

ORDINANCE NO. 1098

AN ORDINANCE OF DRAPER CITY AMENDING VARIOUS SECTIONS OF CHAPTER 9-26 OF THE DRAPER CITY MUNICIPAL CODE RELATING TO ELECTRONIC MESSAGE CENTER SIGNS.

WHEREAS, Utah State law grants to Draper City the authority to regulate and approve signs; and

WHEREAS, the legal case law has determined that municipal authority over signs is limited to aspects of time, place, and manner; and

WHEREAS, the City has the desire to provide allowances for signage that is complimentary to and effective for the businesses it represents; and

WHEREAS, the City Council of Draper City has determined that it is in the best interest of the city and its citizens to provide adequate signage to promote the businesses located in Draper;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Chapters 9-26-090(D), 9-26-080(A) and 9-26-090(B)(6) of the Draper City Municipal Code are hereby amended in part to read as set forth in Exhibit "A," attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective 20 days after publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS 18th DAY OF August, 2015.

ATTEST:

DRAPER CITY:


City Recorder

By: 

Mayor



EXHIBIT A

**DRAPER CITY MUNICIPAL CODE
SECTIONS 9-26-090(D), 9-26-080(A) AND 9-26-090(B)(6)**

9-26-090(D) AREAS OF SPECIAL DESIGNATION

D. Electronic Message Centers (EMC). A business which qualifies for a monument sign as described in this chapter and which has frontage along 12300 South/Draper Parkway may qualify for an electronic message center subject to the following:

1. All electronic message centers are subject to the following standards:
 - i. Such signs shall display full color messages or images only and the use of single colored text and images is prohibited.
 - ii. Each message/advertisement displayed on an EMC shall remain static for a minimum of eight (8) seconds. Animation, flashing, starburst or other similar frame effects are prohibited.
 - iii. Pixel pitch shall be as follows:
 - a. EMCs along 12300 South/Draper Parkway may shall have a true pixel pitch between 1mm and 10 mm due to closer proximity of travelers to signs.
 - b. EMCs in Freeway Frontage areas as depicted in the exhibits of this chapter shall have a true pixel pitch between 1mm and 16mm due to higher speeds and distance between travelers and signs.
 - iv. No EMC shall utilize a white or solid colored background for greater than or equal to fifty percent (50%) of the sign area.
 - v. EMCs may only be allowed as part of a monument, monolithic or tower sign, as allowed in this chapter. Such signs shall comply with size restrictions set forth in this chapter.
 - vi. All EMCs are required to comply with the following LED sign illumination requirements:
 - a. All permitted EMC's shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements. In addition, EMCs must have a default mechanism to turn off the sign within twenty-four (24) hours of a reported malfunction.
 - b. Sign Illumination levels for EMC's shall never, at maximum display intensity, exceed 0.3 footcandles over ambient lighting conditions when measured at the distance based on the formula of square root of area of sign times 100 ($\sqrt{\text{Area of sign} \times 100}$). Light cutoff devices shall minimize light above the sign.
 - c. The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image. All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in section 9-26-090(D)(1)(vi)(b) above.
 - d. The applicant shall submit a photometric matrix (showing the dispersal in footcandles) showing that the sign meets all the requirements of this Code.
 - e. The owner shall be required to submit written certification from the sign manufacturer that the light intensity shall not exceed the maximum levels specified in the above table and photocell dimming prior to the issuance of a Sign Permit.
2. Businesses utilizing EMCs as described in this section shall not be allowed the use of temporary signage as described in section 9-26-080.
3. Electronic message center monument signs must have a minimum 10 foot setback from any right-of-way.

SECTION 9-26-080 TEMPORARY SIGNAGE. Temporary signage outlined in this Section are allowed subject to the filing of an application for and issuance of a Temporary Signage Permit, unless expressly exempted in this Section.

A. General Requirements. The following shall apply to all temporary signage as outlined herein:

1. Such signs shall not be illuminated unless by way of permanently install indirect lighting sources.
2. Such signs shall not be placed in any public or private right-of-way, parkstrips, medians, or roundabouts.
3. Such signs shall not be placed so as to create a traffic hazard in a clear view area.
4. Such signs shall require application for an issuance of a Temporary Sign Permit prior to installing or erecting a temporary sign, unless expressly exempted in this Section.
5. All temporary signage must be set back beyond the farthest-most part of the permanent ground-mounted signage on the same property that fronts the same property line.

6. Businesses utilizing electronic message centers as provided within this chapter shall not be allowed the use of temporary signage as outlined within this section.

SECTION 9-26-090(B) AREAS OF SPECIAL DESIGNATION

6. Businesses or a group of businesses within a single development which meet the qualifications of subsection B1 of this section, which are located in the CBP, CR, C1, or CC zones, and which have three (3) acres and have a minimum of four hundred (400) linear feet of lot frontage shall be allowed one electronic message center where: Such signs shall be subject to the provisions of section 9-26-090(D)(1),
 - ~~a. Such signs shall display full color messages or images only and the use of single colored text and images is prohibited;~~
 - ~~b. Such signs shall display static images for a period of eight (8) seconds before transitioning to another static image;~~
 - ~~c. Transitions from one static image shall fade out and fade in to the next static image without the use of flashing, animation, or movement whatsoever; and~~
 - ~~d. Such signs shall come equipped with automatic dimming or photocell technology which automatically adjusts the sign's brightness with natural ambient light conditions which shall not exceed eighty (80%) of full brightness during the day and shall not exceed fifteen percent (15%) of full brightness after dusk; these settings shall be subject to review at anytime by Draper City.~~

Affidavit of Posting

SALT LAKE/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1098** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 18th day of August, 2015**, was posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

Posted: August 20, 2015, through September 8, 2015

City Seal



A handwritten signature in blue ink, appearing to read "Rachelle Conner", is written over a horizontal line.

Rachelle Conner, MMC
City Recorder
Draper City, State of Utah