
INTEROFFICE MEMORANDUM

TO: CITY COUNCIL

FROM: MONICA ZOLTANSKI

SUBJECT: AMENDMENTS TO TEMPORARY SIGN ORDINANCE

DATE: APRIL 22, 2021

CC: CITY COUNCIL OFFICE

I propose to amend our **temporary** sign ordinance to allow the display of temporary signs on fences located on **private property**. This change would apply to both commercial and residential areas. It would not affect our business sign permitting for permanent signs, nor would it allow for the placement of signs on public property or park strips.

Currently, Sandy City Code § 21-26-8(a)(5) prohibits the posting of temporary signs to utility poles, fences, and trees. The prohibition applies equally to commercial and non-commercial signs regardless of what the sign reads or promotes. The blanket prohibition against posting signs on fences was enacted in Sandy after litigation was filed against the City in 2010, where a business complained that the City was enforcing some business-related, commercial speech differently from other businesses, and differently from comparable signs in residential settings. The issue in that case was the business owner objected to the enforcement of placing his A-frame signs outside the business. The fence placement restriction came out of that settlement, even though signs on fences were not at issue in the case.

The temporary sign ordinance helps keep our city from becoming overly unsightly if overrun with signs and advertising. The current code enhances the aesthetics of our city by reducing visual distraction. Technically, any non-exempt sign secured to a fence is in violation of this ordinance, including temporary signs commonly seen like garage sale, music lessons, day care, and of course political signs in support of a candidate or an issue.

Researching this issue, staff has confirmed that complaints about signs on fences typically only occur during election season. They receive very few complaints at other times because people either comply with the current ordinance or look the other way when there are violations. After more than a decade of Sandy regulating signs on fences, many residents are still surprised to learn they are not allowed to post a sign on their own property when it's attached to a fence they own and maintain. Some know of it and do it anyway, deciding the risk of violation is worth the expression of their free speech. This pits our code enforcement staff against our residents for a relatively benign violation. As such, the temporary sign ordinance unduly restricts freedom of speech, and causes residents who do display signs on their fences to live in fear of violating the

law, not to mention the burden and cost it places on code enforcement staff who are already spread thin.

City Council has heard residents and candidates express frustration over the restriction during election season when people learn their candidate signs are “illegal” even if they post to their own fence. This restriction goes too far by inconveniencing private property owners who, in order to fully comply, need to instead install their sign with a stake, post or other installation method which might not provide the best visibility thereby diminish the impact of their message. The restrictive ordinance has a big impact on campaigns, because the cost and labor of compliance drives up expenses unnecessarily.

Besides being more invasive to landscaping than some owners like, erecting a non-fence sign display sometime reduces the best visibility when a property is fenced all the way to the concrete sidewalk, thus preventing a stake or legal means of display. Additionally, signs secured to fencing are a lot more secure, especially in windy areas of the city. The same sign staked in the ground blows over or is easily tipped and may end up out in traffic or blocking a sidewalk. What’s neater? Simply securing a sign to the fence keeps it in place much better than sagging or leaning staked signs.

This proposal asks the council if it is willing to test whether the fence prohibition will have a positive or negative affect on the aesthetic of our city. Many other cities survive election cycles without this prohibition. It’s time for Sandy to restore the proper focus on encouraging civic engagement and valuing freedom of speech and private property rights over aesthetics and allow our residents the display of their temporary signs on their own private property as they see fit.

It is better for the council to encourage personal expression. Entering a community with a lot of campaign signs during an election is a hallmark of a robust democracy. As a Council we can lift the problem of this irritant in our community with a simple amendment to the temporary sign ordinance. A redlined version of the proposed amendment is attached for your review. Of course, as a change to the land use code we will need to schedule a public hearing and solicit resident feedback.

If as a result of this amendment, we begin to see our city overly populated with unwanted signage on fences, a future council can always reconsider the issue if the pendulum swings too far in the other direction. I submit the risk of our city becoming overrun with temporary signage on fences is relatively low, and a risk worth taking in order to elevate community engagement in our election processes or in issues important to our residents.

I welcome your questions and look forward to your feedback.