

**MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.44 - SIGNAGE**

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17.44.010: GENERAL PURPOSE

To control and standardize signage in the community and promote the public health, safety, and general welfare of the citizens of the city. (Ord. 2014-2, 2014: Ord. 2009-3, 2009: Ord. 99-02-18-01 § 2)

17.44.020: INTERPRETATION

The city council shall have the authority and duty to interpret the provisions of this chapter. Any decision of the planning commission or city council may be appealed to the appeal authority. In interpreting and applying the provisions of this chapter, the sign requirements contained herein are declared to be the maximum allowable for the purpose set forth. The types of signs not allowable as set forth within this chapter shall be prohibited. (Ord. 2014-2, 2014: Ord. 2009-3, 2009: Ord. 2007-8, 2007: Ord. 99-02-18-01 § 2)

17.44.030: VIOLATION

Any person who hangs, posts, or installs a sign which requires a permit under this code, and who fails to obtain a permit before installing the sign, shall be guilty of a class B misdemeanor and be fined accordingly. Each day of maintaining an illegal sign shall constitute a new offense. (Ord. 2014-2, 2014: Ord. 2009-3, 2009: Ord. 99-02-18-01 § 2)

17.44.040: ABATEMENT OR REMOVAL OF UNSAFE, DANGEROUS, NONMAINTAINED OR ABANDONED SIGNS

If, upon inspection, the code enforcement officer determines a sign, or awning permitted by this chapter to be unsafe, unmaintained, or abandoned, the code enforcement officer may issue a written order to the owner of the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within ten (10) working days after receipt of notice from the city.

In cases of emergency, the code enforcement officer may cause the immediate removal of a dangerous or defective sign. Signs removed in this manner must present an imminent hazard to the public safety. The costs of such removal shall be borne by the owner of the sign. (Ord. 2014-2, 2014: Ord. 2009-3, 2009: Ord. 99-02-18-01 § 2)

17.44.050: DEFINITIONS

For purposes of this chapter, the following abbreviations, terms, phrases, and words shall be defined as specified in this section:

ABANDONED SIGN: Any sign applicable to a use which has been discontinued for a period of three (3) months.

ALTERATIONS: As applied to a sign means change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another. These types of alterations require a new sign application.

AWNING: A roofed structure constructed of fabric or other material placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings.

BILLBOARD OR OFF PREMISES SIGN: A permanent outdoor advertising sign which advertises goods, products, or services not necessarily sold on the premises on which the sign is located.

BUILDING FACE OR WALL: All window and wall area of a building in one plane.

CHANGEABLE COPY SIGN: A sign which is characterized by changeable copy, whether the sign is freestanding or wall sign, or whether the sign projects from and is supported by a building.

COMMUNITY OR CIVIC EVENT: A public event which is of interest to the community as a whole rather than the promotion of any product, political candidate, religious leader or commercial goods or services.

DIRECTIONAL SIGN OR GUIDE SIGNS: Signs which serve as directional guides to recognized areas of regional importance and patronage, two (2) types of areas are intended to be included:

- A. Recreational entertainment centers of recognized regional significance;
- B. Historical landmarks.

FREESTANDING SIGN: A sign which is supported by one or more uprights or braces which are fastened to, or embedded in, the ground or a foundation in the ground. Freestanding signs refer to on premises advertising or project identification signs for the purpose of this chapter.

HEIGHT OF SIGN: The height of a sign is the vertical distance measured from the ground to the top of the sign.

HOURS OF OPERATION: A sign which displays hours of operation, including "Open" and "Closed" signs.

LOW PROFILE/MONUMENT SIGN: On premises identification which is low to the ground.

MARQUEE: See definition of Changeable Copy Sign.

MASTER IDENTIFICATION SIGN: A sign which identifies on the name and/or logo and/or address of a commercial or industrial complex, the owner and tenants thereof.

NAMEPLATES: Signs identifying the name, occupation, and/or professions of the occupants of the premises.

NONCONFORMING SIGNS (LEGAL): Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this code.

NONSOLICITATION SIGN: Sign used to advise solicitors that they are not welcome on the property.

ON PREMISES OR BUSINESS IDENTIFICATION SIGNS: A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted on the premises upon which the sign is located, or to which it is affixed.

PROJECTING SIGN: A sign attached to a building or other structure and extending in whole or in part more than six inches (6") beyond any wall of the building or structure.

PUBLIC NECESSITY SIGN: A sign which informs the public of any danger or hazard existing on or adjacent to premises.

PUBLIC PROPERTY: Any property owned by a governmental entity.

SIGN: Means and includes every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers.

SIGNAGE PLAN: A plan designated to show the relationship of signs for any cluster of buildings or any single building housing a number of users or in any arrangement of buildings or shops which constitute a visual entity as a whole.

SPECIAL PURPOSE SIGN: A sign of a temporary nature other than those established by a business; for the purpose of advertising a special event pertaining to activities or events of a civic, philanthropic, educational, or religious organization.

SPECIAL SALE SIGN: Temporary signs used to advertise a special sale on the premises.

STRUCTURE: The supports, uprights, bracing, guy rods, cables, and framework of a sign or outdoor display.

SUBDIVISION OR PROJECT ENTRANCE SIGN: An identification sign located at the entrance to a residential or commercial development.

TEMPORARY SIGN: A sign which is intended for use during a specified limited time. Temporary signs, as defined by this code, shall include real estate signs and construction signs.

WALL SIGN: A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building and extending not more than six inches (6") from the wall.

WINDOW SIGN: A sign installed upon or set back within one foot (1') of a window for the purpose of viewing from the outside of the premises. This term does not include merchandise displayed. (Ord. 2014-2, 2014: Ord. 2009-3, 2009: Ord. 99-02-18-01 § 2)

17.44.060: APPLICATION AND REVIEW PROCEDURES FOR PERMANENT SIGNS

- A. Permits: No person shall erect, alter, or relocate any permanent sign within the city without first obtaining a sign permit and a building permit, if applicable, from the city, unless the sign is exempt under this code.
- B. Applications: Applications for sign permits for permanent signs must include the following:
 - 1. A site plan drawn to scale which specifies the location of the sign structure, or drawings or photographs which show the scale of the sign. If the sign is to be mounted on the building, a drawing or photograph is to be included which shows the scale in context to the building;
 - 2. Colored rendering or scaled drawing including dimensions of all sign faces, descriptions of materials to be used, manner of construction and method of attachment;
 - 3. A complete signage plan for any commercial building which houses more than one use. This must be submitted prior to issuance of a permit for any one sign on the building;

4. A sign permit application on the form provided by the city development coordinator;
 5. Building permit application, when required, on a form provided by the city development coordinator;
 6. Appropriate fees.
- C. Fees: Sign permit applications shall be reviewed according to a fee schedule established by resolution. There shall be no action taken on the application until this fee is paid. This fee is not refundable.
- D. Review Procedures: Complete sign permit applications will be reviewed by the planning commission at their regularly scheduled meeting following receipt of the complete application and application fee. The application will be approved, denied or returned with requested modifications. The planning commission must approve the application before a permit can be issued. The planning commission may return the application for modifications or clarification. Any questions regarding an interpretation of this chapter will be submitted to the city council for their determination then returned to the planning commission for action. Any applicant who believes the denial was not justified has the right to appeal to the appeal authority and to appear at the next regularly scheduled meeting for which proper notice can be given and agenda time is available. Intention to take an appeal to the appeal authority shall be filed with the same in writing, within ten (10) business days following the denial of the permit by the planning commission. (Ord. 2014-2, 2014: Ord. 2010-1, 2010: Ord. 2009-3, 2009: Ord. 2007-8, 2007: Ord. 99-02-18-01 § 2)

17.44.070: SIGN TYPES ALLOWED IN COMMERCIAL ZONES

Types of signs allowed are adopted by resolution and subject to planning and zoning commission review based upon the regulations set forth in this code. (Ord. 2014-2, 2014: Ord. 2010-1, 2010: Ord. 2009-3, 2009: Ord. 2000-9 § 1: Ord. 99-02-18-01 § 2)

17.44.080: DESIGN STANDARDS FOR COMMERCIAL ZONES

All regulated signs must comply with the following design standards:

- A. General:

1. Signage Plans: Buildings or clusters of buildings shall provide a signage plan for the entire structure or project. The signage plan must be designed so that it establishes a common theme or design, uses similar construction methods, and has compatible colors, lettering, lettering style, symbols, scale and size of signs and/or identical background. Signage plans for office buildings must have their primary focus on the identification of the building.
2. Area Of Sign: The area of a sign shall include the entire area within any type of perimeter or border which may enclose the outer limits. The area of the second side of a two (2) sided sign shall not be included when calculating signage area. Where a sign has more than two (2) faces, the total area of the third face and all additional faces shall be included in determining the area of the sign.
3. Sign Materials: Exposed surfaces of signs may be constructed of, but not limited to, plastic, metal, glass, stone, concrete, brick, cloth or solid wood. The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.
4. Illumination:
 - a. Externally Illuminated Signs: Light fixtures for externally illuminated signs must be simple in form and mounted so they do not obscure building ornamentation. Spotlights and floodlights shall be directed only at the sign surface. Light shall not be directed off the property. No exposed light sources are allowed, and all light sources must be shaded to contain light rays to the sign. Colored lighting is prohibited.
5. Sign Content: The name of the business, the nature of the goods or services offered, and street address may be contained in the sign. The use of logotypes or other symbols is appropriate in addition to the name of the business.
6. Density: Businesses, projects or parcels are limited to one freestanding or low profile sign except that properties with more than one thousand feet (1,000') of continuous frontage and with more than one entrance may, subject to planning commission approval, install a freestanding or low profile sign at each entrance. Frontage on more than one street may not be combined for continuous frontage.
7. Orientation: Freestanding signs may be aligned either perpendicular or parallel to the road provided that signs perpendicular to the road are finished on both sides. (Ord. 2014-2, 2014: Ord. 2012-3, 2012: Ord. 2010-1, 2010: Ord. 2009-3, 2009: Ord. 99-02-18-01 § 2)

17.44.082: SIGN TYPES ALLOWED IN RESIDENTIAL AND AGRICULTURAL ZONES

Types of signs allowed are adopted by resolution and subject to planning and zoning commission review based upon the regulations set forth in this code. (Ord. 2014-2, 2014: Ord. 2012-3, 2012)

17.44.084: DESIGN STANDARDS IN RESIDENTIAL AND AGRICULTURAL ZONES

All regulated signs must comply with the following design standards:

- A. On A Residence: Signs shall conform to the sign ordinance and shall be attached to the dwelling, except for minimum mailbox identification. Window displays or exterior evidence, except a two (2) square foot sign, is not allowed, except that which is customarily found in a residential area.
- B. Compliance In Question: For any sign(s) where compliance is in question or where the requirements as set forth in this chapter do not address specific criteria, the city council shall have the authority to approve or deny permission of said sign. (Ord. 2014-2, 2014: Ord. 2012-3, 2012)

17.44.090: TEMPORARY SIGNAGE

- A. Policy: It is the policy of the city as outlined in this section to restrict the use of temporary signage. Temporary signage has a place in the community for specialized purposes, such as announcing properties for sale or lease, construction activities, temporary sales, or making political or ideological statements. Temporary signage is permitted for those and similar purposes subject to the regulations of this title.
- B. Regulations:
 - 1. Size: Temporary signs shall not exceed three (3) square feet of area on the exposed sign face.
 - 2. Location: Temporary signs are permitted in any zone, provided that they are located on private property, except for portable yard signs (see subsection D of

this section). On vacant lots, where there is no structure, no part of the sign shall be located outside of the property boundary.

3. Height: No portion of the sign shall extend more than six feet (6') above the existing ground level at the location of the sign. Mounting devices may extend above the sign by not more than six inches (6").
4. Number: Only one temporary sign is permitted on any one parcel of property, except that for sixty (60) days preceding a general or special election, up to three (3) temporary signs may be placed on any one parcel of property.

C. Temporary Signage For Construction Projects: Because of the unique need to identify construction projects clearly for material suppliers, deliveries, construction workers, and to allow for initial marketing, temporary construction project entry signs are permitted subject to the following regulations:

1. Size: Projects are allowed one project sign on the property in conjunction with a project under development or construction, not to exceed thirty two (32) square feet in area.
2. Location: Temporary signage on construction sites must be located on private property. No part of the sign shall be located outside of the property boundary of the street on which the project fronts, which is the street providing access to the project.
3. Height: Construction project signs may not exceed ten feet (10') in vertical height from the ground at the point where the sign is located.
4. Clear Window Maintained: Construction project signs must be located in a manner that does not obstruct the view of adjoining streets from the driveway of the site to the adjoining street, for normal passenger vehicles.
5. Time Limit: Temporary construction project signs may be installed upon granting of a permit by the city for the project the sign pertains to or upon the issuance of building permits on permitted uses. Temporary project signs must be removed within thirty (30) days from the date the last certificate of occupancy is given on the site. If a permanent sign is constructed on the site, all temporary signage must be removed.

D. Portable Yard Signs: Portable yard signs are signs intended to be displayed for less than seventy two (72) hours at a time for the purpose of announcing a garage sale, yard sale, open house, or similar event on a property. Portable yard signs may be located in any zone subject to the following regulations:

1. Location: Yard signs may be located anywhere on the property to which the sign pertains. Off site yard signs may be located within the public right of way, but not within the paved area of any street, and not on any sidewalk.
2. Size: Yard signs shall not exceed three (3) square feet in area on any sign face, but may be double sided, awning or A-frame type construction, for a total sign area of six (6) square feet.
3. Time Limit: Yard signs shall be displayed only immediately prior to and during the yard sale, garage sale, or open house actually in progress, and shall be removed at sundown. Yard signs may not be displayed for more than seventy two (72) hours continuously. Signs not removed after seventy two (72) hours of display are deemed refuse. The owner or erector of the sign is subject to a fee per sign removal charge in an amount set forth by resolution if the sign is removed by the city as refuse. In addition, the owner or erector shall be guilty of a class B misdemeanor for littering.

E. Political Signs:

1. May be placed only on private property with permission of the property owner.
2. All signs must be removed forty eight (48) hours following the election. (Ord. 2014-2, 2014: Ord. 2010-1, 2010: Ord. 2009-3, 2009: Ord. 99-02-18-01 § 2)

17.44.100: NONREGULATED SIGNS; SIGNS EXEMPT FROM PERMIT REQUIREMENT

The following signs are not subject to a permit requirement if the following standards are met. They shall be regulated by the following size and placement standards and shall not be included when calculating permitted sign area for any parcel, use or development. Building permits may be required for the installation of these signs even though they are exempt from design review and regulation.

- A. Nameplates (Residential): One nameplate sign for each single-family residence.
- B. Vacancy Signs: Vacancy signs are allowed only for those buildings which are permitted and licensed for nightly rentals within the CM and CS zones. Vacancy signs may be a maximum of two (2) square feet. If illuminated, a building permit is required.

- C. Solicitation Signs: One "No Solicitors" sign, not to exceed one square foot, is allowed per major entrance to any building or apartment complex.
- D. Hours Of Operation Sign: One "Hours Of Operation" sign is allowed per entryway. Each sign may not exceed one square foot in area. The sign may not be illuminated.
- E. Trespassing Sign: "No Trespassing" signs may be posted on doors, windows or other property entrances, or on fence or property lines. They may not exceed one square foot in area, and may not be illuminated.
- F. Addressing Numbers: Addressing numbers may be no higher than twelve inches (12"). When placed on commercial buildings, they may be taken into account in the review of the signage plan, and counted as signage if part of the overall signage for the building.
- G. Interior Signs: Nonilluminated signs which are on the interior of buildings set back at least two feet (2') from any window are not regulated.
- H. Flags, Symbols Or Insignias: The flag of the United States, the state of Utah, or other flags or insignias of governmental entities or agencies may be displayed and not counted as signage.
- I. Public Necessity Sign: Public necessity signs such as bus stop, no parking and street name signs installed by or with permission of the city are exempt from permit requirements. (Ord. 2014-2, 2014: Ord. 2010-1, 2010: Ord. 2009-3, 2009: Ord. 2000-9 § 1)

17.44.110: PROHIBITED SIGNS AND SIGNAGE ILLUMINATION

No person shall erect, alter, maintain, or locate any sign as specified in this title in any zone:

- A. Signs creating traffic hazards;
- B. Hazardous signs;
- C. Signs resembling traffic signs;
- D. Flashing signs or light for commercial use;
- E. Offensive signs;
- F. Roof signs;

- G. Animated signs;
- H. Wind signs;
- I. Video signs;
- J. Illuminated awnings;
- K. Abandoned sign. (Ord. 2014-2, 2014: Ord. 2010-1, 2010: Ord. 2009-3, 2009: Ord. 99-02-18-01 § 2)

17.44.120: MAINTENANCE; RESPONSIBILITY OF OWNER

It is the affirmative obligation of the owner of every sign erected in the city to maintain that sign and to keep it in a good state of repair at all times. Upon discovery of a sign in need of maintenance, the city shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. This notice shall state the item or items requiring repair or maintenance. The owner shall have fourteen (14) days in which to repair the sign. If the owner has failed to make repairs within that time, the city shall cause a citation to be issued. It shall be unlawful, and considered a class B misdemeanor, after fourteen (14) days' notice has expired, for any person to display a sign in any of the following conditions:

- A. Lettering or other elements of the sign have become detached and have fallen off the sign or become misaligned;
- B. Surfaces on the sign have begun to peel, flake over a substantial portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the colors approved by the city as shown on the application for a sign permit;
- C. The information on the sign has become obsolete or abandoned due to changed use or occupancy of the property. (Ord. 2014-2, 2014: Ord. 2009-3, 2009: Ord. 99-02-18-01 § 2)

17.44.130: INSPECTION OF SIGNS

- A. Inspection: The code enforcement officer shall inspect, as he or she deems necessary, signs regulated by this title to ascertain whether the signs have been adequately installed and adequately maintained to minimize risks to the public.

- B. Certain Signs To Be Approved By Code Enforcement Officer: The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the code enforcement officer. The code enforcement officer shall examine the plans and specifications with respect to all wiring and connections to determine if they comply with the applicable electrical codes, and he or she shall approve such permit if the plans and specifications comply with the code or disapprove the application if noncompliance with the code is found. (Ord. 2014-2, 2014: Ord. 2009-3, 2009: Ord. 99-02-18-01 § 2)