

ORDINANCE NO. 1126

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 15.33 OF THE PAYETTE MUNICIPAL CODE ESTABLISHING CRITERIA FOR ADVERTISING ON BENCHES ON THE CITY RIGHT OF WAY; ESTABLISHING A PENALTY; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO;

Section 1. There is hereby created a new chapter of the Payette Municipal Code which shall be designated 15.33, and which shall read as follows:

15.33.010. Individuals and or businesses may apply for a license to advertise on benches which are placed on the City rights of way. The cost for the annual license for the advertising space shall be \$100.00 annually. All licenses shall expire on December 31st of the year the license was issued.

15.33.020 Upon expiration of the license, an applicant on a waiting list shall have the first option to receive a license for advertising space for the next term. If there are no other applicants that want to use the bench for advertising, the licensee currently advertising on the bench shall have the option of renewing their license to advertise for another year. If the current licensee does not want to renew their license, the bench advertisement will be painted over and left blank.

15.33.030 During any term which a licensee is using a bench for advertising purposes, the licensee shall be responsible for all maintenance, repairs and upkeep on the bench. The Licensee's advertising shall be painted or done by a professional sign painter, shall be in good taste and shall contain no defamatory, obscene or off color language, characters or symbols. If a bench is in disrepair or faded and the City notifies the licensee of this condition, the licensee shall have 30 days in which to repair and/or paint the bench or forfeit the remainder of the term of advertising and fall to the end of the list of those wanting to advertise on the bench.

15.33.040 The City shall control the location and/or placement of the benches.

15.33.050 In the event of a breach of the licensee's agreement or a dispute of any kind, the City may terminate the license agreement and take any action with regard to the bench as the City deems appropriate.

Section 2. Any person who violates this ordinance shall be guilty of a misdemeanor punishable in accordance with the misdemeanor statutes of the State of Idaho.

Section 3. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 4. If any portion of this ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the ordinance shall constitute ordinance number 1126.

Section 5. This ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this 4th day of March, 1996.

CITY OF PAYETTE

ATTEST: John P. Franks
John P. Franks, City Clerk

by James E. McCue
James E. McCue, Mayor