

**MINUTES
BOX ELDER COUNTY COMMISSION
MARCH 02, 2022**

The Board of County Commissioners of Box Elder County, Utah met in an Administrative / Operational Session at the Historic County Courthouse, 1 South Main Street in Brigham City, Utah at 4:45 p.m. on **March 02, 2022**. The following members were present:

Jeff Scott	Chairman
Stan Summers	Commissioner
Jeff Hadfield	Commissioner
Marla Young	Clerk

The following items were discussed:

1. Agenda
2. Commissioners' Correspondence
3. Staff Reports - Agenda Related
4. Correspondence

The Administrative / Operational Session adjourned at 4:50 p.m.

The regular session was called to order by Chairman Scott at 5:00 p.m. with the following members present, constituting a quorum:

Jeff Scott	Chairman
Stan Summers	Commissioner
Jeff Hadfield	Commissioner
Marla Young	Clerk

The prayer was offered by Commissioner Hadfield.

The Pledge of Allegiance was led by HR Manager Jenica Stander.

APPROVAL OF MINUTES

THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 16, 2022 WERE APPROVED AS WRITTEN ON A MOTION BY COMMISSIONER HADFIELD, SECONDED BY COMMISSIONER SUMMERS, AND UNANIMOUSLY CARRIED.

ATTACHMENT NO. 1 - AGENDA

ADMINISTRATIVE REVIEW / REPORTS / FUTURE AGENDA ITEMS - COMMISSION

There were no Administrative Review items discussed.

FORMER AGENDA ITEMS, FOLLOW UP - COMMISSIONERS

There were no Former Agenda items discussed.

EMERGENCY MANAGEMENT ISSUES

COVID-19 Update - Chairman Scott

Chairman Scott reported the Covid numbers are dropping dramatically and things are looking much better. He encouraged everyone to continue to stay safe and be smart.

ARPA

Chairman Scott reported they have received one more application request for ARPA Funding from Bear River Water Conservancy District. He stated they may have matching funds two to one.

PUBLIC INTERESTS / PRESENTATIONS / CONCERNS

Request to use grounds for Public Square Rosary - George Fuller

George Fuller gave a brief history of the times they have held a Rosary on the courthouse grounds. He asked permission to use the grounds for an upcoming Rosary. He asked if there was a way to work with the county for future Rosary Rallies without needing to be on the meeting agenda.

MOTION: Commissioner Summers made a motion to allow the use of the courthouse grounds for the upcoming rosary rally and to work with Building Official Codey Illum in the future for scheduling other rallies when needed. The motion was seconded by Commissioner Hadfield and unanimously carried.

ATTORNEY'S OFFICE

Memorandum of Understanding Agreement No. 22-07 Between Box Elder County and Internet Crimes Against Children - Stephen Hadfield

Deputy Attorney Anne Hansen explained the MOU Agreement will allow them to investigate internet crimes against children through grant opportunities.

MOTION: Commissioner Hadfield made a motion to approve MOU Agreement #22-07. The motion was seconded by Commissioner Summers and unanimously carried.

ATTACHMENT NO. 2 - MOU AGREEMENT

COMMUNITY DEVELOPMENT

Ordinance No. 552 - General Plan Adoption - Scott Lyons

Community Development Director Scott Lyons explained Ordinance #552 adopts the new General Plan approved in November and repeals the old ordinance for the prior General Plan.

MOTION: Commissioner Summers made a motion to adopt Ordinance #552 adopting the General Plan. The motion was seconded by Commissioner Hadfield and unanimously carried.

ATTACHMENT NO. ³~~552~~ - ORDINANCE #552

Ordinance No. 553 - Chapter 3-8-1 Text Amendment - Scott Lyons

Community Development Director Scott Lyons stated the Commission approved the text amendment in the last meeting. Ordinance #553 makes the amendment official and changes some requirements in the MPC Zone.

MOTION: Commissioner Hadfield made a motion to approve Ordinance #553. The motion was seconded by Commissioner Summers and unanimously carried.

ATTACHMENT ⁴~~#553~~ - ORDINANCE #553

Ordinance No. 554 - Chapter 5-3 Text Amendment - Scott Lyons

Community Development Director Scott Lyons explained Ordinance #554 is a request for a text amendment to Land Use Code Chapter 5-3 regarding signage requirements. He said a public hearing was held at the Planning Commission meeting with no public comment. After their review, the Planning Commission has forwarded a recommendation of approval. He said the text was originally adopted in 2012, but there needed to be a few clean up changes to the types and sizes of signs in different areas.

MOTION: Commissioner Summers made a motion to adopt Ordinance #554. The motion was seconded by Commissioner Hadfield and unanimously carried.

ATTACHMENT NO. ⁵~~554~~ - ORDINANCE # 554

Text Amendment to Remove the MPC Zone from the Land Use Code - Scott Lyons

Community Development Director Scott Lyons stated the request is to remove Section 3-8-1. It was initiated by the Planning Commission to review the zone. They reviewed it in the February 17, 2022 meeting and a public hearing was held. The Planning Commission has forwarded a recommendation of approval. He explained the zone was initially developed for one property. He stated if they want to keep that zone, there should be some changes.

Chairman Scott stated he is not in favor of removing the section until they see what discussions or decisions may come from a meeting with Willard City that may affect property owners in the zone.

MOTION: Commissioner Summers made a motion to table this item. The motion was seconded by Commissioner Hadfield and the item was tabled.

WARRANT REGISTER - COMMISSIONERS

The Warrant Register was signed on a motion and the following claims were approved. Claim numbers 117309 through 117331 in the amount of \$814,324.98 and claim numbers 117332 through 117390 in the amount of \$204,020.56.

PERSONNEL ACTIONS / VOLUNTEER ACTION FORMS - COMMISSIONERS

Employee Name:	Department:	PA Type:	Effective Date:
ANDERSON, KYLEE	SHERIFF'S DEPT	NEW HIRE	02/07/2022
HAUPTMAN, TIFFANEE	SHERIFF'S DEPT	COMPENSATION CHANGE	03/26/2022
JOHNSON, SCOTT	SHERIFF'S DEPT	REHIRE	02/27/2022
BARFUSS, JUSTIN	ROAD DEPARTMENT	COMPENSATION CHANGE	02/28/2022
ANDERSON, MARK	WEED DEPARTMENT	SEPARATION	02/28/2022
WARD, DALE	SHERIFF'S DEPT	SEPARATION	02/28/2022
GILL, STEPHANIE	SHERIFF'S DEPT	COMPENSATION CHANGE	03/08/2022

CLOSED SESSION

Strategy session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms.

MOTION: At 5:29 p.m. a motion was made by Commissioner Summers to move into a closed session. The motion was seconded by Commissioner Hadfield and unanimously carried.

MOTION: At 6:05 p.m. a motion was made by Commissioner Hadfield to reconvene into regular commission meeting. Commissioner Summers seconded the motion. The motion carried unanimously and regular Commission meeting was reconvened.

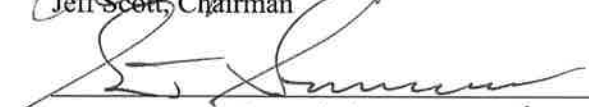
ADJOURNMENT

A motion was made by Commissioner Hadfield to adjourn. Commissioner Summers seconded the motion, and the meeting adjourned at 6:06 p.m.

ADOPTED AND APPROVED in regular session this 16th day of March 2022.

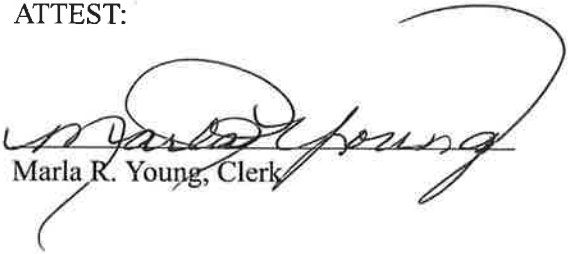



Jeff Scott, Chairman


Stan Summers, Commissioner


Jeff Hadfield, Commissioner

ATTEST:


Marla R. Young, Clerk



COUNTY COMMISSION MEETING
Commission Chambers, 01 South Main Street, Brigham City, Utah 84302
Wednesday, March 02, 2022 at 5:00 PM

AGENDA

NOTICE: *Public notice is hereby given that the Box Elder County Board of County Commissioners will hold an Administrative/Operational Session commencing at 4:45 P.M. and a regular Commission Meeting commencing at 5:00 P.M. on Wednesday March 2, 2022 in the Commission Chambers of the Box Elder County Courthouse, 01 South Main Street, Brigham City, Utah.*

1. ADMINISTRATIVE / OPERATIONAL SESSION

- A. Agenda Review / Supporting Documents
- B. Commissioners' Correspondence
- C. Staff Reports

2. CALL TO ORDER 5:00 P.M.

- A. Invocation Given by: Commissioner Hadfield
- B. Pledge of Allegiance Given by: Jenica Stander
- C. Approve Minutes from 02-16-2022

3. ADMINISTRATIVE REVIEW / REPORTS / FUTURE AGENDA ITEMS

4. FORMER AGENDA ITEMS

5. EMERGENCY MANAGEMENT ISSUES

6. ARPA

7. PUBLIC INTERESTS / PRESENTATIONS / CONCERNS

- A. 5:08 Request to use Grounds for Public Square Rosary-George Fuller

8. ATTORNEY'S OFFICE

- A. 5:10 Memorandum of Understanding Agreement No 22-07 Between Box Elder County and Internet Crimes Against Children-Stephen Hadfield

9. COMMUNITY DEVELOPMENT

- A. 5:20 Ordinance No 552- General Plan Adoption-Scott Lyons
- B. 5:22 Ordinance No 553- Chapter 3-8-1 Text Amendment-Scott Lyons
- C. 5:24 Ordinance No 554- Chapter 5-3 Text Amendment-Scott Lyons
- D. 5:26 Text Amendment to Remove the MPC Zone from the Land use Code-Scott Lyons

10. WARRANT REGISTER

11. PERSONNEL ACTIONS / VOLUNTEER ACTION FORMS / CELL PHONE ALLOWANCE

12. CLOSED SESSION

13. ADJOURNMENT

Prepared and posted this 25th day of February, 2022. Mailed to the Box Elder News Journal and the Leader on the 25th of February, 2022. These assigned times may vary depending on the length of discussion, cancellation of scheduled agenda times and agenda alteration. Therefore, the times are estimates of agenda items to be discussed. If you have any interest in any topic you need to be in attendance at 5:00 p.m.

A handwritten signature in cursive script, reading "Marla R. Young". The signature is written in dark ink and is positioned above the printed name.

Marla R. Young - County Clerk

Box Elder County

NOTE: Please turn off or silence cell phones and pagers during public meetings. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made three (3) working days prior to this meeting. Please contact the Commission Secretary's office at (435) 734-3347 or FAX (435) 734-2038 for information or assistance.

MEMORANDUM OF UNDERSTANDING

Utah INTERNET CRIMES AGAINST CHILDREN TASK FORCE and Box Elder County

PARTIES

The Utah Attorney General's Office is the recipient of a United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (**OJJDP**) grant to enforce laws regarding Internet crimes against children (**ICAC**), and the Office utilizes this grant to administer and operate the ICAC Task Force. Notwithstanding anything outlined herein, the agreement between the Parties shall be subject to any restrictions, limitations, or requirements of the OJJDP grant.

This Memorandum of Understanding (**MOU**) is entered into by the Utah Attorney General's Office, administrator of the grant funds and the Utah ICAC Task Force, and Box Elder County, through the Box Elder County Attorney's Office, with the Utah ICAC Task Force.

OVERVIEW / MISSION STATEMENT

OJJDP has created the ICAC Task Force Program, which is a national network of state and local law enforcement cybercrime units. The national ICAC program assists state and local law enforcement agencies to develop an effective response to cyber enticement and child pornography cases. This help encompasses investigative and forensic components, training and technical assistance, victim services, and community education. Due in large part to the technological aspects of these cases, the ICAC Task Force Program promotes a multi-jurisdictional, multi-agency team approach to investigating and prosecuting ICAC cases.

Therefore, the mission of the Utah Attorney General's ICAC Task Force is to: (1) properly investigate and prosecute those who sexually exploit children through the use of the Internet and/or computers; (2) provide training and equipment to those involved in investigating and prosecuting ICAC; and (3) provide community education regarding the prevention of ICAC.

PURPOSE

The purpose of this MOU is to formalize the working relationship between Box Elder County, through the Box Elder County Attorney's Office, and the Utah Attorney General's ICAC Task Force, as well as to delineate the responsibilities and expectations of the relevant parties. By signing this MOU, Box Elder County, through the Box Elder County

Attorney's Office, agrees to join the ICAC Task Force for the primary purpose of vigorously and properly investigating crimes against children that occur in some relationship with the Internet or other electronic media devices. By becoming an affiliate with the Utah ICAC Task Force, Box Elder County, through the Box Elder County Attorney's Office, will benefit from grant resources, joint operations, and training opportunities. By entering this MOU, the Utah Attorney General's ICAC Task Force will benefit from the investigative support from Box Elder County, through the Box Elder County Attorney's Office.

INVESTIGATIONS

All ICAC investigations will be conducted only by sworn law enforcement investigators and in a spirit of cooperation with other Utah Attorney General's ICAC task force members. Investigations will follow guidelines established by each agency's respective policy manual or guidelines. In addition, ICAC investigations shall also be governed by the national ICAC program's Operational and Investigative Standards, incorporated herein by reference (see attached). Box Elder County, through the Box Elder County Attorney's Office further agrees to abide by standards and protocols of the Utah ICAC Task Force (see Best Practices Manual, incorporated herein by reference), and that investigators will attend and follow national and local ICAC training. Violation of the ICAC Operational and Investigative Standards and/or Utah Task Force standards and protocols is cause for cancellation of this MOU. This MOU is not intended to infringe on the ongoing investigations of any other agency.

REQUIREMENTS OF ICAC INVESTIGATIONS INVOLVING AFFILIATE INVESTIGATORS

Box Elder County, through the Box Elder County Attorney's Office, agrees that only sworn peace officer(s), assigned as ICAC investigator(s), will conduct undercover ICAC investigations. Each investigator involved with undercover operations shall receive ICAC training prior to initiating proactive investigations. This training can be received through ICAC nationally approved trainings and/or training programs through the Utah ICAC Task Force.

Box Elder County, through the Box Elder County Attorney's Office ICAC investigator(s), will conduct reactive investigations, including investigations of child pornography, Cybertipline referrals from NCMEC, Internet Service Provider and law enforcement referrals, and other ICAC-related investigations. Additional case initiations may develop from subject interviews, documented public sources, direct observations of suspicious behavior, public complaints, etc.

When requested, Box Elder County, through the Box Elder County Attorney's Office ICAC investigator(s), will provide agents assigned to the Utah ICAC Task Force access to ICAC investigative files, including computer records, in order to ensure compliance with

all national ICAC standards. The Utah ICAC Task Force will also provide case file information when requested to Box Elder County, through the Box Elder County Attorney's Office.

Box Elder County, through Box Elder County Attorney's Office ICAC investigator(s), will provide investigative coverage to the other ICAC affiliates in Box Elder County, as assigned by the Utah ICAC Task Force

Box Elder County, through the Box Elder County Attorney's Office, is responsible to provide all Box Elder County Attorney ICAC investigator(s) with a secured work area with controlled access to all equipment, software, and investigative files. At a minimum, information should be maintained in locked cabinets or devices that are encrypted and under the control of investigators assigned to ICAC cases through the Box Elder County Attorney's Office and their affiliates, with restricted access to authorized personnel only.

Box Elder County, through the Box Elder County Attorney's Office, will conduct education and prevention programs to foster awareness and provide practical, relevant guidance to children, parents, educators, librarians, the business and law enforcement communities, and other individuals concerned about Internet child safety issues. Presenters shall not discuss ongoing investigative techniques and undercover operations utilized by the ICAC Task Forces.

GRANT REQUIREMENTS

The Office of the Utah Attorney General has awarded Box Elder County with a state grant of **\$0.00 for the fiscal year of July 1, 2021, through June 30, 2022, to be used and implemented by the Box Elder County Attorney's Office.** This grant is to partially fund the ICAC affiliate officers/agents assigned from Box Elder County, through the Box Elder County Attorney's Office, regarding crimes against children as they relate to the Internet and other electronic media. These cases include but are not limited to Sexual Exploitation of a Minor, Possession/Distribution/Manufacturing of Child Pornography, and Enticing a Minor over the Internet, etc.

The funds awarded in this grant are to be used only for the following purpose: 1) Over-time of ICAC affiliate Task Force members who are actively working cases that relate to the overview of the OJJDP National ICAC Task Forces and the Mission Statement of the Utah ICAC Task Force; 2) Training and travel costs associated with approved ICAC Training; 3) Equipment and office supplies as they relate to ICAC case work; 4) Software and Internet lines as they relate to ICAC case work; 5) Travel cost associated with ICAC case work; and 6) Public education presentations and applicable material to aid in these presentations.

In order to help facilitate the continued receipt of federal funds supportive of the grant contemplated herein, Box Elder County agrees that by accepting the grant amount from the Office of the Utah Attorney General, they will not enter into any

agreement or otherwise accept additional funds from any other source that are specifically granted for the purpose of ICAC related investigations (i.e., "no double dipping" from funds specifically for the purpose of funding ICAC investigations). This provision shall not limit Box Elder County from seeking other funds for non-ICAC related investigations, or federal funds for other or general law enforcement activities, equipment, etc.

SUPERVISION

Box Elder County, through the Box Elder County Attorney's Office, will be responsible for the operational supervision, administrative control, and personal and professional conduct of their ICAC investigator(s). ICAC investigations are a cooperative effort and investigative decisions will be a joint process guided by ICAC standards.

LIABILITY

Box Elder County, through the Box Elder County Attorney's Office, is responsible and liable for the acts and omissions of its own investigator(s), or employees in connection with the performance of their official duties under this MOU. For tort liability purposes, no participating agency shall be considered the agent of other participating agencies. Each participating agency shall be liable (if at all) only for the torts of its own investigator(s) or employees that occur within the scope of their official duties.

The Parties recognize and acknowledge that each Party is covered by the *Governmental Immunity Act of Utah*, codified at Section 63G-7-101, et seq., *Utah Code Annotated*, as amended, and nothing herein is intended to waive or modify any and all rights, defenses or provisions provided therein. Officers and employees performing services pursuant to this MOU shall be deemed officers and employees of the Party employing their services, even if performing services outside of the territorial limits of such Party and shall be deemed officers and employees of such Party under the provisions of the *Utah Governmental Immunity Act*. Each Party shall be responsible and shall defend the action of its own employees, negligent or otherwise, performed pursuant to the provisions of this MOU.

REPORTING STATISTICS

Box Elder County, through the assigned Box Elder County Attorney's Office ICAC investigator(s), shall submit monthly statistics to the Utah Attorney General's ICAC Commander on all ICAC investigations or other investigative work pertaining to the sexual exploitation of children via the Internet. These statistics shall be submitted in the ICAC Data System (IDS) by the 10th day of each month and shall include data on all related investigations opened or closed during the month, as well as forensic examinations, technical/investigative assistance provided to other agencies, subpoenas and court orders issued, training hours attended and taught, and community outreach provided.

In addition, a breakdown of basic case data shall be included for each case of sexual exploitation of a minor (child pornography) and criminal solicitation of a minor (enticement/traveler) case investigated by Box Elder County, through the assigned Box Elder County Attorney's Office ICAC investigator(s). The Utah Attorney General's Office will then be responsible for all required reporting to OJJDP and the State of Utah.

TRAINING

Box Elder County, through the Box Elder County Attorney's Office, shall make their ICAC investigator(s) designated as Task Force members available for applicable specialized training provided through the National ICAC program, the Utah ICAC Task Force and other appropriate training programs. The Utah Attorney General's Office will review training requests as they relate to National ICAC programs. Box Elder County, through the Box Elder County Attorney's Office, will be required to pay the normal salary of their staff member(s) while they are attending the training.

CONFIDENTIALITY

It is understood that any confidential information pertaining to investigations of Internet Crimes Against Children will be held in the strictest confidence and will only be shared with participating ICAC Task Force members, ICAC affiliates and/or other law enforcement agencies where necessary or as otherwise permitted by federal and/or state law.

EFFECTIVE DATE

This agreement shall be effective on July 1, 2021, and continue until such time as state funding for the Grant ends on June 30, 2022, or the agreement is canceled by either party upon written notice delivered to both The Office of the Utah Attorney General and Box Elder County.

[Signature(s) on following page]


Entered into this 2nd day of March, 2022.




Box Elder County


~~State Summer~~ Jeffrey D. Scott
Chair, Box Elder County Board of Commissioners

ATTEST:


Marla Young
Box Elder County Clerk/Auditor

Office of the Utah Attorney General


Leo Lucey
Chief of the Utah Attorney General's Investigation Division

ORDINANCE NO. 552

**AN ORDINANCE OF BOX ELDER COUNTY REPEALING AND REPLACING THE
CURRENT GENERAL PLAN WITH A NEW GENERAL PLAN.**

WHEREAS, as required by state code §17-27a-401(3) and §17-27a-404(5) a recommendation has been made to update the Box Elder County General Plan; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the recommendation to amend the General Plan and provided notice of the public hearing by mailing notice to each affected entity at least 10 calendar days before the public hearing, and by posting it in at least 3 public locations within the County and on the County's official website; and by publishing it in a newspaper of general circulation in the area and on the Utah Public Notice Website at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on October 7, 2021 to allow the general public to comment on this proposed General Plan amendment; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that this amendment will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare; and

WHEREAS, based upon these findings, the Box Elder County Planning Commission has recommended that the Box Elder County Commission amend the General Plan as has been requested; and

WHEREAS, the Box Elder County Commission scheduled a public hearing on the Planning Commission's recommendation to amend the General Plan and provided notice of the public hearing by mailing notice to each affected entity at least 10 calendar days before the public hearing, and by posting it in at least 3 public locations within the County and on the County's official website; and by publishing it in a newspaper of general circulation in the area and on the Utah Public Notice Website at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public hearing on November 17, 2021, to allow the general public to comment on this proposed General Plan amendment; and

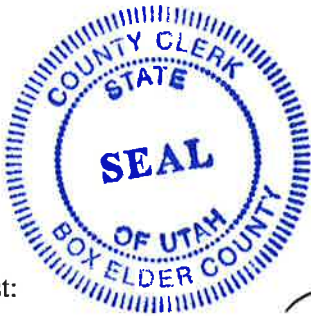
WHEREAS, after considering the public input, reviewing and discussing the request, the Board of County Commissioners of Box Elder County, Utah, finds that the amendment to the General Plan will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare;

NOW THEREFORE, the County legislative body of Box Elder County ordains as follows:

SECTION 1: General Plan Amendment, The General Plan of Box Elder County is hereby amended to repeal and replace the old General Plan with the new adopted General Plan to read in its entirety as set forth in Exhibit A.

SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this 2nd day of March, 2022, by the Board of County Commissioners of Box Elder County, Utah,



Attest:

Marla Young
Marla Young
Box Elder County Clerk

Commissioner Hadfield
Commissioner Summers
Commissioner Scott

Voting Aye
Voting Aye
Voting Aye

Jeffrey Scott
Jeffrey Scott, Chair
Box Elder County Commission

State of Utah)
)
County of Box Elder)

On this 2nd day of March, 2022, personally appeared before me, the undersigned notary public, **Jeffrey Scott**, whose identity is personally known to me (or proved on the basis of satisfactory evidence) and who by me duly sworn (or affirm), did say he is the **Commission Chairman for Box Elder County** and said document was signed by him in behalf of said Corporation and acknowledged to me that said Corporation executed the same.

My Commission Expires: October 15, 2025



Marla Young
Notary Public

ORDINANCE NO. 553

AN ORDINANCE OF BOX ELDER COUNTY AMENDING CHAPTER 3-8-1, MASTER PLANNED COMMUNITY ZONE, OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE.

WHEREAS, a recommendation has been made to amend the Box Elder County Land Use Management & Development Code, Chapter 3-8-1, Master Planned Community Zone, to change the eligibility requirements; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the recommendation to amend the text of the Box Elder County Land Use Management & Development code and provided notice of the public hearing by mailing notice to each affected entity at least 10 calendar days before the public hearing, and by posting it in at least 3 public locations within the County and on the County's official website; and by publishing it in a newspaper of general circulation in the area and on the Utah Public Notice Website at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on January 20, 2022 to allow the general public to comment on this proposed text amendment; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed text amendment allows uses that are not harmonious with the overall character of the County, most growth should occur in cities and towns, that it will negatively affect adjacent property owners, and cause more condensed travel., and area residents are against the proposal; and

WHEREAS, based upon these findings, the Box Elder County Planning Commission has recommended that the Box Elder County Commission not amend the text as has been requested; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public meeting on February 2, 2022 and February 16, 2022, to review and discuss this proposed amendment; and

WHEREAS, after reviewing and discussing, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the text as set forth in Exhibit B is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the County legislative body of Box Elder County ordains as follows:

SECTION 1: Ordinance Text Amendment. Chapter 3-8-1, Master Planned Community Zone, of the Box Elder County Land Use Management & Development Code is hereby amended to read in its entirety as set forth in Exhibit A.

SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

March, 2022, by the Board of County Commissioners of Box Elder County, Utah,



Commissioner Hadfield
Commissioner Summers
Commissioner Scott

Voting Aye
Voting Aye
Voting Aye

[Signature]
Box Elder County Commission Chair

Attest:

[Signature]
Marla Young
Box Elder County Clerk

State of Utah)
).ss)
County of Box Elder)

On this 2nd day of March, 2022, personally appeared before me, the undersigned notary public, Jeff Veatch, whose identity is personally known to me (or proved on the basis of satisfactory evidence) and who by me duly sworn (or affirm), did say he is the **Commission Chairman for Box Elder County** and said document was signed by him in behalf of said Corporation and acknowledged to me that said Corporation executed the same.

My Commission Expires: Oct. 15, 2025
meij



[Signature]
Notary Public

EXHIBIT A

Eligibility

To be considered for a MPC zone, all applications shall meet the following criteria:

1. Encompass a minimum of one hundred (100) acres to assure reasonable internal and external land use compatibility. If the property/development is to be serviced by sewer, the minimum acreage requirement for the MPC zone shall be reduced to fifty (50) acres. The property in question shall be solely owned by an individual, partnership, or corporate entity, or under option to purchase by an individual, partnership, or corporate entity, at the time an MPC application is submitted; otherwise, the MPC application shall be filed jointly by all owners of the property.
2. Demonstrate in textual, visual, and oral form to the Planning Commission and the County Commission that the property in question is unique due to size, slope, natural features, sensitive lands, natural hazards, current land uses, other relevant features or that difficult hardship related conditions exist.
3. All areas of the proposed MPC zone shall be included in the specific plan.
4. Offer unique advantages over traditional forms of development as determined by the Planning Commission and County Commission.
5. A portion of the housing units shall be income targeted housing for persons of medium and low income. The number of income targeted housing units must be commensurate with the size and scope of the proposed development and is subject to the approval by the County Commission.

EXHIBIT B

Eligibility

To be considered for a MPC zone, all applications shall meet the following criteria:

1. Encompass a minimum of one hundred (100) acres to assure reasonable internal and external land use compatibility. If the property/development is to be serviced by sewer, the minimum acreage requirement for the MPC zone shall be reduced to fifty (50) acres. The property in question shall be solely owned by an individual, partnership, or corporate entity, or under option to purchase by an individual, partnership, or corporate entity, at the time an MPC application is submitted; otherwise, the MPC application shall be filed jointly by all owners of the property.
2. Demonstrate in textual, visual, and oral form to the Planning Commission and the County Commission that the property in question is unique due to size, slope, natural features, sensitive lands, natural hazards, current land uses, other relevant features or that difficult hardship related conditions exist.
3. All areas of the proposed MPC zone shall be included in the specific plan.
4. Offer unique advantages over traditional forms of development as determined by the Planning Commission and County Commission.
5. A portion of the housing units shall be income targeted housing for persons of medium and low income. The number of income targeted housing units must be commensurate with the size and scope of the proposed development and is subject to the approval by the County Commission.

ORDINANCE NO. 554

AN ORDINANCE OF BOX ELDER COUNTY AMENDING CHAPTER 5-3, SIGNS, OF THE BOX ELDER COUNTY LAND USE MANAGEMENT & DEVELOPMENT CODE.

WHEREAS, a recommendation has been made to amend the Box Elder County Land Use Management & Development Code, Chapter 5-3, Signs; and

WHEREAS, the Box Elder County Planning Commission scheduled a public hearing on the recommendation to amend the text of the Box Elder County Land Use Management & Development code and provided notice of the public hearing by mailing notice to each affected entity at least 10 calendar days before the public hearing, and by posting it on the County's official website; and by publishing it on the Utah Public Notice Website at least 10 calendar days before the public hearing; and

WHEREAS, the Box Elder County Planning Commission, after appropriate notice, held a public hearing on February 17, 2022 to allow the general public to comment on this proposed text amendment; and

WHEREAS, after providing for public comment from the general public, the Box Elder County Planning Commission has found and determined that the proposed text amendment is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, and will provide for the health, safety, and general welfare of the public and protect the environment; and

WHEREAS, based upon these findings, the Box Elder County Planning Commission has recommended that the Box Elder County Commission amend the text as has been requested; and

WHEREAS, the Box Elder County Commission, after appropriate notice, held a public meeting on March 2, 2022, to review and discuss this proposed amendment; and

WHEREAS, after reviewing and discussing, the Board of County Commissioners of Box Elder County, Utah finds that the amendment to the text as set forth in Exhibit B is in conformity with the General Plan of Box Elder County, that the uses allowed by the proposed change are harmonious with the overall character of the existing development in the vicinity of the property, that it will not adversely affect adjacent properties, that the facilities and services intended to serve property are adequate, and that it will be in the best interest of and promote the health, safety and general welfare of the residents of Box Elder County;

NOW THEREFORE, the County legislative body of Box Elder County ordains as follows:

SECTION 1: Ordinance Text Amendment. Chapter 5-3, Signs, of the Box Elder County Land Use Management & Development Code is hereby amended to read in its entirety as set forth in Exhibit A.

SECTION 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

March, 2022, by the Board of County Commissioners of Box Elder County, Utah, 2nd day of

Commissioner Hadfield
Commissioner Summers
Commissioner Scott

Voting Are
Voting Are
Voting Are

Jeff D. Scott
Box Elder County Commission Chair

Attest:

Marla Young
Marla Young
Box Elder County Clerk

State of Utah)
.ss)
County of Box Elder)

On this 2nd day of March, 2022, personally appeared before me, the undersigned notary public, Jeff Scott, whose identity is personally known to me (or proved on the basis of satisfactory evidence) and who by me duly sworn (or affirm), did say he is the **Commission Chairman for Box Elder County** and said document was signed by him in behalf of said Corporation and acknowledged to me that said Corporation executed the same.

My Commission Expires: Oct 15, 2022



Marla Young
Notary Public

EXHIBIT A

Chapter 5-3 - Sign Regulations

- 5-3-010. Purpose.
- 5-3-020. Definitions.
- 5-3-030. Interpretation.
- 5-3-040. Severability.
- 5-3-050. General Regulations.
- 5-3-060. Signs Not Regulated By This Chapter.
- 5-3-070. Inspections.
- 5-3-080. Enforcement.
- 5-3-090. Violations & Penalties.
- 5-3-100. Sign Permit & Permit Fee Required.
- 5-3-110. Non-Conforming Signs.
- 5-3-120. Maintenance & Repair.
- 5-3-130. Sign Overlay Zoning Districts.
- 5-3-140. Codes & Symbols.
- 5-3-150. Sign Types, Effects, Dimensions, Numbers, and Locations by Overlay District.

5-3-010. Purpose.

The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, to improve appearance and views within the major transportation corridors by setting requirements for the location, type, number of, size, height, and lighting of signs and to preserve and improve the aesthetic values, economic prosperity, and visual qualities of Box Elder County.

5-3-020. Definitions.

A Frame Sign: A sign constructed of wood, plastic, or metal, having a solid surface for written advertising with two sides not exceeding 6 square feet on a side attached at the top to allow the sign to stand in an upright position weighted or anchored sufficiently at the bottom to prevent blow overs and to be movable at will.

Abandoned Sign: A sign which, for a period of at least one (1) year or longer no longer advertises or identifies a legal business establishment, an existing product or activity, or accurate information.

Alterations: A change or rearrangement in the structural parts or design whether by extending on a side, by increasing in area or height, or by relocating or change in position.

Awning Sign: A sign which is integral with or placed on a translucent awning or other “fabric” covering a framework and which is backlit.

Billboard: A freestanding sign that identifies or communicates a commercial or non-commercial message regarding an activity, service, product, or matter that is not conducted on or related to the lot or parcel where the sign is located.

Canopy Sign: A sign which is mounted on and supported by a canopy and may be found either above the canopy or hanging beneath the canopy, but in all cases mounted perpendicular to the building.

Changeable Copy: A sign on which text or copy is changed manually or electronically, but not including poster panels or painted bulletins.

County Road: Any roads built or maintained in whole or in part by Box Elder County or with the aid of Box Elder County funds.

Fascia Sign: A sign which is erected on or above the roof line of a building and which is wholly or partially supported by the building.

Freestanding Sign: A sign which is supported by one or more upright columns, poles, or braces, in or upon the ground.

Identification: A sign displayed to indicate the name or nature of a building, or of a use.

Illuminated Sign: A sign equipped with artificial lighting devices for the purpose of improving the sign's visibility. This definition shall include internally and externally lighted signs.

Interstate Highway: Roads that receive federal aid or are considered to be part of the National Highway System.

Marquee Sign: A permanent roof like shelter extending from part or all of a building face and constructed of some durable material.

Mobile Sign: A sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground.

Monument Sign: A sign mounted directly, or in close proximity, to the ground, and not over six (6) feet in height from the top of any required landscaped berm to the top of the sign cabinet which is incorporated into some form of landscaping design scheme, planter box, or berm.

Non-conforming Sign: A sign or sign structure which lawfully existed at the time an applicable zoning or other ordinance became effective, but which does not presently conform to all the requirements of this Code.

Official business directional sign: A sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to public accommodations or commercial services for the traveling public.

Off-premises Sign: Any sign, including a billboard or general outdoor advertising device, that advertises or directs attention to a business, commodity, service, activity, or matter conducted, sold, or offered elsewhere than on the same lot or parcel upon which such sign is located.

On-premise Sign: A sign which advertises products or services available on the premises where the sign is located.

Portable and temporary signs: A sign, with or without changeable copy, intended for temporary use which is not permanently affixed to the ground or a structure. To include A Frame Signs and Mobile Signs.

Projecting Wall Sign: A sign which is affixed to an exterior wall or building or structure and which projects more than 18 inches from the building or structure wall, and which does not extend above the parapet, eaves, or building facade of the building upon which it is placed.

Roof Sign: A sign which is erected on or above the roof line of a building and which is wholly or partially supported by the building.

Rotating Sign: A sign which revolves three hundred sixty (360) degrees with continuing motion.

Sign: Any object, device, display, or structure, or a part thereof, used to visually convey a commercial and/or noncommercial message and design for the purpose of directing, attracting attention, or making known the subject thereof, but not including the lawful display of merchandise.

Sign Area: For signs that have a frame or a separate background, the area of a sign that is used for writing, representation, emblem or other display purposes located within the area of the frame or separate background containing the display, excluding the structural supporting framework, bracing or wall provided such wall meets zoning ordinance regulations and is clearly incidental to the display itself. In computing sign area, only one side of a back-to-back or double face sign shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than thirty degrees (30°). For signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display, including any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. When a low profile sign is mounted on a base rising a maximum of three feet and consisting of materials matching the predominant materials used in the construction of the principal building on the premise where the sign is located, the area of the base shall not be included in the calculation of sign area.

Sign Height: The distance in vertical feet from the elevation of the adjacent dedicated public street, at the edge of the pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

Snipe Sign: A sign which is attached to a public utility pole, light fixture poles, canopy supports, or the supports for another sign.

State Road: Any roads built or maintained in whole or in part by the state or with the aid of state funds.

Tourist-oriented directional sign: A sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to points of scenic, historic, cultural, educational, religious, and recreational interest.

5-3-030. Interpretation.

The requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Code, the Box Elder County ordinances, or other laws. However, the requirements of this Chapter shall prevail over conflicting provisions of any other requirement in this Code unless a different standard is expressly authorized.

In interpreting and applying the provisions of this Code, the sign regulations contained herein are declared to be the minimum standards allowable for the purpose set forth. The types of signs allowed by this Code shall be plenary and sign types not specifically allowed as set forth within the Code shall be prohibited. It is not intended by this Chapter to interfere with nor abrogate nor annul any easement, covenants, nor other agreements between private parties existing at the time of the effective date of this Code; provided, however, that where this Code imposes a greater restriction upon signs, and the location thereof requires or imposes other conditions than those required or imposed by other laws, ordinances, or restrictions, the provisions of this Code shall control.

In matters of interpretation, the provisions of this chapter shall be interpreted by the Zoning Administrator or designee.

5-3-040. Severability.

This Chapter is hereby declared severable. In the event that any provision in this Chapter is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or the enforcement of either this Chapter as a whole or any parts not declared invalid or unconstitutional.

5-3-050. General Regulations.

- A. Except as provided in this Code, no sign shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, or have the text of the sign changed, except in conformity with the regulations herein specified for the use district in which it is located. No permit is required for the maintenance of a sign nor is a permit required to change copy on painted, printed, or changeable copy signs.

- B. All signs hereafter erected in Box Elder County shall comply with the current standards of the National Electrical Code, the Uniform Building Code, and all other ordinances of Box Elder County.
- C. Unless otherwise specified in this Chapter, all signs may be illuminated. However no sign may utilize:
 - 1. An exposed incandescent lamp with an external reflector without a sunscreen or comparable diffusion;
 - 2. Any exposed incandescent lamp in excess of 15 watts unless a screen is attached;
 - 3. Any revolving beacon light.
- D. If any provision of this chapter conflicts with any provision of other codes, then the more restrictive provision shall apply.
- E. No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid Utah contractor's license and a valid business license. All persons involved in the maintenance, installation, or relocation of signs near or upon the public right-of-way or property shall agree to hold harmless and indemnify Box Elder County, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this Code has not specifically directed the placement of a sign. Such persons shall also maintain insurance to indemnify Box Elder County against any form of liability to a minimum of \$1,000,000.00.
- F. An Illuminated sign shall direct their light downward and be installed so that the light source cannot be seen by adjacent properties.

5-3-060. Signs Not Regulated By This Chapter.

These regulations pertain to all signs within Box Elder County, but shall not be construed to apply to:

- A. Official traffic or government signs installed for the benefit of the public, including official business directional signs and tourist-oriented directional signs;
- B. On-premise signs attached to windows or walls which are clearly of a temporary nature and which promote specific sales for short periods of time;
- C. Signs erected on private property and unaffiliated with any particular business being operated on that property which do not exceed twelve (12) square feet;
- D. Campaign election signs;
- E. Flags of any nation or flags of any government or non-commercial organization;

These provisions are not intended to regulate the copying of signs or the messages contained in the sign. This Chapter also does not regulate building design. Although not regulated by this Chapter the above signs may still require a building permit.

5-3-070. Inspections.

The Building Official of Box Elder County shall have the following duties in regard to sign inspections:

- A. To make an initial inspection of any sign that requires a building permit upon the completion, erection, reconstruction or remodeling of the same and notification of said completion, erection, reconstruction or remodeling. This inspection shall be made to assure compliance with the provisions of these regulations, other ordinances of Box Elder County and conditions precedent to the issuance of a conditional use permit if applicable.
- B. To inspect each sign for which a complaint of non-compliance with local ordinances is made in writing to the building official.
- C. To make routine compliance checks of all signs to ensure conformance to these regulations, other ordinances of Box Elder County and conditions precedent to the issuance of a conditional use permit if applicable.

5-3-080. Enforcement.

The Zoning Administrator of Box Elder County is hereby vested with the duty of enforcing the sign regulations of this Code and in the performance of such duty is empowered and directed:

- A. To issue sign permits to construct, alter, or repair signs which conform to the regulations of Box Elder County.
- B. To determine whether the construction, alteration, or maintenance of any sign is in conformance with regulations of Box Elder County and the conditions imposed precedent to the issuance of a conditional use permit, if applicable.
- C. To issue a notice of violation to any person having charge or control over the sign, and person who receives a direct pecuniary benefit from displaying the sign, or any person who is otherwise responsible for the erection, alteration, or maintenance of any sign found by the Zoning Administrator to be unsafe or dangerous, or in violation of the ordinances of Box Elder County.
- D. To institute any appropriate action or proceedings in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in any case where any sign is used in violation of any ordinance of Box Elder County, including, but not limited to the zoning ordinance, to accomplish the following purposes:
 - 1. To prevent such unlawful erection, construction, re-construction, alteration, repair, conversion, maintenance or use, and

2. To restrain, correct, or abate such violation.
- E. To abate and remove any unsafe or dangerous sign which is not repaired or made safe within 5 business days after giving appropriate notice to the person having charge, control, or benefit of any such sign. In such an event, the person having charge, control, or benefit of such sign shall pay to Box Elder County the costs incurred in such removal within 30 calendar days after written notice is mailed to such person.
1. Upon failure to pay the costs incurred in abating and removing an unsafe or dangerous sign, Box Elder County may, by action of its County Commission, place a lien against property owned by the person having charge, control or benefit of such sign to assure compliance with this provision. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.
 2. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.
- F. To abate and remove any illegal sign other than unsafe or dangerous signs which is not made conforming within 60 business days after giving appropriate notice to the person having charge, control or benefit of any such sign. In such event, the person having charge, control or benefit of any such sign shall pay to Box Elder County the costs incurred in such removal within 30 calendar days after written notice is mailed to such person. Upon failure to pay the costs incurred in abating and removing an illegal sign, Box Elder County may, by action of its County Commission, place a lien against property owned by the person having charge, control or benefit of such sign to assure compliance with this provision. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.
- G. To abate and remove any non-maintained or abandoned sign which is not repaired or put into use within 10 business days after giving appropriate notice to the person having charge, control or benefit of any such sign. In such event, the person having charge, control or benefit of any such sign shall pay to Box Elder County the costs incurred in such removal within 30 calendar days after written notice is mailed to such person. Upon failure to pay the costs incurred in abating and removing a non-maintained or abandoned sign, Box Elder County may, by direction of its County Commission, place a lien against property owned by the person having charge, control or benefit of such sign to assure compliance with this provision. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.

5-3-090. Violations & Penalties.

Any violations of this Chapter shall be subject to the enforcement procedures and penalties set forth in Chapter 2-4 of this Code.

5-3-100. Sign Permit & Permit Fee Required.

All signs hereafter erected within Box Elder County shall be erected, reconstructed, or remodeled only in accord with the authority authorized by the sign permit issued by the County, unless such sign is not regulated as listed in Section 5-3-060. Application for a sign permit shall be made to the Zoning Administrator and shall be accompanied by a fee to defray the expenses to the County incurred in the administration of this Chapter. Such fee shall be established by resolution of the County Commission. A sign permit shall be issued by the Zoning Administrator if the proposed sign is found by the Zoning Administrator to be in compliance with the provisions of this Code and other ordinances of the County. If the Zoning Administrator feels it is in the County's best interest that the sign should be presented to and reviewed by the Planning Commission that right is reserved. A building permit issued through the Box Elder County Building Official shall also be obtained when required.

A property owner may apply for a sign permit as provided in this section. An agent of a property owner shall provide a notarized authorization.

A. Procedure. An application for a sign permit shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the Zoning Administrator in a form established by the Administrator along with any fee established by the County's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any;
 - b. A statement by the applicant demonstrating how the sign permit request meets the approval standards of Subsection 2-2-150(E) of this section;
 - c. A plot plan showing the following:
 - 1) Applicant's name;
 - 2) Site address;
 - 3) Property boundaries and dimensions;
 - 4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - 5) Adjoining property lines and uses within one hundred (100) feet of the subject property.
 - d. An elevation drawing showing:
 - 1) Type of sign;
 - 2) Sign location in relation to nearest property line;
 - 3) Sign face design;
 - 4) Sign height;
 - 5) Sign face area;
 - 6) Sign illumination details; and
 - 7) Reflective elements and materials.
2. After an application is determined to be complete, the Zoning Administrator shall approve, approve with conditions or deny the application within five (5) business days pursuant to the standards set forth in Section 5-3-110(B) below. Any

conditions of approval shall be limited to conditions needed to conform the sign permit to approval standards.

3. After making a decision the Zoning Administrator shall give the applicant written notice of the decision.
4. A record of all sign permits shall be maintained in the office of the Zoning Administrator.

B. Approval Standards. The following standards shall apply to the issuance of a sign permit.

1. A sign shall conform to applicable provisions of Chapter 5-3 of this Code.
2. All signs shall be inspected by a designated officer of the County immediately after installation. The permittee shall request inspection within five (5) business days after installation.
3. Building, electrical, and other permits shall be required as provided in the applicable building codes adopted by the County.

C. Appeal. Any person adversely affected by a final decision of the Zoning Administrator regarding a sign permit may appeal that decision to the Board of Adjustment as provided in Section 2-2-180 of this Code.

D. Effect of Approval. Approval of a sign permit shall authorize an applicant to:

1. Construct the sign as indicated on the permit, if no building, electrical, or any other permits are required.
2. If a building, electrical, or any other permits are required, such permits shall be obtained prior to construction.

E. Amendment. The procedure for amending any sign permit shall be the same as the original procedure set forth in this section.

F. Expiration. A sign permit shall expire and have no further force or effect if the sign authorized by the permit is not installed within one hundred eighty (180) days after approval.

5-3-110. Non-Conforming Signs.

Non-conforming signs may adversely affect the public health, safety, and welfare. Additionally, such signs may adversely affect the aesthetic characteristics of Box Elder County and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of such signs.

A non-conforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the non-conforming sign:

- A. Shall not be replaced, except in conformity with the provisions of this ordinance;

- B. Shall not be enlarged, altered, or rebuilt except in conformance with this ordinance, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition; and
- C. Shall not be replaced, expanded or modified by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on non-conforming signs shall be permitted.
- D. Repair, reconstruction, and maintenance of a sign shall only include those actions required to restore the advertising sign to its original structural and mechanical condition. Such actions shall not include increasing the size or height of the advertising sign, converting the advertising sign to a multiple message or adding any attachments to the advertising sign.
- E. A non-conforming sign damaged by fire, wind, earthquake, or other calamity may be restored as it existed previously and its use may be continued as long as the non-conforming sign had not been previously abandoned, and so long as restoration is started within one (1) year and is diligently pursued to completion.

5-3-120. Maintenance & Repair.

All signs shall be maintained in good condition, in such a manner as to preserve the condition, aesthetics, and life of such signs. Moving parts shall be maintained in operable condition. Signs designed to be lighted shall be maintained with a full array of lighting as intended by the design of each such sign.

Any signs not meeting the following provisions shall be repaired or removed in accordance with the following provisions:

- A. The area on private property around the sign on which it is erected shall be properly maintained clear of brush, trees, and other obstacles so as to make signs readily visible.
- B. All burned-out bulbs or damages panels must be replaced within a reasonable time.
- C. All sign copy shall be maintained securely to the face and all missing copy must be replaced within a reasonable time.
- D. All signs shall be designed, constructed, installed, and maintained so that public and traffic safety are not compromised.

5-3-130. Sign Overlay Zoning Districts.

There are hereby created four overlay zoning districts (S-1, S-2, S-3, & S-4) to regulate the sign type, sign effects, sign dimensions, number of signs, and sign location in Box Elder County. The Sign Overlay Zoning Districts are as follows:

S-1 – Signs generally fronting on County roads and some State roads. Mostly residential/home business and some small commercial.

S-2 – Signs generally fronting on State roads and some County roads. Mostly commercial and some home business.

S-3 – Signs fronting on an interstate highway.

S-4 – No signs allowed in this zone.

* Except where a property that is zoned commercial/manufacturing falls within the S-1 overlay zone it is reviewed according to S-2 overlay zone standards.

* All “unzoned” areas shall comply with S-1 overlay zone, except where S-2 overlay zone regulations are approved as part of a Site Plan application.

* Sign Zone S-3 falls within a buffer 200 feet from the centerline of the interstate highway they front on.

5-3-140. Codes & Symbols.

In the following section the sign type, sign effects and copy content, sign dimensions, number of signs, and sign location which are allowed in the various districts are shown as “permitted” indicated by a “P” in the appropriate column (headed by the overlay zoning district designation), or as “administrative conditional uses,” indicated by a “C1” in the appropriate column. If a regulation applies in a given district, it is indicated in the appropriate column by a number to show the linear or square feet required. If the regulation does not apply, or if it is not allowed in a given district, it is either not named in the use list or is indicated in the appropriate column by a dash, “-.”

5-3-150. Sign Types, Effects, Dimensions, Numbers, and Locations by Overlay District.

SIGN OVERLAY DISTRICT					
	“P” = Permitted Uses “C” = Conditional Uses “A” = Applies “-” = Not permitted				
		S-1	S-2	S-3	S-4
A	SIGN TYPE				
	ON-PREMISE SIGNS				
	a. Free Standing	P	P	C1	-
	b. Marquee	P	P	-	-
	c. Projecting Wall	P	P	-	-
					-

1	d. Roof	P	P	-	
	e. Fascia	P	P	-	-
	f. Canopy	P	P	-	-
	"P" = Permitted Uses "C" = Conditional Uses "A" = Applies "- " = Not permitted	S-1	S-2	S-3	S-4
	g. Under Canopy	P	P	-	-
	h. Monument	P	P	-	-
	i. Awning	P	P	-	-
	j. Portable and Temporary	P	P	-	-
2	OFF-PREMISE SIGNS				
	a. Free Standing	-	-	C1	-
B	SIGN EFFECTS				
	ON-PREMISE SIGNS (BILLBOARDS EXCLUDED)				
	a. Identification	P	P	P	-
	b. Illuminated	P	P	P	-
	c. Rotating	-	P	P	-
	d. Changeable Copy	P	P	P	-
	OFF-PREMISE SIGNS				
	a. Illuminated	-	-	C1	-
	b. Changeable Copy	-	-	C1	-
C	SIGN DIMENSIONS				
	1. Sign Height (in feet)	10	30	40	-
	2. Maximum Sign Area on Premise (total in square feet)		250	672	-
	Non-home occupation (per sign face)	40	150	-	-
	Home occupation (total in square feet) * The following applies to S-1 only:	*16	16	-	-

		Minimum = 2 square feet Maximum = 16 square feet 2 square feet for every ½ acre of land use zone (i.e. R-1-20 = 2 square feet, RR-2 = 8 square feet)				
		“P” = Permitted Uses “C” = Conditional Uses “A” = Applies “-” = Not permitted	S-1	S-2	S-3	
		3. Maximum Sign Area off Premise (in square feet) with minimum spacing of 2,000 feet. (Billboards)	-	-	672	-
D	1	NUMBER OF SIGNS				
		ON-PREMISE SIGNS				
		a. Free Standing	1	1	1	-
		b. Marquee	1	1	-	-
		c. Projecting Wall	1	1	-	-
		d. Roof	1	1	-	-
		e. Fascia	1	2	-	-
		f. Canopy	1	1	-	-
	2	OFF-PREMISE SIGNS				
		a. Free Standing	-	-	1	-
		b. Roof	-	-	-	-
E		LOCATION OF SIGNS				
		1. Minimum Setback from Public Right-of-Way (in feet)	10	10	10	-
		2. Minimum Distance Between Signs Off-Premise “billboards” minimum spacing in lineal feet	-	-	2000	-

NOTE - Signs are not permitted on public property or within the public right-of-way or above the public right-of-way.

EXHIBIT B

Chapter 5-3 - Signs Regulations

~~Box Elder Zoning Ordinance 358 as Adopted: April 4, 2012~~

- ~~5-3-010.~~ Title.
- 5-3-02~~1~~0. Purpose.
- 5-3-03~~2~~0. Definitions.
- 5-3-04~~3~~0. Interpretation.
- 5-3-05~~4~~0. Severability.
- 5-3-06~~5~~0. General Regulations.
- 5-3-07~~6~~0. Signs Not Regulated By This Chapter.
- 5-3-08~~7~~0. Inspections.
- 5-3-09~~8~~0. Enforcement.
- 5-3-10~~9~~0. Violations & Penalties.
- 5-3-11~~0~~0. Sign Permit & Permit Fee Required.
- 5-3-11~~2~~0. Non-Conforming Signs.
- 5-3-12~~3~~0. Maintenance & Repair.
- 5-3-13~~4~~0. Sign Overlay Zoning Districts.
- 5-3-14~~5~~0. Codes & Symbols.
- 5-3-15~~6~~0. Sign Types, Effects, Dimensions, Numbers, and Locations by Overlay District.

~~5-3-010.~~ ~~Title.~~

~~The regulations contained in this Chapter shall be known by and may be cited as "Sign Regulations" of Box Elder County and its Land Use Management and Development Code.~~

5-3-02~~1~~0. Purpose.

The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, to improve appearance and views within the major transportation corridors by setting requirements for the location, type, number of, size, height, and lighting of signs and to preserve and improve the aesthetic values, economic prosperity, and visual qualities of Box Elder County.

~~The purpose of the sign regulations set forth in this Code shall be to balance public and private interests by establishing parameters regarding the display, erection, use, and maintenance of signage within Box Elder County in order to:~~

- ~~A. Promote the creation of an attractive visual environment that encourages a healthy economy by:~~
 - ~~1. Permitting businesses to inform, identify, and communicate effectively;~~
 - ~~2. Directing the general public through the use of signs;~~
 - ~~3. Recognizing the various commercial communication requirements of all sectors of the business community; and~~
 - ~~4. Encouraging the innovative use of design.~~

~~B. Preserve and improve the appearance of Box Elder County as a place in which to live and to work and as an attraction to non-residents who come to visit or trade by:~~

- ~~1. Protecting public and private investment in buildings and open spaces;~~
- ~~2. Safeguarding and enhancing property values;~~
- ~~3. Integrating signs that are harmonious to the buildings and sites which they occupy;~~
- ~~4. Encouraging the appropriate design, scale, and placement of signs; and~~
- ~~5. Limiting or forbidding signs which interfere with solar access of adjacent properties.~~

~~C. To foster public safety along public and private streets within the community by:~~

- ~~1. Assuring that all signs are in safe and appropriate locations;~~
- ~~2. Minimizing potential hazards to motorists and pedestrians;~~
- ~~3. Reducing driver inattentiveness; and~~
- ~~4. Promoting renovation and proper maintenance of signage.~~

~~D. To have administrative review procedures that are the minimum necessary to:~~

- ~~1. Guarantee equal treatment under the law through accurate record keeping and consistent enforcement;~~
- ~~2. Balance the community's objectives and regulatory requirements with the reasonable advertising and way-finding needs of businesses;~~
- ~~3. Provide flexibility as to the number and placement of signs so the regulations are more responsive to business needs while maintaining the community's standards; and~~
- ~~4. Allow for consistent enforcement of the Sign Regulations.~~

5-3-0320. Definitions.

A Frame Sign: A sign constructed of wood, plastic, or metal, having a solid surface for written advertising with two sides not exceeding 6 square feet on a side attached at the top to allow the sign to stand in an upright position weighted or anchored sufficiently at the bottom to prevent blow overs and to be movable at will.

Abandoned Sign: A sign which, for a period of at least ~~one hundred eighty (180) consecutive days~~ one (1) year or longer no longer advertises or identifies a legal business establishment, an existing product or activity, or accurate information.

Alterations: A change or rearrangement in the structural parts or design whether by extending on a side, by increasing in area or height, or by relocating or change in position.

Animated: A sign with parts or sections which revolve or move or which has flashing or intermittent lights, but not including electronic message signs.

Awning Sign: A sign which is integral with or placed on a translucent awning or other "fabric" covering a framework and which is backlit.

Billboard: A freestanding sign that identifies or communicates a commercial or non-commercial message regarding an activity, service, product, or matter that is not conducted on or related to the lot or parcel where the sign is located.

Canopy Sign: A sign which is mounted on and supported by a canopy and may be found either above the canopy or hanging beneath the canopy, but in all cases mounted perpendicular to the building.

Changeable Copy: A sign on which text or copy is changed manually or electronically, but not including poster panels or painted bulletins.

County Road: Any roads built or maintained in whole or in part by Box Elder County or with the aid of Box Elder County funds.

Fascia Sign: A sign which is erected on or above the roof line of a building and which is wholly or partially supported by the building.

~~**Flashing:** A sign which contains or is illuminated by lights which are intermittently cut on or off, change intensity or otherwise create the illusion of flashing or movement.~~

Freestanding Sign: A sign which is supported by one or more upright columns, poles, or braces, in or upon the ground.

Identification: A sign displayed to indicate the name or nature of a building, or of a use.

Illuminated Sign: A sign equipped with artificial lighting devices for the purpose of improving the sign's visibility. This definition shall include internally and externally lighted signs.

Interstate Highway: Roads that receive federal aid or are considered to be part of the National Highway System.

~~**Low Profile Sign:** A sign mounted directly, or in close proximity, to the ground, and not over six (6) feet in height from the top of any required landscaped berm to the top of the sign cabinet which is incorporated into some form of landscaping design scheme, planter box, or berm.~~

~~**Marquee:** A permanent roof like shelter extending from part or all of a building face and constructed of some durable material which may or may not project over a public right of way.~~

Marquee Sign: ~~Any sign attached to or made an integral part of a marquee.~~ A permanent roof like shelter extending from part or all of a building face and constructed of some durable material.

~~**Message Center:** A display consisting of an array of light sources, panels or disks which are electronically activated.~~

Mobile Sign: A sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground.

Monument Sign: A sign mounted directly, or in close proximity, to the ground, and not over six (6) feet in height from the top of any required landscaped berm to the top of the sign cabinet which is incorporated into some form of landscaping design scheme, planter box, or berm.

Non-conforming Sign: A sign or sign structure which lawfully existed at the time an applicable zoning or other ordinance became effective, but which does not presently conform to all the requirements of this Code.

Official business directional sign: A sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to public accommodations or commercial services for the traveling public.

Off-premises Sign: Any sign, including a billboard or general outdoor advertising device, that advertises or directs attention to a business, commodity, service, activity, or matter conducted, sold, or offered elsewhere than on the same lot or parcel upon which such sign is located.

On-premise Sign: A sign which advertises products or services available on the premises where the sign is located.

Portable and temporary signs: A sign, with or without changeable copy, intended for temporary use which is not permanently affixed to the ground or a structure. To include A Frame Signs and Mobile Signs.

Projecting Wall Sign: A sign which is affixed to an exterior wall or building or structure and which projects more than 18 inches from the building or structure wall, and which does not extend above the parapet, eaves, or building facade of the building upon which it is placed.

Roof Sign: A sign which is erected on or above the roof line of a building and which is wholly or partially supported by the building.

Rotating Sign: A sign which revolves three hundred sixty (360) degrees with continuing motion.

Sign: Any object, device, display, or structure, or a part thereof, used to visually convey a commercial and/or noncommercial message and design for the purpose of directing, attracting attention, or making known the subject thereof, but not including the lawful display of merchandise.

Sign Area: For signs that have a frame or a separate background, the area of a sign that is used for writing, representation, emblem or other display purposes located within the area of the frame or separate background containing the display, excluding the structural supporting framework, bracing or wall provided such wall meets zoning ordinance regulations and is clearly incidental to the display itself. In computing sign area, only one side of a back-to-back or double face sign shall be computed when the signs are parallel or diverge from a common edge by an angle of not

more than thirty degrees (30°). For signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display, including any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. When a low profile sign is mounted on a base rising a maximum of three feet and consisting of materials matching the predominant materials used in the construction of the principal building on the premise where the sign is located, the area of the base shall not be included in the calculation of sign area.

Sign Height: The distance in vertical feet from the elevation of the adjacent dedicated public street, at the edge of the pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

Snipe Sign: A sign which is attached to a public utility pole, light fixture poles, canopy supports, or the supports for another sign.

State Road: Any roads built or maintained in whole or in part by the state or with the aid of state funds.

Tourist-oriented directional sign: A sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to points of scenic, historic, cultural, educational, religious, and recreational interest.

5-3-0430. Interpretation.

The requirements of this Chapter shall not be construed to prohibit or limit other applicable provisions of this Code, the Box Elder County ordinances, or other laws. However, the requirements of this Chapter shall prevail over conflicting provisions of any other requirement in this Code unless a different standard is expressly authorized.

In interpreting and applying the provisions of this Code, the sign regulations contained herein are declared to be the minimum standards allowable for the purpose set forth. The types of signs allowed by this Code shall be plenary and sign types not specifically allowed as set forth within the Code shall be prohibited. It is not intended by this Chapter to interfere with nor abrogate nor annul any easement, covenants, nor other agreements between private parties existing at the time of the effective date of this Code; provided, however, that where this Code imposes a greater restriction upon signs, and the location thereof requires or imposes other conditions than those required or imposed by other laws, ordinances, or restrictions, the provisions of this Code shall control.

In matters of interpretation, the provisions of this chapter shall be interpreted by the Zoning Administrator or designee.

5-3-0540. Severability.

This Chapter is hereby declared severable. In the event that any provision in this Chapter is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or the enforcement of either this Chapter as a whole or any parts not declared invalid or unconstitutional.

5-3-0650. General Regulations.

- G. Except as provided in this Code, no sign shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, or have the text of the sign changed, except in conformity with the regulations herein specified for the use district in which it is located. No permit is required for the maintenance of a sign nor is a permit required to change copy on painted, printed, or changeable copy signs.
- H. All signs hereafter erected in Box Elder County shall comply with the current standards of the National Electrical Code, the Uniform Building Code, and all other ordinances of Box Elder County. ~~No sign shall be placed on public property or within a public right-of-way except when expressly licensed by the County Commission, and if applicable the Utah Department of Transportation.~~
- I. Unless otherwise specified in this Chapter, all signs may be illuminated. However no sign may utilize:
 - 4. An exposed incandescent lamp with an external reflector without a sunscreen or comparable diffusion;
 - 5. Any exposed incandescent lamp in excess of 15 watts unless a screen is attached;
 - 6. Any revolving beacon light.
- J. ~~Unless otherwise specified in this Chapter, any sign herein allowed may use manual or automatic changeable copy.~~ If any provision of this chapter conflicts with any provision of other codes, then the more restrictive provision shall apply.
- K. No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid Utah contractor's license and a valid ~~County~~ business license. All persons involved in the maintenance, installation, or relocation of signs near or upon the public right-of-way or property shall agree to hold harmless and indemnify Box Elder County, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this Code has not specifically directed the placement of a sign. Such persons shall also maintain insurance to indemnify Box Elder County against any form of liability to a minimum of \$1,000,000.00.
- L. An Illuminated sign shall direct their light downward and be installed so that the light source cannot be seen by adjacent properties.

5-3-0760. Signs Not Regulated By This Chapter.

These regulations pertain to all signs within Box Elder County, but shall not be construed to apply to:

- F. Official traffic or government signs installed for the benefit of the public, including official business directional signs and tourist-oriented directional signs;
- G. On-premise signs attached to windows or walls which are clearly of a temporary nature and which promote specific sales for short periods of time;
- H. Signs erected on private property and unaffiliated with any particular business being operated on that property which do not exceed twelve (12) square feet;
- I. Campaign election signs;
- J. Flags of any nation or flags of any government or non-commercial organization;

These provisions are not intended to regulate the copying of signs or the messages contained in the sign. This Chapter also does not regulate building design. Although not regulated by this Chapter the above signs may still require a building permit.

5-3-0870. Inspections.

The Building Official of Box Elder County shall have the following duties in regard to sign inspections:

- D. To make an initial inspection of any sign that requires a building permit upon the completion, erection, reconstruction or remodeling of the same and notification of said completion, erection, reconstruction or remodeling. This inspection shall be made to assure compliance with the provisions of these regulations, other ordinances of Box Elder County and conditions precedent to the issuance of a conditional use permit if applicable.
- E. To inspect each sign for which a complaint of non-compliance with local ordinances is made in writing to the building official.
- F. To make routine compliance checks of all signs to ensure conformance to these regulations, other ordinances of Box Elder County and conditions precedent to the issuance of a conditional use permit if applicable.

5-3-0980. Enforcement.

The Zoning Administrator of Box Elder County is hereby vested with the duty of enforcing the sign regulations of this Code and in the performance of such duty is empowered and directed:

- H. To issue sign permits to construct, alter, or repair signs which conform to the regulations of Box Elder County.

- I. To determine whether the construction, alteration, or maintenance of any sign is in conformance with regulations of Box Elder County and the conditions imposed precedent to the issuance of a conditional use permit, if applicable.
- J. To issue a notice of violation to any person having charge or control over the sign, and person who receives a direct pecuniary benefit from displaying the sign, or any person who is otherwise responsible for the erection, alteration, or maintenance of any sign found by the Zoning Administrator to be unsafe or dangerous, or in violation of the ordinances of Box Elder County.
- K. To institute any appropriate action or proceedings in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in any case where any sign is used in violation of any ordinance of Box Elder County, including, but not limited to the zoning ordinance, to accomplish the following purposes:
 - 3. To prevent such unlawful erection, construction, re-construction, alteration, repair, conversion, maintenance or use, and
 - 4. To restrain, correct, or abate such violation.
- L. To abate and remove any unsafe or dangerous sign which is not repaired or made safe within 5 business days after giving appropriate notice to the person having charge, control, or benefit of any such sign. In such an event, the person having charge, control, or benefit of such sign shall pay to Box Elder County the costs incurred in such removal within 30 calendar days after written notice is mailed to such person.
 - 3. Upon failure to pay the costs incurred in abating and removing an unsafe or dangerous sign, Box Elder County may, by action of its County Commission, place a lien against property owned by the person having charge, control or benefit of such sign to assure compliance with this provision. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.
 - 4. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.
- M. To abate and remove any illegal sign other than unsafe or dangerous signs which is not made conforming within 60 business days after giving appropriate notice to the person having charge, control or benefit of any such sign. In such event, the person having charge, control or benefit of any such sign shall pay to Box Elder County the costs incurred in such removal within 30 calendar days after written notice is mailed to such person. Upon failure to pay the costs incurred in abating and removing an illegal sign, Box Elder County may, by action of its County Commission, place a lien against property owned by the person having charge, control or benefit of such sign to assure compliance with this provision. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.
- N. To abate and remove any non-maintained or abandoned sign which is not repaired or put into use within 10 business days after giving appropriate notice to the person having

charge, control or benefit of any such sign. In such event, the person having charge, control or benefit of any such sign shall pay to Box Elder County the costs incurred in such removal within 30 calendar days after written notice is mailed to such person. Upon failure to pay the costs incurred in abating and removing a non-maintained or abandoned sign, Box Elder County may, by direction of its County Commission, place a lien against property owned by the person having charge, control or benefit of such sign to assure compliance with this provision. This provision for abatement and removal shall not apply to any sign for which a notice of violation is presently being appealed under the provisions of Chapter 2 of this Code.

5-3-1090. Violations & Penalties.

Any violations of this Chapter shall be subject to the enforcement procedures and penalties set forth in Chapter 2-4 of this Code.

5-3-1100. Sign Permit & Permit Fee Required.

All signs hereafter erected within Box Elder County shall be erected, reconstructed, or remodeled only in accord with the authority authorized by the sign permit issued by the County, unless such sign is not regulated as listed in Section 5-3-060. Application for a sign permit shall be made to the Zoning Administrator and shall be accompanied by a fee to defray the expenses to the County incurred in the administration of this Chapter. Such fee shall be established by resolution of the County Commission. A sign permit shall be issued by the Zoning Administrator if the proposed sign is found by the Zoning Administrator to be in compliance with the provisions of this Code and other ordinances of the County. If the Zoning Administrator feels it is in the County's best interest that the sign should be presented to and reviewed by the Planning Commission that right is reserved. A building permit issued through the Box Elder County Building Official shall also be obtained when required.

A property owner may apply for a sign permit as provided in this section. An agent of a property owner shall provide a notarized authorization.

G. Procedure. An application for a sign permit shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the Zoning Administrator in a form established by the Administrator along with any fee established by the County's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any;
 - b. A statement by the applicant demonstrating how the sign permit request meets the approval standards of Subsection 2-2-150(E) of this section;
 - c. A plot plan showing the following:
 - 1) Applicant's name;
 - 2) Site address;
 - 3) Property boundaries and dimensions;

- 4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - 5) Adjoining property lines and uses within one hundred (100) feet of the subject property.
- d. An elevation drawing showing:
- 1) Type of sign;
 - 2) Sign location in relation to nearest property line;
 - 3) Sign face design;
 - 4) Sign height;
 - 5) Sign face area;
 - 6) Sign illumination details; and
 - 7) Reflective elements and materials.
2. After an application is determined to be complete, the Zoning Administrator shall approve, approve with conditions or deny the application within five (5) business days pursuant to the standards set forth in Section 5-3-110(B) below. Any conditions of approval shall be limited to conditions needed to conform the sign permit to approval standards.
 3. After making a decision the Zoning Administrator shall give the applicant written notice of the decision.
 4. A record of all sign permits shall be maintained in the office of the Zoning Administrator.

H. Approval Standards. The following standards shall apply to the issuance of a sign permit.

1. A sign shall conform to applicable provisions of Chapter 5-3 of this Code.
2. All signs shall be inspected by a designated officer of the County immediately after installation. The permittee shall request inspection within five (5) business days after installation.
3. Building, electrical, and other permits shall be required as provided in the applicable building codes adopted by the County.

I. Appeal. Any person adversely affected by a final decision of the Zoning Administrator regarding a sign permit may appeal that decision to the Board of Adjustment as provided in Section 2-2-180 of this Code.

J. Effect of Approval. Approval of a sign permit shall authorize an applicant to:

1. Construct the sign as indicated on the permit, if no building, electrical, or any other permits are required.
2. If a building, electrical, or any other permits are required, such permits shall be obtained prior to construction.

K. Amendment. The procedure for amending any sign permit shall be the same as the original procedure set forth in this section.

L. Expiration. A sign permit shall expire and have no further force or effect if the sign authorized by the permit is not installed within one hundred eighty (180) days after approval.

5-3-1120. Non-Conforming Signs.

Non-conforming signs may adversely affect the public health, safety, and welfare. Additionally, such signs may adversely affect the aesthetic characteristics of Box Elder County and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of such signs.

A non-conforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the non-conforming sign:

- F. Shall not be replaced, except in conformity with the provisions of this ordinance;
- G. Shall not be enlarged, altered, or rebuilt except in conformance with this ordinance, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition; and
- H. Shall not be replaced, expanded or modified by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on non-conforming signs shall be permitted.
- I. Repair, reconstruction, and maintenance of a sign shall only include those actions required to restore the advertising sign to its original structural and mechanical condition. Such actions shall not include increasing the size or height of the advertising sign, converting the advertising sign to a multiple message or adding any attachments to the advertising sign.
- J. A non-conforming sign damaged by fire, wind, earthquake, or other calamity may be restored as it existed previously and its use may be continued as long as the non-conforming sign had not been previously abandoned, and so long as restoration is started within ~~six (6) months~~ one (1) year and is diligently pursued to completion.

5-3-1230. Maintenance & Repair.

All signs shall be maintained in good condition, in such a manner as to preserve the condition, aesthetics, and life of such signs. Moving parts shall be maintained in operable condition. Signs designed to be lighted shall be maintained with a full array of lighting as intended by the design of each such sign.

Any signs not meeting the following provisions shall be repaired or removed in accordance with the following provisions:

- E. The area on private property around the sign on which it is erected shall be properly maintained clear of brush, trees, and other obstacles so as to make signs readily visible.
- F. All burned-out bulbs or damages panels must be replaced within a reasonable time.

- G. All sign copy shall be maintained securely to the face and all missing copy must be replaced within a reasonable time.
- H. All signs shall be designed, constructed, installed, and maintained so that public and traffic safety are not compromised.

5-3-1340. Sign Overlay Zoning Districts.

There are hereby created four overlay zoning districts (S-1, S-2, S-3, & S-4) to regulate the sign type, sign effects ~~and copy content~~, sign dimensions, number of signs, and sign location in Box Elder County. The Sign Overlay Zoning Districts are as follows:

S-1 – Signs generally fronting on County roads and some State roads. Mostly residential/home business and some small commercial.

S-2 – Signs generally fronting on State roads and some County roads. Mostly commercial and some home business.

S-3 – Signs fronting on an interstate highway.

S-4 – No signs allowed in this zone.

- * Except where a property that is zoned commercial/manufacturing falls within the S-1 overlay zone it is reviewed according to S-2 overlay zone standards.
- * All “unzoned” areas shall comply with S-1 overlay zone, except where S-2 overlay zone regulations are approved as part of a Site Plan application.
- * Sign Zones S-3 ~~and S-4~~ falls within a buffer 200 feet from the centerline of the interstate highway they front on.

5-3-1450. Codes & Symbols.

In the following section the sign type, sign effects and copy content, sign dimensions, number of signs, and sign location which are allowed in the various districts are shown as “permitted” indicated by a “P” in the appropriate column (headed by the overlay zoning district designation), or as “administrative conditional uses,” indicated by a “C1” in the appropriate column. If a regulation applies in a given district, it is indicated in the appropriate column by a number to show the linear or square feet required. If the regulation does not apply, or if it is not allowed in a given district, it is either not named in the use list or is indicated in the appropriate column by a dash, “-.”

5-3-1560. Sign Types, Effects, Dimensions, Numbers, and Locations by Overlay District.

	SIGN OVERLAY DISTRICT			
“P” = Permitted Uses “C” = Conditional Uses “A” = Applies “-” = Not permitted				
	S-1	S-2	S-3	S-4

A	1	SIGN TYPE				
		ON-PREMISE SIGNS				
		a. Free Standing	P	P	C1	-
		b. Marquee	P	P	-	-
		c. Projecting Wall	P	P	-	-
		d. Roof	P	P	-	-
		e. Fascia	P	P	-	-
		f. Canopy	P	P	-	-
		"P" = Permitted Uses "C" = Conditional Uses "A" = Applies "- " = Not permitted	S-1	S-2	S-3	S-4
		g. Under Canopy	P	P	-	-
		h. Low-Profile Monument	P	P	-	-
		i. Awning (electric)	P	P	-	-
		j. Portable and Temporary	P	P	-	-
	2	OFF-PREMISE SIGNS				
		a. Free Standing	-	-	C1	-
		b. Roof	-	-	-	-
		c. Fascia	-	-	-	-
B	1	SIGN EFFECTS AND COPY CONTENT				
		ON-PREMISE SIGNS (BILLBOARDS EXCLUDED)				
		a. Identification	P	P	P	-
		b. Illuminated	P	P	P	-
		c. Rotating	-	P	EP	-
		d. Flashing	-	E	E	-
		e d. Changeable Copy	P	P	P	-
		f. Animated	-	E	E	-
		OFF-PREMISE SIGNS				
		a. Illuminated	-	-	C1	-

	2	b. Rotating	-	-	C	
		e. Flashing	-	-	C	-
		d b. Changeable Copy	-	-	C1	-
		e. Animated	-	-	-	-
		f. Message Center	-	P	C	-
C		SIGN DIMENSIONS				
		1. Sign Height (in feet)	10	30	40	-
		2. Maximum Sign Area on Premise (total in square feet)		250	672	-
		Non-home occupation (per sign face)	40	150	-	-
		Home occupation (total in square feet) * The following applies to S-1 only: Minimum = 2 square feet Maximum = 16 square feet 2 square feet for every ½ acre of land use zone (i.e. R-1-20 = 2 square feet, RR-2 = 8 square feet)	*16	16	-	-
		"P" = Permitted Uses "C" = Conditional Uses "A" = Applies "- " = Not permitted	S-1	S-2	S-3	
D	1	3. Maximum Sign Area off Premise (in square feet) with minimum spacing of 2,000 feet. (Billboards)	-	-	672	-
		NUMBER OF SIGNS				
		ON-PREMISE SIGNS				
		a. Free Standing	1	1	1	-
		b. Marquee	1	1	-	-
		c. Projecting Wall	1	1	-	-
		d. Roof	1	1	-	-
	2	e. Fascia	1	2	-	-
		f. Canopy	1	1	-	-
		OFF-PREMISE SIGNS				
		a. Free Standing	-	-	1	-
		b. Roof	-	-	-	-

E	LOCATION OF SIGNS				
	1. Minimum Setback from Public Right-of-Way (in feet)	10	10	10	-
	2. Minimum Distance Between Signs Off-Premise “billboards” minimum spacing in lineal feet	-	-	2000	-
	3. Maximum Overhang of Public Right-of-Way Limited to the thickness of sign with a maximum in feet of:	1	1	1	-

NOTE - Signs are not permitted on public property or within the public right-of-way or above the public right-of-way ~~without express license from the County Commission or State Department of Transportation.~~

~~Also note that signs are not permitted in the residential districts except as expressly described in these regulations.~~