

ORDINANCE NO. 1265

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 15.28 OF TITLE 15 OF THE PAYETTE CITY CODE BY ADDING A NEW SECTION 15.28.070. SECTION 15.28.070 PROHIBITS THE CONSTRUCTION OF NEW NON-ACCESSORY OR OFF PREMISES SIGNS OR BILLBOARDS; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY; ALLOWING FOR PUBLICATION BY SUMMARY

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO:

Section 1. Chapter 15.28 of Title 15 of the Payette City Code is hereby amended with the addition of a new section 15.28.070 which section shall read as follows:

Section 15.28.070: Non-accessory or Off-Premise Signs.

a. Definition: Nonaccessory or Off-Premise Signs are signs which are not related to the property upon which they are located, or to the activities being conducted thereon. Nonaccessory off-premise signs include large general advertising signs known as billboards and signs advertising an ~~nearby but~~ off-site business **and are of a size being four (4) feet by eight (8) feet or larger.**

b. No new nonaccessory, off-premise, general advertising signs of the billboard category are allowed. Existing billboards may be allowed to relocate if the new site is approved based upon the findings and criteria set forth in this Section. Existing nonaccessory off-premise signs of the billboard category may be replaced structure for structure.

c. Equivalents:

An existing, single-faced sign, may be proposed at a new location as a double-faced sign on a single sign structure. An existing double-faced billboard sign cannot be relocated as two single-face signs. Applications for billboard sign relocation must reflect the size of the sign that is being replaced or relocated. V-shaped, double face bill-board signs shall be

considered a single sign structure as long as the angle between the sign faces does not exceed 35 degrees.

d. Prohibited signs:

There shall be no permits issued for any new Off-Premises Signs or Billboards for any property within the Payette city limits. Existing Off-Premises signs or Billboards shall be allowed to continue subject to the following set out limitations. Those signs or Billboards may be moved within the city limits.

e. Distance and Spacing Requirements:

1. No off-premises sign may be moved to within one thousand feet (1,000') in any direction of another off-premises sign.

2. In addition to finding that a proposed off-premises sign complies with all general requirements and spacing regulations as described in this chapter, the commission must make all of the following findings in permitting such a sign.

(a) The location and placement of the sign will not endanger motorists or pedestrians and does not cause undue distraction to traffic on the adjacent street or impede views at street or railroad intersections.

(b) The sign will not cover or blanket any prominent view of a structure or facade of historical or architectural significance.

(c) The sign will not obstruct view or uses of adjacent building to side yards, front yards or to open space.

(d) The sign will not distract, intrude upon or negatively impact the visual quality of a public open space such as a public recreation facility, square, plaza, courtyard and the like.

(e) The sign is compatible with building heights of the existing neighborhood and does not impose a foreign or inharmonious element to an existing skyline.

(f) The sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect or spill onto adjacent business or residential areas.

f. Directional Off-Premises Signs:

1. A directional off-premises sign is one that identifies a premises not located on the same property as the sign and gives directional information to the reader to the off site location.

(a) Such a sign may be freestanding or flush wall mounted. It may or may not be illuminated.

(b) A directional off-premises sign shall not be constructed until the builder has first obtained a conditional use permit for the sign.

g. No non-accessory, off-premise, general advertising signs of the billboard category may be moved without first obtaining a Conditional Use permit from the Planning and Zoning Commission. No sign which is permitted by this ordinance shall be constructed without first obtaining a building permit from the City Building Official.

Section 2. This Ordinance may be published in summary form allowed by Idaho Code.

Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

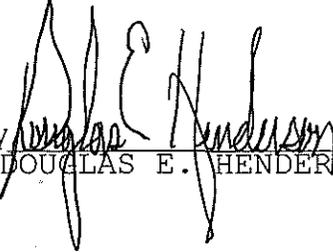
Section 5. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

Section 6. Any violation of this Ordinance shall be a misdemeanor punishable by up to a \$1,000.00 fine and six months in the Payette County Jail, or both. In addition to, or in lieu of, any criminal charges, the City shall be allowed to bring an action for abatement.

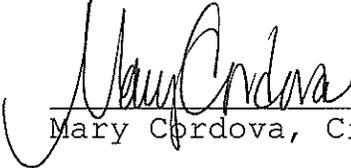
In any such action the City shall be allowed to recover all fees and costs.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 5th day of June, 2006.

CITY OF PAYETTE, IDAHO


by Douglas E. Henderson
DOUGLAS E. HENDERSON, Mayor

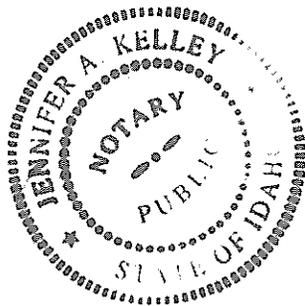
ATTEST:


Mary Cordova
Mary Cordova, City Clerk

State of Idaho)
) ss.
County of Payette)

On this 5th day of June, in the year of 2006, before me Jennifer A. Kelley, a notary public, personally appeared MARY CORDOVA and DOUGLAS E. HENDERSON, personally known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of the City of Payette in their official capacities as Mayor and City Clerk.

Jennifer A. Kelley
Notary Public For Idaho
Residing at: Payette ID
Commission expires: 12-11-2008



SUMMARY OF ORDINANCE 1265

Ordinance 1265 is an ordinance of the City Of Payette, Idaho, adopted June 5, 2006. The ordinance may be descriptively known as the Payette City Billboard Ordinance. The Ordinance amends section 15.28 of Title 15 of the Payette City Code by adding a new Section 15.28.070 which prohibits the construction of new, non-accessory, or off premises signs or billboards. Ordinance 1265 provides that violations of this ordinance are a misdemeanor punishable by a \$1,000.00 fine or by imprisonment for six months in the Payette county jail, or both; The Ordinance provides a severability clause, provides for publication by summary, sets an effective date, establishes a repealer and establishes a penalty in the event of a violation.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1265 of the City of Payette, Idaho and with the foregoing summary. The summary is true and complete and provides adequate notice to the public. The full text is on file with the Payette City Clerk and shall promptly be made available to any citizen upon request.

Dated this 27th day of June, 2006.



Bert L. Osborn