

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO AMENDING TITLE 10 OF THE NAMPA CITY CODE SPECIFICALLY AMENDING TITLE 10 CHAPTER 23 REGARDING SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION BY SUMMARY; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, STATE OF IDAHO;

WHEREAS, under the federal Comprehensive Drug Abuse Prevention and Control Act, it is illegal for any person or entity to sell or distribute controlled substances (21 U.S. Code § 828), or to advertise for an establishment that sells or distributes a Schedule I controlled substance, even if state law purports to legalize such activity (21 U.S. Code § 843(c)(1));

WHEREAS, the adverse effects of the use of controlled substances are well documented; for example, when inhaled or ingested, tetrahydrocannabinol, the psychoactive chemical in marijuana, binds to cannabinoid receptors throughout the brain and suppresses areas responsible for memory, learning, attention, decision-making, coordination, emotions, and reaction time, both immediately and over the long term, and minors are especially susceptible to and impacted by these adverse effects;

WHEREAS, the State of Idaho has long recognized the negative impacts of the use of controlled substances, including marijuana, on our communities by making the possession and use of such controlled substances illegal and subject to criminal penalties under Title 37, Chapter 27 Idaho Code;

WHEREAS, in addition to violating federal law, signs advertising establishments that sell controlled substances or drug paraphernalia in the city of Nampa have the effect of normalizing the existence and business model of such establishments, notwithstanding the illegality of such establishments and their activities which promote the illegal use of controlled substances under the Comprehensive Drug Abuse Prevention and Control Act, an effect that disproportionately impacts youth, and which is unacceptable in and to the Nampa community;

WHEREAS, signs advertising establishments that sell controlled substances or drug paraphernalia have the effect of stimulating interest in and awareness of such establishments, notwithstanding the illegality of such establishments and their activities, an effect that disproportionately impacts youth, and which is unacceptable in and to the Nampa community;

WHEREAS, the very purpose and nature of advertising on a sign is for the advertisement to be passively and indiscriminately viewed by the general public, regardless of any viewer's age, capacity, or sensibility;

WHEREAS, there is a direct link between the proliferation of the advertising of establishments that sell controlled substances or drug paraphernalia and the use of controlled substances, particularly by youth, which use has deleterious effects upon individuals, families, and communities;

WHEREAS, the negative impacts of the illegal use of controlled substances also comes with additional impacts to our communities including the need to address increased costs to the city and its residents related to mental illness and homelessness, law enforcement response, increased burdens on the courts and jails, drug treatment and other criminal conduct related to and that supports illegal drug use;

WHEREAS, prohibiting advertising on signs in Nampa by establishments that sell illegal controlled substances is an effective means of reducing the indiscriminate promotion of such establishments, reducing citizens' exposure to such marketing, deterring normalization of such establishments, and preventing substance abuse and its associated societal costs in the City of Nampa, particularly among youth;

WHEREAS, given the harmful impacts of normalization of establishments that sell illegal controlled substances and of controlled substance use to members of the public, particularly youth, and the link between advertising and such impacts, the City of Nampa has a substantial interest in restricting the proliferation of advertising by establishments that sell illicit substances and paraphernalia;

WHEREAS, on April 23, 2024, the Planning and Zoning Commission of the City of Nampa recommended that the City Council adopt these proposed amendments to the Nampa City Planning and Zoning Ordinance as contained Title 10 of the Nampa City Code; and

WHEREAS, the City Council of the City of Nampa finds the prohibition of signs advertising an establishment that sells a controlled substance or drug paraphernalia to be in the best interest of the health, safety, and welfare of the people of the City of Nampa;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAMPA, IDAHO:

Section 1. That Nampa City Code 10-23-8 shall be amended as follows:

10-23-8. - Prohibited signs.

The following signs are prohibited:

- A. *Public or moral nuisance.* Any sign which creates a public nuisance due to statements, words, or pictures of defamation, obscene, lewd or pornographic nature, perjury, criminal conspiracies, threatening life, violent or destructive acts, deceptive commercial speech, or

which depicts or describes patently offensive representations or descriptions in accordance with Idaho State Statute, title 52, chapter 1.

- B. *Hazardous or unsafe signs.* Any sign that, in the opinion of the building official, planning director, engineer or traffic officer, creates a hazard to vehicular or pedestrian traffic or a hazard to the public in general, including, but not limited to, the following reasons:
 - 1. Design and construction.
 - 2. Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or radio equipment vehicle, or signs which obstruct the visibility of any traffic or street sign or signal device.
 - 3. Location which creates a vehicular or pedestrian hazard.
 - 4. Any sign that emits any sound, odor or visible matter.
 - 5. Any signs within the clear vision triangle.
 - 6. Any sign not maintained in a safe condition.
- C. *Abandoned signs.* Signs located on property which becomes vacant and unoccupied for a period of 90 days or more, or any sign which pertains to a time, event or purpose which no longer applies.
- D. *Unightly signs.* Any sign which is in whole or in part weak, unsafe or constructed of broken, unsightly, inferior or old, worn material.
- E. *Signs in right-of-way.* Any sign, poster, placard, sticker, banner or other device as listed within this chapter that is fixed or otherwise placed upon any public sidewalk, crosswalk, median strip, curb, lamppost, hydrant, tree, utility pole, or any fixture of the traffic control, fire alarm or police alarm system, to include snipe signs.
- F. *Animated signs.* Except as specifically provided in [section 10-23-20](#) of this chapter.
- G. *Wind signs.* Wind signs.
- H. *Car window flags.* Except on the front row of vehicles which are adjacent to the street frontage at a car sales lot only, so long as the flags do not exceed two square feet.
- I. *Illegal signs.* Any sign that employs a structure, material, illumination, size, or placement not specifically allowed under this chapter, unless the sign is a lawfully established nonconforming sign.
- 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.
 5. *Abandonment.* If a billboard is removed from a property, and it is neither relocated (nor is an application for its relocation filed) within 30 days, the right to maintain said billboard will be deemed abandoned.
 6. *Other advertising signs.* Other types of outdoor advertising signs are permitted in accordance with this chapter.
- K. *Temporary signs in lieu of permanent wall signage.* Temporary signs in lieu of permanent wall signage.
- L. Any sign advertising illegal activity.
- M. Any sign advertising an establishment that sells a controlled substance or drug paraphernalia, as such terms are defined in Idaho Code section 37-2701.

SECTION 2: Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law. This ordinance may be published by summary.

SECTION 3: Severability. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be ready to carry out the purposes of the ordinance before the declaration of partial invalidity.

SECTION 4: Savings Clause. The provisions of Nampa Code described in Section 1 above, shall remain in force as they existed prior to these amendments solely to authorize the enforcement actions or proceedings, including without limitation, prosecution and punishment, against those who violate said provisions prior to the effective date of this ordinance.

SECTION 5: Conflicts. All ordinances, resolutions, and orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, this ____ day of _____, 2024.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, this ____ day of _____, 2024.

Attest:

Mayor Debbie Kling

City Clerk