

TOQUERVILLE CITY SIGNAGE, #ORD.2008.06
Adopted on July 17th, 2008, City Council Meeting
Amending Chapter 13, Land Management Code

AN ORDINANCE ESTABLISHING REGULATIONS AND GUIDELINES FOR SIGNS DISPLAYED, PLACED, CONSTRUCTED AND MAINTAINED IN TOQUERVILLE CITY AND PROCEDURES AND CRITERIA FOR OBTAINING A PERMIT TO ERECT, CONSTRUCT OR ALTER SIGNS IN TOQUERVILLE CITY.

RECITALS

WHEREAS, the City of Toquerville, Utah (The “City”), by and through its City Council, finds that the size, design, display and placement of signs impacts the health, safety and welfare of the residents, tourists and general public residing or visiting the City and the value of property in and around the City; and

WHEREAS, the residents, tourists and general public residing in or visiting the City value the natural environment of and surrounding the City, including views of the surrounding areas, horizons and the sky; and

WHEREAS, the City desires to protect and promote the health, safety and welfare of the residents, tourists and general public residing or visiting the City and enhance the value of property in and around the City by establishing regulations and guidelines for display, placement, construction and maintenance of signs in the City; and

WHEREAS, the City Council has identified Chapter 13 of the Toquerville Land Management Code to be amended and supplemented as provided herein.

ORDINANCE

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Mayor of the City and the City Council of the City of Toquerville, Utah as follows:

The Toquerville Land Management Code is hereby amended and supplemented to amend Chapter 13 as set forth herein.

BE IT FURTHER ORDAINED, that Toquerville City Ordinance #ORD.2008.06, shall repeal and supercede all prior ordinances and resolutions governing signs and signage in the City.

CHAPTER 13: SIGNAGE

13.1 PURPOSE AND OBJECTIVES

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city’s ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the adverse effect of signs on nearby public and private property; and to enable the fair and

consistent enforcement of these sign restrictions. Accordingly, the City adopts these regulations to provide for a healthy business environment considering safety aspects while maintaining those aesthetic qualities reflective of the natural surroundings. The goals to be achieved by these regulations are:

- A. Effective identification of each business, allowing for creativity and reflecting the business's character and image.
- B. Stimulating harmony within the community while allowing for competitive opportunities and protection of property values to preserve a healthy business environment and sustainable economy.
- C. Creation of a town image that reflects the relationship with the surrounding natural scenic grandeur and Toquerville's historical heritage.
- D. Provision for the safety of pedestrians and motorists and promotion and protection of the public welfare.

13.2 INTERPRETATION

The sign requirements contained herein are declared to be the maximum allowable, and sign types not specifically allowed as set forth within this Chapter shall be prohibited. Where other ordinances are in conflict with the provisions of this ordinance, the most restrictive ordinance shall apply.

13.3 DEFINITIONS

“A-frame sign” shall mean a temporary or moveable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.

“Abandoned sign” shall mean a sign which (a) identifies a discontinued use on the property or (b) has not been maintained for a period of sixty (60) days, where conduct on the part of the sign owner or the person having control of the sign indicates an intention to relinquish ownership or title to the sign.

“Alteration” shall mean a change or rearrangement in the structural part or design of a sign in any manner, including changing area or height, changing display of sign and relocating or changing position. Alterations shall not be interpreted to include changing outdoor copy in signs which are designed to accommodate changeable copy.

“Animated sign” shall mean a sign which involves motion or rotation of any part created by artificial means, or which displays flashing, revolving or intermittent lights or any other means not providing constant illumination or intensity of illumination, including changeable signs. This shall not include signal lights and other public safety signs maintained by government authority.

“Awning sign” shall mean a sign which is a structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.

“Banner” shall mean a flexible sign characteristically supported by two (2) or more points and hung on a building or otherwise suspended down or along its face, or across a public street. The banner may or may not include copy or graphic symbols. It is generally made of fabric or other non-rigid materials with no enclosing frame.

“Balloon sign” shall mean an advertisement supported by a balloon anchored to the premises where the advertised use is conducted, product or commodity sold, service performed, or business name is located.

“Billboard” shall mean any free-standing sign larger than forty (40) square feet.

“Bulletin Board” shall mean a sign on premises which accommodates changeable copy and displays information on activities and events.

“Canopy sign” shall mean a sign which is a structure made of cloth, metal, or other material with frames affixed to the building and carried by a frame which is supported by the ground. A canopy sign shall be considered an awning sign for purposes of these regulations.

“Changeable sign” or “changeable copy sign” shall mean a sign on which copy is changed either manually in the field; e.g., reader boards with changeable letters, or automatically on a lampbank through mechanical means; e.g. electrical or electronic time and temperature units.

“Civic sign” shall mean a sign erected by a public or non-profit agency, service club, etc., for civic or public information.

“Development sign” shall mean an on-premise temporary sign identifying a construction project or subdivision development. The sign may contain the name of the project, name and address of the construction firm(s), architect and developer. Development signs shall not exceed twelve (12) feet in height and not contain more than thirty-two (32) square feet. Projects with more than ten (10) dwelling units may have an additional two (2) square feet of sign area per unit up to a maximum of one hundred (100) square feet.

“Dilapidated” is a sign where (a) the lettering or background material or any part of the sign has flaked, broken off or changed color; (b) structural supports or frame members are visibly corroded, stained, bent, broken, dented; or (c) sign supports are twisted leaning or at angles other than those at which the sign was originally erected.

“Freestanding sign” shall mean a sign supported upon the ground by poles or braces and not attached to any building.

“Height of a sign” shall mean 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 bases of the sign. The adjacent ground shall not be elevated for purposes of increasing allowable sign height.

“Illuminated sign” shall mean a sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs. All illuminated signs must comply with Chapter 18 “Exterior Lighting” of the Toquerville City Land Management Code.

“Marquee sign” shall mean a sign built on a permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

“Monument sign” shall mean a sign less than six (6) feet in height which is flush to the ground, in incorporated into the landscape or architectural design, scheme, and displays the name of buildings or occupants only.

“Name plate sign” shall mean a sign indicating the name and/or occupation of a person legally occupying the premises.

“Nonconforming sign or sign structure” shall mean a sign or sign structure or portion thereof lawfully existing at the time of its construction which does not conform to all height, area, yard spacing, animation, lighting or other regulations prescribed in the zone in which it is located.

“Off-premise sign” shall mean an advertising sign which directs attention to a use, product, commodity, or service not related to the premises on which the sign is located.

“On-premise sign” shall mean a sign directing attention to a use conducted, product or commodity sold, service performed or business name upon the premises on which it is located.

“Political sign” shall mean a sign intended to draw attention to or communicate a position on an issue, candidate or measure in any national, state or local election.

“Projecting sign” shall mean a sign which is affixed to an exterior wall or building or structure and which projects more than eighteen (18) inches from the building or structure wall, and which does not extend more than three (3) feet above the parapet, eaves, or building façade of the building upon which it is placed.

“Property sign” shall mean a sign related to the property upon which it is located and offering such information as sale or lease of the property, warning against trespassing, any hazard, or other danger on the property.

“Real estate sign” shall mean one sign on any lot or parcel or real property, provided such sign is located entirely within the property to which the sign applies is not directly illuminated, does not exceed eight (8) square feet in area, and is removed within seven days after the sale, rental or lease has been accomplished.

“Reflective sign” shall mean a sign whose surface material reflects light so as to generate a contrast between the sign and adjacent surfaces or surrounding area.

“Roof sign” shall mean a sign which is erected partly or wholly on the roof of the building. Notwithstanding the foregoing, a sign structure having main supports embedded in the ground shall not be considered to be roof sign even if the supports pass through a roof, canopy, or parapet of a building.

“Service sign” shall mean a sign not exceeding four square feet (4’) in area that is incidental to a use lawfully occupying the property upon which the sign is located, and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, entrance and exits, etc. Such signs shall be located entirely on the property to which they pertain and shall not in any way advertise or otherwise mention a business.

“Setback” shall mean the minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line.

“Sign” shall mean a presentation or representation of words, letters, figures, designs, picture or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a require for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

“Sign area” or “area” shall mean the number of square feet within the smallest shape within which the face of a sign can be enclosed. If the sign consists of more than one section or module, the sign area shall be the total area of all sections or modules. Only one side of a back-to-back or double-faced sign shall be used in computing sign area when sign surfaces are parallel or diverge from a common edge by an angle of less than forty-five degrees. Sign area of signs in the shape of a sphere, prism, cylinder, cone, pyramid, square or other such shapes shall be computed as one-half of the total surface area of such sign.

“Sign structure” shall mean anything constructed or erected supporting a sign which requires locations on or below the ground or attached to something having locations on or below ground.

“Snipe” shall mean a sign which is attached, painted, printed or otherwise affixed to any curb, sidewalk, public utility pole, hydrant, bridge, bench, tree or other surface of public property or over or across any street or public thoroughfare, except by a duly authorized public employee or as required or permitted by law.

“Suspended signs” shall mean signs which are anchored to a building and are free to hang from the structure to which it is attached.

“Temporary sign” shall mean any sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed out of doors for a short period of time, generally not longer than one (1) month as specified in the required sign permit.

“Wall sign” shall mean a sign that is attached to, or painted on, and parallel to, a building or wall.

“Window sign” shall mean a sign permanently attached and located within a building so as to be visible through a window or door outside of the building.

13.4 PERMIT REQUIREMENTS

A. PERMITS

Except as provided in this chapter, it shall be unlawful to display, erect, relocate, or alter any sign without first filing a written application, on a form approved by the City, with the City and obtaining a sign permit. When a sign permit has been issued by the City, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the City. A written record of such approval shall be entered upon the original permit application and maintained in the files of the City.

B. APPLICATION FOR PERMIT

The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a licensed sign contractor. The application for a sign permit shall be accompanied by the following:

- i. The name, address and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
- ii. The location by street address of the proposed sign structure.
- iii. A site plan showing the proposed location of the sign in relation to the face of the building or to the boundaries of the lot on which it is situated, existing and proposed buildings or other structures, control curbs and parking areas.
- iv. Elevation drawings of the proposed sign, drawn to scale, showing the type of sign, sign display, sign height and sign area.
- v. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footing, and materials to be used.
- vi. Type of sign illumination, if any, including description of proposed illumination, technical data sufficient to allow evaluation of proposed light levels and identification of fixtures, types, locations, mounting and wattage on plans and elevations.
- vii. The extent to which the sign is proposed to project into or over public property, if any.
- viii. Such other information as the City or the Planning Commission deem relevant to the application.

C. EXCEPTIONS FROM PERMIT REQUIREMENTS

- i. **Excepted Changes:** The following changes shall not require a sign permit. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

1. The changing of the advertising copy or message of a painted, plastic face or printed sign only. Except for signs specifically designed for use of replaceable copy, electric signs shall not be included in this exception.
 2. The electrical, repainting or cleaning maintenance of a sign.
 3. The repair of a sign.
- ii. Excepted Types: The following types of signs are allowed without permit but otherwise subject to the regulations of this Chapter:
1. On-premise advertising signs that are painted on windows or attached to windows or walls, clearly of a temporary nature and which promote specific sales or commercial events, fund raisers or events of civic, philanthropic, educational or religious organizations, provided such signs are displayed no more than fourteen (14) days prior to said event and are removed nor more than seven (7) days after the event.
 2. Signs which are associated with public or quasi-public organization functions which are clearly of a temporary nature.
 3. Any sign within the interior of any building or within an enclosed lobby or court or any building that are not visible from any public right-of-way.
 4. Signs not exceeding two (2) square feet in area and bearing only property number, postal box numbers or names of occupants of premises.
 5. Legal notices, identification, information for directional signs erected by governmental bodies.
 6. Traffic control signs on private property the face of which meet department of transportation standards and contain no commercial message.
 7. Historical or memorial signs provided the sign is cut into any masonry surface or inlaid so as to be part of the building and does not exceed two (2) square feet in area.
 8. Political and campaign signs on behalf of candidates for public office or measures on election ballots, limited to an individual sign area of six (6) square feet and a combined sign area not exceeding twelve (12) square feet per residence or business, provided such signs be placed, posted or erected no earlier than thirty (30) days prior to said election and shall be removed within seven (7) days following said election. Such signs shall only be placed on private property with the permission of the property owner.

9. No more than one property sign which serves to advertise the actual intent to sell, rent or build to suit, with no more than six (6) square feet of area and no more than (4) four feet in height, and is located within the property to which the sign applies; and one off-site directional sign, no more than two (2) feet in width and two (2) feet in height showing direction to the property for sale. Written permission must be obtained from the owner of said property before placement of off-site signs on any property.
10. Property signs which warn of a hazard.
11. Service station signs with no more than eight (8) square feet of area and not more than (8) eight feet in height. In addition, one “self/min/full-serve” sign, not to exceed three (3) square feet in are, is allowed on each end of each pump island.
12. Permanent signs painted or otherwise displayed on the interior or exterior of windows, provided the total copy area of such signs shall not exceed a maximum of twenty-five percent (25%) of the total window area of the building face on which it is displayed, or one square foot per lineal front foot of the premises occupied, whichever is the lesser.
13. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local, or religious holiday which do not display the name of a business, product or other advertising material. Such signs shall be displayed for a period of not more than forty (40) consecutive days.
14. Each business shall be permitted up to two (2) exterior signs not to exceed six (6) square feet in area that contain only the word “open” to designate that a business is open for business, provided such sign shall be removed or turned off at the end of each business day.
15. Flags flown on a temporary basis for purposes of honoring national or civic holidays provided such flags do not exceed eight feet (8’) long in their largest dimension. Official flags or emblems of federal, state or local governments provided all such flags or emblems shall be placed on flagpoles not attached to a building or structure not exceeding twenty-five feet (25’) in height and such flag or emblem does not exceed eight feet in its largest dimension.
16. Menus displayed on the exterior of premises occupied by restaurants provided the size of such menu does not exceed four (4) square feet and the displayed menu is attached to the structure.
17. Service signs with no more than six square feet (6’) of area.

D. FEES FOR SIGN PERMIT

Each application for a permit under this Chapter shall be accompanied by payment of a fee which shall be established by the City Council from time to time by resolution.

E. ISSUANCE AND DENIAL

The City Staff shall review an application and accept it as complete or reject it as incomplete within seven (7) working days from the date of filing. Applications accepted as complete by the City Staff shall appear on the agenda of the next regularly scheduled meeting of the Planning Commission for which the agenda request time requirements shall be followed. The Planning Commission shall review such application for action in conformity with the provisions of this Chapter. The Planning Commission shall either approve, approve with conditions, or deny a permit based on the criteria set forth in this Chapter. Staff shall issue a permit for said sign when the application has been given final approval as prescribed herein and the proposed sign, and the building or business with which it is associated, complies with all appropriate laws and ordinances. When a permit application is denied by Staff or the Planning Commission, Staff shall give written notice, mailed within ten (10) working days, of the denial to the applicant, together with a brief statement of the reasons for the denial.

13.5 GENERAL SIGN PROVISIONS

All signs requiring permit approval shall comply with the following standards and regulations and these standards and regulations shall be considered minimum requirements in reviewing all applications for sign permits.

A. TRAFFIC HAZARD

Signs shall not:

- i. be erected at the intersection of any streets, thoroughfares or driveways in such manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or;
- ii. make use of the words "Stop," "Drive-in," "Danger," or any other words, phrases, symbol or character in such manner as to interfere with, mislead or confuse vehicle operators.

B. CLEARANCES AND SETBACKS

- i. Signs less than three feet (3') in height may be placed in the clear view area.
- ii. Signs more than three feet (3') in height must have a front setback that shall be the same as for buildings in that zoning district or a front setback of at least eighteen (18) inches from the front property line as measured from the leading edge of the sign, whichever is greater. Signs shall also meet clear view requirements as detailed in sign definitions.

- iii. Signs over pedestrian ways shall have a clearance between the ground and the lowest portion of any such sign of not less than (8) eight feet.
- iv. Signs over driveways for vehicular traffic shall have a minimum clearance of not less than (14) fourteen feet.

C. SIGN STANDARDS

- i. Colors: Sign background shall be lighter, neutral colors. White is allowed only for lettering. No more than ten percent (10%) of the background sign area shall be bright, high-chroma, highly saturated primary or secondary colors.
 - 1. Primary colors are red, yellow and blue.
 - 2. Secondary colors are green, orange and purple.
 - 3. Fluorescent colors and reflective metal surfaces are not allowed except in logos. Logos shall be confined to a maximum of twenty-five percent (25%) of the total sign area unless otherwise approved by the Planning Commission.
- ii. Materials: Signs may be constructed of painted, stained or carved wood; brick or stone; metal which is painted or anodized, or otherwise treated to prevent reflective glare, except for theater marquees, where plastic, polymers or glass may be used only for text and may not be used for the background or noncopy portions of the sign. Wood signs shall be solid wood or plywood, MDO grade or equivalent.
- iii. Illumination: Signs may be unlighted, lighted internally or lighted externally. Internally lighted signs must be designed in such manner that the light source cannot be seen. Except for theater marquees, internal sign lighting shall be used only to light text. Background or noncopy portions of the sign may not be internally lighted. Light sources for externally lighted signs shall be placed to illuminate only the sign surface and shall not be visible beyond the premises. Special care shall be taken in the design of external sign lighting to ensure that the source is not visible. Fluorescent or sodium, metal halide, neon and mercury light sources are not permitted for exterior lighting. Internally lighted signs may use any light source desired, providing the sign meets the other criteria specified in this chapter.

D. SIGNS ON AND OVER PUBLIC PROPERTY

No sign shall be located on publicly owned land or inside street rights-of-way except signs required and erected by written permission of the City Council. No projecting sign attached to a building shall project over public property except by written permission of the City Council. Ground signs may not project over public property.

E. PROHIBITED SIGNS

Signs not specifically allowed by this chapter are prohibited. The following signs are specifically prohibited:

- i. Abandoned signs
- ii. Advertising devices which move in the wind, including, but not limited to, balloons and balloon signs or other gas-filled figures, pennants, pinwheels and stringers.
- iii. Animated signs.
- iv. Beacons and searchlights.
- v. Billboards, outdoor advertising and off-site signs designed or intended to direct attention to a business, product or service that is not provided, sold, offered or existing on the property where the sign is located and not specifically allowed under this chapter.
- vi. Changeable signs on which copy or sign panels may be changed manually or electronically or electrically controlled “time and temperature”, message center or reader board where copy changes automatically, except as specifically provided in this Chapter for service stations, theaters and restaurants.
- vii. Intensely lighted or exposed luminary sources such as exposed bulbs or tubes shall be prohibited. Exposed neon signs shall be prohibited except for “open,” “now serving,” and “vacancy/no vacancy” signs.
- viii. Snipe signs, attached, painted, printed or otherwise affixed and unauthorized or permitted by City law.
- ix. Signs that rotate, move or assume any motion constituting a non-stationary or non-fixed condition.
- x. No sign shall be painted on or affixed to any natural object in its natural location such as, but not limited to, boulders, trees or cliff faces.
- xi. A-frame, sandwich board, sidewalk, curb or any sign not permanently affixed to the ground or to a structure on the site it occupies.
- xii. Signs made wholly or partially of highly reflective material.
- xiii. Signs affixed upon a vehicle, trailer or the like, parked or located conspicuously for the primary purpose of displaying said sign.

- xiv. Signs which bear or contain statements, words or pictures of an obscene or pornographic character (as defined by the United States Supreme Court in *Miller v. California*, 413 U.S. 15, 24 (1973), and anything that demeans or otherwise degrades religions, races or ethnic groups.
- xv. Signs which emit audible sound, odor or visible matter.
- xvi. Miscellaneous signs and posters: The tacking, posting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, bars, sheds, on trees, poles, posts fences or other structures, except to identify a residence or residence structure by means of posting the name of the occupant or structure and the street address, unless specifically permitted by this chapter. Miscellaneous signs may be permitted on a temporary basis, in certain locations, with prior written approval of City Staff.

F. ANCHORING

- i. No sign shall be suspended by non-rigid attachments that will allow the sign to swing in a wind.
- ii. All freestanding signs shall have self-supporting structures erected on or permanently attached to an acceptable foundation as determined under the building codes of the City.
- iii. All portable signs on display shall be braced or secured to prevent motion.

G. ADDITIONAL CONSTRUCTION SPECIFICATIONS

- i. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
- ii. No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the City building or fire prevention codes.
- iii. Signs shall be located in such way as to maintain horizontal and vertical clearance with all overhead electrical conductors in accordance with electrical code specifications, depending on voltages concerned.

H. TEMPORARY SIGNS

Permits for any temporary sign shall not exceed thirty (30) days in a calendar year. It shall be the responsibility of the applicant to remove temporary signs upon expiration of the permit period.

I. MAINTENANCE

Every sign shall be kept in good condition as to maintenance and repair, including the replacement of defective parts, repainting and cleaning. The ground space within a radius of ten (10) feet from the base of any ground sign shall be kept free and clear of all weeds, rubbish and inflammable material. In addition to any other remedy provided in this chapter, City Staff shall have the authority to order the painting, repair, alteration or removal of signs which become dilapidated, are abandoned or which constitute physical hazard to the public safety at the expense of the person having charge, control or benefit of such signs.

J. SIGN REMOVAL

Signs identifying a discontinued use on the property shall be removed from the property within thirty (30) calendar days of the time the use was discontinued. A sign remaining thereafter shall be considered abandoned.

K. REPAIR OF BUILDING FAÇADE

A damaged building façade as the result of the removal, repair, replacement or installation of any signs shall be repaired by the property owner within thirty (30) calendar days of the time the building façade was damaged.

L. NONCONFORMING SIGN

A nonconforming sign may not be moved to a new location, altered, enlarged, or replaced unless it be made to comply with the provisions of this Chapter.

13.6 SIGN SAFETY IN CONSTRUCTION AND CITY NON-LIABILITY

A. ERECTION SAFETY PRECAUTIONS FOR STREETS AND SIDEWALKS

Whenever any sign or other advertising structure is erected in whole or in part on or over any public street or sidewalk, the person or persons performing the work shall, before proceeding to erect the same, take all precautions necessary to ensure the safety of persons and property on such street or sidewalk. Before hoisting any material whatsoever above the surface of any street or sidewalk, or placing any material upon the traveled portion of any street or sidewalk, the person or persons performing such work shall exclude the traveling public from the portion of such street or sidewalk in which such work is to be done by means of suitable barriers, protected walkways and warning devices, approved by the Building Official; and whenever the Building Official shall deem it necessary under the conditions then existing shall provide a guard or guards to exclude all persons not concerned in the work from the portion of the street or sidewalk in which the work is to proceed. When hoisting any sign or advertising structure above the surface of any street or sidewalk, the same shall be accompanied by hoisting devices of approved design and adequate capacity to accomplish the work in accordance with approved engineering practices, all of which hoisting equipment shall be kept and maintained in good and workable condition.

B. CITY NON-LIABILITY

The City and its agents shall in no way be liable for any negligence of the owner or the person responsible for the sign or its installation or maintenance.

13.7 SPECIFIC REGULATIONS FOR EACH ZONE

No person shall install or maintain any sign in the City and in the zones listed, except as herein provided. Signs not allowed in the following sections are specifically prohibited.

A. RESIDENTIAL ZONES (R-1-12, R-1-15, R-1-20, RM-1, RM-2, M-H)

- i. Name Plates: One lighted or unlighted name plate identifying the occupancy of the premises of maximum area of two (2) square feet. Such signs shall not advertise a home occupation.
- ii. Property Signs: No more than one property sign advertising the intent to sell, rent or build to suit shall be permitted. Property signs may also be modified to indicate that the property has been sold or let, provided that the total area for any one (1) sign does not exceed six (6) square feet and is no more than four feet (4') in height.
- iii. Civic Sign: One (1) civic sign not to exceed twenty (20) square feet in sign area.
- iv. Residential Monument Signs: Two monument type subdivision identification signs will be allowed in a residential or other subdivision provided that these signs,
 1. Are located a minimum of ten (10) feet from front property lines.
 2. Are limited to sixty-five (65) square feet in area for each sign.
 3. Have no visible source of illumination.
 4. Are limited to six (6) feet in height.
- v. Promotional Signs for Residential Developments: The signs permitted under this subsection shall be temporary in all cases and shall be removed when all lots have been sold by the original developer. The signs permitted in this subsection, may be placed on other land belonging to the same owner providing the subdivision or planned development being advertised and both properties involved are different phases of the same overall development. Any sign permitted by this subsection may be illuminated or may be lighted if the source of lighting is not visible.
- vi. Multi-family residential complex signs: For property zoned Multi-family Residential, one (1) residential sign not to exceed eight (8) square feet for name and address of a multiple family residential building. Each multi-family

complex owner may apply for a permit to place a monument type sign on the complex that identifies only the name and address of the complex. The size of the base shall be no larger than eighteen (18) square feet and a height not to exceed two feet (2'). The sign portion of the monument shall not exceed ten (10) square feet, with the top of the sign no more than four (4) feet above the ground. The sign shall contain only the name and address of the housing complex. The sign shall blend with the natural surroundings of the area. If landscaping is planned around this sign, the application will include details for the landscaping. The complex may have one residential identification sign, no greater than two (2) square feet, that is placed on the building and identifies the occupants of the building.

1. Real Estate Sign: One (1) real estate sign.
 2. Development Sign: One (1) development sign shall be permitted as defined in this chapter.
- vii. Bed and Breakfast Inn: A bed and breakfast inn established by conditional use permit may have a sign of not more than four (4) square feet, (a) attached to the building and not extending above the roof line; or (b) incorporated into the landscaping design or planter box, so long as such sign is a minimum of six (6) feet from the public right-of-way and not more than four (4) feet in height.
- viii. Historic District: Free standing signs shall be permitted within the area designated as "Historic District" under the following conditions:
- a. Freestanding signs may not exceed twelve (12) square feet in area or four feet (4') in height.
 - b. Freestanding signs shall be located a minimum of six feet (6') from the public right-of-way.
 - c. Freestanding signs shall be incorporated into a landscaping design or planter box.

B. COMMERCIAL AND MANUFACTURING ZONES (N-C, H-C, BMP, M-1)

- i. Residential: When located on property butting a residential zone, signs shall conform to residential requirements with respect to lighting.
- ii. Individual Business: Each duly licensed business on a separate property shall be allowed one primary sign and one secondary sign. The secondary sign shall have a maximum sign area of the lesser of twenty (20) square feet or one square foot for every two (2) lineal feet of building frontage. The primary sign may be freestanding or wall mounted. If the primary sign is wall mounted, the secondary sign shall be either freestanding or located on building frontage

other than that upon which the primary sign is located. If the primary sign is freestanding, the secondary sign shall be wall mounted.

- iii. **Building Mounted Signs:** Signs mounted on the building shall be integrated into the building and designed so that the architectural features and expressions of the building are not obscured. Signs mounted to the building include, among others, wall signs, roof signs, awning signs, projecting signs and suspended signs. All except wall signs shall be prohibited unless the applicant can demonstrate that either no feasible alternative is available for nonconforming building or structure or such signs clearly further the purposes of this chapter. A building mounted sign shall:
 - 1. Have a maximum area of the lesser of forty (40) square feet or one square foot for each lineal foot of building frontage upon which the sign is located;
 - 2. Not extend beyond the roof line, nor extend more than a maximum of fifteen feet (15') in height;
 - 3. In the case of a wall mounted sign, be permanently attached or painted and shall not extend more than twelve inches (12") from said wall;
 - 4. In the case of a projecting sign, not extend from the building face a distance greater than six feet (6'), and no projecting sign shall extend over public property a distance greater than twelve inches (12");
 - 5. In the case of projecting signs, awning signs or suspended signs, maintain a minimum of eight foot (8') clearance between the lowest point of the sign and the grade immediately below;
 - 6. In the instance of a building set back from the road by more than one hundred feet (100'), the Planning Commission may allow installation of a wall mounted sign up to but not exceeding five percent (5%) of the total area of the wall on which it will be mounted.
- iv. **Freestanding Signs:** A freestanding sign and the corresponding support structures shall be designed to complement the building architecture and the surrounding areas and shall:
 - 1. Not exceed twelve feet (12') in height nor forty (40) square feet in area;
 - 2. The base of the freestanding sign shall be incorporated into a landscaping design or planter box;

3. No portion of the sign shall be located closer than three feet (3') from any public right-of-way and said sign shall be no closer than twenty five (25) feet from adjoining commercial properties.
- v. Entrance or Exit Signs: In addition to the other signs allowed hereunder, one entrance or exit sign may be permitted at each driveway entering or leaving the premises of a business on a separate property. Such signs shall not exceed three (3) square feet in area nor be more than six (6) feet in height from the ground.
- vi. Property Signs: No more than two signs offering the premises for sale, lease or inspection by the public may be permitted, provided that the total area of each sign does not exceed twenty-four (24) square feet. Said signs may be modified to indicate that the property has been sold or leased.
- vii. Off-Premises Signs: For businesses without frontage on SR-17, including bed and breakfasts without frontage on SR-17, one freestanding directional sign may be permitted at the closest intersection with SR-17, providing such sign shall:
 1. Not exceed eight (8) square feet in area nor (4) four feet in height;
 2. Be located entirely on private property with the permission of the property owner;
 3. Not be located nearer than (3) three feet of any public rights of way;
 4. In no way interfere with traffic visibility triangles.
- viii. Marquee or Reader Boards: Theaters are allowed one marquee or reader board. The marquee may be incorporated as part of the primary sign or take the place of a secondary sign. If incorporated as part of the primary sign, the Planning Commission may choose to allow an increase in the maximum sign area up to fifty percent (50%).
- ix. Tertiary Signs: Restaurants and hotels/motels may display tertiary special features signs. Only one such sign may be displayed at any given time.

Tertiary signs shall have a maximum area of two (2) square feet. Tertiary signs may be wall mounted or attached to a freestanding sign, providing the tertiary sign shall be no closer than three (3) feet to any public right of way. Transient lodging facilities may display one (1) tertiary "vacancy/no vacancy" sign.
- x. Banners: Temporary use of banners for certain commercial and community events may be approved as provided herein. In order to secure permit approval, all banners shall comply with the standards and regulations provided herein and these standards and regulations shall be considered minimum

requirements in reviewing all applications for banner permits. All banners must be constructed of strong cloth or vinyl material and satisfy the color standards provided in this chapter. Banners may be displayed for a maximum period of seventeen (17) days.

1. Commercial Banners: The following standards and regulations shall also apply to commercial banners:
 - a. Commercial banners may be used to announce a special event, such as grand openings, special holiday sales, etc.
 - b. Commercial banners shall not exceed twenty (20) square feet in area. Banners shall be maintained flat against a building wall or fence within the subject property.
 - c. No more than one banner per business shall be displayed at any one time.
 - d. Banners may be displayed for a maximum period of seventeen (17) days and each business will be permitted a maximum of four (4) banners per year. Banners must be removed within twenty four (24) hours of the event conclusion.
2. Community Event Banners: The following standards and regulations shall also apply to community event banners:
 - a. Community event banners are available to civic organizations to announce community events and activities such as festivals, parades, concerts, art/crafts fairs, etc.
 - b. A civic organization may utilize a standard banner, which shall not exceed twenty (20) square feet in area, in combination with a cross street banner. A cross street banner is only allowed for community events sponsored by a civic organization, but the banner may include acknowledgement of a commercial sponsor of the banner and the event. If a cross street banner is not available or used, two standard banners may be approved.

Cross street banners shall be between 2-4 feet in height and 20-40 feet in width. Such banners shall be displayed at one location on SR-17 selected by the City, in its discretion. Cross street banners must have sufficient air flaps to help relieve wind pressure and should be constructed with sleeves for wire supports and corner grommets to secure each corner. Any application for the display of a cross-street banner on SR-17 must first be approved by the Utah Department of Transportation. Only one cross street banner will be approved for each calendar month, a maximum of twelve (12) cross street banner approvals each calendar year, unless approved by City Staff.

- c. There will be no fee charged for approval of a standard banner application, but there shall be a fee for applications for cross street banners, as determined by the City. Applicants for cross street banners will be responsible for the cost of hanging and removing such banners.
- d. Standard banners must be mounted flat against a wall or a fence.
- xi. Facility Signs: Signs identifying churches, schools, public utilities, buildings and facilities, public-owned and operated properties, hospitals, homes for the aged, nursing homes, convalescent homes, private clubs, fraternal organizations and roadside stands are subject to the following:
 - 1. Such signs shall not exceed twenty-four (24) square feet in area and shall contain no advertising copy. Such signs shall be located on the property to which it pertains and the number shall be limited to one.
 - 2. There may be two (2) signs per entrance to said facility or if only one sign is requested, the sign may be double-faced. Signs must be located on the property to which it pertains. It may be a free-standing, wall or monument type sign and shall meet the specification for the type of sign as described in this ordinance.

13.8 ENFORCEMENT

A. SIGNS TO CONFORM

Except as provided in this title a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, unless in conformity with this chapter.

A nonconforming sign shall not be altered, reconstructed, raised, moved, placed, extended or enlarged unless said sign is changed so as to conform to all provisions of this title.

B. PROHIBITED SIGNS TO BE ABATED

Signs prohibited under other laws or ordinances are also in violation of this chapter and are subject to remedies herein provided. The non-conforming sign provisions of this chapter shall not be applicable to such prohibited signs.

PLANNING COMMISSION

The Planning Commission shall be responsible for inspecting signs as defined by this chapter, and shall be authorized to enforce this ordinance, but the City Council of Toquerville, by resolution or ordinance, may from time to time entrust such administration, in whole or in part, to any other office of City government without amendment to this ordinance.

C. LEGAL ACTION

The Planning Commission with the consent of the City Council shall be empowered to institute any appropriate action or proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in any case where any sign is used in violation of any ordinance, to accomplish the following purposes:

- i. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.
- ii. To restrain, to correct or abate such violation.
- iii. To abate and remove unsafe or dangerous signs. If an unsafe or dangerous sign is not repaired or made safe within ten (10) working days after giving notice as provided below, the Planning Commission may at once abate and remove said sign and the person having charge, control or benefit of any such sign shall pay to the City the costs incurred for such removal within thirty (30) calendar days after written notice of the costs is mailed to such person.
- iv. For purposes of this Chapter, notice by or from the City shall mean written notice sent by certified mail to persons having charge, control or benefit of any sign.

D. IMMEDIATE HAZARD

In the case of an unsafe or illegal sign that is either an immediate hazard or whose primary purpose will have been served, at least in part, before the expiration of the notice period required herein, the Planning Commission may effect an immediate removal, at the expense of the persons having charge, control or benefit of the sign, without notice, subject to a subsequent right of hearing by the person receiving benefits therefrom.

E. NOTICE OF NON-MAINTAINED SIGN

The Planning Commission shall require each non-maintained or abandoned sign to be removed from the building or premises when such sign has not been repaired or put into use by the owner, person having control or person receiving benefits of such structure within thirty (30) calendar days after notice of non-maintenance or abandonment is given to the owner, person having control or person receiving benefit of such structure.

The Planning Commission may remove any such sign, at the expense of the person having control, charge or benefit of the sign, if such sign is not repaired or removed from the building or premises within thirty (30) calendar days after notice to repair or remove is given.

F. VIOLATION AND PENALTY

Any person, firm or corporation whether acting as owner or occupant of the premises involved or contractor or otherwise who violates or refuses to comply with any of the provisions of this title shall be guilty of a class B misdemeanor. A separate offense shall be deemed to be committed on each day an offense occurs or continues.

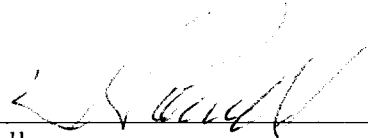
H. RIGHT OF APPEAL

Any person who has been ordered by the Planning Commission to alter or remove any sign, or any person whose application for a sign permit has been refused, may appeal to the Board of Adjustments by serving a written notice to the City Recorder within ten (10) days of the order or decision of the Planning Commission. Such notice of appeal shall be considered by the Board of Adjustment at its next regularly scheduled meeting. Upon filing of said notice of appeal, the Planning Commission shall take no further action with regard to any removal of the sign involved until the final decision of the Board of Adjustment on the appeal is known, unless the Planning Commission finds that the sign involved, by reason of its condition, presents an immediate and serious danger to the public, or comes within the provisions of Paragraph E above, in which case the Planning Commission shall proceed immediately as provided in this ordinance.

H. VARIANCE


Any person or entity desiring a waiver or modification of the requirements of this chapter as applied to a sign that person owns, leases or in which such person holds some other beneficial interest, may apply to the Board of Adjustment for a variance of this chapter.

This Toquerville City Signage Ordinance No. ORD.2008.06, shall be effective with City Council passage and approval on the 17th day of July, 2008.



Ken Powell
Toquerville City Mayor

Date: July 18

Attest: 

Carol Pogue, City Recorder

