

**CHAPTER 14****Sign Regulations**

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**14.1 PURPOSE AND INTENT.**

(1) The purpose of this Code shall be to coordinate the type, placement, and scale of signs within the different land-use zones to recognize the commercial communication requirements of all sectors of the business community; eliminate confusing and excessive sign displays that sate potential hazards to vehicular and pedestrian traffic; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zoning district. The placement and scale of signs is regulated primarily through lot size, type and length of Street frontage. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Code.

(2) Further purposes are to encourage signs which, by their design, are integrated with, and harmonious to the buildings and sites which they occupy; to reduce driver inattention; to preserve and improve the appearance of the Town of Rush Valley as a place in which to live and to work and as an attraction to non-residents who come to visit or trade; to safeguard and enhance property values; to limit or forbid signs which interfere with solar access of adjacent properties; to protect public and private investment in buildings and open spaces; to supplement and be a part of the regulations imposed under the zoning authority of the Town of Rush Valley

**14.2 INTERPRETATION.**

(1) In interpreting and applying the provisions of this Code, the sign regulations contained herein are declared to be the minimum standards allowable for the purpose set forth. The types of signs allowed by this Code shall be plenary and sign types not specifically allowed as set forth within the Code shall be prohibited. It is not intended by this chapter to interfere with nor abrogate nor annul any easement, covenants, nor other agreements between private parties existing at the time of the effective date of this Code; provided, however, that where this Code imposes a greater restriction upon signs, and the location thereof requires or imposes other conditions than those required or imposed by other laws, ordinances, or restrictions, the provisions of this Code shall control.

**14.3 SCOPE.**

(1) This Chapter shall not relate to building design, nor shall it regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; barber poles;

religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign. Thus, the primary intent of this Code shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way.

#### 14.4 GENERAL PROVISIONS.

(1) Except as provided in this Code, no sign shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, or have the text of the sign changed, except in conformity with the regulations herein specified for the use district in which it is located. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

(2) All signs hereafter erected in the Town of Rush Valley shall comply with the current standards of the National Electrical Code, the Uniform Building Code, and all other ordinances of the Town of Rush Valley. All signs identifying a discontinued use on the property shall be removed by the sign owner from the property within 30 calendar days of the time the use was discontinued.

(3) No sign erected before the adoption of this Code shall be moved to a new location on the lot or building or enlarged or replaced unless it is made to conform with the regulations of this Code.

#### 14.5 SIGNS PROHIBITED IN ALL DISTRICTS.

(1) The following types of signs are prohibited in all districts:

(a) Abandoned Signs;

(b) Banners, pennants, festoons, search lights not allowed in other sections of this Code.

(c) Signs imitating or resembling official traffic or government signs or signals:

(d) Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way:

(e) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business):

(f) 'A' Frame signs: and

(g) Flashing signs that have equal on and off phases with illumination from zero to 100% during the programmed cycle.

#### 14.6 PERMITS REQUIRED.

(1) Unless otherwise provided by this Code, all signs shall require a conditional use permit and payment of fees as established by the Town Council. No permit is required for the maintenance of a sign or for a change of copy on painted, printed or changeable copy signs.

#### 14.7 SIGNS NOT REQUIRING PERMITS.

(1) Persons erecting exempted signs shall obtain a building permit and comply with the provisions of any other applicable codes, including the Uniform Building and Electrical Codes: The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this and other applicable Codes.

(a) Signs used by churches, synagogues, or civic organizations;

(b) Construction signs of sixteen square feet or less:

(c) Holiday or special events decorations:

(d) Nameplates or property identification signs.

(e) Temporary political signs;

(f) Public signs or notices, or any sign relating to an emergency;

(g) On-site real estate signs, 12 square feet or less;

(h) Window signs,



(i) Signs identifying local agricultural uses and sales, 32 square feet or less, and;

(j) For sale signs, 12 square feet or less.

#### 14.8 MAINTENANCE.

(1) All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, as defined in the Uniform Building Code.

#### 14.9 LIGHTING.

(1) Unless otherwise prohibited by this Code, all signs may be illuminated. A lighted sign shall not be installed which permits the light to penetrate beyond the property in such a manner as to annoy or interfere with the use of adjacent properties or the safe travel of traffic both vehicular and pedestrian. If such light is determined to be in violation, the owner or said sign shall take appropriate corrective action as needed to alleviate the problem.

#### 14.10 CHANGEABLE COPY.

(1) Unless otherwise specified by this Code, any sign herein allowed may use manual, automatic, electrical or mechanically activated changeable copy. One mobile changeable copy sign may be used for a period of sixty days as a Conditional Use following the issuance of a permit to construct a permanent sign. The mobile changeable copy sign shall be removed after the sixty days have expired. Extension of time beyond the allowed time period is not permitted.

#### 14.11 SIGNS ON PUBLIC PROPERTY.

(1) No sign shall be located on publicly owned land or in the public right-of-way of streets and roads except signs required and erected by permission of an authorized public agency. Signs shall include, but not be limited to; handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any curbstone, lamp post, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street.

#### 14.12 SIGNS NOT TO CONSTITUTE A TRAFFIC HAZARD.

(1) Signs or other forms of advertising structures shall not be erected at the intersection of any streets or driveways in such a 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 cause confusion with any authorized traffic sign, signal devise, or make use of the words "STOP", "Drive-in", Danger, or any other words, phrases, symbol or character in such a manner as to interfere with, mislead or confuse vehicle operators or pedestrians.

#### 14.13 OFF PREMISE SIGN CONFORMANCE.

(1) All off-premise signs erected along interstate highways on the primary system and on the federal aid system as defined by the State of Utah shall conform with the provisions of the Utah Outdoor Advertising Act and these Codes where applicable.

#### 14.14 SIGNS PERMITTED IN ALL ZONES.

(1) The following signs are permitted in all zones:

(a) All signs not requiring permits;

(b) Temporary special event sign(s), as allowed by the Planning Commission under a conditional use permit, for special events, grand openings, or holidays. Such signs may be erected 45 days prior to a special event or holiday and shall be removed five days following the event or holiday. For grand openings, such signs may be used for no more than 30 days. The size of any temporary sign shall be set by the conditional use permit.

#### 14.15 SIGNS PERMITTED IN MULTIPLE USE, AGRICULTURAL AND RURAL RESIDENTIAL (A-40, A-10 and RR-5).

(1) Other signs allowed in agricultural and rural residential zones are subject to appropriate conditions established by the Planning Commission under a conditional use permit and are as follows:

(a) One subdivision identification sign per street frontage, neighborhood, subdivision, or development, not to exceed 48 square feet in sign area in each location,

(b) One identification sign per entrance to apartment or condominium complex, not to exceed 36 square feet in sign area, and

(c) For permitted nonresidential uses, including churches and synagogues, one freestanding sign, not to exceed 48 square feet in sign area.

#### 14.16 SIGNS PERMITTED IN COMMERCIAL AND MANUFACTURING ZONES (C-N, and M-D).

(1) Other signs allowed in commercial and manufacturing zones are subject to appropriate conditions established by the Planning Commission under a conditional use permit and are as follows:

(a) One freestanding sign per street frontage not to exceed three square feet of sign area for each lineal foot of property frontage. Signs must not project beyond property lines nor exceed a height of 12 feet.

(b) Wall signs not to exceed 30 percent of the aggregate square footage of the wall area upon which they are installed. Electric awning signs not to exceed 30 percent of the aggregate square footage of the wall area upon which they are installed. The combination of wall signs and electric awning signs shall not exceed 30 percent of the allowed wall area.

(c) One under-canopy sign for each separate occupancy or separate entrance not to exceed eight square feet in sign area. Under-canopy signs must have a minimum clearance of eight feet to grade.

(d) Incidental signs not to exceed four square feet in aggregate area per occupancy.

(e) Portable and temporary signs may be used for a period not to exceed 20 days in a calendar year. Such signs must be installed in accordance with building and electrical codes.

(f) Off-site directional signs as required.

(g) All signs (freestanding, projecting, awning, marquee, canopy, under-canopy, etc.) must maintain minimum clearances and construction electrical standards. (l) Off-site directional signs as required.

(i) All signs (freestanding, projecting, awning, marquee, canopy, under-canopy, etc.) must maintain minimum clearances and construction electrical standards.

#### 14.17 DETERMINATION OF LEGAL NONCONFORMITY.

(1) Existing signs which do not conform to the specific provisions of the Code may be eligible for the designation "legal nonconforming" provided that:

(a) The Planning Commission determines such signs are properly maintained and do not in any way endanger the public.

(b) The sign was installed in conformance with a valid permit or variance, or complied with all applicable laws on the date of adoption of this Code.

#### 14.18 LOSS OF LEGAL NONCONFORMING STATUS.

(1) A legal nonconforming sign may lose this designation if:

(a) the sign is relocated or replaced.

(b) The structure or size of the sign is altered in any way except toward compliance with this Code. This does not refer to change of copy or normal maintenance.

#### 14.19 MAINTENANCE AND REPAIR OF NONCONFORMING SIGNS.

(1) The legal nonconforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. However, if the sign suffers more than 50 percent damage or deterioration, as based on appraisal, it must be brought into conformance with this code or removed.

#### 14.20 APPLICATION FOR CONDITIONAL USE PERMITS FOR SIGNS.

(1) Application for a permit for the erection or relocation of a sign shall be made to the Planning Commission upon a form provided by the Town of Rush Valley and shall include the following information:

(a) Name and address of the owner of the sign.

(b) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.



(c) The type of sign or sign structure as defined in this Code.

(d) A site plan with measurements showing the proposed location of the sign along with the locations of all existing signs on the same premises.

(e) Specifications and drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.

#### 14.21 PERMIT FEES.

(1) AN applications for permits filed with the Planning Commission shall be accompanied by a payment of the initial permit fee and plan check fee as required.

#### 14.22 ISSUANCE AND DENIAL.

(1) The Planning Commission shall issue a permit for the erection, structural alteration, or relocation of a sign within 30 days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the Town. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

(2) When a permit is denied, the Planning Commission shall within 30 days, give a written notice to the applicant along with a brief statement of the reasons for denial, citing code sections and interpretation of possible nonconformity. The Planning Commission may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

#### 14.23 PERMIT CONDITIONS, REFUNDS, AND PENALTIES.

(a) If a permit is denied, the permit fee is non refundable.

(b) If no inspections have been made and no work authorized by the permit has been performed, the permit fee is non refundable.

(c) If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this Code.

#### 14.24 INSPECTION UPON COMPLETION.

(1) Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the Chairman of the Planning Commission or Town Building Official upon completion of the work. The Planning Commission, Building Official or Building Inspector may require a footings inspection, electrical inspection and final inspection on freestanding signs.

(2) The Planning Commission may require at the time of issuance of a permit that written notification for an inspection be submitted prior to the installation of certain signs.

#### 14.25 VIOLATIONS.

(1) The Chairman of the Planning Commission or Town Building Official 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 or this Code to accomplish the following purposes:

(a) To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use.

(b) To restrain, to correct, or abate such violation.

(c) To abate and remove unsafe or dangerous signs. If an unsafe or dangerous sign is not repaired or made safe within three days after receiving notice, the Chairman of the Planning Commission or Building Official may at once abate and remove said sign, and the person having charge, control, benefit or ownership of any such sign shall pay to Town of Rush Valley the costs incurred in such removal within 30 calendar days after written notice of costs are mailed.

(d) To immediately abate and remove any sign located on publicly owned land or inside public rights-of-way; except signs required and erected pursuant to Section 14.11 of this Code.

(2) When, in the opinion of the Planning Commission or the Town Building Official, a violation of the code exists that person shall issue a written order to the alleged violator. The order shall specify those sections of the code which the individual is in violation of, after that time the alleged violator shall be issued a citation which states the section of this and other ordinances that are in violation.

(3) If, upon inspection, the Chairman of the Planning Commission or Town Building Official finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, that person shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign, after which, the alleged violator shall be issued a criminal citation which states the section of this and other ordinances that are in violation.

(4) In cases of emergency, the Chairman of the Planning Commission or Town Building Official may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety.

#### 14.26 REMOVAL OF SIGNS.

(1) The Chairman of the Planning Commission or Town Building Official may cause the removal of an illegal sign for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified.

(2) If the amount specified in the notice is not paid within thirty calendar days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a fifty percent penalty for collection in the same manner as the real estate taxes.

(3) The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless proven facts to the contrary are brought to the attention of Chairman of the Planning Commission, or Town Building Official in the case of a leased sign.

(4) For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.