

**MADISON COUNTY  
SIGN ORDINANCE  
ORDINANCE NO. 237**

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## CHAPTER 1 GENERAL SIGN PROVISIONS

### SECTION:

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#### **1-1: SHORT TITLE:**

This Ordinance shall be known and may be cited at the “*Sign Ordinance of Madison County, Idaho.*”

#### **1-2: AUTHORITY:**

These regulations are authorized by title 40, chapter 19 of the Idaho Code; title 67, chapter 65 of the Idaho Code;

#### **1-3: PURPOSE:**

The purpose of this Ordinance is:

- A. To promote and protect the public safety, morals, comfort, convenience and general welfare by the orderly placement and erection of signs and billboards in the County.
- B. To foster the effective use of signs as a means of communication within the County.
- C. To maintain a balance between the community’s visual character and sustain ability of economic growth;
- D. To ensure the County will have the ability to attract sources of economic development and growth.
- E. To improve, maintain and enhance pedestrian and traffic safety;
- F. To ensure that signs themselves are safe and consistent with building regulations through adoption of the Uniform Sign Code;
- G. To minimize the possible adverse effects of signs on nearby public and private property; and
- H. To enable the fair and consistent enforcement of sign regulations.

#### **1-4: DEFINITIONS:**

As used in this Chapter:

ARCHITECTURAL BLADE: A roof sign or projecting sign with no legs or braces,

designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

CANOPY: A rooflike structure projecting from a wall and supported in whole or in part by vertical supports from the ground, and erected primarily to provide shelter from the weather.

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

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

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

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

FIXED SIGNAGE: Signs which are permanently affixed to the ground or a building surface in accordance with the Uniform Sign Code.

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

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

GROSS AREA: The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include an structural elements outside the limits of such sign and not forming an integral part of the display. When two (2) sides of a double-faced sign are located not more than thirty six inches (36") apart at the widest point and not more than twelve inches (12") apart at the narrowest point and display identical messages or other representation, the gross area shall include only one of the sides. If the sign consists only of individual letters affixed directly to the wall of a building, only the areas of a simple geometric figure which will encompass the letters is counted as part of the gross sign area.

HEIGHT: The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway, which permits the greatest height to the highest point of the sign.

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

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

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

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

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

marquee.

LOT FRONTAGE: The distance at the property line adjacent to the street, right of way, arterial or collector, serving the property. On corner lots, the lot frontage on the shorter shall not count as part of this computation. Alley rights of way shall not count as part of this computation.

MANSARD ROOF: A roof with two slopes on each of the four sides, the lower steeper than the upper.

MARQUEE: A rooflike structure of a permanent nature which projects from the wall of a building.

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

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

NAMEPLATE: A nonelectric sign identifying only the name and occupation or profession of the occupant of the premises include more than one occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

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

OFF-PREMISES SIGN: A sign which advertises goods, products or services not sold or located on the property where the sign is located.

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

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

PORTABLE SIGN: Any sign made of wood, metal or plastic not permanently attached to the ground or a building, and designed to be a capable of being readily moved.

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

PRINCIPAL IDENTIFICATION SIGN: A primary permanent, on-premises sign designed to identify or advertise the business or industry to motorists or pedestrians approaching the business.

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

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

PYLON SIGN: A massive gateway or tower advertising the name, address and tenants of a large integrated shopping center or industrial park.

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

ROOF SIGN: A sign erected upon a roof or above a parapet wall of a structure or

building (see also definition of Roof Sign, Integral).

ROOF SIGN, INTEGRAL: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure, and extending vertically above the highest portion of the roof.

SANDWICH BOARD SIGN: A two (2) sided freestanding portable sign made of two (2) flat surfaces less than twelve (12) square feet in size (on each side), hinged at top to permit bottom to be spread apart for footing.

SCOREBOARDS: Signage used to record or tally scores at an athletic or sporting event. Scoreboards are allowed off-premises signage for the sponsor of the scoreboard only.

SIGN: A name, identification, description, display, or statuary which is affixed to, or represented directly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not mean any display of official court or public office notices nor shall it mean the flag, emblem, or insignia of a nation, political unit, school or religious group. Furthermore, assembly property (on location no more than 90 days annually per display), in the form of equipment which delivers no communicative message, other than to draw attention by virtue of its size, motion, or prominent location upon the property, shall not be considered a sign.

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

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

TEMPORARY SIGN: A sign, banner pennant, advertising balloon or blimp, poster, or advertising display constructed of cloth, canvas, light fabric, paper cardboard or other light material, with or without frames, that is not permanently attached to a building or the ground and which is intended to be displayed for a limited period of time.

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

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

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

ZONING OF LAND USE: The land use zone as established by the Planning and Zoning Commission. (Ord. 176)

### **1-5: APPLICABILITY:**

This Ordinance pertains to and regulates all signs within Madison County.

### **1-6: UNIFORM SIGN CODE ADOPTED:**

The Uniform Sign Code, 1997 Edition, as published by the International Conference of Building Officials, is hereby adopted to supplement the regulations set forth in this Madison County Sign Ordinance. If any conflict exists between these regulations and Uniform Sign Code, these

regulations shall govern. All signs allowed, including those which do not require permits, must be in conformance with the Uniform Sign Code and other applicable building codes and County regulations.

**1-7: PERMIT:**

All persons desiring to erect, construct or paint a new sign exceeding six (6) square feet in size, except those exempt, shall make application to and obtain a permit therefor from the office of the Planning and Building Department and shall pay a fee as established by resolution of the County Commissioners for such permit. At the time such application is sought, applicant shall furnish the following minimum information to the Planning Administrator or his/her designee:

- A. A scaled drawing of the sign;
- B. Exact dimensions of the proposed sign;
- C. A site plan showing the location and setbacks of the sign support relative to property lines and any projection of the signage into the rights of way or over public ingress/egress travelways;
- D. Footing and foundation plans that demonstrate “stability.”
- E. Such other information as may be required by the Planning Administrator or his/her designee for his/her determination of compliance with the provisions of this ordinance.

## CHAPTER 2 NONFIXED SIGNAGE

### SECTION:

- 2-1: Temporary Signs
- 2-2: Portable Signs
- 2-3: Marquee or Mansard
- 2-4: Real Estate Signs
- 2-5: Freestanding Signs

### **2-1: TEMPORARY SIGNS:**

Temporary signs as defined in this ordinance shall require a permit and shall be allowed under the following circumstances.

- A. Applicants will be allowed temporary signs so long such signs are well maintained and are removed or replaced when they deteriorate, become faded or tear. Temporary signs may be changed or replaced by signs of equal size and character of those applied for in the permit without the applicant needing to obtain a new permit.
- B. Banners shall be permitted temporary signs and shall be maintained in a clean, sightly and undamaged condition. Banners in excess of eight (8) square feet in size shall be either placed on walls or attached in accordance with the Uniform Sign Code.
- C. Temporary signs will be restricted to the same cumulative area, size, and spacing and height requirements as permanent signage within the respective zone.
- D. Temporary political signs or banners may be erected by any person, party, group, or organization by applicant upon a form provided by the Planning and Zoning Department. One permit shall be sufficient for all temporary political signs erected during any one campaign.
- E. Temporary political signs not exceeding thirty-two (32) square feet in area, purporting to advertise candidates or issues, may be erected on private property, with the written consent of the property owners during the campaign for a period of ninety (90) days prior to the election in which such candidates or issues are to be voted upon. Such signs shall be removed not later than the fourth day following such election. Any such signs which have not been removed by the fifth day following such election shall be removed by the County Building Inspector or designee. The sponsoring organization, or, if such cannot be found, the owner of the property upon which the sign was erected, shall be assessed the actual cost of removing such sign or with a ten dollar (\$10.00) minimum charge, whichever is greater.

## **2-2: PORTABLE SIGNS:**

Portable signs, including sandwich, swinger, and reader boards may be utilized subject to the following regulations:

- A. Portable signs must be removed when the business is closed, except for portable reader boards, which may be left in place when the business is closed.
- B. A one-time permit must be obtained. Permits for portable reader boards shall expire six (6) months after placement of the sign or issuance of the permit (whichever date comes first). Only one permit for a portable reader board will be issued during any one year for a specific premise.
- C. Square footage shall be computed as part of the allotted signage for the premises.
- D. Locations must be approved as part of the permit process.
- E. No more than one portable sign per fifty feet (50') of street frontage.
- F. May be placed adjacent to sidewalk, but not block sidewalk or must not obstruct visibility at access point.
- G. Must be removed if worn, deteriorated, or damaged.
- H. May not be placed in the public right of way.
- I. Must be aesthetically secured so that the sign will not fall over or blow away.
- J. Maximum square footage is limited to eight (8) square feet on each side, and thirty two (32) square feet on each side for reader boards.
- K. Electrical signs must conform to the Uniform Sign Code and the National Electrical Code. Electrical cords may not extend across pedestrian walkways or areas where vehicles will drive over them.
- L. Mobile signs are prohibited, except for signs painted on the surface of vehicles (or magnetically attached) identifying the business actively using the vehicle for transportation purposes.

## **2-3: MARQUEE OR MANSARD ROOF SIGNS:**

Marquee and mansard roof signs may be placed on, attached to, or constructed on a marquee or mansard roof and shall be limited to the size of the surface.

## **2-4: REAL ESTATE SIGNS:**

Advertising the sale, lease or rental of real property shall be permitted in accordance with the following:

- M. Real estate signs may be placed within the boundaries of the property being advertised and in any zone, without a permit. Such signs may be placed for a period of not more than one year and must be removed within thirty (30) days of the sale, lease or rental of the property.
- N. Real estate signs may not exceed six (6) square feet in size in a Transitional Agricultural and Residential One zone except as provided in subsection F of this Section and not more than thirty two (32) square feet in any other zone.

- O. Real estate signs may not be placed in public right of way without a license to use right of way granted by the County Commissioners
- P. Real estate signs may not violate the Visibility Triangle Standards enacted by the County or other governmental entity having jurisdiction.
- Q. Real estate signs may not be placed so that view of roadway is obstructed for drivers entering roads from private drives.
- R. Signs announcing new subdivision sales may be placed within the boundaries of the subdivision, but may not exceed forty (40) square feet in size. Permit shall be obtained before erecting such signs and such signs shall be removed when ninety five percent (95%) of the lots have been sold by the developer.

## **2-5: FREESTANDING SIGNS**

Freestanding signs may not project over the property line, and shall have minimum clearance of twelve feet (12') measured from the ground, curb or sidewalk surface to the bottom of the sign. Every sign projecting over public ingress and egress travelways shall have a minimum clearance of fifteen feet (15'), and shall obtain a conditional use permit.

## **CHAPTER 3 FIXED SIGNAGE**

### **SECTION:**

- 3-1: Mounting
- 3-2: Rooftop Signs
- 3-3: Illumination
- 3-4: Removal of obsolete, Unmaintained or Abandoned Signs

### **3-1: MOUNTING:**

All signs shall be mounted in accordance with the Uniform Sign Code and in one of the following manners:

- A. Flat against a building or wall;
- B. Back to back in pairs, so that back of sign will be screened from public view;
- S. In cluster in an arrangement which will screen the back of the signs from public view; or
- T. Otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

### **3-2: ROOFTOP SIGNS:**

Rooftop signs must conform to the following requirements:

- A. The sign area shall be calculated as part of the total allowable sign area for the premises.
- B. The sign may not exceed three feet (3') in height unless approved by the Planning and Zoning Commission.
- C. Integral rooftop signs which were approved as part of a building permit on the building shall not require a separate sign permit.
- D. Temporary rooftop signage requires Planning and Zoning approval.
- E. Rooftop signs shall require a submittal of an engineer-stamped construction or design drawing prior to issuance of a permit.
- F. Provisions requiring Planning and Zoning approval shall be considered conditional use permits and shall follow that procedure.

### **3-3: ILLUMINATION:**

No flashing of intermittent red, green or amber illumination shall be located in the line of vision of approaching vehicular traffic. Where reflecting, radiating, or other illumination is permitted, then:

- A. The light from any illuminated sign shall be so shaded, shielded or directed so that the light intensity or brightness will be minimized to surrounding areas.
- B. Such illumination shall be direct and the source of light shall not be exposed when located in or facing a residential district.

### **3-4: REMOVAL OF OBSOLETE, UNMAINTAINED OR ABANDONED SIGNS:**

All signs, including those painted on a building, which no longer serve the purpose for which they were intended, or are not maintained, or which have been abandoned, shall be removed or restored by the business or property owner within thirty (30) days after the receipt of a removal or restoration request. If not such signs removed or repaired the county will have the sign removed at the expense of the property owner.

## **CHAPTER 4 LOCATION**

### SECTION:

- 4-1: Location
- 4-2: Off-Premise Signs
- 4-3: General Exemptions signs permitted without permit
- 4-4: Tourist Trade Exception

#### **4-1: LOCATION**

All signs shall be located within the property lines of property owned by or licensed or leased to the applicant. Placement of signs at intersections shall conform to visibility regulations adopted by any governmental entity having jurisdiction.

#### **4-2: OFF-PREMISES SIGNS:**

- A. Off-premises signs will be permitted only along Highway 20 only within a commercial zone.
- B. The following minimum standards shall apply to all off-premises signs:
  - 1. Off-premises signs may be spaced not less than two thousand (2000) feet apart along each side of Highway 20. The point of the sign nearest the highway shall be used to determine the measuring point between signs.
  - 2. The “Highway 20 corridor” is defined as that property within one hundred feet (100') of the right-of-way lines of Highway 20.
  - 3. Off-premises signs are allowed in Commercial zones only.
  - 4. No such sign shall be located within one hundred feet (100') of any residentially zoned property. Flashing signs that will cause a hazard are prohibited. The area of these signs shall not be counted as part of the total gross area of signs allowed for the property upon which they are located.
- C. The review process will require the following submittals be made to the Planning Department:
  - 1. Completed sign permit application.
  - 1. One-fourth (1/4) scale (minimum) drawing depicting elevation view, location on-site, material specifications, and engineered structural and footing details.

#### **4-3: GENERAL EXEMPTIONS – SIGNS PERMITTED WITHOUT PERMIT:**

- A. The provisions of this Ordinance shall not apply to a sign located in a display window; or on a door of a business establishment which announces only the name of the proprietor or business establishment and the nature of the business; nor to a sign not exceeding six (6) square feet on a building, or on premises adjacent to a

building in which persons congregate for civic, political, educational, religious, social or recreational purposes, displaying the name and nature of the occupancy, and information as to the condition of use, admission or time of services or event; nor to street signs erected by the County.

- B. The following signs shall be permitted within any zone of the County and shall not require a permit, provided however, they must comply with setback and sight obstruction regulations:
1. Construction signs which identify the architects, engineers, contractors and other individuals or firms with the construction, but not including any advertisement of any product. Two (2) such signs not to exceed thirty two (32) square feet each shall be confined to the premises upon which construction occurs during the construction period. Such signs shall be removed within sixty (60) days of the beginning of occupancy.
  2. Street banners advertising a public event may be erected as approved by the Planning Administrator or his/her designee. The banners shall be removed within five (5) days after the termination of the event.
  2. Parking area signs designating parking area entrances and exits are limited to one sign for each such exit or entrance and to a maximum size of six (6) square feet each. One sign per parking area, designating the conditions or use of identity of such parking area and limited to a maximum size of twenty four (24) square feet, shall be permitted. On a corner lot, two (2) such signs, one facing each street, shall be permitted.
  3. Off-premises and on-premises signs that are placed and removed on the same day and that are intended to direct traffic or advertise a special event or sale, however, such signs are to be limited to the following conditions:
    - a. A maximum of fourteen (14) days per year.
    - b. The consent of the property owner must be obtained.
    - c. Signs must comply with or be located outside the “visibility triangle.”
    - d. Signs shall be a maximum of twelve (12) square feet in size.

**4-4: TOURIST TRADE EXCEPTION:**

- A. Any business or trade transacted upon a property within Madison County which can establish to the satisfaction of the Planning and Zoning Commission the following percentages of their gross revenues are derived from customers who reside outside of Madison County, shall be entitled to a Tourist Trade Exception, which shall consist of a factors shown in the following table which will be applied to their otherwise allowed signage. This exception shall only apply to On premises signage, and shall not allow any greater size of individual signs, only the cumulative gross total of signage. (ie. Sign Size Table allows 1000 square feet, if 65% of revenue is derived from outside of the county Tourist Trade, allowed 1500 square feet.)

<b>Percent of revenue derived from customers outside of Madison County</b>	<b>Allowed signage per acre</b>
50% to 60%	1.25
61% to 70%	1.50
71% to 80%	1.75
81% to 100 %	2.00

**CHAPTER 5  
SIGN SIZE TABLE**

\* This table shall regulate the cumulative total of all signs allowed within Madison County.

<b>ZONE/LAND USE</b>	<b>SIZE</b>	<b>HEIGHT</b>
<i>Commercial</i>	0 to 8 acres = 200 SF 8 acres and over = 25 SF per acre. Maximum size 480 SF per sign  <i>Distance from property line: Sign Area divided by 10 = distance from ROW</i>	Not to exceed 35 LF  0 to 10 ft from ROW 10 ft 10 to 20 ft from ROW 20 ft. 20 to 40 ft. from ROW 27 ft. 40 and beyond from ROW 35 ft.
<i>Industrial</i>	0 to 8 acres = 200 SF 8 acres and over = 25 SF per acre. Maximum size 480 SF per sign.  <i>Distance from property line: Sign Area divided by 10 = distance from ROW</i>	Not to exceed 35 LF  0 to 10 ft from ROW 10 ft 10 to 20 ft. from ROW 20 ft. 20 to 40 ft. from ROW 27 ft. 40 and beyond from ROW 35 ft.
<i>Transitional Ag 2-5 Residential One Agricultural</i>	Allowed only under Section 2.4	
<i>Non Conforming Area</i>	C.U.P./ No greater than the Non Conforming Use Zone	C.U.P./ No greater than the Non Conforming Use Zone
<i>Home Occupations</i>	Not Allowed	Not Allowed

LF = Linear feet  
SF = Square feet  
LtF = Lot frontage  
ROW = Right of Way

**CHAPTER 6  
ADMINISTRATION AND ENFORCEMENT**

SECTION:

*Ordinance No. 237 Sign Ordinance*

- 6-1: Nonconforming Signs; Removal of signs in violation:
- 6-2: Duties of Building Official
- 6-3: Variances
- 6-4: Violation - Penalty
- 6-5: Appeal – Time Limit For Filing and Decision
- 6-6: Planning and Zoning Commission – Appeal Limitations
- 6-7: Stay During Appeal Exception
- 6-8: Appeal of Planning and Zoning Commission Decision to County Commissioners

**6-1: NONCONFORMING SIGNS; REMOVAL OF SIGNS IN VIOLATION:**

No sign or billboard shall hereafter be altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of this ordinance. The changing or movable parts of signs that are designed to be changed or the repainting of display matter in conformity herewith and maintenance and repair shall not be deemed to be alterations within the meaning of this ordinance.

- A. Determination of Legal Nonconformity: Existing signs which do not conform to specific provisions of this Ordinance may be eligible for the designation “ legal nonconforming”; provided that:
  - 4. The Planning Director or his/her designee determines that such signs are properly maintained and do not in any way endanger the public;
  - 5. The sign was issued a valid permit or variance or complied with all applicable laws on the date of adoption hereof.
- B. Loss of Legal Nonconforming Status: A legal nonconforming Status: A legal nonconforming sign may lose this designation if:
  - 1. The sign is relocated or replaced.
  - 2. The structure or size of the sign is altered in any way except towards compliance with the ordinance. This does not refer to change of copy or maintenance and repair;
  - 3. There is a change of use of the property as determined by the Planning Administrator or his/her designee.
- B. Portable or Temporary Signs: All portable or temporary signs as defined herein, not having a valid permit prior to the effective date hereof, shall be responsible for obtaining a permit within sixty (60) days from the effective date.
- C. Maintenance and Repair of Nonconforming Signs: The legal nonconforming sign is subject to all requirements of this ordinance regarding safety, maintenance and repair. However, if the sign suffers more than seventy five percent (75%) appraised damage or deterioration, it must be brought into conformance with this ordinance or removed.
- D. Removal and Impounding: Signs which are established in violation of this chapter or which are left in place after removal was required may be removed by the County and impounded after (7) days’ written notice to the property owner. The fees for removal and impounding shall be set by the County Commissioners by resolution. Signs erected within the public right-of-way may be removed by the County without notice.

## **6-2: DUTIES OF BUILDING OFFICIAL:**

A. Enforcement of Provisions; Entry Onto Premises: The Building Official is authorized and directed to enforce all of the provisions of this Ordinance. Upon presentation of proper credentials, the Building Official may enter at reasonable times and building or structure or upon any premises to perform any duty imposed upon him by this Ordinance as follows:

- E. All signs may be inspected or reinspected at the discretion of the Building Official. The Building Official may inspect footings, structural components, and fire resistance for freestanding or rooftop signs. The Building Official may enter at reasonable time upon the premises of any person licensed under the provisions of this Ordinance for the purpose of inspecting signs under construction.
- F. Neither the Building Official nor the County shall be liable for any damages for failure to enforce of the provisions of the Ordinance.

### **B. Removal Of Signs:**

- 1. If the Building Official finds that a sign is in violation of this Chapter and that the sign is in violation of this Chapter and that the sign, by reason of its condition, presents an immediate hazard to the public, he may, without prior written notice, order its removal or repair within a period of time he may specify. If, within a reasonable time as determined by the nature of the hazard and the immediacy of the threatened harm to persons or property, the Building Official cannot find the person responsible for the sign, then he may remove or authorize others to remove such sign, or make minimum repairs that are necessary to bring the sign into compliance and remove the hazard.

## **6-3: VARIANCES:**

Variances to this Ordinance shall be heard by the Planning and Zoning Commission and processed in accordance with the Zoning Ordinance number 176 of the County, Section 15 of this Title.

## **6-4: VIOLATION – PENALTY:**

Violations of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor punishable by a fine not to exceed three hundred dollars (\$300.00), or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offense. Nothing herein contained shall prevent the Commissioners or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance.

## **6-5: APPEAL – TIME LIMIT FOR FILING AND DECISION:**

Appeal notice shall be filed within ten (10) days after the decision or order of the Planning and Zoning Administrator or designee. The Planning and Zoning Commission shall hear such appeal within thirty (30) days after filing of all required matters by appellant which shall be filed no later than twenty (20) days from the appeal notice. An appeal from a decision of the Planning and Zoning Commission must be filed pursuant to the same time limit.

**6-6: PLANNING AND ZONING COMMISSION – APPEAL LIMITATIONS:**

In determining an appeal, the Planning and Zoning Commission shall:

- A. Allow only the minimum appeal necessary to meet the hardship or practical difficulties;
- B. Find that the granting of the appeal will not be materially detrimental to the purposes of this Ordinance, be injurious to the characteristics of the premises on which the signs are located or be otherwise detrimental to the objectives of the County development plans or policies;
- C. Attach such conditions to granting all or a portion of any appeal as necessary to achieve the purposes of this Ordinance;
- D. Give due consideration to whether or not granting all or a portion of the appeal would materially improve the safety, appearance of the sign, sign location on the building, structure or premises on which the sign is located.

**6-7: STAY DURING APPEAL EXCEPTION:**

Unless the Planning and Zoning Administrator or his/her designee finds an immediate and serious danger to persons or property, the filing of notice of appeal shall stay further action pending appeal and decision of the Planning and Zoning Commission or County Commissioners upon appeal of the Planning and Zoning Commission’s decision.

**6-8: APPEAL OF PLANNING AND ZONING COMMISSION DECISION TO COUNTY COMMISSIONERS:**

- D. Any person aggrieved by a final determination of the Planning and Zoning Commission shall have the right of further appeal to the County Commissioners.
- E. An appeal to the County Commissioners must be made within ten (10) days after receiving written notice of the decision by the Planning and Zoning Commission.
- F. Filing an appeal to the County Commissioners shall meet the requirements set forth in Section 6.5 of this Ordinance.
- G. Upon accepting an appeal application to the County Commissioners, the Planning and Zoning Administrator, or his designee, will file the appeal with the County Clerk for scheduling before the Commissioners.
- H. The Council shall hear all pertinent data and make a binding determination on the parties involved.

This ordinance shall be in full force and effect as of this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ at which time it was passed by the Madison County Board of Commissioners.

Board of County Commissioners  
Madison County , Idaho

Reed Sommer, Chairman  
Brooke Passey, Commissioner  
Roger Muir, Commissioner  
ATTEST

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Marilyn Rasmussen  
Madison County Clerk