ORDINANCE NO. 2014-O-03

AN ORDINANCE AMENDING TITLE 17-3-7 OF THE MIDVALE CITY MUNICIPAL CODE; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Section 10-6-12 Utah Code Annotated 1953 as amended, the City has authority to adopt the Midvale City Municipal Code; and

WHEREAS, the City Council of Midvale City, Utah, held a public hearing regarding the amendment of certain sections of Title 17 on March 18, 2014; and

WHEREAS, the City Council found the proposed amendments appropriate in furthering the goals and policies of the City of Midvale.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The Municipal Code which sets forth the laws and policies within Midvale City, is hereby amended as follows:

See Attachment “A”

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.
Section 3. This ordinance shall be effective upon date of first publication of a summary thereof.

PASSED AND APPROVED this 1st day of April, 2014.

JoAnn B. Sehini, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Date of first publication: April 9, 2014

Voting by City Council

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<tr>
<th></th>
<th>&quot;Aye&quot;</th>
<th>&quot;Nay&quot;</th>
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<tbody>
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<td>Stephen Brown</td>
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<td>Wayne Sharp</td>
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Attachement “A”

Ordinance No. 2014-O-03

Midvale City Code 17-3-7, suggested amendments

Purpose:
The intent of this ordinance is to provide for appropriate off-premise electronic signage which uses clear, attractive graphics to highlight goods and services while: protecting the street views and vistas of pedestrians and motorists; protecting and shielding pedestrians and motorists from distractions of excessive motion, illumination and other safety hazards; protecting residents from glare and excessive illumination; provide clear standards for the design, installation and use of off-premise electronic display signs; and otherwise promoting and protecting the public health, safety, welfare and convenience by regulating the off-premise electronic display signs enabled by this section.

Amend Section (D) so that the last sentence reads as follows:

Alterations shall not be interpreted to include changing the text or copy of off-premise advertising signs, theater signs, outdoor bulletin or other similar signs which are designated to accommodate changeable copy, or modifying a sign to include an electronic display as described in Section O below.

Add a new Section (O) as follows:

(O) Off-Premise Sign Upgrade. An existing off-premise sign may be modified, without affecting such sign’s nonconforming use or non-complying structure status, to include an electronic display so long as the proposed modification complies with each of the following requirements:

1. The applicant must submit a complete application in accordance with Section 17-3-7(F) and comply with the other requirements of the Midvale City Code.
2. The sign must be located along I-15, 900 East/Husky Highway or State Street.
3. The electronic display may only use light emitting diode (LED) displays, or a similar technology approved by the planning and zoning department.
4. A changeable message sign face that utilizes lighting technologies (such as light emitting diodes) to create changeable messages shall be equipped with a light sensor that automatically adjusts the illuminance of the changeable message sign face as ambient lighting changes.
5. The interval between message changes on an electronic display shall not be more frequent than eight (8) seconds and the actual message rotation process must be accomplished in one quarter (1/4) second or less.
6. Electronic display sign faces which contain, include, or are illuminated by any flashing, intermittent, full motion video, scrolling, strobing, racing, blinking, changes in color, fade in or fade out or any other imitation of movement or motion, or any other means not providing constant illumination are prohibited.
7. Off-premise signs, that are within 600 linear feet along State Street or 900 East, and 500 linear feet along I-15, as measured along the same side of the right-of-way as an off-premise sign that has been upgraded to include an electronic display, do not qualify to be upgraded.

8. Only one sign face of the same “layered” off-premise sign(s) (i.e.-two or more off-premise signs mounted in vertical tiers on the same support structure, so that such sign faces are effectively visible at the same time from any vantage point, as reasonably determined by the city) may be upgraded to include an electronic display.

9. Only one sign face of the same “side-by-side” off-premise sign(s) (i.e.-two or more off-premise signs mounted horizontally on the same support structure, so that such sign faces are effectively visible at the same time from any vantage point, as reasonably determined by the city) may be upgraded to include an electronic display.

10. Both faces of a double-sided off premise sign, facing opposite directions (i.e. mounted back to back on the same support structure, so that such sign faces are not visible at the same time from any vantage point), qualify to be upgraded to electronic displays.

11. The text, images and graphics of the sign shall be static and complete within themselves, without continuation in content to the next image or message or to any other sign.

12. In no event shall an electronic display sign face increase the nighttime ambient illumination when replacing an existing illuminated billboard face and in no event shall an electronic display sign face, replacing a non-illuminated billboard face, increase nighttime ambient illumination by more than 0.3 foot-candles. In both instances, this measurement will be determined when measured perpendicular to the electronic display sign face at a distance based on the sign face size in accordance with the following formula:

<table>
<thead>
<tr>
<th>Changeable message sign face size (in sq, ft)</th>
<th>Measurement Distance (in ft)</th>
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<tbody>
<tr>
<td>0-100</td>
<td>100</td>
</tr>
<tr>
<td>101-350</td>
<td>150</td>
</tr>
<tr>
<td>651-1000</td>
<td>250</td>
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</table>

13. The applicant shall certify its compliance with the above illuminance within a week of operating the electronic display and shall produce a copy of the certification upon request.

14. Any off-premise sign face upgraded under this Section O, to a sign located within three hundred fifty feet (350') and oriented toward a legally occupied residential dwelling, measured from the electronic display face to the residential dwelling, shall be required to adhere to a curfew as described below:

   (i) If an off-premise sign with an electronic display face is within three hundred fifty (350) feet of a legally occupied dwelling that is within a forty five (45) degree radius area measured from the center point of the electronic display face, then this electronic display face shall display only one (1) static illuminated message nightly from eleven (11) pm until 6:00 am; or

   (ii) If an off-premise sign with an electronic display face is within one hundred fifty (150) feet of a legally occupied dwelling that is within a ninety (90) degree radius area measured from the center point of the electronic display face then this electronic display face shall be shut off nightly from eleven (11) pm until 6:00 am.
The curfew conditions in subsections 14(i) and 14(ii) above, are not applicable to the extent that the message displayed is an emergency public safety warning or alert, such as an “AMBER Alert”.

15. No off premise sign located within a residential (SF-1, SF-2, RM-12, RM-25) or historic zoning (HC) district shall be upgraded to include an electronic display.

16. An upgrade may not increase the height or the size of the display area of the sign.

17. This Section O does not authorize the location of a new off-premise sign in a location not permitted or allowed under the existing and applicable ordinances.