



Our vision of Coeur d'Alene is of a beautiful safe city
that promotes a high quality of life and sound economy
through excellence in government

GENERAL SERVICES/PUBLIC WORKS COMMITTEE
with
Council Members Wood, Evans, & English
June 10, 2024, 12:00 p.m.
Library Community Room
702 Front Avenue

AGENDA

*****ITEMS LISTED BELOW ARE CONSIDERED TO BE ACTION ITEMS**

Item 1 Public Comment

Item 2 Approving a letter of agreement with Gary Cooper d/b/a Garnet Adventures LLC for Commercial Use of the City Streets for Recreational Transit.

STAFF REPORT BY: Kelley Setters, Deputy City Clerk

Item 3 Consideration of amendments to Municipal Code §§ 15.50.210, 15.50.400(C), and 15.50.410(H), pertaining to billboards, and § 15.50.400(D) pertaining to electronic message displays.

STAFF REPORT BY: Hilary Anderson, Community Planning Director

ADJOURNMENT:

**This meeting is aired live on CDA TV Spectrum Cable Channel 1301, TDS Channel 5,
and on Facebook live through the City's Facebook page.**

The City of Coeur d'Alene will make reasonable accommodations for anyone attending this meeting who requires special assistance for hearing, physical or other impairments. Please contact Juanita Knight, Senior Legal Assistant, at (208) 769-2348 at least 72 hours in advance of the meeting date and time.

**GENERAL SERVICES PUBLIC WORKS COMMITTEE
STAFF REPORT**

DATE: JUNE 10, 2024

FROM: KELLEY SETTERS, DEPUTY CITY CLERK

SUBJECT: REQUEST TO APPROVE A LETTER OF AGREEMENT WITH GARY COOPER D/B/A GARNET ADVENTURES LLC FOR COMMERCIAL USE OF THE CITY STREETS FOR RECREATIONAL TRANSIT.

DECISION POINT: Should Council approve a Letter of Agreement with Gary Cooper d/b/a Garnet Adventures LLC for commercial use of the City of Coeur d'Alene (City) streets for recreational transit?

HISTORY: In 2014, the City approved a similar request to operate a non-motorized vehicle within the City limits through a Letter of Agreement. To stay consistent with the processing of recreational transit requests on City streets that may impede traffic, staff is recommending approval of the request for pedal pub services by Garnet Adventures LLC through the attached Letter of Agreement. The City received a request from Mr. Cooper with the attached business plan. Tours have a maximum seating capacity of 14 operating Thursday – Sunday starting June 19, 2024 through October 31, 2024 from 11:00 am to 10:00 pm lasting approximately 2.5 hours. All tours will begin and end at the Tour CDA business located at 1618 E Lakeside Avenue (near Sherman and 17th). The route will include Sanders, Beach, Tubbs Hill, The Carousel, Fort Sherman, and the Roosevelt School House. Two other daily tours will be for guests 21 and older only. The route will include visits to The Goat, 315 Cuisine, and Seasons lasting approximately 20-30 minutes. Mr. Cooper affirmed that the operator may not provide alcohol or supply any alcohol to any patron. The patron must bring their own alcohol in a sealed container and may only consume while aboard the vehicle. The bike has an electric assist to help maneuver through traffic and inclines.

Additionally, each City Department was contacted to see if there were any concerns or requests for conditions, with the Police Department noting they had no issues. Additionally, in the past, other recreational transportation uses, such as the Socially Geared Cycle Pub and horse-drawn carriages were in operation and had been widely accepted, and have not impeded traffic.

Municipal Code Chapter 5.18 outlines the allowable commercial use of city streets, sidewalks, and rights-of-way and requires Council consent for such use. Staff believes the proposed Letter of Agreement provides the method of Council consent. The Agreement sets forth the terms and standards for the operation of commercial recreational vehicles on City streets, including the clause that the City may add conditions or revoke the permit if it is deemed necessary to maintain the safety of the City. Insurance is required.

FINANCIAL ANALYSIS: The fee for this Agreement is \$131.25, which is the same fee amount charged for outdoor eating encroachment permits.

DECISION POINT/RECOMMENDATION: Council should approve a Letter of Agreement with Gary Cooper d/b/a Garnet Adventures LLC for commercial use of the City streets for recreational transit.



PEDAL PUB

PROPOSAL AND OPERATING PLAN

Pedal Pub Experience

Garnet Adventures LLC

1618 E Lakeside Ave
Coeur d'Alene ID 83814

Phone: 208.550.3939
Email: Contact@TourCDA



Pedal Pub Proposal

A Perfect Tourism Fit for Coeur d'Alene

We are delighted to present to you the idea of a pedal pub business as a fantastic tourism fit for the beautiful city of Coeur d'Alene. With its thriving tourism industry and focus on eco-friendly activities, a pedal pub business would not only add a unique and enjoyable experience for visitors but also align with the city's sustainable values. Let's explore the reasons why a pedal pub business would thrive in Coeur d'Alene.

1. Enhancing the Tourism Experience:

Coeur d'Alene is known for its stunning natural beauty, recreational activities, and vibrant downtown atmosphere. Introducing a pedal pub business would provide tourists with a distinctive and memorable experience that combines the joy of cycling, socializing, and exploring the city's captivating sights. It would further diversify the range of activities available, attracting a broader demographic of visitors and encouraging them to stay longer.

2. Sustainable and Eco-Friendly:

The city of Coeur d'Alene prides itself on its commitment to sustainability and eco-friendly practices. A pedal pub business aligns perfectly with these values as it operates primarily on human pedal power. By promoting cycling as a means of transportation, it can contribute to reducing carbon emissions and promoting a greener environment.

3. Boosting Local Economy:

Introducing a pedal pub business in Coeur d'Alene would not only benefit tourists but also have a positive impact on the local economy. By partnering with local breweries, wineries, and restaurants, the pedal pub business can help promote and support the local businesses, leading to increased revenue and job opportunities. Furthermore, it would create new employment opportunities for locals, both in the operation and maintenance of the pedal pubs.

4. Fostering Social Interaction:

Pedal pubs provide a unique and social experience, allowing guests to connect and interact with each other while exploring the city. This fosters a sense of community among visitors and locals alike, creating a friendly and welcoming atmosphere. The social aspect of a pedal pub business can also lead to word-of-mouth recommendations, further promoting Coeur d'Alene as a tourist destination.

5. Safety and Regulation:

To ensure a safe and enjoyable experience, proper regulations and safety measures will be implemented for the pedal pub business. Coeur d'Alene already has a well-established bicycle-friendly infrastructure, which can be further enhanced for the pedal pub routes. By collaborating with local authorities and organizations, safety guidelines can be established, including designated routes, responsible alcohol consumption policies, and trained staff to ensure a smooth and secure experience for all participants.

THE PEDAL PUB

The proposed Pedal Pub Bike is brand new and very well built with a steel frame. It has a maximum seating capacity of 14, which includes 12 guests that are pedaling positions and 2 non pedaling guests that can sit on a back bench. The Bike is primarily human powered, but it does have an electric assist motor to help maneuver through traffic and inclines. The Bike will be piloted by a trained employee over age of 21. The Bike is equipped with brake lights, taillights, headlights, turn signals, reflectors, and a horn. The brakes are hydraulic disk brakes. The bike is covered with a wooden roof to help protect the guests from sun and inclement weather. Since we are always focused on safety, we are investigating how to add a digital video display on the tail that will advise drivers of a slower moving vehicle ahead.

INSURANCE

We have received an insurance quote from Francis L Dean and Associates for Liability Coverage. This agency specializes in underwriting pedal pubs across the county. The policy will have 1,000,000 in Liability coverage per incident with 2,000,000 in aggregate coverage and \$25,000 in Accident Medical coverage per participant. Quote is attached for review,

OPERATIONAL POLICIES

1. All tours will begin and terminate at the Tour CDA business, located at 1618 E Lakeside Ave (near Sherman and 17th).
2. The Bike will be operated by a driver at least 21 years of age and must hold a valid drivers license. While a drivers license is not required, we believe the driver should have a complete understanding of the Rules of the Road.
3. The Driver is prohibited from drinking before or during any tour. The driver will also act as a safety monitor for the participants onboard.
4. All participants on any tour involving alcohol must be at least 21 years old and identification will be verified by the Driver prior to boarding.
5. Each participant will sign a liability waiver and will not be allowed to board if they appear to be intoxicated. They must agree to obey all laws and ordinances regarding drinking, alcoholic beverages, and public intoxication.
6. For any tour involving alcohol, the passengers may bring their own beer, wine, and seltzer in sealed containers for their own personal consumption while onboard the Bike. Participants will not be permitted to exit the Bike with any alcoholic beverages. No hard liquor or spirits will be permitted.
7. Participants will not be permitted to exit any alcohol related establishment with an open container, except for the purchase of beer in closed or sealable containers such as a growler or sealed bottle.
8. The driver is prohibited from serving participants or consuming any alcoholic beverages.

9. All efforts will be made to load and unload participants away from roadways and not impede traffic flows. No loading or unloading will occur on Sherman Av.

TOUR ROUTES AND SCHEDULES

The Pedal Pub Bike will be a seasonal operation from May-October, offering three tours daily Thursday-Sunday. The Pedal Pub operation will be closed Monday-Wednesday, except for occasional private party booking requests. Each tour will be approximately 2.5 hours long.

The first tour each day will be a scenic one designed for groups of all ages. The tour will provide a narration of CDA's history and points of interest. The route will include Sander's Beach, Tubbs Hill, The Carousel, Ft. Sherman, and The Roosevelt School House. The passengers will always remain onboard except for brief stops at The Carousel and Ft. Sherman. Please refer to the attached map for a tentative route.

The two other daily tours will be for guests 21 and older only. This tour will be a combination of sightseeing and visits to various alcohol serving establishments (max 3). The first of these tours will start at about 3pm and the second tour will start at about 7pm. The proposed route will exclude operations on Sherman Ave, except for incidental crossings. The proposed establishments to visit are The Goat (stop #1), 315 Cuisine (stop #2), and Seasons (stop#3). Each stop will be approximately 20-30 minutes.

The loading and unloading of passengers will occur as follows:

1. The Goat on 4th St. This will be our first stop. We will utilize the alleyway next to the business. This will allow us to be off 4th street during the loading and unloading, which should take less than 1 minute for each task and not impact traffic, (The driver will then park the Bike and remain with it until the guests are ready to board). This will be a 20-30-minute stop.
2. 315 Cuisine on Wallace Ave. This will be our second stop. The loading and unloading will occur on the street in front of the business. This neighborhood has light vehicle traffic. Once unloaded, the driver will park nearby and remain with the Bike until the guests are ready to reboard. This will also be a 20-30-minute stop.
3. Seasons Restaurant on 3rd St. This will be our final stop. We will unload and load passengers in restaurant parking lot off 3rd St, (The driver will remain with the Bike until the guests are ready to board. This will also be a 20-30-minute stop).

After the last stop the tour will be heading back to our starting point near Lakeside and 17th St. The Pedal Pub will continue down 1st St (crossing Sherman Av), heading towards the Resort continuing on E Front Street to the termination point at 17th St. Please refer to the attached map for a tentative route.

We would like to begin operations by June 1st. Participants will make their own booking arrangements online in advance. We do not provide staff for participants to make walk-up reservations at our business location.

Coeur d'Alene has become a popular tourist destination. Visitors are looking for activities to experience the City and its surrounding beauty. From Resort Cruises on the Lake to zip lining in the forest, these guests are searching for experiences to participate in. The Pedal Pub industry continues to grow and there are hundreds of operations across the country. One franchise company called Pedal Pub has 60 locations on its own. Three Pedal Pub companies operate in Boise.

CONCLUSION:

In conclusion, a pedal pub business would be an excellent addition to Coeur d'Alene's tourism offerings. It would provide an exciting and eco-friendly activity, aligning with the city's sustainable values. By enhancing the tourism experience, boosting the local economy, fostering social interaction, and ensuring safety and regulation, a pedal pub business can contribute to the city's appeal as a top-notch tourism destination.

A previous Pedal Pub experience operated downtown from approximately 2017-2019 and was known as Socially Geared. The operations were approved by the City and the experience was well received by visitors and locals looking for activities downtown. The previous operation permitted participants over 21 to bring sealed beer and wine onboard the Pedal Pub provided it was self-service with no sales of alcohol allowed. We are asking for these same conditions for our operations per CDA Municipal Code section 5.08.160 (A)(7) which specifically allows for open containers on Pedal Bikes.

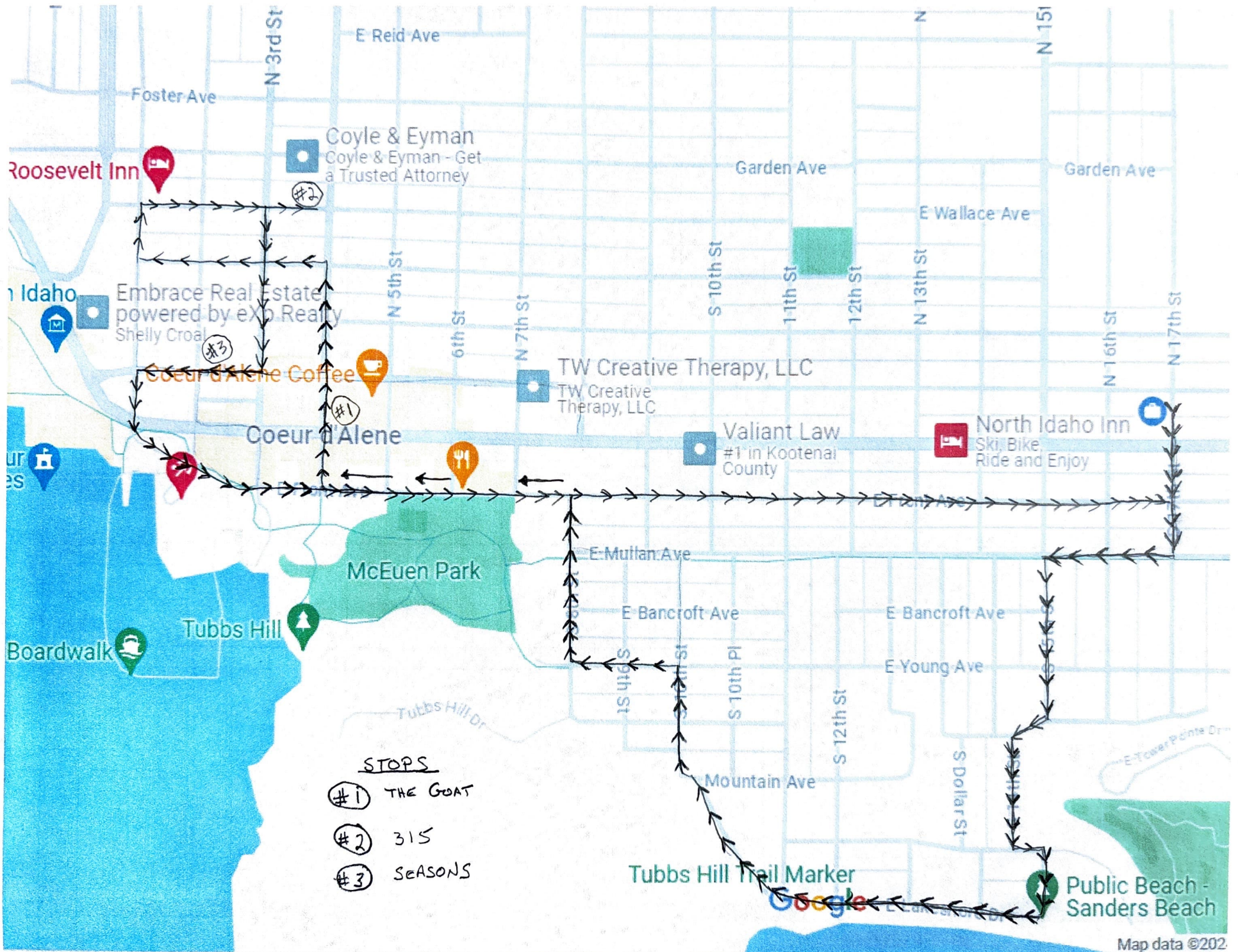
Tour CDA is entering its fifth year of operation and has demonstrated its ability to safely operate guided tours on Segways and eBikes. Safety is always our primary concern. We are proud of our five-star ratings on both Google and Trip advisor with over 360 reviews. We look forward to once again being able to offer this fun and informative activity.

ATTACHMENTS

Insurance quote for one million of Liability coverage and medical
Route map of proposed scenic route
Route map of proposed alcohol establishments.
CDA municipal code 5.08.160
Pictures of the Pedal Pub to be purchased



PEDAL PUB ROUTE (ALCOHOL)





SCENIC ROUTE STOPS

- #1 ROOSEVELT INN
- #2 FT. SHERMAN
- #3 CAROUSEL

Francis L. Dean & Associates, LLC
12800 UNIVERSITY DR STE 125
FORT MYERS, FL 33907-5335
(800) 745-2409
(630) 665-7294
www.fdean.com
jeatmon@fdean.com

Quotation – Cooper Logistics, LLC dba Tour CBA - 03/20/2024

Accident Coverage *(Required for General Liability)*

Eligibility	All Participants of the Policyholder's Programs
Primary Coverage	
Benefits:	
\$25,000	Maximum Medical Benefit per Claim
\$5,000	Accidental Death/Dismemberment Benefit per Claim
\$100	Deductible per Claim
Dental Benefit:	Included in Maximum Medical Benefit
Policy Term:	Annual Policy Term. Policy Term
Carrier:	Great American Insurance Company (Admitted) (A+ Superior XIII AM Best)
Premium:	\$250.00

General Liability Coverage *(Requires Accident Coverage)*

\$2,000,000	General Aggregate Limit (Other Than Products Completed Operations)
\$1,000,000	Products Completed Operations Aggregate Limit
\$1,000,000	Personal and Advertising Injury Limit
\$1,000,000	Each Occurrence Limit
\$300,000	Fire Damage (any one fire)
\$5,000	Medical Payments Limit (Any One Person)
\$0.00	Deductible per Claim
Policy Term:	Annual Policy Term. Policy Term
Carrier:	Knight Specialty Insurance Co. (Non-Admitted) (A-Excellent A.M. Best)
Premium:	\$2,750.00
Surplus Lines Taxes:	\$43.50
Stamping Fee:	\$14.50
Broker Fee:	\$150.00 (Fully earned at Inception)
Total Due:	\$2,958.00

Inclusions/Program Highlights:

Occurrence-Form Policy
Coverage Included for Claims by Athletic Participants

Terms and Conditions:

Quote is subject to standard policy terms, conditions, and exclusions, including any and all mandatory state specific forms and endorsements.

5.08.160: BEER, WINE OR LIQUOR PROHIBITIONS WITHIN THE CITY; EXCEPTIONS:

A. No person shall consume any beer, wine or other alcoholic beverage or possess an open container of or containing any beer, wine or other alcoholic beverage on any public property, including public streets and alleys, within the City, or at any other place in the City, including any motor vehicle moving or stationary, with the following exceptions:

1. The premises of a private residence;
2. Premises licensed for the sale of on site consumption of the particular type of alcoholic beverage involved;
3. A certified forensic laboratory when the alcoholic beverage is possessed for evidentiary purposes and/or for testing and research purposes;
4. A public law enforcement facility possessing alcoholic beverages for evidentiary purposes or for training purposes;
5. Within the indoor premises of a private business when served free of charge to customers or patrons of the business in conjunction with a specific event then taking place inside the business premises;
6. On a public sidewalk and/or other public right-of-way when such sidewalk or right-of-way is contiguous to a permitted outdoor eating facility, but only after issuance of and pursuant to the terms of a permit issued by the City Clerk. Criteria that must be met for a permit to issue shall be set forth by resolution of the City Council;
7. On a public right-of-way when used on pedal bike(s) and/or nonmotorized recreational vehicles in which the passenger areas are separate from the driver areas, but only after issuance of and pursuant to the terms of a permit issued by the City Clerk. Criteria that must be met for a permit to issue shall be set forth by resolution of the City Council;
8. Within the indoor premises of the Coeur d'Alene Public Library when served free of charge to patrons or event attendees in conjunction with a specific event hosted by the Coeur d'Alene Public Library Foundation, the Friends of the Coeur d'Alene Public Library or other associated library organizations, pursuant to rules and policies adopted by the Coeur d'Alene Library Board of Trustees for such events;
9. On a public sidewalk or other public right-of-way when such sidewalk or right-of-way is being used for a permitted special event; provided, the consumption shall be for sample tasting only and the size of each sample of beer or wine shall not exceed one and one-half (1 1/2) ounces, shall

be dispensed by a licensed vintner, winery, brewery, distributor, or retailer for the purpose of promoting their products to the public or conducted as a tasting event, and shall take place in a specific identified tasting area in accordance with State law. Consumers shall remain in the tasting area until they have finished consuming the sample;

10. As otherwise permitted by this Code.

B. Furthermore, no person shall possess any container, whether open or not, of or containing any beer, wine or other alcoholic beverage on public property, except at those public locations and under those conditions as set out in subsection A of this section or as otherwise permitted by this Code. (Ord. 3607, 2018: Ord. 3582, 2017: Ord. 3492, 2014: Ord. 3443, 2012)



City of Coeur d'Alene
Municipal Services Department
710 Mullan Avenue, Coeur d'Alene,
Idaho 83814
(208) 769-2229

(Office Use Only)
Amount Paid _____
Receipt # _____
Date Issued _____
License # _____ By _____

Non-Motorized Recreational Transit Operator Permit Application

Name of Company: GARNET ADVENTURES LLC Phone Number: (925) 209-4802

Company Address: 1618 E LAKESIDE AVE CDB 83814 City/State/Zip: _____

Insurance Company: FRANCIS L. DEAN AND ASSOCIATES Agent: JAMIE EATMON

Insurance Company/Agent Phone Number: (239) 690-7050

Owner Name: GARY COOPER Owner Phone: (925) 209-4802

Email Address: RAYBANCOF @ YAHOO . COM Owner Cell: (925) 209-4802

Home Address: 10757 N. FRIAR DR HAYDEN ID 83835 City/State/Zip: _____

Is your office located in a residence in the City of Coeur d'Alene? Yes No

If yes, have you applied for and obtained a Home Occupation Certificate? _____

VEHICLE INFORMATION

MAKE / MODEL / LICENSE PLATE NUMBER / VIN NUMBER

Vehicle 1: RENEW MK CYCLE MOD# 10604 14 PER PEDAL BIKE ADD / DEL /

NO VIN / NO PLATES

Vehicle 2:

ADD / DEL /

RENEW

Vehicle 3:

ADD / DEL /

RENEW

Vehicle 4:

ADD / DEL /

RENEW

Vehicle 5:

ADD / DEL /

RENEW

TOTAL NUMBER OF VEHICLES: _____

I hereby certify that there have been no changes in the above named business during the past licensed year and that all vehicles are covered by the required insurance.

Applicant Signature

[Handwritten Signature: Gary Cooper]

Date

5/31/2024

DRIVER INFORMATION

#1

Name: GARY COOPER

Phone Number: (925) 209-4802

Address: 10757 N FRIAR DR

E-mail: RAYBANCOP @ YAHOO.COM

Have you received any driving citations within the past two years? Yes No

If yes explain: _____

#2

Name: JOE DUNNCARTER

Phone Number: (480) 364-2548

Address: 11917 CHURCH RD.
RATHDRUM ID

E-mail: JDCCVO @ GMAIL.COM

Have you received any driving citations within the past two years? Yes No

If yes explain: _____

Empty rectangular box for additional information.

SUBMITTAL REQUIREMENTS

- Map of route showing all street names
- Hours of operation from 11 AM to 10 PM
- Days of operation from THUR to SUN
- Copy of insurance with a minimum of \$500,000 for bodily or personal injury, death, or property damage, or loss as a result of any one occurrence, or accident, regardless of the number of persons injured or the number of claimants. The insurance policy shall insure to the benefit of any person who is injured or sustains damage to property proximately caused by the negligence of the licensee, his servants, or agents.



LETTER OF AGREEMENT

June 19, 2024

Gary Copper
Garnet Adventures LLC
1618 E Lakeside Ave
Coeur d' Alene, ID 83814

Dear Mr. Copper:

This letter shall serve as the Agreement for the commercial use of the City streets for recreational transit from June 19, 2024 to October 31, 2024, from 11:00 a.m. to 10:00 p.m. Thursday - Sunday. This Agreement contains the terms and conditions of the permit.

Attached and incorporated herein as Exhibit A is an application for a recreational transit permit, which includes Garnet Adventures LLC contact information. Mr. Copper agrees he will pay a permit fee of \$131.50, provide Proof of Liability Insurance with minimum limits of \$500,000, provide the hours of operation, and a map of the intended route(s) prior to the issuance of the permit.

In addition, Garnet Adventures LLC shall:

1. Comply with all laws for all slow-moving vehicles (i.e., lighting, reflectors, etc.); and
2. Comply with all other applicable local, state, and federal laws and regulations.
3. Alcohol cannot be consumed on the Centennial Trail or within any city parks.
4. The operator may not provide or supply any alcohol to any patron. The patron must bring their own alcohol in a sealed container and may only consume while aboard the vehicle.
5. Compliance with all laws including but not limited to those laws regarding the sale, service, possession, and consumption of alcohol is required.
6. This vehicle is limited to the consumption of beer and wines as prescribed by the Bureau of Alcohol, Tobacco, and Firearms.

The City reserves the right to add to or modify the conditions at any time as deemed necessary in order to maintain peace, order, and safety within the City limits. Failure to comply with all conditions imposed by this permit may result in the immediate suspension or revocation of the permit by the City Clerk or designee, or by any law enforcement Officer.

Jim Hammond, Mayor
City of Coeur d' Alene

Gary Copper
Owner, Tour CDA

**GENERAL SERVICES/PUBLIC WORKS
STAFF REPORT**

Date: June 10, 2024

From: Renata McLeod, Municipal Services Director
Hilary Patterson, Community Planning Director
Randy Adams, City Attorney

Re: Sign Code – Billboards

DECISION POINT: Should the City Council approve amendments to Municipal Code §§ 15.50.210, 15.50.400(C), and 15.50.410(H) pertaining to billboards, and § 15.50.400(D) pertaining to electronic message displays?

HISTORY: On March 1, 2022, the City adopted a new Sign Code to simplify sections and to ensure it meets the constitutionality required by case law. This code amendment allowed the Code to shrink from 31 pages to 19 pages. At the December 19, 2023, Council meeting, Council requested staff provide an opportunity for Council to revisit the Sign Code and provide a way to allow the relocation of existing billboards within the City limits. Currently, no new billboards are allowed and existing billboards cannot be moved to a different location.

Staff has reviewed codes from several cities including Post Falls, Hayden, Meridian, Idaho Falls, Pocatello, Spokane, Spokane Valley, Twin Falls, Bend OR, Missoula MT, Boise, Nampa, Caldwell, Eagle, the Montana Department of Transportation, and Idaho Transportation Department (a summary of each is attached). In reviewing those codes, most cities did not allow for new billboards, and a few provided for their movement with certain parameters. Accordingly, Staff has prepared amendments to the Sign Code to allow existing billboards to be moved and to set reasonable parameters for relocation. Please note there were no size allowances for billboards in the existing code as new billboards were specifically excluded and existing billboards could be maintained as they existed. When the current Sign Code was adopted, Council directed the removal of certain sections pertaining to existing billboards and the ability to modify them, the requirement to remove existing billboards upon annexation of property, and the ability to rebuild billboards if damaged. The proposed amendments provide for the relocation of an existing billboard to a C-17, M, or LM zoning district with certain standards for setbacks, height, underground electrical, and separation between signs. It is recommended that the relocation of a billboard be done through a public hearing before the City Council for the purpose of transparency. Additionally, after review of codes from other cities and state departments, and review of the City's existing electronic sign codes, amendments to better clarify the illumination standards for all signs, with some additions to better protect the night sky, are recommended. A redline version of the proposed amendments is attached.

Sergeant Reneau of the Police Department conducted a light meter study on February 11, 2024, at 2:00 A.M., to evaluate current conditions and compliance with the existing illumination standards for various electronic signs within the City limits. The request was made due to past accident reports and complaints about a few electronic signs being a distraction for drivers at night and during the early morning hours. The study was done using foot candles and converted to nits for the current code metrics of 500 nits at night and 5,000 nits during the day. The signs met the nit requirement in the current code with varying degrees of illumination. However, both Sergeant Reneau and Chief White indicated that the 500-nit threshold is likely too high. The proposed amendments change the measurement from nits to foot candles, which is more standard, and implements the industry standard of 0.3 foot candles.

Staff has recently provided the proposed code to the two outdoor sign companies Lamar and Yesco, as well as to sign companies that have pulled permits in the City over the past year.

On May 28, 2024 staff presented to the first General Service/Public Works Committee. At that meeting Council requested further discussion regarding the need to review the Land Lease; clarification regarding the proposed foot candle measurement to be above ambient lighting; clarify rotating signs are signs that turn/spin; clarify sign content cannot be regulated, e.g. legal cannabis sales in WA; determine if a public hearing should be required; determine if underground electrical should be required; include transitions should be ½ second or less for electronic signs; and include lighting to be downward facing on non-digital billboards. Additionally, Councilmember Gookin suggested we address the potential for mobile billboards, as they are currently popular in larger cities.

FINANCIAL ANALYSIS: Costs are incurred with the codification of Code amendments, otherwise fees will be collected in accordance with the sign permit fee structure.

PERFORMANCE ANALYSIS:

The following is a summary of the proposed new Sign Code as compared to the Current Code.

CODE	PROPOSED CODE SUMMARY
15.50.210	Updated definition of Billboard to clarify that it is an off-premises sign
15.50.400 (C)	<p>Provides for the allowance of existing lawful billboards to be relocated with permits; within C-17, M or LM zoning districts on private property lots with a minimum of 100’ of arterial street frontage; setback and height requirements, relocation no more than once every 10 years; requires written agreement with the landowner approved by the City; after a public hearing with notice to property owners within 300’ of the billboard; Council to make certain findings; set standards for relocated billboards including but not limited to size, location, height, number of sign faces and structure, distance between signs, setbacks, and permit requirements.</p> <p>Provides for existing lawful billboards that are up to 672 sq. ft. to be relocated in C-17, M and LM zoning districts that are on property abutting Northwest Boulevard within 615' of an Interstate 90 on/offramp</p>

	edge of pavement, on property abutting US95 within 615' of an Interstate 90 on/offramp edge of pavement, and on property north of Seltice Way and south of Interstate 90.
15.50.400 (D)	Clarification of illumination distraction; requirement for technology to automatically dim at night, with references to foot candles instead of nits; messages to be held for 8 seconds, transitions shall be no more than ½ of one second, and a prohibition of video messages.
15.50.410 (H)	Clarification regarding billboard movement as allowable off premise sign and to clarify mobile billboard to be off-premise and prohibited.

DECISION POINT/RECOMMENDATION: Council should provide inputs regarding proposed amendments to Municipal Code §§ 15.50.210, 15.50.400(C), and 15.50.410(H) pertaining to billboards, and § 15.50.400(D) pertaining to electronic message displays.

City	Billboards	Electronic
Post Falls: Prohibits off premise signs	Prohibits Off-premise commercial signs 2.The legal, nonconforming sign may not be replaced, except with a sign conforming to the requirements of this chapter. 3.The legal nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance, and repair. If, however, the sign suffers damage or deterioration in excess of fifty (50) percent of its replacement value, it must be brought into compliance with this chapter or removed within thirty (30) days of notification by the city.	18.36.060. - Prohibited signs. E. Flashing Signs. Signs which blink, flash, or are animated by lighting in such a way as to have the appearance of traffic safety signs and/or lights, or municipal vehicle warnings from a distance, or flash directly into residentially zoned properties or flash directly toward any roadway in a manner that is a hazard to the roadway operations. G. Revolving Signs. Revolving signs; and H. Off-Premises Commercial Signs. Off-Premises Commercial Signs, as defined in this chapter.
Hayden: Prohibits Billboards	BILLBOARD: A ground-mounted sign which exceeds the maximum height and size allowed for a monument sign and which typically displays other characteristics not authorized in this code for permanent signage. Prohibited signs: flashing to simulate traffic control devices; Off-premise sign, and billboards 11-5-8: PROHIBITED SIGNS: The following signs are expressly prohibited in all districts within the City of Hayden: G. Off Premises Signs: Off premises signs, as defined in this chapter. H. Roof Signs. I. Billboard Signs.	Illumination: All EMC shall be equipped with technology that automatically dims the electronic message center according to ambient light conditions. Display shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot-candle meter at a pre-set distance. The pre-set distances to measure the foot-candles is calculated using the formula: $\text{Measurement Distance} = \sqrt{\text{Area of Sign} \times 100}$
Meridian: Non-conforming use for existing off premise, prohibits new	Off-premises outdoor advertising sign. Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other thing which is designed, intended or used to advertise or inform and which is situated in order to be visible from any highway, or other traveled way and which is located on property which is separate from and not adjoining the premises or property on which the advertised activity is carried out. .Any nonconforming sign that is subject to the Idaho Code § 40-1910A related to the removal of off premises outdoor advertising along state highways shall lose its nonconforming status and may become an illegal sign if any of the following occur:1.The sign and/or sign structure is moved.2.The sign structure is replaced and/or removed for any period of time.	a. Illuminated freestanding signs shall be allowed in the required street landscape buffer. b. Illuminated freestanding signs not in the required street landscape buffer shall be less than eight (8) feet in height or shall be located greater than one hundred (100) feet from any residential district. c. Illuminated building signs shall not face a residential district unless located greater than one hundred (100) feet from such residential district.

<p>Idaho Falls: Allowed as restricted</p>	<p>7-9-49: BILLBOARD SIGNS: (A) No billboard sign may installed within the following locations: (1) Within a seven hundred and fifty foot (750') radius from any other billboard sign. (2) Within seven hundred and fifty feet (750') of the nearest boundary of the Snake River, the Riverwalk, and land owned by the City of Idaho Falls contiguous with the Snake River. (3) Within seven hundred and fifty feet (750') from properties or districts listed on the National Register of Historic Places. (4) Within five hundred feet (500') from any residential zone. D) Billboards shall only be used for off-premise signs. (E) LED and Tri-vision billboards must adhere to the following regulations: (1) Billboards 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 such sign shall include any illumination which is flashing or moving. (2) The message or image must remain static for a minimum of eight (8) seconds. (3) An automated change of message or image must be accomplished within two (2) seconds or less and contain a default design that will freeze the sign face in one (1) position should a malfunction occur. (4) Each electronic message center shall be equipped with a photocell dimmer to automatically dim with changes in ambient light.</p>	<p>When requesting a permit for an electronic message center, the applicant shall submit documentation certifying the sign is equipped with a photocell dimmer and the dimmer shall be used at all times the sign is in operation. (5) The night-time illumination of LED billboards shall conform to the criteria in this section. The difference between off and solid-message measurements of an LED billboard shall not exceed 0.3 footcandles at night, applicable one-half (1/2) hour after sunset. The illuminance of an LED billboard shall be measures with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the sign off, and again with the sign displaying a white image for a full color-capable sign or a solid message for a single-color sign.</p>
<p>Pocatello: Billboards allowed as restricted</p>	<p>15.20.240: OFF PREMISES/BILLBOARD SIGNS: A. Off premises/billboard signs shall only be permitted in Office Park, Light Industrial, Industrial, and Commercial General Districts. Permits for signs meeting the requirements below may be issued by staff. However, the following additional requirements shall apply in Commercial General Districts: 1. Applicants for signs in Commercial General Districts must provide a mailing list of property owners and tenants within a five hundred foot (500') radius of the property line to whom notice of the application will be sent by the City; 2. A twenty one (21) day waiting period shall be required prior to sign construction or erection, during which time period any aggrieved person so notified may make a written protest to the Planning and Development Services Department for a hearing before the hearing examiner. A decision of the hearing examiner may be appealed to the City Council within fifteen (15) days of the date of the hearing examiner's decision; 3. No construction or erection of signs shall be allowed pending the outcome of either hearing; 4. The decision of the City Council shall be final; B. Any off premises sign which is moved or replaced must comply with current standards. All off premises signs shall meet the following standards: 1. Sign Face: The maximum area of a sign face shall not exceed three hundred (300) square feet including border and trim, but excluding base, supports, and other parts of the sign structure. Maximum height of the face shall be twelve feet (12') and maximum length shall be thirty six feet (36').</p>	<p>7. Changing Messages: Message display for new off premises signs or conversions of existing off premises signs to those using electronic means to change messages such as LED technology or trivision panels shall comply with all applicable standards of section 15.20.250, "Electronic Message Displays (EMD)", of this chapter. Displays: Such displays shall contain static messages only, and shall not have movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of the light intensity. No chasing, blinking, rotating or flashing shall be employed in displaying a message or image, or during the change from one message or image to another. No streaming video shall be displayed.</p>

<p>Pocatello Cont.</p>	<p>2. Height: Off premises signs shall be no more than thirty five feet (35') in height above ground level and have a minimum clearance of twenty feet (20'). Provided, however, that the staff of the Planning and Development Services Department is hereby authorized to grant variances up to five feet (5') for the minimum clearance and height requirements through the minor variance process as described in section 17.02.160 of this Code.</p> <p>3. Cutouts: Cutout attachments securely affixed to off premises signs shall be permitted, but shall not be allowed to project more than five feet (5') above, one foot (1') below, and not more than two feet (2') on either side of the sign to which they are attached.</p> <p>4. Placement: No portion of an off premises/billboard sign may extend into or over an area defined as a structural setback in the applicable zoning district standards.</p> <p>5. Message: No permits are required to change the message of an off premises/billboard sign.</p>	
<p>Spokane, WA can be relocated to same roadway, same size</p>	<p>https://my.spokanecity.org/smc/?Section=17C.240.247 Spokane uses the 0.3 foot candle measurement for brightness levels in all zones for their Electronic Message Center Signs. They have specific guidance on distance for measurements. They also require all electronic message centers in all zones to come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions. They also prohibit flashing signs or lights. They also require hazardous signs to be removed. They prohibit off premises signs, except as expressly allowed in other sections of Chapter 17.C.240, Signs.</p>	

<p>Spokane, WA Cont.</p>	<p>A legal, non-conforming off-premises sign shall be allowed to be relocated if necessitated for the accomplishment of a governmental public works project. The relocation of an off-premises sign under this exception must occur within six (6) months of removal or its legal, non-conforming status shall be discontinued pursuant to SMC 17C.240.280. Relocation of these off-premises signs for public works projects shall be subject to the limitations in subsections (a) through (f) below:</p> <p>No increase in square footage of off-premises sign copy shall be permitted. These signs shall be replaced at the same size they existed at immediately prior to relocation. No additional sign faces shall be added.</p> <p>No increase in height of the existing off-premises sign shall be permitted except where needed to provide for minimum height clearance (from the ground to the bottom of the off-premises signs) to comply with roadway safety.</p> <p>The off-premises sign shall be relocated along the same roadway it was removed from in the geographical vicinity and shall comply with the Scenic Vistas Act of 1971 (chapter 47.42 RCW and chapter 468-66 WAC) if located along a state highway. For purposes of this provision, the term "roadway" shall apply to both directions of a couplet.</p> <p>The off-premise sign shall not be relocated to a site with a Residential, Neighborhood Retail, or Center and Corridor zoning designation including CA zones, or located within an historic district, regardless of the zoning or district of the original sign location.</p> <p>The relocation of the off-premises sign shall be subject to all current City of Spokane rules, regulations, and procedures relating to the regulation and control of signs, excepting size, height, and off premise advertising limitations.</p>	
<p>Spokane Cont.</p>	<p>A nonconforming off-premises sign may not be structurally altered. Structural alterations mean alterations to, including replacement of, either the off-premises sign face, or the supporting structure. Normal maintenance and repair including painting, cleaning, or replacing damaged parts of the off-premises sign, shall not be considered a structural alteration.</p> <p>Any nonconforming off-premises sign which deteriorates, is damaged or destroyed by fire, explosion, wind, act of nature, failure to maintain or other accidental means may be restored if the cost thereof does not exceed fifty percent of its replacement cost. Off-premises signs damaged in an amount in excess of fifty percent of replacement cost shall be removed. All nonconforming off-premises signs shall be kept in good repair and maintained in a neat, clean, attractive and safe condition. Any work required to repair or maintain an off-premises sign shall be completed promptly so long as the off-premises sign is not structurally altered, and so long as the cost of such repair and/or maintenance does not exceed fifty percent of the cost of replacing the off-premise sign.</p>	

<p>Twin Falls:- Prohibits</p>	<p>10-9-10: PROHIBITED SIGNS: (A) Commercial Billboard Signs: A commercial billboard sign is a large sign, generally supported by a metal or wood frame and consisting of two (2) parallel sign faces oriented in opposite directions, used for the display of posters, printed, painted, or electronic advertisements that generally direct attention to goods, merchandise, entertainment, or services conducted, sold, or offered at a location other than the premises on which the sign is located. Electrical wiring to the billboard shall be located underground.</p>	
<p>Bend, OR: grandfathered signs, prohibits new ones</p>	<p>Internally illuminated and/or animated billboards are prohibited. External illumination shall comply with the Lighting Ordinance. Electrical wiring to the billboard shall be located underground Signs are allowed in certain districts, billboards allowed in District 1 and 2 which related to highways and a general zone, it is not allowed within the central business district, neighborhoods, or residential districts. The max. number allowed is 43(based on those existing in 1985), no new, can replace an existing one. c. All billboards moved after the effective date of this chapter shall be located in Sign District 1 or 2 on commercial or industrial zoned properties only.</p>	
<p>Missoula, MT: Billboards Not allowed after 02/14/1985</p>	<p>Missoula prohibits dynamic display billboards and mobile billboards. 20.75.160 - Billboards: May not be installed or enlarged after February 14, 1985. They also prohibit signs that simulate or which are likely to be confused with traffic control signs, they prohibit animated, flashing blinking and scintillating signs.</p> <p>20.75.090 - Off-Premises Sign Options Off-premises signs may be permitted on some parcels to compensate for certain locational problems that create severe practical difficulties with adherence to this chapter.</p> <p>A.Special Exception The Board of Adjustment must grant a special exception for an off-premises ground sign prior to a permit being issued. The Board of Adjustment may grant a special exception if all of the following conditions apply:1.The location of the business precludes the placement of a sign that is visible from a street or the business is located on a parcel that does not abut a public street; and2.The use for which a special exception for an off-premises sign is requested is not in a residential zoning district.B.Standards1. Off-premises signs must comply with the strictest ground sign regulations of the district in which they are located.2.If a business that qualifies for an off-premises sign elects to combine its sign with an on-premises sign of another business, the total square footage of the resulting ground sign identifying two businesses may equal the combined maximum ground sign for each business.3.An off-premises sign that in part identifies a private business as a donor of the sign constitutes an off-premises sign of the business donor.</p>	

<p>Boise: # of billboards not to increase except through annexation. Requires a conditional use permit</p>	<p>Off-Premise Signs</p> <p>When signage is needed off-site because of excessive distance from a public street, lack of street frontage, unusual topography, or other special circumstances, an off-premise sign may be allowed with the approval of a Conditional Use Permit (CUP).</p> <p>Billboards (poster panel and bulletin panel) are also considered Off-Premise Signs. Applications for a billboard must also include a demolition permit for the existing billboard. The number of billboard signs in the city will not be increased except through annexation, and billboards are only allowed in MX-2, MX-3, I-1, and I-2 zoning districts and only after the approval of a Conditional Use Permit where allowed. Additional approval and design and location requirements apply for billboards.</p>	<p>(5) Electronic Message Displays (EMD):</p> <p>(a) Applicability:</p> <ul style="list-style-type: none"> i. EMDs are permitted for all uses located in the Mixed-Use, Industrial, and Open Land zoning districts. ii. EMDs are only permitted for nonresidential uses located on collector or arterial roadways in the Residential zoning districts and in the A-1, and A-2 zoning districts. <p>(b) Standards: All electronic message displays shall comply with the following standards:</p> <ul style="list-style-type: none"> i. Only one EMD is permitted per establishment. For establishments located in a center, only one EMD is permitted for the center. ii. No EMD may be installed on a non-conforming sign. iii. EMDs shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating, or varying of light intensity. iv. Each message or frame shall be displayed for a minimum of eight seconds. v. The area used for an EMD shall not occupy more than 50 percent of the total sign area. vi. The brightness or intensity of the EMD shall be factory set not to exceed 5,000 nits on clear days and 500 nits from dawn to dusk. The EMD shall also not exceed 50 percent of its maximum brightness on clear days and 10 percent of maximum brightness from dawn to dusk. Each display shall have a light sensing meter that will adjust the display brightness as the ambient light changes. vii. Text-only single-color message displays with letters no higher than 12 inches may scroll or travel without the static message limitation. The maximum area for such displays is eight square feet.
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<p>Boise Cont.</p>	<p>B. Poster Panel and Bulletin Panel Off-Premise Signs (Billboards): Each application for a billboard shall be accompanied by a demolition permit for an existing billboard. The number of billboard signs in the City shall not be increased except through annexation. Off-premise poster panels and bulletin panels are only permitted in the MX-2, MX-3, I-1, and I-2 zoning districts, and only after approval of a Conditional Use Permit, provided that no signs may be located on Capitol Boulevard or on Federal Way between Capitol Boulevard and Bergeson Street.</p> <p>1) Approval Criteria: The Planning and Zoning Commission shall make the following findings:</p> <ul style="list-style-type: none"> (a) That the sign will not negatively impact the visual quality of a public open space. (b) That the sign will not block the view of a structure of historical or architectural significance. (c) That sign height is compatible with buildings within a 300 foot radius. Where view of the sign would be blocked by buildings, or where view of buildings would be blocked by the sign, the sign height shall not exceed the building height by more than 12 feet. Where there are no buildings within 300 feet, sign height shall not exceed 22 feet. (d) That sign lighting will not trespass onto adjacent properties. <p>(2) Design and Location: New signs shall comply with the following standards:</p> <ul style="list-style-type: none"> (a) Sign area height shall not exceed 10.5 feet. (b) Sign area shall not exceed 248 square feet for poster panels and 378 square feet for bulletin panels. (c) Sign height shall not exceed 40 feet but may be limited to less by 11-04-012.9.B(1)(c) above. (d) No sign may be located within 1,000 feet of another billboard on the same side of the street. However, if a sign is larger than 312 square feet, the distance to another such sign shall be at least 2,000 feet. (e) A sign on one side of the street may be no closer than 150 feet from a sign on the opposite side of the street, as measured along the line of travel. (f) At any street intersection, there may be no more than 496 combined square feet of billboard sign area within 250 feet measured from the street corner curbs. (g) Back-bracing is prohibited. (h) View of the sign should be unobstructed for 250 feet along the line of travel. (i) Electronic message displays are allowed with static frame effects that change with no transition no more frequently than every 8 seconds. Brightness levels shall comply with Section 11-04-012.7.A(5)(b)vi. A change from non-EMD to EMD requires the approval of a sign permit. (j) Setbacks shall be at least five feet from any property line. When adjacent to a Residential zoning district, the setback of that residential zoning district shall be met. 	
<p>Boise Cont.</p>	<p>10. Special Sign Districts:</p> <p>A. Capitol Boulevard Sign Standards: In addition to the generally applicable sign regulations of this Section 11-04-012, these special standards apply in the Capital Boulevard Special Design District.</p> <p>(1) Review:</p> <ul style="list-style-type: none"> (a) Signs require Design Review approval as an overall sign plan for the site. (b) The Design Review Commission shall provide recommendations to the Planning and Zoning Commission on requests for Variances and Conditional Use Permits. 	

<p>Nampa: Prohibits new; relocation allowed with underlying codes</p>	<p>Billboard sign: A type of sign, 300 square feet or larger, that identifies or communicates about an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located or on which space is leased or rented. Outdoor advertising sign: A sign which is a substantial permanent structure that is either a wall sign, freestanding or monument sign. Outdoor advertising signs are not limited as to content, but are usually and customarily used to advertise goods, products, businesses, services, or facilities which are not sold, manufactured, or distributed on or from the property or facilities on which the sign is located; or to present messages dealing with political, public interest, public service, or education issues; an election, candidate for election, or ballot measure; or religious matters, health, and other similar subjects.</p> <p>J."Billboard type" outdoor advertising signs.1.Not allowed. New "billboard type" signs shall not be allowed.2.Existing signs. Existing "billboard type" signs already located within city limits prior to the effective date hereof or subsequently annexed into the city after the effective date hereof may be relocated to new sites within city limits. Application for a sign permit must be filed for relocation of a billboard.3.Relocation requirements. In order to relocate a billboard within the city, application shall first be made to the planning and zoning department. A relocated billboard must meet/comply with requirements listed in this chapter in order to be allowed. Not more than one billboard sign shall be allowed per property. Minimum spacing between billboard signs on the same side of a right-of-way shall be no less than 1,000 linear feet, measured along the centerline of the roadway. Minimum spacing between a billboard sign on the other side of a right-of-way from another such sign shall be no less than 300 linear feet, measured along the centerline of the right-of-way. No grouping of signs on a single pole shall be allowed. If a proposal for relocation of a billboard sign is deemed to meet applicable codes, the city shall permit relocation of the sign.4.Painted billboard signs. The allowance to relocate billboards shall not be deemed or construed to permit painted billboard signs existing along Interstate 84 prior to the effective date hereof to be moved to other parts of the city away from the interstate.</p>	
<p>Caldwell: Allows</p>	<p>Caldwell requires a minimum separation distance between billboards and off-premise signs of 1,320'. They also require them to be setback 30' from all property lines. They require an electronic reader board sign to maintain a minimum hold time of eight (8) seconds for each individual frame for off premises (billboard) displays. They require all electronic reader boards to have a light detector/photocell by which the sign's brightness can be dimmed when ambient light conditions darken.</p>	
<p>Eagle: Prohibits</p>	<p>Prohibits Billboards</p>	<p>They call their electronic reader boards "Automated Signs". Automated signs shall only change frame content every eight seconds. Their brightness is measured in nits, but they require an auto dimmer allowing no more than 5,200 nit illumination between sunrise and sunset and up to 300 nits between sunset and sunrise.</p>

<p>Spokane Valley, WA: prohibits new billboards</p>	<p>Existing signs may be moved to another location equal or smaller; in mixed use and non-residential zones, except NC Height limited by underlying zoning, with a max of 50'; Replacements may not be placed less than five feet from the property line, not to extend beyond property line. none within 1,000 feet from another, offset from any billboard on the opposite side of the street by not less than 250'. Replacement billboards shall not be permitted along designated aesthetic corridors.</p>	
<p>ITD</p>	<p>ITD has only one paragraph and they do not speak to brightness levels. https://itd.idaho.gov/wp-content/uploads/2016/05/outdoor-advertising-general-information.pdf As part of the Highway Beautification Act (also known as the Lady Bird Johnson Act), federal law requires all states to provide continuing, effective control of outdoor advertising (Title 23, U.S. Code, Section 131). Failure to comply may result in a 10 percent reduction in Idaho's Federal Highway funds.</p>	<p>If electronic, must display a static image for a minimum of 8 seconds, have a dwell time of 2 seconds or less, sign faces must be at least 5,000 feet apart on interstates, at least 1,000 feet apart on primary highways in urban areas, and at least 5,000 feet apart on primary highways outside urban areas.</p>
<p>Montana Dept. of Transportation</p>		<p>Montana DOT limits the brightness to 0.3 footcandles over ambient light and requires the minimum display time to be at least eight seconds. They also limit brightness and images that are distracting.</p>



1



2

Council request

At the December 19, 2023 Council meeting, Council requested staff provide an opportunity for Council to revisit the amendments to the sign code and provide ways to allow the movement of existing billboards within the city limits.



3

Things to keep in mind when regulating Signs

Constitutionality – can not regulate signs by content: Cities, of course, can impose reasonable “time, place, and manner” regulations for signs, but any such regulations must be “content-neutral,” meaning that the same time, place, and manner regulations apply regardless of what the sign says.

Conflicts with existing codes/uses



4

Purpose within Code

15.50.110: FINDINGS, PURPOSE, INTENT, SEVERABILITY:

- A. Based on evidence collected by and for multiple communities over many years, the City has determined that Signs can obstruct views, distract motorists, displace alternative uses for land, and affect the aesthetics of a community.
- B. The City finds and declares that it is necessary to regulate the construction, erection, maintenance, electrification, illumination, type, size, number, and location of Signs to:
1. protect the health, safety, property, and welfare of the public;
 2. improve the neat, clean, and orderly appearance of the City;
 3. provide for informational needs of the public;
 4. preserve and protect the scenic beauty of the City;
 5. promote traffic safety; and
 6. promote a healthy business climate in the City.



5

March 1, 2022 Code Amendments

- Removed any restriction related to content
- Condensed:
 - Less Terms defined (68 before 16 now)
 - Previously 19 exemptions now 9
 - Simplified sign types as Permanent, Temporary, Freestanding or Attached, with clarity to each type
 - 19 pages versus 31 pages
- Clarifications to the application (Responsible party clarified)
- Clarification of enforcement process



6

March 1, 2022 Council requested to be removed:

- a. The Billboard may not be enlarged, structurally altered, or moved to a different location. Billboards must be maintained as required by this Chapter.
- b. A Billboard located on property annexed into the City must be removed within sixty (60) days of the effective date of the annexation.
- c. If a Billboard is damaged by any cause such that the cost of repair exceeds fifty percent (50%) of the fair market value of the Billboard prior to the damage, the Billboard may not be repaired but must be removed.



7

How do sign allowances work?



225' parcel frontage on
Government Way

Total sign allowance is calculated by multiplying the street frontage of a parcel by three (3).

Example:
225' frontage multiplied by three (3) = 675 sq. ft. total signage.



8

How is the freestanding allowance calculated?

By multiplying the street frontage measurement (X) by the driving lane factors then (X) by the density factor then adding (+) in the sign area factor. (Max. for the C-17 in 100 sq. ft. per sign)

Example of Formula:

	Street frontage measurement	Driving Lane Factor (Chart F)	Density Factor	=	+ Sign area Factor	Total Sq. Ft.	Maximum area per sq. feet
Commercial C-17, C-17L	225'	1.75 X	.25	98	32	= 130	100 sq. ft max per sign.

Chart F:

Lanes	Driving Lane Factors
1-2	1.00
3	1.50
4	1.75
5+	2.00

Total sign allowance 675 sq. ft.
Deduct Freestanding 130 sq. ft. (max. 100 per sign)
Wall Signage Total 545 sq. ft.



9



10



1604 Lee Court on premise non-conforming sign
 Current sign allowance would be 160 sq. ft. and 50' tall (I-90 allowance)
If damaged would need to be brought into compliance



11

Council request

At the December 19, 2023 Council meeting, Council requested staff provide an opportunity for Council to revisit the amendments to the sign code and provide ways to allow the movement of existing billboards within the city limits.



12

Current Code regarding Billboards

15.50.210 DEFINITION: BILLBOARD: An Off-premises Sign which is leased or rented by its owner to a third party for the purpose of conveying a commercial or noncommercial message.

15.50.400 – Permanent Signs:

C. Billboards and other Off-premises signs.

1. Except as otherwise provided in this section, billboards are prohibited in the City.
2. Billboards that were lawful on December 1, 2019, may remain in place.
3. Permanent Off-premises signs are prohibited.



13

Previous Code – Prior to March 1, 2022 Amendment

15.24.440: BILLBOARDS AND OFF PREMISES SIGNS PROHIBITED; EXCEPTIONS: Except as provided in sections 15.24.100, 15.24.450 and 15.24.520 of this chapter, all billboards and off premises signs are prohibited.

15.24.450: BILLBOARD OUTDOOR ADVERTISING SIGNS: The erection or placement of any outdoor advertising sign is prohibited. Exceptions: Outdoor advertising signs that were in existence at the time of the effective date hereof shall be allowed to remain, subject to the following restrictions:

- A. They must be well maintained, maintained in a safe fashion, and must display a current message. They may not be enlarged or structurally altered.
- B. The sign structure shall consist of steel poles or I-beam construction embedded in concrete.



14

Previous Code

C. Extensions and projections shall not exceed five percent (5%) of the surface size for three hundred (300) square foot signs or ten percent (10%) for six hundred seventy two (672) square foot signs.

D. The lighting for each sign must be directed only toward the sign surface.

E. **No outdoor advertising sign shall be allowed on property which is not zoned commercial or manufacturing and is not within six hundred fifteen feet (615') of the interstate freeway, along Northwest Boulevard and along Highway 95 north of Appleway Avenue, within the city limits.**

F. No outdoor advertising sign which was in existence at the time of the effective date of this section may be relocated within the city limits.

J. Outdoor advertising signs that are in existence, at the time of annexation, on property annexed after the effective date hereof must be removed. (Ord. 3289 §54, 2007)



15

Highlights of Proposed Code

- Provides for a definition of Billboard
- Provides for the removal of existing non-conforming billboards in exchange for a new location
- To be relocated within a Commercial, Manufacturing or Light Manufacturing zone
- Blends with existing codes:
 - Planning and Zoning setbacks, heights, separation between signs, underground electrical (*if located on property or within 75'*)
- Requires a public hearing before the City Council
- Provides for emergency alerts/owner contact information

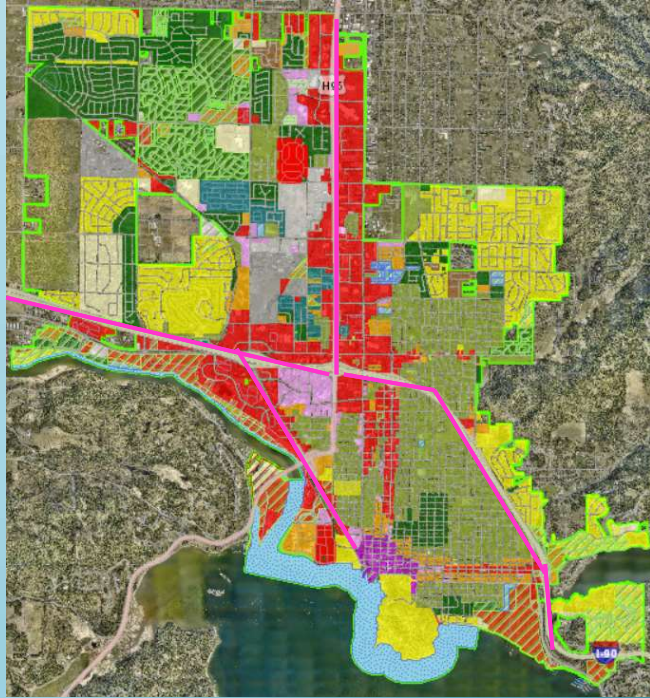


16

Zoning

Proposed Code

- Relocated billboards **no larger than 300 sq. ft.** and must be to non-residential property zoned C-17, M, or LM, with a min. frontage on an arterial street of one-hundred feet (100');
- Billboards **up to 672 sq. ft.** may be relocated on property abutting Northwest Boulevard within six hundred fifteen feet (615') of Interstate 90 as measured from the edge of the travel lane closest to the right-of-way; or on property abutting U.S. 95 within six hundred fifteen feet (615') of Interstate 90 as measured from the edge of the travel lane closest to the right-of-way; or on property north of Seltice Way and south of Interstate 90.
- *Not within 500' of residential zone, park, church, school, cemetery, or historic district*



17

Current Billboard Inventory

1. I-90 behind CDA Honda (2745 Seltice Way)
Tax ID 6753
2. I-90 at 2619 Seltice Way
3. N. of 2000 Northwest Blvd. Tax #12152
4. 1910 and 1924 Northwest Blvd –near
Coldwell Banker
5. 1621 Northwest Blvd. Corner of Mill Ave.
6. Northwest Blvd just south of the HWY 95
bridge, North of Hubbard Ave.
7. US 95 - 454 Clayton
8. US 95 North of At Home (200 Hanley
Avenue parcel)

Roadway Width:

- I-90 = 260 feet
- US 95 = 222 feet
- Northwest Blvd. = 75-100 feet
- Government Way = 84 feet



18



I-90 Near Honda Dealership

- Two panels V shape one pole
- 40' height from grade to top of sign
- 14' X 48' = 672 sq feet
- Setback 1' from property line on I-90 Side
- Digital faces



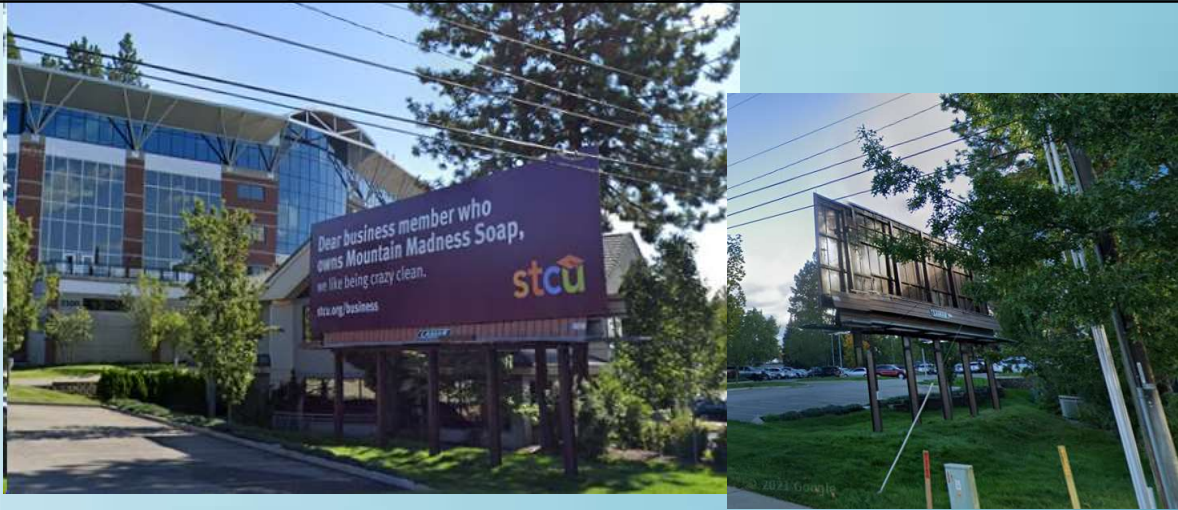
19



2619 Seltice Way
No data on record



20



North of 2000 Northwest Blvd. - Tax #12152- No data on record



21



1924/1910 Northwest Blvd. (N. of Lakewood Drive)
No data on record



22



1621 Northwest Blvd.

- 12' X 25' billboard dimensions



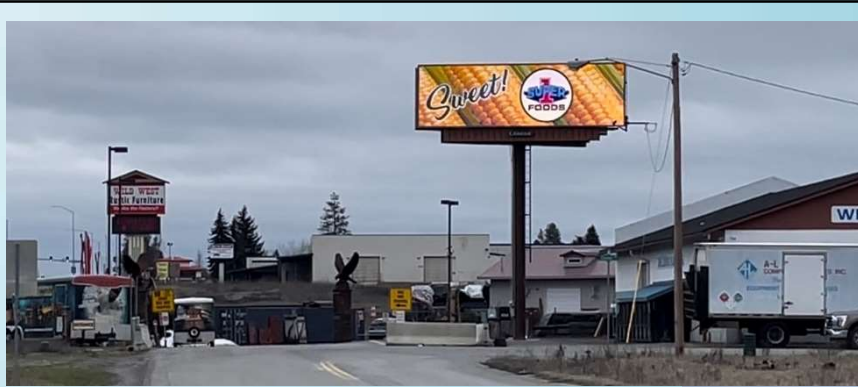
23



Northwest Blvd. North of Hubbard
*No data on record



24

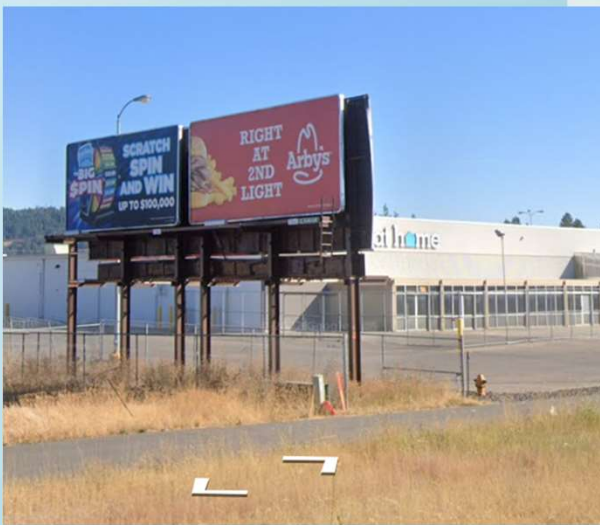


454 Clayton US 95

- two panels in a V shape one pole
- 42' height from grade to top of sign
- 10 X 30' = 300 sq. feet
- Setback 1' from the property line on Hwy 95 side – 2' and the S. property line



25



US 95 Near At Home

- two panels in a V shape one pole
- 45' height from grade to top of sign
- 14' X 48' = 672 sq. feet



26

Electronic Signs

Reasons to amend:

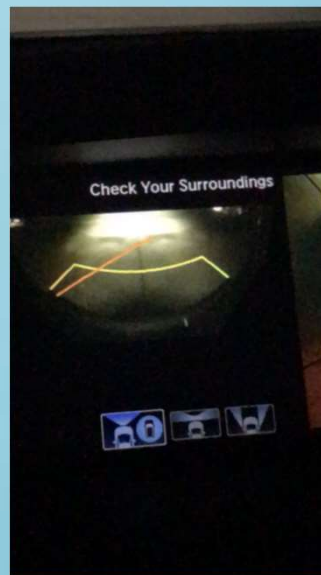
- Complaints about night brightness
- Research from other cities netted better ways to measure light, moving from nits to foot candles
- Required technology for auto dimming
- Hold displays for 8 seconds versus 2 seconds
- Restricts video messaging on electronic message display

Currently there are 83 electronic signs



27

NOT O.K.



28

Electronic message



29



30

Current Code regarding Electronic Signs

15.50.400 – Permanent Signs:

D. Illumination and Electronic Message Displays.

1. Illumination must not create an unsafe or hazardous distraction to others.
2. The brightness or intensity of lighting for a Sign, including an Electronic Message Display, shall not exceed 5,000 nits from dawn to dusk or 500 nits from dusk to dawn.
3. An Electronic Message Display must hold each displayed message a minimum of two (2) seconds before displaying the next message. This requirement does not apply to an Electronic Message Display which consists of video images.
4. No sign which either actually or apparently flashes or blinks shall be allowed.



31

Current Code regarding Electronic Signs

15.50.400 – Permanent Signs:

D. Illumination and Electronic Message Displays.

5. The rotation speed of a sign shall not exceed nine (9) rotations per minute.
6. A sign in an area accessible to vehicles or pedestrians must meet the electrical code currently adopted by the state of Idaho as to height and clearance.
7. A Sign which utilizes electricity shall have placed thereon within plain view the following information in letters at least one inch (1") in height: permit number and power consumption (including voltage and amperage). The Underwriters Laboratory label shall also be plainly visible.
8. An Electronic Message Display is subject to the Freestanding Sign and Attached Sign regulations and allowances, as applicable.



32

Proposed Amendments

- Clarification that distraction includes motorists, pedestrians, and general public
- Require technology for auto dimming
- Brightness shall not exceed 0.3 foot candles (above ambient conditions), with appropriate measurement distances
- Messages to be held a minimum of 8 seconds
- Clarification no videos are allowed
- Consistent with best practices



33

Suggestions from May 28, 2024 GS/PW Subcommittee

- Reconsider the need to review the Land Lease
- Clarify proposed foot candle measurement is above ambient lighting
- Clarify rotating signs are signs that turn/spin
- Clarify sign content can not be regulated, e.g. legal cannabis sales in WA
- Determine if public hearing should be required
- Determine if underground electrical should be required
- Include transitions should be ½ second or less
- Include lighting to be downward facing on non-digital billboards
- Address potential mobile billboards

34

Action Requested

Provide staff with feedback on the proposed code amendments.



ORDINANCE NO. _____
COUNCIL BILL NO. 24-

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTIONS 15.50.210, 15.50.400(C), AND 15.50.400(D) OF THE COEUR D'ALENE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendment be adopted;

NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

SECTION 1. *That section 15.50.210 of the Coeur d'Alene Municipal Code be amended as follows:*

BILLBOARD: ~~An Off-premises~~ Free Standing Sign which is leased or rented by its owner to a third party for the purpose of conveying a commercial or noncommercial message related to a business, service, goods, product, event, or facility which is not located or available on the property upon which the Billboard is located.

SECTION 2. *That section 15.50.400(C) of the Coeur d'Alene Municipal Code be amended as follows:*

C. Billboards and other Off-premises signs.

1. Except as otherwise provided in this section, ~~b~~Billboards are prohibited in the City.
2. Billboards that were lawful on December 1, 2019, may remain in place.
3. ~~Permanent Off-premises signs are prohibited.~~ Lawful Billboards may be relocated within the City as follows:
 - a. Relocation of a Billboard requires submission of a completed Sign application and the Sign fee approved by resolution of Council;
 - b. Relocation of a Billboard also requires a demolition permit for the existing Billboard. Demolition must occur prior to placement of any advertisement on the relocated Billboard;

- c. Relocation must be to non-residential property zoned C-17, M, or LM, which property must have a minimum frontage on an arterial street of one-hundred feet (100');
- d. Relocation must be to private property; relocated Billboards are not allowed on public property;
- e. A relocated Billboard may not be relocated again within ten (10) years of a previous relocation; and
- f. A written agreement for the relocated Billboard between the Billboard owner and the owner of the property proposed for relocation, acceptable to the City Attorney, must be provided to the City to ensure compliance with the Municipal Code;
- g. A public hearing before the City Council is required before a relocation is approved;
- h. At least fifteen (15) days prior to the public hearing, notice of the time and place and a summary of the relocation plan shall be published in the official newspaper or paper of general circulation within the jurisdiction. Additional notice shall be provided by mail to property owners or purchasers of record within three hundred feet (300') feet of the external boundaries of the land where relocation is being considered. Notice shall also be posted on the property on which the Billboard will be located not less than one (1) week prior to the hearing;
- i. Council may approve the relocation of a Billboard upon finding:
 - i. That the purposes of the Sign Code, as set out in Coeur d'Alene Municipal Code § 15.50.110, are furthered by the relocation; and
 - ii. That the proposed Billboard meets the Standards contained in this section; and
 - iii. That the Billboard will not result in a negative impact to the visual quality of general area as determined from the perspective of a reasonable person applying community standards; and
 - iv. That the Billboard is designed to be as compatible in appearance and layout with adjacent uses as is practical as determined from the perspective of a reasonable person applying community standards; and
 - v. That the Billboard does not block the view from a public right-of-way of a structure of historical or architectural significance; and

- vi. That the height of the Billboard is compatible with buildings within a three hundred foot (300') radius. If the view of the Billboard would be blocked by buildings, or if the view of buildings would be blocked by the Billboard, the Billboard height does not exceed the building height by more than twelve feet (12') and, in any case, does not exceed forty-eight feet (48'). If there are no buildings within three hundred feet (300'), the Billboard does not exceed twenty-four feet (24'). In measuring height, the base structure and display area shall be included; and
- vii. That the Billboard is not unduly disruptive to traffic and residential uses; and
- viii. That the Billboard complies with City standards for Illumination and Electronic Message Displays in Coeur d'Alene Municipal Code § 15.50.400(D).

4. Standards for relocated billboards.

- a. No increase in square footage of the Billboard shall be permitted. The display area of the Billboard may not be increased in size and, in areas other than adjacent to I90 or US95, a relocated Billboard shall not exceed three hundred square feet (300'); PROVIDED, Billboards up to six hundred seventy-two square feet (672 ft²) may be relocated as follows:
 - i. in C-17, M, and LM zoning districts; and
 - ii. on property abutting Northwest Boulevard within six hundred fifteen feet (615') of Interstate 90 as measured from the edge of the travel lane closest to the right-of-way; or
 - iii. on property abutting US95 within six hundred fifteen feet (615') of Interstate 90 as measured from the edge of the travel lane closest to the right-of-way; or
 - iv. on property north of Seltice Way and south of Interstate 90.
- b. The relocation of a Billboard may not result in an increase in the number of sign faces or sign structures; and
- c. No increase in height of the existing Billboard shall be permitted except where needed to provide for minimum height clearance (from the ground to the bottom of the Billboard) to comply with roadway safety; and

- d. There shall be at least one thousand feet (1,000') between all Billboards located on the same street or highway, measured along the centerline of the public right-of-way, regardless of which side of the street or highway the Billboards are located; and
- e. No Billboard shall be relocated within one hundred fifty feet (150') of an intersection, measured perpendicular to the nearest public right-of-way line for the crossing street; and
- f. No Billboard may be located closer than five hundred feet (500') to a residential zoning district, designated historic district, park, school, church, or cemetery measured in any direction from said Billboard.
- g. A Billboard may only be placed adjacent to an arterial street; and
- h. A Billboard shall not extend over the public right-of-way or any property line; and
- i. No portion of a Billboard may extend into or over an area defined as a structural setback in the applicable zoning district standards.
- j. The relocation of a Billboard requires submission of drawings stamped by an Idaho-licensed architect or engineer to the Building Official whose approval is required before the Billboard may be relocated. The required drawings must include:
 - i. Detailed plans showing footing and foundation design, reinforcement size and placement, pole type, size and thickness, all bolted and/or welded connections, and a description of Billboard construction materials; and
 - ii. Supporting calculations which address the design criteria (wind, soils, materials, and seismic);
 - iii. A detailed site plan which shows the location on the property, and distances to all adjacent site appurtenances (buildings, structures, trees, roads, etc.) and rights-of-way.
 - iv. Accurate architectural renderings and elevations, a scaled site plan, and photo simulations showing the locations of all existing structures and improvements, and the proposed Billboard;
- k. A Billboard shall not be relocated in such a manner as to impede fire access, a required fire turnaround, a required drive aisle, required parking, or a required emergency access, or in such a manner as to impair any required landscape buffer or public street trees.

1. All utilities required for a relocated Billboard, including electrical, shall be underground if power is located on the property or within seventy-five feet (75') of the property.

5. All other Ppermanent Off-premises signs are prohibited.

SECTION 3. *That section 15.50.400(D) of the Coeur d'Alene Municipal Code be amended as follows:*

D. Illumination and Electronic Message Displays.

1. Illumination must not create an unsafe or hazardous distraction to ~~others~~ a motorist, a pedestrian, or the general public.
2. ~~The brightness or intensity of lighting for a Sign, including an Electronic Message Display, shall not exceed 5,000 nits from dawn to dusk or 500 nits from dusk to dawn.~~ Any illuminated or lighted Sign, including an Electronic Message Display, shall be equipped with technology that automatically dims the electronic message center according to ambient light conditions. Display shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot-candle meter at the following distances:
 - 12 feet x 25 feet: 150 feet
 - 10 feet 6 inches x 36 feet: 200 feet
 - 14 feet x 48 feet: 250 feet
3. An Electronic Message Display must hold each displayed message a minimum of ~~two-eight (28)~~ (28) seconds before displaying the next message. The transition between each displayed message shall be no more than one-half of one second (.5 seconds). ~~This requirement does not apply to an Electronic Message Display which consists of video images.~~
4. No sign which either actually or apparently flashes or blinks shall be allowed.
5. No videos or animations are allowed on an Electronic Message Display.
56. If the Sign physically rotates, The rotation speed ~~of a sign~~ shall not exceed nine (9) rotations per minute.
67. A sign in an area accessible to vehicles or pedestrians must meet the electrical code currently adopted by the state of Idaho as to height and clearance.
78. A Sign which utilizes electricity shall have placed thereon within plain view the following information in letters at least one inch (1") in height: permit number and

power consumption (including voltage and amperage). The Underwriters Laboratory label shall also be plainly visible.

89. An Electronic Message Display is subject to the Freestanding Sign and Attached Sign regulations and allowances, as applicable.

SECTION 4. That section 15.50.410(H) of the Coeur d’Alene Municipal Code be amended as follows:

H. Off-premises signs.

- 1. Off-premises commercial signs are prohibited in residential zones.
- 2. Off-premises commercial signs are prohibited in all other zones, unless the sign complies with 15.50.400(C).
- 3. Mobile Billboards are off-premises commercial signs that are mounted on trucks, trailers, boats, or are otherwise readily moveable. Mobile Billboards are prohibited in all zoning districts.

SECTION 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein.

SECTION 6. After its passage and adoption, a summary of this Ordinance, pursuant to the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication this Ordinance shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d’Alene at a regular session of the City Council on _____, 2024.

APPROVED, ADOPTED and SIGNED this _____ day of _____, 2024.

James Hammond, Mayor

ATTEST:

Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. _____
Amending Sections 15.50.210, 15.50.340(C), and 15.50.340(D) of the City Code,

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTIONS 15.50.210, 15.50.400(C), AND 15.50.400(D) OF THE COEUR D'ALENE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. _____ IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am City Attorney for the City of Coeur d’Alene, Idaho. I have examined the attached summary of Coeur d’Alene Ordinance No. _____, Amending sections 15.50.210, 15.50.340(C), and 15.50.340(D) of the Coeur d’Alene Municipal Code, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this _____ day of _____, 2024.

Randall R. Adams, City Attorney