

DRAFT VIRGIN TOWN ORDINANCE NO. 2024-_____
ATTACHMENT 1

CHAPTER 52 SIGN REGULATIONS

52.1 PURPOSE

Virgin's natural visual features give it unique charm and beauty, attracting residents and visitors alike, and constitutes the basis of its economy. Sign regulations are intended to maintain these fragile resources and protect or enhance the character of its rural community while promoting visible and appealing signage for a thriving business sector. In recognizing the importance of sign visibility to business and, therefore, to the town, regulation is necessary to encourage effective use of signs, ensure compatibility with business structures and surrounding development, maintain the overall quality of business districts, prevent detrimental impacts of numerous signs close together (which affect area character as well as traffic safety), prevent the use of signs that resemble official signs, and protect Virgin's rural character and dark sky. It is the intent of these regulations to govern the time, place, and manner under which signs are permitted, and not the content of signage, with the exception of content that can be prohibited, as defined by the US Supreme Court in Miller vs. California, 413 U.S. 15, 24 (1973).

52.2. SEVERABILITY CLAUSE.

If any portion of this ordinance is found to be unconstitutional, only that portion of the ordinance may be invalid, the remaining content shall remain in effect.

52.3. SCENIC BYWAY.

No sign shall violate state or national scenic byways standards.

52.4. EXEMPTIONS.

The following signs are exempt from the permitting process and do not require a sign permit. Signs that exceed the limits outlined below are prohibited or, if allowed under this chapter, must follow the permitting process. Signs inside buildings or otherwise not visible off the property are exempt from this section's regulation.

52.4.1 PERMANENT SIGNS

1. ACCESSORY INTERNAL WINDOW SIGNS (SUCH AS OPEN/CLOSED SIGNS; NEON OR LED SIGNS).

Each duly licensed business is allowed up to 5 internal window signs not to exceed a combined area of **15 square feet** for all internal window signs. Lighted window signs shall be turned off at the end of each business day.

2. DIRECTIONAL OR INSTRUCTIONAL SIGNS.

- a. Signs not to exceed **4 square feet** and used to identify restrooms, walkways, locations of parking lot entrances/exits, and those of a similar nature. Such signs shall be located entirely on the property to which they pertain and shall not in any way advertise or otherwise mention a business. Such signs shall be either wall-mounted or freestanding. If freestanding, and such sign is located adjacent to a

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street, it shall be placed at the driveway or sidewalk entrance to the property closest to the item being identified. Freestanding directional signs shall not exceed 4 feet above grade. If wall-mounted, no portion of such sign shall be placed higher than 8 feet above grade. Directional or instructional signs visible from the public right of way shall not exceed a total of 3 such signs per business or business center.

3. GOVERNMENT SIGNS, PUBLIC SIGNS, AND PUBLIC SERVICE SIGNS.

Signs indicating danger, notices issued by any court, legally required municipal notices and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.

4. HISTORICAL OR MEMORIAL SIGNS.

Memorial signs or tablets erected by recognized historical agencies, containing names of buildings, dates of erection or related information, provided the sign is cut into any masonry surface or installed so as to be part of the building and does not exceed **16 square feet** in area.

5. HOUSE NUMBERS AND NAMEPLATES.

Not to exceed 2 per address and each sign not to exceed **4 square feet** in area in all town zones.

6. MENUS. Menus displayed on the exterior of premises occupied by restaurants shall be of the size and lettering normally used within the restaurants, provided such size does not exceed **8 square feet**; such displayed menus shall be attached to the structure.

7. SERVICE STATION SIGNS.

For any business selling automotive fuel, one price sign for each street frontage not to exceed **16 square feet** in area, nor 8 feet in height. In addition, 1 "self/mini/full-serve" sign, not to exceed **3 square feet** in area, is allowed on each end of each pump island.

8. WALL MURALS AND PAINTED WALLS so long as the design is free of advertising text and logos as defined by this ordinance.

52.4.2 TEMPORARY SIGNS

1. COMMUNITY SIGNS such as "missing" or "lost and found" or signs not to exceed **8 square feet** are exempt for 30 days and may only be posted on private property. "Yard Sale/Garage Sale" signs not to exceed 8 square feet must be removed after 10 days.

2. CONSTRUCTION SIGNS One temporary non illuminated sign per construction project not to exceed **24 square feet** in area, nor 6 feet in height, and to be removed within 5 days after the project ends.

3. FLAGS.

1. Flags flown on a temporary basis for purposes of honoring national or civic holidays are exempt.
2. Up to 3 flags provided all such flags or emblems do not advertise an on-premise product or service may be placed on flagpoles. Flagpoles shall not exceed 25 feet in height. No such flag shall exceed 8 feet long in its largest dimension. Faded, torn, or stained flags are prohibited.

4. POLITICAL AND CAMPAIGN SIGNS. Any number of non-illuminated political or campaign signs on behalf of candidates for public office or measures on election ballots, limited to an individual sign area of **16 square feet** and a combined sign area not exceeding **32 square feet** per residence or business, provided said signs shall be placed only on private property with the permission of the property owner. No political sign can exceed **32 square feet**.

5. PROTECTIVE SIGNS.

1. Non-illuminated flat signs of not more than **3 square feet** each which contain words protective of an occupant, such as "no trespassing", "beware of dog", and the like, provided such signs are placed only at intervals of not less than 30 feet or in compliance with the requirements of state law, whichever is more restrictive. The total number of signs allowed per property shall not exceed a total of 4 such signs per acre, shall comply with the intent of these sign regulations, and shall not exceed the size listed above.
2. Signs required or specifically authorized for a public purpose by any law, statute or ordinance.

6. **REAL ESTATE SIGNS.** Non-illuminated, on or off-site, portable signs, placed on private property, containing directions to the location of a home seller's open house or property details of a house for sale, are limited to one sign per intersection corner, not to exceed a total of 5 such signs. Open house signs shall not exceed **6 square feet in area** nor 4 feet in height and shall be removed daily immediately following a scheduled open house. On each street frontage, for any lot or building, 1 non-illuminated sign is allowed which serves solely to advertise the actual intent to sell, long-term rent or build to suit, provided such sign is located entirely within the property to which the sign applies. Each individual sign shall not exceed **6 square feet**, nor 4 feet in height and the total combined sign area shall not exceed **12 square feet**; and the signs shall be removed within 7 days after the sale, rental or lease has been consummated.
7. **SPECIAL EVENT SIGNS.** On-premise event advertising signs, not exceeding **16 square feet** in area that are painted on windows, attached to windows or walls, or affixed to a maximum of one A-frame or sandwich board, provided that said signs are posted only during said event or no more than 7 days prior to said event and are removed no more than 3 days after an event. LED or digital event signs may only be used with approval from Planning and Zoning Commission. (This may be included in the event permitting process.)

52.5. PROHIBITED SIGNS.

1. **ABANDONED SIGNS.** Abandoned signs, including all structural and support elements.
2. **BILLBOARDS.** Billboards, outdoor advertising and off-premise signs are prohibited in all zones. They are defined as any freestanding sign or affixed graphic or visual representation, including any lighted or unlighted drawn, printed, painted, electric, LED, digital or mechanical representation designed or intended to advertise or direct attention to a business, product, service, organization, idea or cause which is **not** sold, offered, or existing on the property whereupon the sign is located.
3. **CHANGEABLE SIGNS.**
Electronically or electrically controlled "time and temperature", message center, reader board or other sign where copy changes automatically or manually shall be prohibited. Signs on which copy or sign panels may be changed manually shall be prohibited, except service station signs, theaters, restaurants, and official 'Virgin Town Welcome Signs'.
4. **INTENSELY LIGHTED SIGNS, BEACONS AND SEARCHLIGHTS.**
Lighted beacons, searchlights, other lights or lighted devices which attract attention to a property are

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prohibited. Intensely lighted or exposed luminary sources such as exposed bulbs or tubes shall be prohibited. Exposed neon signs shall be prohibited except for those allowed by this chapter.

5. MISCELLANEOUS SIGNS AND POSTERS.

The tacking, posting, or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences, or other structures, except to identify a residence or residence structure by means of posting the name of occupant or structure, and the street address, are prohibited unless specifically permitted by this chapter. Miscellaneous signs may be permitted on a temporary basis, in certain locations, with prior written approval of the Planning and Zoning Commission.

6. MOVING, ANIMATED, OR WIND-DRIVEN SIGNS:

No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination or intensity of illumination, including changeable signs, signs that rotate, move or assume any motion constituting a non-stationary or non-fixed condition, including feather banners, except as otherwise specifically permitted by this chapter. This shall not include signal lights and other public safety signs maintained by government authority.

7. PORTABLE SIGNS.

A-frame, sandwich board, or any sign not permanently affixed to the ground or to a structure on the site it occupies, except as provided for in this chapter.

8. REFLECTIVE SIGNS.

Signs made wholly or partially of highly reflective material, except as may be required by law

9. SCULPTURE.

Sculpture, statues, fountains or other art or decorative articles made of plastic or vinyl, with or without advertising copy, which by reason of height, size, color or nature serve primarily to attract attention to an establishment, organization or enterprise rather than to serve a primarily decorative or landscaping function.

10. VEHICLE SIGNS.

Signs temporarily affixed upon a vehicle, trailer or the like or vehicles parked that are promotional, parked conspicuously so as to attempt to direct attention to a place of business in an effort to circumvent the provisions of this chapter. This shall apply to vehicles parked on either public or private property. This shall not be construed as to prohibit customized automobile license plates.

11. OTHER PROHIBITED SIGNS.

1. The following signs are also prohibited:
2. Signs which bear or contain statements, words or pictures of an obscene or pornographic character (as defined by the U.S. supreme court in Miller vs. California, 413 U.S. 15, 24 (1973), and anything that demeans or otherwise degrades religions, races or ethnic groups, or any other protected group.
3. Signs which emit audible sound, odor or visible matter.
4. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.

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5. Signs, except as may be required by law, placed or maintained so as to interfere with free ingress to or egress from any door, window or fire escape.
6. Signs, including political signs, attached, maintained, painted, printed or otherwise affixed to any curb, sidewalk, post, pole, hydrant, bridge, bench, tree or other surface on public property or over or across any street or public thoroughfare, except by a duly authorized public employee or as required or permitted by law.

52.6. MINIMUM SIGN STANDARDS

All signs must conform to building, structural, and electrical codes as well as regulations of the town. A sign permit is not required to repaint, clean or perform other activities normally associated with maintenance and repair of a sign. However, before changes can be made to the structure, design, color, character or advertiser of a sign, a new permit must be obtained. Except as further restricted by this title, all signs shall be subject to the following minimum requirements:

1. **SETBACKS.** Signs less than 3 feet in height may be placed within the clear view triangle. No sign greater than 3 feet in height may be placed where it obstructs the clear view area. Signs more than 3 feet in height must have a front setback of at least 18 inches from the front property line as measured from leading edge of sign. Signs shall also meet clear view requirements as detailed in sign definitions. No sign shall interfere with emergency vehicle access.
2. **MATERIALS.** Signs, unless otherwise stated in the following sections of this chapter, may be constructed of painted, stained or carved wood, brick or stone; or metal which is painted or otherwise treated to prevent reflective glare. Wood signs shall be solid wood, except that painted signs may be of MDO surfaced plywood or equivalent. Ordinary plywood, cardboard, plastic, or materials that do not have adequate longevity are prohibited, unless for temporary signs.
3. **COLOR.** Brilliant, luminescent, "day-glo" or fluorescent colors are prohibited. Colors should repeat those of the facade or compliment them. In general, dark backgrounds with light letters are more legible. Too many colors can overwhelm the sign's communication function and create a distracting, garish visual element rather than an integral part of the texture of the street.
4. **ILLUMINATION.** Signs may be unlighted or lighted externally. No sign shall be internally lighted. Light sources for externally lighted signs shall be placed to illuminate only the sign surface and shall not be visible beyond the premises. Special care shall be taken in the design of external sign lighting to ensure that the light source is not visible to neighboring properties or motor vehicle traffic. All sign lighting shall comply with the requirements in VULU Section 8.4, Outdoor Lighting.

52.7. SIGN STANDARDS FOR RESIDENTIAL ZONES.

One low profile identification sign is allowed for each subdivision, home occupation business, agricultural business or the like. Signs shall be either freestanding, attached to a building wall, or attached to a wall or fence announcing the site entrance.

1. **A SUBDIVISION COMMON ENTRANCE** sign shall not exceed **20 square feet** for each subdivision entrance and shall be located a minimum of 6 feet from the public right of way. If the sign is part of a traffic calming device, such as a roundabout, the distance from the public right of way can be reduced to 3 feet.
2. **ALL OTHER FREESTANDING MONUMENT** signs shall not exceed **8 square feet** and shall be located a minimum of 6 feet from the public right of way.
3. **SIGNS MOUNTED FLAT** against the building, entrance wall, or fence shall not exceed **8 square feet** in area, nor 8 feet in height; nor shall they extend out more than 12 inches from wall or fence. No sign shall extend above the wall, fence, or roofline.
4. **1 ADDITIONAL SIGN** may be permitted with Planning Commission approval if the property concerned exceeds 5 acres and has frontage on more than one public dedicated street. Such additional sign shall be located on the additional frontage, and are subject to the sign standards of this Chapter.
5. **SPECIAL EVENT SIGNS:** off-premise event advertising signs, not exceeding **8 square feet** in area, that are painted on windows, attached to windows or walls, or affixed to a maximum of one A-frame or sandwich board, provided that said signs are posted only during said event or no more than 7 days prior to said event and are removed no more than 7 days after an event. LED or digital event signs may only be used with approval from Planning and Zoning Commission. (This may be included in the event permitting process.)

52.8. SIGN STANDARDS FOR COMMERCIAL AND RESORT ZONES- PERMIT REQUIRED

52.8.1. INDIVIDUAL BUSINESSES.

Each duly licensed business on its own parcel shall be allowed one primary sign and one secondary sign. In addition, each duly licensed business may have their business name and logo included in official "Virgin Town Welcome Signs", as defined in VULU Definitions. In the event that the primary sign is freestanding, the secondary sign shall be building mounted. In the event that the primary sign is building mounted, the secondary sign may be freestanding or building mounted on a building frontage other than that upon which the primary sign is located. In the event the building is **100 feet** or more from SR-9, primary and secondary signs may both be freestanding monument signs.

1. **Freestanding Monument Signs.** A freestanding monument sign and the corresponding support structures shall be designed to complement the building architecture and the surrounding areas, and shall comply with the following height, area, material, and color requirements. No freestanding monument sign shall exceed 6 feet in height or extend beyond the roofline or parapet wall at the highest point, whichever is less. The Virgin Planning and Zoning Commission may consider granting additional height if ground elevation of a sign location is lower than SR-9. Primary sign not to exceed **40 square feet** in area; secondary sign not to exceed **20 square**

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feet. Freestanding monument signs shall be of a non-reflective surface, and made of weatherproof wood, stone, or metal.

2. Building Mounted Signs. Signs mounted on the building shall be integrated into the building and designed so that architectural features and expression of the building are not obscured. Signs mounted to the building include wall signs, awning signs, projecting signs, and suspended signs.

1. A building mounted primary sign for all business and resort districts shall:
 1. Have a maximum area of **40** square feet.
 2. Not extend beyond the roofline or parapet wall at the highest point, nor extend beyond a maximum of **15** feet in height.
 3. If mounted flat to a wall, shall be permanently attached and not extend more than 12 inches from said wall.
 4. If projecting, not extend from the building face a distance greater than 6 feet, and no projecting sign shall extend over public property.
 5. Maintain a minimum 8-foot clearance between the lowest point of the sign and the grade immediately below.
2. In the instance of a building set back from the road by more than 100 feet, the Planning and Zoning Commission may allow installation of a wall mounted primary sign up to but not exceeding 5 percent of the total area of the wall on which it will be mounted.
3. A building mounted secondary sign for all business and resort districts shall:
 1. Have a maximum sign area of **20** square feet.
 2. Not extend beyond the roofline or parapet wall at the highest point, nor extend beyond a maximum of **15** feet in height.
 3. If mounted flat to wall, be permanently attached and shall not extend more than 12 inches from said wall.
 4. If projecting, not extend from the building face a distance greater than 6 feet, and no projecting sign shall extend over public property a distance greater than 12 inches.
 5. If projecting sign, awning sign or suspended sign, shall maintain a minimum 8 foot clearance between the lowest point of the sign and the grade immediately below.

3. Additional Signs.

1. Restaurants and hotels/motels may display tertiary special feature signs. Only 1 such sign may be displayed at any given time.
2. Tertiary signs shall have a maximum area of **2 square feet.**
3. Tertiary signs may be wall mounted or attached to a freestanding sign, providing the tertiary sign shall be no closer than 3 feet to any public right of way.
4. Transient lodging facilities may display one additional tertiary "vacancy" or "no vacancy" sign.
5. Each duly licensed business is allowed to include its business name and logo in 'Virgin Town Welcome,' as defined in this chapter. Each duly licensed business may also include its business name on a Virgin Town Locator sign.

52.8.2 BUSINESS CENTERS.

For groups of 2 or more duly licensed businesses associated by a common agreement or common ownership that occupy the same legally recorded parcel(s) with common parking facilities or are housed in one structure, the following signs shall be allowed:

1. Each business center is allowed one freestanding monument sign, which shall not exceed **40 square feet** in area unless permitted under Subsection 52.8.1 of this section. Additionally, the height of the sign shall not exceed 15 feet or the height of the buildings highest point, whichever is less.
2. For businesses with individual entrances, one building mounted sign per duly licensed business, provided such sign shall be limited in area to **20** square feet if the freestanding monument sign for the business center exceeds **20** square feet, or **40** square feet if the freestanding monument sign for the business center is limited to **20** square feet or less. Building mounted signs shall not extend beyond the roofline or parapet wall at the highest point nor extend 15 feet in height, whichever is less;
3. For businesses housed in one building or structure, which share a common entrance or have a central hall or foyer, one building mounted sign shall be allowed for all business within the building not to exceed **40** square feet.
 1. Such signs shall be located adjacent to the common entrance and appropriately grouped together; and
 2. Such signs may be tertiary signs that are incorporated into the Business Center's freestanding monument sign allowed by this chapter. When such an exception is made, the freestanding tertiary business signs shall replace the building mounted signs and the building mounted signs shall not be used. The maximum total area of the freestanding monument sign with tertiary signs allowed in this chapter may increase in size not to exceed **60 square feet** nor extend beyond fifteen feet (15') in height or the height of the roof of the building at its highest point, whichever is less.
4. Additional freestanding monument signs may be allowed by the Planning and Zoning Commission for those business centers with frontage on more than one dedicated street. If allowed, such signs shall not exceed thirty **32 square feet** in area, nor ten feet in height and shall be located on the additional street frontage.
5. Additional building mounted signs may be allowed at other common entrances to the building if such entrances are on separate frontages of the building or are separated by a distance of more than 100 feet. In such cases, the cumulative total of signs at all entrances shall not exceed **80 square feet** in area.

52.8.3. SPECIAL EVENT SIGNS. Off-premise event advertising signs, not exceeding **8 square feet** in area, that are painted on windows, attached to windows or walls, or affixed to a maximum of one A-frame or sandwich board, provided that said signs are posted only during said event or no more than 7 days prior to said event and are removed no more than 7 days after an event. LED or digital event signs may only be used with approval from Planning and Zoning Commission. (This may be included in the event permitting process.)

52.9. SIGN PERMITS - APPLICATION AND PROCESSING PROCEDURES.

52.9.1. PERMIT REQUIRED.

Except as provided in this chapter, it shall be unlawful to display, erect, relocate, or alter any sign without first obtaining a valid sign permit. **The applicant should complete the application and review process before entering into binding commitments incurring expense in the design, preparation or construction of the proposed sign.** After a sign permit has been issued by the Planning and Zoning Commission, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Planning and Zoning Commission. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Town Clerk.

52.9.2. MASTER SIGN PLAN FOR BUSINESS CENTERS. An approved master sign plan shall be required for any new use, new construction of any sign or building permit request involving a building or development containing two or more businesses. This master sign plan shall identify all sign types, sizes, locations, illumination, materials and design for all signs in existence, presently proposed, and those anticipated in the future. While specific details may not necessarily be available for future signs, the master sign plan shall serve as a framework for such signs. The purpose of such a master sign plan shall be to ensure continuity and compatibility of all signs within a business center and prevent needless repetition and proliferation of signage. The property owner shall be responsible for the permit application process and implementation of said master sign plan. Amendments to an approved master sign plan shall require submission of a new application and reconsideration in the same manner as originally reviewed. New or additional tenant signs shall be reviewed on an individual basis and shall conform to the approved master sign plan.

52.9.3. APPLICATION.

Application for a sign permit shall be made in writing to the Virgin Town Permit Clerk as provided in this ordinance. In the case of a master sign plan, the information requested below shall be included for all signs existing, proposed or anticipated for the entire project. Application for sign permits shall include, at a minimum, the following information:

1. A rendering, to scale, showing the proposed sign as it will appear on the project and illustrating its relationship to its surroundings.
2. In the case of a freestanding monument sign, a site plan showing the location of the proposed sign in relation to the property line, setbacks, and other structures on the site.
3. Front and side elevations of the sign, drawn to scale, which indicate dimensions of the sign, lettering and corresponding building; construction supports; foundation; method of attachment; and style of lettering, showing the complete lettering;
4. Description and samples, if feasible, of sign materials for background and lettering, including samples of finishes of the background and lettering to demonstrate light transmission or reflection;
5. Landscaping plans for the base, if applicable;

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6. The extent to which, if any, the sign is proposed to project into or over public property;
7. If sign is to be illuminated, a description of proposed illumination, plans showing all fixtures, types, locations, mounting and wattage and elevations, and sufficient technical data of all proposed illumination systems so as to allow evaluation of proposed light levels; and
8. Any additional information the Planning and Zoning Commission deems relevant to the application.

52.9.4. ENGINEERING REQUIREMENTS.

All signs shall be designed in accordance with any and all applicable building codes as adopted by the Town of Virgin and the State of Utah. Drawings bearing a wet stamp of a licensed engineer are required for any freestanding monument sign or any sign that projects from the face of a building more than three inches. The Planning and Zoning Commission may request engineering for building mounted signs at its discretion.

52.9.5. PLANNING AND ZONING COMMISSION ACTION.

The Virgin Town Planning and Zoning Commission shall approve or deny a sign permit application and record its decision in writing. In approval of any sign permit, the Virgin Town Planning and Zoning Commission shall consider applicable standards for review listed in this Chapter and VULU and impose such regulations and conditions as are necessary to protect the public health, safety, and welfare, to accomplish the purposes of the Virgin Town General Plan and this Zoning Ordinance, and to contribute to the general well-being of the community. If an applicant meets all requirements of the Zoning Ordinance and all conditions required by the Planning and Zoning Commission, the Commission shall approve a sign permit subject to the conditions proposed.

52.9.6 FEES FOR PERMIT. See Virgin Town Fee Schedule for applicable fees.

52.9.7. EXPIRATION OF PERMIT

Approved permits are valid for a period of one year from the date of approval. If construction or work has not been started within one year from the issuance of the permit, the original permit is void and a new permit will be required.

52.9.8. APPEALS.

A property owner has the right to appeal a final decision to the appropriate authority in compliance with VULU within 15 days of a final vote of approval or denial in a noticed public meeting, or the date a written determination is issued and delivered to the applicant, whichever happens first. A decision by staff or the Planning and Zoning Commission may be appealed to the Town Council; a decision by the TC may be appealed to the Appeal Authority as per Chapter 6 of VULU.

52.9.9 ABATEMENT.

The Town shall have the authority to abate and remove or require the removal of any sign illegally erected within the Town of Virgin, including signs placed on public or private property. The Town and the Code Enforcement Officer shall also

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have the authority to require removal of, or to abate and remove any sign found to be in disrepair to the extent that the sign becomes dilapidated or dangerous to the public. Illegal or dilapidated signs that are erected in a permanent manner, or require demolition, shall be removed by the owner, or by the Town after notice is given to the property owner where the sign is located. After notice is given by the Town to the property owner, if no action is taken to remove the illegal sign within 5 days of the written notice, the Town shall have the right to remove the sign, and bill the property owner for any costs incurred during the removal of the sign. Illegal signs shall include all signs that have been erected after the first published date of consideration of this ordinance, #_____, without the issuance of a sign permit from Virgin Town, or the written approval to erect the sign by the Planning and Zoning Commission as well as signs listed herein as "prohibited".

52.10. NONCONFORMING SIGNS.

52.10.1. Any legally constructed freestanding monument sign that is physically in existence on the first adoption date of consideration of this ordinance, #_____, shall be deemed legal, regardless of any failure to conform to this chapter, until such a time as its owner chooses to remove or substantially alter it.

~~**52.10.2.** Business signs in use for 6 months or longer prior to the adoption date of this section that are nonconforming but not legally so, shall be removed or brought into compliance within 12 months of the adoption date of this chapter.~~

52.10.2. Any sign located within the town in compliance with the applicable law on the date of adoption of this title, which is found to be nonconforming by reason of not being in compliance with the requirements of the "Sign Standards" of this chapter, shall be designated as legally nonconforming, except for those signs that are deemed legal by Chapter 52.

52.10.3. The loss of legally nonconforming designation shall deem such sign unlawful and the sign shall thereafter be removed by the owner or abated according to this Title. A legally nonconforming sign shall immediately lose its legally nonconforming status if it is replaced or changed to reflect a different advertiser or altered or relocated in a manner that makes it less compliant with Virgin land use ordinances. A sign also loses legal nonconforming status if it requires repair or maintenance costing more than 50% of its appraised value, as determined by 2 independent sign contractors approved by the Planning and Zoning Commission, or if 10 years have elapsed from the effective date of this ordinance, #_____.

~~**3.** A non-conforming sign may apply to the Planning and Zoning Commission to regain full legal status if it is brought into compliance with the standards of this chapter.~~

52.11. CONFLICT.

Wherever this Chapter conflicts with the Virgin Uniform Land Use Code, this Chapter shall prevail.

52.12. PENALTIES FOR VIOLATION.

Option 1. Any person violating the provisions of this chapter shall be guilty of an Infraction and shall be required to pay a fine of not more than \$750, plus restitution if applicable. For purposes of this section, each day that a violation continues shall be considered a separate violation.

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Option 2. Any person violating the provisions of this chapter shall be guilty of a Class C misdemeanor and shall be subject to a fine not to exceed \$750 and or jail term not exceed ninety (90) days jail. For purposes of this section, each day that a violation continues shall be considered a separate violation.

Option 3. Any person violating the provisions of this chapter shall be guilty of a Class B misdemeanor and shall be subject to a fine not to exceed \$1,000 and or jail term not exceed six (6) months jail. For purposes of this section, each day that a violation continues shall be considered a separate violation.