

ORDINANCE NUMBER 200

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 5 CHAPTER 11 TO AMEND TEMPORARY SIGN PERMIT STANDARDS AND APPROVAL PROCEDURES IN THE RESIDENTIAL AND COMMERCIAL DISTRICTS AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of Dalton Gardens, Idaho:

SECTION 1: AMENDMENTS: Those sections 5-11-2, 5-11-4, 5-11-5, 5-11-6, 5-11-8, of the Dalton Gardens Municipal Code shall be, and the same are amended as follows:

5-11-2: DEFINITIONS:

A-FRAME SIGN: On premises portable, freestanding signs intended for use in parking lots, upon sidewalks and along roadways

ADVERTISING SIGN (Off-Premises): A sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

ANIMATED SIGN: Any sign which includes action or motion. For purposes of this chapter, this does not include flashing, changing, or revolving, all of which are separately defined.

ARCHITECTURAL BLADE: A roof sign or projecting sign with no legs or braces. Designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

Awning Signs – See Canopy

BANNER: A flexible material on which a sign is displayed. It may be stretched across the street or anchored to the outside of a building or other structure, affixed to windows, or otherwise displayed on exterior surfaces.

BULLETIN BOARD: A sign for public and semipublic buildings, and religious institutions not to exceed twenty four (24) square feet.

BUSINESS SIGN (On-Premises): A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon premises where such sign is located or to which it is affixed.

CANOPY: A permanent roofed structure which may be freestanding or partially attached to a building for the purpose of providing shelter to patrons or automobiles, but shall not mean a completely enclosed structure.

CHANGEABLE COPY PANEL: A panel which is characterized by changeable copy, regardless of method of attachment.

CHANGING SIGN: A sign such as an electronically or electrically controlled public-service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

COPY AREA OF SIGN: That actual area of the sign copy applied to any background. Compute copy area by straight lines drawn closest to copy extremities encompassing individual letters or words.

DIRECTLY ILLUMINATED SIGN: Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

ELECTRIC SIGN: Any sign containing electric wiring. This does not include signs illuminated by an exterior light source.

FLASHING SIGN: Any directly or indirectly illuminated sign on which the artificial light is not constant in intensity or color at all times when such sign is in use. Automatic changing signs such as public-service time, temperature and date signs or electronically controlled message centers are classed as "changing signs" not "flashing signs".

FREE-STANDING SIGN: A sign which is supported by one or more columns, uprights or braces in the ground.

FREEWAY: A traffic way in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

GROUND SIGN: ~~The same as a temporary sign supported by uprights or braces placed upon the ground and not attached to any part of any building. A~~ freestanding sign that is not secured to a foundation, attached to any part of a building or other secondary support structure.

HEIGHT OF SIGN: The vertical distance measured from the adjacent street center-line grade. No permanent sign may be constructed in a clear zone of the three feet (3') to eight feet (8') and with a maximum height of thirty feet (30').

IDENTIFICATION SIGN: "Identification sign" refers to a sign which contains advertising but is limited to the name, address and number of a building, institution or person on the premises.

ILLUMINATED SIGN: Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign face.

INCIDENTAL SIGN: A sign pertaining to goods, products, services or facilities which are available on the premises where the sign is located.

INDIRECTLY ILLUMINATED SIGN: A sign illuminated with a light so shielded that no direct rays from it are visible elsewhere than on the lot where illumination occurs.

INDIVIDUAL LETTER SIGN: Any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of or below a marquee.

MANSARD: A roof having two (2) slopes on all sides with the lower slope steeper than the upper.

MARQUEE: A roof-like structure of a permanent nature which projects from the wall of a building.

MARQUEE SIGN: Any sign attached to or constructed in a marquee.

MULTI-PRISM SIGN: A sign made with a series of triangular vertical sections that turn and stop, or index, to show more than one message in the same area.

MULTIPLE-COPY SIGN: A sign which advertises other than the name of the business and the principal product or service sold or distributed on the premises.

NAME PLATE: A non electric sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located. If any premises include more than one occupant, "name plate" refers to all names and occupations or professions as well as the name of the building and directional information.

NONCONFORMING SIGN (Legal): Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this Chapter and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Chapter.

NON-TRADITIONAL SIGNS: A sign that is typically 3-dimensional and includes inflatable signs.

ON-PREMISES SIGN: A sign which carries only advertisements strictly incidental to a use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, name of the person, firm or corporation occupying the premises.

POLITICAL SIGN: Any temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot for primary, general, or special elections.

PORTABLE SIGN: ~~Same as Temporary Sign as defined in this Section.~~ Portable signs are signs not permanently attached to the ground or building, typically with a power-cord for connection to an electrical source, mounted on frame, trailer, axle, and tires not affixed to the ground and readily removable using ordinary hand tools. Portable signs are prohibited.

POSTER PANELS (Includes Poster Board Or Painted Bulletins): A structure or framework attached to a building or the ground for the purpose of posting advertising bills, posters, and painted signs.

PROJECTING SIGN: Any sign extending more than eighteen inches (18") from the face or wall of a structure to which it is affixed.

PUBLIC SERVICE INFORMATION SIGN: Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news traffic control, etc.

REAL ESTATE OR PROPERTY FOR SALE, RENT OR LEASE SIGN: Any sign pertaining to the sale, lease or rental of land or building.

REVOLVING SIGN: Any sign which revolves or oscillates.

ROOF SIGN: A sign erected upon a roof above a parapet wall or building and which is wholly or partially supported by said building.

SIGN: A name, identification, description, display, illustration or statuary which is affixed to, or represented directly upon a building, structure or piece of land, and which directs attention to an object; however, a "sign" shall not mean any display of official court or public nation, political unit, school, or religious group.

SIGN, GROSS AREA: The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural elements outside the limits of such sign and not forming an integral part of the display. When two (2) sides of a double-faced sign are located

not more than thirty six inches (36") apart at the widest point and not more than twelve inches (12") apart at the narrowest point and display identical messages or other representation, the gross area shall include only one of the sides. If the sign consists only of individual letters affixed directly to the wall of a building, only the area of a simple geometric figure which will encompass the letters is counted as part of the gross sign area.

SIGN STRUCTURE: Any structure which supports or is capable of supporting any sign as devised in this Chapter. A sign structure may be a single pole or may or may not be an integral part of the building.

STREET: A public or private right of way which affords a means of access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, through-way, or however otherwise designated, but does not include driveways to buildings.

TEMPORARY PROMOTION SIGN: A banner, pennant, poster, or advertising display constructed of cloth, canvas, light fabric, paper, cardboard, plastic, metal or other light material, with or without frames, that is not permanently attached to a building ~~or the ground~~ and which is intended to be displayed for a limited period. ~~not be exceed forty five (45) days per calendar year per business location.~~

UNDER MARQUEE SIGN: Lighted or unlighted display attached to underside of a marquee protruding over public or private sidewalks or right of way.

WALL SIGN: Any sign attached to, erected or painted on the wall of a building or structure, and which projects not more than eighteen inches (18") from such wall.

WINDOW SIGN: Any sign located completely within an enclosed building and visible from the exterior.

ZONING LOT: A parcel of land of sufficient size to meet minimum zoning requirements and shall consist of a single lot or lots of record under one ownership or control and described as part of a subdivision or by metes and bounds description.

ZONING OF LAND USE: The land use zone as established by the City Council. (Ord. 138, 8-1-1996)

5-11-4: GENERAL EXEMPTIONS:

The provisions of this Chapter shall not apply to: a) a sign located in a display window nor b) on a door of a business establishment which announces only the name of the proprietor or business establishment and the nature of the business; nor c) to a sign not exceeding six (6) square feet on a building; nor d) ~~on a~~

premises signs attached adjacent to a building in which persons congregate for civic, political educational, religious, social or recreational purposes, displaying the name and nature of the occupancy, and information as to the condition of use, admission of time of services or event; e) not nor e) street signs erected by the City; nor f) to temporary use signs or banner authorized by the Code Enforcement Officer/Building Inspector. For purposes of this ordinance fences are not considered structures and as such, signs are prohibited to be erected, installed or adhered to fences.

The following signs shall be permitted anywhere within the City and shall not require a permit:

A. Real estate signs not to exceed twelve (12) square feet in area per lot in single-family residence zone (~~R-1~~) and ~~multi-family residence zone (R-2)~~, and thirty two (32) square feet per lot in the commercial zoning district all remaining zones which advertise the sale, rental or lease of the premises upon which said signs are temporarily placed. Such signs are permitted only upon the premises to be sold, leased, or rented and shall be removed within thirty (30) days of the sale or rental or lease. Real estate signs shall not be placed in the public right of way and the City has the right to remove signs that are placed in the public right of way.

Signs advertising the sale of new subdivision lots ~~or rental of new apartment units~~ not exceeding thirty two (32) square feet in area shall be permitted, providing that no more than one such sign be located at each major approach to the subdivision or apartment complex. Signs shall not be placed in the public right of way and off-premise signs are prohibited.

B. Construction signs which identify the architects, engineers, contractors and other individuals or firms with the construction, but not including any advertisement of any product. Two (2) such signs not to exceed thirty two (32) square feet each shall be confined to the premises upon which construction occurs during the construction period. Such signs shall be removed within sixty (60) days of the beginning of occupancy.

C. Temporary political signs may be erected upon private property under the following conditions. The person or organization responsible for the erection or distribution of any such signs, or the owner, or his agent, of the property upon which such signs may be located, shall cause the removal thereof within five (5) days after the primary or special elections to which they are appurtenant to a general election.

The person or organization responsible for the erection or distribution of any such signs, or the owner, or his agent, of the property upon which such signs may be located, shall cause the removal thereof within five (5) days after the general election to which they are appurtenant. No political sign shall exceed sixteen (16)

square feet in area. A maximum of seven (7) such signs may be placed on a building or on a zoning lot. Temporary political signs shall not be placed in the public right of way and the City has the right to remove signs placed in the public right of way.

~~Street Banners advertising a public event may be erected as approved by the Code Enforcement Officer/building Inspector. Said banners shall be erected no more than seven days prior to the event and be removed within two days after termination of the event. removed within five (5) days after termination of the event.~~

E. Parking area signs designating parking area entrances and exits are limited to one sign for each such exit or entrance and to a maximum size of six (6) square feet each. One sign per parking area, designating the conditions or use or identity of such parking area and limited to a maximum size of twenty four (24) square feet, shall be permitted. On a corner lot, two (2) such signs, one facing each street, shall be permitted. (Ord. 138, 8-1-1996)

5-11-5: RESIDENTIAL ZONES, GENERALLY:

The following non flashing signs shall be allowed by permit in all residential zones. No off-premises or portable signs allowed. A-frame signs advertising or promoting a civic or community event or school enrollment are allowed for a period of time not to exceed thirty days per calendar year. prior to the event or enrollment period and shall be removed within two days of the termination of the event.

A. Bulletin Boards: One sign for public and semi-public buildings, and religious institutions not to exceed twenty four (24) square feet. Such signs shall be located within the lot lines and not less than fifteen feet (15') from any public right of way, except when attached to a principal building. Such signs may be illuminated in accordance with the regulations contained herein; if building-mounted, such signs shall be wall signs and shall not project above the roof line. If ground-mounted, no such sign shall be constructed in a clear zone of three feet to eight feet (3' to 8') with a maximum height of twenty feet (20') above the adjacent street center-line grade.

B. Identification Signs: One non illuminated identification sign per zoning lot shall be permitted for one-family and two-family dwellings provided that such sign shall not exceed two (2) square feet in area and not be closer than five feet (5') from any property line.

C. Single-Family Residential Zone: Only exempted signs and those listed in this Section will be allowed. Illuminated or portable signs are prohibited. (Ord. 138, 8-1-1996)

5-11-6: COMMERCIAL AND INDUSTRIAL ZONES, GENERALLY:

In all commercial zones where limitations are imposed by this Chapter on the projections of signs from the face of the wall of any building or structure, such limitations shall not apply to identification canopy, mansard roof, or marquee signs indicating only the name of the building or the principal product available therein, provided that any identification sign located on a marquee, mansard roof, or canopy shall be affixed flat to the vertical face thereof and shall meet minimum and maximum height restrictions and shall not extend higher than the closest roof edge. All signs permitted within any commercial zones shall be erected and maintained in accordance with the foregoing provisions of this Chapter and in accordance with the following specifications:

A. All Commercial And Industrial Zones:

1. Area: The gross area in square feet of all signs on a zoning lot shall not exceed sixty four (64) square feet per side or a combined total of sixty four (64) square feet for all signs.

2. Special Conditions: Where a principal building is devoted to two (2) or more permitted uses, under single ownership or unified control, display signs shall be permitted subject to the following conditions:

a. Content: Such sign shall advertise only name and location of such center or individual use and the name and type of business of each occupant of the center.

b. Area: Each business establishment shall be permitted to erect signs indicating the name, the type of business, or the principal product sold on the premises. Each such sign shall be attached to the building and shall not project more than eighteen inches (18") from the face or wall of the structure. The combined square footage of signs per business shall not exceed sixty four (64) square feet.

c. Center Sign: In addition, one free-standing identification sign may be erected, indicating the name of the shopping complex and the names of the principal occupants thereof. No one such sign shall exceed sixty four (64) square feet per side and shall not exceed thirty feet (30') in height. The bottom edge of such signs shall be at least fifteen feet (15') above the ground level. No part of any such sign shall project nearer than fifteen feet (15') to any public right of way.

d. Height: No sign shall project higher than eight feet (8') above the building height except center sign. (Ord. 138, 8-1-1996)

B. Temporary Promotion Signs

1. Duration and Number Of Permits Per Year: A permit for each temporary sign shall be valid for two (2) weeks and no more than four (4) such permits may be issued to any one entity in any calendar year. This allows a temporary promotion sign for up to eight weeks in a calendar year. The business owner shall acquire a permit each and every time the temporary sign will be displayed. The City has the right to remove any signs that do not have a permit.
2. Upkeep and Maintenance: Any temporary sign that is defaced, damaged, or in any manner in violation of this chapter may be directed to be removed by the code enforcement officer. The cost of upkeep and maintenance of temporary signs may be assessed in the manner provided in all sections of this chapter.
3. Nontraditional Signs: Nontraditional (including inflatable) signs may be used as a temporary promotional display for special events. Special events shall be limited to one event per calendar year. A nontraditional sign may have a maximum height of fifteen feet (15') from ground level measured immediately adjacent to the sign.
4. Location: All temporary signs must be attached to a permanent building structure (fences and light standards are not permanent building structures). No freestanding temporary signs will be permitted. Signs are prohibited to be erected or adhered to fences, light poles or light standards.
5. Size: Temporary signs may be up to fifty percent (50%) of the size of any permanent sign which could be permitted for the same location.

C. A-Frame Signs

1. A-Frame Signs require a permit and are permitted on an annual basis (January through December). There shall be only 1 A-frame sign per parcel. If more than one business on a parcel request a A-frame sign permit during the calendar year, the City of Dalton Gardens shall draw from the pool of applicants to determine the sign holder.
2. The applicant must submit scale drawings of the proposed sign and its proposed placement.
3. Sign panels shall not be more than thirty six inches (36") high and 24" twenty four inches wide.
4. Signs must be constructed of sturdy, weatherproof panels and good quality hardware. Signs must be constructed and lettered in a professional manner. Signs shall be maintained on a regular basis. Any A-frame sign

that is not maintained shall be considered in violation of the municipal code.

5. A-frame signs must consist of two (2) faces hinged at the top. They must be designed to prevent collapse. Signs must have nonskid "feet". Signs must have handles or other provisions for portability.
6. All signs must be structurally stable and be able to withstand wind per current building code requirements, or the owner is responsible to ensure the removal of the sign to prevent a potential hazard. The owner is responsible to remove the sign from public property and to maintain its proper position.
7. A-frame signs with changeable graphics are prohibited.
8. A-frame signs may not be placed within any public rights of way.
9. A-frame signs may not obstruct vehicle or pedestrian traffic.
10. A-frame signs may not be placed within the vision triangle at any intersection.
11. Any A-frame sign on public right of way must have an encroachment permit.
12. A-frame signs may be in place only during business hour
13. Signs shall be set back from the property line at a minimum 15 feet.
14. Portable signs are prohibited.

5-11-8: PERMIT APPLICATION; FEE:

All persons desiring to erect or construct a sign, except those exempt, shall make application to and obtain a permit therefore from the office of the code enforcement officer/building inspector and shall pay a fee in accordance with the current fee schedule established by the city council. Any temporary sign or A-frame sign shall require a permit and fee equal to one-third the minimum permit fee. At the time such application is sought, applicant shall furnish the following minimum information to the code enforcement officer/building inspector.

- A. A sample drawing of the sign.
- B. Exact dimensions and location of the proposed sign.

- C. Such other information as may be required by the code enforcement officer/building inspector for his/her determination of compliance with the provisions of this chapter.

SECTION 2: SEVERABILITY

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3: CONFLICTING ORDINANCE PROVISIONS

If any conflict occurs between this Ordinance and provisions of the other City Ordinances.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect and be in full force upon its passage, approval, and publication in accordance with law.

Dated: December 4, 2008



Dan Franklin, Mayor

Attest:



Marcia Wingfield, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Kattie Hay

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal Notice

of which the annexed is a printed copy, was published in the regular *Wednesday* issue of said newspaper for *one* ~~consecutive~~ *day* commencing on the *10* day of *December*, 20*08*, and ending on the *10* day of *December*, 20*08*, and such publication was made as often during said period as said *Daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice *Kattie Hay*

On this *10* day of *December*, in the year of *2008*, before me,

a Notary Public, personally appeared *Kattie Hay*,

known or identified to me to be the person whose name subscribed to the within instrument, and

being by me first duly sworn, declared that the statements therein are true, and acknowledged

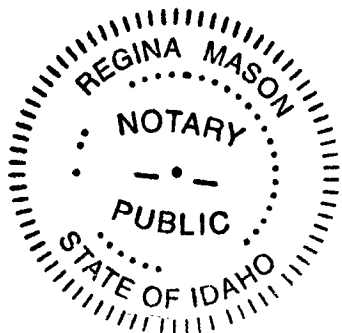
to me that he executed the same.

Regina Mason

Notary Public for the State of Idaho.

residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/09



DOLAN & JACOBSEN
ATTORNEYS AT LAW
LIBERTY BUILDING
118 N. 7TH ST. - P.O. Box 1116
COEUR D'ALENE, IDAHO 83816-1116

December 4, 2008

Marcia Wingfield
Dalton Gardens City Clerk
6360 N.4th Street
Dalton Gardens, ID 83815

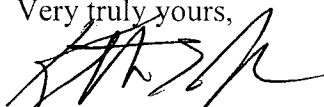
RE: Ordinance 200

Dear Marcia:

The enclosed summary of Ordinance 200 is true and complete and, upon publication in the official newspaper designated by the City of Dalton Gardens, provides adequate notice to the public of Dalton Gardens Ordinance No. 200.

This letter shall be filed with the Ordinance in the records of Dalton Gardens, Idaho.

Very truly yours,



Kenneth T. Jacobsen
City Attorney

KTJ:rs
Enclosure