

STAFF REPORT

TO: Hailey City Council
FROM: Mariel Platt, Planner *mp*
RE: Zoning Ordinance Amendment – Section 8.2, Sign Ordinance
HEARING: December 7, 2009

Note: Staff analysis is in lighter type

Notice

Notice for the public hearing on October 19, 2009, was published in the Idaho Mountain Express and mailed to public agencies and area media on September 30, 2009. On October 19, 2009 (these amendments were not heard by the Commission on this date) and on November 16, 2009, the public hearing was continued to November 16, 2009 and December 7, 2009, respectively.

Proposal

Attached are amendments to Section 8.2 of the Zoning Code proposed by the City. These amendments would create a new Sign Ordinance.

Procedural History

The impetus for the amendments to Section 8.2 are the following: 1) reduce administrative burdens by simplifying the implementation of the ordinance through various means, 2) reduce interpretation error and inconsistencies through greater clarification, 3) improve the portable sign standards to allow for the continuation of portable signs in the public right-of-way while strengthening the requirements to mitigate their potential impacts, 4) increase the number and type of signs which are exempt from the sign ordinance to reduce unnecessary regulation, 5) address signage standards of multi-unit buildings to ensure fair signage is allocated to each unit, 6) reorganize the format of the ordinance to make it more user friendly for the public, 7) eliminate unnecessary duplication of standards, 8) address second story signage and other potentially unnecessary or ineffective signage, which if unaddressed will lead to sign clutter, and 9) create new and better define existing definitions.

Two workshops, in October 2008 and January 2009 were held with the business community and general public to determine the public's concerns with the existing sign ordinance. The majority of the concerns centered on portable signs in the public right-of-way and signage for multi-unit buildings. Staff has attempted to incorporate some of these issues as well as others into the proposed amendments.

The Planning Department drafted a new sign section that incorporated the issues raised in the previous workshops and addressed the goals listed above. The Commission reviewed this draft during a public workshop on August 17, 2009 and November 16, 2009. The feedback staff received from the public and the Commission at this meeting generated the following additional amendments:

- The existing standard for portable signs to be moved from the public right-of-way outside of businesses' hours of operation would be eliminated. This current standard is difficult

to enforce and inconvenient for business owners. By removing it from the ordinance it allows portable signs to be displayed continuously provided a sign does not pose a safety hazard.

- Allow any city official to remove a portable sign in the public right-of-way if it has fallen down, is obstructing vehicular line of site or pedestrian traffic, is interfering with snow removal, is not permitted, or is violating the ordinance in any other way. This allows the city to remedy potential hazards and violations without requiring business owners to continuously bring their signs in after their business closes. After removing a portable sign, a city official would call the sign owner and notify them that they can pick up their sign at City Hall.
- All proposed language regarding the prohibition of second story signage has been removed from the originally proposed amendments due to the concerns raised by some members of the business community.

Currently, the ordinance prohibits “any inflatable object used for promotional or sign purposes.” No changes have been made to this existing standard. This would include balloons attached to portable signs, especially along Main Street. Businesses feel the balloons help their signs get noticed by passing traffic and add vibrancy to the city. There are also concerns that balloons have the potential to obstruct vehicular line-of-sight, blow into the sidewalk thereby impeding pedestrian access along the sidewalks, and are often neglected and lay deflated on the ground creating an eyesore. Tom Hellen, Hailey Public Works Director, has stated that the balloons along Main Street are a safety issue and that 3 feet to 7 feet above grade should be kept clear for adequate vehicular line-of-sight.

On November 16, 2009, the general consensus of the Commission was that balloons or other inflatable objects should not be permitted on or attached to signs because they are distracting, pose a threat to vehicular line of sight, impede pedestrian right-of-ways, and are often not well maintained. In addition, the Commission requested language be added to exempt food services from being prohibited to display roof and antenna mounted signs and that all city officials have the ability to remove unsafe or illegal signs from the public right-of-way. These amendments have been added to the attached ordinance.

Department Comments

Standards of Evaluation

14.6 Criteria for Review. When evaluating any proposed amendment under this Article, the Hearing Examiner or Commission and Council shall make findings of fact on the following criteria:

1. The proposed amendment is in accordance with the Comprehensive Plan;

The Commission should consider how the proposed amendments relate to the various policies and implementation items of the Comprehensive Plan, particularly the following:

Section 3.0 – Special Sites, Areas, and Features

1. Goal: The goal of this section is to retain and protect features of special interest to the community, and to protect the scenic value of the Wood River Valley.

2. Policy: Preserve the architectural and ambient quality of the Hailey Business district.

13.0 - Community Design

- 2. Policy: Encourage and require a Central Business District that adds to community character by maintaining general architectural standards and by retaining a human scale and pedestrian friendly atmosphere with decreased dependency on automobiles.*
- 5. Policy: To enhance visual aesthetics and beautification of the community with specific efforts directed to the central core.*

10.0 – Transportation

1. Goal: Create and maintain a pedestrian and bicycle friendly community that provide safe, convenient and efficient multi –modal transportation for all Hailey residents, that moves people and not just cars, and that preserves and enhances our quality of life.

- 2. Essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services;**

It is not anticipated that the proposed ordinance would create additional requirements at public cost for public facilities and services.

- 3. The proposed uses are compatible with the surrounding area; and**

The proposed amendments do not affect the uses in the surrounding areas.

- 4. The proposed amendment will promote the public health, safety and general welfare.**

The proposed amendment would improve the portable sign standards to allow for the continuation of portable signs in the public right-of-way while strengthening the requirements to mitigate their potential impacts and allow for the removal of signs by any city official that cause potential safety hazards.

Summary

The Commission shall hold a public hearing and determine whether the proposed amendments are in accordance with the applicable standards of evaluation.

The Commission shall then recommend, with reasons therefore, to the Council that the proposed amendment be granted or denied, or that a modified amendment be granted.

Motion Language

Approval:

Motion to recommend the City Council approve the proposed amendments to Section 8.2, finding that the amendments are in accordance with the Comprehensive Plan, that essential public facilities and services are available to support the full range of proposed uses without creating excessive additional requirements at public cost for the public facilities and services, that the proposed uses are compatible with the surrounding area, and that the proposed amendment will promote the public health, safety and general welfare.

Denial:

Motion to deny the proposed amendments to Section 8.2, finding that _____
[the Commission should cite which standards are not met and provided the reason why each
identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendment to Section 8.2 to
_____ [the Commission should specify a date].

HAILEY ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING ARTICLE 11 OF HAILEY'S ZONING ORDINANCE, ORDINANCE NO. 532, BY AMENDING SECTION 8.2, TO ESTABLISH A NEW SECTION, SECTION 8.2, TO REORGANIZE PROCEDURES AND STANDARDS, CLARIFY STANDARDS FOR ALL TYPES OF SIGNS PERMITTED, CREATE A NEW SECTION TO ADDRESS SIGNAGE FOR MULTI-TENANT BUILDINGS, AMEND THE SIGN AREA ALLOWED FOR PORTABLE SIGNS, AND LIMIT THE NUMBER OF PORTABLE SIGNS PERMITTED PER BUSINESS AND PERMITTED WITHIN THE PUBLIC RIGHT-OF-WAY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Hailey City Council has found that the following amendment to the Hailey Zoning Ordinance will generally conform to the Hailey Comprehensive Plan;

WHEREAS, the amendments will not create excessive additional requirements at public cost for public facilities and services;

WHEREAS, the amendment will be in accordance with the safety and welfare of the general public; and

WHEREAS, the proposed uses are compatible with the surrounding area.

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

Section 1. Section 8.2 of the Hailey Zoning Ordinance No. 532, is hereby amended with the addition of a new Section 8.2, as follows:

8.2. Signs.

8.2.1 (Reserved)

8.2.2 Purpose: The purpose of Section 8.2 is to establish standards for the fabrication, erection, and use of Signs, symbols, markings, and advertising devices within the City. These standards are enacted to:

- a. Protect the public health, safety, and welfare of persons within the community.
- b. Aid in the development and promotion of business and industry
- c. Encourage aesthetic creativity, effectiveness and flexibility in the design of such devices without creating detriment to the general public.
- d. Reduce hazardous situations, confusion and visual clutter caused by proliferation, improper placement or illumination, and/or bulk of Signs which compete for the attention of pedestrian and vehicular traffic.

8.2.3 Definitions: Words and phrases used in Section 8.2 shall have the meanings set forth in this Section 8.2.3 and in Article II of this Ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of Section 8.2.

Abandoned Sign. A sign which no longer advertises a bona fide business, lessor, owner, product or activity within the corporate limits of Hailey.

Animated Sign. Any sign or part of a sign that changes physical position in any way, or which gives the visual impression of movement or rotation.

Art. All visual forms conceived of any medium, material, or combinations thereof, including but not limited to, a drawing, painting, sculpture, mosaic, or photograph, subject to individual aesthetic interpretation.

Alterations. The change or alteration of a sign structure or design, whether by extension, enlargement, or in moving from one location or position to another.

Awning Sign. Any sign attached to or made part of a roof-like structure constructed of canvas, vinyl, or similar material placed over a frame and projecting outward from a building providing a protective or decorative covering for doors, windows and other openings.

Banner. Any sign of lightweight fabric or similar material located on the exterior of a building or property.

Beacon. Any light with one or more beams directed at any point not on the same property as the light source; also, any light with one or more beams that rotate or move.

Building Frontage. The width of a building facing the street to which the front door of the Unit is oriented. In the case of Units with multiple frontages, frontage shall be determined by taking an average of each frontage.

Changeable Copy Sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the sign.

Community or Civic Event. A public event which is of interest to the community as a whole rather than the promotion of any product, political candidate, religious leader, or commercial goods or services.

Copy. Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof which is intended to advertise, identify, or notify.

Directory Sign. A sign that is attached flat against the façade and is oriented towards pedestrians and used for buildings with multiple-units that do not each have a street level entrance and are accessed through a shared entrance or lobby.

Flag. Any fabric banner or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or political subdivision.

Freestanding Sign. Any sign erected on a freestanding frame, platform, base, mast, or pole(s) and not structurally attached to any building.

Indirect Illumination. A source of light separate from the sign itself.

Marquee Sign. Any sign attached to or made part of any permanent roof-like structure projecting beyond a building, generally designed and constructed to provide protection from the weather.

Master Sign Plan. A plan which establishes the size, design, location, and tenant designation for all exterior signs associated with a multi-unit or multi-building development.

Neon Sign. Any sign or portion of a building illuminated or outlined by tubes using electrically stimulated neon or other gas.

Non-conforming Sign. Any sign which was lawfully erected and maintained prior to the effective date of Section 8.2, and which fails to comply to any applicable regulations and restrictions herein.

Pennant. Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended and designed to move in the wind.

Portable Sign. Any sign not permanently attached to the ground or to a building, and designed to be easily relocated. Also referred to as a sandwich board sign.

Projecting Sign. Any sign affixed to a building, wall, colonnade, or awning in such a manner that it extends more than nine inches beyond the surface of the same.

Roof Sign. A sign affixed on, above or over the roof of a building so that any portion of the sign projects above the roofline.

Sign. Every advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of others.

Temporary Sign. A sign installed on a property for 72 hours or less and displayed no more than four times a year.

Unit. A space that is leased, sold, or rented within a building.

Wall Sign. Any sign attached parallel to, but within nine inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any Building or structure, which is supported by such wall, and which displays only one sign surface.

Window Sign. Any sign installed upon or within three feet of a window for the purpose of viewing from outside the premises. This term does not include merchandise displayed.

8.2.4 Applicability

No person shall erect, alter, or relocate any Sign within the City without first obtaining a Sign

Permit from the City, unless the sign is exempt under Section 8.2.6. Any person who fails to obtain a permit before hanging, posting, or installing a Sign which requires a permit under Section 8.2 shall be in violation of this Ordinance.

8.2.5 Sign Permits

Applications for permits for signs shall include the following:

- a. A site plan which specifies the linear footage of Building Frontage, if applicable, the location of the sign structure, and if the sign is to be mounted on the building, drawings which show the scale of the sign in context with the scale of the building.
- b. A colored rendering and scaled drawing including:
 - color samples,
 - dimensions of all sign faces,
 - descriptions of materials to be used,
 - manner of construction,
 - method of attachment, and
 - if a Master Sign Plan is required, the Unit designation of each sign or the maximum square footage available to each Unit.
- c. A copy of a State of Idaho Electrical Installation Permit for any internally lighted or Neon Sign.
- d. A sign permit application on the form provided by the City.
- e. Appropriate fees as established by separate ordinance of the Hailey City Council.
- f. Multiple signs may be permitted on one (1) sign permit application, subject to one (1) sign permit fee, provided the application includes all information relevant to all signs being permitted at that time.
- g. Any Sign Permit application for a Portable Sign to be placed within the public right-of-way shall include an additional inspection fee as set forth by separate ordinance.
- h. Sign permits for Portable Signs in the public right-of-way shall also be subject to an annual application renewal and inspection permit, for which a fee shall be charged as set forth by separate ordinance.

8.2.5.1 A complete Master Sign Plan must be submitted at the time of design review application for any new construction for multi-unit or mixed use buildings. The Master Sign Plan must conform to all applicable sections of 8.2 and is subject to the same application, permitting and fee requirements. For a new sign, the tenant(s) or owner(s) of an individual Unit, who occupy a space that has an approved Master Sign Plan, must submit a separate sign permit application, which conforms to the Master Sign Plan. If no Master Sign Plan exists, the owner of a multi-unit building shall submit a Master Sign Plan along with the separate sign permit application and shall be subject to one (1) sign permit fee. The maximum aggregate area of all signs available to each Unit shall be determined by dividing the total sign area permitted for the building by the number of Units, occupied or unoccupied, unless the building owner or manager submits a Master Sign Plan which allocates signage otherwise while still complying with the maximum aggregate area of signage available to the building.

8.2.5.2 Complete sign permit applications will be reviewed by the Planning Staff, subject to the approval of the Administrator, and either approved, denied, or returned with requested modifications. Any aggrieved applicant has the right to appeal the decision to the Commission, and to appear on the next regularly scheduled meeting for which proper notice can be given and for which agenda space is available. A notice of appeal to the Commission shall be filed with

the Administrator in writing within ten days following the date of the denial of the permit.

- 8.2.6 Exempt signs. The following signs shall not be subject to the permit process as defined by Section 8.2.5 and are not included in the total aggregate sign area as defined in Section 8.2.10.
- a. Flags, symbols, or insignias either historic or official of any state or nation, providing the Flag is no larger than sixty square feet and is flown from a pole the top of which is no higher than forty (40) feet from natural grade.
 - b. Signs posted by a government entity.
 - c. Two Temporary Signs per building or if a multi-unit building one per Unit, less than 16 square feet each.
 - d. Signs with areas of four square feet or less.
 - e. Merchandise displayed in windows that does not involve Copy.
 - f. Pennants and wind socks, which in no way identify or advertise a person, product, service, or business.
 - g. Any sign inside a building not visible from the exterior of the building.
 - h. Art located on private property which in no way identify or advertise a person, product, service, or business.
 - i. Historic signs designated by Hailey City Council as having historical significance to the City or replicas of historic signs as approved by the Council.
 - j. Building identification signs which identify the name of the building only and are more typical of multi-unit buildings. These signs are separate from signs which identify, advertise, or promote any person, entity, product, or service.
- 8.2.7 Prohibited Signs. No person shall erect, maintain, or relocate any of the following signs within the City:
- a. Signs creating traffic hazards. A sign at or near any public street, or at the intersection of any public streets, situated in such a manner as to create a traffic hazard by obstructing vision. Additionally, any sign at any location which would interfere with, obstruct the view of, or be confused with any authorized traffic sign.
 - b. Any sign which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety, and welfare of any person or property.
 - c. Any sign which contains an intermittent light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.
 - d. Changeable Copy Signs.
 - e. Roof Signs, except mansard roof signs provided that the highest portion of any sign attached to a mansard roof is no more than 2/3 the height of the building to which it is attached.
 - f. Animated Signs.
 - g. Any Pennant, propeller, or similar device which is designed to display movement under the influence of the wind and which contains a message, announcement, declaration, demonstration, display, illustration, or insignia used for promotion or advertisement of a person, product, service, or business.
 - h. Any Sign attached to or displayed on outdoor furniture.
 - i. Any sign mounted on wheels.
 - j. Signs painted on vehicles parked and visible from the public right-of-way or those mounted on the roof or antenna of automobiles, unless the vehicle is licensed, registered and used as a vehicle in the normal day-to-day operations of the business, with the

- exception of food delivery services, student driver, and auto transportation services.
- k. Any inflatable object used for promotional or sign purposes, including balloons.
- l. Signs advertising a business that is located outside of the corporate limits of Hailey.
- m. Signs using "day-glo", fluorescent, reflective colored material that gives the appearance of changing color, or brilliant luminescent colors.

8.2.8 Design Guidelines.

- a. Projecting Signs are preferred over Portable or sandwich board signs. Projecting Signs generally are more effective for increasing visibility to both pedestrians and motorists.
- b. Sign materials and colors should compliment the building façade. Basic and simple color applications are encouraged. Fluorescent colors are prohibited.
- c. The color of letters and symbols should contrast with the base or background color of the sign to maximize readability.
- d. Signs shall not cover or obscure windows, doors, storefronts, building entrances, eaves, cornices, columns, horizontal expression lines, or other architectural elements or details.
- e. In multi-unit buildings, a Directory Sign with the names and suite numbers of all Units without individual street level entrances are encouraged to be provided at the shared entrance to those Units.

8.2.9 Sign Lighting Standards.

- a. All lighted signs shall comply with lighting standards as set forth in Article VIII B, of the Hailey Zoning Ordinance.
- b. A sign may be lit with an internal light source intended to illuminate only translucent portions of the sign or with an external light source intended specifically to illuminate the sign.
- c. Any lit sign is prohibited in the RGB, LR and GR zoning districts.
- d. Internally lit signs are prohibited in the LB, TN, and NB districts.
- e. Only the copy portion of internally lit signs may emit light. All other areas, including background, shall be constructed, treated and colored in a manner which makes those areas opaque.
- f. Neon light used to draw attention to any business or building in any manner is considered a sign. A maximum of 2 Neon Signs per Unit or building shall be allowed, regardless of whether the sign requires a permit.

8.2.10 Sign Area Standards.

- a. Total sign area permitted for any building shall not exceed a total of two square feet of sign area per lineal foot of Building Frontage, except in the following cases:
 - i. A building with only one Unit that meets or exceeds 75 feet or linear Building Frontage shall not exceed 150 square feet of total sign area.
 - ii. The size standards in Section 8.2.12, Specific Sign Standards, shall apply and control the total sign area permitted to each Unit or building.
- b. Signs on vacant properties are subject to Section 8.2.12.3.e, and are allowed only one sign per lot.
- c. The maximum aggregate area of all signs for any building shall not exceed the total sign area permitted. All sign faces displayed that are over four (4) square feet shall be included in determining the maximum aggregate area for a building.
- d. The area of a sign shall be computed using all faces of a sign within a perimeter which forms the outside shape, excluding any necessary supports upon which the sign may be

placed. Where a sign consists of more than one face, section, or module, all areas shall be totaled.

- e. Internally lighted signs shall not exceed a total of 75 square feet for any building.

8.2.11 Sign Standards for Multi-unit buildings

- a. All Units with an individual street level entrance are allowed up to two signs, with no more than one sign on any one building facade.
- b. All street level interior Units without an individual street level entrance and Units located on a second story or above shall be limited to one sign. The location of which must be approved in a Master Sign Plan for the building.

8.2.12 Specific Sign Standards:

8.2.12.1 Awning and Marquee Signs.

- a. The Copy area is limited to the valances of the awnings.
- b. Only permitted in the following zoning districts: RGB, LR and GR
- c. Shall not project more than 6 feet (6') from the building wall and shall provide at least eight feet (8') of vertical clearance when projecting over a pedestrian access way, measured from the ground to the lowest part of the supports for the Awning or Marquee Sign.

8.2.12.2 Changeable Copy Signs.

- a. The Copy on any Changeable Copy Sign shall not be changed more than three times per day. Changeable Copy Signs shall be maintained in a legible and serviceable manner.
- b. Permitted in all zoning districts except the RGB, LR and GR districts.

8.2.12.3 Freestanding Signs.

- a. The height shall not be greater than ten feet (10'), measured from natural grade to the top of the Sign.
- b. Permitted in all zoning districts.
- c. Shall provide eight feet (8') of ground clearance if projecting over the public right-of-way.
- d. There shall be only one Freestanding Sign per Building.
- e. Freestanding Signs aligned perpendicular to the adjacent public right-of-way are allowed a maximum sign area of 48 square feet, or 24 square feet per side. Those aligned parallel to the adjacent public right-of-way are allowed a maximum sign area of 32 square feet.

8.2.12.4 Portable Signs.

- a. Any Portable Sign is limited to two (2) sign faces or two (2) sides per Portable Sign.
- b. Maximum area allowed is six (6) square feet per side, and limited to three feet (3') in height. If there are supporting legs on a Portable Sign frame, they may be up to 6 inches (6") in height.
- c. Permitted in all zoning districts, except the RGB district.
- d. One Portable Sign is permitted per Unit.
- e. Portable Signs shall be weighted or anchored in some manner to prevent them from being moved or blown over by the wind.
- f. Portable Signs shall not be located so as to obstruct pedestrian or vehicular traffic, or

obstruct sight lines at intersections.

- g. No more than two (2) Portable Signs placed in the public right-of-way shall be permitted per corner.
- h. Portable Signs must be located in a manner that that maintains 36 inches (36") of clear width along all public right-of-ways.

(Ord. 1025, §2, 01/14/2009)

8.2.12.5 Projecting Signs.

- a. Projecting Signs may be placed on a building or underneath an approved canopy, awning or colonnade, but may not extend, at any point, more than four feet (4') from the surface to which it is attached.
- b. Signs must have at least eight feet (8') of vertical clearance when projecting over a pedestrian access way, measured from natural grade to the bottom of the Sign.
- c. Permitted in all zoning districts, except in the RGB, LR, and GR districts.

8.2.12.6 Wall Signs.

- a. Wall Signs may be placed on a structure provided they do not exceed a total of ten percent (10%) of the facade to which they are attached.
- b. Permitted in all zoning districts, except in the LR district.

8.2.12.7 Window Signs.

- a. Permanent Window Signs may be placed in or on any window provided that no more than 50% of the total transparent area of the window is obscured.
- b. Permitted in all zoning districts, except in the RGB, LR, and GR districts.

8.2.13 Unsafe and Illegal Signs. Any Sign which has been determined to be unsafe by the Building Official, Planning and Zoning Administrator, Public Works Director, or other designated City employee, or which has been constructed, erected or maintained in violation of Section 8.2 or any approved sign permit, must be repaired, made safe, or made in conformance with Section 8.2 or any approved sign permit or the owner of any such sign will be considered in violation of Section 8.2. The City reserves the right to remove any sign placed in, projecting into, or otherwise impacting the public right-of-way, without notice and at anytime, if the sign is not permitted or is determined to be violating Section 8.2 or an approved sign permit in any way.

(Ord. 1025, §1, 01/14/2009)

8.2.13 Non-Conforming Signs.

- a. A Non-Conforming Sign shall not be transferred to a new tenant or occupant of the premises on which the Sign is erected, but shall be removed at the termination of the tenancy to which it applies.
 - i. Signs existing prior to 1940 shall not be required to comply with the above.
- b. Any Non-Conforming Sign may not be enlarged, extended, reconstructed, moved, or structurally altered so as to increase the degree of non-conformity.
- c. Minor repairs may be done to any portion of a Non-Conforming Sign, provided the repair(s) does not increase the degree of non-conformity.
- d. Any Non-Conforming Sign which has been damaged or destroyed, either by calamity or natural causes may be repaired, provided the degree of damage or destruction does not necessitate a new Sign, in which case the sign may not be replaced.
- e. Any Non-Conforming Sign removed or not displayed for a period longer than six (6) months, shall thereafter not be replaced or redisplayed.

8.2.15 Maintenance. It is the affirmative obligation of the owner of every Sign within the City to maintain the Sign in a good state of repair at all times. Non-Conforming Signs may be repaired and maintained provided the repairs are for the purpose of maintaining the Sign in its original condition, do not increase the degree of nonconformity in the Sign, and are otherwise in accordance with Section 8.2.

Section 3. Severability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 4. Repealer Clause. All City of Hailey ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 5. Effective Date. This ordinance shall be in full force and effect from and after the required three (3) readings, approval, and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2009.

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk, City of Hailey

