

RECORDED: 06/16/2000 2:38 PF

CLERK AND RECORDER BY: *Dana G. [Signature]*

FEE: \$0.00

ORDINANCE NO. 12

THE CREATION OF A RAVALLI COUNTY OFF-PREMISE
OUTDOOR ADVERTISING ORDINANCE

The facts giving rise to this Ordinance are the citizens of Ravalli County have expressed concerns regarding the increase in the number of large off-premise signs in Ravalli County. The Ravalli County Commissioners held a legally publicized public hearing on April 12, 2000 and May 19, 2000 for the purpose of taking citizen input on a sign ordinance in Ravalli County.

During those public hearings and public comment periods that followed the public hearing, the citizens of Ravalli County have expressed that any further proliferation of large off-premise signs will have a negative affect on traffic safety, and detract from the scenic resources of Ravalli County.

75-15-104 MCA allows any lawful ordinance or resolution that is more restrictive than the state statutes. 7-1-101 MCA states that a local government unit with self-government powers may exercise any power not prohibited by the constitution, law or charter. These powers include, but are not limited to general power governments. 7-1-102 MCA states a local government with self-government powers may provide any service or perform any functions not expressly prohibited by the Montana Constitution, state law or charter.

Accordingly the BOARD OF COUNTY COMMISSIONERS wishes to adopt by ordinance, the "RAVALLI COUNTY OFF-PREMISE OUTDOOR ADVERTISING ORDINANCE", as attached as Exhibit A, Sections 1.00 through Section 10.00.

VIOLATIONS OF THIS ORDINANCE ARE PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT IN THE COUNTY JAIL NOT TO EXCEED SIX MONTHS, OR BOTH.

Ordinance No. 12 - Off-Premise Signs
Page 1 of 7 (attachments - Exhibit A)

Office

Commissioners

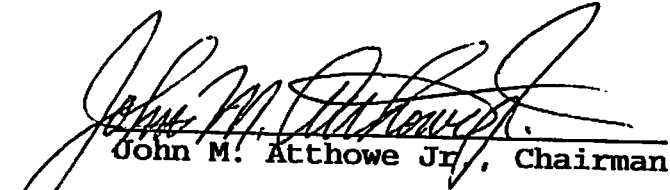
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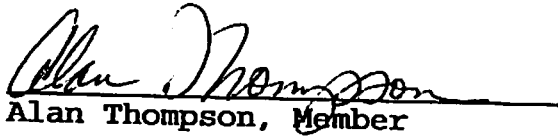
The effective day of this ordinance shall be thirty (30) days after the second adoption by this Board.

1. Read, adopted, approved and passed this 30th day of May, 2000.

2. Read, adopted, approved and passed this 15th day of June, 2000.

BOARD OF COUNTY COMMISSIONERS


John M. Atthowe Jr., Chairman


Alan Thompson, Member


"Smut" Warren Member


Attest: Clerk & Recorder

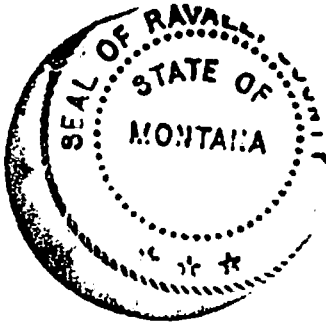


EXHIBIT A

RAVALLI COUNTY

OFF - PREMISE

OUTDOOR ADVERTISING ORDINANCE

Section 1.00	Purpose
Section 2.00	Applicability
Section 3.00	Administration
Section 4.00	Definitions
Section 5.00	Standards
Section 6.00	Variations
Section 7.00	Nonconforming Signs & Amortization
Section 8.00	Exemptions
Section 9.00	Penalties
Section 10.00	Severability

Section 1.00 Purpose

The stated purpose of this Ordinance is to promote and protect the public's health, safety and general welfare by regulating off-premise signs in Ravalli County. It is further intended to ensure that such signage in Ravalli County be compatible with the character of the County and to preserve scenic values and viewsheds. It is recognized that the principal function of outdoor advertising is to provide information and direction.

Section 2.00 Applicability.

This Ordinance shall apply in all of the unincorporated areas of Ravalli County. Nothing contained herein shall prohibit more restrictive covenants, easements, agreements or zoning for any particular area.

Section 3.00 Administration.

A sign administrator shall be appointed by the Director of the Ravalli County Land Services Department for the purpose of effective and uniform administration of this Ordinance. The sign administrator shall have the responsibility and full authority to administer and enforce all provisions of this Ordinance.

A sign permit shall be required for any off-premise sign allowed by this Ordinance. Applications for sign permits shall be obtained in the Ravalli County Land Services Department. The County shall require reasonable information to be provided by the applicant, including a signed and dated statement from the land owner that they have consented to the erection and maintenance of the sign on their property. A sign permit fee (established by Resolution of the Board of Ravalli County Commissioners) shall be charged for each individual sign erected, as allowed by this Ordinance. These fees are intended to provide for the costs of administration and enforcement of the Ordinance.

Section 4.00 Definitions

For the purposes of this Ordinance, the following definitions shall apply:

1. **Off-Premise Sign.** A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured, or furnished at the property on which the sign is located. This shall include billboards.
2. **Maximum Total Height.** The vertical distance from elevation of the finished grade at the structure to the highest point of the sign structure.
3. **Abandoned Sign.** A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available. Any sign that remains blank, or contains only the owner/agent's advertisement for lease, for more than 60 days.

Section 5.00 Standards.

The standards for all off-premise signs within the unincorporated areas of Ravalli County are as follows:

Setbacks.

All off-premise signs shall be set back a minimum of one-hundred (100) feet from the public right-of-way. The setback shall be determined from the physical part of the sign structure nearest to the right-of-way.

Height.

No off-premise sign shall exceed a maximum of ten (10) feet in elevation above the elevation of the center line of the adjacent roadway. The maximum total height of any off-premise sign shall not exceed twenty (20) feet.

Separation.

All off-premise signs shall be separated by a minimum of 1,000 feet.

Size.

No off-premise sign shall exceed the maximum of thirty-two (32) square feet in area. The sign area shall be determined by the smallest rectangle that can encompass the lettering or sign face.

Lighting.

Lighting shall only be allowed so as to illuminate the message on the face of the sign. No lighting shall be reflected onto the adjacent roadway or adjoining properties. No off-premise signs shall have flashing or blinking lights, movement or moving parts, or simulate motion with reflective parts. The maximum allowable reflected light shall be one (1) footcandle or ten (10) lumens per sign face. All electrical work associated with a lighted sign must be completed by an electrical contractor, bonded, and licensed by the State of Montana.

Identification.

Every off-premise sign permitted by these regulations shall have an identification of the owner's name attached to the sign structure.

Maintenance

All signs and sign components shall be maintained in good repair and in a safe, clean, and competent condition.

Construction Standards.

All off-premise signs shall meet the following minimum standards:

1. All requirements of applicable building and electrical codes;
2. All requirements of the Montana Department of Transportation (MDT), where applicable;
3. Anchoring.
 - a. No sign shall be suspended by non-rigid attachments that will allow the sign to swing or sway.
 - b. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
 - c. All temporary signs, as allowed under Section 8.00, shall be braced or secured so as to prevent any motion.
 - d. Shall be constructed to withstand a windload of 80 mph.

Inspection.

Sign structures shall be inspected to ensure compliance with all provisions of this Ordinance. A certificate of compliance shall be filed in the Land Services Department. Such inspection and a subsequent certification shall be made every two (2) years.

Section 6.00 Variances.

The Board of Ravalli County Commissioners may, under exceptional circumstances, grant a reasonable variance from the standards of this Ordinance. Requests for variances shall be filed with the Department of Land Services on forms provided by the sign administrator. The variance application form shall be submitted at least thirty (30) days prior to any decision by the Board. A public notice, at the expense of the applicant, shall be published in a newspaper of general circulation at least fifteen (15) days prior to the Board meeting for action on the variance.

No variance shall be granted unless the applicant can effectively demonstrate a hardship that is created by the strict application of the Ordinance. A financial hardship does not constitute grounds for a variance. The Board of County Commissioners, in considering an application for a variance, shall determine:

1. That special conditions and/or circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands.
2. That a literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other lands.
3. That granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands.
4. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance.
5. In granting any variance, the Board of County Commissioners may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and/or safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Ordinance, and subject to Section 9.00.

Section 7.00 Nonconforming Signs & Amortization

Signs not conforming to the requirements of this Ordinance, and which were legally erected prior to the adoption of the Ordinance are permissible nonconforming signs. Any such sign shall be brought into compliance under the following circumstances:

1. At such time as the sign is replaced;
*Changing the sign face does not constitute replacement.
2. At such time as the sign is abandoned for a period of ninety (90) days or more;
3. At such time when the sign suffers damage of greater than 50% of its appraised value;
4. Within seven (7) years from the effective date of the Ordinance.

These provisions shall not apply to off-premise signs on U.S. Highway 93.

Section 8.00 Exemptions

The following signs are exempt from the provisions of this Ordinance, unless specifically addressed below.

1. Real Estate Signs. A sign used concurrently with the sale, lease or rent of the real estate on which the sign is located.

2. **Political Signs.** A sign used to advertise a ballot issue or person running for political office. Such signs shall be removed within ten (10) days following the election.
3. **Event Signs.** A sign used concurrently with a specific commercial or non-commercial event or activity, not to exceed seven (7) days duration.
4. **Official/Non-Profit/Information Sign.** A sign as defined in 75-15-111 (a), (e), (f), and (g), MCA.

Section 9.00 Penalties

Any person, firm, or corporation that violates the provisions of this Ordinance shall be guilty of a misdemeanor. Criminal responsibilities of firms or corporations shall be governed by relevant provisions of 45-2-311 and 45-2-312, MCA.

A penalty of \$100 shall be assessed to the cost of a sign permit for any sign construction that commenced prior to obtaining the required permit.

Section 10.00 Severability

If any part of portions of this Ordinance shall be declared invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder shall nonetheless continue in effect.