

Administrative Committee



Regular Meeting ~Agenda~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208-883-7015

**Monday
May 24, 2021**

4:00 PM

**Council Chambers
206 E. Third St.**

The Moscow Mayor, City Council and Staff welcome you to today's meeting. The meeting is open to the public but due to the continued presence of COVID-19 cases in our area, we encourage those that have not received the COVID-19 vaccination, to continue to keep 6-foot physical distance from non-household members and wear face coverings when distance is unable to be maintained. We appreciate and encourage public participation. For regular agenda items, an opportunity for public comment is sometimes provided after the staff report. However, the formality of procedures varies with the purpose and subject of the agenda item and limitations may be placed on the time allowed for comments. If you plan to address the Committee, you will find a list of "Tips for Addressing the Council" in the door pocket outside the City Council Chambers. Please note that Council Committee meetings are televised, videotaped and/or recorded. Links to view the City Council meeting live can be found on the City website, YouTube, Facebook and Spectrum Cable 1301. Thank you for your interest in City government.

REGULAR AGENDA

1. **Approval of May 10, 2021 Administrative Committee Minutes (ACTION ITEM) - Taylor Riedner**
2. **Request Authorization for Beer Garden for Rendezvous in the Park 2021 (ACTION ITEM) - David Schott**

Rendezvous in Moscow, Inc is requesting that the City Council approve a Resolution allowing them to have a beer garden provided by a licensed vender in East City Park for Rendezvous in the Park 2021 between 12:00 p.m. and 10:00 p.m. on July 24, 2021. The event is open to the public and there have been no issues related to this request since the first beer garden was approved. The location of the beer garden has changed from the past to utilize the existing stage at East City Park. Rather than generally located on the east side of the park, the beer garden in 2021 will be on the west side of the park.

Security will be provided by Allied Universal Security Services. No City police officers are required. The Chief of Police has reviewed the request, as well as the safety requirements addressed in the Resolution, and had no issue with the request.

PROPOSED ACTIONS: Recommend approval of the Resolution authorizing the beer garden request for Rendezvous in the Park 2021, or provide staff further direction.

3. **Ordinance Amending Title 4, Chapter 6 of Moscow City Code Regarding Amendments to the Sign Code (ACTION ITEM) - Mike Ray**

The 2015 Supreme Court Case, Reed vs. Town of Gilbert, clarified when municipalities may impose content-based restrictions on signage. There are numerous sections within the City's sign code which apply content-based restrictions and need to be amended to comply with the Supreme Court's decision. Staff has worked with the City Attorney to make the necessary amendments, as well as converting portions of code from narrative to table format. The Planning and Zoning Commission conducted a public hearing on the proposed ordinance on May 12, 2021 and recommended approval to City Council. The public hearing before the City Council has been

scheduled for June 7, 2021.

PROPOSED ACTIONS: Recommend forwarding the proposed ordinance for public hearing at the Council's upcoming June 7, 2021 meeting; or provide staff further direction.

REPORTS

2021 Temporary Public Art Collection Update – Megan Cherry

Staff Report (if needed)

ADJOURN

NOTICE: Moscow City Council and committee meetings are televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

Administrative Committee



Regular Meeting ~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

**Monday
May 10, 2021**

4:30 PM

**Council Chambers
206 E. Third St.**

REGULAR AGENDA

PRESENT: Sandra Kelly, Brandy Sullivan, Gina Taruscio

OTHERS: Mayor Bill Lambert, Council Member Art Bettge, Council Member Maureen Laflin (Virtual)

STAFF: Gary Riedner, Taylor Riedner, Jen Pfiffner (Virtual), Mia Bautista (Virtual), Bill Belknap, Aimee Hennrich, Chief James Fry

1. Approval of April 26, 2021 Administrative Committee Minutes (ACTION ITEM) - Taylor Riedner

The minutes were approved as presented.

2. Consideration of Mayor and City Council Salary Adjustments (ACTION ITEM) - Jen Pfiffner

Per City of Moscow Code Title 1, Chapter 8 according to Idaho Code, § 50-203: "The salary for elective officers shall be fixed by ordinance. Salary adjustments for such elective officers shall be made every two (2) years from the date of the previous adjustment in accordance and in proportion with adjustments in the Consumer Price Index (CPI) as published by the United States Department of Labor. Such adjustments must be specifically approved by ordinance at least six (6) months prior to the effective date of such adjustments."

The proposed Ordinance amends the Mayor and City Council salaries by the CPI adjustment of the past 24 months: January 1, 2019 to December 31, 2020. The reported CPI values were 2.1% and 2.4% for 2019 and 2020, respectively. Proposed increases to monthly salaries would be effective January 1, 2022, and are as follows:

Mayor - From \$2028.50 per month to \$2,119.78 per month

Council - From \$703.28 per month to \$734.93 per month

PROPOSED ACTIONS: Recommend Council consideration of the proposed ordinance making salary adjustments for Mayor and City Council effective January 1, 2022 or provide staff further direction.

Pfiffner introduced the item as written above. Salary adjustments are proposed every two years to give individuals time to declare candidacy. Council members have the option to reject their pay and can donate it back to the City. The Committee recommended approval and that it be placed on the Council regular agenda.

3. Remand Decision Regarding the Appeal of Conditional Use Permit at 1400 E Seventh Street (ACTION ITEM) – Aimee Hennrich

On February 19, 2021, PI Tower Development LLC applied for a Conditional Use Permit (CUP) to construct an 80' Wireless Communication Facility (WCF) that would accommodate three carriers within a fully enclosed 800 sf lease area and would resemble a church tower, located at 1400 E Seventh Street. The Board of Adjustment conducted a public hearing for the proposed conditional use on March 29, 2021, and subsequently voted to deny the CUP application. On April 16, 2021, the Community Planning and Design Department received an appeal letter from Wireless Policy Group on behalf of Parallel Infrastructure, stating that they wish to appeal the Board of Adjustment's decision to City Council. On May 3, 2021, City Council considered the appeal during a public

meeting and remanded the matter to the Zoning Board of Adjustment and directed staff to prepare a written decision based on the Council's action.

PROPOSED ACTIONS: Recommend acceptance of the proposed written decision, or provide staff further direction.

Hennrich introduced the item as written above. Needing no further discussion, the Committee recommended approval and that it be placed on the Council consent agenda.

ADJOURN

The meeting adjourned at 4:35 p.m.

DRAFT

COMMITTEE STAFF REPORT

DATE: Monday, May 24, 2021



RESPONSIBLE STAFF

David Schott, Assistant Parks and Recreation Director

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Request Authorization for Beer Garden for Rendezvous in the Park 2021 (ACTION ITEM) - David Schott

DESCRIPTION

Rendezvous in Moscow, Inc is requesting that the City Council approve a Resolution allowing them to have a beer garden provided by a licensed vender in East City Park for Rendezvous in the Park 2021 between 12:00 p.m. and 10:00 p.m. on July 24, 2021. The event is open to the public and there have been no issues related to this request since the first beer garden was approved.

The location of the beer garden has changed from the past to utilize the existing stage at East City Park. Rather than generally located on the east side of the park, the beer garden in 2021 will be on the west side of the park.

Security will be provided by Allied Universal Security Services. No City police officers are required. The Chief of Police has reviewed the request, as well as the safety requirements addressed in the Resolution, and had no issue with the request.

STAFF RECOMMENDATION

Recommend approval of the Resolution authorizing the beer garden request for Rendezvous in the Park 2021.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of the Resolution authorizing the beer garden request for Rendezvous in the Park 2021, or provide staff further direction.

FISCAL IMPACT

N/A

PERSONNEL IMPACT

N/A

ATTACHMENTS

1. RITP_Alcohol_Permit_Application_24_July_2021 DS
2. Resolution 2021 - Beer-WineRendezvousInThePark clean

**CITY OF MOSCOW
ALCOHOL USE APPLICATION**
(For alcohol use in City parks and facilities)

FEE: \$100.00 per event

Date Fee Paid: _____ **Note:** Fee shall not be refunded.

Applicant's Name: RENDEZVOUS IN THE PARK

Event Name, if different than applicant: RENDEZVOUS IN THE PARK MUSIC & ARTS FESTIVAL

Address of Applicant: 818 FORD ST, MOSCOW, ID.

Day Phone: 208.596.0802 Other Message Phone: _____

Email address, if any: DARLE.FAIRLOTH@GMAIL.COM

WHEN AND WHERE PERMIT WILL BE USED:

1. Date(s): JULY 24, 2021 - SATURDAY
2. Time: 12:00 PM - 10:00 PM -
3. Event Location: EAST CITY PARK

Signature of Applicant: _____

DARLE R. FAIRLOTH, FOR THE BOARD 12-MAY-2021

Upon payment of alcohol use application fee, applicant then proceeds through the approval process with the guidance/assistance of the Parks and Recreation Director or designee.

Attached is a copy of the process and requirements

Attachment
Agreement/AlcoholPermitApp(FeeChg)/pm

RESOLUTION NO. 2021 –

A RESOLUTION OF THE CITY OF MOSCOW, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, TO ALLOW FOR THE TEMPORARY VENDING OF BEER AND/OR WINE IN EAST CITY PARK UNDER SPECIFIC REGULATIONS AND UNDER CERTAIN LIMITED CONDITIONS PURSUANT TO MOSCOW CITY CODE 5-13-4B; PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, Moscow City Code 5-13-4B prohibits the possession of alcoholic beverages while present in a public park in the City of Moscow, Idaho (hereinafter “City”) except in accordance with specific regulations adopted by the Council by Resolution; and

WHEREAS, East City Park in Moscow is a City park as defined in Moscow City Code 5-13-3.D. (hereinafter “the Park”); and

WHEREAS, Rendezvous in Moscow, Inc. (hereinafter “the Event Sponsor(s)”) desires to have its sponsored event, Rendezvous in the Park (hereinafter “the Permitted Event”), in East City Park (see Attachment “A”); and

WHEREAS, the Permitted Event is an event or series of events sponsored the Event Sponsor(s), intended to promote family and community fellowship; and

WHEREAS, Council wishes to allow for the vending and responsible consumption of beer and/or wine under certain conditions, contained herein and during limited hours during the Permitted Event; and

WHEREAS, Council wishes to prohibit the sale and/or consumption of liquor during the Permitted Event; and

WHEREAS, Council believes the regulations contained herein are appropriate; and

WHEREAS, Council believes that the specific regulations contained herein balance health and safety concerns of citizens with the desire to promote responsible use of alcoholic beverages; and

WHEREAS, nothing contained in this Resolution is intended to waive other laws and regulations applicable to the sale and consumption of alcohol within City limits (including a requirement for a catering permit; a beer and wine permit for benevolent, charitable and public purpose events; or a winery sponsored event permit); and

WHEREAS, nothing contained within this Resolution is intended to endorse or support any particular belief, philosophy, or political position of the Event Sponsor(s) or of the Permitted Event, and/or its affiliates, associations, contributors, supporters, participants, etc.;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Moscow, Idaho as follows:

SPECIFIC REGULATIONS ON THE SALE AND/OR CONSUMPTION OF BEER AND/OR WINE DURING RENDEZVOUS IN THE PARK 2021:

Intent:

This Resolution is intended to allow the sale and consumption of beer and wine only (not liquor), pursuant to these specific regulations and is not intended to amend or expand the Moscow City Code or any other applicable law or regulation beyond the scope of the particulars of this Resolution or beyond the hours of the Permitted Event. Other than as specifically provided herein, park, sanitary, health, litter, police, fire, sidewalk café, alcohol vending, and other laws and regulations shall be unaffected by this Resolution. This Resolution is not a waiver of any State, County, or local requirement of a permit or licensure related to sales and/or distribution of alcohol including a requirement for a catering permit; a beer and wine permit for benevolent, charitable and public purpose events; or a winery sponsored event permit. This Resolution shall not establish precedent nor shall it apply to any event other than the Permitted Event held on the 24th day of July, 2021, from 12:00 p.m. to 10:00 p.m.

Liability, Insurance and Safety:

1. No less than ten (10) days prior to the Permitted Event at which the licensed vendor will sell beer and/or wine, the Event Sponsor(s) shall deliver to the City Clerk one (1) copy of written proof that the licensed vendor has current, paid up, off-premise liquor liability insurance or special event insurance in an amount not less than One Million Dollars (\$1,000,000) combined single limits.
2. No less than ten (10) days prior to the first activity of the Permitted Event herein described, the Event Sponsor(s) shall deliver to the City Clerk one (1) copy of written proof that the Permitted Event has obtained current, paid up, general liability insurance or special event insurance in an amount not less than One Million Dollars (\$1,000,000) combined single limits. Such general liability insurance or special event insurance policy shall be primary to any other insurance related to these events and to that of any potential party subject to a claim related to the Permitted Event.
3. City shall be named as an additional insured on the insurance policy of the licensed vendor.
4. No less than ten (10) days prior to the Permitted Event, the Event Sponsor(s) shall deliver to the City Clerk the signed original of the Agreement, attached as Attachment “B”, with City to defend, hold harmless and indemnify City of Moscow, Idaho, its agents, servants, employees, officers and contractors from any and all claims, causes of action or damages which may arise from the Event Sponsor(s) use of the Park premises.
5. The Moscow Police Chief or designee is hereby empowered to order the immediate cessation of all activities allowed under this Resolution at any time he/she reasonably determines that it is in the best interest of City to do so. There shall be no appeal from a determination by the Moscow Police Chief or his designee to terminate all or part of the Permitted Event.

Vendor:

1. There shall be only one (1) licensed vendor of beer and/or wine at the Permitted Event;
2. All beer and/or wine shall be sold only by a licensed vendor.
3. Every licensed vendor shall obtain and shall comply with all alcohol related laws and regulations, including, but not limited to, the City requirement of a City catering permit; a State

beer and wine permit for benevolent, charitable, or public purpose events; or a winery sponsored event permit.

4. The name, address, telephone number, alcohol license permit number of every licensed vendor, and proof of insurance covering the vendor's activities (as required herein) shall be provided to the City Clerk no less than ten (10) days prior to the Permitted Event at which such licensed vendor shall sell beer and/or wine.
5. The City shall play no role in determining which vendor shall be selected to sell alcoholic beverages in the Park during the Permitted Event; described herein.
6. The vendor shall provide at least two (2) persons to check proper identification for those who shall be sold beer and/or wine during the Permitted Event. These persons shall be clearly identified and shall be stationed no less than ten feet (10') from the vendor's sales or dispensing counter.
7. The Event Sponsor shall provide at least two (2) law enforcement officers or two (2) guards from a recognized private security firm to provide security for the Permitted Event. Such officers or guards shall be clearly identified as such and shall be on duty at all times beer and/or wine is being served during the Permitted Event. The Event Sponsor(s) shall have sole discretion on who will provide security at the Permitted Event and shall be responsible for all payment and costs associated with such security services.
8. The Event Sponsor(s) and City both specifically understand and acknowledge that the Event Sponsor(s) shall be solely responsible for any and all liability resulting from action or inaction, and/or negligence, and/or gross negligence by security provided by the Event Sponsor(s) for the Permitted Event.

Sales and Consumption:

1. No less than ten (10) days prior to the Permitted Event at which the licensed vendor will sell beer and/or wine, the Event Sponsor shall deliver to the City Clerk three (3) copies of a site map which shall be drawn to show the locations, dimensions of, and relative distances between the following: (a) the beer and/or wine garden within the Park; (b) the barricade, sales and/or dispensing area, consumption area, entry and exit points; (c) identification checking station; and (d) food sales and service areas. Said site design and any subsequent alterations shall be approved in writing by Moscow Deputy City Supervisor – Recreation, Culture, and Employee Services or his/her designee, and by the Moscow Chief of Police prior to the Permitted Event.
2. All beer and/or wine sales and consumption shall take place within the area designated by the Event Sponsor and as shown on the site map required by this Resolution.
3. The designated sales and service area(s) shall be physically separated from the rest of the Park by a barricade which is no less than forty-four inches (44") tall and which is constructed so no person can pass under, over, or through it except at established entry and exit points located, as shown, on the site map required by this Resolution. All sales, dispensing, service, and consumption shall take place inside the approved barricade.
4. All food sales and service shall be located outside the approved barricade and have a space of no less than ten feet (10') between the approved barricade and food sales or service area.
5. No person shall be allowed to purchase, consume or possess beer and/or wine other than within the area designated for beer/wine sales and consumption as shown on the map required by this Resolution.
6. There shall be no more than one (1) entrance and one (1) exit to each area designated for beer and/or wine consumption, as shown on the map required by this Resolution.

7. All beer and/or wine shall be dispensed in and consumed from its original container. Such container shall be a readily identifiable container not more than sixteen ounces (16 oz.) in size which shall not bear a logo for a non-alcoholic beverage.
8. Every occupant within the area(s) designated for beer and/or wine consumption shall provide identification to law enforcement officers or City employees who request it.
9. No person under twenty-one (21) years of age shall be present in the area(s) designated for beer and/or wine sales or consumption at any time beer and/or wine is being served.
10. A sign shall be prominently posted at or near the entrance and exit to each area designated for beer and/or wine sales or consumption, stating that entrance by persons under twenty-one (21) years of age is prohibited.
11. Beer and wine shall be sold only within the designated areas at the Park only between the hours of 12:00 p.m. and 10:00 p.m. local time on the 24th day of July, 2021, during the Permitted Event.
12. Beer and wine shall be consumed only within the designated area at the Park only between the hours of 12:00 p.m. and 10:00 p.m. local time on the 24th day of July, 2021, during the Permitted Event.
13. No person shall carry or consume any alcoholic beverage within the Park which is not purchased or dispensed from the licensed vendor at the Permitted Event and consumed within the approved consumption area. Consumption of alcohol within the Park and outside of the approved consumption area shall be considered a violation of the City's open container ordinance.

Fee:

The Event Sponsor shall submit to the City Clerk, within ten (10) days of the event, the required fee established by Council that is associated with this Resolution.

Failure To Comply:

Failure to comply with this Resolution shall expose any such person to all relevant civil and criminal consequences and may result in denial of subsequent applications for alcohol permits in public parks for a period of no less than five (5) years.

PASSED AND APPROVED by the Mayor of the City of Moscow, Idaho, this 7th day of June, 2021.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

Attachment A



Attachment B

AGREEMENT TO DEFEND, TO HOLD HARMLESS AND TO INDEMNIFY BETWEEN CITY OF MOSCOW, IDAHO AND RENDEZVOUS IN MOSCOW, INC., FOR THE RENDEZVOUS IN THE PARK EVENT

THIS AGREEMENT TO DEFEND, TO HOLD HARMLESS AND TO INDEMNIFY, between City of Moscow, Idaho (hereinafter "CITY") and the sponsor of the event, Rendezvous in Moscow, Inc. (hereinafter "SPONSER"), is made and entered into this _____ day of _____, 2021.

WHEREAS, Resolution No. 2021-_____ of the City of Moscow, Idaho, passed and approved on the _____ day of _____, 2021, provides, in part, for the person(s) and or group holding the approved event to enter into an agreement with CITY to defend, hold harmless and indemnify CITY, its agents, servants, employees, officers, and contractors from any and all claims, causes of action, or damages which may arise from the sponsor's use of CITY Park premises for the approved event; and

WHEREAS, this Agreement meets such requirement;

NOW, THEREFORE, CITY and SPONSER agree as follows:

AGREEMENT TO DEFEND, HOLD HARMLESS, AND INDEMNIFY;

SPONSER, through its duly and specifically authorized agents, hereby releases CITY and agrees, contracts and covenants not to bring suit, and agrees to defend, hold harmless, and indemnify CITY, its officers, employees, agents and representatives from any and all claims, costs, judgments, awards, or liability to any person, including claims by SPONSER's own agents, officers, employees and representatives to which SPONSER might otherwise be immune, arising from the event scheduled to occur the 24th day of July, 2021, permitted under the terms of Resolution No. 2021-_____.

SPONSER expressly agrees that this indemnity provision extends to any and all claims, losses, actions or judgments for damages to property or injury, sickness or death to persons, arising out of, or in connection with, the acts and/or any performances or activities of SPONSER, SPONSER's officers, employees, agents, and representatives, or caused by the presence, dispensing, sale, gift, or ingestion of alcohol by SPONSER or its officers, employees, agents, and representative including, but not limited to, the caterer and/or vendor of alcohol during the event.

Inspection, review and/or acceptance by CITY of any activity performed by or during the event or any activity or non-activity by CITY police officers or other officers, employees, agents or representatives of CITY, shall not be grounds for avoidance of any of the covenants of defense, indemnification or hold harmless by SPONSER on behalf of CITY contained in this Agreement.

SPONSER agrees that she/he (i) has read the foregoing Agreement, understands it, and agrees with its contents and conditions; (ii) has had an opportunity to speak with legal counsel prior to signing this Agreement; and (iii) understands that the terms of this Agreement are contractually and legally binding and that no verbal statement to the contrary, by any person, can void or alter the terms of this Agreement.

SIGNED this ____ day of _____, 2021.

RENDEZVOUS IN MOSCOW, INC.

CITY OF MOSCOW, IDAHO

Daryle Faircloth, Chair

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

ACKNOWLEDGMENT

STATE OF IDAHO)
) ss.
COUNTY OF LATAH)

On this _____ day of _____, 2021, before me, a Notary Public in and for said State, appeared Daryle Faircloth, known to me to be the person named above and acknowledged that he/she executed the foregoing document as the duly authorized representative for Rendezvous in Moscow, Inc.

Notary Public for the State of Idaho
Residing at _____
My commission expires _____

COMMITTEE STAFF REPORT

DATE: Monday, May 24, 2021



RESPONSIBLE STAFF

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Ordinance Amending Title 4, Chapter 6 of Moscow City Code Regarding Amendments to the Sign Code (ACTION ITEM) - Mike Ray

DESCRIPTION

The 2015 Supreme Court Case, Reed vs. Town of Gilbert, clarified when municipalities may impose content-based restrictions on signage. There are numerous sections within the City's sign code which apply content-based restrictions and need to be amended to comply with the Supreme Court's decision. Staff has worked with the City Attorney to make the necessary amendments, as well as converting portions of code from narrative to table format. The Planning and Zoning Commission conducted a public hearing on the proposed ordinance on May 12, 2021 and recommended approval to City Council. The public hearing before the City Council has been scheduled for June 7, 2021.

STAFF RECOMMENDATION

Recommend forwarding the proposed ordinance for public hearing at the Council's upcoming June 7, 2021 meeting.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend forwarding the proposed ordinance for public hearing at the Council's upcoming June 7, 2021 meeting; or provide staff further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Ordinance 2021 - MoscowSignCode;Amended
2. Staff Memo
3. Public Hearing Notice

ORDINANCE NO. 2021 -

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 4, CHAPTER 6; PROVIDING FOR THE CONVERSION OF PORTIONS OF THE SIGN CODE FROM NARRATIVE TO TABLE FORMAT; PROVIDING FOR THE PROVISIONS OF THIS ORDINANCE TO BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Moscow Sign Code is currently in narrative format and the City wishes to convert portions of the code to table format for consistency, side by side comparison of standards for each zoning district, and a more compact and user-friendly document by reducing redundant language; and

WHEREAS, signs obstruct views, distract motorists, and pose other problems that legitimately call for regulation, the Sign Code provides regulations to protect the public health, safety, and welfare of the residents and visitors of Moscow and promotes traffic safety; and

WHEREAS, the United States Supreme Court Ruling in *Reed v. Town of Gilbert*, 576 U.S. 155 (2015) and subsequent caselaw necessitates amendments to the City's Sign Code that implements content-neutral regulations, with some permitted exceptions, with regulations based on reasonable time, place and manner restrictions that are consistent with the First Amendment; and

WHEREAS, the regulations contained herein provide clear and unambiguous requirements that enable the fair and consistent application of the Sign Code.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOSCOW, IDAHO, AS FOLLOWS:

SECTION 1: That Moscow City Code Title 4, Chapter 6 be amended as follows:

...

Sec. 6-7. Moscow Sign Code.

A. Intent and Purposes.

It is the intent and purpose of this Sign Code to promote the health, safety and welfare of the residents and visitors of the City and to promote visual appeal by regulating and controlling the type, size, location, height, and placement of signs for the following reasons:

1. To promote planned and organized signage for each zoning district.
2. To give all businesses and institutions an equal opportunity within zoning districts to have signage that will help people find the services they need.
3. To prevent the cluttered effect caused by the number of signs, and to prevent overly-intrusive signage through business corridors and within neighborhoods.
4. To ensure that pedestrians and motorists are protected from injury and damage which may be caused by the distractions and obstructions of overly-intrusive or improperly placed signs.

Further, it is the intent and purpose of this Sign Code to provide a reasonable balance between

the right of a business or institution to identify and promote itself with signs and the right of the public to be protected from the potential negative visual impacts and safety hazards which may result from the unrestricted proliferation of signs.

5. To prevent favoring of commercial speech over non-commercial speech or any favoring of any particular non-commercial message over any other non-commercial message.

~~6. To regulate political campaign signage in a reasonable and practical manner which is politically neutral and which is in accordance with local, State, and Federal law and regulations.~~
To ensure constitutional rights are being protected recognize free speech rights by regulating signs in a content-neutral manner.

B. Sign Definitions.

1. *Awning*: A shelter supported entirely from the exterior wall of a building, that is constructed of canvas or other cloth type material stretched over a frame.

2. *Awning Sign*: A sign which is attached to or part of an awning. An awning sign shall be regulated as a wall sign unless it qualifies as another type of sign.

3. *Billboard*: ~~A free standing sign controlled by M.C.C. 4-6-13(R)(1)(g). A permanent sign on which space is leased or rented to display a message not affiliated with the use of the property and regulated by Section L below.~~

4. *Building Identification Sign*: A sign which is limited to providing the name of the onsite building it is identifying, the address and date of establishment of the building and other similar information which does not advertise for or identify any particular business or activity operating in the building.

5. *Canopy*: A shelter or roof-like cover supported by either a building and/or poles from the ground.

6. *Canopy sign*: A sign that is part of or attached to the face of a canopy with the face of the sign in a plane parallel to the canopy. A canopy sign shall be regulated as a wall sign unless it qualifies as another type of sign.

7. *Dynamic Display Sign*: ~~A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. A sign that accurately displays only current time, date, and temperature and which does not contain any copy or commercial message within the dynamic display portion of the sign and which does not exceed ten (10) square feet in size shall not be considered a Dynamic Display Sign for purposes of this Sign Code.~~

8. *Entity*: A business, industry, profession, person, institution, organization, enterprise, commodity, service, assemblage, place, subdivision, solicitation, or request for aid.

9. *Freestanding Sign*: A sign supported primarily by uprights, braces or poles in or upon the ground.

10. *Government Sign*: Signs installed by or maintained by the federal, state, county, or city government.

~~110.~~ *Institutional Sign*: A sign which advertises an on-site service or function having primarily governmental, social, educational, or religious purposes.

124. *Interior Signs*: Signs or displays located entirely inside of a building and located at least three (3) feet away from transparent doors and windows.

~~134.~~ *Marquee*: A permanent, roof-like structure attached to and extending beyond the wall of a building to attract attention to and provide shelter for the main entry (or entries) of a building.

142. *Marquee Sign*: A sign which is attached to or part of a marquee. A marquee sign shall be regulated as a wall sign unless it qualifies as another type of sign.

153. *Monument Sign*: A sign mounted on top of a ground base, such that there is direct contact or not more than twenty-four inches (24") between the bottom of the sign face and the base of the sign for at least one-half the length of the base.

164. *Mural*: Any artistic display painted directly onto a wall, with the permission of the property owner, which does not otherwise qualify as a sign. Any such artistic display which qualifies as a sign shall be regulated as a wall sign. An original art display does not include: mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

175. *Nonconforming Sign*: A sign which was lawful before this Sign Code was enacted or amended, but which would be prohibited, regulated, or restricted under the terms of this Sign Code or future amendment.

186. *Non-visible Signs*: Signs which are not visible beyond the boundaries of the lot or parcel upon which they are located and which are not visible from any public right-of-way.

15. *Political Campaign Sign*: A temporary outdoor sign associated with a candidate for public office or with a ballot measure, not including general political positions or issues.

—1917. *Portable Sign*: Any sign not attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or printed on vehicles parked or visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

2017. *Projecting Sign*: A sign, other than a wall sign, which projects from by length or width (not thickness) from and is supported entirely by a wall, canopy, eave, parapet, or marquee.

2118. *Roof Sign*: A sign erected upon or over the top of a roof. A roof sign shall not include a sign located on a mansard roof if the sign is integrated with the roof design. For the purpose of this Sign Code, a sign that is architecturally integrated into a mansard roof shall be classified as a wall sign.

2219. *Sign*: A presentation, display, or representation of words or letters, or of as figure, design, picture, painting, color pattern, logo, emblem, symbol, trademark or other representation so as to give notice, advertise, call attention to, or identify any object, product, place, activity, person, institution, organization, business or entity.

2320. *Suspended Sign*: A sign hanging down or projecting downward from a canopy, eave, awning or other similar projection.

241. *Temporary Sign*: A sign requiring no structural ground or building support, and displayed solely for temporary and short-term announcement, message, or advertisement or for land or building sale, rent, or lease.

252. *Wall Sign*: A sign that is part of or attached to, a building wall, window, parapet, eave, or door, that does not otherwise qualify as a projected sign.

C. Signs Permitted Upon Issuance of a Sign Permit.

1. No sign shall be erected, put into place, relocated, enlarged, structurally altered, or illuminated without issuance of a sign permit, unless explicitly exempted herein.

2. A non-commercial signs message of any type may be substituted for any duly permitted or allowed commercial or non-commercial a different message without any additional approval,

permitting, or fee, provided that: (a) the sign structure or mounting device is legal, without consideration of content; and (b) the property owner has consented to the substitution of such message.

D. Exempt Signs.

The following signs are exempt from a sign permit and ~~Any sign which does not require a permit and which is~~ are allowed in addition to other permitted signage, but ~~which~~ must comply with other applicable regulations of this Sign Code: ~~are as follows:~~

1. ~~Governmental Signs. Signs installed by or on behalf of federal, state, county, or city government for the protection of the public health, safety, and general welfare~~ which includes, including but is not limited to the following:

a. Emergency and warning signs necessary for public safety or civil defense;
b. Traffic and/or wayfinding signs erected and maintained by an authorized public agency;

c. Signs required to be displayed by law;

d. Signs showing the location of public facilities including public and private hospitals and emergency medical services;

e. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public's health, safety, and general welfare.

f. Parks and recreation identification signs.

2. Names and addresses of buildings and dates of building construction.

3. Signs of public utility companies indicating danger or which serve as an aid to public safety which show the location of underground utilities.

4. Changes to the face or copy of changeable copy signs, digital signs, electronic message signs, provided such changes do not change the material or appearance of the sign as originally permitted by the City.

5. The normal repair and maintenance (painting, repainting, cleaning, etc.) of conforming or legal nonconforming signs that does not involve structural alteration of the sign or supporting structure.

6. Sculptures, fountains, mosaics, murals, public art, and design features which do not otherwise constitute a sign.

7. "No trespassing," "no parking," "private" signs and signs identifying essential public needs (i.e. restrooms, entrance, exit, telephone, etc.) and other information or warning signs.

8. Publicly approved non-illuminated interpretive signs, historical signs, memorial signs, or tablets displayed by a governmental agency.

9. Interior Signs. ~~Signs or displays located entirely inside of a building and located at least three (3) feet away from transparent doors and windows.~~

10. Non-visible Signs. ~~Signs which are not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.~~

11. Temporary signs except as required in Section I below.

1. All Zoning Districts:

— a. A directional, warning, street, building identification, traffic control, informational, utility location identification or temporary special event sign which is displayed by or on behalf of federal, state, county, or city government;

— b. A public utility sign identifying locations of underground utilities or warning of hazardous utilities;

~~—c. A parking lot entry, exit, traffic directional or parking sign which does not contain any form of advertisement for or identification of an entity.~~

~~—d. Political Campaign Signs in accordance with this Sign Code.~~

~~2. FR, SR, R-1, R-2, and R-3 Zoning Districts:~~

~~—One (1) sign per lot street frontage noticing the lot on which the sign is posted for sale or lease. No such sign shall exceed six (6) square feet in size.~~

~~3. R-4, RO and NB Zoning Districts:~~

~~—One (1) sign per lot street frontage noticing the lot on which the sign is posted for sale or lease. No such sign shall exceed nine (9) square feet in size.~~

~~4. RTO, “U”, CB, UMC and GB Zoning Districts:~~

~~—One (1) sign per lot street frontage noticing the lot on which the sign is posted for sale or lease. No such sign shall exceed twelve (12) square feet in size.~~

~~5. AF, MB and “I” Zoning Districts:~~

~~—One (1) sign per lot street frontage noticing the lot on which the sign is posted for sale or lease. No such sign shall exceed thirty-two (32) square feet in size.~~

~~6. CB, GB, UMC and MB Zoning Districts:~~

~~—A sign placed in or on a window or door provided that the total sign area in or on the window or door not exceed twenty-five percent (25%) of the window or door, in which case the sign shall be counted as a wall sign.~~

E. ~~—~~ Prohibited Signs.

~~1. Portable Signs, as defined in this Sign Code, are prohibited in all zoning districts, except as permitted in Section T of this Sign Code.~~

~~21. Signs prohibited in the public right-of-way: No sign, sign structure or part thereof except for public traffic and highway signs, shall be located within any public right-of-way, except as explicitly provided in this Sign Code. A sign may project or be suspended over a public right-of-way only in the CB and UMC Zoning District and subject to the following:~~

~~a. No sign, sign structure, foundation or part thereof shall be located in the ground, attached to or painted upon any structure, utility pole, bridge, or any other appurtenance within the public right-of-way.~~

~~b. No sign, sign structure or part thereof shall project closer than two feet (2’) from any curb nor closer than four feet (4’) from any built road, street, or alley which has no curb.~~

~~c. No sign, sign structure, or part thereof shall maintain less than ten feet (10’) to the ground below it or not less than fourteen feet (14’) if the surface below is a driveway.~~

~~d. No sign, sign structure, or part thereof shall impede free ingress and egress from any door, window, or exit required by building and/or fire code regulations.~~

~~de. No sign shall be located within the street intersection vision triangle of vehicular operators as described in Idaho Code Section 49-221, except as explicitly allowed thereby.~~

~~ef. A sign which does not conform to all relevant provisions of this Sign Code and which is located in or projects or is suspended over a public right-of-way may be removed by the City of Moscow at any time pursuant to Article XII, Section 2 of the Idaho Constitution, and Sections 50-301 and 50-314 of Idaho Code.~~

~~32. A Dynamic Display Sign, except as specifically permitted within the Motor Business (MB), General Business (GB) and Industrial (I) Zoning Districts and subject to the standards contained in this Sign Code.~~

F. Nonconforming Signs.

1. Purpose: The eventual elimination of existing signs that are not in conformity with the provisions of this Sign Code is as important as the regulation of new signs.

2. The following nonconformity regulations shall supersede those of M.C.C. 4-1-~~78~~ only for the purpose of regulating nonconforming signs:

a. Any existing sign that was legally permitted prior to the enactment date of this Sign Code is deemed to be a legally permitted sign under this Sign Code for a period of five (5) years. After five (5) years from the enactment date of this Sign Code, said non-conforming sign, unless it is brought into compliance with the requirements of this Sign Code, may not be:

i. Replaced, including replacement of the sign face or any part thereof, except with a conforming sign;

ii. Changed except for signs specifically designed to be readily and routinely changed in words, letters, or numbers;

iii. Structurally altered to extend the useful life of any part of the sign or the sign structure; and

iv. Expanded, moved or relocated.

~~b. Any entity with a nonconforming sign on a lot or property may not add additional signage of the entity until every sign of that entity on that lot or property is brought into conformance with this Sign Code.~~

~~G. Parks and Recreation Facility Identification Signs.~~

~~Any sign which identifies a public park or recreation facility on site and does not advertise any other use or entity may be permitted in any zoning district only where such sign does not exceed eight feet (8') in height as measured from the grade of the adjacent public street; five feet (5') in width; twenty four (24) square feet in area; and is set back from the right-of-way at least five feet (5'). Such signs shall not be installed over a walkway, driveway or roadway and shall comply with all other Sign and Zoning Code requirements. Only one (1) such sign shall be permitted per six hundred (600) lineal feet of street frontage or fraction thereof.~~

~~H. Subdivision Entrance / Identification Signs.~~

~~Entrance and identification signs to subdivisions or other similar land development projects identifying the name of such subdivision project are permitted subject to the issuance of a Conditional Use Permit.~~

~~I. Temporary and Special Event Signs.~~

~~Temporary signs may be permitted in accordance with the following standards.~~

~~1. Residential Zoning Districts.~~

~~a. A maximum of six (6) square feet of total area per sign shall be permitted on private property.~~

~~b. A maximum of three (3) signs are permitted per lot, except as provided within Section c below.~~

~~c. There shall be no limit on the number of temporary signs displayed on private property during the time period between sixty (60) days preceding the first day of primary **election**, **general** election or vote for office or ballot measure and seven (7) days following the day of final election or vote for office or ballot measure.~~

~~d. Non-residential uses shall be permitted to display more than two (2) temporary signs and/or temporary signs which exceed the six (6) square foot limitation, but are required to obtain a temporary sign permit which may be displayed for one (1) consecutive period not to exceed forty-five (45) days per year, except as provided within Section c above.~~

~~2. Commercial Zoning Districts.~~

a. A maximum of thirty-two (32) square feet of total area per sign shall be permitted on private property.

b. A maximum of one (1) sign is permitted per lot, except as provided within Section c and d below.

c. There shall be no limit on the number of temporary signs displayed on private property during the time period between sixty (60) days preceding the first day of primary ~~election~~, ~~general~~ election or vote for office or ballot measure and seven (7) days following the day of final election or vote for office or ballot measure.

d. More than one (1) temporary sign and/or temporary signs which exceed the thirty-two (32) square foot limitation are required to obtain a temporary sign permit, and may be displayed for one (1) consecutive period not to exceed forty-five (45) days per year, except as provided within Section c above.

3. Temporary Signs in the City Right-of-Way. Temporary signs shall be permitted in the City right-of-way, subject to the following standards.

a. A maximum of six (6) square feet to total sign area and a maximum height of three (3) feet shall be permitted per sign.

b. A maximum of six (6) signs are permitted per event for which the signs are advertising.

c. A maximum of one (1) sign is permitted per street intersection.

d. Temporary signs may only be displayed during the day of the event and must be removed within two (2) hours after the event has taken place.

e. The sign is entirely outside of the roadway and one (1) foot away from the curb.

f. The sign does not obstruct the sidewalk and shall maintain at least four (4) contiguous feet of unobstructed pedestrian access.

g. The sign does not obstruct pedestrian or wheelchair access from the sidewalk to transit stops, ADA parking spaces, ADA access ramps, or building exits including fire escapes.

h. The sign shall not be placed upon any City property or City owned or maintained structure in the public right-of-way including but not limited to, street sign, traffic control device, utility pole, hydrant, fence, lamp post, guardrail, tree, or other vegetation.

~~Temporary and special event signs for any permitted use may be displayed for a consecutive period not to exceed fifteen (15) days, for a maximum of thirty (30) days per year with the exception of "Grand Opening" type banners which may be displayed for a period not to exceed sixty (60) days. Only one (1) "Grand Opening" type banner shall be permitted for the life of the business. A subsequent "Grand Opening" type banner may be permitted when business ownership has transferred to another owner.~~

J. Murals.

~~Artistic murals which are determined by the Zoning Administrator to be a wall sign~~ Wall signs which use decorative artistry as their most prominent feature to attract attention may be permitted to exceed the maximum allowable size subject to the issuance of a Conditional Use Permit.

K. Historically Significant Signs.

Existing ~~Signs~~ which an applicant can demonstrate as having significant historical value to a neighborhood or to the community at large may be repaired and/or relocated, regardless of applicable zoning district and nonconformity regulations, subject to the issuance of a Conditional Use Permit.

L. Billboards.

1. Billboards shall only be permitted in the Motor Business (MB) and Industrial (I) Zoning Districts and shall be subject to the following restrictions:

a. Shall only be placed on a lot that is at least two thousand five hundred (2,500) square feet in size or on a lot that was recognized by the City as a building lot prior to the enactment date of this Sign Code;

b. Shall be located on property within fifty feet (50') of U.S. Highway 95 or State Highway 8 right-of-way;

c. Shall be spaced no closer than one thousand five hundred feet (1,500') of another billboard sign;

d. Shall not exceed three hundred (300) square feet per facing with no more than two (2) facings that intersect at no greater than a one hundred thirty-five-degree (135°) angle (a tri-action sign shall be considered as one which has more than two (2) facings);

e. Shall not exceed twenty-five feet (25') in height;

f. The source of illumination shall be external and not directly visible from any location on any adjacent lot or right-of-way; and

g. Shall maintain a minimum clear distance of eight feet (8') from the bottom of the sign to the ground below it or a minimum of fourteen feet (14') if the ground below is a driveway.

L. Political Campaign Signs.

1. Placement of Political Campaign Signs in Zoning Districts.

Political Campaign Signs may be posted on private property in the City with the permission of the owner or lessee or their agent(s) or representative(s) in accordance with the following:

a. Residential Zoning Districts. A maximum of six (6) square feet of total area per Political Campaign Sign shall be permitted on private property.

b. Commercial Zoning Districts. A maximum of thirty-two (32) square feet of total area per Political Campaign Sign shall be permitted on private property with the permission of the owner or lessee or their agent(s) or representative(s). Every Political Campaign Sign exceeding thirty-two (32) square feet of total area shall comply with regulations applicable to the respective Commercial Zoning District in this Sign Code.

2. Posting and Removal.

No Political Campaign Sign shall be posted more than sixty (60) days preceding the first day of primary, election or vote for the office or ballot measure with which such is associated. Every Political Campaign Sign shall be removed within seven (7) days following the day of final election or vote for the office or ballot measure with which it is associated.

3. Removal by City.

Political Campaign Signs which do not comply with this Subsection may be removed by the City and held until retrieved by the candidate and/or representative of the campaign or ballot measure with which they are associated.

M. Sign Area/ Size Calculations.

1. The area of a sign shall be determined by calculating the area within the smallest rectangle that encloses the outermost edges of the sign face, or any combination of the areas of all such rectangles enclosing the outermost edges of each sign face module, plus any frame work or structure, texture, writing, symbols, logos, or color, and any other form of display that is part of or attracts attention to the sign, or is used to differentiate the sign face from the structure upon which it is placed.

2. For any sign designed or intended to be readily and routinely changed, the sign face area shall include the entire area within which any design elements could be placed, plus any frame

or material, texture, writing, symbols, logos, or color, framework or structure, together with any other form of display that is part of or attracts attention to the sign, or is used to differentiate the sign face from the structure upon which it is placed.

3. The area of two ~~(2)~~-sided or double-faced signs shall be calculated using only one (1) sign facing, provided that the intersection of the two (2) sign facings forms not greater than a one hundred thirty-five degree (135°) angle; further provided that when the intersection of the two sign facings forms greater than one hundred thirty-five degree (135°) angle, the sign area shall be calculated as the sum of the areas of both sign facings.

4. The area of a sign that contains greater than two (2) sign facings shall be calculated as the sum of the areas of all the sign facings.

N. Permitted Signs in Residential Zoning Districts.

Permitted Signs in Residential Zones			
NON-RESIDENTIAL USES	AF and FR	SR, R-1, R-2, R-3	R-4
Freestanding Signs			
Maximum sf	20 sf ⁷	20 sf ⁷	32 sf ⁷
Maximum height	10 ft	10 ft	10 ft
Number of signs permitted	1 per each lot street frontage	1 per each lot street frontage	1 per each lot street frontage
Setback from property line	None	None	None
Minimum clearance above driveway (if applicable)	14 ft	14 ft	14 ft
Monument Signs			
Maximum sf	20 sf	20 sf	32 sf
Maximum height	10 ft	10 ft	10 ft
Number of signs permitted	1 per each lot street frontage	1 per each lot street frontage	1 per each lot street frontage
Projecting Signs			
Maximum sf	12 sf	12 sf	12 sf
Clearance from grade to sign bottom	8 ft	8 ft	8 ft
Clearance from driveway grade to sign bottom	14 ft	14 ft	14 ft
Number of signs permitted	1 per lot	1 per lot	1 per lot
Suspended Signs			
Maximum sf	12 sf	12 sf	12 sf
Clearance from grade to sign bottom	8 ft	8 ft	8 ft
Clearance from driveway grade to sign bottom	14 ft	14 ft	14 ft
Number of signs permitted	1 per lot	1 per lot	1 per lot
Wall Signs			
Total sf	1 sf times the length of the wall in feet, each wall calculated separately	1 sf times the length of the wall in feet, each wall calculated separately	1 sf times the length of the wall in feet, each wall calculated separately
Other Standards			
Illumination	External illumination only; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of illumination shall not be visible from any adjoining street or property.	External illumination only; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of illumination shall not be visible from any adjoining street or property.	External illumination only; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of illumination shall not be visible from any adjoining street or property.

O. Permitted Signs in Commercial Zoning Districts.

Permitted Signs in Commercial Zones				
	RO and NB	CB, UMC, and GB	MB and I	RTO and U
Freestanding Signs				
Maximum sf	32 sf ⁷	120 sf	100 sf ¹	64 sf
Maximum height	10 ft	25 ft	25 ft	10 ft
Number of signs permitted	1 per each lot street frontage	1 per each lot street frontage	1 per each 300 ft of lot street frontage or fraction thereof	1 per each lot street frontage
Setback from property line	None	None	5 ft for support structure	None
Minimum clearance above driveway (if applicable)		14 ft	14 ft	
Monument Signs				
Maximum sf	32 sf	32 sf	24 sf if within 10 ft of right-of-way ² 60 sf if beyond 10 ft of right-of-way ⁴	64 sf
Maximum height	10 ft	10 ft	4 ft if within 10 ft of right-of-way ³ 15 ft if beyond 10 ft of right-of-way	10 ft
Number of signs permitted	1 per each lot street frontage	1 per each lot street frontage	1 per each 200 ft of lot street frontage or fraction thereof	1 per each lot street frontage
Projecting Signs				
Maximum sf		50 sf	50 sf	
Clearance from grade to sign bottom	8 ft	8 ft	8 ft	8 ft
Clearance from driveway grade to sign bottom	14 ft	14 ft	14 ft	14 ft
Number of signs permitted		1 per business, profession, institution, organization, or enterprise		
Suspended Signs				
Maximum sf		12 sf	12 sf	
Clearance from grade to sign bottom	8 ft	8 ft	8 ft	8 ft
Clearance from driveway grade to sign bottom	14 ft	14 ft	14 ft	14 ft
Number of signs permitted		1 per business, profession, institution, organization, or enterprise		
Roof Signs				
Maximum sf	NP	NP	80	NP
Number of signs permitted	NP	NP	1	NP
Wall Signs				
Total sf	1 sf times the length of the wall in feet, each wall calculated separately	3 sf times the length of the wall in feet, each wall calculated separately	3 sf times the length of the wall in feet, each wall calculated separately	1 sf times the length of the wall in feet, each wall calculated separately

	RO and NB	CB, UMC, and GB	MB and I	RTO and U
Portable Signs⁵				
Maximum size				
Sandwich Board Signs	3 ft in width, 4ft in height	3 ft in width, 4ft in height	3 ft in width, 4ft in height	NP
Freestanding Banner Signs	NP	NP	13 ft in height, 24 sf in size	NP
Number of signs permitted	1 sign per business or entity	1 sign per business or entity	1 sign per each 100 ft of lot frontage. At least 1 sign shall be allowed per each lot street frontage and business. No more than 3 signs shall be permitted for any single lot frontage	NP
Dynamic Display Signs⁶				
Permitted Locations		GB only	MB and I	
Maximum Sign Area Per Building Lot		150 sf per building lot	150 sf per building lot	
Maximum Single Dynamic Display Sign Size		50 sf	100 sf	
Other Standards				
Illumination	External illumination only; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of external illumination shall not be visible from any adjoining street or property.	Internal or external illumination; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of external illumination shall not be visible from any adjoining street or property.	Internal or external illumination; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of external illumination shall not be visible from any adjoining street or property.	External illumination only; however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of external illumination shall not be visible from any adjoining street or property.

NOTES

¹ Plus ten (10) square feet for each entity in excess of one (1) advertised on the sign and located on the lot, to a maximum increase of one hundred (100) square feet for such additional entities, plus one-half (1/2) square foot for each one (1) square foot of landscaping to a maximum increase of one hundred (100) square feet for such landscaping; provided that no such sign shall contain greater than three hundred (300) square feet of sign area.

² Plus twelve (12) square feet if a minimum of fifty (50) square feet of landscaping is provided around the base of the sign.

³ Except that a monument sign not greater than three feet (3') in width may be allowed a maximum height of eight feet (8').

⁴ Plus thirty (30) square feet if a minimum of one hundred (100) square feet of landscaping is provided around the base of the sign.

⁵ Subject to Portable Sign Standards within Section 4-3-4 of this Zoning Code

⁶ Subject to Dynamic Display Sign Standards within Section 4-3-4 of this Zoning Code

⁷ Institutional uses are permitted to have thirty-two (32) square feet in size, and up to forty-eight (48) square feet through the approval of a Conditional Use Permit

N. ~~Permitted Signs in the AF and FR Zoning Districts:~~

- ~~1. City owned entrance, welcome, and identification signs.~~
- ~~2. A maximum of thirty two (32) square feet of total sign area, identifying a permitted institutional, public service, utility facility or commercial use located on the lot.~~
- ~~3. A maximum of one (1) freestanding sign on each lot street frontage.~~
- ~~4. No freestanding sign shall exceed twenty (20) square feet in size or ten feet (10') in height.~~
- ~~5. Signs may be externally illuminated only; no strobe lights, flashing lights, rotary lights, or beacons shall be permitted, and the source of any illumination shall not be visible from any adjoining street or property.~~

- ~~6. No roof sign or portable sign shall be permitted.~~
 - ~~7. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.~~
 - ~~8. No projecting sign shall exceed a height of thirty inches (30") above the building wall.~~
- ~~O. Permitted Signs in the SR, R-1, R-2 and R-3 Zoning Districts.~~
- ~~1. A maximum of one (1) monument or freestanding sign per lot street frontage.~~
 - ~~2. No monument or freestanding sign shall exceed twenty (20) square feet in size, nor ten feet (10') in height identifying a permitted institutional, public service, or utility facility located on the lot.~~
 - ~~3. No monument or freestanding sign shall exceed four (4) square feet in size identifying a permitted commercial use located on the lot.~~
 - ~~4. Signs may be externally illuminated only; no strobe lights, flashing lights, rotary lights, or beacons shall be permitted, and the source of illumination shall not be visible from any adjoining street or property.~~
 - ~~5. The total area of wall signs on a building wall shall not exceed one (1) square foot times the length in feet of the wall; each wall calculated separately.~~
 - ~~6. No roof sign or portable sign shall be permitted.~~
 - ~~7. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.~~
 - ~~8. No projecting signs shall exceed a height of thirty inches (30") above the building wall.~~
- ~~P. Permitted signs in the R-4, RO and NB Zoning Districts.~~
- ~~1. A maximum of one (1) monunent or freestanding sign on each lot street frontage.~~
 - ~~2. No monument or freestanding sign shall exceed thirty two (32) square feet in size nor ten feet (10') in height.~~
 - ~~3. The total area of wall signs on a building wall shall not exceed one (1) square foot times the length in feet of the wall; each wall calculated separately.~~
 - ~~4. Signs may be externally illuminated only; no strobe lights, flashing lights, rotary lights, or beacons shall be permitted, and the source of any illumination shall not be visible from any adjoining street or property.~~
 - ~~5. No roof sign or portable sign shall be permitted.~~
 - ~~6. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.~~
 - ~~7. No projecting sign shall exceed a height of thirty inches (30") above the building wall.~~
- ~~Q. Permitted Signs in the RTO and "U" Zoning Districts.~~
- ~~1. A maximum of one (1) monument or freestanding sign on each lot street frontage.~~
 - ~~2. No monument or freestanding sign shall exceed sixty four (64) square feet in size nor ten feet (10') in height.~~
 - ~~3. The total area of wall signs on a building wall shall not exceed one (1) square foot times the length in feet of the wall; each wall calculated separately.~~
 - ~~4. Signs may be externally illuminated only; no strobe lights, flashing lights, rotary lights, or beacons shall be permitted, and the source of illumination shall not be visible from any adjoining street or property.~~
 - ~~5. No roof sign or portable sign shall be permitted.~~
 - ~~6. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.~~
 - ~~7. No projecting sign shall exceed a height of thirty inches (30") above the building wall.~~

~~R. Permitted Signs in the CB, UMC and GB Zoning Districts.~~

- ~~1. A maximum of either one (1) freestanding sign or one monument sign on each lot street frontage.~~
- ~~2. No freestanding sign shall exceed one hundred twenty (120) square feet in size not twenty-five feet (25') in height.~~
- ~~3. Any freestanding sign erected over a driveway shall maintain a minimum clearance of fourteen feet (14') to the driveway surface.~~
- ~~4. A maximum of one (1) projecting sign and one (1) suspended sign per business, profession, institution, organization or enterprise on each lot street frontage. No projecting sign shall exceed fifty (50) square feet in size, nor shall it exceed a height of thirty inches (30") above the building wall.~~
- ~~5. No suspended sign shall exceed twelve (12) square feet in size.~~
- ~~6. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') to the ground below or fourteen feet (14') if over a driveway.~~
- ~~7. No projecting sign shall exceed a height of thirty inches (30") above the building wall.~~
- ~~8. The total area of wall signs on a building wall shall not exceed three (3) square feet times the length in feet of the wall, each wall calculated separately.~~
- ~~9. Signs may be internally or externally illuminated, however, no strobe lights, flashing lights, rotary lights, or beacons shall be permitted and the source of illumination shall not be visible from any adjoining street or property.~~
- ~~10. No roof sign shall be permitted.~~
- ~~11. Portable Signs as permitted in Section T of this Sign Code.~~

~~S. Permitted Signs in the MB and "I" Zoning Districts.~~

- ~~1. Freestanding Signs:~~
 - ~~a. No freestanding sign shall be allowed to overhang the public right-of-way.~~
 - ~~b. No upright, brace, pole, or other part of a sign support structure erected or constructed after the enactment date of this Sign Code, shall be closer than five feet (5') to the public right-of-way.~~
 - ~~c. Except as provided in paragraph M.C.C. 4-6-13(S)(1)(g) below, no freestanding sign shall contain greater than one hundred (100) square feet of sign area, plus ten (10) square feet for each entity in excess of one (1) advertised on the sign and located on the lot, to a maximum increase of one hundred (100) square feet for such additional entities, plus one-half (1/2) square foot for each one (1) square foot of landscaping to a maximum increase of one hundred (100) square feet for such landscaping; provided that no such sign shall contain greater than three hundred (300) square feet of sign area. Any sign utilizing the above-mentioned landscaping bonus shall have such landscaping situated at or near the base of the sign in such a manner as to buffer the visual impact of the sign structure to passers by along the street frontage. The signage landscaping shall be in addition to any other required landscaping and consist of groundcover (such as bark chips, river rock, mulch, etc.) plus trees and shrubs or trees and perennials which will achieve one hundred percent (100%) coverage within ten (10) years of planting. Annual plantings, ivy and turf may be included provided that they do not cover in excess of fifteen percent (15%) of the landscaped area.~~
 - ~~d. No freestanding sign shall exceed twenty-five feet (25') in height.~~
 - ~~e. Any freestanding sign erected over a driveway must maintain a minimum clearance of fourteen feet (14') from the bottom of the sign to the driveway surface.~~

- ~~f. Except for signs permitted by M.C.C. 4-6-13(S)(1)(g) below the total number of freestanding signs on each lot street frontage shall be limited to one (1) per each three hundred feet (300') of lot street frontage or additional part thereof; however, no freestanding sign shall be permitted on any lot created after the enactment date of this Sign Code that has less than two thousand five hundred (2,500) square feet of lot area.~~
- ~~g. An additional freestanding sign (billboard) may be permitted to exceed one hundred (100) square feet of sign area, exclusive of increases for multiple entities or landscaping, provided such freestanding sign meets the following requirements:~~
- ~~i. it is on a lot that is at least two thousand five hundred (2,500) square feet in size or on a lot that was recognize by the City as building lot prior to the enactment date of this Sign Code;~~
- ~~ii. it is located on property within fifty feet (50) of U.S. Highway 95 or State Highway 8 right of way;~~
- ~~iii. it be spaced no closer than one thousand five hundred feet (1,500') of another sign permitted by this paragraph M.C.C. 4-6-13(S)(1)(g);~~
- ~~iv. it not exceed three hundred (300) square feet per facing with no more than two (2) facings that intersect at no greater than a one hundred thirty five degree (135°) angle (a tri-action sign shall be considered as one which has more than two (2) facings);~~
- ~~v. it not exceed twenty-five feet (25') in height;~~
- ~~vi. if illuminated, the source of illumination be external and not directly visible from any location on any adjacent lot or right of way.~~
- ~~vii. it maintain a minimum clear distance of eight feet (8') from the bottom of the sign to the ground below it or a minimum of fourteen feet (14') if the ground below is a driveway.~~
- ~~2. Monument Signs.~~
- ~~a. A monument sign located within ten feet (10') of a street right-of-way shall not exceed twenty four (24) square feet in size plus twelve (12) square feet if a minimum of fifty (50) square feet of landscaping is provided around the base of the sign.~~
- ~~b. A monument sign located within ten feet (10') of a street right-of-way shall not exceed four feet (4') in height, except that a monument sign not greater than three feet (3') in width may be allowed a maximum height of eight feet (8').~~
- ~~c. A monument sign located beyond ten feet (10') from a street right-of-way shall not exceed sixty (60) square feet in size plus thirty (30) square feet if a minimum of one hundred (100) square feet of landscaping is provided around the base of the sign. The signage landscaping shall be in addition to any other required landscaping and consist of groundcover (bark chips, river rock, mulch, etc.) plus trees and shrubs or trees and perennials which achieve one hundred percent (100%) coverage within ten (10) years of planting. Annual plantings, ivy and turf may be included provided that they do not cover in excess of thirty percent (30%) of the landscaped area.~~
- ~~d. A monument sign located beyond ten feet (10') from a street right-of-way shall not exceed fifteen feet (15') in height.~~
- ~~e. The total number of monument signs on each lot street frontage shall be limited to the greater of the following: one (1) per lot street frontage of fifty feet (50') or more or one (1) on each two hundred feet (200') of lot street frontage or additional part thereof.~~
- ~~3. Projecting and Suspended Signs~~

- ~~a. No projecting sign shall exceed fifty (50) square feet in size and no suspended sign shall exceed twelve (12) square feet in size.~~
- ~~b. No projecting sign shall exceed a height of thirty inches (30") above the building wall.~~
- ~~c. A projecting or suspended sign shall maintain a minimum clearance of eight feet (8') from the bottom of the sign to the ground below it, or a minimum of fourteen feet (14') if the ground below is a driveway.~~
- ~~d. A maximum of one (1) projecting sign and one (1) suspended sign per business, enterprise, profession, institution, or organization on each lot street frontage.~~
- ~~4. Roof Signs.~~
 - ~~a. A maximum of one (1) roof sign, not to exceed eighty (80) square feet in size, per building.~~
 - ~~b. No roof sign shall exceed twenty-five feet (25') in height above the ground.~~
- ~~5. Wall Signs.~~

~~The total area of wall signs on a building wall shall not exceed three (3) square feet times the length in feet of the wall, each wall calculated separately.~~
- ~~6. Portable Signs as permitted in Section T of this Sign Code.~~
- ~~7. Illumination.~~

~~Signs may be internally or externally illuminated; no strobe lights, flashing lights, rotary lights, or beacons shall be permitted, and the source of any illumination shall not be visible from any adjoining street or property.~~
- P. Portable Sign Standards.
 - 1. Portable Signs located in the Central Business (CB) and Urban Mixed Commercial (UMC) Zoning Districts.
 - a. Materials shall be solid and durable, and there shall be no lighting.
 - b. Location:
 - i. Portable Signs may be located on private property or the public right-of-way.
 - ii. Portable Signs shall be directly in front of the business they serve.
 - iii. A minimum clear width of at least six feet (6') shall be maintained on public right-of-way for the safe movement of pedestrians, and the location shall be subject to the approval of the City Engineer.
 - c. Anchoring. Portable Signs shall be suitably anchored, weighted or designed to be resistant to the wind and shall be removed from public right-of-way at the end of each business day and shall not be displayed during the non-business hours of the commercial use such signs advertise.
 - d. Hold Harmless Agreement. Any person or business placing a Portable Sign upon the public right-of-way in conformance with this Section shall execute an agreement by which the person or business placing such Portable Sign accepts any and all liability for damages of any nature suffered by anyone as a result of the placement or maintaining of such Portable Sign and further shall agree to hold the City harmless from, defend and indemnify the City for any such claims for damages.
 - 2. Portable Signs located in the General Business (GB) and Motor Business (MB) Zoning Districts.
 - a. Materials shall be solid and durable, and there shall be no lighting.
 - b. Anchoring. Portable Signs shall be suitably anchored, weighted or designed to be resistant to the wind.

c. Portable Signs shall not be placed upon public right-of-way and shall not present a visual sight obstruction upon adjacent streets, as determined by the City Engineer. Where the physical development or other special circumstances of the property prohibit the placement of Portable Signs upon private property, Portable Signs may be allowed upon the adjacent public right-of-way upon the issuance of an encroachment permit from the agency having jurisdiction over said public right-of-way.

d. All Portable Signs shall be removed at the end of each business day and shall not be displayed during the non-business hours of the commercial use such signs advertise.

e. Portable Signs displayed within private parking lots (such as malls or shopping centers) that are not oriented toward and readily visible from adjacent public streets shall not be regulated by this Sign Code.

f. Portable Signs that are tattered, torn, or in a state of disrepair are prohibited.

~~T. Permitted Portable Signs. Portable Signs shall be permitted as follows:~~

~~1. Central Business (CB) and Urban Mixed Commercial (UMC) Zoning District. Portable Signs shall be permitted within the Central Business (CB) and Urban Mixed Commercial (UMC) Zoning Districts on private property and on public right-of-way and shall be subject to the following restrictions:~~

~~a. Maximum number permitted shall be one (1) Portable Sign per each one hundred feet (100') of building frontage. At least one (1) Portable Sign shall be permitted for each building.~~

~~b. Maximum size shall be four feet (4') in height, and three feet (3') in width.~~

~~c. Materials shall be solid and durable, and there shall be no lighting.~~

~~d. Location:~~

~~i. Portable Signs shall be directly in front of the business they serve.~~

~~ii. A minimum clear width of at least six feet (6') shall be maintained on public right-of-way for the safe movement of pedestrians, and the location shall be subject to the approval of the City Engineer.~~

~~e. Anchoring. Portable Signs shall be suitably anchored, weighted or designed to be resistant to the wind and shall be removed from public right-of-way at the end of each business day and shall not be displayed during the non-business hours of the commercial use such signs advertise.~~

~~f. Hold Harmless Agreement. Any person or business placing a Portable Sign upon the public right-of-way in conformance with this Section shall execute an agreement by which the person or business placing such Portable Sign accepts any and all liability for damages of any nature suffered by anyone as a result of the placement or maintaining of such Portable Sign and further shall agree to hold the City harmless from and indemnify the City for any such claims for damages.~~

~~2. General Business (GB) and Motor Business (MB) Zoning Districts. Portable Signs shall be permitted in the General Business (GB) and Motor Business (MB) Zoning Districts subject to the following restrictions:~~

~~a. Maximum number permitted shall be no more than one (1) Portable Sign per each one hundred feet (100') of lot frontage. At least one (1) Portable Sign shall be allowed per each lot street frontage. No more than three (3) Portable Signs shall be permitted for any single lot frontage.~~

~~b. Maximum Size:~~

~~i. Sandwich Board Signs: Four feet (4') in height and three feet (3') in width.~~

- ~~ii. Freestanding Banner Signs: Thirteen feet (13') in height and twenty four (24) square feet in size.~~
 - ~~c. Portable Signs shall be constructed of solid and durable materials and shall not include lighting or reflective materials.~~
 - ~~d. Portable Signs shall be suitably anchored, weighted or designed to be resistant to the wind.~~
 - ~~e. Portable Signs shall not be placed upon public right-of-way and shall not present a visual sight obstruction upon adjacent streets, as determined by the City Engineer. Where the physical development or other special circumstances of the property prohibit the placement of Portable Signs upon private property, Portable Signs may be allowed upon the adjacent public right-of-way upon the issuance of an encroachment permit from the agency having jurisdiction over said public right-of-way.~~
 - ~~f. All Portable Signs shall be removed at the end of each business day and shall not be displayed during the non-business hours of the commercial use such signs advertise.~~
 - ~~g. Portable Signs displayed within private parking lots (such as malls or shopping centers) that are not oriented toward and readily visible from adjacent public streets shall not be regulated by this Sign Code.~~
 - ~~h. Portable Signs that are tattered, torn, or in a state of disrepair are prohibited.~~
- UQ. Dynamic Display Signs~~Sign Standards~~. Dynamic Display Signs shall be permitted as follows:
1. Permitted Locations.
Dynamic Display Signs shall be permitted only within the Motor Business (MB), General Business (GB), and Industrial (I) Zoning Districts, subject to the standards contained herein.
 2. Maximum Dynamic Display Sign Area Per Building Lot.
The total Dynamic Display Sign area shall not exceed one hundred fifty (150) square feet per building lot.
 3. Maximum Single Dynamic Display Sign Size. No single Dynamic Display Sign shall exceed one hundred (100) square feet in size within the Motor Business (MB) and Industrial (I) Zoning Districts, or fifty (50) square feet within the General Business (GB) Zoning District.
 4. Dynamic Display Sign Restrictions-Messaging. Dynamic Display Signs shall not include any illumination or image which moves continuously, appears to be in motion or has any moving or animated parts or video displays or broadcasts. No Dynamic Display Sign shall include any illumination which is flashing or moving, except as allowed for transition between images or displays. Dynamic display shall not use blinking, bursting, distorting, flashing, oscillating, rotating, shimmering, sparkling, streaming, tracing, traveling text, and/or twinkling effects that imitates or interferes with the effectiveness of any official traffic control device or which otherwise impedes the safe and efficient flow of traffic.
 5. Hold Time.
Dynamic display shall not change or move more often than once every eight (8) seconds.
 6. ~~Transitions.~~
~~Transition from one (1) image or display to the next image or display shall be accomplished in two (2) seconds or less. Fading, scrolling, and/or dissolving effects may be used as part of such transition.~~
 - ~~76. Other Sensory Measures. Dynamic Display Signs shall not emit or utilize any sound or smell that is capable of being detected.~~
 87. Display Malfunctions.

The Dynamic Display Sign owner shall stop all dynamic display within twenty-four (24) hours following receipt of notice from the City that the Dynamic Display Sign is malfunctioning or is otherwise not in compliance with the standards of this Sign Code.

98. Brightness.

a. Dynamic Display Signs shall not exceed a maximum illumination of eight thousand (8,000) nits (candelas per square meter) during daylight hours or more than five hundred (500) nits during nighttime hours (sunset to sunrise), as measured from the Dynamic Display Sign's face when such Sign is set at full white display.

b. In addition to the illumination limits herein, no Dynamic Display Sign shall result in an increase of more than three tenths (0.3) of one foot-candle above existing ambient light levels utilizing the following procedure:

Within a time period of at least thirty (30) minutes past sunset and (30) minutes prior to sunrise on the same night, an ambient light first reading shall be taken using an appropriate foot-candle meter while the subject Dynamic Display Sign is off or is displaying all black display. Such first reading shall be taken with the light meter aimed directly at the Dynamic Display Sign at a distance which shall be equal to the square root of the Dynamic Display Area multiplied by one hundred (100) (i.e., $[\text{SQRT}(\text{sign area in sq. ft.} \times 100)]$). A second reading from the same location as the first reading shall be taken in the same manner as the first reading while the subject Dynamic Display Sign is displaying full white display. The difference between the two readings shall not exceed three tenths (0.3) of one foot-candle.

c. Dynamic Display Signs shall be equipped with automatic dimming technology that automatically adjusts the Dynamic Display Area's brightness, based on ambient light conditions.

109. No Interference with Traffic Control Devices. No Dynamic Display Sign shall obscure or interfere with the effectiveness of any official traffic sign, device, or signal, as determined by the City Engineer.

110. Nonconformities.

a. Dynamic Display Signs in place on the date of adoption of this Dynamic Display Signs subsection shall comply with all the operational standards of this subsection to the extent that is technically feasible when considering the operational control capabilities of such existing Dynamic Display Sign.

b. A Dynamic Display Sign in place on the date of adoption of this Dynamic Display Sign subsection which is designed and intended to display only text messages that do not fit completely within the display area at one time (e.g., scrolling messages, serially displayed messages, etc.) and which do not contain any graphic images, may scroll or display portions of a message that is statically displayed for a duration of no less than one (1) second, if such is done in a consistent and predictable manner that does not result in flashing of the display.

c. An existing Dynamic Display Sign that does not meet the structural requirements of this Dynamic Display Sign subsection may continue as a nonconforming sign, subject to the regulation of non-conforming signs in this Sign Code.

VR. Internally Illuminated Signs. No internally illuminated sign shall exceed the following illumination standards:

1. No internally illuminated sign shall exceed a maximum illumination of eight thousand (8,000) nits (candelas per square meter) during local daylight hours (sunrise to sunset) or more than five hundred (500) nits during local nighttime hours (sunset to sunrise), as measured from the internally illuminated sign's face.

2. In addition to the illumination limits in this illuminated sign subsection, no internally illuminated sign shall cause an increase of more than three tenths (0.3) of one foot-candle above existing ambient light levels when measured utilizing the following procedure:

Within a time period of at least thirty (30) minutes past sunset and thirty (30) minutes prior to sunrise on the same night, an ambient light first reading shall be taken using an appropriate foot-candle meter while the subject sign is off. Such first reading shall be taken with the light meter aimed directly at the subject sign at a distance which shall be equal to the square root of the illuminated sign area multiplied by one hundred (100) (i.e., $[\text{SQRT}(\text{sign area in sq. ft.} \times 100)]$). A second reading from the same location as the first reading shall be taken in the same manner while the subject sign is illuminated. The difference between the two readings shall not exceed three tenths (0.3) of one foot-candle.

3. Internally illuminated signs shall be equipped with automatic dimming technology that automatically adjusts the display portions' brightness, based on ambient light conditions.

...

SECTION 2: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions which can be given effect without the invalid provision. The remaining sections of Title 4 shall be in full force and effect.

SECTION 3: EFFECT ON OTHER ORDINANCES. Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2021.

Bill Lambert, Mayor

CERTIFICATION. I hereby certify that the above is a true copy of an Ordinance passed at a regular meeting of the City Council, City of Moscow, held on _____, 2021.

ATTEST:

Laurie M. Hopkins, City Clerk

Memo

To: Mayor and City Council
From: Mike Ray, AICP - Planning Manager
Date: May 19, 2021
Re: Ordinance Amending Title 4, Chapter 6 of Moscow City Code Regarding Amendments to the Sign Code

In 2015 there was a United States Supreme Court Decision, *Reed v. Town of Gilbert*, which clarified when municipalities may impose restrictions on signage which are content-based. In the court case, the Town of Gilbert, Arizona, had previously adopted a sign ordinance which regulated signs which could be displayed in public areas. The ordinance imposed more stringent regulations on the signs which were religious in nature, compared to other types of signs which displayed political or ideological messages. A church led by Pastor Reed was cited for violating the ordinance and subsequently filed a lawsuit claiming that the ordinance violated their First Amendment rights. The First Amendment to the United States Constitution prohibits states from enacting laws that abridge the freedom of speech. The Supreme Court held that the Town of Gilbert had imposed content-based regulations that did not survive strict scrutiny because the ordinance wasn't tailored to further a compelling government interest.

As a result of the *Reed v. Town of Gilbert* decision, any municipal sign ordinance with different regulations for different categories of signs is content-based as long as the categories are defined by the content, topic, or subject matter of the sign's message. There are currently several portions of the City of Moscow's sign ordinance which categorize signs based upon content, including political, real estate, parks and recreation facility identification signs, and subdivision entrance signs. As a result, a temporary signs section has been inserted in the draft ordinance which would encompass political and real estate signs. Temporary signs are proposed to have different standards depending upon whether they are displayed within residential zoning districts, commercial zoning districts, or the City right-of-way. Size and quantity limitations vary for each of the three areas where temporary signs can be displayed. In order to account for the display of temporary signs which are political in nature, there is no limit to the number of temporary signs that are displayed during the time period between 60 days preceding the first day of primary election, general election or vote for office or ballot measure and 7 days following the day of final election or vote for office or ballot measure.

Subdivision entrance/identification signs have been eliminated and would now be covered under the typical sign allowances for the specific zoning district in which they are located within. Parks and recreation facility identification signs have also been eliminated and would now be encompassed within governmental signs.

As Staff and the Planning and Zoning Commission have been incrementally updating the zoning code, a major component has been the conversion of certain portions of the code from narrative to table format for consistency, side by side comparison of standards for each zoning district, and a more compact and user-friendly code. The sign code presents another excellent opportunity to convert the types of signs permitted in each specific zoning district to table format. There are proposed to be two tables inserted into the code, one for signs within residential zones and another for signs within commercial zones. The different types of signs such as freestanding, monument, projecting, suspended, roof, portable, and dynamic display signs are now listed on the far-left column, while the corresponding zone regulations are immediately adjacent to the right. The proposed sign code tables are similar to portions of the zoning code which have already been converted to table format such as the table of permitted uses, bulk and dimensional standards, limitations on use standards, and the off-street parking standards table.

The City Attorney has reviewed the final draft ordinance for compliance with Reed v. Town of Gilbert, and in her opinion the proposal is in compliance with the court's decision. On February 18, 2021, Staff gave a presentation to the Latah County Board of Realtors on the proposed changes to the sign code, since real estate signs are being affected by the update. The Board expressed no concerns with the proposed changes and had no further comments to add. The Planning and Zoning Commission conducted a public hearing on the proposed ordinance on May 12, 2021 and recommended approval to City Council. The public hearing before the City Council has been scheduled for June 7, 2021.

NOTICE OF PUBLIC HEARING

Legislative Hearing Providing for the Amendment of Title 4, Chapter 6 of Moscow City Code
Regarding Amendments to the Moscow Sign Code

A public hearing at which you may be present and speak will be conducted before the Moscow City Council at which time the following proposal will be considered:

Legislative Hearing Providing for the Amendment of Moscow City Code Title 4, Chapter 6; Providing for the Amendment of the Moscow Sign Code.

The City of Moscow Planning and Zoning Commission conducted a public hearing for the proposed ordinance on May 12, 2021 and recommended approval to City Council.

HEARING DATE: Monday, June 7, 2021

HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

MEETING TIME: 7:00 p.m.

Note: Meeting start time is not necessarily indicative of hearing start time for the proposal advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine hearing start time, which could occur later in the meeting.

The file containing information on this matter is available for public review at the Community Planning & Design Department located in the Paul Mann Building at 221 East Second Street, Moscow, Idaho. Call 208-883-7035 to get a meeting agenda and further information about the matter.

Verbal testimony at the hearing is generally limited to three (3) minutes time. Minor amounts of written materials (less than two (2) pages) may be submitted to the hearing body at any time prior to the close of comments, as determined by the hearing body. More in-depth written materials require at least five (5) calendar days for review prior to the hearing. You may obtain further information about the public hearing process and procedures on the City's Website at: <http://id-moscow.civicplus.com/593/Public-Hearing-Notices>

Laurie M. Hopkins, Moscow City Clerk



Jennifer Fleischman, Deputy City Clerk

Publish: May 15, 2021