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Sign Ordinance

6.01.140 Signs.

INTENT & PURPOSE

6.01.140.A. To enhance the character of the community and protect scenic views

6.01.140.B. To recognize that signs are critical to the success of local businesses,

6.01.140.C. To regulate the time, place and manner under which signs are permitted, and not the expression of free speech and ideas by the content of signage, with the exception of content that can be prohibited by law as defined by the U.S. supreme court in Miller vs. California, 413 U.S. 15, 24 (1973), and

6.01.140.D. To encourage sign design that supports successful wayfinding, conveys new information, and matches the characteristics of the Town.

This hereby overrides the section 6.01.140 Signs of the zoning code.

DEFINITIONS

BANNER. Means any material upon which a sign is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstuffs projecting vertically, horizontally or at an angle, or attached to buildings or special structures, but excludes banners carried as part of a procession. A flag which is not displayed on a flag pole shall for the purposes of this by-law be deemed to be a banner.

DEVICE/SIGN STRUCTURE. A piece of mechanical or electronic structure that supports or is designed to support a sign.

FLAG. Means a piece of cloth or similar material conveying information attachable by one edge to a pole or rope.

FLAG POLE. A pole designed to support or fly a flag.

HEIGHT OF A SIGN. The vertical distance from the average adjacent ground level to the top of the sign, including the support structure and all design elements. The average ground level shall be determined from within an eight foot (8') radius of the base of the sign.

MOVING OR WAVING SIGN. Means an animated, wind or machine-propelled, waving sign, banner, or promotional flag that is animated, waving, or moves in the wind.

MURAL. A painting or other work of art executed directly on a wall for non-commercial purposes.

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NONCONFORMING SIGN. Means a sign that does not conform to current land use regulations that legally existed before the enactment of the applicable regulation(s), which has been continuously maintained.

OFF-PREMISE SIGN. An outdoor advertising sign that advertises an activity, service, event, person or product that is located on premises other than the premises at which the activity or service occurs or product is sold or manufactured. UDOT Tourist Oriented Directional (TOD) signs do not apply to this definition.

PUBLIC RIGHT OF WAY. Public right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest.

SIGN. Any identification, description, illustration, symbol, insignia, medium, statue or other physical or visual device or representation, which is visible from outside the premises on which such device is located, designed to advertise, identify or convey information or direct or attract attention to a product, place, activity, person, institution or business.

SIGNS WHICH ARE A WORK OF ART- A painting or mural located on the side of a building provided the town considers it a work of art, generally with no more than five percent of the sign area displaying the name or logo of the sponsoring organization.

GENERAL REGULATIONS.

Signs are subject to review and approval by the Planning & Zoning Commission, either individually through the issuance of a sign permit, or in conjunction with other development review, except for subsections A and B.

A. EXEMPTIONS

The following signs are exempt from a sign permit as long they meet the requirements below:

1. Non-electric signs 12 square feet or less are exempt from a sign permit in residential and agricultural zones.
2. Indoor-mounted electric lights or neon signs that comply with the outdoor lighting ordinance that are 4 square feet or less.
3. Realtor signs, political signs, and yard signs.
4. Temporary event signs, not to exceed 14 calendar days.

B. PROHIBITED SIGNS:

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1. Signs that interfere with public traffic safety signs, traffic signals, or which otherwise obstruct a driver's view of approaching or merging traffic.
2. Signs that encroach upon or overhang any public right-of-way, or which are attached or affixed to any utility pole, lighting pole, tree, rock, or natural feature.
3. Signs that blink, flash, have moving text or images, or which have electronically modifiable text or images—including video, electronically variable messaging, mechanically or electronically activated lighting, or the like.
4. Moving and/or waving signs including but not limited to balloons, waving banners, streamers, pinwheels, moving or rotating signs, promotional flags, moving figures, or inflatable figures, except those erected temporarily for a special event, promotion, grand opening, or community activity for a period of not to exceed fourteen (14) calendar days in any calendar year.
5. Portable signs affixed to a vehicle, trailer, or similar conveyance except as allowed for temporary event signs.
6. Signs that exceed the dimensional or other requirements of this Section.
7. Signs that are broken, damaged, unmaintained for more than twelve (12) months, or which present a nuisance or safety hazard to persons or property.
8. Signs that are noncompliant with the Outdoor Lighting Ordinance.

C. NONCONFORMING SIGNS: Permanent nonconforming signs in existence at the date of the initial approval of this ordinance are allowed.

1. A nonconforming sign may continue indefinitely so long as it is not abandoned. The term abandoned means a discontinuance of the nonconforming use for a period of not less than one (1) year. By way of example, and not of limitation, a nonconforming sign may be deemed abandoned if the sign is: i) voluntarily demolished by its owner; ii) allowed to deteriorate such that it is rendered unreadable;
2. A nonconforming sign runs with the land and may be transferred to successors in title to the real property on which the sign is located.
3. A nonconforming sign shall not be expanded in scope or extent, except that it may be repaired, provided that no structural alteration is made. In the event of any repair or update of a nonconforming sign, all changes shall be performed in compliance with applicable building, zoning codes, and health codes.
4. If a nonconforming sign is destroyed or damaged by fire, flood, or other calamity it may be restored, provided that the restoration is completed no later than one (1) year from the date of the calamity that caused the use to be discontinued.

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D. COMMERCIAL SIGN TABLE (ZONES)

Zone	Sign Type	Max size per sign (square ft)	Maximum total square footage of all signs	Max Height from ground (ft)
R	Up to 2 types from table E	12 square ft (does not need sign permit if non-electric)	24 square feet	8 ft
C1	See sign table E	40 square ft	none	20ft
C2	See sign table E	40 square ft	none	20ft
C3	See sign table E	40 square ft	none	20ft
FI	See sign table E	40 square ft	none	20ft
A1	See sign table E	12 square ft	none	15 ft
A2	See sign table E	20 square ft	none	15 ft
A3	See sign table E	40 square ft	none	15 ft

E. SIGN TABLE (TYPES OF SIGNS)

Sign Type	Zone allowed in	Max Size	Amount (#) per lot	Duration
Development/Construction Sign	all	40 square feet 18 feet height	1 per entrance	10 days from the date of the completion of the last sale or leasing of the property
Pylon/Pole/Free standing Sign	C1, C2, C3, FI	40 square feet	NA	NA
Temporary Event Signs	all	40 square feet	NA	14 days
Realty Signs	all	12 square ft; six (6) ft height max	NA	10 days after sale/lease completion

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Off-Premise Signs	A2, A3, C1, C2, C3, FI	20 square ft	One (1) per business and one (1) total per lot.	NA
Building Mounted Sign	all	40 square feet 20ft height from ground	NA	NA
Yard Signs (Political & Community Comment)	all	NA	NA	NA
Temporary animated & wind sign/ windless/waving banner/feather flag	all	20 feet height from ground	NA	14 days in a calendar year
Electric/Neon Signs	None	See Section A.3 for exemption.	NA	NA
Signs which are works of art	all	none	NA	NA
A-Frame/Sandwich-style sign	all	6 square feet	1	During Operating Hours Only

F. The adjacent ground shall not be elevated for purposes of increasing allowable sign height.

G. PERMITTING A sign permit shall be issued in writing, executed by the Town and the owner, and constitutes the agreement by the owner that the sign will be removed if the use or business applicable to the sign is abandoned or ceases for a period in excess of one (1) calendar year, unless otherwise provided in this Section.

H. OFF-PREMISE SIGNS. A business owner shall demonstrate permission from the property owner for an off-premise sign before being issued a sign permit.

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I. MAINTENANCE. The sign owner or property owner shall promptly repair or replace any sign that is damaged, defective, or which presents a nuisance or safety hazard to persons or property. If not maintained, sign is prohibited, in accordance with B.9.

J. ENFORCEMENT. Prior to invoking any remedies, the Town shall provide written notice to the property owner identifying the breach or violation(s) and allowing that person thirty (30) days, in which to cure or abate the violation(s).

1. It is unlawful for any person to construct, alter, reconstruct, or maintain any sign that is prohibited by the provisions of this Title.
2. In the event of any violation of this Title that is not cured within thirty (30) days, the Town may:
 - i. Withhold building permits or certificates of occupancy;
 - ii. Obtain an injunction to halt or abate zoning violations or violations of this Title;
 - iii. Impose a civil penalty of one hundred dollars/week (\$100) per violation;
 - iv. Commence an action for damages—including damages for costs incurred in completing, repairing, or abating violations; and/or
 - v. Any other remedies available at law or equity, including the remedy of specific performance. The Town may combine remedies in its discretion and pursue some or all at different times, as may fit the circumstances.
3. To obtain injunctive relief the Town need only prove a violation of this Title; it shall not be required to post a bond as a condition for obtaining injunctive relief.