

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BONNERS FERRY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REPEALING AND REPLACING BONNERS FERRY CITY CODE TITLE ELEVEN, CHAPTER FOURTEEN TO UPDATE THE REGULATIONS CONCERNING SIGNS; PROVIDING SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Mayor and City Council have determined that Title Eleven, Chapter Fourteen of Bonners Ferry City Code is outdated and in need of clarification and updating, and

WHEREAS, regulations pertaining to outdoor signage are necessary to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types,

NOW THEREFORE, Be it ordained by the Mayor and the Council of the City of Bonners Ferry, Idaho, as follows:

Section 1: That Bonners Ferry City Code Title Eleven, Chapter 14 is hereby repealed.

Section 2: That Bonners Ferry City Code Title Eleven, Chapter 14 is hereby replaced to read as follows:

11-14-1: PURPOSE:

The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types.

- A. It is intended to protect property values
- B. Create a more attractive economic and business climate
- C. Enhance and protect the physical appearance of the community
- D. Preserve the scenic and natural beauty of designated areas
- E. To reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights of way
- F. Provide more open space, curb the deterioration of the natural environment and enhance community development.

11-14-2: RESTRICTIONS:

- A. Signs shall not be constructed, installed, structurally altered, enlarged, or relocated except in conformity with the provisions contained herein, and only after a sign permit issued by the City has been secured, if so required. The changing or maintenance of movable parts or components of an approved sign, or authorized sign, designed for such changes, or the changing of sign copy, business name, lettering, sign faces, colors, display, graphic matter, and/or the content of any sign copy shall not be deemed a structural alteration.
- B. For the purpose of this chapter, the word "sign" does not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also, merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.

- C. **Alteration, Enlargement, Or Relocation Of Signs:** No sign shall be structurally altered, enlarged, or relocated except in conformity to the provisions herein, and only upon applying for and securing a permit, unless expressly authorized without a permit.

11-14-3: DEFINITIONS:

ANIMATED SIGN: A sign depicting action, motion, light or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.

AWNING: A shelter extending from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

AWNING SIGN: A building mounted sign that provides additional functionality as a shelter.

BANNER: A sign made of fabric or other non-ridged material with no enclosing framework

CHANGEABLE COPY SIGN: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units) or manually through placement of letters or symbols on a panel mounted in or on a track system. Also to include electronic message boards.

CONSTRUCTION SIGN: A nonpermanent sign identifying the persons, firms or business directly connected with a construction project.

DEVELOPMENT SIGN: A temporary construction sign denoting the architect, engineer, contractor, subcontractor, financier or sponsor of a residential or commercial development which may also be designated the future occupant or use of the development.

DIRECTIONAL/INSTITUTIONAL SIGN: A permanent instructional sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

ELECTRONIC MESSAGE BOARD: Includes those displaying time and temperature and also refers to digital or video displays or any sign that contains dynamically generated digital content.

FACADE: *As defined in §11-1-3*

FLAG: A piece of cloth or fabric, varying in size, shape, color, or design used as a symbol, standard, signal, emblem, or insignia.

FREESTANDING SIGN: Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with air space between the ground and the sign face.

GOVERNMENT SIGNS: A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

ILLEGAL SIGNS: Any existing sign that does not have a permit issued by the City of Bonners Ferry or other local government is hereby deemed to be an illegal sign and such sign and the person or persons responsible for such sign shall be subject to the terms of this Title.

ILLUMINATED SIGN: Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.

NEIGHBORHOOD IDENTIFICATION SIGNS: A sign that identifies a neighborhood, subdivision or housing complex.

NONCONFORMING SIGN: A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Code.

PERMANENT SIGN: A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign.

PROJECTING SIGN: A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. Including but not limited to: blade signs, canopy signs, marquee signs, or any other sign that projects away from the building but is not freestanding.

RESIDENTIAL NEIGHBORHOOD SIGN: A sign at the entrance of a residential neighborhood, subdivision, or multi-family residential complex identifying the neighborhood.

ROOF SIGN: Any sign erected upon a roof, parapet, or roof mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.

SANDWICH BOARD SIGN: A portable, A-frame sign that complies with the requirements of this title for size and shape.

SIGN: A. Any device designed to inform or attract the attention of persons not on the premise on which the sign is located.

B. Any identification, description, illustration, symbol, statue or device, illuminated or non-illuminated, which is visible from any public place designed to advertise, identify or convey information, including any landscaping where letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of widows displays and state or national flags.

SMALL SIGN: A freestanding sign not exceeding six (6) square feet in gross sign area and five feet (5') in height, which is not illuminated.

TEMPORARY SIGN: Any sign intended to remain in use for a period of time (not exceeding 90 days) which is not permanently installed.

VEHICLE SIGN: Any sign permanently or temporarily attached to or placed on a vehicle or trailer.

WALL SIGN: Any sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

WAYFINDING SIGN: Advertises publicly accessible facilities remote from the sign location and provides general descriptions of facilities or commercial areas, but shall not advertise specific business names. These signs may be located on public or private property.

WINDOW SIGN: Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building.

11-14-4: SIGNS AUTHORIZED WITHOUT A PERMIT

- A. Directional/Institutional Sign: Directional or institutional signs which do not in any way advertise a business. Signage includes but is not limited to: signs identifying publically accessible facilities; signs providing direction, such as parking lot entrance and exit signs; and those of similar nature.
- B. Governmental Sign: Governmental signs for the control of traffic or other regulatory purposes, or signs of public service companies indicating danger, which are erected by or on the order of a public officer in the performance of public duty.
- C. Addressing numbers/mailboxes
- D. Flagpoles that do not exceed a height of 35-feet.
- E. Small signs:
 - 1. Small signs shall not include any sign that is over 6 square feet in area or 5-feet in height at any point along the existing grade.
 - 2. Small signs shall not be illuminated, animated or contain reader boards.
- F. Wayfinding signs
- G. Wall or Window signs
- H. Temporary signs
- I. Sandwich board signs, provided §11-14-6(D6) has been met

11-14-5: GENERAL STANDARDS APPLICABLE TO ALL ZONES AND SIGNS

Conformance to Ordinances: Any sign hereafter erected shall conform to provisions of this ordinance, and all other applicable provisions of other City ordinances.

- A. Construction standards
 - 1. All applicable signs, subject to a building permit, shall accompany construction quality stamped plans by an engineer certified in the state of Idaho to do such work. The plan shall illustrate how the proposed sign is engineered to be compliant with the minimum design criteria as adopted and shall demonstrate to the satisfaction of the City Engineer or his/her designee, that the sign will not constitute a public hazard.
 - 2. All applicable signs shall comply with the applicable provisions of the National Electrical Code and applicable building codes.
 - 3. Signs shall be constructed of permanent materials and permanently affixed to the ground or building except signs as defined at §11-14-4A-H.

4. Signs and sign support structures, together with their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of signs shall be kept neatly painted or posted at all times.

B. Lighting

1. Signs may be illuminated from within or from an external source, but such illumination shall be in a manner that avoids glare or reflection that in any way interferes with traffic safety.
2. Signs within two hundred (200) feet of a residential zoning district may be illuminated from within or from an external source, but such illumination shall be in a manner that avoids glare or reflection into a residentially zoned property.
3. Signs in residential districts shall not be internally illuminated, unless otherwise permitted.
4. All illuminated signs shall contain measures to automatically dim at night from a higher illumination level to a lower level of at least fifty (50%) change for the time period between one-half (1/2) hour before sunset and one-half (1/2) hour after sunrise to avoid glare and/or reflection that violations section 11-14-5(B1).

C. Measurement standards

1. Determining sign height
 - a. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.
 - b. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.
2. Determining sign area
 - a. The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.
 - b. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces.

11-14-6: STANDARDS FOR SPECIFIC SIGN TYPES

A. Changeable Copy Signs, Electronic Message Boards and Animated Signs:

1. Freestanding changeable copy, animated or electronic message board area shall be no more than 50% of the total sign area or a maximum 150 square feet whichever is less.
2. Changeable copy and electronic message/digital marquee signs may be used as wall signs subject to the requirements of this section.

3. Freestanding changeable copy signs shall not be installed parallel to a right-of-way except in the case of a corner lot when the sign may be parallel to the secondary street/road.
4. Electronic message boards/digital/animated marquee signs shall be equipped or designed to accommodate the following:
 - a. Shall include automatic dimming capabilities that adjust with ambient light conditions;
 - b. Text changes or alternating animation shall maintain a minimum 4-second interval time. The transition method from one message to the next shall be instantaneous, or as an option of fade in or out, shall take no more than one (1) second.

B. Roof Mounted Signs

1. Roof signs may be internally or externally illuminated;
2. Roof signs shall be setback a minimum of three (3) feet from the edge of the exterior wall on which the sign is located.
3. Roof signs shall not exceed a maximum height of ten [10] feet from the highest point of the building on which the sign is being placed
4. Roof signs shall not include any animated or moving parts. No oscillating, flashing, rotating, flickering, or blinking lights shall be allowed as part of roof signs.

C. Projecting signs:

1. No sign shall exceed twelve (12) square feet per sign face;
2. The sign shall allow a nine-foot clearance to the walking surface;
3. No sign shall be closer than two (2) feet, measured in horizontal distance, to the curb line of any street, where permitted;

D. Sandwich board signs (A-frame signs): Any premises or principal building may place sandwich board signs on the city sidewalk subject to the following restrictions:

1. Any premises, including those containing multiple businesses, shall be permitted to locate only one (1) sandwich board sign per street frontage;
2. Any sandwich board sign shall not exceed six (6) square feet per side in area. In addition, the width of the sign may not exceed two (2) linear feet, with a maximum height of three (3) feet. Within these specified maximum dimensions, creative shapes that reflect the type of business being advertised are encouraged;
3. Sandwich board signs shall not be lighted and are for displaying during daylight hours only. These signs must be removed each evening at dusk.
4. Sandwich board signs may be placed on the sidewalk directly in front of the associated use. The sign must be placed within two (2) feet of the building or structure. No sandwich board sign may be placed where the unobstructed space for the passageway of pedestrians is reduced to less than four

(4) feet. Trees, poles, signs, hydrants, trash receptacles, tree grates, etc. are considered obstructions.

5. The sign must be constructed of materials that present a finished appearance. Rough-cut plywood is not acceptable.
6. Any person erecting a sandwich board sign shall indemnify and hold harmless the city and its officers, agents and employees from any claim arising out of the presence of the sign on city property or rights-of-way. The person erecting a sandwich board sign shall sign an indemnification agreement, approved by the city attorney, prior to the issuance of a sign permit.

11-14-7: PROHIBITED SIGNS

- A. Signs which obstruct or interfere with vehicle and pedestrian traffic: Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- B. Signs which simulate traffic control devices
- C. No oscillating, flashing, rotating, flickering, or blinking lights shall be allowed unless otherwise specifically permitted by this title.
- D. Signs on public property or attached to trees, utility poles, public benches or streetlights, unless authorized by the city or specifically permitted within this title.

11-14-8: SIGNS PERMITTED BY ZONE

Authorized Signs: Unless otherwise permitted, those signs not specifically provided for shall be prohibited. P= Authorized or Permitted; S= Specially Permitted; [vacant] = prohibited.

Table 14.1

Zone District

Sign Type	Residential A, AA, B	Medical	Commercial and Industrial	Downtown
Freestanding	P/S (1)	P (3)(5)(7)(8)	P (4)(5)(6)(8)(9)	P(2)(11)
Wall /Affixed	P(1)	P	P	P
Awning		P(9)	P (9)	P(10)
Projecting		P(9)	P(9)	P (10)
Roof Mounted				P(2)
Sandwich Board signs		P(9)	P(9)	P
R-O-W Banners			P(12)	P(12)
Electronic Message Boards		P	P	P
Animated Signs			P	P
Neighborhood Identification sign	P(13)			
Development Signs	P(13)	P(13)	P(13)	P(13)
Temporary	<u>P(14)</u>	P(9)	P(9)	P
Signs/Small Signs		P(14)	P(14)	P(14)

Notes: All signs shall comply with the standards listed within this title, and specifically with those standards listed at §11-14-5 and §11-14-6. All signs requiring a permit shall do so pursuant to §11-14-10.

1. One (1) free standing sign which shall not exceed twelve (12) square feet, without a special use permit. Signs shall be no more than six (6) feet in height and setback from all property lines shall be 1.5 times the height of the sign. Signs specially permitted shall be associated with an authorized use as provided for in this Title, size and location shall be determined by the City Council. Affixed or wall mounted signs shall not exceed a combined sign area of twelve (12) square feet per building. All signs shall be externally lit.
2. A combined total or combination thereof, of (2) freestanding or roof mounted sign(s) are permitted per building. Total combined area of freestanding and roof mounted sign(s) shall not exceed two-hundred (200) square feet.
3. Each building shall be permitted up to one freestanding on premises sign for each street frontage, up to a maximum of two (2) freestanding signs per lot.
4. Each building shall be permitted up to one freestanding sign for each one hundred fifty (150) linear feet of public street frontage or thirty thousand (30,000) square feet of lot area, up to a maximum of three (3) freestanding signs per lot.
5. Maximum total sign area of freestanding signs shall be three hundred (300) square feet in area as defined by §11-14-5C.
6. Each freestanding sign shall not exceed 30-feet in height as established by §11-14-5C.
7. Freestanding signs shall not exceed ten (10) feet in height as established by §11-14-5C.
8. Sign setback from all property lines shall be ten (10) feet or equal to the height of the sign, whichever is less.
9. No sign shall be allowed to project into the public right-of-way or public easements.
10. No sign shall be closer than two (2) feet, measured in horizontal distance, to the curb line of any street;
11. There shall be no minimum setbacks for signs in the Downtown Zoning District.
12. Right-of-Way banners shall be reserved for community events authorized by the City of Bonners Ferry and shall not be used to conduct or advertise private business. Anyone seeking a Right-of-Way banner shall first seek approval by the City of Bonners Ferry.
13. Signs shall be located at the entry way to a development or property and shall not exceed 100 square feet in total sign area as defined in this chapter. Neighborhood identification signs may also include development signs as defined in this chapter.
14. Signs shall not exceed six (6) square feet and shall not be located or allowed to project into any public right-of-way. Signs shall comply with §11-14-3 definitions.

11-14-9: NON-CONFORMING SIGNS:

- A. A Non-Conforming sign is a sign that meets the definition of §11-14-3 of this Title.

- B. No such nonconforming sign may be enlarged or altered, in a way which increases its nonconformity, but any sign may be altered to bring it into conformity.
- C. Except for ordinary maintenance, copy changes, or repairs not involving structural, material, or electrical changes, no ~~billboard/off-premises or freestanding on-premises~~ sign, or part thereof, shall be ~~erected, altered, constructed, changed, converted re-erected,~~ additionally illuminated, enlarged, or moved unless the entire ~~billboard/off-premises or freestanding on-premises~~ sign and structure are brought into conformity with this Ordinance, unless such sign was damaged or partially destroyed by man-caused or natural act such as fire, accident, explosion, flood, lightning, wind or other calamity. In such cases, the sign may stay at its current location. The sign shall not be improved upon, constructed, altered, changed or re-erected without review and approval by the city. Non-conforming signs shall be required to come into compliance with any building standards relating to such uses, as determined by the building inspector and/or engineer.

11-14-10: ADMINISTRATION:

It shall be the responsibility of the city to insure that all measures of this chapter are enforced. As such, the following standards shall be adhered to:

- A. Permit Required: A permit shall be required for all signs, except for those expressly authorized without a permit. Exemption from permit shall not, however, exempt the owner of the sign from responsibility for its erection and maintenance in a safe manner, and in a manner in accordance with all other provisions of this chapter.
 - 1. An applicant for a sign shall include the following:
 - a. Name of organization and location;
 - b. Contact person;
 - c. Address and phone number for contact person;
 - d. Description of the activities occurring on the site where the sign will be installed;
 - e. Description of any existing signage that will remain on the site;
 - f. Identification of the type of sign/signs to be erected by the applicant;
 - g. Site plan depicting the locations of proposed signage including setbacks from property lines, proposed landscaped areas and existing remaining signage;
 - h. Construction quality plans of the sign and supporting structures stamped by an engineer certified in the state of Idaho to do such work.
 - i. Written description explaining the drawing of the proposed signage, including a detailed description of materials, colors, and letter height, type and style;
 - j. Any applicable fee as established by the City.
 - 2. Standards for Sign Permit Approval: Permit application shall be approved by the city if all of the following standards have been met:
 - a. The sign, as proposed, meets all applicable requirements of this chapter;
 - b. The sign, as proposed, meets all applicable requirements of the city's adopted building and applicable electrical codes;
 - c. The sign, as proposed, does not violate any other applicable chapters or standards of the city, state and federal government.
- B. It is highly recommended that all sign locations be reviewed by the City Engineer prior to submission of the application. The City Engineer, or his or her designee, has discretion to suggest modification of the location based on driver sight distances or other potential hazards.

- C. Fees: It shall be reasonable for the city to set forth fees for processing applications and request for sign placement. Such fees are generally set by city council and payable at time of application.
- D. Removal of Unsafe Signs: Whenever a sign becomes structurally unsafe or endangers the safety of the public or a building, the City Administrator/Engineer, or his or her designee, shall order that such sign be made safe or be removed. Following receipt of said order, the person, firm, or corporation owning or leasing the sign shall be removed immediately.
- E. Appeals: Any person aggrieved by a decision in this chapter shall have recourse as set-forth at §11-15-5.
- F. Enforcement: All matters pertaining to the enforcement of this chapter shall comply with standards listed at §11-15-6 of this Title.

Section 3: PROVISIONS SEVERABLE: The provisions of this Ordinance are hereby declared to be severable and if any provision of this Ordinance or application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

Section 4: EFFECTIVE DATE: This ordinance shall be effective upon its passage and publication in the manner provided by law.

APPROVED by the Mayor and City Council of the City of Bonners Ferry this _____ day of _____, 2016.

CITY OF BONNERS FERRY, IDAHO

BY: _____
Mayor

Attest:

Clerk, City of Bonners Ferry