sign is not commenced or if work is suspended or abandoned within sixty (60) days from the date of the permit. In such case, a new permit shall be obtained, and where the permit is for a permanent sign, a new fee shall be paid.

C. Suspension/Revocation: The city may in writing suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of a material omission or misstatement of fact or in violation of any ordinance.

D. Nuisance: No permit for a sign may be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in any action to abate a nuisance. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.120: REMOVAL OF SIGNS:

A. Removal Required: The community development director is hereby authorized to require removal of any sign, in accordance with this section.

1. Notice: Before bringing action to require removal of any sign, the community development director shall give written notice to the owner of the sign or the owner of the premises on which such sign is located. The notice shall state the violation charged and the reasons and grounds for removal, specifying the deficiencies or defects and what repairs, if any, will make the sign conform to the requirements of this chapter. The notice shall also specify that the sign must be removed or made to conform with the provisions of this chapter within the notice period. Service of notice shall be made personally on the owner or lessee, or

by certified mail addressed to the owner or lessee at the address specified in the permit or the last known address.

2. Notice Period: Prior to enforcement the notice period for removal or conformance of permanent signs shall be fifteen (15) days and temporary signs shall be three (3) days.

3. Prosecution: If the owner or lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the community development director that the sign has been removed or brought into compliance with the provisions of this chapter by the end of the notice period, the community development director shall first submit an order for removal by the city, and if necessary, due to inability to access the sign for removal, submit the violations to the city prosecutor for prosecution. If the city removes the sign, any and all prosecution charges shall be dropped.

4. Reerection: Reerection of any sign or substantially similar sign on the same premises after a notice of violation has been issued shall be deemed a continuation of the original violation.

B. Removal Of Temporary Signs: The community development director or authorized designee may remove any illegal temporary sign which is maintained or reerected after the expiration of the notice period, if the owner or lessee of the premises has been issued a notice of violation at least once before for the same violation involving the same or similar sign. When temporary signs are removed by city staff, the responsible party shall be notified within two (2) business days of the reason for the removal and the location from which the sign was removed. Removed signs shall be made available for the responsible party to pick up for three (3) calendar days. After that time, removed signs will be destroyed.

C. Safety Hazard: Notwithstanding other provisions of this section, the zoning administrator may cause the immediate removal, following notice to the owner of the sign or the property on which it is located of any unsafe or defective sign that creates an immediate hazard to persons or property. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.130: REQUIREMENT OF CONFORMITY:

A. No sign for which a permit is issued after the effective date of this chapter, may be placed or maintained in the city except as provided in this chapter.

B. All signs maintained contrary to the provisions of this chapter are declared to be illegal and, as such, may be dealt with or removed as provided herein.

C. Any sign that poses a public safety hazard may be removed as specified herein. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.140: NONCONFORMING SIGNS:

- A. Nonconforming signs which preexist the effective date hereof shall be removed upon their discontinued use according to the general discontinued use provision set forth above.
- B. Nonconforming signs which become unsafe due to natural wear and tear shall be deemed a discontinued use and subject to removal without an option to repair or replace with a similar nonconforming sign.
- C. Except as provided for in the Utah Code Annotated, billboards shall be generally prohibited. Signs which constitute billboards prior to the effective date hereof are protected only insofar as provided for in the Utah Code Annotated. Titles within the Utah Code Annotated which protect billboards include, but are not limited to, title 72, chapter 7, which is the protection of highways act and [title 10, chapter 9a](#), which is the municipal land use, development, and management act³. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)
- D. A temporary sign shall not be granted nonconforming status.

18.86.150: ENFORCEMENT:

A violation of this chapter is punishable as a class C misdemeanor and shall be punishable by a fine of not more than two hundred fifty dollars (\$250.00) when a person fails to alter or repair or remove an illegal sign after notice of a violation. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.160: ADDITIONAL REGULATIONS:

Notwithstanding any provision of this chapter to the contrary, to the extent that this chapter allows a sign containing commercial copy, it shall allow a sign containing noncommercial copy to the same extent. Any signage containing obscenity, defamation, fighting words, true threats or anything like unto it is prohibited as a matter of law. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.170: SEVERABILITY:

If any provision of this chapter is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this chapter which can be implemented without the invalid provision, and, to this end, the provisions of this chapter are declared to be severable. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.180: APPLICABILITY OF THE ZONING CODE:

The regulations of this chapter are in addition to those set forth in the planning and zoning provisions of [title 18](#) of this code and any other ordinances adopted by the city council, and do not contain any rights not otherwise granted under the provisions and procedures contained in this chapter or any other ordinances. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.190: APPLICABILITY OF THE UTAH CODE:

The provisions of this chapter are enforceable only in accordance with the governing and

enabling provisions of the Utah Code Annotated. It is the intent of the drafters herein that this chapter comply with such governing provisions. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.200: SCOPE:

The requirements of this chapter shall not be construed so as to prohibit or limit other applicable provisions of this chapter/title, this code, or the Utah Code Annotated (UCA). In the instance where provisions of this chapter conflict with other provisions of this code, the terms of this chapter shall govern. In the instance where provisions of this chapter conflict with provisions of the Utah code, the Utah code shall govern. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.210: INTERPRETATION:

- A. In interpreting and applying the provisions of this chapter, the sign regulations contained herein shall be interpreted by the community development director. If the community development director determines that an application needs further interpretation, he may request planning commission review of the proposal.
- B. The community development director and planning commission shall seek to administer this chapter in a content neutral manner. (Ord. 2011-13, 8-2-2011, eff. 9-1-2011)

18.86.220: VARIANCES:

For rules regarding variances, see section 18.84.360 of this title. ~~Utah Code Annotated section 10-9a-702.~~