ORDINANCE NO. 2007-04

AN ORDINANCE OF THE CITY OF WENDOVER, TOOELE COUNTY, UTAH ADOPTING RULES AND REGULATIONS FOR SIGNS AND OUTDOOR ADVERTISING

WHEREAS, the City has previously enacted regulations governing signs and outdoor advertising in the City of Wendover, Utah and several years have passed since the adoption of said ordinance; and

WHEREAS, the City is authorized by law to create reasonable regulations governing signs and outdoor advertising media within the City; and

WHEREAS, the City has conducted an inventory of Billboard signs in the City and finds that there are presently____ Billboard signs located within the City, at locations described in Exhibit "A" to this Ordinance; and

WHEREAS, the City Council has deliberated on the adoption of a new Sign Ordinance and ahs given a copy of a propose ordinance to outdoor advertisers doing business in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WENDOVER, COUNCIL OF THE CITY OF WENDOVER, TOOELE COUNTY, UTAH THAT:

1. Repealer. All previous ordinances relating to signs and outdoor advertising are repealed.

2. Adoption of Ordinance. Attached hereto as Exhibit "B" is an Ordinance entitled: "City of Wendover, Utah Sign Ordinance." Said Ordinance is hereby adopted by this reference.

3. Severability. The provisions of the City of Wendover Sign Ordinance are severable. If any provision thereof is found unenforceable, for any reason, the remainder shall remain in full force and effect.

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4. Effective Date. This Ordinance shall become effective 20 days after publication or posting, or 30 days after final passage by the Governing Body, whichever is sooner.

PASSED and ADOPTED this 7TH day of February, 2007

The City of Wendover, Utah

By: Brett Shelton
Its: Mayor

ATTEST:

Margaret L. Wheeler Clerk

Seal:

Date of first publication/posting: February 8TH, 2007.

EXHIBIT "B"

CITY OF WENDOVER, UTAH
SIGN ORDINANCE

Chapter 1. General Provisions
1.010. Purpose and intent
1.020. Definitions

1.010. Purpose and intent.

The purpose of the sign regulations set forth in this title shall be to eliminate potential hazards to motorists and pedestrians; to encourage signs, which, by their good design, are aesthetically pleasing and integrated with and harmonious to the buildings and sites which they occupy, and which eliminate excessive and confusing sign displays; to preserve and improve the appearance of the City as a place in which to live and work and as an attraction to nonresidents who come to visit or trade; to effectively index the environment; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; to eventually eliminate nonconforming signs (see definition under sign, non-conforming); to supplement and be a part of the regulations imposed and the plan set forth under the Zoning Ordinance of the City of Wendover; and to promote the public health, safety and general welfare.

It is also the intent of this title to govern the number, size, type, location and other provisions relating to signs within the various zones of the City as the zones are established and designated by the Zoning Ordinance of the City of Wendover. No signs shall be allowed in these zones unless exempt under this title or expressly permitted by zoning ordinance, or unless said signs comply with the regulations established in Section 3.010 of this title relating to legal nonconforming uses.

1.020. Definitions.

The following words and phrases when used in this title shall be construed as defined in this section:

"Alter" means any change to a sign other than general maintenance or altering of changeable copy.

"Architectural projection" means a marquee, porch, canopy or other similar architectural projection.

"Average grade of front property line" means the average elevation or average of the finish grade at the front property line.

"Balloon" means any inflated object, tethered or untethered, over four (4) square feet in area, as measured within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of the balloon. Inflatable entertainment structures shall also be considered balloons.

"Canopy" means a structure that is partially supported by the building and partially by pipe columns or other structure separate from the building. A canopy may also be self-supporting, separate and apart from any building.

"Clear view area" means an area bounded by lines drawn from a point on the centerline of the driveway, set back fifteen (15) feet from the front property line to points at the property line in front of the property, thirty (30) feet either side of the centerline of the driveway for local

and local collectors, and fifty (50) feet on collectors and arterials. Within this area no view obstructing object may be located with a height over two (2) feet from average grade at property line.

"Commercial zoning district" means any Commercial zoning as defined in the Zoning Ordinance of Wendover City.

"Downtown corridor" means Wendover Boulevard from the Utah-Nevada border on the West to one thousand (1,000) feet east of the intersection of Wendover Boulevard and Ninth Street on the East, where, due to the proximity to major highways and the intensity of retail uses, free standing signs are allowed to be a maximum height of fourty five feet (45').

"Flag, banners" means a flag or banner made of flexible materials.

"Freeway" means Interstate 80, running from the Utah-Nevada border on the West to the boundary of the City on the East.

"Front footage of building occupancy" means a single lineal dimension measured horizontally along the front major entrance of a building which defines the limits of a particular occupancy at that location.

"Frontage" means the distance between the two side lot lines of a parcel measured along the street or streets of a corner lot which the parcel is allowed access. No state or federal highway to which no access is allowed shall be considered as frontage.

"Gateway" means certain areas of Wendover City where billboards are not permitted. The "gateway" areas are as follows:

(1) Wendover Boulevard from its beginning on the West at the Utah-Nevada state line and extending to a location one thousand (1,000) feet East of the Intersection of Wendover Boulevard and Ninth Street.

(2) First Street from a location five hundred (500) feet North of its intersection with Interstate 80, and extending South to the South edge of Airport Way.

"Height of sign" means the vertical distance measured from the average grade at front property line to the highest point of said sign.

"M zoning district" or "Manuracturing district" means any Manufacturing zoning district as defined in the Zoning Ordinance of Wendover City.

"Marquee" means a permanent roofed structure attached to and supported by the building projecting over private or public property.

"Name plate" means a sign which designates the name and address of a person or persons occupying the premises upon which it is located.

"Occupancy" means a separate use of property carried on at all or a portion of a building or parcel.

"Outline lighting" means outlining of a building by means of exposed neon tubing, exposed incandescent lighting or other artificial lighting, or an equivalent effect.

"Parapet wall" means a low wall extending at least thirty (30) inches above the point where the roof surface and the wall intersect.

"Permanent outdoor retail space" means a business that has 90% of its retail product displayed outside of an enclosed building on a 24 hour basis.

"Product" means any item that is actually for sale by the business.

"R Zone" or "Residential Zone" means any residential zone as defined in the Zoning Ordinance of Wendover City.

"Setback" means the shortest horizontal distance between the boundary line of a lot and the building or structure or part thereof. For the purposes of this title "setback" for signs shall be from the leading edge of the sign.

"Sign" means and includes every advertising message, announcement, declaration, demonstration, merchandise display, illustration, insignia, surface or space erected, indirectly illuminated or forced air or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service, and shall include the sign structure, supports, lighting system, indirect illumination and any attachments, ornaments or other features used to draw the attention of observers. "Sign" does not include any flag, badge or ensign of any government or governmental agency erected for and used to identify said government or governmental agency.

"Sign, area of" means the entire area within a single continuous perimeter composed of squares or rectangles which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed: excluding the necessary supports or uprights on which such sign is placed. Where an on premise sign has two or more faces which are not parallel, the area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced on premise sign shall be considered in determining the sign area, provided both faces are parallel and the distance between faces does not exceed two feet. Further, where a sign consists only of individual letters, numbers, symbols, or other similar components and is painted on or attached flat against the wall of a building, and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the sum of the areas of the square or rectangles surrounding each individual sign component.

"Sign, attached" means a sign which is fastened, attached, painted, connected or supported in whole or in part by a building, or structure.

"Sign, bench" means a sign which is affixed or painted to a bench and is placed outside of the main structure on the property. Benches owned and maintained by a public transit authority are exempt from these regulations.

"Sign, billboard" and "Billboard" mean a detached or attached sign located on property within the City designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located. For the purpose of this definition bus benches shall not be defined as a Billboard. It is the intent of the City that this definition shall include "off premise" signs as defined by U.C.A. § 72-5-502

"Sign, billboard existing" means a Billboard which was constructed, maintained and in use or for which a permit was issued as of the date this ordinance is adopted.

"Sign billboard new" means a Billboard for which a permit to construct is issued after the date this ordinance is adopted.

"Sign, billboard non-conforming" means an existing Billboard which is located in a zoning district, gateway or otherwise situated in a way which would not be permitted by the provisions of this title.

"Sign, campaign" means a sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but does not mean or include any billboard owned or maintained by a commercial firm or advertising company.

"Sign, civic, institutional or philanthropic" means a sign erected by a public or non-profit agency, service club, etc., for civic or public information.

"Sign, construction" means a sign related to the property upon which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner designer or developer of the project.

"Sign, detached" means any sign not supported in whole or in part by a building, or structure other than by a sign structure which is supported wholly by the ground.

"Sign, directional" means any sign which serves wholly to designate the location or direction of any place or area on the premises to which it pertains.

"Sign, directly illuminated" means any sign designed to provide artificial light directly or through transparent or translucent material from a source of light within or on such sign, including, but not limited, to neon and incandescent lamp signs.

"Sign, electric awning" means an awning or canopy that is lighted from within the sign structure and illuminates the entire structure.

"Sign, electronic message" means a sign that has an electronic message display.

"Sign, forced air" means any sign or device that uses a blower to force air through fabric to draw attention from observers.

"Sign, home occupation" means a sign associated with a qualifying and legally approved home business.

"Sign, identification" means a sign which serves to tell only the name, address, and lawful use of the premises upon which it is located. A bulletin board of a public, charitable or religious institution used to display announcements relative to meetings held on the premises shall be deemed an identification sign.

"Sign, indirectly illuminated" means one whose illumination is derived entirely from an external artificial source which is arranged so that no direct rays of light are projected from such artificial source into residences or streets. "Sign, intensely lighted" means a sign which is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant light.

"Sign, low profile" means on-premises or identification signs having a maximum height of six feet.

"Sign, memorial" means a sign or tablet that states the names of buildings or the date of the buildings erection and cut into the surface or facade of a building.

"Sign, moving" means any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic, or kinetic means, including intermittent electrical pulsations.

"Sign, neighborhood identification" means a permanent sign that only designates the neighborhood or tract name.

"Sign, noncommercial, residential zone" means a sign addressing a noncommercial issue, statement, or notice.

"Sign, nonconforming" means a sign legally existing at the time of it's erection or the effective date of this title which does now not conform with use regulations of the district in which it is located.

"Sign, off-site" means any sign not located on the premises of the business or entity indicated or advertised by said sign. This definition shall include billboards, poster panels, painted bulletins and other similar advertising displays.

"Sign, on-site" means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered on the premises on which the sign is maintained.

"Sign, permanent" means a sign which is permanently affixed to the ground with a footing designed to meet the requirements of the sign ordinance as well as the International Building Code.

"Sign, portable" means any sign not permanently affixed to the ground or a structure on the premises it is intended to occupy.

"Sign, projecting" means any sign which is located, in whole or in part, in or over the right-of-way of any street, sidewalk, alley or other public thoroughfare. A projecting sign shall include any sign affixed to or part of a marquee, canopy or vestibule where such sign is located in or over the street right-of-way.

"Sign, public necessity" means a sign informing the public of any danger or hazard existing on or adjacent to the premises.

"Sign, real estate" means a sign related to the property upon which it is located and offering such property for sale or lease.

"Sign, roof" means a sign erected upon a roof or parapet of a building or structure.

"Sign, subdivision development" means a sign related to the property upon which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer or developer of a project.

"Sign, temporary" means any sign, banner, pennant, valance, balloon, or advertising display constructed of cloth, canvas, fabric, cardboard, wall board, plastic or other light materials with or without frame where the sign is not permanently affixed to the ground or structure. Spotlights shall also be considered a temporary sign.

"Sign, trespassing" Means any sign which warns against the trespassing onto a parcel of property or structure.

"Temporary outdoor display" means any merchandise that is displayed outside of a building only during business hours.

"True value" means the cost of materials and labor to replace the sign structure.

Chapter 2. Permits and Enforcement
2.010. Permit required
2.020. Construction standards
2.030. Signs exempt from permit requirements
2.040. Violation and penalty; Other remedies
2.050. Prohibited signs
2.060. Relief from regulatory hardship

2.010. Permit required.

(1) Permit required. Except as otherwise provided in this title, it shall be unlawful for any person to erect, alter, relocate, direct, or order a person to erect, alter or relocate a sign within the City without first obtaining a permit or permits from the City. A fee for the permit will be charged in accordance with the current fee schedule adopted by the City Council.

(2) Permission of property owner. No person shall erect, construct or maintain any sign upon any property or building without the written consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.

(3) Illegal signs. No person shall erect or maintain or permit to be erected or maintained on any premises owned or controlled by him any sign which does not comply with the provisions of this title.

4) Application. Application for a permit shall be made to the City upon a form provided by the City and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City, including a vicinity plan, drawings to scale indicating the location, dimensions, construction, electrical wiring and components, method of attachment, and character of structural member to which attachment is to be made where applicable. All necessary construction and engineering specifications must be submitted as required in Section 2.020 prior to the issuance of any permit. The City may also require, at its discretion, additional engineering information if there is a concern for the health or safety of the general public.

(5) Issuance: Term. The City issue a permit only to a sign contractor properly licensed in the state of Utah, for the erection, alteration or relocation of a sign within the City when an application therefor has been properly made and the sign complies with all appropriate laws and regulations of the City.

Every permit issued by the City under the provisions of this chapter shall expire and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of issuance of such permit, or if the work authorized by such permit stops, is suspended or abandoned, for any reason, for a period of one hundred eighty days (180) or more at any time after the work is commenced. Before such work can be commenced or resumed thereafter a new permit shall first be obtained and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further, that such suspension or abandonment has not exceeded one (1) year.

The City may at any time, in writing, suspend or revoke a permit issued under the provisions of this title whenever the permit is issued on the basis of a material omission or misstatement of fact, or in violation of any ordinance or any of the provisions of this title.

(6) Effect of issuance. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain a public or private nuisance nor shall any

permit issued hereunder constitute a defense in an action to abate a nuisance or for damages resulting from a nuisance.

(7) Indemnification of City. As a condition to the issuance of a building permit for a sign, all persons engaged in the alteration, relocation or maintenance of signs over a public right-of-way or other sign work in, over or immediately adjacent to a public right-of-way or public property shall, and by obtaining a permit, do, agree to hold harmless and indemnify the City, its officers, agents and employees, from any and all claims of negligence resulting from said erection, alteration, relocation, maintenance or other sign work.

(8) General liability insurance required. As a condition to the issuance of a building permit for a sign, all contractors performing sign work under this title shall obtain a comprehensive liability insurance policy and maintain limits no less than $1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to each project/location or the general aggregate limit shall be twice the required occurrence limit. Said sign contractor shall furnish the City with a certificate of insurance which shall name the City, its officers, agents and employees as additional insureds under said policy. Said insurance shall be maintained in full force and effect during the term of the building permit license and said insurance policy or certificate shall provide that the City shall be notified of any cancellation of said insurance ten (10) days prior to the date of cancellation.

2.020. Construction standards

(1) Inspections required. A footing and final inspection shall be required for all signs.

(2) Building code compliance. All signs shall comply with the appropriate detailed provisions of the International Building Code relating to design, structural members and connections. All metal, wire cable supports and braces shall have engineering provided by an engineer licensed in the state of Utah. Signs shall also comply with the applicable provisions of the Electrical Code of the City of Wendover and the additional construction standards as set forth in this Code.

2.030. Signs exempt from permit requirements

The provisions of this title, including the requirements for permits, shall not apply to the following signs specified in this section, nor shall the area of such signs be included in the area of signs permitted for any parcel use:

(1) Directional or instructional signs. Signs which provide direction or instruction and located entirely on the property to which they pertain and do not exceed four (4) square feet in area, such as signs identifying rest rooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and those of similar nature. Directional signs are to be limited to instruction or direction only and are not to have any form of commercial advertising on them other than a company logo.

(2) Temporary signs as outlined in this title.

(3) Memorial signs or tablets. Memorial signs or tablets, names of buildings, and dates of building erection when cut into the surface or facade of a building.

(4) Public notices. Official notices posted by public officers or employees in the performance of their duties.

(5) Public necessity signs. Public necessity signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety.

(6) Real estate signs. One real estate sign on any lot or parcel, 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.

(7) Flags. The flags, emblems, or insignias of any nation or political subdivision.

(8) Symbols or insignias. Religious symbols, commemorative plaques of recognized historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed ten (10) square feet in area.

(9) Interior signs. Signs located within the interior of any building or stadium (if said signs are facing towards the interior of the stadium) or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court of entrance of any theater.

(10) House numbers and name plates. House numbers and name plates not exceeding two (2) square feet in area for each residential building.

(11) Trespassing signs. Trespassing signs in all zoning districts.

(12) Subdivision development signs as set forth in this title.

(13) Construction signs as set forth in this title.

(14) Noncommercial residential zone signs as set forth in this title.

(15) Campaign signs as set forth in this title.

(16) Temporary noncommercial signs in residential and agricultural zones as set forth in this title.

(17) Signs located on school district owned athletic facilities, which are attached to fences, scoreboards or similar facilities, and which face the direction of spectators in attendance at school or community functions located on the premises.

2.040. Violation and penalty; Other remedies

(A) Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of the provisions of this Title shall be guilty of a Class C misdemeanor and shall be punishable as provided by law. Such person, firm or corporation who violates this Title shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this Title is committed, continued or permitted by such person, firm or corporation.

(B) In addition to the fines and penalties set forth in paragraph (A), the City is hereby authorized to exercise the following additional remedies, jointly or severally:

(1) Notice of correction. A City enforcement officer may prepare and serve notice of a violation of this Title, requiring compliance within fourteen (14) days of the date of the notice. The notice shall describe the sign, specify the violation(s), and inform the recipient that if the violation(s) is/are not remedied, the sign may be removed at the responsible party's cost. The notice shall also inform the recipient that if the recipient disagrees with the enforcement officer regarding the violation, the recipient may appeal the enforcement officer's

determination to the City Council. Said appeal must be in writing and received by the City within the fourteen (14) day period. Notice of violations are deemed to have been given when notice is mailed or given to the property owner of record or occupant of the property upon which the sign is located. Notice to the property owner shall be mailed to the owner of the property on which the sign is located, as shown on the last assessment roll. If known, the notice may also be mailed or delivered to the owner of the sign.

(2) Removal. A sign in violation of this Title may be removed by the City:

(a) pursuant to a court order issued in conjunction with an enforcement action, either civil or criminal;

(b) at the conclusion of the fourteen (14) day period set forth herinabove, provided no appeal has been file;

(c) immediately in situations where the sign is in such a condition or location so as to constitute an imminent threat to the health, safety, welfare, or property of the citizenry; and/or

(d) immediately where the sign is located upon public property and is not permitted to be so located.

(3) Civil enforcement. The City may initiate a civil action in the district court seeking compliance and other available remedies.

(C) Costs. The City is hereby authorized to recover its expenditures for the enforcement of this Title, pursuant to any available method, including but not limited to, restitution pursuant to a criminal prosecution, civil penalties, statutory nuisance abatement processes, civil costs, attorney's fees, etc. Any challenges to those costs shall be made pursuant to the applicable process.

(D) Disposal of signs. Within two (2) business days after a sign comes into the possession of the City, the enforcement officer shall use reasonable means to provide notice to the owner of the sign or agent thereof. Said notice will state that the sign must be retrieved from the City within five (5) business days of the date of the notice.

(1) If the sign is not retrieved within that time period, the sign becomes the property of the City and may be disposed of at the City's discretion. Any costs for removal and storage may be recovered from said owner or agent.

(2) If the sign is retrieved within that time period, the person retrieving said sign shall demonstrate ownership and shall pay costs of removal and storage before receiving the sign. If said person disagrees with the assessed costs, said person may, after paying the costs and retrieving the sign, file an appeal. Said appeal must be in writing and submitted to the office of the City Administrator within five (5) business days of retrieving the sign and paying the costs. The City Council will hear the matter or designate a hearing officer. The sole issue on appeal is the reasonableness of the assessed costs.

2.050. Prohibited signs

Except as otherwise provided in Section 3.010, the following signs are prohibited:

(1) Miscellaneous signs and posters:

(a) Signs which are located on the roof of a building or structure, except as permitted in Section 4.130(3);

(b) Canvas signs and banners except as noted in Chapter 5.

(c) "A" frame and portable signs of any nature;

(d) Wind or forced air signs except as noted in Chapter 5.

(e) Portable signs;

(f) Temporary signs except as provided in Chapters 2. and 5.

(g) Tethered or fixed balloons except as noted in Chapter 5.

(h) Signs or posters of a miscellaneous character, visible from a public way, located on buildings, barns, sheds, trees, poles, posts, fences or other structures.

(2) Traffic hazards. No sign shall be permitted at the intersection of any street in such a manner as to obstruct free and clear vision of motor vehicle operators or at any location where by reason of its position, shape or color it may interfere with or be confused with any authorized traffic sign, signal or device or which makes use of a work, symbol, phrase, shape or color in such a manner as to interfere with, mislead or confuse traffic. No sign shall be placed in violation of a clear view area as described in Section 20.01.020 under "Clear view area".

(3) Parking of advertising vehicles prohibited. No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property. This section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle which is operable, properly licensed and legitimately utilized in said operation or business.

(4) Public areas. No sign, handbill or poster, advertisement or notice of any kind or sort, whether political or otherwise, shall be fastened, placed, posted, painted or attached in any way in or upon any curbstone, lamp post, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street, except when the sign is owned and erected by a public agency or erected by permission of an authorized public agency or required by law.

(5) Flood zone. No sign shall be permitted within any designated one hundred-year flood area.

(6) Intensely lighted signs. No sign shall be permitted which because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.

(7) Sound, odor or tangible matter. No advertising sign or device shall be permitted which emits audible sound, odor or tangible matter.

(8) Abandoned signs as specified in this title.

2.060. Relief from regulatory hardship

Any owner or occupant of property experiencing a hardship, as defined herein, as a result of the regulations of this Title, may seek relief therefrom pursuant to this section.

(A) "Hardship" as used in this section means an existing physical condition, such as topography or lot configuration, that so restricts the placement of a sign on the property under this Title, that the property cannot host a sign in a similar manner to other properties within the same zoning district. A hardship is not a condition that is or was created by the owner or occupant, nor is a hardship an economic loss or lost economic opportunity.

(B) Any person having a hardship as defined herein, may request relief from the restricting regulation as follows:

(1) Submit a written request to the City for relief containing the following:

(a) Name, address and telephone number of the owner / occupant /

applicant, address or location of the subject property, and relationship between the property and the submitting person or entity;

(b) The nature of the hardship and the restricting regulation; and

(c) The proposed use that is proscribed by the regulation.

(2) The Planning Commission is to review the application and make a determination within ten (10) forty-five (45) days of receiving the application.

In order to grant relief from the restriction, the Planning Commission must find: (a) Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title; (b) There are special circumstances attached to the subject property that do not generally apply to other properties in the same district; (c) Granting the relief is essential to the enjoyment of a substantial property right possessed by other property in the same district; (d) The granted relief will not substantially affect the general plan and will not be contrary to the public interest; and (e) The spirit of this Title is observed and substantial justice done. Upon making such a finding, the Planning Commission may grant the requested relief and may impose conditions necessary to satisfy the criteria set forth herein above.

(C) Appeals. Any person aggrieved by the decision of the Planning Commission may appeal that decision to the City Council. Any such appeal must be in writing and be submitted to the Office of the City Administrator within ten (10) days of the Planning Commission's decision. The City Council may affirm, modify, or reverse the decision of the Planning Commission. Said decision is to be made within forty-five (45) days from receiving the appeal.

Chapter 3. General Sign Regulations
3.010. Nonconforming signs
3.020. Moving, relocating or altering of signs
3.030. Maintenance and repair
3.040. Abandoned signs
3.050. Street improvement project
3.060. Building access free of obstruction

3.010. Nonconforming signs

A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged unless said sign is changed so as to conform to all provisions of this title. On premise non-conforming signs which are destroyed by natural causes i.e., earthquakes, floods, winds etc., exceeding 60% of the signs true value must be brought into conformance. Non-conforming signs shall be allowed to have routine maintenance including the repair or replacement of the sign face by an existing or new business but shall not be allowed to increase the height, size or the location thereof. If a business applies for an increase of square footage other than for temporary signs all signs on the site shall be brought into conformance with the provisions of this title. Billboards which are destroyed by natural causes, i.e., earthquakes, floods, winds, etc. may be acquired by the City or rebuilt.

3.020. Moving, relocating or altering of signs

No existing sign may be moved or relocated to any other parcel, building, structure or portion thereof, unless said sign complies with all other provisions of this title, or is altered so as to comply therewith. No existing sign may be moved or relocated on the same parcel, building, structure or portion thereof, unless said sign also complies with all other provisions of this title, or is altered so as to comply therewith.

No existing sign may be altered unless said sign, after alteration thereof, complies with all other provisions of this title. Alteration shall be deemed to include a change of message or sign legend, or portion thereof, except where such change is a normal increment of the sign function common to signs such as a billboard, theater marquee, reader board, bulletin board or other similar sign.

3.030. Maintenance and repair

Each sign shall be maintained in safe, presentable and good condition, including the replacement of defective parts, painting, cleaning, and other acts required for the maintenance of said sign. The City Administrator or Building Official_ shall require compliance or removal of any sign determined to be in violation of this section in accordance with the provisions of Section 2.050(8).

3.040. Abandoned signs

Any on premise sign located on property which is vacated by an occupant shall be deemed to have been abandoned. All abandoned temporary and permanent on premise signs

shall be removed within fourteen (14) days of the termination of occupancy. The structure of all detached on-premise signs shall be removed within six (6) months.

3.050. Street improvement project

Any sign projecting over a public right-of-way at the time of the effective date of this title which was subject to removal or relocation at the owner's expense pursuant to a permit or ordinance of the City, shall be removed by the owner or altered at the owner's expense to comply with the regulations of this title if, as the result of, or after completion of a street improvement project, said sign does not or would not comply with the regulations of this chapter.

3.060. Building access free of obstruction

No sign or its supporting members shall be erected, altered or relocated so as to interfere with or restrict access to a window or other opening in a building in such a manner as to unduly limit air circulation or obstruct or interfere with the free use of a fire escape, exit, standpipe, stairway, door, ventilator or window, or similar opening, provided, however, that the Community and Economic Development Director may approve a swinging sign or other form of sign or its attachment, when the Building Official and Fire Marshal agree that such sign will not restrict access to such openings.

Chapter 4. Specific Sign Regulations and Permitted Locations
4.010. Neighborhood identification signs (All Zones)
4.020. Subdivision development signs (All Zones)
4.030. Construction signs (Commercial Zones)
4.040. Residential real estate signs
4.050. Commercial real estate signs
4.060. Campaign signs
4.065. Noncommercial residential zone signs
4.070. Trespassing signs (All Zones)
4.080. Home occupation signs
4.090. Civic, institutional, or philanthropic signs (All Zones)
4.100. Low profile signs
4.110. Planned development signs
4.120. Detached signs; Area and location; Commercial and industrial zones
4.130. Attached signs
4.140. Permanent and temporary window signs
4.150. Electronic message signs
4.160. Sign clearance and illumination
4.170. Moving signs
4.180. Temporary directional signs

4.010. Neighborhood identification signs (All Zones)

In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification. If said sign is to be a free-standing structure it must be a low-profile sign and must comply with the provisions set forth in 4.100 of this chapter. Any sign or display must be located so it is not in the clear view area.

4.020. Subdivision development signs (All Zones)

In any zone the City may allow a temporary sign in connection with the marketing of lots or structures in a subdivision, subject to the following conditions:

(1) One subdivision development sign per frontage, not to exceed thirty-two (32) square feet in area within residential, commercial and industrial zones. In commercial and industrial zones, if the property is being marketed by more than one entity the sign may increase in square footage by thirty-two (32) square feet for each additional entity to a maximum of ninety-six (96) square feet. The sign must be approved by the City Administrator or authorized agent with a one (1) year limitation per approval. Renewals may be granted on a yearly basis, but not to exceed two (2) years.

(2) Location. Any subdivision development sign shall comply with all clear view requirements and be setback from all property lines a minimum of two (2) feet. Subdivision development signs shall be located only on property which the sign is advertising.

4.030. Construction signs (Commercial Zones)

In any commercial, industrial or manufacturing zone, one unlighted sign per development not to exceed ninety-six (96) square feet in area, may be placed on the lot or attached to the outside of a building during its construction period. Construction signs shall be setback a

minimum of two (2) feet from property lines and out of all clear view areas. Said sign shall identify only the project, its developer, architects, engineers, designers, contractors or other persons or groups participating in the project.

4.040. Residential real estate signs

Within any Residential zone residential real estate signs are allowed. Real estate signs are not to exceed eight (8) square feet in area and six (6) feet in height. Said signs must be located entirely on the property to which they pertain and not in a public right-of-way. Within any Residential zoning district properties that have a single owner may have a maximum of fifty (50) square feet of sign area which can be used in a combination of banners attached to a building or free standing real estate signs.

4.050. Commercial, Industrial and Manufacturing real estate signs

In any Commercial, Industrial or Manufacturing zoning district commercial real estate signs are allowed. Commercial real estate signs are not to exceed thirty-two (32) square feet in area and ten (10) feet in overall height. Said signs must be located out of clear view areas, public right-of-ways and entirely on the property to which they pertain.

4.060. Campaign signs

Campaign signs shall meet the following requirements:

(1) Posting on public right-of-way. It shall be lawful for any person to post a campaign sign in the area between the sidewalk and curb and gutter of any public street except that no sign over two (2) feet in height may be placed in any clear view area. No campaign sign may be attached to any utility pole within a public right-of-way. No campaign sign may overhang the travel way or sidewalk in a public right-of-way.

(2) Posting time limits. It shall be unlawful for any person to post a campaign sign more than sixty (60) days prior to the election for which the sign is posted, and it shall be unlawful to fail to remove a campaign sign within five (5) days after the election for which the sign was posted. If there is more than forty (40) days between the primary and general elections campaign signs must be taken down.

(3) Limitation of size of campaign signs. In any Residential zone, said campaign sign shall not exceed twenty-four (24) square feet in aggregate on or in front of any parcel. If detached, said signs shall not exceed six (6) feet in height in Residential zones. Said sign shall not be erected in such a manner as to constitute a roof sign. In commercial, industrial zoning districts, campaign signs shall not exceed one-hundred and fifty (150) square feet in aggregate on or in front of any parcel and twelve (12) feet in height.

(4) Removal of illegal campaign signs. The City Administrator or Building Official 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 City Administrator or Building Official 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.

(5) Notice. Upon discovery, the City Administrator or Building Official 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 sub-section (4) of this section.

(6) Storage and return. If after the five (5) day notice has been given under sub-section (5) above, any campaign sign has not been removed, the City Administrator or Building Official 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 Director or authorized agents shall return any campaign sign upon the payment of the fee provided in sub section (7) below.

(7) Removal of sign charge. The City shall be entitled to receive the sum of Five Dollars ($5.00) for every campaign sign removed by the Director or authorized agents to cover the expense of removal, notice and storage. In cases where unusual effort is needed to remove a sign the provisions contained in Section 2.040(2) shall be used to assess fees.

(8) Persons responsible. 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 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 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.

(9) 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.

(10) Appeal. Any person deemed responsible under this section shall have a right to appeal any civil penalty levied under sub section (7) to the City Administrator.

4.065. Noncommercial residential zone signs

Within any residential zone noncommercial signs are allowed with the permission of the property owner and/or the person or entity having the delegated authority to maintain the public right-of-way between the roadway and the adjacent property line. Noncommercial residential signs shall not exceed twenty-four (24) square feet in area and six (6) feet in height. No sign, or combination of signs, shall exceed twenty-four (24) square feet per residential lot. Any such sign that exceeds two (2) feet in height must be located entirely on the property and not in the public right-of-way. Regardless of height, said signs shall not be placed within any clear view area and shall not be illuminated.

4.070. Trespassing signs (All Zones)

In any commercial, industrial or manufacturing zone any number of signs not exceeding six (6) square feet each and placed a minimum of fifty (50) feet apart, may be attached to a structure, fence or may be free standing. In no case shall a trespassing sign be placed at a height greater than eight (8) feet above the finished grade immediately below the sign. No permit shall be required for this type of sign.

In residential zones any number of trespassing signs not exceeding three (3) square feet each and placed a minimum of fifty (50) feet apart, may be attached to a structure, fence, or may be free standing. In no case shall a trespassing sign be placed at a height greater than six (6) feet above the finished grade immediately below the sign. No permit shall be required for these types of signs.

4.080. Home occupation signs

Within any zone home occupation signs are allowed for use in relation to qualifying and approved home occupation. Home occupation signs are not to exceed four (4) square feet in area and must be attached to the home.

4.090. Civic, institutional, or philanthropic signs (All Zones)

Within any residential zoning district, civic, institutional or philanthropic signs are a conditional use. When detached, said signs are not to exceed sixteen (16) feet in height and sixty (60) square feet in sign area and have a minimum of a ten (10) foot setback from any public right-of-way. Said signs shall be located on the property to which they pertain and upon which civic, institutional, or philanthropic use is ongoing. Civic, institutional or philanthropic signs may be illuminated but the source of illumination shall not be visible; no flashing or intermittent illumination shall be employed. Attached sign area shall be determined by one (1) square foot of sign area for every one (1) lineal foot of building frontage at the main entrance not to exceed two hundred and fifty (250) square feet. Said signs may only be placed on a parcel of property that is a minimum of one (1) acre and has a minimum lot frontage of one hundred feet (100').

4.100. Low profile signs

Low profile signs are encouraged in all commercial and industrial zoning districts and shall be allowed in conformance with the following provisions:

1) Low profile on premise or identification signs will be allowed in all commercial, professional and manufacturing zoning districts provided that these signs:

(a) Must have a minimum front setback of five (5) feet.

(b) Must have a minimum setback from any driveway or traffic access as required in the City's zoning and subdivision ordinances.

(c) Must be incorporated into a landscape design scheme or planter box with a minimum of a two (2) to one (1) ratio of landscaping to sign area.

(d) Shall be limited to a maximum of six (6) feet in height or ten (10) feet in height as allowed in subsection (2) below. Sign height is to be measured from the average grade of the area around the base of the sign.

(e) Must be separated from any other detached sign by a minimum of one hundred and fifty (150) feet unless all of the following criteria apply

(i) A business or businesses do not have direct exposure on an arterial; and

(ii) The minimum separation is (75) seventy five feet; and

(iii) The business or businesses shall have no other sign exposure on an arterial street; and

(iv) All other provisions of this section are complied with.

(f) Square footage shall be counted towards the maximum area allowed on the parcel as specified in Section 4.120.

(g) There shall be no changeable copy.

(2) A monument sign for the purposes of business park identification may be allowed in the Manufacturing zoning district. Said sign shall identify the name of the park and may include the name and address of tenants. Such signs may not exceed ten (10) feet in height and no more than sixty-four (64) square feet in sign copy area. Such signs shall be set back from street right-of-way lines at least twenty-five (25) feet. This is to be a monument sign on footings and foundation, and shall be an integrated architectural feature of the park.

4.110. Planned development signs

In the case of the development of a planned commercial, industrial or research center on multiple parcels of property that may or may not have separate ownership, the Planning Commission may allow common sign(s) displaying advertising for all the uses within the development. The Planning Commission will consider the following criteria as a basis for approval of the signs:

(1) Sign(s) must be integrated into the development with a common theme or integrated architecturally with the buildings.

(2) All provisions of the underlying zoning district and this title must be met.

(3) Location, number and size of all signs must receive approval by the Planning Commission.

(4) The developer must submit elevations of all signs and a site plan showing how the above mentioned items will be addressed.

4.120. Detached signs; Area and location; Commercial and industrial zones

Within the Commercial zones, and Manufacturing/Industrial zones, signs are permitted as follows:

(1) Detached signs; area requirements.

(a) One detached on-site sign for each developed parcel not exceeding one (1) square foot of sign area for each lineal foot of street frontage within the first ten (10) feet of setback not to exceed two hundred (200) square feet of total sign area; or

(b) One detached on-site sign containing 1.5 square feet of sign area for each lineal foot of street frontage behind the first ten (10) feet of setback not to exceed three hundred (300) square feet of total sign area.

(c) Where a developed parcel has an excess of three hundred (300) lineal feet of street frontage on an arterial street and contains at least five (5) acres, one additional free standing sign may be allowed as a conditional use.

(d) Maximum detached sign area. There shall not be more than three hundred (300) square feet of detached sign area per parcel.

(e) Where a developed parcel is permitted to have more than one detached on site sign under these regulations, the distance between said detached signs on the parcel shall be not less than two hundred (200) lineal feet.

(f) Where a parcel does not have frontage on a public street one (1) detached sign may be allowed on site as approved by the Planning Commission. Or one (1) detached sign may be located on an adjacent parcel with frontage on a street, upon approval by the Board of Adjustment after receiving proof of acceptability by the adjacent parcel owner. The allowable square footage of the sign shall be determined by the width of the parcel at the front setback line of the building applying for the sign. One (1) square foot of sign area is allowed for each lineal foot of parcel width up to a maximum of two hundred (200) square feet for a single business and up to four hundred (400) square feet in aggregate for more than one business.

(2) Detached signs: Height limits. The maximum height limit for detached signs shall be as follows: In the Commercial zones: twenty (20) feet above average grade of the front property line except at locations designated in the "downtown corridor" area. Signs in these locations may be a maximum of 45' in height.

In the Manufacturing zones thirty five (35) feet above average grade of front property line except for areas determined to be in the "downtown corridor." Within the "downtown corridor" area signs may be a maximum of forty five (45) feet above average grade of front property line.

(3) Detached signs: Number of panels. A detached sign may consist of more than one sign panel provided all such sign panels are attached to one common integrated sign structure and any additional panels must meet minimum clearance as designated in sub section (6). The total area of all such panels shall not exceed the maximum allowable sign area specified for a detached sign on said parcel. Where a sign message consists of separated or individual letters, modules, or symbols, each portion of said sign message shall not be considered as a one-sign panel. In such cases, a single continuous perimeter completely surrounding the sign message shall be utilized to determine its sign area.

(4) Detached signs on Corner lots. On corner lots a single sign is permitted and a second sign may be permitted with conditional use approval. The total area for all detached signs shall not exceed 300 square feet. Said maximum allowances, however, are not transferable either in whole or in part from one street frontage to another.

When a sign is erected at the street intersection corner of the parcel, or at the intersection of a building front, and is situated at an angle so as to be visible from both streets or both frontages, said sign shall not exceed the maximum area allowed for the longest front footage of building occupancy or street frontage. The area of such sign shall be deducted from the total area and number of signs permissible on said property.

(5) Detached signs required setbacks. No detached sign shall project over a public right-of-way. Detached signs shall have a two (2) foot setback from all property lines. The two (2) foot setback is determined from the leading edge of the detached sign. Where a detached sign has a two (2) foot or more base width from ground level to a height of ten (10) feet, the base of said sign shall be located a minimum of ten (10) feet from any front property line and shall not be located in any clear view area.

(6) Detached signs: Minimum clearance. A detached sign shall have a minimum clearance of ten (10) feet between the ground surface and the bottom of the sign, provided that

the Community and Economic Development Director may reduce this clearance if the sign is not illuminated with exposed neon tubing and is located in an area not accessible to pedestrian or vehicular traffic or if an acceptable site feature is constructed to protect said pedestrian and vehicular traffic. The minimum clearance shall not be reduced where a traffic hazard may be created. In no case shall this clearance be reduced to less than six (6) feet.

4.130. Attached signs

Said attached signs shall be allowed as follows:

(A) Attached signs are not to exceed a total area of three (3) square feet of sign area for each front foot of building occupancy (see "front footage of building occupancy" definition). Said signs may be placed flat against a building may be projecting or non-projecting signs and may be located on an architectural projection.

In the Commercial zones there shall not be more than fifty (50) square feet of sign space in total per tenant.

(B) Flat signs: Location and depth. Signs placed flat against a building may extend no more than eighteen (18) inches from the wall of such buildings. Said signs may project over a public right-of-way a distance not exceeding said eighteen (18) inch depth. The minimum heights shall be ten (10) feet or more above the sidewalk.

(C) Height regulations: Signs on parapet walls, sloping and shed roofs. The following regulations shall apply to the location and height of signs on parapet walls and various roof structures.

(1) Parapet wall. A sign may be attached to the face of a parapet wall. The sign projection above the top of the parapet wall may not exceed 1/4 of the sign height or a maximum of four (4) feet.

(2) Sloping roof. A sign may be attached to the facia or located on the sloping roof of a structure but may not be located so as to extend more than four (4) feet above the lower edge or the fascia of said sloping roof to the top of the sign.

(3) Shed roof. A sign may be attached to the fascia of a shed roof of a structure but may not be located so as to extend more than four (4) feet above the lower edge of the fascia of said roof.

(4) Height limit. No height limit is specified for signs placed flat against the wall of a building or for other attached signs provided all other provisions of this chapter are complied with.

(D) Signs on architectural projections. The following regulations shall apply to all architectural projections. The maximum projection of a sign shall not exceed eighteen (18) inches.

(1) No sign attached to or which is an integral part of the face of an architectural projection shall extend above or below the face of such projection.

(2) A sign erected on top of an architectural projection shall not exceed a maximum height of two (2) feet above the upper edge of said projection. If illuminated, said sign shall be of internal illumination only.

(3) A sign may be placed entirely below and may be supported by an architectural projection of a building when such architectural projection is designed to carry the additional weight of such signs. If illuminated, said sign shall be of internal illumination only.

Such sign shall have a minimum clearance of eight (8) feet between the bottom of the sign and finished grade.

(E) Signs on awnings or canopies. Awnings or canopies including electric awning signs may be placed on buildings in any Commercial or Manufacturing/Industrial zone. Awnings or canopies shall be mounted a minimum of eight (8) feet above the ground surface. The area of any logo, insignia message shall be calculated and shall comply with the provisions outlined in section 4.130 (1).

(F) Signs: For other than ground floor use. In any Commercial or Manufacturing zoned property where there are businesses above the ground floor of a building and such businesses are different from the ground floor uses, one additional sign per building placed flat against the building may be erected for all such uses. Said signs shall not exceed one (1) square foot of sign area for each two (2) lineal front feet of building frontage.

(G) Attached signs in agricultural zoning districts. Attached signs in agricultural zoning districts shall be a conditional use and shall have the additional following requirements:

(1) Size shall be determined by (1) square foot of sign area for every (1) lineal foot of building frontage at the main entrance not to exceed two hundred (200) square feet.

(2) Said sign shall not be illuminated.

4.140. Permanent and temporary window signs

Except in the "R" (Residential) zones, for each ground floor occupancy of a building not more than two permanent signs may be painted on or otherwise displayed from the inside surface of any window, showcase or other similar facility. Said signs shall be in addition to those signs permitted under the other provisions of this chapter. The total area of such signs, in combination with temporary window signs, shall not exceed 30% of the total window area.

4.150. Electronic message signs

Electronic message signs shall be allowed in Commercial and Manufacturing zones only. Said signs may be attached or detached signs. The square footage of these signs shall be counted into the maximum sign area described in section 4.120 and 4.130. Said signs must be located a minimum of ten (10) feet above ground level. Electronic message signs may be allowed in Commercial zones under a conditional use permit. Said signs may be detached or attached. The square footage of these signs shall be counted into the maximum sign area described in sections 4.120 and 4.130.

The following regulations shall apply to electronic message signs in the Commercial zones: (1) The electronic message sign shall face or front onto Wendover Boulevard between Interstate 80 at the East and the Utah-Nevada border at the West; (2) The base of the low profile or detached sign in the shall be made of masonry materials that architecturally match the primary structure; (3) In the Commercial zone the electronic message sign must be located a minimum of ten (10) feet above ground level; and (4) Said signs shall not cause glare or rapid blinking, nor be intensely lighted that may create a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.

4.160. Sign clearance and illumination

The following regulations shall apply to sign clearance and sign illumination:

(1) Unless otherwise restricted, all illuminated signs in the "R" (Residential) zones shall be indirectly illuminated, unless direct lighting has been granted as a conditional use by the planning commission.

(2) In all other zones illuminated signs may be of direct or indirect illumination subject to the provisions of Subsection (3) of this section.

(3) Outlining of a building by means of exposed neon tubing, exposed incandescent lighting or other artificial lighting, or an equivalent effect may be allowed subject to conditional use review and approval by the Planning Commission. All applicants wishing to use exposed outline lighting must provide elevations showing the extent of the outline lighting.

(4) No permit for any sign shall be issued and no sign shall be constructed or maintained which has less horizontal or vertical clearance from communications lines and energized electrical power lines than that prescribed by the laws of the state of Utah or rules and regulations duly promulgated by agencies thereof.

(5) All provisions of the electrical code as adopted by Wendover City shall be complied with.

4.170. Moving signs

No sign or any portion thereof shall be permitted which rotates more than eight (8) complete revolutions every sixty (60) seconds.

4.180. Temporary directional signs

In any zone, a sign giving direction to a specific location for any public or private event may be placed under the following conditions:

(1) No more than three of said signs may be placed on a parcel of property.

(2) No such signs shall be placed on public property of any kind.

(3) Said signs must have a setback of one (1) foot from any sidewalk or street right-of-way line, whichever is greater.

(4) Permission must be granted by the landowner as indicated in subsection 2.010(2) of this Title.

(5) Said signs may be displayed five (5) days before and after the event not to exceed 45 days.

(6) Said signs shall not exceed three (3) feet in height, or when placed into a clear view area, two (2) feet in height.

(7) Said signs shall not exceed six (6) square feet in sign area measured on one sign face individually, or eighteen (18) square feet collectively.

Chapter 5. Temporary Sign Permits and Bus Bench Signs
5.010. Repealed
5.020. Temporary signs
5.025. Temporary noncommercial signs in residential and agricultural zones
5.030. Square footage and location allowed
5.040. Flags/banners requiring approval
5.050. Permit requirements for off-site sales and time periods
5.060. Temporary window signs
5.070. Bus bench signs

5.010. Temporary signs

A business may advertise with temporary signs, a special service or product. A permit shall be obtained from the City and are valid for a one (1) year period.

5.020. Temporary noncommercial signs in residential and agricultural zones

Residents within residential and agricultural areas may have noncommercial signs aside from home occupation signs for special or holiday events. Banners shall not exceed 24 square feet. Other such temporary noncommercial signs shall include tree lights, holiday displays, decorative lighting, community and ecclesiastical messages without limitation in size. Said signs shall not be displayed no more than 90 days per any twelve (12) month period.

5.030. Square footage and location allowed

A. Temporary signs, except balloons, shall not exceed one (1) square foot of sign area for every lineal foot of occupied frontage at the main entrance. In no case may any business have more than 60 square feet of banner.

B. Banners, valances, and pennants are only allowed to be located on the building to which they apply or attached to a permanent sign, so long as the requirements of 4.120 are still met.

C. All square footage used for temporary signs, other than balloons, will be counted against the square footage allowed for balloons. The allowable square footage of balloons shall be one (1) square foot of balloon area for every lineal foot of occupied frontage at the main entrance.

D. Businesses with less than fifty (50) lineal feet of occupied frontage may be allowed fifty (50) square feet of balloon.

E. There shall be a maximum square footage of two hundred fifty (250) square feet of balloon for any property.

F. Balloons shall be set back one (1) foot for every one (1) foot in height from any property line.

G. Balloons shall comply with the maximum height allowed as per Section 4.120. Except at locations in the downtown corridor area, balloons may be a maximum of one hundred (100) feet in height.

H. Temporary signs shall not be in any landscaping, affixed to any utility pole, boundary fence, or object within a public right-of-way except as allowed in this title for public service signs.

I. Signs determined to be a hazard by the City shall be removed immediately by the property owner upon otice.

J. Businesses in commercial zoning districts may have temporary outdoor displays of their product at any time as long as the following requirements are met: (1) All displays are out of all landscaped areas; (2) All displays must be secured; (3) All displays must be setback from the front property line 1 foot for every 1 foot in height; (4) All displays must comply with clear view requirements; (5) No displays can encroach into required parking; (6) No other temporary sign is attached thereto; and (7) No displays can exceed one hundred fifty (150) square feet of area.

5.040. Flags/banners requiring approval

In addition to the above mentioned requirements businesses that are considered to have permanent outdoor retail space may, with a special one time permit issued by the Planning Commission, use flags or banners on any number of parking area light poles or on a single pole in conjunction with governmental flags. The Planning Commission or staff shall use the following criteria for approval/revocation of additional flags and/or banners:

(1) The applicant shall present to the Planning Commission drawings, representations or other types of visual aides to ensure that what is approved will accomplish the intent of the Planning Commission.

(2) The applicant shall provide sizes and numbers of all flags or banners.

(3) The proposal must be in harmony with neighboring development in terms of size, color and volume.

(4) The Planning staff has the right to revoke this permit if the applicant has misrepresented any aspect of the proposal or the flags/banners become tattered, discolored or the applicant has violated any provisions of this code. Appeals of a determination shall be heard by the Planning Commission.

5.050. Permit requirements for off-site sales and time periods

All other temporary signs used for off-site sales must receive a permit. Permits will be allowed for a maximum of two (2) off-site sales per site per year.

Prior to the placement of any sign for an off-site sale a written application containing the information outlined in Section 2.010 must be submitted to the City. The cost of said permit shall be in accordance with the most recently adopted Wendover City fee schedule.

5.060. Temporary window signs

Temporary window signs are allowed in all zoning districts. However, in all zoning districts other than R (residential) zones, temporary window signs, in combination with permanent window signs, shall not cover more than thirty percent (30%) of the total window area.

5.070. Bus bench signs

Bench signs as defined in Section 1.020. shall be allowed in conformity to the following regulations:

(1) Bus bench signs may be located in any commercial or manufacturing zoning district and shall be considered on premise detached signs provided that these signs:

(a) Are located only at public transportation stops as designated by the City.

(b) No more than one bench may be located at designated public transportation stops.

(c) The square footage of the advertising on any bench sign shall be counted as part of the on-premise detached limitations.

(d) Each bench sign shall have a minimum setback of two (2) feet behind the public sidewalk and shall be located entirely on private property.

(e) The sign company shall maintain a current business license. Each year upon renewal of the license a complete list of bench and sign locations within the City shall be provided.

(f) The City reserves the right to have any bench sign found to be in disrepair removed within three (3) days after the owner receives notice.

(g) Evidence of written permission from the property owner allowing any bench sign to be placed must be presented to the City.

Chapter 6. Billboards
6.010. Purpose and intent
6.020. Cap on number of billboards
6.030. Permitted and prohibited locations
6.040. Removal of non-conforming billboards
6.050. Relocation of billboards
6.060. Size, height, spacing and setbacks
6.070. Public hearing for locating billboards

6.010. Purpose and intent

It is the purpose and intent of this chapter to limit the number of billboards to the total number of existing billboards. This chapter further provides for the reasonable regulation of billboards with the intent of limiting negative impacts, enhancing the aesthetics of existing and new billboards and implementing goals and policies promoting safety, the protection of property values, aesthetics, the maintenance of gateways, views and vistas, that enhance the city and further the applicable elements of the city's General Plan.

6.020. Cap on number of billboards

The number of billboards allowed in the city shall be limited to the number of billboards that are existing in the city as of the effective date of this ordinance.

20.06.030. Permitted and prohibited locations

Billboards will be allowed only in the Commercial and Manufacturing zoning districts. Within the permitted zoning districts no billboard will be allowed in any area designated as a "gateway."

6.040. Removal of non-conforming billboards

Prior to the removal of any non-conforming billboard the following requirements must be met:

(1) Permit required. Billboards that are non-conforming due to any reason including those located in gateway areas may be removed by the billboard owner only after obtaining a permit for the demolition of the non-conforming billboard.

(2) Application. Application shall be made by obtaining a permit provided by City.

6.050. Relocation of billboards.

(1) The owner of a billboard may remove the billboard from a non-conforming site to an approved location only after a permit is obtained as set forth in this title and other provisions of this chapter are complied with.

(2) Billboards moved to approved locations shall conform with all sign requirements of the new location.

(3) Billboards moved from non-conforming locations must be installed to a new approved location within twenty four (24) months with not more than two extensions of one (1) year each being granted by the City. If the billboard is not moved in this time frame the ability to relocate said billboard is forfeited.

6.060. Size, height, spacing and setbacks

In any Commercial or Manufacturing zoning district, billboards may be allowed as a conditional use in accordance with the provisions of this chapter. Said signs are limited to six hundred and seventy two (672) square feet. Billboards must be a minimum of five hundred (500) lineal feet from any other billboard on the same side of the street and seventy five (75) lineal feet from any detached sign on or off the same site. Billboards shall meet the setbacks for other detached signs in the respective zoning districts.

6.070. Public hearing for locating billboards

Prior to the issuance of any building permit for a billboard, the Planning Commission shall conduct a public hearing. Upon application for a building permit to construct a billboard, the applicant shall supply to the City, the names and addresses of all property owners within five hundred feet (500') of the proposed billboard. The City shall mail a notice of hearing to each of the property owners not less than two (2) weeks prior to the Planning Commission conducting the public hearing. The notice shall state the purpose of the hearing, indicate the location of the proposed billboard, along with the date, time and location of the public hearing. The Planning Commission may approve, deny, or approve with modifications, any permit for a billboard. Any party aggrieved by the decision of the Planning Commission may appeal the decision to the City Council. Such appeal shall be applied for within thirty (30) days from the date of the decision of the Planning Commission. Upon receipt of an appeal, the City Council shall respond within forty-five (45) days. Failure by the City Council to respond shall be deemed to be an approval of the appeal.