

ORDINANCE NO. 2023-20

AN ORDINANCE REGULATING AND LIMITING THE PLACEMENT AND LOCATION OF SIGNS ON PUBLIC PROPERTY WITHIN LAKE POINT

WHEREAS, Lake Point is authorized to regulate and control the use of public property for the location of private signs and other installations and structures and to regulate the location of signs in order to protect and promote safety;

WHEREAS, the City Council finds that the improper location and improper sizing of private signs and other installations can interfere with the proper use of such property, decrease safety and visibility for pedestrians, vehicles, and other users of public property, and can result in confusion regarding the support of private persons of particular opinions or entities;

WHEREAS, the City Council finds that park strips, swales, and similar public property located along the frontage of private property adjacent to a public road can have the appearance of private property, and signs located within such public property can have the appearance of reflecting the expression and opinion or the resident or owner of the adjacent private property, regulations regarding private signs in such public property should account for such appearances;

WHEREAS, the City Council finds that the regulations proposed herein are necessary and reasonable to protect the public, primarily regulate the time, place, or manner of signs and expression, will not limit access or use of traditional public fora for expression, leave ample alternative channels of expression, and will enhance the safety of residents and other persons within Lake Point.

NOW, THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

Section 1. Definitions.

- a. Private Sign: A sign owned by a private person or entity.
- b. Public Property: All property owned by Lake Point or another government entity, including all public roads, dedicated rights of way, swales, park strips, and sidewalks.
- c. Public Sign: A sign installed, owned, and/or maintained by a governmental entity, including Lake Point.
- d. Sight Triangle: No sign more than three feet (3') in height above the top back of the curb or edge of asphalt shall be erected at any intersection for vehicular traffic or driveway access within a triangular area formed by the intersection of straight lines extended from the back of the curb, edge of asphalt, or edge of driveway access, and a line connecting them at points thirty feet (30') from the intersection of the lines.
- e. Sign: Any device, notice, or medium, including its structure and other components, that is visible from any street or from any site other than the one on which it is located and that is used or is capable of being used to attract attention for advertising, identification, expression, or information purposes.

Section 2. Use of Public Property Limited.

- a. Restriction. No signs may be installed or maintained on public property except for the following signs:
 - i. Private signs located within a park strip, swale, or other similar public property located between a public roadway and private property, which

public property serves as the frontage of the private property, with and subject to the permission of the owner or resident of the adjacent private property; and

- ii. For other public property, private and public signs authorized by the owner of the public property.
- b. Location. Signs located on public property shall comply with the following:
 - i. No signs that constitute electioneering, as defined by the Utah Election Code, shall be located within 150 feet of any polling place or ballot drop box.
 - ii. No signs over three feet (3') in height shall be located within the sight triangle except for pole signs or similar signs where the primary obstructing material is at least ten feet (10') from the ground.
 - iii. Signs may be relocated by the public owner of the property to avoid interference with vision, irrigation, access, safety, or authorized use of the public property.
- c. Size. Private signs located on public property shall not exceed fifteen (15) square feet in size.
- d. Timing. Private signs located on public property shall not be installed prior to forty-five (45) days prior to the election or other event addressed by the sign, and all private signs located on public property shall be removed within seven (7) days after the election or other event addressed by the sign is complete.
- e. Construction and Maintenance. Private signs located on public property shall be static and non-illuminated and shall not be connected to power sources or require electricity to function. The owner of the private sign shall ensure the sign is constructed of quality materials and will be maintained in good condition so as to not become litter or a nuisance. The owner of the private sign shall remove or repair any sign that is damaged.

Section 3. Private Signs on Private Property. Private signs located on private property with the property owner's or resident's permission are permitted, provided no sign over three feet (3') in height is located within the sight triangle.

Section 4. Enforcement.

- a. The public entity that owns public property may, without notice to the sign owner, remove or authorize the removal of any sign that violates this ordinance.
- b. The owner or resident of private property adjacent to a park strip, swale, or other similar public property may remove any unauthorized private sign within the park strip, swale, or other similar public property adjacent to the private property.
- c. A person or entity that violates this ordinance after receiving notice and having a reasonable opportunity to correct any violations shall be guilty of an infraction or equivalent civil penalty.

Section 5. This Ordinance shall be effective immediately upon its adoption and publication according to law.

PASSED, APPROVED, AND ADOPTED on the 13th day of September, 2023

Lake Point

By

Chair

ATTEST:


City Recorder



Voting:

Daniel Crawford
Doyle Garrard
Jonathan Garrard
Kathleen VonHatten
Ryan Zumwalt

Yea ☒ Nay ☐ Absent ☐
Yea ☒ Nay ☐ Absent ☐
Yea ☐ Nay ☒ Absent ☐
Yea ☒ Nay ☐ Absent ☐
Yea ☒ Nay ☐ Absent ☐