

CHAPTER 16

SIGNS AND OUTDOOR ADVERTISING**SECTION:**

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10-16-1: **PURPOSE:** The purpose and objective of this chapter is: to minimize potential hazards to motorists and pedestrians; to encourage signs which, by good design, integrate with and are harmonious to the building and site; to encourage and improve the appearance of the city; to enhance and safeguard property values; and to protect public and private investment in buildings and open space. (Ord. 2004-03, 7-20-2004)

10-16-2: **DEFINITIONS:** The following words and phrases, whenever used in this title, shall be construed as defined in this section:

ANIMATED SIGN: A sign which involves motion or rotation of any part by mechanical or artificial means or displays flashing or intermittent lights.

AREA: The area of a sign is that portion used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back to back or double face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty five degrees (45°).

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| BILLBOARD SIGN: | See definition of Off Premises Sign. Billboards are not permitted within the city limits of Fruit Heights City. |
| FLAT SIGN: | A sign erected parallel to and attached to the outside wall of a building and extending not more than eighteen inches (18") from such wall. |
| FREESTANDING SIGN: | A sign supported by a fixed permanent frame or support in the ground. |
| GROUND SIGN: | An on premises or identification sign having a minimum height of six feet (6'). |
| IDENTIFICATION SIGN: | A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises, i.e., schools, churches, hospitals, multiple-unit dwellings, PRUDs, etc. |
| NAMEPLATE SIGN: | A sign indicating the name and/or occupation of a person residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises. |
| OFF PREMISES SIGN: | An advertising sign which directs attention to a use, product, commodity or service not related to the premises on which the sign is located. Off premises signs are not permitted in any zone. |
| ON PREMISES SIGN: | A sign which directs attention to a use conducted, product or commodity sold or service performed upon the premises on which it is located. |
| POLITICAL SIGN: | Any sign which is designed to influence the action of the voters either for the passage or defeat of a measure appearing on the ballot at any national, state or local election, or which is designed to influence the action of the voters for the election or defeat of a candidate for nomination or election to any public office at any national, state or local election. Political signs are temporary signs supporting the |

candidacy for office or urging action on any other matter on the ballot of primary, general, and special elections.

- PORTABLE SIGN:** A sign which is not permanently attached to the ground or a building, including signs mounted on a stand or wheels.
- PROJECTING SIGN:** A sign attached to a building and extending in whole or in part more than eighteen inches (18") beyond any wall of the building.
- PROPERTY SIGN:** A sign related to the property on which it is located, advertising contemplated improvements, or announcing the name of the builder, owner, designer or developer of the project, or warning against trespass.
- PUBLIC NECESSITY SIGN:** A sign informing the public of any danger or hazard existing on or adjacent to the premises.
- ROOF SIGN:** A sign erected partly or wholly freestanding on or over the roof of a building.
- SERVICE SIGN:** A sign which 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, sale of agricultural products produced upon the premises and which bear, as an incidental part of the sign, the name, address or trademark of persons furnishing such sign to the owner of the premises.
- TEMPORARY SIGN:** A sign, banner, pennant, valance or advertising display intended to be displayed out of doors for a short period of time. Such signs are usually, but not necessarily, constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames.
- WALL SIGN:** A sign that is either painted on an exterior wall or its facing, or is painted in such a way that it

gives the visual appearance of being painted on a wall or facing by not having a frame or separation from the wall or facing. (Ord. 2004-03, 7-20-2004; amd. Ord. 2005-06, 8-16-2005; Ord. 2006-01, 1-17-2006)

10-16-3: **GENERAL REQUIREMENTS:** The following provisions apply to all signs located in the city. No sign shall be erected, replaced, reconstructed, maintained, enlarged or moved to a new location unless it complies with the requirements set forth in this section:

- A. **Permit Required:** No sign shall be erected in the city without first having obtained a permit from the building inspector. All applications for a sign permit shall be reviewed and approved by the zoning administrator. Applications for sign permits shall be accompanied by a plot plan drawn to scale showing the size and location of the sign on the premises.
- B. **Lighted Signs:** No lighted or animated sign shall be installed or located to permit the direct rays of light to project beyond the property on which the sign is located so as to constitute a nuisance or hazard to the adjacent property owners.
- C. **Projection Of Signs:** No part of any sign shall be attached to any building or other structure or otherwise be located in such a way as to project across any property lines.
- D. **Clearance:** There shall be a minimum clearance of ten feet (10') between a pedestrian walkway or vehicular accessway and any part of a projecting or freestanding sign.
- E. **Signs On Public Property:** No sign or pole shall be erected on publicly owned land or inside street rights of way. No sign, handbill, poster, advertisement or notice of any kind, whether political or otherwise, shall be fastened, placed, posted, painted or attached in any way in or upon any curbstone, lamppost, telephone pole, power pole, electric line, hydrant, tree, rock, sidewalk or street; except that signs owned and erected by a public agency or its authorized representative that are required by law or which are for the direction and/or safety of the public may be erected on publicly owned land.
- F. **Animated And Flashing Signs:** No sign shall be erected within the city which is so designed and/or operated to have moving mechanical parts or to be flashing, nor shall signs be located in such

a manner that they will materially or practically tend to create a traffic hazard.

- G. Sound: No signs shall be permitted which has been designed for the purpose of emitting sounds.
- H. Maintenance: Every sign shall be kept in good and slightly condition. The zoning administrator may require dilapidated and/or unsafe signs to be put in good condition, and upon failure of the owner to do so within thirty (30) days of receiving written notice, the city may order such sign to be removed or demolished at the expense of the owner.
- I. Exemptions: Signs for a temporary, personal or nonbusiness event shall be exempt from the provisions of this chapter. Such signs include notices for garage sales, open house signs, lost and found notices, etc. (Ord. 2004-03, 7-20-2004)

10-16-4: **PROPERTY SIGNS:** Property signs in any zone shall conform to the following regulations and standards:

- A. Number: There may be two (2) property signs for a subdivision or building project of up to twenty five (25) lots or units, plus one additional sign for each fifty (50) lots or units, or major fraction thereof.
- B. Maximum Size: A property sign shall be no larger than forty eight (48) square feet (counting 1 side of a 2-sided sign).
- C. Location: A property sign may be displayed as a wall, flat, ground or freestanding sign. As a freestanding sign, a property sign shall be no higher than ten feet (10').
- D. Duration: A property sign shall be allowed only during the construction and initial sales period of any subdivision or building development, to a maximum period of two (2) years. An extension for up to one additional year may be granted by the planning commission. (Ord. 2004-03, 7-20-2004)

10-16-5: **SIGNS ALLOWED IN ALL ZONES:**

- A. Identification Signs: One or two (2) identification signs not to exceed four (4) square feet in combined area and unlighted, to include

nameplates, signs of a civic or religious nature, bulletin boards or signs pertaining to the prospective sale, lease or rental of the premises on which they are located, or advertising the products manufactured or produced or the business conducted thereon, shall be allowed in any required yard area in all zones.

- B. **Sale Of Agricultural Products:** One or more wall or ground signs, totaling not more than forty eight (48) square feet in combined area, advertising the sale of homegrown agricultural products, may be allowed for up to ninety (90) days in a given continuous twelve (12) month period.
- C. **Bulletin Boards:** A bulletin board, not exceeding twelve (12) square feet in area, erected upon the premises of a church or other noncommercial institution for the purpose of displaying the name and activities of services therein may be allowed in any required yard area, provided it is located no closer than ten feet (10') to any lot line. (Ord. 2004-03, 7-20-2004)

10-16-6: A-1, R-S AND R-1 ZONES: In addition to those signs allowed in all zones as set forth in sections 10-16-4 and 10-16-5 of this chapter, there shall be allowed in zones A-1, R-S and R-1 the following signs, subject to the specified restrictions and conditions:

Identification And Service Signs: One or more wall or ground signs, totaling not more than forty eight (48) square feet in combined area, for institutions, multi-family dwellings or allowed nonresidential buildings. Permitted signs on institutional or other nonresidential buildings may be illuminated by floodlighting. (Ord. 2004-03, 7-20-2004)

10-16-7: C-1 ZONE: In addition to those signs allowed in all zones as set forth in sections 10-16-4 and 10-16-5 of this chapter, there shall be allowed in the C-1 commercial zone the following signs, subject to the specified restrictions and conditions:

- A. **On Premises Signs:** One or more wall or projecting signs totaling not more than seventy five (75) square feet in combined area, and one ground or freestanding sign not to exceed fifty (50) square feet in area and not to exceed twenty feet (20') in height. All such signs may be directly or indirectly lighted.

- B. Temporary Signs: One or more wall, projecting, ground or freestanding signs totaling not more than fifty (50) square feet in combined area and not to exceed twenty feet (20') in height. Temporary signs may be displayed for up to thirty (30) days within a continuous twelve (12) month period. (Ord. 2004-03, 7-20-2004)

10-16-8: **C-2 ZONE:** In addition to those signs allowed in all zones as set forth in sections 10-16-4 and 10-16-5 of this chapter, there shall be allowed in the C-2 commercial zone the following signs, subject to the specified restrictions and conditions:

- A. On Premises Signs: One or more wall or projecting signs totaling not more than one hundred fifty (150) square feet in combined area, and one ground or freestanding sign not to exceed seventy five (75) square feet in area and not to exceed twenty five feet (25') in height. On properties adjacent to Highway 89, a freestanding sign may be permitted not to exceed two hundred (200) square feet in area and not to exceed forty feet (40') in height. All such signs may be directly or indirectly lighted.
- B. Temporary Signs: One or more wall, projecting, ground or freestanding signs totaling not more than fifty (50) square feet in combined area and not to exceed twenty feet (20') in height. Temporary signs may be displayed for up to thirty (30) days within a continuous twelve (12) month period. (Ord. 2004-03, 7-20-2004)

10-16-9: **POLITICAL SIGNS:** Sign permits are not required for political signs. Notwithstanding anything to the contrary contained in this chapter, the following provisions shall apply only to political signs erected out of doors:

- A. Location And Type:

1. Political signs are permitted in single-family residential districts only upon lots in which a residence is located without prior approval of the building department, provided that permission has been obtained from the property owner(s). If permission has not been obtained from the property owner(s) and the sign is within the owner's legal property rights and boundaries, the owner(s) of the property may remove the sign and contact the city to have the sign picked up. Upon notification to the city, the zoning administrator or authorized agents shall immediately notify by telephone the candidate, committee or person responsible for the posting of such

sign in violation of this section, indicating the location of the sign and that the sign shall be removed within twenty four (24) hours. After that time the sign can be destroyed.

2. The dimensions of such signs shall not exceed a maximum area of twelve (12) square feet and four feet (4') in height, and further provided that only one sign per office or measure shall be placed upon that lot or parcel of land regardless of the size of such parcel.

3. Political signs shall be temporary, stationary and unlighted.

4. No political signs may be erected earlier than thirty (30) days before the election to which it relates.

a. When a primary election is required for a public office, signs for candidates seeking election may be displayed thirty (30) days in advance of the primary election. Candidates successful in the primary election may leave their signs in place for the upcoming general election.

b. When a primary region or national election is required for a public office, signs for candidates seeking election may be displayed forty five (45) days in advance of the primary election. Candidates successful in the primary election may leave their signs in place for the upcoming general election.

c. Signs for referenda or initiatives that are held in conjunction with regularly scheduled elections shall be limited to thirty (30) calendar days preceding the election.

d. Signs for any special election shall be limited to a period immediately preceding the election of seven (7) calendar days.

5. Political signs shall not be attached to any utility pole, fence, tree or other vegetation in any public right of way.

6. Political signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.

7. Political signs shall be self-contained and freestanding and shall not be attached to any structure, except that the sign may be placed in a window.

8. Political signs may not be located on trees or lawn owned by the city or on any property owned, leased, maintained or operated by the city.

9. Political signs are not allowed on medians or in park strips.

B. **Responsible Person:** In a campaign for elective office, the candidate for such office shall be deemed the person responsible for the posting of campaign signs, unless the candidate first notifies the city recorder and the zoning administrator of another person who is responsible. In such case, the candidate shall provide the name, address, telephone number, and signed consent of such other responsible person. In a campaign regarding a ballot measure, the president of the committee supporting or opposing such ballot measure shall be deemed responsible, unless said person first notifies the city recorder and zoning administrator of some other person responsible, in the manner described above. The candidate, or in the case of a ballot measure, the committee president or other responsible person if so designated, shall be liable to pay any fees or costs for the removal and storage of illegal signs, as set out herein. Further, such candidate, committee president, or other designated person, shall be subject to prosecution for any violation of this chapter.

C. **Removal Of Illegal Signs:**

1. **Illegal Signs, Public Nuisance:** Campaign signs in violation of this section are hereby declared to be public nuisances, and may be abated as such by the city. The collection of removal fees shall not preclude the city from prosecuting any person for violating this chapter.

2. **Removal Of Illegal Campaign Signs:** The zoning administrator or authorized agents are authorized to remove any campaign sign found posted within the corporate limits of the city when such sign is in violation of the provisions of this section. For the purpose of removing campaign signs, the zoning administrator or authorized agents are empowered to take all steps necessary to remove the unauthorized sign including, but not limited to, enlisting the aid or assistance of any other department of the city and to secure legal process to the end that all such signs shall be expeditiously removed from any property where posted.

3. **Notice:** Upon discovery, the zoning administrator or authorized agents shall immediately notify by telephone the candidate,

committee or person responsible for the posting of any sign in violation of this section, indicating the location of the sign and that the sign must be removed within five (5) working days. If the address or phone number of the person responsible for the violating sign is not known, the sign shall be removed under the provisions as set forth in subsection C2 of this section.

4. Storage And Return: If after the five (5) day notice has been given under subsection C3 of this section, any campaign sign has not been removed, the zoning administrator or authorized agents shall remove said campaign sign and keep a record of the location from which the sign was removed. He/she shall store the sign in a safe location for at least thirty (30) days. The zoning administrator or authorized agents shall return any campaign sign upon the payment of the fee provided in subsection E of this section.

5. Signs shall not be allowed and shall be removed when they are attached to any regulatory sign. These shall include, but will not be limited to: stop signs, yield signs, speed limit signs, caution signs and school crossing signs.

- D. Postelection Sign Removal: The person, party, or parties responsible for the erection or distribution of any such signs shall be jointly and severally liable for the removal of them within five (5) calendar days after the election to which they refer.
- E. Charge For Sign Removal: Failure to remove signs within the specified time limit may require city officials to remove the signs. Each candidate found not to have substantially complied with the removal of the signs shall be charged for staff time and expense of sign removal. Such charge shall not be less than two dollars fifty cents (\$2.50) per sign removed. This charge applies to both subsections C and D of this section and will be deducted from the deposit held by the city.
- F. Signs In Public Right of Way:
1. Placement of signs is encouraged within private property. Any sign placed in public right of way is subject to removal by city staff. When signs are removed for this reason, the responsible party shall be notified of the reason for the removal and the location. The sign will be made available for five (5) calendar days to be picked up. After that time, it will be destroyed.

- G. **Destruction Of Political Signs:** Wanton destruction of political signs shall constitute a class C misdemeanor and shall be punishable in accordance with other personal property destruction statutes. (Ord. 2006-01, 1-17-2006)

