CITY OF HELENA

City Commission Meeting

August 12, 2024 - 6:00 PM

City - County Building Room 330 / Zoom Online Meeting; https://us06web.zoom.us/j/89382079922

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Minutes**
   - **A.** 7-24-24 Admin Meeting
   - **B.** 7-29-24 Commission Meeting
4. **Presentations**
   - **A.** Arborist Outstanding Service Awards
   - **B.** FY24 Budget Carryovers to FY25
5. **Board Appointments**
   - **A.** Board Appointment Review: HCC District 5
6. **Consent Agenda**
   - **A.** Consider granting a non-exclusive 10 ft wide utility easement across City owned property known as the Centennial Trail to Montana Internet Corporation to install underground fiber optic infrastructure.
7. **Communication/Proposals from Commissioners**
8. **Report of the City Attorney**
9. **Report of the City Manager**
10. **Communications from the Helena Citizens Council**
11. **Regular Items**
    - **A.** Consider a Resolution of Intention to specify the assessment option for the collection and disposal of residential garbage and refuse for fiscal year 2025 and levy and assess all properties receiving residential solid waste collection.
    - **B.** Consider A Resolution of Intention to Levy and Assess Properties to Recover the Amortized Loans issued under the Residential Energy Efficiency and Renewable Energy Loan Program for the Tax year 2024.
    - **C.** Consider a Resolution of Intention to Levy and Assess properties to recover the cost of reimbursement for water and wastewater infrastructure installed by the City for Tax Year 2024.
    - **D.** Consider a Resolution of Intention to specify the assessment option for the Landfill Monitoring and Maintenance District for Fiscal Year 2025 and levy and assess all property within the District.
    - **E.** Consider a Resolution of Intention to specify the assessment option for the Open Space Maintenance District No. 1 for Fiscal Year 2025, and to levy and assess all property within the District.
    - **F.** Consider a Resolution of Intention to levy and assess properties to recover the cost of removal of snow and ice from sidewalks on the adjacent public rights-of-way for Tax Year 2024, and to set a public hearing date.
    - **G.** Consider a Resolution of Intention to specify the assessment option for the Stormwater Utility Service Area for Fiscal Year 2025 and levy and assess all property within the service.
    - **H.** Consider a Resolution of Intention to levy assessments for improvement of sidewalks, curbs, gutters and alley

approaches in the City of Helena, Montana for Tax Year 2024.

I. Consider a Resolution of Intention to specify the assessment option for the Special Street Lighting Districts for Fiscal Year 2025 and levy and assess all property within the districts

J. Consider a Resolution of Intention to specify the assessment option for the Street Maintenance and Improvements District NO. 1 for Fiscal Year 2025 and levy and assess all property within the district.

K. Consider a Resolution of Intention to specify the assessment option for the Special Urban Forest Management District for Fiscal Year 2025 and levy and assess all property within the district

L. Consider a Resolution Expanding the Boundaries of the Street Maintenance and Improvement District No. 1 for Fiscal Year 2025.

M. Consider a Resolution Expanding the Boundaries of the Open Space Maintenance District No. 1 for Fiscal Year 2025.

N. Consider first passage of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-3 (residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Subdivision in the City of Helena, Lewis and Clark County, Montana

O. Consider Capitol Traffic Plan Proposal which includes one-way streets and angle parking along 5th, 6th and Lockey Avenue.

P. Consider a Resolution Modifying the Distribution of Helena Affordable Housing Trust Funds from United Housing Partners, LLC to Twin Creek 4 Housing Associates, LLLP, for New Multi-Family Housing Construction.

12. Public Hearings

A. Consider a Resolution to set fees to be charged for various land use and subdivision review applications within the Planning Division of the Department of Community Development, repealing Resolution No. 11093, and providing for a policy for the waiver of fees.

B. Consider Final passage of an ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof

13. Public Communications

14. Adjournment

It is the policy of the City Commission to take public comment on any action item. For further information on any of the items mentioned above, please contact the City Clerk's Office at 447-8410 or dmclayborn@helenamt.gov.

To read packet information while attending a City Commission Meeting please use the City/County wireless network COMM_MEET during the meeting.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

Phone: (406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
Email: citycommunitydevelopment@helenamt.gov
Mailing Address & Physical Location: 316 North Park Avenue, Room 445, Helena, MT 59623.

City Commission Administrative Meeting
July 24, 2024 – 4:00 PM
Zoom Online Meeting; https://us06web.zoom.us/j/83636482374
City County Building, 316 N. Park Ave., Room 326

Time & Place

A City Commission Administrative meeting was held Wednesday, July 24, 2024 at 4:00 p.m. via Zoom Online Meeting ID: **https://us06web.zoom.us/j/83636482374** and physically in the City County Building, Room 326.

Call to Work Session, Introductions

(00:00:00) The following responded present, either via zoom or in person:

City Attorney Dockter
City Manager Burton
Commissioner Dean
Commissioner Shirtliff
Commissioner Logan
Commissioner Reed
Mayor Collins

Commission Comments, Questions

(00:01:12) Mayor Collins asked Manager Burton for an update on the mini-malfunction traffic lights.

Board Appointment Review

A. Board Appointment Review: Golf Advisory Board, Heritage Tourism Council, Library Board, Parking Advisory Committee

(00:02:46) Mayor Collins presented Item A.

B. HCC Appointment Recommendation

(00:05:23) HCC Chairperson Kuiper presented Item B.

(00:05:47) Commissioner Dean asked Chairperson Kuiper about the location of District 6.

Recommendations from the Helena Citizens Council

(00:06:17) HCC Representative Kuiper discussed recent and upcoming meeting agenda items.

Report of the City Manager

(00:07:00) Parks, Recreation, and Open Lands Director Smith provided an update about the Firetower Restoration Project.

(00:07:25) Commissioner Reed asked Director Smith about the nature of the request for proposal.

(00:08:08) Public Information Officer Garcin provided an update about NorthWestern Energy's fire mitigation shutoff plan.

(00:11:45) Commissioner Dean discussed providing communication measure feedback to NorthWestern Energy.

(00:12:55) Mayor Collins and Commissioner Logan discussed updating contact information with NorthWestern Energy for emergency communication purposes.

(00:13:47) Commissioner Reed asked PIO Garcin, Assistant Fire Chief Chambers about planned outage implications for medically sensitive populations.

(00:15:45) Commissioner Shirtliff asked PIO Garcin about a page on the website with more information.

(00:16:34) Assistant Chief Chambers discussed Smart 911 benefits in planned outage situations.

(00:16:49) Commissioner Dean asked Police Chief Petty about Smart 911 utilization.

(00:18:24) Chief Petty encouraged individuals experiencing medical emergencies to call 911.

(00:18:52) Manager Burton discussed opportunities to collaborate and improve extreme weather emergency protocols.

Presentations

A. BSPRA Presentation

(00:19:36) BSPRA Representative Dr. Thomas presented Item A.

(00:30:15) Commissioner Shirtliff asked Dr. Thomas about the possibility of creating a tunnel on Montana Avenue.

(00:31:56) Commissioner Reed asked Dr. Thomas about the implications of a Municipal Partnership.

(00:33:56) Commissioner Dean asked Dr. Thomas about the County's opposition and other Municipal Partners in Montana.

(00:36:19) Commissioner Logan asked Dr. Thomas about Butte's involvement.

(00:38:25) Commissioner Reed requested a sample MOU for consideration.

(00:38:53) Commissioner Dean asked Manager Burton about next steps.

Department Reports

A. FY25 City Assessment Overview

(00:40:50) Manager Burton asked Finance Director Danielson about previous assessment discussions.

(00:41:50) Director Danielson and Public Works Director Leland presented Item A.

(00:48:00) Mayor Collins asked Director Leland about the end date for the City's contract with Helena Recycling.

(00:49:25) Commissioner Dean asked Director Leland about the recycling subsidy versus service utilization and about alternative recycling collection options.

(00:54:00) Commissioner Logan discussed Solid Waste Steering Committee findings regarding consumer satisfaction.

(00:55:06) Commissioner Shirtliff discussed universal recycling pickup sorting options.

(00:56:50) Commissioner Logan discussed the cost of universal pickup.

(00:57:17) Commissioner Dean asked Director Danielson about the results of rate increases.

(00:58:40) Commissioner Shirtliff asked Director Danielson about the City's ability to negotiate rates.

(01:03:33) Manager Burton asked Director Danielson about the recommended invoice for Commission approval.

(01:09:25) Commissioner Dean asked Director Danielson about the timeline for the next round of applications for loan programs.

(01:12:36) Commissioner Shirtliff, Director Danielson, and Commissioner Dean discussed snow removal considerations for citizens with disabilities.

(01:17:47) Commissioner Dean asked Director Danielson about availability for maintenance funds in lighting districts.

(01:19:45) Deputy Clerk Montiel read comment from Director Knoepke into the record.

B. Draft Resolution Relating to Limited Tax Obligation Bond for Improvements at City Shop

(01:20:45) Director Danielson presented Item B.

Public Comment

(01:24:44) Commissioner Logan asked Director Leland about next steps for the Integrated Solid Waste Master Plan.

Commission Discussion and Direction to the City Manager

Adjournment

(01:25:42) There being no further business before the Commission, the meeting adjourned at 5:26pm.

City of Helena, Montana

August 12, 2024
Commission Meeting

To: Mayor Collins and the Helena City Commission

From: Tim Burton, City Manager
Sheila Danielson, Finance Director

Subject: Fiscal Year 2024 Budget Carryovers to Fiscal Year 2025.

Present Situation:

The total carryover request expenditures from FY24 Budget appropriations to FY25 is $43,499,323. These carryovers are summarized as follows:

Recommended Carryovers:

Re-appropriation of Fund totals are summarized as follows:

- General Fund (1000) - $2,407,777
- Transportation Services (2110) - $4,501,076
- Community Facilities (2000) - $662,383
- 911 / Dispatch (2850) – $1,218,454
- Affordable Housing Trust Fund (2322) - $1,000,000
- Helena Public Arts Commission (2323) - $13,306
- Open Space (2501) - $30,175
- Gas Tax (2820) - $1,782,941
- Storm Water (2822) - $1,466,940
- Fire (2340) – $15,939
- General Capital Improvements (4000) – $2,851,826
- Parks Capital (441) - $212,812
- Downtown TIF (4502) - $118,160
- Water (5210) - $18,737,118
- Wastewater (5310) - $4,892,902
- Solid Waste – Residential (5410) - $1,643,766
- Solid Waste – Commercial (5412) - $262,018
- Transfer Station (5414) - $137,816
- Recycling (5415) – $52,055
- Parking (5510) - $224,691
- Transit (5800) - $34,000
- City County Building Operations (5712) - $453,923
- Law & Justice Center (5714) - $689,246
- Fleet (6010) - $90,000

In addition to expenditure carryovers noted above, the following is a summary of recommended Grant, Service Fee, and loan fund carryovers:

Water Fund (5210) – Loans & ARPA Funds: $7,443,035

Wastewater Fund (5310) – Grants & Loans $1,645,000

Solid Waste Residential (5410) – Loan Funds - $1,386,640

For a grand total of revenue increases from FY24 to FY25 of $14,658,675

Background Information:

Department Heads submitted capital re-appropriation carry over requests for capital projects and prior year unspent appropriations that were authorized in the prior Fiscal Year that were under contract or delayed. The carry over requests outlined in the attached carryover documents for all funds meet the criteria for City Manager consideration to approve as outlined in Resolution No. 20875.

Most carryover requests are for large multi-year capital projects outlined in the City's Comprehensive Capital Improvement Program. Capital projects can span several years and divisions are still experiencing some delays due to supply-chain challenges, and the ability to secure contractors for work. In addition, the City's fiscal year ends in the middle of peak construction season making it necessary to carryover contracted work.

The carryovers also include General Fund Savings allocated by the Commission but not yet disbursed.

The City Manager has reviewed the carryovers with Finance and recommends them to the Commission for approval per Section 7 of the Budget Resolution.

Per Resolution 20875 Adopting Final Budgets, Budget Authorities and Appropriations for Fiscal Year 2024:

Section 6 – Appropriation Carryovers:

Previous fiscal year appropriations or segments thereof, are hereby declared authorized appropriations, in addition to the appropriations set out in Appendix A (Balances & Changes in Funds), provided they meet the following criteria:

i. Related financing was provided in the prior fiscal year
ii. The appropriations were not obligated by year end;
iii. The purpose was not included, or rejected, in the

current budget financing or appropriations; and

iv. The City Manager determines the appropriation is still needed.

Section 7 – Capital Re-Appropriation:

The Commission authorizes the City Manager to re-appropriate prior year unspent budget authority and reserves into current year authorized capital appropriations or capital reserves in order to address capital needs. ….After advising the City Commission of the City Manager's intent to make capital re-appropriations at a City Commission meeting or public work session.

These sections in the budget resolution with the City Manager's approval, authorize the City Manager to recommend carryovers from FY24 budget appropriations to FY25 Budget appropriations.

Advantage: Budget Carryovers allow departments to carry-out their comprehensive capital improvements plans without disruption.

Notable Energy Impact: *N/A*

Disadvantage: Not carrying over budget appropriations may disrupt construction contracts.

Notice of Public Hearing: (False)

Staff Recommendation/ Recommended Motion: Move to accept the City Manager's recommendation for FY24 to FY25 budget carryover appropriations.

CITY OF HELENA BUDGET CARRYOVER REQUESTS

FY24 TO FY25

Division	PROJ. STATUS	PROJ. PHASE	PROJ. EST. COMPLETION	ACCOUNT CODING		ORIG Fiscal YR	DESCRIPTION	VENDOR	CITY MGR: RECOMMENDATION - EXPENSES	CITY MGR: RECOMMENDATION - REVENUE
Comm Dev	IP	In Progress	FY2025	10470000	439000	2024	Land Use Plan	Houseal-Lavigne	$ 134,585	
Fire	IP	Design	7/1/2025	10420400	439000	2021	Fire Service Review/Strategic Planning	Mangan & Bennion	$ 13,208	
Fire	IP	Hazmat Homeland Security Grant		10420401			Fire Services - Wages & Benefits	Homeland Security Grant Reimb	$ 39,084	
Commission	Not Started	Agreement in Place; no request for funds as of 6/30/24	6/30/2026	10410100	473000	2023	Our Redeemers Housing Project	Rocky Mountain Development Council	$ 1,580,000	
Commission	Not Started	Program in Progress; Drawdowns at least quarterly	6/30/2026	10410100	473000	2023	Wildfire Risk Assessments	Tri-County Fire Safe	$ 106,133	
Commission	Not Started		6/30/2026	10410100	473000	2023	Community Aid Grant	Family Promise	$ 250,000	
Commission	IP	Final Drawdown in 1st Qtr FY 25	9/1/2024	10410100	473000	2023	Feasibility Study for Regional Sports Complex	Helena Regional Sports Authority	$ 24,167	
Commission	Not Started		6/30/2026	10410100	473000	2023	Community Aid Grant	Exploration Works	$ 26,000	
Commission	Not Started		6/30/2026	10410100	473000	2023	Community Aid Grant	Good Samaritan	$ 134,600	
Commission	Not Started		6/30/2026	10410100	473000	2023	Contingency for Homelessness Solutions	Unkown	$ 100,000	
								Total for Fund 1000	**$ 2,407,777**	**$ -**
Transportation	IP	On Order - Arriving mid-July	7/31/2024	21430230	494000	FY23	655 Series Paver and Trailer	CAT	$ 601,706	
Transportation	IP	3 sets on order. Remainder for installation: S Hills, Broadway bul	12/31/2024	21430230	494000	FY24	Crosswalk RRFB's	TAPCO	$ 60,414	
Transportation	IP	On Order - waiting on plow plus install	12/31/2024	21430230	494100	FY22	FY22 Vehicle Carryovers	3-V	$ 208,438	
Transportation	IP	On order - waiting on plow plus install	12/31/2024	21430230	494100	FY23	Dump 311	3-V	$ 114,187	
Transportation	IP	Bid Awarded 6/3/24	6/30/2025	21430230	494100	FY24	REPLACE UNIT 310 WITH 5YD, SS DUMP, SS SA	I-State/3-V	$ 314,867	
Transportation	IP	Bid Awarded 6/3/24	6/30/2025	21430230	494100	FY24	REPLACE UNIT 314 WITH 5YD, SS DUMP, SS SA	I-State/3-V	$ 315,000	
Transportation	IP	On Order - Sourcewell	6/30/2025	21430230	494100	FY24	REPLACE UNIT 328 WITH 12YD, SS DUMP, SS S	Kenworth	$ 350,000	
Transportation	IP	On Order - Sourcewell	6/30/2025	21430230	494100	FY24	REPLACE UNIT 393 ELGIN EAGLE WITH ROAD V	Elgin	$ 375,000	
Transportation	IP	under contract - Sanderson Stewart	12/31/2024	21430230	493100	FY21	5 Point Intersection Study	Sanderson Stewart	$ 21,900	
Transportation	IP	RPA recently presented - in design	12/31/2024	21430230	493100	FY22	Safe Crossing Ewing St	RPA	$ 96,386	
Transportation	IP	RPA recently presented - in design	12/31/2024	21430230	493100	FY22	Safe Crossing Bozeman	RPA	$ 510,246	
Transportation	Not Started	Tabled 6/17, back to Comm 7/29	TBD	21430230	493100	FY19	Benton Turn Lanes	TBD	$ 596,684	
Transportation	IP	under contract - Yellowstone Pavement - in progress	8/31/2024	21430230	493100	FY23	GrandStreet Alley	Yellowstone Pavement	$ 56,218	
Transportation	Not Started	waiting on BNSF agreement	TBD	21430230	493100	FY23	Henderson Bridge Study	TBD	$ 75,000	
Transportation	IP	under contract - Slate - awaiting design	12/31/2024	21430230	493100	FY24	Equpipment Storage Prelim	Slate	$ 40,000	
Transportation	Not Started	match portion of grant - waiting on MDT	6/30/2025	21430230	435400	FY22	6th Ward ADA Grant	Weston	$ 60,761	
Transportation	IP	23-ADA1 didn't get on project code+$120 for ads+$4k for trees d	8/31/2024	21430230	435400	FY23	Spring 24 Ramps	All Around	$ 8,335	
Transportation	IP	under contract - Tabbert - in progress	6/30/2025	21430230	435400	FY24	Summer 24/Spring 25 Ramps	Tabbert	$ 342,000	
Transportation	IP	contracts in progress	6/30/2025	21430230	439000	FY24	Valley Gutters - Tabbert & Signal studies - cont	Tabbert	$ 194,000	
Transportation	IP	Proposals receieved in June - pursuing contract - probably TSI	6/30/2025	21430230	435130	FY24	Concurrency	TBD- Trans Sol probably	$ 99,934	
Transportation	IP	under contract - installation in July/August	8/31/2024	21430265	492000	FY24	SHOP OFFICE BUILD OUT	Northside	$ 60,000	
								Total for Fund 2110 - Streets	**$ 4,501,076**	**$ -**
Comm Facilities	IP	Design	2025	20410210	492000	2025	Civic Barrell Roof	SMA, & TBD	$ 420,000	
Comm Facilities	IP	Procurement	2024	20410210	492000	2024	Civic Benton Hall Carpet Replacement	Big Sky Installations	$ 5,000	
Comm Facilities	IP	Bidding	2024	20410210	492000	2023	Fire 1 Boiler Design	Millenium Engineering, TBD	$ 26,935	
Comm Facilities	IP	Bidding	2024	20410210	492000	2023	Fire 1 Air Handler	Millenium Engineering, TBD	$ 22,600	
Comm Facilities	IP	Design	2024	20410210	492000	2024	Fire 2 Restroom/Lockerroom Design	Slate Architecture	$ 57,318	
Comm Facilities	IP	Procurement	2024	20410210	492000	2024	Fire 2 Generator Replacement	Unknown	$ 25,000	
Comm Facilities	Not Started	unknown	2025	20410210	492000	2024	Golf Windbreak		$ 5,000	
Comm Facilities	IP	Procurement	2025	20410210	492000	2024	MT Helena Radio Tower	TBD	$ 50,000	
Comm Facilities	Not Started	unknown	2024	20410210	492000	2024	Parks Commercial Ceiling Fans	TBD	$ 6,400	
Comm Facilities	IP	Bidding	2024	20410210	492000	2023	Shop Boiler Design	Millenium Engineering	$ 44,130	
								Total for Fund 2000 - Facilities	**$ 662,383**	**$ -**
Comm Facilities	IP	In Progress	2024	23230301	439000	2025	HPAC Tunnel Murals	Elise Perpignano	$ 13,306	
									$ -	
								Total for Fund 2323 - Public Arts	**$ 13,306**	**$ -**

CITY OF HELENA BUDGET CARRYOVER REQUESTS
FY24 TO FY25

Division	PROJ. STATUS	PROJ. PHASE	PROJ. EST. COMPLETION	ACCOUNT CODING		ORIG Fiscal YR	DESCRIPTION	VENDOR	CITY MGR: RECOMMENDATION - EXPENSES	CITY MGR: RECOMMENDATION - REVENUE
Police	IP	Implementation Phase		28420710	494000	2022	CAD/RMS System Replacement (Computer aided Dispatch/Records Management System)		$ 1,204,730	
Police	IP	Implementation Phase		28420710	494000	2024	911 Security Project Grant		$ 13,723	
								Total for Fund 2850 - 911 Dispatch	**$ 1,218,454**	**$ -**
Com Dev	IP	Contract Agreement in Progress	FY25	23470200		2024	Twin Creek Appartments - HAHTF	United Partners	$ 1,000,000	
								Total for Fund 2322 - Affordable Housing Trust	**$ 1,000,000**	**$ -**
Open Lands	IP	Planning	12/1/2024	25460439	439000	2024	CFDA 10,665 Mount Helena Road Closure		$ 13,125	
Open Lands	IP	Planning	10/30/2024	25460439	439000	2024	Upper Davis Bike Skills Course Improvement Project		$ 17,050	
								Total for Open Lands - Fund 2501	**$ 30,175**	**$ -**
Transportation		$10K for 1 yr, rest move to ST19001 pending vote	6/30/2025	28200230	493100	FY21	Rodney St Ph 2	KLJ	$ 485,779	
Transportation		may need more in FY25 per Mark	6/30/2025	28200230	493100	FY19	BRBP - Benton Path	MDT	$ 9,756	
Transportation		moving forward per Comm	6/30/2025	28200230	493100	FY23	Lawrence & Last Chance Redesign	Dowl	$ 189,876	
Transportation		$4,737.43 not on old project code, $1,511.87 MIGHT hit in FY25,	7/31/2024	28200230	493100	FY24	Summer 23/Spring 24 - Pavement Preservation	Various incl Helena Sand	$ 124,004	
Transportation		move to Summer 24 to cover additional	6/30/2025	28200230	493100	FY24	Summer 23 - Pavement Preservation - Chip Sea	Helena Sand	$ 173,526	
Transportation		Beginning in Late July/August	6/30/2025	28200230	493100	FY24	BA - Summer 24 Chip Seal Award	Helena Sand	$ 800,000	
								Total for Fund 2820 - Gas Tax	**$ 1,782,941**	**$ -**
Public Works	IP	Contract Completed/Start Date Pending		28430235	492000		UMB Lift Station		$ 41,200	
Public Works	IP	RFP Pending, Fall 2025		28430235	493000		CENTENNIAL CAPACITY ENG.		$ 500,000	
Public Works	IP	Internal, Bid Documents, Summer 2025		28430235	493110		PLACER TO NEILL AVE CCIP		$ 879,420	
Public Works	IP	Awaiting Delivery		28430235	494100		PICK UP (REPLACE #400)		$ 10,660	
Public Works	IP	Awaiting Delivery		28430235	494100		DUMP TRUCK (REPLACE #441)		$ 35,660	
								Total for Fund 2822 - Stormwater	**$ 1,466,940**	**$ -**
Fire	IP	Design	NA	23404204	492000	2019	Station 1 Apparatus bay floor repair	MC Plumbing	$ 2,750	
Fire	IP	Final	Aug 2024	23404204	494100	2024	Replace Type 6 Wildland 2 w/ Type 3	Hughes	$ 9,817	
Fire	IP	Final	July 2024	23404204	494000	2024	Handheld radio replacement	BK Radio	$ 3,372	
								Total for Fund 2340 - Fire Levy	**$ 15,939**	**$ -**
Comm Facilities	IP	Design	2025	40004105	493000	2023	Civic HVAC	Associated Contruction Engineering, TBD	$ 1,171,688	
Comm Facilities	IP	Install	2024	40004120	492000	2024	Fire 2 Floors	Big Sky Installations	$ 6,378	
Parks Maint			FY25	40004604	493000	FY21	Fire Tower Rehabilitation		$ 183,836	
Parks Maint			FY25	40004604	494100	FY24	Toro Mower Replacement: cost is $125,000 need to order 1 year in advance		$ 88,000	
Parks Maint			FY25	40004604	494000	FY24	Mower Trailer replace 546 price increased we need additional 8k		$ 12,000	
Parks Maint			FY25	40004604	493000	FY24	Centennial Park signs		$ 7,500	
Parks Maint				40004604	493000	FY23	Centennial Trail Transferred to parks from streets		$ 232,839	
Parks Maint				40004604	493000	FY24	Partial funding downtown restroom		$ 98,000	
Public Works	IP	On hold - litigation	NA	40001000	494000		Sustainability Projects		$ 53,325	
Public Works	IP	Bid Opening	FY25	40001000	494000		City Facility Solar Proj		$ 239,790	
Finance	IP	UB Implementation starts in FY25.	FY26	40004105	494000	FY22	Tyler Technology Software Conversion		$ 758,470	
								Total for Fund 4000 - General Gov't Capital	**$ 2,851,826**	**$ -**

CITY OF HELENA BUDGET CARRYOVER REQUESTS

FY24 TO FY25

Division	PROJ. STATUS	PROJ. PHASE	PROJ. EST. COMPLETION	ACCOUNT CODING		ORIG Fiscal YR	DESCRIPTION	VENDOR	CITY MGR: RECOMMENDATION - EXPENSES	CITY MGR: RECOMMENDATION - REVENUE
Parks Maint			FY25	40014604	493000	FY24	Fire Tower Rehabilitation		$ 74,650	
Parks Maint			FY25	40014604	493000	Varies	Fire Tower Donations		$ 5,000	
Parks Admin			FY25	40014604	439000	FY24	Park Plan Update		$ 120,000	
Parks Maint			FY25	40014604	439000	FY24	Warming House Design		$ 5,162	
Parks Maint			FY25	40014604	493000	FY23	Fire Tower Grant- may need to return $8000.		$ 8,000	
							Total for Fund 4001 - Parks Capital		**$ 212,812**	**$ -**
Com Dev				45470311	439000	2024	YWCA Façade Improvements	YWCA	$ 118,160	
							Total for Fund 4502 - TIF - Downtown		**$ 118,160**	**$ -**
Public Works	IP			52430540	331000		Federal Grants - ARPA projects		$ -	$ 7,443,035
Public Works	IP			52430540	381070		Proceeds from Debt Service - ARPA Match		$ -	$ 4,184,000
Public Works	IP	Purchase Completed, CIP		52430540	491000		WATER WELLS PROPERTY		$ 192,946	
Public Works	IP	Contract In Progress, Fall '24 Construction		52430540	492000		BACK WASH IRRIGATION SHED		$ 74,290	
Public Works	IP	Received Forest Service Notice to Proceed		52430540	492000		FLUMECABIN REHABILITATION		$ 10,000	
Public Works	IP	Contract Signed, Waiting on Materials		52430540	492000		WELL HOUSE #2 REPLACEMENT		$ 75,000	
Public Works	IP	Spring '25 Project		52430540	492000		FOREST ESTATES PUMP STATN		$ 75,000	
Public Works	IP	Construction in Progress		52430540	492100		Tenmile Filter Rebuild		$ 2,918,719	
Public Works	IP	Construction in Progress		52430540	492100		Eureka Well Reconstruction		$ 859,203	
Public Works	IP	Fall 2024 Project		52430540	493000		MRTP-IRRIGATION		$ 20,000	
Public Works	IP	Fall/Spring 2024-2025 Project		52430540	493000		MRTP Parking Lot Imprvmnt		$ 15,000	
Public Works	IP	Some remaining invoices possible		52430540	493000		Ten Mile Actuator		$ 4,316	
Public Works	IP	Near Completion		52430540	493000		TMTP GATE/FENCING		$ 130,015	
Public Works	IP	Fall 2024 Project		52430540	493000		TMTP IRRIGATION		$ 20,000	
Public Works	IP	MRTP Complete/TenMile this Fall		52430540	493000		MRTP/TMTP - Chemical Feed		$ 26,346	
Public Works	IP			52430540	493120		FY24 Chessman Aerator		$ 64,350	
Public Works	IP	Construction in Progress		52430540	493140		TMTP DIVERSION STRUCTURES		$ 1,539,715	
Public Works	IP	Design in Progress		52430540	493140		RED MOUNTAIN FLUME		$ 2,302,324	
Public Works	IP	Construction in Progress		52430540	493140		GROUNDWATER WELLS		$ 2,463,975	
Public Works	IP	Construction in Progress		52430540	494000		SCADA EQUIPMENT		$ 22,843	
Public Works	IP	Construction in Progress		52430540	494000		COMPLIANCE SOFTWARE (OPS)		$ 193,376	
Public Works	IP	Awaiting Delivery		52430540	494100		PICKUP (REPLACE #436)		$ 39,574	
Public Works	IP	Contract Completed/Start Date Pending		52430550	492000		UMB LIFT STATION		$ 80,000	
Public Works		Close-out Costs Possible		52430550	493110		WESTSIDE WATER MNS-CITY		$ 37,265	
Public Works	IP	Construction in Progress		52430550	493110		Hale/Malben Connection		$ 26,858	
Public Works	IP	Construction in Progress		52430550	493110		UPPER HALE/WEST MAIN		$ 1,720,158	
Public Works	IP	Construction in Progress		52430550	493110		CROSSTOWN CONNECTOR VALVE		$ 3,826,370	
Public Works	IP	In-House Design in Progress		52430550	493110		FY24 HYDRANT REPLACEMENT		$ 300,000	
Public Works	IP	In-House Design in Progress		52430550	493110		FY24 MAIN REPLACEMENT		$ 1,331,760	
Public Works		Awaiting Invoices		52430550	493110		FY24 MT VIEW MEADOWS MAINS		$ 50,075	
Public Works		Awaiting Invoices		52430550	493110		FY24 Westside Woods Crosstown Main		$ 225,000	
Public Works		Awaiting Delivery		52430550	494100		PICK UP (REPLACE #400)		$ 21,320	
Public Works		Awaiting Delivery		52430550	494100		DUMP TRUCK (REPLACE #441)		$ 71,320	
							Total for Fund 5210 - Water		**$ 18,737,118**	**$ 11,627,035**
Public Works		WW23001 - Bioreactor Basin Blowers		53430640	362000		Northwest Energy Grant - Blowers			$ 145,000
Public Works		WW20001 -SCUM Pump Station		53430640	381070		Proceeds from Debt Service - SCUM Pump			$ 1,500,000
Public Works	IP	Construction In Progress		53430640	492100		BIOREACTOR BASIN BLOWERS		$ 155,420	
Public Works	IP	Bids Pending/DEQ Comments		53430640	493000		PRIMARY SCUM PUMP STATION		$ 1,417,213	
Public Works	IP	Consultant in Progress		53430640	493000		WW Treatment Master Plan		$ 51,355	
Public Works	IP	Construction in Progress		53430640	493000		Standby Generator (Back)		$ 44,082	

CITY OF HELENA BUDGET CARRYOVER REQUESTS

FY24 TO FY25

Division	PROJ. STATUS	PROJ. PHASE	PROJ. EST. COMPLETION	ACCOUNT CODING		ORIG Fiscal YR	DESCRIPTION	VENDOR	CITY MGR: RECOMMENDATION - EXPENSES	CITY MGR: RECOMMENDATION - REVENUE
Public Works	IP	Fall 2024 Construction Target		53430640	493000		GAS LINES/REPLACEMENT		$ 162,799	
Public Works	IP	Design in Progress		53430640	493000		DIGESTER BUILDING BOILER		$ 186,611	
Public Works	IP	Design in Progress/ Fall 2024 Construction		53430640	493000		DIGESTER #1 COVER/TANK		$ 500,000	
Public Works	IP	Pursuing Grant Funds		53430640	493000		DIGESTER GAS PIPE REHAB		$ 50,000	
Public Works	IP	Awaiting Invoice/CIP		53430640	493000		BELTPRESS POLYMER (1&2)		$ 79,913	
Public Works	IP	Summer/Fall 2024 Project		53430640	493000		FURNACE REPLACEMENTS (3)		$ 30,000	
Public Works	IP	Contract Completed/Start Date Pending		53430641	492000		UMB LIFT STATION		$ 80,000	
Public Works	IP	Consultant in Progress		53430641	493000		WW Collection Master Plan		$ 97,105	
Public Works	Complete	Close-out Costs Possible		53430641	493110		WESTSIDE WW MAIN-CITY		$ 37,265	
Public Works	IP	Construction in Progress/Contract		53430641	493110		Lamphole/Manhole Project		$ 149,917	
Public Works	IP	In-House Design in Progress		53430641	493110		FY23 MAIN RPLCMNT/LINING		$ 690,000	
Public Works	IP	In-House Design in Progress		53430641	493110		FY23 MANHOLE RPLCMNT/RHAB		$ 50,000	
Public Works	IP	Annual Program		53430641	493110		FY24 SHARED SEWER LINES		$ 97,850	
Public Works	IP	In-House Design in Progress		53430641	493110		FY24 MAIN REPLACEMENT		$ 750,000	
Public Works	IP	In-House Design in Progress		53430641	493110		FY24 MANHOLE REPLACEMENT		$ 49,917	
Public Works	IP	Awaiting Invoice		53430641	493110		FY24 MT VIEW MEADOWS MAINS		$ 34,725	
Public Works		Construction in Progress		53430641	494000		SCADA HARWARD/SOFTWARE (Spelling)		$ 86,090	
Public Works		Awaiting Delivery		53430641	494100		PICK UP (REPLACE #400)		$ 21,320	
Public Works		Awaiting Delivery		53430641	494100		DUMP TRUCK (REPLACE #441)		$ 71,320	
							Total for Fund 5310 - Wastewater		**$ 4,892,902**	**$ 1,645,000**
				54430831	381071		Loan Interest Proceeds	SW23002-3, SW24006 - Sideloaders	$ -	$ 1,386,640
Public Works	IP	Phase II Design-in-Progress		54430831	493000		TRANSFER STATION ENTRANCE (Res)		$ 180,867	
Public Works	IP	Plan in Progress		54430831	493000		Solid Waste Master Plan		$ 11,259	
Public Works	IP	RFP Completed/Consultant Pending		54430831	493000		RESIDENTIAL SW RATE STUDY		$ 75,000	
Public Works	IP	Awaiting Delivery since 2021		54430831	494100		NEW SIDELOADER		$ 355,820	
Public Works	IP	Awaiting Delivery since 2021		54430831	494100		NEW SIDELOADER		$ 355,820	
Public Works	IP	Refurbish in Progress		54430831	494100		FY24 SIDELOADER REFURBISH		$ 665,000	
							Total for Fund 5410 - Solid Waste Residential		**$ 1,643,766**	**$ 1,386,640**
Public Works	IP	Ordered/Not Received		54430832	422000		Commercial Containers		$ 79,630	
Public Works	IP	Phase II Design-in-Progress		54430832	493000		TRANSFER STATION ENTRANCE (Com)		$ 96,128	
Public Works	IP	Plan In Progress		54430832	493000		Solid Waste Master Plan		$ 11,260	
Public Works	IP	RFP Completed/Consultant Pending		54430832	493000		COMMERCIAL SW RATE STUDY		$ 75,000	
							Total for Fund 5412 - Solid Waste Commercial		**$ 262,018**	**$ -**
Public Works	IP	Phase II Design-in-Progress		54430841	493000		TRANSFER STATION ENTRANCE (TS)		$ 54,175	
Public Works	IP	Plan in Progress		54430841	493000		Solid Waste Master Plan		$ 33,649	
Public Works	IP	Coordinate with Loading Chute		54430841	493000		Pit Floor Resurfacing		$ 27,992	
Public Works	IP	Awarding Design Contract		54430841	493000		LOADING CHUTE		$ 22,000	
							Total for Fund 5414 - Transfer Station		**$ 137,816**	**$ -**
Public Works		Phase II Design-in-Progress		54430842	493000		TRANSFER STATION ENTRANCE (Recycling)		$ 40,795	
Public Works		Plan in Progress		54430842	493000		Solid Waste Master Plan		$ 11,260	
							Total for Fund 5415 - Recycling		**$ 52,055**	**$ -**

CITY OF HELENA BUDGET CARRYOVER REQUESTS

FY24 TO FY25

Division	PROJ. STATUS	PROJ. PHASE	PROJ. EST. COMPLETION	ACCOUNT CODING		ORIG Fiscal YR	DESCRIPTION	VENDOR	CITY MGR: RECOMMENDATION - EXPENSES	CITY MGR: RECOMMENDATION - REVENUE
Transportation		waiting on Entrance Controls	12/31/2024	55430266	494000		was PCO handhelds upgrades/now 23x upgrad	Entrance Controls	$ 18,318	
Transportation		waiting on Entrance Controls	12/31/2024	55430266	494000		Mach 6960 Coin Counter	Entrance Controls	$ 2,128	
Transportation		under contract	12/31/2024	55430266	494000		6th Ave 3 Camera Add - On	Wired	$ 12,000	
Transportation		under contract	12/31/2024	55430266	494000		Getchell 3 Camera Add - On	Wired	$ 6,000	
Transportation		reallocate leftover to IT infrastructure	12/31/2024	55430266	494100		Add Patrol/Admin vehicle	Fleet	$ 35,000	
Transportation		Walker Consultants - Initial site visit complete	12/31/2024	55430266	492000		5 Garages Repair Consultant	Walker	$ 75,000	
Transportation		Lot 3 paid to Tabbert and All around - railing to come	8/31/2024	55430266	492000		Surface Lot ADA Space Installs	Tabbert/ All Around	$ 2,363	
Transportation		$8,300 All Around MA Stairs - $56,000 All around Getchell	8/31/2024	55430266	492000		Getchell Garage Sidewalk/ Stairs	All Around	$ 53,882	
Transportation		reviewing proposals	12/31/2024	55430266	439000		Wired Electrical hookups for kiosks in garages/	TBD	$ 20,000	
								Total for Fund 5510 - Parking	**$ 224,691**	$ -
Transportation		waiting on MDT	12/31/2024	58430400	494100		FY23 match for 2 vans + equipment	MDT	$ 34,000	
								Total for Fund 5800 - Transit	**$ 34,000**	$ -
Comm Facilities	IP	Design	2026	57510301	493000	2021	CCAB North Parking Lot	SMA, & TBD	$ 323,382	
Comm Facilities	IP	Install	2024	57510301	494000	2024	CCAB Fire Alarm Panel	406 Electric	$ 7,500	
Comm Facilities	IP	Install	2024	57510301	492000	2024	CCAB LED Lighting Retrofit	Epic Electric	$ 91,041	
Comm Facilities	IP	Design	2024	57510301	436120	2024	CCAB Carpet	Big Sky Installations	$ 10,000	
Comm Facilities	IP	Design	2024	57510301	492000	2024	CCAB Wayfinding Signage	Signs Now	$ 12,000	
Comm Facilities	IP	Quoting	2025	57510301	492000	2024	CCAB Engineering Study, Mechanical, HVAC Controls/Rebalance, Evaluate/Report		$ 10,000	
								Total for Fund 5712 - City/County Bldg	**$ 453,923**	$ -
Comm Facilities	IP	Install	2024	57510302	492000	2023	LJC Boiler	Tri-County Mechanical	$ 426,907	
Comm Facilities	IP	Install	2024	57510302	492000	2023	LJC Pillar Roof	Baker & Sons Roofing	$ 43,063	
Comm Facilities	IP	Install	2024	57510302	492000	2023	LJC Restroom Remodel	In house, Sorensen Plumbing, Pete White	$ 24,276	
Comm Facilities	IP	Design	2025	57510302	492000	2024	LJC HVAC Controls	TBD	$ 101,950	
Comm Facilities	IP	Contracting	2024	57510302	492000	2024	LJC Parking Lot #2 Repairs	Yellowstone Paving	$ 6,000	
Comm Facilities	IP	Install	2024	57510302	493000	2024	LJC Xeriscape Garden	Gardenwerks, In house	$ 20,000	
Comm Facilities	IP	Install	2024	57510302	492000	2024	LJC South Elevator Fire Service Upgrade	OTIS Elevator	$ 67,050	
								Total for Fund 5714 - Law & Justice Center	**$ 689,246**	$ -
Transportation		IBS Program has concluded, final invoices received 7/18/24	7/31/2024	60500130	439000		Napa Contract closeout May - June, Operation	Napa Helena	$ 30,000	
Transportation		IBS Program has concluded, final invoices received 7/18/24	7/31/2024	60500150	423000		Napa Contract closeout May - June Parts	Napa Helena	$ 60,000	
								Total for Fund 6010 - Fleet	**$ 90,000**	$ -
								GRAND TOTAL - ALL FUNDS	**$ 43,499,323**	**$ 14,658,675**

City Manager Approval **Date**

August 7, 2024

TO: City Commissioners

FROM: Mayor Wilmot Collins

SUBJECT: Board Appointments

I am recommending the following board appointments:

Helena Citizen's Council	Appointment of Katie Ryan to the Helena Citizen's Council as a Representative of District 5.

*Appointees can reapply for full terms following the completion of the Interim Appointment.

City of Helena, Montana

To: Mayor Collins and the Helena City Commission

From: Tim Burton, City Manager
Ryan Leland, Public Works Director
Jamie Clark, City Engineer

Subject: Consider granting a non-exclusive 10 ft wide utility easement across City owned property known as the Centennial Trail to Montana Internet Corporation to install underground fiber optic infrastructure.

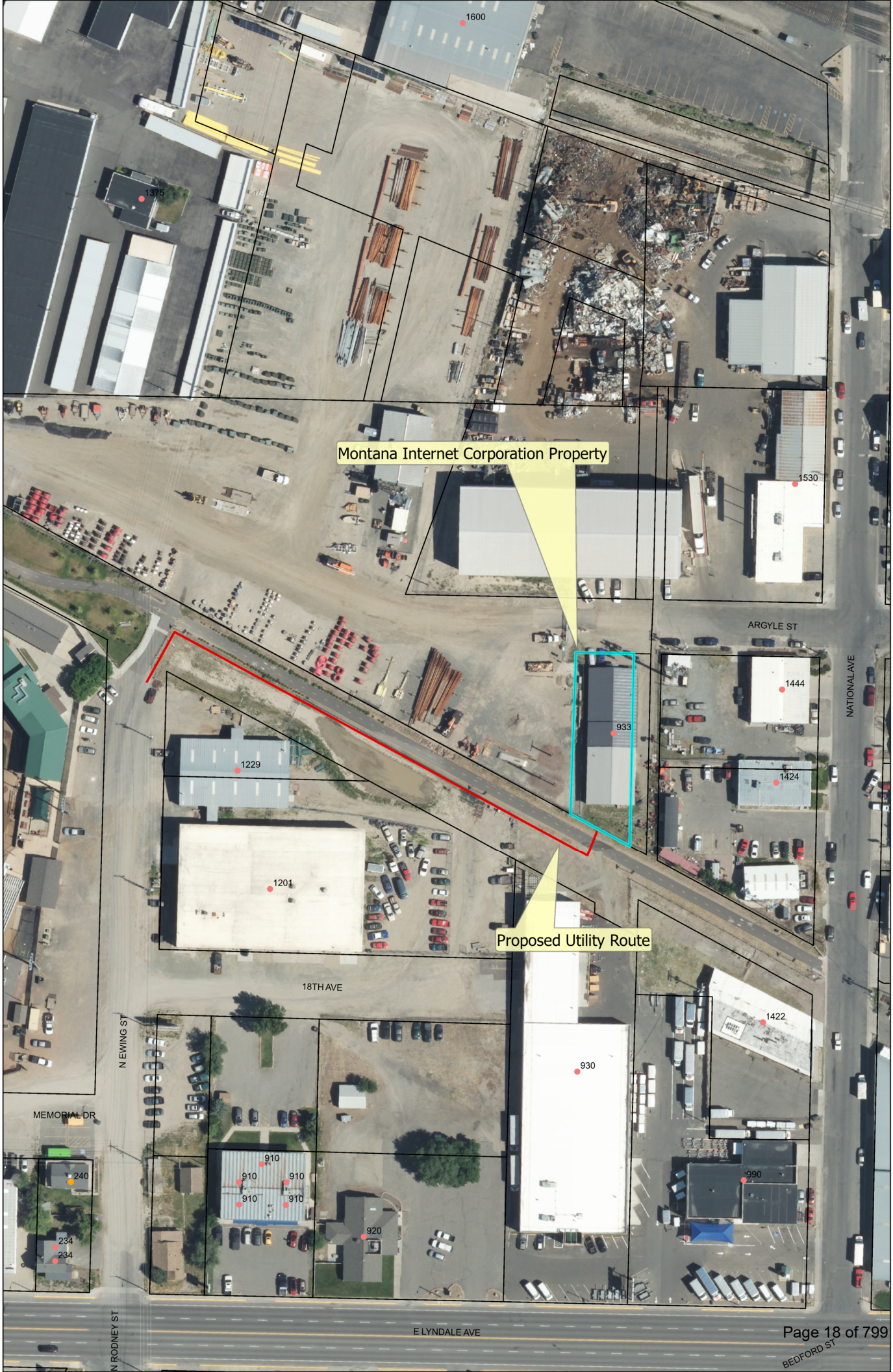
Present Situation: Tract R-1 of Certificate of Survey filed under Document 3179876 otherwise known as the Centennial Trail is owned by the City of Helena. Presently the City maintains a trail on the property for public use. Montana Internet Corporation is requesting a non-exclusive easement from their property, that fronts the trail, down to N Ewing St as depicted in the attached Exhibit A which shows the requested easement layout. The reason they are requesting the easement is so they can install fiber optic infrastructure underground along the trail. According to the completed utility locate the only other utility installed under the property is an AT&T service line. It does not appear to be in an easement and there does not appear to be a record of approval to install across the City's Private property. All new fiber companies wishing to install fiber optic utilities in City Right of Way are required to enter into a Charter/Franchise agreement with the City by City Code. During recent review it was discovered that Montana Internet Corporation does not have an existing Charter Agreement in place with the City for their existing utilities.

Background Information: Tract R-1 of Certificate of Survey filed under Document 3179876 otherwise known as the Centennial Trail is owned by the City of Helena. Presently the City maintains a trail on the property for public use. Montana Internet Corporation is requesting a non-exclusive easement from their property, that fronts the trail, down to N Ewing St as depicted in the attached Exhibit A which shows the requested easement layout. The reason they are requesting the easement is so they can install fiber optic infrastructure underground along the trail. According to the completed utility locate the only other utility installed under the property is an AT&T service line. It does not appear to be in an easement and there does not appear to be a record of approval to install across the City's Private property. All new fiber companies wishing to install fiber optic utilities in City Right of Way are required to enter into a Charter/Franchise agreement with the City by City Code. During recent review it was discovered that Montana Internet Corporation does not have an existing Charter Agreement in place with the City for their existing utilities.

Proposal/Objective: Consider granting a non-exclusive 10 ft wide utility easement to Montana Internet Corporation across City owned property Tract R-1 as shown in exhibit A on the condition Montana Internet Corporation enters into a Charter Agreement in conformance with City Code

Advantage: Approval of the easement will allow for a shorter overall route to provide services minimizing impacts to right of way. Requiring the completion of

	the Charter Agreement will hold Montana Internet accountable to all current City Code requirements for the installation of fiber optics
Notable Energy Impact:	n/a
Disadvantage:	None noted
Quasi-Judicial Item:	False
Notice of Public Hearing:	False
Staff Recommendation/ Recommended Motion:	Move to approve the granting of a 10 ft wide non-exclusive utility easement as shown in exhibit A on the condition that Montana Internet Corporation enter into a Charter Agreement with the City of Helena.


Montana Internet Corporation Property
Proposed Utility Route
1600
1375
1530
ARGYLE ST
NATIONAL AVE
1444
933
1424
1229
1201
18TH AVE
N EWING ST
1422
930
MEMORIAL DR
910
910
910
910
910
240
990
920
234
234
N RODNEY ST
E LYNDALE AVE
BEDFORD ST

After recording, Return To:
Josh Romandia
1424 National Avenue
Helena, MT 59601

UNDERGROUND FIBER OPTIC EASEMENT

This UNDERGROUND FIBER OPTIC EASEMENT (the "Easement") is granted by the CITY OF HELENA, [The City] to MONTANA INTERNET CORPORATION [MIC], a Montana Corporation with its principal place of business in Helena, Montana.

RECITALS

A. The City of Helena is the owner of certain real property located in Lewis & Clark County, Montana as depicted on the attached Exhibit A and described as Tract R-1 of Certificate of Survey filed under Document 3179876 [the City property]

B. MIC desires to acquire a 10 foot wide Easement [the Easement] across the City Property to install underground fiber optic infrastructure along the path of the Easement as depicted on the attached Exhibit A.

C. The City has agreed to grant, convey and assign an Underground Fiber Optic Easement in, under, upon and across the City Property to MIC as shown on the attached Exhibit A.

. NOW, THEREFORE, for and in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City t hereby agrees as follows:

The City hereby GRANTS, SELLS, CONVEYS, AND ASSIGNS to MIC, and its successors and assigns, an Underground Fiber Optic Easement [the Easement] as depicted on the attached Exhibit A, in the following described tract of land:

Tract R-1 of Certificate of Survey filed under Document 3179876 located in Lewis & Clark County, Montana. [the City Property].

TO HAVE AND TO HOLD the Easement described herein perpetually to MIC, and its successors and assigns, together with the right and privilege to enter the Easement or any part thereof, for the purpose of constructing, installing, operating, maintaining, repairing, replacing and upgrading the fiber optic lines and related facilities to be located in the Easement and making connections therewith.

The City understands and acknowledges that this Easement covers only that portion of the fiber optic lines located within and under the City Property. The remainder of the fiber optic lines are located within properties owned by other parties.

.

Executed as of the last date set forth below.

THE CITY OF HELENA

By_____

_____

Date _____

THE STATE OF MONTANA)
:
COUNTY OF LEWIS & CLARK)

This instrument was acknowledged before me on _____ ____, 2024, by _____, _____ of The City of Helena, Montana on behalf of said City of Helena.

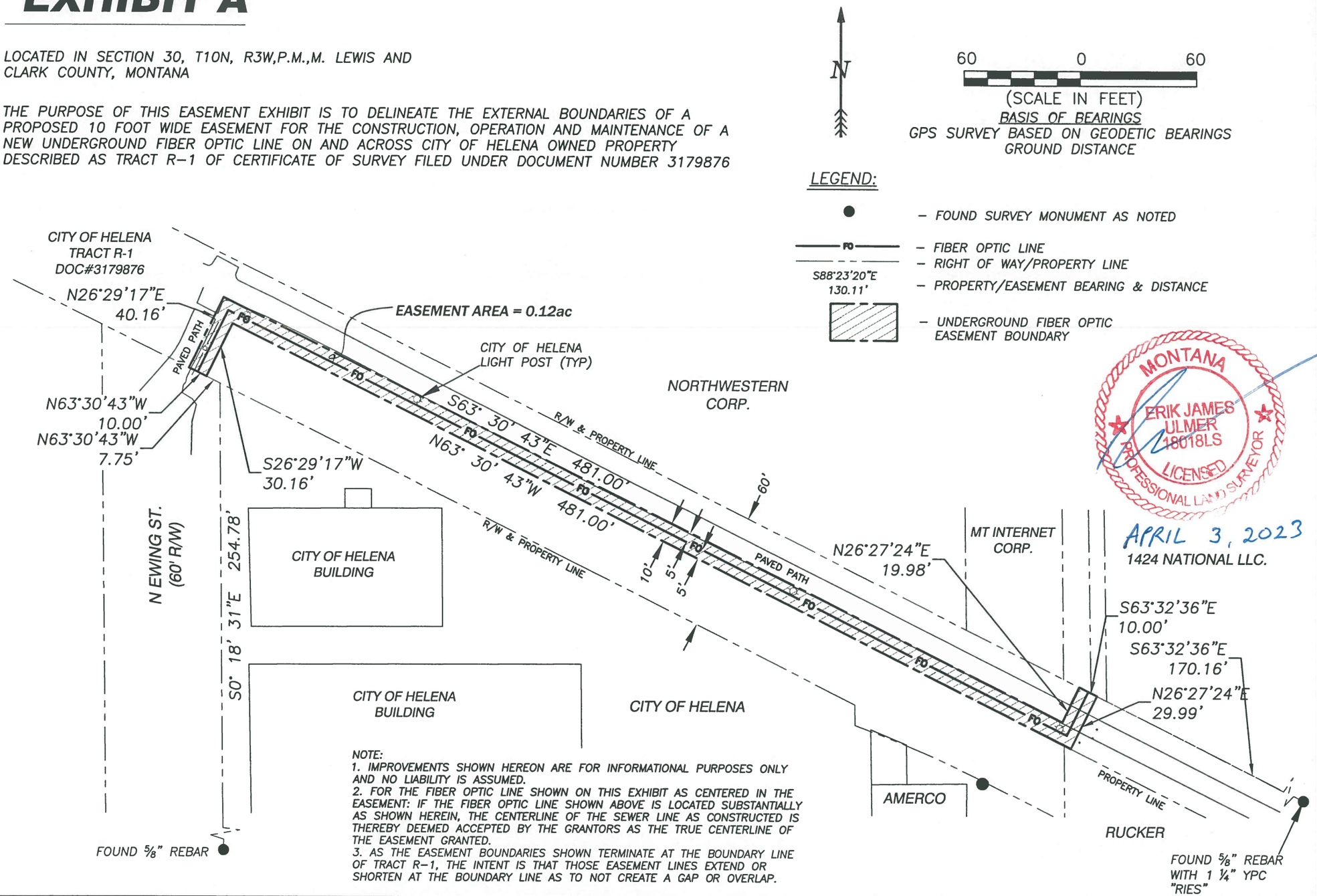
_____

SEAL Notary Public of the State of Montana

EXHIBIT A

LOCATED IN SECTION 30, T10N, R3W,P.M.,M. LEWIS AND CLARK COUNTY, MONTANA

THE PURPOSE OF THIS EASEMENT EXHIBIT IS TO DELINEATE THE EXTERNAL BOUNDARIES OF A PROPOSED 10 FOOT WIDE EASEMENT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A NEW UNDERGROUND FIBER OPTIC LINE ON AND ACROSS CITY OF HELENA OWNED PROPERTY DESCRIBED AS TRACT R-1 OF CERTIFICATE OF SURVEY FILED UNDER DOCUMENT NUMBER 3179876



NOTE:
1. IMPROVEMENTS SHOWN HEREON ARE FOR INFORMATIONAL PURPOSES ONLY AND NO LIABILITY IS ASSUMED.
2. FOR THE FIBER OPTIC LINE SHOWN ON THIS EXHIBIT AS CENTERED IN THE EASEMENT: IF THE FIBER OPTIC LINE SHOWN ABOVE IS LOCATED SUBSTANTIALLY AS SHOWN HEREIN, THE CENTERLINE OF THE SEWER LINE AS CONSTRUCTED IS THEREBY DEEMED ACCEPTED BY THE GRANTORS AS THE TRUE CENTERLINE OF THE EASEMENT GRANTED.
3. AS THE EASEMENT BOUNDARIES SHOWN TERMINATE AT THE BOUNDARY LINE OF TRACT R-1, THE INTENT IS THAT THOSE EASEMENT LINES EXTEND OR SHORTEN AT THE BOUNDARY LINE AS TO NOT CREATE A GAP OR OVERLAP.

MONTANA
ERIK JAMES ULMER 18018LS
PROFESSIONAL LAND SURVEYOR
LICENSED
APRIL 3, 2023

Copyright 2023© Robert Peccia & Associates

RPA

SYM	REVISION	BY	APPR.	DATE
	2022 MT Internet Centennial Easement Exhibit			

DESIGNED BY: E. ULMER, PLS
DRAWN BY: T. Stark, PLS
CHECKED BY:
DATE: Jan. 2023
PROJECT NO: 22900.025
FILE:

PROJECT TITLE: Montana Internet Corp. Helena, Montana

SHEET TITLE: UNDERGROUND FIBER OPTIC EASEMENT

SHEET 1
1 OF 1

F:\survey\22900.000 Survey Misc. Projects 2022\Phase 025 - MT Internet\C3D\2022 MT Internet Centennial Easement Exhibit.dwg Apr 03, 2023

MONTANA INTERNET CENTENNIAL FIBER

CITY OF HELENA, MONTANA
LEWIS AND CLARK COUNTY

PROPOSED PLANS TO INSTALL FIBER LINE

CONTENTS

VICINITY MAP	1
LEDGEND	1
SPECIFICATIONS	2
PROPOSED FIBER ALIGNMENT	3



VICINITY MAP

LEDGEND

- FOUND NGS BENCHMARK – AS NOTED
- SET CONTROL POINT THIS PROJECT
- FOUND CORNER AS NOTED
- FOUND 2" MDT R/W AC
- PHONE PEDESTAL
- SERVICE METER
- SEWER CLEANOUT
- SEWER MANHOLE
- WELL
- MONITOR WELL
- TRANSFORMER
- WATER METER
- CURBSTOP
- WATERVALVE
- YIELD SIGN
- POWER PEDESTAL
- PHONE VAULT
- PHONE BOX
- OH UTILITY CROSSING
- CURB INLET
- CATCH BASIN
- IRRIGATION ACCESS VAULT
- FIBER VAULT
- FIBER POST
- ELECT MANHOLE
- ELECT DUCT
- STORM MANHOLE
- STOP SIGN
- SIGNS

- GAS VALVE
- GAS METER
- PHONE MANHOLE
- FIRE HYDRANT
- YARD HYDRANT
- POWER POLE
- LIGHT POLE
- GUY WIRE
- POST
- TREES
- WOOD FENCE
- STOCK FENCE
- GUARDRAIL
- CHAINLINK FENCE
- BARBWIRE FENCE
- JERSEY GUARDRAIL
- RIGHT OF WAY LINE
- PROPERTY LINE
- W — WATERLINE
- SS — SEWER LINE
- FO — UNDERGROUND FIBEROPTIC
- GAS — UNDERGROUND GAS
- ST — STORM LINE
- PWR — UNDERGROUND POWER
- TV — UNDERGROUND TV
- FO — PROPOSED UNDERGROUND FIBEROPTIC
- PH — UNDERGROUND PHONE
- OHPWR — OVERHEAD POWER

MONTANA
CHRISTOPHER W. HARDAN
No. 17638 PE
04/06/2023
LICENSED PROFESSIONAL ENGINEER

Copyright 2023©
Robert Peccia & Associates

RPA

SYM	REVISION	BY	APPR.	DATE

February 2023 DATE
22900.025 PROJECT NO.
MTI Centennial Fiber FILE
DESIGNED BY
J. Millar DRAWN BY
E. Ulmer CHECKED BY

PROJECT TITLE
MT INTERNET CENTENNIAL FIBER
Helena, Montana

SHEET TITLE
CONTENTS
VICINITY MAP
LEDGEND

SHEET
1
1 OF 3

F:\survey\22900.000 Survey Misc. Projects 2022\Phase 025 – MT Internet\C3D\Design Sheets\MTI Centennial Fiber.dwg Feb 07, 2023

SPECIFICATIONS

POLYETHYLENE SDR 13.5: MEETS MATERIAL AND DIMENSIONAL REQUIREMENTS OF ASTM D3035						
NOMINAL DUCT SIZE	**OUTSIDE DIAMETER**	**WALL THICKNESS**	**INSIDE DIAMETER**	**MINIMUM UNSUPPORTED BEND RADIUS**	**SAFE WORKING PULL**	**WIGHT PER 1000 FT.**
1/2"	.840" + .012"	.062" + .020"	.696"	10"	320 lbs.	72 lbs.
3/4"	1.050" + .012"	.078" + .020"	.874"	12"	505 lbs.	110 lbs.
1"	1.315" + .012"	.097" + .020"	1.101"	14"	790 lbs.	168 lbs.
1-1/4"	1.660" + .012"	.123" + .020"	1.394"	18"	1260 lbs.	264 lbs.
1-1/2"	1.900" + .012"	.141" + .020"	1.598"	20"	1455 lbs.	343 lbs.
2"	2.375" + .012"	.176" + .021"	2.002"	26"	2580 lbs.	531 lbs.
3"	3.500" + .012"	.259" + .031"	2.951"	48"	5590 lbs.	1151 lbs.
4"	4.500" + .012"	.333" + 0.40"	3.794"	60"	9250 lbs.	1904 lbs.

Medium Duty: ANSI/SCTE TIER 5, 8, AND 15

Light Duty Truck up to Class 3	1400	5600	5000	7500	ANSI/SCTE 77 Telcordia GR-902	Tier 5
			8000	12000		Tier 8
			3900	10400		Pedestrian/Light Duty Incidental
Medium Duty Truck up to Class 5	19500	7800	7800	20800	Telcordia GR-902	Non-Continuous Traffic
			8000	17360	ASTM C 857	A-8
			8000	17360	WUC, Guide 3.6	Non-Continuous Traffic
Medium Duty Truck up to Class 7	33000	13200	15000	22500	ANSI/SCTE 77	Tier 15

Copyright 2023©
Robert Peccia & Associates

RPA

SYM	REVISION	BY	APPR.	DATE

DESIGNED BY
DATE: February 2023
DRAWN BY: J. Millar
PROJECT NO.: 22900.025
CHECKED BY: E. Ulmer
FILE: MTI Centennial Fiber

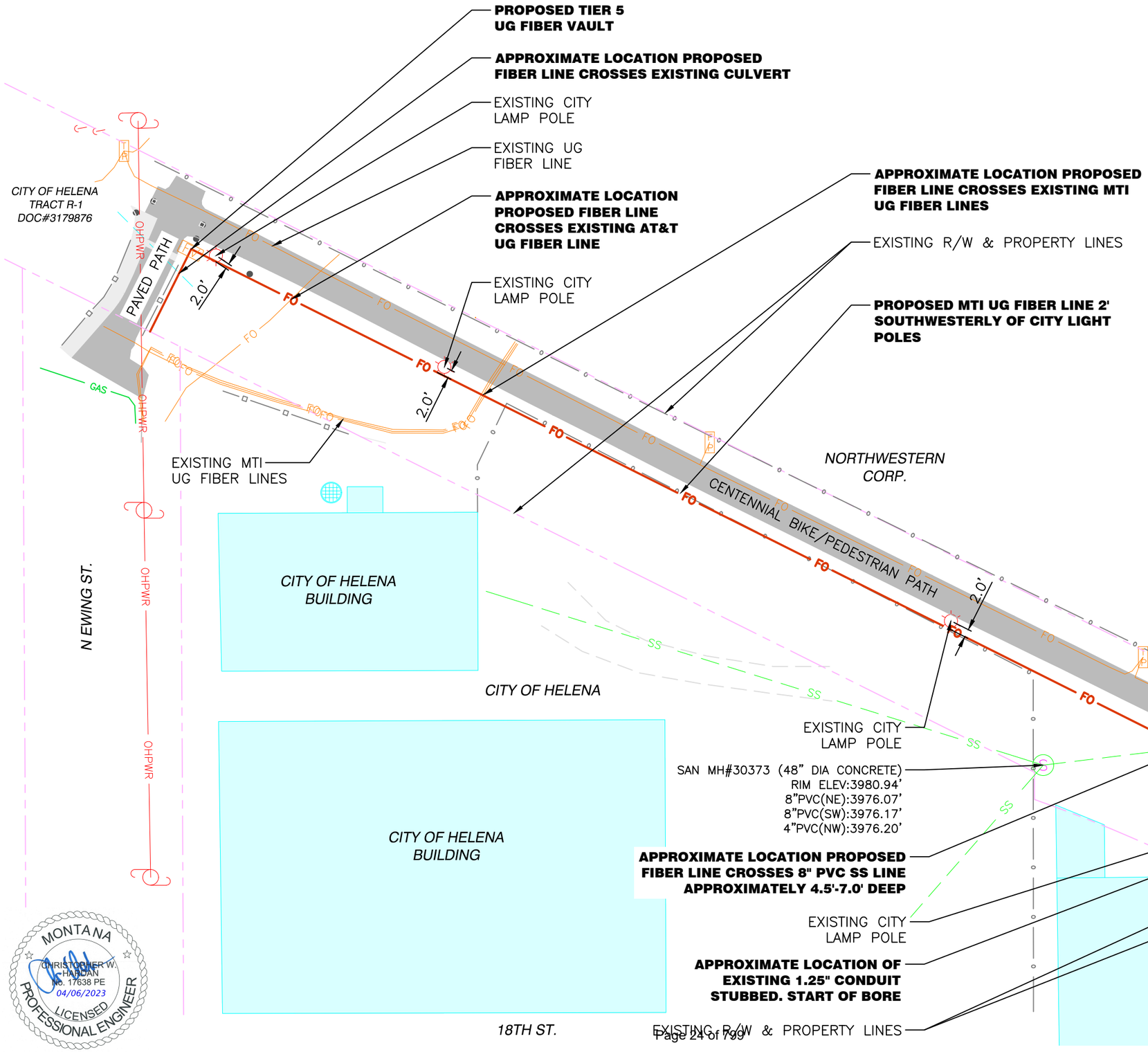
PROJECT TITLE
MT INTERNET CENTENNIAL FIBER
Helena, Montana

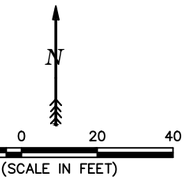
SHEET TITLE
SPECIFICATIONS

SHEET
2
2 OF 3

MONTANA
CHRISTOPHER W. HARDAN
No. 17638 PE
04/06/2023
LICENSED PROFESSIONAL ENGINEER

F:\survey\22900.000 Survey Misc. Projects 2022\Phase 025 – MT Internet\C3D\Design Sheets\MTI Centennial Fiber.dwg Feb. 06, 2023





BASIS OF BEARINGS:

BEARINGS ARE GEODETIC NORTH BASED ON GPS OBSERVATIONS DISTANCES ARE GROUND

UTILITY NOTE:

THE UTILITY LINES ON THE DRAWING ARE A REPRESENTATION OF THE UTILITIES IN THE FIELD AND ARE SHOWN BY THE APPROPRIATE LINETYPE AS SHOWN IN THE LEGEND. UNDERGROUND PUBLIC UTILITIES SHOWN ARE BASED ON UTILITY LOCATE REQUEST TICKET #22125235. THERE MAY BE UNDERGROUND UTILITIES NOT SHOWN ON THIS SURVEY, EITHER IN USE OR ABANDONED. THE ACCURACY OF THE UNDERGROUND UTILITIES SHOWN IS BASED SOLELY UPON THE MARKINGS REFERRED TO ABOVE. THE UTILITY INFORMATION SHOWN WAS SURVEYED AS ACCURATELY AS POSSIBLE FROM THE ABOVE INFORMATION. THE UNDERGROUND UTILITIES SHOWN HAVE NOT BEEN PHYSICALLY LOCATED.

Copyright 2023©
Robert Peccia
& Associates

RPA

SYM	REVISION	BY	APPR.	DATE

DESIGNED BY
DATE: February 2023
DRAWN BY: J. Millar
PROJECT NO.: 22900.025
CHECKED BY: E. Ulmer
FILE: MTI Centennial Fiber

PROJECT TITLE
MT INTERNET CENTENNIAL FIBER
Helena, Montana

SHEET TITLE
PROPOSED FIBER ALIGNMENT

SHEET
3
3 OF 3

MONTANA
CHRISTOPHER W. HARDAN
No. 17638 PE
04/06/2023
LICENSED PROFESSIONAL ENGINEER

F:\survey\22900.000 Survey Misc. Projects 2022\Phase 025 — MT Internet\C3D\Design Sheets\MTI Centennial Fiber.dwg Feb. 07, 2023


Montana Internet Corporation Property
Proposed Utility Route
ASPEN ST
POPLAR ST
CHESTNUT ST
ARGYLE ST
PHOENIX AVE
BOZEMAN ST
GALLATIN AVE
E LYNDALE AVE
BOULDER AVE
TOWNSEND AVE
BILLINGS AVE
MISSOULA AVE
MEMORIAL DR
18TH AVE
UNNAMED ST
N LAST CHANCE GULCH
COLUMBIA AVE
DODGE AVE
NATIONAL AVE
N MONTANA AVE
N ROGERS ST
N ROBERTS ST
N ROBERTSON ST
N ROBERTSON ST
N ROBERTSON

City of Helena, Montana

August 12, 2024

To: Mayor Colins, Helena City Commission and Tim Burton, City Manager

From: *Sheila Danielson, Finance Director*
Ryan Leland, Public Works Director

Subject: Resolution of Intention to specify the assessment option for the collection and disposal of residential garbage and refuse for fiscal year 2025 and levy and assess all properties receiving residential solid waste collection

Present Situation: Pursuant to section 6-1-10 of the Helena City Code, the City Commission must set rates for collection and disposal of residential garbage and refuse in the City of Helena on an annual basis. Assessments are necessary for the purpose of ongoing operation, maintenance, and capital. A rate increase of $2.00 per month ($24 annually) is recommended for FY25. The total annual assessment as proposed will be $196.10 from $218.10.

Background Information: The City of Helena currently charges an annual residential solid waste assessment of $194.10 to property owners. The following is the annual assessments since FY15:

- FY15 - $189.14
- FY16 - $189.14
- FY17 - $179.68
- FY18 - $176.10
- FY19 - $176.10
- FY20 - $176.10
- FY21 - $176.10
- FY22 - $176.10
- FY23 - $176.10
- FY24 - $194.10

This assessment covers all of the costs of the City's residential solid waste management system which is comprised of: the cost of weekly waste collection by the City, disposal costs (tipping fee) at the L&C County Landfill, recycling facilities including satellite collection sites, subsidizes curbside recycling, and allows for citizens to self-haul 3,000 pounds of waste to the transfer station annually.

The inflationary pressures on operating costs and staffing costs, in addition to subsidizing the curbside recycling program and paying for the debt service on solid waste vehicles warrant the need to increase fees so the fund can remain sustainable.

Proposal/Objective: Consider a Resolution of Intention to specify the assessment option for the collection and disposal of residential garbage and refuse for fiscal year 2025 and levy and assess all properties receiving residential solid waste collection and to set a date public hearing date for August 26, 2024.

Advantage: Timely rate considerations will ensure the ability to cover system operating costs, capital costs, and debt service to maintain the integrity of the residential solid waste system.

Notable Energy Impact: *N/A*

Disadvantage:	*The recommended rate increase will cost residential customers an additional $2.00 per month ($24.00 annually).*
Notice of Public Hearing:	True
Staff Recommendation/ Recommended Motion:	*Move to approve a Resolution of Intention to specify the assessment option for the collection and disposal of residential garbage and refuse for Fiscal Year 2025 and levy and assess all properties receiving residential solid waste collection and set a public hearing for August 26, 2024.*

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

RESOLUTION NO. _____

A RESOLUTION OF INTENTION TO SPECIFY THE ASSESSMENT OPTION FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL GARBAGE AND REFUSE FOR FISCAL YEAR 2025 AND LEVY AND ASSESS ALL PROPERTIES RECEIVING RESIDENTIAL SOLID WASTE COLLECTION

WHEREAS, pursuant to Section 6-1-10 of the Helena City Code, the City Commission must set rates for collection and disposal of residential garbage and refuse, hereinafter "solid waste," in the City of Helena on an annual basis;

WHEREAS, assessments are necessary for the purpose of on-going operation, maintenance, and capital purchases of equipment;

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof, that the assessments for collection and disposal of residential solid waste for fiscal year 2025 include additional assessments when a residential customer who is assessed the yearly residential rate exceeds the bulk solid waste allowance for the residence, or dumps any solid waste not originating from the residential property; and

WHEREAS, a list of all lots or parcels of land assessed, with the name of the owner thereof, if known, description of the lots or parcels of land and the amount levied thereon set opposite, is maintained by the Finance Department for the City of Helena.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

HELENA, MONTANA:

Section 1. It is the intention of the Helena City Commission to establish assessments for the collection and disposal of residential solid waste in the City of Helena for fiscal year 2025. For new customers receiving service after July of each year, the annual assessment rate will be pro-rated on a monthly basis.

Section 2. Each Class category has the definition as specified in Title 6 Chapter 1 of the Helena City Code.

Section 3. To defray the cost of collection and disposal of residential solid waste in the City of Helena it is the intent of the City Commission to specify the assessment option and levy assessments for each class of property as follows for fiscal year 2025:

	CURRENT FY2024	**PROPOSED FY2025**
Class I	$194.10 annually	$218.10 annually
Class II	Applicable commercial rate paid monthly	Applicable commercial rate paid monthly
Class III	Applicable commercial rate paid monthly	Applicable commercial rate paid monthly
Class IV	$97.05 annually	$109.05 annually

Section 4. The lots or parcels of land proposed to be assessed a Class I or Class IV assessment are shown on the list maintained by the Finance Department for the City of Helena. The lots or parcels of land to be assessed are represented by the property tax identification number (ID) assigned by the State of Montana, Department of Revenue. One property ID

may contain multiple lots or parcels. The list includes the description of the lots or parcels of land, the name of the owner, if known, and the amount levied thereon.

Section 5. To defray the cost of bulk and oversized solid waste collection by the bulk waste pick-up service upon request, the City Commission proposes to charge the following fees:

	CURRENT FY2024	**PROPOSED FY2025**
Bulk Waste Pick-Up Service	$10/call out	$10/call out

Section 6.

A. The City Commission proposes to establish an annual bulk solid waste allowance ("annual allowance"), for Class I and Class IV properties, by multiplying 1.5 tons by the current transfer station tipping fee charges established by the City Commission.

B. Class I and Class IV properties may credit against the annual allowance the weight of self-hauled solid waste at the Transfer Station and bulk waste pick-up service fee. If the annual allowance is exceeded, the person responsible for causing the allowance to be exceeded is liable for the Transfer Station and bulk waste pick-up service fees in excess of the annual allowance.

C. Solid waste loads brought to the Transfer Station containing only acceptable recyclable material are not credited against the annual allowance.

Section 7. An owner or occupant of each residential unit that is located on the property subject to the assessments established herein may receive a permit authorizing that person to credit against the annual allowance for that residential unit the amount of solid waste, generated or originating from the residential unit located on the levied property and to deposit acceptable recyclable materials at the Transfer Station and other city-approved sites.

Section 8. Solid waste in excess of the annual allowance or that was not generated at or originating from the assessed property, is subject to Transfer Station tipping fee charges established by the City Commission.

Section 9. Replacements of residential permits are five dollars ($5.00).

Section 10. The residential solid waste charges for Class I and Class IV properties are payable in two (2) installments and are delinquent as stated on the property tax bills. The monies collected for said residential service charges will be paid into the City of Helena Residential Solid Waste Fund.

Section 11. The Helena City Commission will hold a public hearing on this matter on August 26, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at webinar ID: https://us06web.zoom.us/j/88137791325 at which time all interested parties may appear and express their views of approval or disapproval on the proposed assessment option and amounts of assessments

DRAFT

proposed to be levied.

Section 12. That notice of the passage of this Resolution of Intention shall be given by publishing as required in §7-1-4127 MCA.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF AUGUST, 2024.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

DRAFT

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Helena Independent Record** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(123) 456-7890**.

Notice ID: stSM8SDwjcHHLt1Gx1LU | **Proof Updated: Jul. 10, 2024 at 03:21pm MDT**
Notice Name: FY25 Solid Waste Residential Assessment

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

CITY OF HELENA CITY OF HELENA
sdanielson@helenamt.gov
(406) 447-8417

FILING FOR

Helena Independent Record

Columns Wide: 2
Total Column Inches: 9.17
Number of Lines: 40
Ad Class: Legals

08/10/2024: General Legal	36.00
08/22/2024: General Legal	30.00

Subtotal	$66.00
Tax	$0.00
Processing Fee	$0.00
Total	**$66.00**

See Proof on Next Page

City of Helena, MT Public Hearing Notice

The Helena City Commission will hold a public hearing at **6:00 p.m. on August 26, 2024, at 6:00 PM** in the City of Helena Commission Chambers at 316 N. Park Avenue, Helena, MT 59623, and via **ZOOM Meeting at ID:** https://us06web.zoom.us/j/88137791325 to find your local number please go to https://us02web.zoom.us/u/kb4P12xtaA , to consider the following:

A RESOLUTION TO SPECIFY THE ASSESSMENT OPTION FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL GARBAGE AND REFUSE FOR FISCAL YEAR 2025 AND LEVY AND ASSESS ALL PROPERTIES RECEIVING RESIDENTIAL SOLID WASTE COLLECTION.

The Resolution may be viewed in City County Administration Building, 316 North Park, Avenue, Room 302, Helena, MT 59623. All residents and taxpayers may attend the meeting and be heard for or against any part of the Resolution. For further information, please call Sheila Danielson, City Finance, at 447-8390.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
citycommunitydevelopment@helenamt.gov
316 North Park, Avenue, Room 440, Helena, MT 59623

August 10, 22, 2024 ###### **MNAXLP**

City of Helena, Montana

August 12, 2024
Commission Meeting

To: Mayor Colins, Helena City Commission

From: Sheila Danielson, Finance Director

Subject: Consider A Resolution of Intention to Levy and Assess Properties to Recover the Amortized Loans issued under the Residential Energy Efficiency and Renewable Energy Loan Program for the Tax year 2024.

Present Situation:

In the last fiscal year, six (10) property owners entered into agreements for zero percent loans for the purpose of purchasing and installing energy efficient upgrades to their residences.
The City currently has thirty-eight (46) loans outstanding to be collected for Tax Year 2024.

Since the inception of the loan program, the City has issued 53 interest-free loans for a total amount of $586,415. The outstanding balance of all loans as of June 30, 2024 is $325,313. There are an additional two (2) projects outstanding for $12,000 each that will be assessed in Tax Year 2025.

Background Information:

On October 5, 2015, the Commission created a Residential Energy Efficiency and Renewable Energy Loan Program. The program provides zero interest loans to residential property owners within the City of Helena for the purpose of purchasing and installing energy efficiency upgrades and renewable energy systems.

Resolution No. 20218 requires that all loans be amortized for ten (10) years and repaid by the residential property owners through levying assessments upon all properties that have received loans under the Program. Prior to receiving loan funds under the Program, the residential property owners entered into loan agreements wherein they agreed and consented to the City levying an annual assessment on their properties for ten (10) years to recoup the amount of the loans, and the property owners further agreed to waive the right to protest such an annual assessment.

Proposal/Objective:

Consider A Resolution of Intention to Levy and Assess Properties to Recover the Amortized Loans issued under the Residential Energy Efficiency and Renewable Energy Loan Program for the Tax year 2024.

Advantage:

Recovering the amortized amounts of the Residential Energy Efficiency and Renewable Energy Loans made to the residential property owners receiving the loans, to be assessed in Tax Year 2024.

Notable Energy Impact:

Conservation of energy and promotion of renewable energy.

Disadvantage:	*N/A*
Notice of Public Hearing:	True
Staff Recommendation/ Recommended Motion:	Move to approve a Resolution of Intention to Levy and Assess Properties to Recover the Amortized Loans issued under the Residential Energy Efficiency and Renewable Energy Loan Program for the Tax Year 2024 and to set a public hearing for August 26, 2024.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION OF INTENTION TO LEVY AND ASSESS PROPERTIES TO RECOVER THE AMORTIZED LOANS ISSUED UNDER THE RESIDENTIAL ENERGY EFFICIENCY AND RENEWABLE ENERGY LOAN PROGRAM FOR TAX YEAR 2024

WHEREAS, the City Commission passed Resolution No. 20218 on October 5, 2015, which created a Residential Energy Efficiency and Renewable Energy Loan Program ("Program");

WHEREAS, the Program provides zero interest loans to residential property owners within the City of Helena for the purpose of purchasing and installing energy efficiency upgrades and renewable energy systems;

WHEREAS, Resolution No. 20218 requires that all loans be amortized for ten (10) years and repaid by the residential property owners through levying assessments upon all properties that have received loans under the Program;

WHEREAS, prior to receiving loan funds under the Program, the residential property owners entered into loan agreements wherein they agreed and consented to the City levying an annual assessment on their properties for ten (10) years to recoup the amount of the loans, and the property owners further agreed to waive the right to protest such an annual assessment; and

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof, that the residential property owners who have received Program loans be assessed for the 2024 tax year.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. That it is the intention of the City Commission to levy an assessment upon all residential properties to recover the amortized amounts of the Residential Energy Efficiency and Renewable Energy Loans made to the residential property owners receiving the loans for Tax Year 2024 as follows:

DRAFT

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

Tax ID	FINAL Loan Amount	Tax Year 2024 Assessment
3428	11,626.20	1,162.62
6470	12,000.00	1,200.00
2093	11,761.86	1,176.19
889	8,000.00	800.00
4624	11,509.19	1,150.92
18625	10,397.59	1,039.76
9175	12,000.00	1,200.00
6169	6,924.46	692.45
1745	12,000.00	1,200.00
4022	12,000.00	1,200.00
37517	12,000.00	1,200.00
904	11,579.00	1,157.90
20409	7,500.00	750.00
4071	7,538.30	753.83
4048	12,000.00	1,200.00
1492	10,322.00	1,032.20
2694	12,000.00	1,200.00
43422	12,000.00	1,200.00
2714	12,000.00	1,200.00
2618	11,095.00	1,109.50
6891	12,000.00	1,200.00
7136	11,000.00	1,100.00
45072	12,000.00	1,200.00
2487	12,000.00	1,200.00
3340	9,781.50	978.15
264	7,570.00	757.00
888	9,246.00	924.60
30259	12,000.00	1,200.00
19964	12,000.00	1,200.00
18658	12,000.00	1,200.00
7745	7,812.37	781.24
48094	11,928.00	1,192.80
2502	12,000.00	1,200.00
42545	12,000.00	1,200.00
153	8,500.00	850.00
437	12,000.00	1,200.00
7043	12,000.00	1,200.00
1143	12,000.00	1,200.00
43812	12,000.00	1,200.00
1936	12,000.00	1,200.00
6801	12,000.00	1,200.00
29001	12,000.00	1,200.00
6817	11,581.00	1,158.10
3793	12,000.00	1,200.00
6760	12,000.00	1,200.00
4015	12,000.00	1,200.00

DRAFT

Res. No. _____

Section 2. If the property is not chargeable for the assessment described above by reason of state or federal law, said property shall be exempt from the assessment.

Section 3. The Helena City Commission will hold a public hearing on this matter on August 26, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at webinar ID: https://us06web.zoom.us/j/88137791325 at which time all interested parties may appear and express their views of approval or disapproval on the proposed assessment option and amounts of assessments proposed to be levied.

Section 4. That notice of the passage of this Resolution of Intention shall be given by publishing as required in §7-1-4127 MCA.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF AUGUST, 2024.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Helena Independent Record** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(123) 456-7890**.

Notice ID: TL1PcPOgvmu5BCFjTeBS | **Proof Updated: Jul. 12, 2024 at 10:55am MDT**
Notice Name: Energy Efficiency Loan Assessments for FY25

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
CITY OF HELENA CITY OF HELENA sdanielson@helenamt.gov (406) 447-8417	Helena Independent Record

Columns Wide: 2
Total Column Inches: 8.95
Number of Lines: 39
Ad Class: Legals

08/10/2024: General Legal	36.00
08/22/2024: General Legal	30.00

Subtotal	$66.00
Tax	$0.00
Processing Fee	$0.00
Total	**$66.00**

See Proof on Next Page

City of Helena, MT Public Hearing Notice

The Helena City Commission will hold a public hearing at **6:00 p.m. on August 26th, 2024, at 6:00 PM** in the City of Helena Commission Chambers at 316 N. Park Avenue, Helena, MT 59623, and via **ZOOM Meeting at ID:** https://us06web.zoom.us/j/88137791325 to find your local number please go to https://us02web.zoom.us/u/kb4P12xtaA, to consider the following:

A RESOLUTION OF INTENTION TO LEVY AN D ASSESS PROPERTIES TO RECOVER THE AMORTIZED LOANS ISSUEDUNDER THE RESIDENTIAL ENERGY EFFICIENCY ANDRENEWABLE ENERGY LOAN PROGRAM FOR TAX YEAR 2024

The Resolution may be viewed in City County Administration Building, 316 North Park, Avenue, Room 302, Helena, MT 59623. All residents and taxpayers may attend the meeting and be heard for or against any part of the Resolution. For further information, please call Sheila Danielson, City Finance, at 447-8390.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
citycommunitydevelopment@helenamt.gov
316 North Park, Avenue, Room 440, Helena, MT 59623
August 10, 22, 2024 ###### **MNAXLP**

City of Helena, Montana

August 12, 2024
Commission Meeting

To: Mayor Colins, Helena City Commission

From: Sheila Danielson, Finance Director
Ryan Leland, Public Works Director

Subject: Consider a Resolution levying an assessment on properties to recover the cost reimbursement for water and wastewater infrastructure installed by the City for Tax Year 2024.

Present Situation: Property Owners with Tax IDs 8571, 8256, 8471, 19612, 8849, 8736, 18118, and 9060 have connected to the city-installed infrastructure covered by the Infrastructure Cost Reimbursement Program and entered into cost reimbursement agreements with the City agreeing to the terms of the Infrastructure Cost Reimbursement Program.

Background Information: The City of Helena City Commission passed Resolution No. 20344 on June 12, 2017, establishing a Cost Reimbursement Program for Wastewater Infrastructure installed by the City of Helena known as the "Cannon Reimbursement". In addition, the City Commission passed Resolution No. 20489 on September 10, 2018, establishing a Cost Reimbursement Program for Water and Wastewater Infrastructure Installed by the City of Helena known as the "Granite Reimbursement". Collectively the Cannon Reimbursement and Granite Reimbursement resolutions are referred to as the Infrastructure Cost Reimbursement Program.

Proposal/Objective: Consider a Resolution levying an assessment on properties to recover the cost reimbursement for water and wastewater infrastructure installed by the City for Tax Year 2024.

Advantage: Recovering the amortized amounts of the Infrastructure Loans made to residential property owners receiving the loans, to be assessed in Tax Year 2024.

Notable Energy Impact: N/A

Disadvantage: *N/A*

Notice of Public Hearing:	True
Staff Recommendation/ Recommended Motion:	Move to approve a Resolution of Intention to Levy and Assess properties to recover the cost of reimbursement for water and wastewater infrastructure installed by the City for Tax Year 2024, and to set a public hearing date for August 26, 2024.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO.

A RESOLUTION OF INTENTION TO LEVY AND ASSESS PROPERTIES TO RECOVER THE COST REIMBURSEMENT FOR WATER AND WASTEWATER INFRASTRUCTURE INSTALLED BY THE CITY FOR TAX YEAR 2024

WHEREAS, the City Commission passed Resolution No. 20344 on June 12, 2017, establishing a Cost Reimbursement Program for Wastewater Infrastructure Installed by the City of Helena in the 2200 Block of Cannon Street ("Cannon Reimbursement");

WHEREAS, the City Commission passed Resolution No. 20489 on September 10, 2018, establishing a Cost Reimbursement Program for Water and Wastewater Infrastructure Installed by the City of Helena Pursuant to City Project No. 14-11 ("Granite Reimbursement");

WHEREAS, collectively the Cannon Reimbursement and Granite Reimbursement resolutions are referred to as the Infrastructure Cost Reimbursement Program.

WHEREAS, pursuant to terms of the Infrastructure Cost Reimbursement Program, property owners of properties that were developed with an occupied structure at the time of establishment of the Infrastructure Cost Reimbursement Program, and that connect to the city-installed water or wastewater infrastructure within five (5) years of the date of the resolution establishing a reimbursement for the relevant project, may repay the

reimbursement cost by assessment of the property paid by semi-annual installments on the property owner's property tax bill, amortized at zero percent (0%) interest over a twenty (20) year period; and

WHEREAS, property owners of properties with Tax IDs 8571, 8256, 8471, 19612, 8849, 8376, 18118, and 9060 have connected to the city-installed infrastructure covered by the Infrastructure Cost Reimbursement Program and entered into cost reimbursement agreements with the City agreeing to the terms of the Infrastructure Cost Reimbursement Program.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. That it is the intention of the City Commission to levy an assessment upon all residential properties to recover the cost of city-installed infrastructure pursuant to the infrastructure cost reimbursement programs established by resolutions number 20344 and 20489 to the residential property owners receiving the loans for Tax Year 2024 as follows:

TAX ID	AUTHORIZING RESOLUTION	FINAL REIMBURSEMENT AMOUNT	TAX YEAR 2024 ASSESSMENT
8571	20344	$6,647.55	$332.38
8256	20344	$17,696.46	$884.82
8471	20344	$8,954.47	$447.72
19612	20489	$13,760.35	$688.02
19612	20489	$16,597.40	$829.87
8849	20344	$11,048.90	$552.45
8736	20344	$8,863.41	$443.17
18118	20344	$11,504.22	$575.21
9060	20344	$8,863.41	$443.17

Section 2. If a property is not chargeable for the assessment described above by reason of state or federal law, said property shall be exempt from the assessment.

Section 3. The Helena City Commission will hold a public hearing on this matter on August 26, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana at 6:00 PM and via Zoom Meeting at the webinar ID: https://us06web.zoom.us/j/88137791325 at which time all interested parties may appear and express their views of approval or disapproval on the proposed assessment option and amounts of assessments proposed to be levied.

Section 4. That notice of the passage of this Resolution of Intention shall be given by publishing as required in §7-1-4127, MCA.

MAYOR

ATTEST:

CLERK OF THE COMMISSION

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Helena Independent Record** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(123) 456-7890**.

Notice ID: Jtluxo31zZb9P2FxsN2l | **Proof Updated: Jul. 13, 2024 at 07:37am MDT**
Notice Name: FY25 Water and Wastewater Cost Reimbursement

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
CITY OF HELENA CITY OF HELENA sdanielson@helenamt.gov (406) 447-8417	Helena Independent Record

Columns Wide: 2
Total Column Inches: 8.73
Number of Lines: 38
Ad Class: Legals

08/10/2024: General Legal	36.00
08/22/2024: General Legal	30.00

Subtotal	$66.00
Tax	$0.00
Processing Fee	$0.00
Total	**$66.00**

See Proof on Next Page

City of Helena, MT Public Hearing Notice

The Helena City Commission will hold a public hearing at **6:00 p.m. on August 26th , 2024, at 6:00 PM** in the City of Helena Commission Chambers at 316 N. Park Avenue, Helena, MT 59623, and via **ZOOM Meeting at ID:** https://us06web.zoom.us/j/88137791325 to find your local number please go to https://us02web.zoom.us/u/kb4P12xtaA , to consider the following:

A RESOLUTION LEVYING AN ASSESSMENT ON PROPERTIES TO RECOVER THE COST REIMBURSEMENT FOR WATER AND WASTEWATER INFRASTRUCTURE INSTALLED BY THE CITY FOR TAX YEAR 2024

The Resolution may be viewed in City County Administration Building, 316 North Park, Avenue, Room 302, Helena, MT 59623. All residents and taxpayers may attend the meeting and be heard for or against any part of the Resolution. For further information, please call Sheila Danielson, City Finance, at 447-8390.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
citycommunitydevelopment@helenamt.gov
316 North Park, Avenue, Room 440, Helena, MT 59623
August 10, 22, 2024 ###### **MNAXLP**

City of Helena, Montana

August 12, 2024
Commission Meeting

To: Mayor Colins, Helena City Commission and Tim Burton, City Manager

From: *Sheila Danielson, Finance Director*
Ryan Leland, Public Works Director

Subject: Consider a Resolution of Intention to specify the assessment option for the Landfill Monitoring and Maintenance District for Fiscal Year 2025 and levy and assess all property within the District.

Present Situation:

§ 7-11-1025, MCA requires the City Commission to pass and finally adopt a resolution specifying the special district assessment option and levying and assessing all the property within the special district. §7-11-1003, MCA, authorizes the City Commission to assess the properties within the District using any combination of the assessments provided in statute.

The assessment to fund the estimated annual cost of the District for Fiscal Year 2025 is approximately $186,000. No increases are requested for Fiscal Year 2025.

Proposed to set annual assessment rates and charges and specify assessment methodology for the District for Fiscal Year 2025 and levy and assess all property within the District in order to defray the cost of operating and maintaining the services in the District, as well as to provide for capital improvements necessary for the management of the District.

Propose that the assessment remain a charge per property ID as assigned by the State of Montana, Department of Revenue of $7.23 for Residential properties, and for Commercial properties on the following schedule for impervious area:

Less than 10,000 sq ft - $18.08

10,001 to 50,000 sq ft - $42.40

50,001 to 100,000 sq ft - $72.34

100,001 to 250,000 sq ft - $108.50

more than 250,000 sq ft - $150.70.

Background Information:

Centennial Park was constructed on the closed landfill that was used by the City of Helena for solid waste disposal until the early 1990's and officially closed by the Department of Environmental Quality on January 27, 2000. As part of the closure requirements, the city is

required to monitor and treat methane gas and groundwater that comes from the closed landfill.

On December 20, 2010, the Helena City Commission passed Resolution No. 19801 creating the Landfill Monitoring and Maintenance Special District ("District") to protect groundwater from contamination from pollutants, including methane, preserving and maintaining the cap on the landfill that prevents contaminants from entering into the air and neighboring soils, and generally complying with state and federal requirements for containment, monitoring, and control of a landfill that was officially closed on January 27, 2000.

Per 7-11-1009 (4)(A) MCA, a special district created by resolution pursuant to 7-11-1007 and 7-11-1008 MCA the district must dissolve thirteen (13) years after the date of creation or when any bonded indebtedness has been paid in full. In response to this, on December 18, 2023 at a public hearing, the Helena City Commission passed Resolution No. 20895, extending the duration of the Landfill Monitoring and Maintenance Special District for an additional thirteen (13) years. The process of renewing the district was completed pursuant to the same procedures to create the district outlined in 7-11-1009 MCA.

The District was expanded to include all properties within city limits.

Proposal/Objective: Consider a Resolution of Intention to specify the assessment option for the Landfill Monitoring and Maintenance District for Fiscal Year 2025 and levy and assess all property within the District

Advantage: Defray the cost of operating and maintaining the District and to provide for capital improvements necessary for the management of the District.

Notable Energy Impact: N/A

Disadvantage: Cost to Property Owners

Notice of Public Hearing: True

Staff Recommendation/ Recommended Motion: Move to approve a Resolution of Intention to specify the assessment option for the Landfill Monitoring and Maintenance District for Fiscal Year 2025 and levy and assess all property within the District, and to set a public hearing date for August 26, 2024.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO.

A RESOLUTION OF INTENTION TO SPECIFY THE ASSESSMENT OPTION FOR THE LANDFILL MONITORING AND MAINTENANCE DISTRICT FOR FISCAL YEAR 2025 AND LEVY AND ASSESS ALL PROPERTY WITHIN THE DISTRICT

WHEREAS, MCA § 7-11-1003 authorizes the City Commission to create special districts by resolution whenever the public convenience and necessity may require;

WHEREAS, on December 20, 2010, the City Commission passed Resolution No. 19801 creating the Landfill Monitoring and Maintenance District ("District");

WHEREAS, on December 18, 2023, the City Commission passed Resolution No. 20895 re-creating the Landfill Monitoring and Maintenance District ("District");

WHEREAS, pursuant to Resolution No. 20895 the purpose of the District is for the protection of groundwater from contamination from pollutants, including methane, preserving and maintaining the cap on the landfill that prevents contaminants from entering into the air and neighboring soils, and generally complying with state and federal requirements for containment, monitoring, and control of a landfill that was officially closed on January 27, 2000;

WHEREAS, MCA § 7-11-1025 requires the City Commission to pass and finally adopt a resolution specifying the special district assessment option and levying and assessing all the property within the special district;

WHEREAS, MCA § 7-11-1024 authorized the City Commission to assess the properties within the District using any combination of the assessment options provided by statute;

WHEREAS, the City Commission has estimated, as near as practicable, the cost of maintaining, monitoring, and improving the District for Fiscal Year 2025;

WHEREAS, residential properties derive substantially equivalent benefit from the District; and

WHEREAS, the City Commission finds that for commercial properties the benefits derived from the landfill monitoring and maintenance district are best measured by the amount of the lot or parcel that contains impervious area developed for commercial use.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. It is the intention of the City Commission to specify the assessment option for the District for fiscal year 2025 and levy and assess all property within the District. The

DRAFT

assessment to fund the estimated annual cost of the District for Fiscal Year 2025 is $189,000.00. The assessment option for Fiscal Year 2025 is as follows:

	CURRENT FY2024	**PROPOSED FY2025**
Residential:		
All lots/parcels	$7.23	$7.23
Commercial Properties:		
Amount of Impervious area		
less than 10,000 sq. ft.	$18.08	$18.08
10,000 sq. ft. or more but less than 50,000 sq. ft.	$42.20	$42.20
50,000 sq. ft. or more but less than 100,000 sq. ft.	$72.34	$72.34
100,000 sq. ft. or more but less than 250,000 sq. ft.	$108.50	$108.50
more than 250,000 sq. ft	$150.70	$150.70

All assessments are annual.

Section 2. For purposes of this resolution the following definitions apply:

A. "Residential" lot or parcel is one that does not have more than four (4) residential units in one structure upon the lot or parcel. Vacant lots or parcels not used for commercial storage of business inventory and equipment are considered residential lots. Each individual residential condominium unit is considered a residential lot. Except for residential condominium units, a

lot or parcel with more than four (4) residential units thereon is considered a commercial lot.

B. "Commercial" is all other lots or parcels of land not otherwise classified.

C. "Impervious area" is the developed part of a lot or parcel that is impermeable to storm water infiltration, excluding rights-of-way and publicly owned streets, runways, and taxiways; privately-owned streets within licensed mobile home parks; and City-owned storm water facilities, water storage reservoirs, and public utility sites.

Section 3. A list of those properties subject to this proposed assessment, which includes the name of the owner, if known, is available at the Finance Department for the City of Helena, 316 North Park Avenue, Helena, Montana, and is available upon request for inspection and copying during normal business hours.

Section 4. If a property is not chargeable for the assessment described above by reason of state or federal law, said property shall be exempt from the assessment.

Section 5. The Helena City Commission will hold a public hearing on this matter on August 26, 2024, in the Commission

Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at webinar ID: https://us06web.zoom.us/j/88137791325 at which time all interested parties may appear and express their views of approval or disapproval on the proposed assessment option and amounts of assessments proposed to be levied.

Section 5. The Clerk of the Commission is authorized and directed to cause notice of the passage of this resolution of intention as provided in MCA §7-11-1025.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF AUGUST, 2024.

MAYOR

ATTEST:

CLERK OF THE COMMISSION

DRAFT

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Helena Independent Record** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(123) 456-7890**.

Notice ID: SrtorWUTo189O1TpzGIJ | **Proof Updated: Jul. 10, 2024 at 02:46pm MDT**
Notice Name: FY25 Landfill Monitoring Assessment

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
CITY OF HELENA CITY OF HELENA sdanielson@helenamt.gov (406) 447-8417	Helena Independent Record

Columns Wide: 2
Total Column Inches: 9.17
Number of Lines: 40
Ad Class: Legals

08/10/2024: General Legal	36.00
08/22/2024: General Legal	30.00

Subtotal	$66.00
Tax	$0.00
Processing Fee	$0.00
Total	**$66.00**

See Proof on Next Page

City of Helena, MT Public Hearing Notice

The Helena City Commission will hold a public hearing at **6:00 p.m. on August 26 th , 2024, at 6:00 PM** in the City of Helena Commission Chambers at 316 N. Park Avenue, Helena, MT 59623, and via **ZOOM Meeting at ID:** https://us06web.zoom.us/j/88137791325 to find your local number please go to https://us02web.zoom.us/u/kb4P12xtaA , to consider the following:

A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE LANDFILL MONITORING AND MAINTENANCE DISTRICT FOR FISCAL YEAR 2025 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES WITHIN THE DISTRICT

The Resolution may be viewed in City County Administration Building, 316 North Park, Avenue, Room 302, Helena, MT 59623. All residents and taxpayers may attend the meeting and be heard for or against any part of the Resolution. For further information, please call Sheila Danielson, City Finance, at 447-8390.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
citycommunitydevelopment@helenamt.gov
316 North Park, Avenue, Room 440, Helena, MT 59623

August 10, 22, 2024 ###### **MNAXLP**

City of Helena, Montana

August 12, 2024
Commission Meeting

To: Mayor Colins, Helena City Commission

From: *Sheila Danielson, Finance Director*
Douglas Smith, Parks, Recreation and Open Lands Director

Subject: Consider a Resolution of Intention to specify the assessment option for the Open Space Maintenance District No. 1 for Fiscal Year 2025, levying an assessment on all property within the District.

Present Situation:

Recommend approval of a Resolution of Intention to specify the assessment option for the Open Space Maintenance District No. 1 for Fiscal Year 2025, levy and assess all property within the District, and to set a public hearing on August 26, 2024.

The proposed assessment will levy a base assessment of $20 (no change) plus $0.00801 (no change) per square foot for properties with more than 2,222 square feet of impervious area, per property ID as assigned by the State of Montana, Department of Revenue.

A fifty percent (50%) assessment reduction will be applied for lots or parcels of land that qualify for the State of Montana Property Tax Assistance Program under Title 15, Chapter 6, MCA**.**

Background Information:

On January 29, 2007, the Helena City Commission created the Open Space Maintenance District No. 1 (“District”) to protect, maintain, preserve, restore, and care for the City of Helena’s open space lands and natural parks.

MCA §7-12-4179 requires the City Commission to pass and finally adopt a resolution specifying the special improvement district assessment option and levying an assessment on all benefitted property within the district. MCA §7-12-4161 authorizes the City Commission to assess the properties within the District using any combination of the assessment options provided by statute.

The City Commission has estimated, as near as practical, the cost of operating and maintaining the services in the District, as well as providing for capital improvements necessary for the management of the District. Current rates are believed to be sufficient to offset the cost of maintaining the district.

The property in the district are assessed to defray the cost of open space maintenance, each lot or parcel in the District to be assessed by

the square-foot area of impervious area on each lot or parcel in the District.

The City Commission believes that it is in the best interest of the City of Helena and the inhabitants thereof to exclude certain public property. The exclusion of impervious area for private streets within licensed mobile home parks would be consistent with the City's policy to promote affordable housing in addition to reducing the assessment by 50% for lots or parcels of land that qualify for the State of Montana Property Tax Assistance Program under Title 15, Chapter 6, MCA. Impervious area means a hard surface area which either prevents or retards the entry of water into the sole mantle.

Proposal/Objective: Consider a Resolution of Intention to specify the assessment option for the Open Space Maintenance District No. 1 for Fiscal Year 2025, levying an assessment all property within the District.

Advantage: Defray the cost of operating and maintaining the District and to provide for capital improvements necessary for the management of the district.

Notable Energy Impact: N/A

Disadvantage: Cost to property owner(s)

Notice of Public Hearing: True

Staff Recommendation/ Recommended Motion: Move to Approve a Resolution of Intention to specify the assessment option for the Open Space Maintenance District No. 1 for Fiscal Year 2025, levying an assessment all property within the District, and to set a public hearing for August 26, 2024.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION OF INTENTION TO SPECIFY THE ASSESSMENT OPTION FOR THE OPEN SPACE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2025, LEVYING AN ASSESSMENT ON ALL PROPERTY WITHIN THE DISTRICT

WHEREAS, § 7-12-4102, MCA, authorized the City Commission to create special improvement districts;

WHEREAS, Resolution No. 19439, passed on January 29, 2007, created the Open Space Maintenance District No. 1 ("District") to protect, maintain, preserve, restore, and care for the City of Helena's open space lands and natural parks;

WHEREAS, § 7-12-4179, MCA, requires the City Commission to pass and finally adopt a resolution specifying the special improvement district assessment option and levying and assessing all the property within the special district;

WHEREAS, § 7-12-4161, MCA, authorized the City Commission to assess the properties within the District using any combination of the assessment options provided by statute;

WHEREAS, the benefited property in the District must be assessed to defray the cost of open space maintenance;

WHEREAS, the City Commission has estimated, as near as practicable, the cost of maintenance and improvements within the District for fiscal year 2025;

WHEREAS, it appears to be in the best interest of the City of Helena and the inhabitants thereof that certain public property within the District be excluded from the assessment in order to prioritize affordable housing options in the city; and

WHEREAS, the exclusion of the impervious area for private streets within licensed mobile home parks would be consistent with the City's policy to promote all types of affordable housing.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. It is the intention of the Helena City Commission to establish the assessment option for the District for fiscal year 2025, and levy and assess all property within the District.

Section 2. That to defray the cost of maintenance and improvements within the District, it is the intent of the City Commission to specify the assessment option and levy assessments for each class of property as follows:

	CURRENT FY2024	**PROPOSED FY2025**
Base assessment	$20.00	$20.00
Additional assessment for lots/properties with more than 2,222 sq. ft. of impervious area	$0.00801	$0.00801

All assessments are annual. A fifty percent (50%) assessment

reduction will be applied for lots or parcels of land that qualify for the State of Montana Property Tax Assistance Program under Title 15, Chapter 6, MCA.

Section 3. If an increase occurs in the number of benefited lots, tracts, or parcels within the boundaries of the district, the assessment per lot, tract, or parcel then in the district will be recalculated as provided in MCA §7-12-4162(3)(b).

Section 4. For purposes of this resolution the following definitions apply:

A. "Impervious area" is the developed part of a lot or parcel that is impermeable to storm water infiltration, excluding:

1. all rights-of-way and publicly owned streets, runways, and taxiways;

2. all privately-owned streets within licensed mobile home parks; and

3. City-owned stormwater facilities, water storage reservoirs, and public utility sites.

B. "Single parcels" are those parcels that are combined under common ownership and use and are assigned a single state-issued property ID number.

Section 5. If property is not chargeable for the

assessment described above by reason of state or federal law, said property shall be exempt from the assessment.

Section 6. The Helena City Commission will hold a public hearing on this matter on August 26, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at webinar ID: https://us06web.zoom.us/j/88137791325 at which time all interested parties may appear and express their views of approval or disapproval on the proposed assessment option and amounts of assessments proposed to be levied.

Section 6. The Clerk of the Commission is authorized and directed to cause notice of the passage of this resolution of intention as provided in §7-12-4177, MCA.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF AUGUST, 2024.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DANNAI CLAYBORN
CLERK OF THE COMMISSION

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Helena Independent Record** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(123) 456-7890**.

Notice ID: HfD07Z0krxpK1Q4LFRDa | **Proof Updated: Jul. 10, 2024 at 11:59am MDT**
Notice Name: Open Lands FY25 Assessment

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

CITY OF HELENA CITY OF HELENA
sdanielson@helenamt.gov
(406) 447-8417

FILING FOR

Helena Independent Record

Columns Wide: 2
Total Column Inches: 8.95
Number of Lines: 39
Ad Class: Legals

08/10/2024: General Legal	36.00
08/22/2024: General Legal	30.00

Subtotal	$66.00
Tax	$0.00
Processing Fee	$0.00
Total	**$66.00**

See Proof on Next Page

City of Helena, MT Public Hearing Notice

The Helena City Commission will hold a public hearing at **6:00 p.m. on August 26, 2024, at 6:00 PM** in the City of Helena Commission Chambers at 316 N. Park Avenue, Helena, MT 59623, and via **ZOOM Meeting at ID:** https://us06web.zoom.us/j/88137791325 to find your local number please go to https://us02web.zoom.us/u/kb4P12xtaA , to consider the following:

A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE OPEN SPACE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2025 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES WITHIN THE DISTRICT.

The Resolution may be viewed in City County Administration Building, 316 North Park, Avenue, Room 302, Helena, MT 59623. All residents and taxpayers may attend the meeting and be heard for or against any part of the Resolution. For further information, please call Sheila Danielson, City Finance, at 447-8390.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
citycommunitydevelopment@helenamt.gov
316 North Park, Avenue, Room 440, Helena, MT 59623

August 10, 22, 2024 ###### **MNAXLP**

City of Helena, Montana

August 12, 2024
Commission Meeting

To: Mayor Colins, Helena City Commission and Tim Burton, City Manager

From: Sheila Danielson, Finance Director
David Knoepke, Transportation Services Director

Subject: Consider a Resolution of Intention to levy and assess properties to recover the cost of removal of snow and ice from sidewalks on the adjacent public rights-of-way for Tax Year 2024, and to set a public hearing date for August 26, 2024.

Present Situation:

The City removed snow and ice from sidewalks adjacent to eleven (11) properties during the winter season of 2023-2024 that went unpaid after being invoiced for the service. These property owners received written notice of the amounts owed and have not paid the costs.

Total assessments to be applied to property tax bills is $1,715.64 for Tax Year 2024.

Background Information:

The City Commission passed Ordinance No. 3210 June 15, 2015, codified at Title 7, Chapter 8, Helena City Code, which amended property owners' responsibilities for removing snow and ice from adjacent sidewalks on public rights-of-way and created a civil enforcement procedure that allowed for the City of Helena to remove snow and ice from sidewalks on public rights-of-way when the adjacent property owner fails to comply and bill the adjacent property owner for those removal costs in addition to a civil penalty of fifty dollars ($50.00) or thirty percent (30%) of such costs, whichever is greater.

Proposal/Objective:

Consider a Resolution of Intention to levy and assess properties to recover the cost of removal of snow and ice from sidewalks on the adjacent public rights-of-way, and to set a public hearing date.

The proposed assessment will levy and assess eleven (11) properties to recover the costs of removal of snow and ice from sidewalks adjacent to such properties, pursuant to 7-8-1 [E] and [H], Helena City Code.

Advantage:

Approval of the resolution of intention will allow the City to advertise the required notices and hold a public hearing to obtain public input on the snow and ice removal assessments and to recover the cost of removal.

Notable Energy Impact:	N/A
Disadvantage:	Cost to property owner(s)
Notice of Public Hearing:	True
Staff Recommendation/ Recommended Motion:	Move to Approve a Resolution of Intention to levy and assess properties to recover the cost of removal of snow and ice from sidewalks on the adjacent public rights-of-way, and to set a public hearing date for August 26, 2024.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION OF INTENTION TO LEVY AND ASSESS PROPERTIES TO RECOVER THE COST OF REMOVAL OF SNOW AND ICE FROM SIDEWALKS ON THE ADJACENT PUBLIC RIGHTS-OF-WAY FOR TAX YEAR 2024

WHEREAS, the City Commission passed Ordinance No. 3210 on June 15, 2015, codified at Title 7, Chapter 8, Helena City Code, which amended property owners' responsibilities for removing snow and ice from adjacent sidewalks on public rights-of-way and created a civil enforcement procedure that allowed for the City of Helena to remove snow and ice from sidewalks on public rights-of-way when the adjacent property owner fails to comply and bill the adjacent property owner for those removal costs in addition to a civil penalty;

WHEREAS, the City removed snow and ice from sidewalks adjacent to eleven (11) properties during the winter season of 2023-2024 that were given written notice of amounts owed for costs of snow removal and have not paid;

WHEREAS, the properties' owners have not paid the costs to remove snow and ice from the sidewalk adjacent to their property; and

WHEREAS, it appears to be in the best interests of the City of

Res. No. _____

Helena, Montana, and the inhabitants thereof, that adjacent property owners who failed to timely remove snow and ice be assessed the costs of such work and a civil penalty of $50.00 or thirty percent (30%) of such costs, whichever is greater.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. That it is the intention of the City Commission to levy and assess the below listed properties to recover the costs of removal of snow and ice from sidewalks adjacent to such properties, pursuant to 7-8-1(E) and (H), Helena City Code as follows:

TAX ID	REMOVAL COST	PENALTY	TOTAL ASSESSMENT
1903	$35.26	$50.00	$85.26
0015	$43.25	$50.00	$93.25
3411	$152.35	$50.00	$202.35
3988	$241.61	$72.48	$314.09
3537	$39.25	$50.00	$89.25
28802	$165.45	$50.00	$215.45
6831	$93.24	$50.00	$143.24
6656	$89.25	$50.00	$139.25
2993	$169.71	$50.91	$220.62
3464	$19.64	$50.00	$69.64
28068	$93.24	$50.00	$143.24

Section 2. If the property is not chargeable for the assessment described above by reason of state or federal law, said property

shall be exempt from the assessment.

Section 3. The Helena City Commission will hold a public hearing on this matter on August 26, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at webinar ID: https://us06web.zoom.us/j/88137791325 at which time all interested parties may appear and express their views of approval or disapproval on the proposed assessment option and amounts of assessments proposed to be levied.

Section 4. That notice of the passage of this Resolution of Intention shall be given by publishing as required in §7-1-4127 MCA.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF AUGUST, 2024.

MAYOR

ATTEST:

CLERK OF THE COMMISSION

DRAFT

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Helena Independent Record** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(123) 456-7890**.

Notice ID: xP1YyTyjIMX2iO6FycFZ | **Proof Updated: Jul. 12, 2024 at 10:07am MDT**
Notice Name: Snow and Ice Removal Assessments FY25

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

CITY OF HELENA CITY OF HELENA
sdanielson@helenamt.gov
(406) 447-8417

FILING FOR

Helena Independent Record

Columns Wide: 2
Total Column Inches: 8.73
Number of Lines: 38

Ad Class: Legals

08/10/2024: General Legal	36.00
08/22/2024: General Legal	30.00

Subtotal	$66.00
Tax	$0.00
Processing Fee	$0.00
Total	**$66.00**

See Proof on Next Page

City of Helena, MT Public Hearing Notice

The Helena City Commission will hold a public hearing at **6:00 p.m. on August 26, 2024, at 6:00 PM** in the City of Helena Commission Chambers at 316 N. Park Avenue, Helena, MT 59623, and via **ZOOM Meeting at ID:** https://us06web.zoom.us/j/88137791325 to find your local number please go to https://us02web.zoom.us/u/kb4P12xtaA , to consider the following:

A RESOLUTION LEVYING AN ASSESSMENT ON PROPERTIES TO RECOVER THE COST OF REMOVAL OF SNOW AND ICE FROM SIDEWALKS ON THE ADJACENT PUBLIC RIGHTS-OF-WAY.

The Resolution may be viewed in City County Administration Building, 316 North Park, Avenue, Room 302, Helena, MT 59623. All residents and taxpayers may attend the meeting and be heard for or against any part of the Resolution. For further information, please call Sheila Danielson, City Finance, at 447-8390.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
citycommunitydevelopment@helenamt.gov
316 North Park, Avenue, Room 440, Helena, MT 59623
August 10, 22, 2024 ###### **MNAXLP**

City of Helena, Montana

August 12,2024
Commission meeting

To: Mayor Collins and the Helena City Commission

From: *Sheila Danielson, Finance Director*
Ryan Leland, Public Works Director

Subject: Consider a Resolution of Intention to specify the assessment option for the Stormwater Utility Service Area for Fiscal Year 2025 and levy and assess all property within the service.

Present Situation: The City Commission may assess all assessable property within the Service Area to defray the cost of providing and maintaining said services.

No rate increases are requested for Fiscal Year 2025.

It appears to be in the best interest of the City of Helena and the inhabitants thereof that certain public property within the Service Area be excluded from the Assessment. Exclusion of the impervious area of private streets within licensed mobile home parts is consistent with the City's policy to promote all types of affordable housing.

Background Information: On June 10, 1991, the Helena City Commission created a Storm Water Utility Service Area, ("Service Area") for the purpose of providing storm water drainage operation, maintenance, and capital improvements. The City Commission has estimated, as near as practical, the cost of operating and maintaining the services in the Service Area, as well as providing for capital improvements necessary for the control of the quantity and quality of storm water.

Proposal/Objective: Propose that the base assessment for Residential and Vacant properties will be $46.16 and an additional assessment for lots/parcels containing more than 2,222 sq. ft. of impervious area be $0.02524 per sq. ft.;

Propose the base assessment for Commercial Properties and Mobile Home Parks will be $71.81 and an additional assessment for lots/parcels containing more than 2,222 sq. ft. of impervious area be $.03926 per sq.

Propose a fifty (50%) assessment reduction be applied for residential or vacant lots or parcels of land that qualify for the State of Montana Property Tax Assistance Program under Title 15, Chapter 6, MCA..

Advantage: Timely rate reviews can ensure the appropriate rates to cover system operating costs, capital costs, and existing and future debt and maintains the integrity of the stormwater system.

Notable Energy Impact: N/A

Disadvantage: Cost to property owner(s)

Notice of Public Hearing: True

Staff Recommendation/ Recommended Motion:	Move to approve a Resolution of Intention to specify the assessment option for the Stormwater Utility Service Area for Fiscal Year 2025 and levy and assess all property within the service, and to set a public hearing date for August 26, 2024.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION OF INTENTION TO SPECIFY THE ASSESSMENT OPTION FOR THE STORMWATER UTILITY SERVICE AREA FOR FISCAL YEAR 2025 AND LEVY AND ASSESS ALL PROPERTY WITHIN THE SERVICE AREA

WHEREAS, on June 10, 1991, the Helena City Commission created a Stormwater Utility Service Area ("Service Area") for the purpose of providing stormwater drainage operation, maintenance, and capital improvements;

WHEREAS, the City Commission has estimated, as near as practical, the cost of operating and maintaining the services in the Service Area, as well as providing for capital improvements necessary for the control of the quantity and quality of stormwater;

WHEREAS, the City Commission may assess all assessable property within the Service Area to defray the cost of providing and maintaining said services;

WHEREAS, properties that contain more square-footage of impervious area generate more stormwater run-off;

WHEREAS, commercial users generate larger volumes of storm water with a materially increased demand for water quality treatment and therefore should pay a higher rate for the management of stormwater quantity and quality;

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

WHEREAS, it appears to be in the best interest of the City of Helena and the inhabitants thereof that certain public property within the Service Area be excluded from the assessment; and

WHEREAS, exclusion of the impervious area of private streets within licensed mobile home parks is consistent with the City's policy to promote all types of affordable housing.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. It is the intention of the Helena City Commission to set assessment rates and charges and specify assessment methodology for the Service Area for fiscal year 2023~~3~~4 and levy and assess all property within the Service Area.

Section 2. It is the intention of the Helena City Commission to base the assessment rates and charges for the Service Area based on the square-footage area of impervious surface of each assessable lot or parcel of land.

Section 3. To defray the cost of operating and maintaining the services in the Service Area, as well as providing for capital improvements necessary for the control of the quantity and quality of stormwater the City Commission is proposing that the following rates and charges be assessed against all assessable property within

the Service Area:

	CURRENT FY2024	PROPOSED FY2025
Residential or Vacant Properties:		
Base assessment	$46.16	$46.16
Additional assessment for lots/parcels containing more than 2,222 sq. ft. of impervious area	$0.02524/sq. ft.	$0.02524/sq. ft.
Commercial Properties and Mobile Home Parks:		
Base assessment	$71.81	$71.81
Additional assessment for lots/parcels containing more than 2,222 sq. ft. of impervious area	$0.03926/sq. ft.	$0.03926/sq. ft.

All assessments are annual.

Section 4. A fifty percent (50%) assessment reduction will be applied for residential or vacant lots or parcels of land that qualify for the State of Montana Property Tax Assistance Program under Title 15, Chapter 6, MCA.

Section 5. If the property is not chargeable for the assessment described above by reason of state or federal law, said property shall be exempt from the assessment.

Section 6. For purposes of this assessment the following terms have the following definitions:

A. "Impervious Area" is the developed part of a lot or parcel that is impermeable to stormwater infiltration, excluding:

1. all rights-of-way and publicly owned streets, runways, and taxiways;

2. all privately-owned streets within licensed mobile home parks; and

3. City-owned stormwater facilities, water storage reservoirs, and public utility sites.

B. A lot or parcel of land is classified as follows:

1. "Vacant" is a lot or parcel of land that:

(a) does not have structures or fixtures thereon, other than fences, walls or a surface parking lot;

(b) is not used for storage of commercial inventory or business equipment or property; or

(c) is a public recreational facility, such as sport fields, athletic courts, parks, or playgrounds, or public open space.

2. "Residential" is a lot or parcel that has one (1) building thereon containing at least one (1) dwelling unit, but no more than four (4) dwelling units, and has no other principal

commercial purpose except for rent or lease for residential use.

3. "Mobile Home Park" is a lot or parcel of land designed to provide sites for the accommodation of manufactured homes or mobile homes and licensed as such.

4. "Commercial" is all other lots or parcels of land not otherwise classified.

Section 7. The lots or parcels of land to be assessed are all assessable lots and parcels within the Service Area as shown on the list of all lots or parcels of land maintained by the Finance Department for the City of Helena. The lots or parcels of land to be assessed are represented by the property tax identification number (ID) assigned by the State of Montana, Department of Revenue. One property ID may contain multiple lots or parcels. The list includes the description of the lots or parcels of land, the name of the owner, if known, and the amount levied thereon. The lots or parcels of land to be assessed do not include cemetery lands owned by associations.

Section 8. The Helena City Commission will hold a public hearing on this matter on August 26, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via

Zoom Meeting at webinar ID: https://us06web.zoom.us/j/88137791325 at which time all interested parties may appear and express their views of approval or disapproval on the proposed assessment option and amounts of assessments proposed to be levied.

Section 9. That notice of the passage of this Resolution of Intention shall be given by publishing as required in §7-1-4127 MCA.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF AUGUST, 2024.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

DRAFT

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Helena Independent Record** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(123) 456-7890**.

Notice ID: ESk5I0TghXcuAEUbycSh | **Proof Updated: Jul. 10, 2024 at 03:50pm MDT**
Notice Name: FY25 Stormwater Assessment

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
CITY OF HELENA CITY OF HELENA sdanielson@helenamt.gov (406) 447-8417	Helena Independent Record

Columns Wide: 2
Total Column Inches: 8.73
Number of Lines: 38
Ad Class: Legals

08/10/2024: General Legal	36.00
08/22/2024: General Legal	30.00

Subtotal	$66.00
Tax	$0.00
Processing Fee	$0.00
Total	**$66.00**

See Proof on Next Page

City of Helena, MT Public Hearing Notice

The Helena City Commission will hold a public hearing at **6:00 p.m. on August 26, 2024, at 6:00 PM** in the City of Helena Commission Chambers at 316 N. Park Avenue, Helena, MT 59623, and via **ZOOM Meeting at ID:** please go to https://us06web.zoom.us/j/88137791325 to consider the following:

A RESOLUTION TO SPECIFY THE ASSESSMENT OPTION FOR THE STORM WATER UTILITY SERVICE AREA FOR FISCAL YEAR 2025 AND LEVY AN ASSESSMENT ON ALL PROPERTIES WITHIN THE SERVICE AREA.

The Resolution may be viewed in City County Administration Building, 316 North Park, Avenue, Room 302, Helena, MT 59623. All residents and taxpayers may attend the meeting and be heard for or against any part of the Resolution. For further information, please call Sheila Danielson, City Finance, at 447-8390.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
citycommunitydevelopment@helenamt.gov
316 North Park, Avenue, Room 440, Helena, MT 59623

August 10, 22, 2024 ###### **MNAXLP**

City of Helena, Montana

August 12, 2024
Commission Meeting

To: Mayor Colins, Helena City Commission

From: *Sheila Danielson, Finance Director*
David Knoepke, Transportation Services Director

Subject: Consider a Resolution of Intention to levy assessments for improvement of sidewalks, curbs, gutters and alley approaches in the City of Helena, Montana for Tax Year 2024.

Present Situation:

The City entered into eleven (11) agreements with property owners in the 2023 season for sidewalk improvements. The costs for the improvements will be assessed to the respective property owners on their Tax bill starting Tax Year 2024 and the assessment will be applied for ten (10) years unless paid off earlier. Total new property assessments to be applied to property tax bills is $86,034.00 for Tax Year 2024.

A list of all properties subject to the potential assessment is provided through the Finance Department for the City of Helena, 316 N. Park Avenue, Helena, MT, and is available upon request for inspection and copying during normal business hours.

Background Information:

Title 7 Chapter 4 of the Helena City Code places the responsibility of building, maintaining, and repairing of the sidewalks, curbs, and gutters in the City right-of-way on the abutting property owner. The Helena City Commission, pursuant to Resolution No. 12075, established the City's Sidewalk Improvement Program ("Program") to help property owners finance the building, maintenance, and repair of sidewalks, curbs, and gutters.
Owners of property participating in the Program agreed and consented to have the sidewalks, curbs, and gutters abutting their property improved by the City and have the City levy an annual assessment for the actual costs of the work for a period of ten years

Proposal/Objective:

Consider a Resolution of Intention to levy assessments for improvement of sidewalks, curbs, gutters and alley approaches in the City of Helena, Montana for Tax Year 2024.

Advantage:

Approval of the resolution of intention will allow the City to advertise the required notices and hold a public hearing to obtain public input on the sidewalk loan program.

Notable Energy Impact:	N/A
Disadvantage:	Cost to property owner(s)
Notice of Public Hearing:	True
Staff Recommendation/ Recommended Motion:	Move to approve a Resolution of Intention to levy assessments for improvement of sidewalks, curbs, gutters and alley approaches in the City of Helena, Montana for Tax Year 2024 and to set a public hearing date.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO.

A RESOLUTION OF INTENTION TO LEVY ASSESSMENTS FOR IMPROVEMENT OF SIDEWALKS, CURBS, GUTTERS AND ALLEY APPROACHES IN THE CITY OF HELENA, MONTANA FOR TAX YEAR 2024

WHEREAS, Title 7 Chapter 4 of the Helena City Code places the responsibility of building, maintaining, and repairing of the sidewalks, curbs, and gutters in the City right-of-way on the abutting property owner;

WHEREAS, the Helena City Commission, pursuant to Resolution No. 12075, established the City's Sidewalk Improvement Program ("Program") to help property owners finance the building, maintenance, and repair of sidewalks, curbs, and gutters;

WHEREAS, Owners of property participating in the Program agreed and consented to have the sidewalks, curbs, and gutters abutting their property improved by the City;

WHEREAS, Owners of property participating in the Program agreed and consented to having the City annually levy an assessment for the actual costs of the work for a period of 10 years; and

WHEREAS, it appears to be in the best interests of the City of Helena and the citizens thereof that said assessments be levied.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

DRAFT

Section 1. It is the intention of the City Commission to adopt a resolution levying an assessment upon all benefitted property in the Program for tax year 2024. The assessable lots or parcels of land are all such lots or parcels of land that have voluntarily elected to participate in the Program.

Section 2. A list of those properties subject to the potential assessment is provided through the Finance Department for the City of Helena, 316 North Park Avenue, Helena, Montana, and is available upon request for inspection and copying during normal business hours.

Section 3. The Helena City Commission will hold a public hearing on this matter on August 26, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at webinar ID: https://us06web.zoom.us/j/88137791325 at which time all interested parties may appear and express their views of approval or disapproval on the proposed assessment option and amounts of assessments proposed to be levied.

Section 4. That notice of the passage of this Resolution of Intention shall be given by publishing as required in §7-1-4127 MCA.

DRAFT

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF AUGUST, 2024.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

DRAFT

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Helena Independent Record** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(123) 456-7890**.

Notice ID: CjZh3o9cvwnAfE6FCELT | **Proof Updated: Jul. 23, 2024 at 12:58pm MDT**
Notice Name: FY25 Sidewalk Assessments Public Hearing Ntce

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
CITY OF HELENA CITY OF HELENA sdanielson@helenamt.gov (406) 447-8417	Helena Independent Record

Columns Wide: 2
Total Column Inches: 8.73
Number of Lines: 38
Ad Class: Legals

08/10/2024: General Legal	36.00
08/22/2024: General Legal	30.00

Subtotal	$66.00
Tax	$0.00
Processing Fee	$0.00
Total	**$66.00**

See Proof on Next Page

City of Helena, MT Public Hearing Notice

The Helena City Commission will hold a public hearing at **6:00 p.m. on August 26, 2024, at 6:00 PM** in the City of Helena Commission Chambers at 316 N. Park Avenue, Helena, MT 59623, and via **ZOOM Meeting at ID:** https://us06web.zoom.us/j/88137791325 to find your local number please go to https://us02web.zoom.us/u/kb4P12xtaA , to consider the following:

A RESOLUTION LEVYING ASSESSMENTS FOR THE IMPROVEMENT OF SIDEWALKS, CURBS, GUTTERS AND ALLEY APPROACHES IN THE CITY OF HELENA, MONTANA FOR TAX YEAR 2024.

The Resolution may be viewed in City County Administration Building, 316 North Park, Avenue, Room 302, Helena, MT 59623. All residents and taxpayers may attend the meeting and be heard for or against any part of the Resolution. For further information, please call Sheila Danielson, City Finance, at 447-8390.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
citycommunitydevelopment@helenamt.gov
316 North Park, Avenue, Room 440, Helena, MT 59623
August 10, 22, 2024 ###### **MNAXLP**

City of Helena, Montana

August 12, 2024
Commission Meeting

To: Mayor Colins, Helena City Commission

From: *Sheila Danielson, Finance Director*

Subject: Consider a Resolution of Intention to specify the assessment option for the Special Street Lighting Districts for Fiscal Year 2025 and levy and assess all property within the District.

Present Situation:

Each fiscal year, the Finance Departments recalculates the required revenue and reserves for each special lighting district. Helena administers 54 lighting districts within the City Limits. Rates are set to capture the cost of electricity, maintenance and administration of each district.

A list of all lots or parcels of land subject to this assessment is maintained by the Finance Department for the City of Helena. The lots or parcels of land to be assessed are represented by the property tax identification number (ID) assigned by the State of Montana, Department of Revenue. One property ID may contain multiple lots or parcels. The list includes the description of the lots or parcels of land, the name of the owner, if known, and the amount levied thereon.

Background Information:

The City Commission of the City of Helena, Montana has created Special Improvement Districts ("Districts"), pursuant to provisions of MCA §7-12-4301, et. seq., for the purpose of providing street lighting.

State law permits the lots or parcels of land in the Districts to be assessed to defray the cost of installing and maintaining the improvements within the Districts, for that part of the whole cost which its area bears to the area of the entire District, exclusive of streets, alleys, and public places.

Proposal/Objective:

Consider a Resolution of Intention to specify the assessment option for the Special Street Lighting Districts for Fiscal Year 2025 and levy and assess all property within the District.

Advantage:

The benefits of street lighting are the convenience, safety, and security of property and improvements.

Notable Energy Impact:	Lighting District lights are generally upfitted with LED lights.
Disadvantage:	N/A
Notice of Public Hearing:	True
Staff Recommendation/ Recommended Motion:	Move to approve a Resolution of Intention to specify the assessment option for the Special Street Lighting Districts for Fiscal Year 2024 and levy and assess all property within the districts and set a public hearing date.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

RESOLUTION NO. _____

A RESOLUTION OF INTENTION TO SPECIFY THE ASSESSMENT OPTION FOR THE SPECIAL STREET LIGHTING DISTRICTS FOR FISCAL YEAR 2025 AND LEVY AND ASSESS ALL PROPERTY WITHIN THE DISTRICTS

WHEREAS, MCA § 7-12-4301 et seq. authorizes the City Commission to create Special Improvement Lighting Districts for the purpose of lighting streets or public highways;

WHEREAS, the City Commission of the City of Helena, Montana, has created Special Improvement Districts for the purpose of providing street lighting;

WHEREAS, the lots or parcels of land in said Special Street Lighting Districts are to be assessed to defray the cost of installing and maintaining the said improvements, each lot or parcel of land in each district is to be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, alleys, and public places; and

WHEREAS, a list of all lots or parcels of land assessed, with the name of the owner thereof, if known, description of the lots or parcels of land and the amount levied thereon set opposite, is maintained by the Finance Department for the City of Helena.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

HELENA, MONTANA:

Section 1. It is the intention of the City Commission to adopt a resolution levying an assessment upon all lots or parcels of land in the Special Street Lighting Districts to defray the cost of installing and maintaining said improvements for fiscal year 2025. The fiscal year 2025 assessment rates for the Special Street Lighting Districts upon all lots or parcels of land in said districts are proposed as follows:

District	Per. SQ. FT. Assessment		District	Per. SQ. FT. Assessment		District	Per. Lineal Ft Assessment
164	$ 0.006590		222	$ 0.047475		224	$ 2.420594
173	$ 0.004072		223	$ 0.005878		304	$ 0.333168
192	$ 0.005555		225	$ 0.036563			
193	$ 0.006876		226	$ 0.007313			
200	$ 0.013398		264	$ 0.041575			
201	$ 0.012968		269	$ 0.018003			
202	$ 0.015962		306	$ 0.012079			
203	$ 0.013346		351	$ 0.012027			
204	$ 0.016998		357	$ 0.008979			
205	$ 0.033771		358	$ 0.004538			
206	$ 0.014816		359	$ 0.016171			
207	$ 0.009510		359A	$ 0.006870			
208	$ 0.009616		360	$ 0.009358			
209	$ 0.020651		361	$ 0.009882			
210	$ 0.005283		362	$ 0.013534			
211	$ 0.007562		362A	$ 0.016198			
212	$ 0.006699		363	$ 0.011250			
213	$ 0.011424		364	$ 0.012960			
214	$ 0.011800		364A	$ 0.021089			
215	$ 0.013114		365	$ 0.021007			
216	$ 0.009215		383	$ 0.000710			
217	$ 0.012157		385	$ 0.014555			
218	$ 0.042742		389	$ 0.010784			
219	$ 0.029331		390	$ 0.007984			
220	$ 0.027470		398	$ 0.010250			
221	$ 0.030309		399	$ 0.031064			

Section 2. The lots or parcels of land to be assessed are those shown on the list of all lots or parcels of land maintained by the Finance Department for the City of Helena. The list includes the description of the lots or parcels of land, the name of the owner, if known, and the amount levied thereon. The lots or parcels of land to be assessed do not include cemetery lands owned by associations. The assessable lots or parcels of land are all such other lots or parcels of land inside the City limits.

Section 3. If a property is not chargeable for the assessment described above by reason of state or federal law, said property shall be exempt from the assessment.

Section 4. The Helena City Commission will hold a public hearing on this matter on August 26, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at webinar ID: https://us06web.zoom.us/j/88137791325 at which time all interested parties may appear and express their views of approval or disapproval on the proposed assessment option and amounts of assessments proposed to be levied.

Section 5. The Clerk of the Commission is authorized and directed to cause notice of the passage of this resolution of

DRAFT

Res. No. _____

intention as provided in §7-12-4329, MCA.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF AUGUST, 2024.

MAYOR

ATTEST:

CLERK OF THE COMMISSION

DRAFT

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Helena Independent Record** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(123) 456-7890**.

Notice ID: CCvDbeB37GHSlPE0B6Bd | **Proof Updated: Jul. 19, 2024 at 03:07pm MDT**
Notice Name: FY25 Lighting District Assessments

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
CITY OF HELENA CITY OF HELENA sdanielson@helenamt.gov (406) 447-8417	Helena Independent Record

Columns Wide: 2
Total Column Inches: 8.73
Number of Lines: 38
Ad Class: Legals

08/10/2024: General Legal	36.00
08/22/2024: General Legal	30.00

Subtotal	$66.00
Tax	$0.00
Processing Fee	$0.00
Total	**$66.00**

See Proof on Next Page

City of Helena, MT Public Hearing Notice

The Helena City Commission will hold a public hearing at **6:00 p.m. on August 26, 2024, at 6:00 PM** in the City of Helena Commission Chambers at 316 N. Park Avenue, Helena, MT 59623, and via **ZOOM Meeting at ID:** https://us06web.zoom.us/j/88137791325 to find your local number please go to https://us02web.zoom.us/u/kb4P12xtaA , to consider the following:

A RESOLUTION SPECIFYING THE ASSESSMENT OPTION FOR THE SPECIAL STREET LIGHTING DISTRICTS FOR FISCAL YEAR 2025 AND LEVYING AN ASSESSMENT ON ALL PROPERTIES WITHIN THE DISTRICTS.

The Resolution may be viewed in City County Administration Building, 316 North Park, Avenue, Room 302, Helena, MT 59623. All residents and taxpayers may attend the meeting and be heard for or against any part of the Resolution. For further information, please call Sheila Danielson, City Finance, at 447-8390.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
citycommunitydevelopment@helenamt.gov
316 North Park, Avenue, Room 440, Helena, MT 59623
August 10, 22, 2024 ###### **MNAXLP**

City of Helena, Montana

August 12, 2024
Commission meeting

To: Mayor Collins and the Helena City Commission

From: Sheila Danielson, Finance Director
David Knoepke, Transportation Systems Director

Subject: Consider a Resolution of Intention to specify the assessment option for the Street Maintenance and Improvements District No. 1 for Fiscal Year 2025 and levy and assess all property within the district.

Present Situation: The City Commission has estimated, as near as practicable, the cost of maintenance and improvements within the Streets Maintenance Special District for Fiscal Year 2025.

No increases are requested for Fiscal Year 2025.

Background Information: The Helena City Commission created Street Maintenance District No. 1 ("District") for the maintenance and improvements of all or part of the public streets in the District. The City Commission adopted City Ordinance No. 3213 amending section 7-1-8 of the Helena City Code to provide the methods of providing maintenance and improvements and paying for street maintenance and improvements within the District

Proposal/Objective: Propose that each lot or parcel of land, within the District, may be assessed for that part of the cost that its assessable area bears to the assessable area of the entire District.
The Institute of Transportation Engineers (ITE) "Trip Generation Manual" estimates the average vehicle trips per day for Residential Single-Family Dwellings and Strip-Family Dwellings and Strip Retail Plazas at 9.53 and 54.45, respectively, leading the City Commission to determine that commercial properties generate a larger amount of vehicle trips than residential, vacant, and mobile home properties, and such disparate vehicle trip generation results in a higher level of impacts to streets within the District; and therefore, should pay a higher annual assessment than residential, vacant, and mobile home properties per the following schedule:

- Vacant or Residential - $206.16 annually
- Mobile Homes - $82.46 annually
- Commercial (Less than 6,000 sq. ft.) - $360 annually
- Commercial (6,000 sq. or more) - $.06 / sq/ ft., maximum $60,000 annually

Advantage: Defray the cost of operating and maintaining the District and to provide for capital improvements necessary for the management of the District.

Notable Energy Impact: N/A

Disadvantage: Cost to property owner(s)

Notice of Public Hearing:	True
Staff Recommendation/ Recommended Motion:	Move to approve a Resolution of Intention to specify the assessment option for the Street Maintenance and Improvements District No. 1 for Fiscal Year 2025 and levy and assess all property within the district and to set a public hearing date on August 26, 2024.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION OF INTENTION TO SPECIFY THE ASSESSMENT OPTION FOR THE STREET MAINTENANCE AND IMRPROVEMENTS DISTRICT NO. 1 FOR FISCAL YEAR 2025 AND LEVY AND ASSESS ALL PROPERTY WITHIN THE DISTRICT.

WHEREAS, §7-12-4401, MCA, authorized the City Commission to create a district for the maintenance of all or part of the city's streets or avenues;

WHEREAS, §7-12-4405, MCA, authorizes the City Commission to provide by ordinance the methods of doing work and improvement of the city's streets, avenues, and alleys;

WHEREAS, the City Commission created Street Maintenance District No. 1 ("District") for the maintenance and improvements of all or part of the public streets in the District;

WHEREAS, the City Commission adopted City Ordinance No. 3213 amending section 7-1-8 of the Helena City Code to provide the methods of providing maintenance and improvements and paying for street maintenance and improvements within the District;

WHEREAS, §7-12-4425, MCA, requires the City Commission to pass and finally adopt a resolution specifying the special district assessment option and levying and assessing all the property within

the special district;

WHEREAS, §7-12-4422, MCA, authorized the City Commission to assess the properties within the District using any combination of the assessment options provided by statute;

WHEREAS, the City Commission has estimated, as near as practicable, the cost of maintenance and improvements within the District for fiscal year 2025;

WHEREAS, each lot or parcel of land, within the District, may be assessed for that part of the cost that its assessable area bears to the assessable area of the entire District;

WHEREAS, the Institute of Transportation Engineers (ITE) "*Trip Generation Manual*" estimates the average vehicle trips per day for Residential Single-Family Dwellings and Strip-Family Dwellings and Strip Retail Plazas at 9.53 and 54.45, respectively, leading the City Commission to determine that commercial properties generate a larger amount of vehicle trips than residential, vacant, and mobile home properties, and such disparate vehicle trip generation results in a higher level of impacts to streets within the District; and therefore, should pay a higher annual assessment than residential, vacant and mobile home properties; and

WHEREAS, the properties within the District must be assessed

Res. No. _____

to defray the cost of street maintenance and improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. It is the intention of the Helena City Commission to establish the assessment option for the District for fiscal year 2025, and levy and assess all property within the District.

Section 2. That to defray the cost of maintenance and improvements of streets in the District, it is the intent of the City Commission to specify the assessment option and levy assessments for each class of property as follows:

	Current FY2024	Proposed FY2025
Vacant or Residential:		
All lots / parcels	$206.16	$206.16
Mobile Home Parks:		
Per manufactured home or mobile home site	$82.46	$82.46
Commerical: Lot Area:		
less than 6,000 sq. ft.	$360.00	$360.00
6,000 sq. ft. or more*	$0.0600 / sq/ft	$0.0600 / sq. ft.

*assessment applies to the first one (1) million square feet.

All assessments are annual.

Section 3. For purposes of this Resolution, a lot or parcel of land is classified as follows:

A. "Vacant" is a lot or parcel of land that:

1. Does not have structures or fixtures thereon, other thank fences, walls or a surface parking lot;
2. Is not used for storage of commercial inventory of business equipment or property; or
3. Is public recreational facility, such as sport fields, athletic courts, parks, or playgrounds, or public open space.

B. "Residential" is a lot or parcel that has one (1) building thereon containing at least one (1) dwelling unit, but no more than four (4) dwelling units, and has no other principal commercial purpose except for rent or lease for residential use.

C. "Mobile Home Park" is a lot or parcel of land designed to provide sites for the accommodation of manufactured homes or mobile homes and licensed as such.

D. "Commercial" is all other lots or parcels of land not otherwise classified.

Section 4. The lots or parcels of land to be assessed are those shown on the list of all lots or parcels of land maintained by the Finance Department for the City of Helena. The lots or parcels of land to be assessed are represented by the property tax identification number (ID) assigned by the State of Montana, Department of Revenue. One property ID may contain multiple lots or parcels. The list includes the property tax ID, the name of the owner(s) if known, and the amount levied thereon. The lots or parcels of land to be assessed do not include cemetery lands owned by associations. The assessable lots or parcels are all lots or parcels of land inside the City limits and include:

A. Vacant lots or parcels;

B. Lots or parcels adjacent to a street or alley right-of-way; and

C. Lots or parcels that have access to the City's street system by a private road or other means.

Section 5. Difficulty in developing a lot or parcel of land is not a factor in determining whether the lot or parcel is assessable property or in calculating the amount of the assessment on that lot or parcel of land.

Section 6. If the property is not chargeable for the

assessment described above by reason of state or federal law, said property shall be exempt from the assessment.

Section 7. The Helena City Commission will hold a public hearing on this matter on August 26, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at the webinar ID: https://us06web.zoom.us/j/88137791325 at which time all interested parties may appear and express their views of approval or disapproval on the proposed assessment option and amounts of assessments proposed to be levied.

Section 8. The Clerk of the Commission is authorized and directed to cause notice of the passage of this resolution of intention as provided in §7-12-4426, MCA.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF AUGUST, 2024.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

DRAFT

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Helena Independent Record** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(123) 456-7890**.

Notice ID: QR9TzLU7oVNwQYCMfbG9 | **Proof Updated: Jul. 10, 2024 at 10:56am MDT**
Notice Name: Streets Maint. Dist. No 1 FY25 Assessment

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
CITY OF HELENA CITY OF HELENA sdanielson@helenamt.gov (406) 447-8417	Helena Independent Record

Columns Wide: 2
Total Column Inches: 8.73
Number of Lines: 38
Ad Class: Legals

08/10/2024: General Legal	36.00
08/22/2024: General Legal	30.00

Subtotal	$66.00
Tax	$0.00
Processing Fee	$0.00
Total	**$66.00**

See Proof on Next Page

City of Helena, MT Public Hearing Notice

The Helena City Commission will hold a public hearing at **6:00 p.m. on August 26, 2024**, in the City of Helena Commission Chambers at 316 N. Park Avenue, Helena, MT 59623, and via **ZOOM Meeting at ID:** https://us06web.zoom.us/j/88137791325 to find your local number please go to https://us02web.zoom.us/u/kb4P12xtaA , to consider the following:

A RESOLUTION TO SPECIFY THE ASSESSMENT OPTION FOR THE STREET MAINTEANCE AND IMPROVEMENTS DISTRICT NO. 1 FOR FISCAL YEAR 2025 AND LEVY AN ASSESS ALL PROPERTIES WITHIN THE DISTRICT.

The Resolution may be viewed in City County Administration Building, 316 North Park, Avenue, Room 302, Helena, MT 59623. All residents and taxpayers may attend the meeting and be heard for or against any part of the Resolution. For further information, please call Sheila Danielson, City Finance, at 447-8390.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
citycommunitydevelopment@helenamt.gov
316 North Park, Avenue, Room 440, Helena, MT 59623
August 10, 22, 2024 ###### **MNAXLP**

City of Helena, Montana

August 12, 2024
Commission Meeting

To: Mayor Collins and the Helena City Commission

From: Sheila Danielson, Finance Director
Douglas Smith, Parks, Recreation and Open Lands Director

Subject: A Resolution of Intention to Specify the Assessment Option for the Special Urban Forest Management District for Fiscal Year 2025 and Levy and Assess on all Property within the District.

Present Situation:

MCA §7-11-1024-1025 provides authorization for the City Commission to assess all assessable property within the District to defray the cost of providing and maintaining said services.

The City Commission has estimated, as near as practical, the cost of operating and maintaining the services in the District, as well as providing for capital improvements necessary for the management of the District for Fiscal Year 2025. The total assessment needed to fund the annual cost of the District is approximately $500,700.

The assessment option is $39.00 per property subject to the assessment. There is no change in this assessment from the prior year.

Background Information:

On December 20, 2010, the Helena City Commission created a Urban Forest Management District, ("District") with Resolution No. 19802. for the purpose of managing and maintaining public trees on public rights-of-way and in City-owned public parks so as to enhance Helena's beauty and environment for the greater benefit of the community.

The expiration of the special district is thirteen years after creation or December 31, 2023. Per §7-11-1009 (3)(b), MCA, the City Commission may extend the duration of the special district by following the same procedures for creating the district.

On August 21, 2023, the Helena City Commission re-created the Urban Forest management district during a public hearing, having received insufficient protest from affected properties within the boundaries of the District to preclude re-creation of the District and establishing an assessment each fiscal year.

Re-creating the Urban Forest Management Special District re-established the boundaries to include all blocks, lots, parcels, and tracts contained within the corporate limits of the City of Helena as of August 21, 2023. Property annexations into the City that waive their right to protest are added to the boundaries of the district and are subject to the assessment in the next tax year.

Proposal/Objective:	Consider a Resolution of Intention to Specify the Assessment Option for the Special Urban Forest Management District for Fiscal Year 2025 and Levy and Assess on all Property within the District.
Advantage:	The special district is established to finance the management and maintenance of public trees on public rights-of-way and in city owned public parks to enhance Helena's beauty and environment for the greater benefit of the community. In addition, the district allows for forest management that addresses the challenges that confront community trees and their stewardship. Without this special financing, it would be difficult to maintain the same service level.
Notable Energy Impact:	*N/A*
Disadvantage:	Cost to property owner(s*)*
Notice of Public Hearing:	(True)
Staff Recommendation/ Recommended Motion:	Move to Approve a Resolution of Intention to Specify the Assessment Option for the Special Urban Forest Management District for Fiscal Year 2025 and Levy and Assess on all Property within the District, and to set a public hearing on August 26, 2024.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION OF INTENTION TO SPECIFY THE ASSESSMENT OPTION FOR THE SPECIAL URBAN FOREST MANAGEMENT DISTRICT FOR FISCAL YEAR 2025, AND LEVY AND ASSESS ALL PROPERTY WITHIN THE DISTRICT

WHEREAS, MCA § 7-11-1003 authorizes the City Commission to create special districts by resolution whenever the public convenience and necessity may require;

WHEREAS, on December 20, 2010, the City Commission passed Resolution No. 19802 creating the Urban Forest Management District ("District");

WHEREAS, on August 21, 2023, the City Commission passed Resolution No. 20863 re-creating the Urban Forest Management District ("District");

WHEREAS, pursuant to Resolution No. 20863, the purpose of the District is to manage and maintain public trees on public rights-of-way and in City-owned public parks so as to enhance Helena's beauty and environment for the greater benefit of the community;

WHEREAS, District management activities include removing, pruning, planting, replacement, preservation, education, coordination, and community outreach;

WHEREAS, § 7-11-1025, MCA, requires the City Commission to pass and finally adopt a resolution specifying the special district assessment option and levying and assessing all property within

the special district;

WHEREAS, MCA § 7-11-1024 authorizes the City Commission to assess the properties within the District using a combination of the assessment options provided by statute;

WHEREAS, the City Commission has estimated, as near as practicable, the cost of maintaining, monitoring, and improving the District for fiscal year 2025; and

WHEREAS, the City Commission finds that all properties within the District derive substantially equivalent benefit from the District.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. It is the intention of the Helena City Commission to specify the assessment option for the District for fiscal year 2025 and levy and assess all property within the District. The assessment to fund the estimated annual cost of the District for fiscal year 2025 is approximately $500,700. The assessment option for fiscal year 2025 is as follows:

	CURRENT FY2024	**PROPOSED FY2025**
Annual assessment	$39.00	$39.00

Section 2. A list of those properties subject to this

proposed assessment, which includes the name of the owner, if known, is available at the Finance Department for the City of Helena, 316 North Park Avenue, Helena, Montana, and is available upon request for inspection and copying during normal business hours.

Section 3. If the property is not chargeable for the assessment described above by reason of state or federal law, said property shall be exempt from the assessment.

Section 4. The Helena City Commission will hold a public hearing on this matter on August 26, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M. and via Zoom Meeting at webinar ID: https://zoom.us./j/88137791325 at which time all interested parties may appear and express their views of approval or disapproval on the proposed assessment option and amounts of assessments proposed to be levied.

Section 5. The Clerk of the Commission is authorized and directed to cause notice of the passage of this resolution of intention as provided in §7-11-1025, MCA.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF AUGUST, 2024.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DANNAI CLAYBORN
CLERK OF THE COMMISSION

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Helena Independent Record** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(123) 456-7890**.

Notice ID: 1B0mcxF3ZfUTSvxJa3gq | **Proof Updated: Jul. 10, 2024 at 02:22pm MDT**
Notice Name: FY25 Urban Forest Maint. District Assessment

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

CITY OF HELENA CITY OF HELENA
sdanielson@helenamt.gov
(406) 447-8417

FILING FOR

Helena Independent Record

Columns Wide: 2
Total Column Inches: 9.17
Number of Lines: 40
Ad Class: Legals

08/10/2024: General Legal	36.00
08/22/2024: General Legal	30.00

Subtotal	$66.00
Tax	$0.00
Processing Fee	$0.00
Total	**$66.00**

See Proof on Next Page

City of Helena, MT Public Hearing Notice

The Helena City Commission will hold a public hearing at **6:00 p.m. on August 26, 2024**, in the City of Helena Commission Chambers at 316 N. Park Avenue, Helena, MT 59623, and via **ZOOM Meeting at ID:** https://us06web.zoom.us/j/88137791325 to find your local number please go to https://us02web.zoom.us/u/kb4P12xtaA , to consider the following:

A RESOLUTION TO SPECIFY THE ASSESSMENT OPTION FOR THE SPECIAL URBAN FOREST MANAGEMENT DISTRICT FOR FISCAL YEAR 2025 AND LEVY AN ASSESSMENT ON ALL PROPERTIES WITHIN THE DISTRICT.

The Resolution may be viewed in City County Administration Building, 316 North Park, Avenue, Room 302, Helena, MT 59623. All residents and taxpayers may attend the meeting and be heard for or against any part of the Resolution. For further information, please call Sheila Danielson, City Finance, at 447-8390.

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following:

(406) 447- 8490
TTY Relay Service 1-800-253-4091 or 711
citycommunitydevelopment@helenamt.gov
316 North Park, Avenue, Room 440, Helena, MT 59623

August 10, 22, 2024 ###### **MNAXLP**

City of Helena, Montana

August 12, 2024
Commission meeting

To: Mayor Collins and the Helena City Commission

From: Sheila Danielson, Finance Director
David Knoepke, Transportation Systems Director

Subject: Consider a Resolution Expanding the Boundaries of the Street Maintenance and Improvement District No. 1 for Fiscal Year 2025.

Present Situation: The City Commission desires to alter the boundaries of the Street Maintenance and Improvement District No. 1 to include all streets, alleys, and property within the corporate limits of the City of Helena.

The Official Zoning Map of Helena was adopted by the Commission on May 22, 2023.

By approving this Resolution, all properties included in the Official Zoning Map as of May 22, 2023 and annexed thereafter up to August 12, 2024 will be included in the District.

Background Information: 7-12-4403, MCA, allows for the alteration of street maintenance and improvement district boundaries once each calendar year.

Proposal/Objective: Expand the Boundaries of the Street Maintenance and Improvement District No. 1 to include all properties within the City Limits.

Advantage: Defray the cost of operating and maintaining the District and to provide for capital improvements necessary for the management of the district. This step will allow the boundaries to be expanded prior to rates being set and assessed so all properties levied can provide public input.
.

Notable Energy Impact: N/A

Disadvantage: Cost to property owner(s) annexed into the City since the last Official Zoning Map was adopted.

Notice of Public Hearing: False

Staff Recommendation/ Recommended Motion: Move to approve a Resolution Expanding the Boundaries of the Street Maintenance and Improvement District No. 1 for Fiscal Year 2025.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION EXPANDING THE BOUNDARIES OF THE STREET MAINTENANCE AND IMPROVEMENT DISTRICT NO. 1 FOR FISCAL YEAR 2025

WHEREAS, the City Commission has created a Special Improvement District for the purpose of maintaining and improving streets;

WHEREAS, §7-12-4403, MCA, allows for the alteration of street maintenance and improvement district boundaries once each calendar year by resolution; and

WHEREAS, the City Commission desires to alter the boundaries of Street Maintenance and Improvement District No. 1 to include all streets, alleys, and property within the corporate limits of the City of Helena.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. That Street Maintenance and Improvement District No. 1 consists of all real property within the corporate limits of the City of Helena, as indicated on the official zoning map of Helena adopted by the Commission on May 22, 2023, filed in the office of the City of Helena Clerk, and all properties annexed thereafter into the City by the Helena City Commission as of August

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

12, 2024.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF AUGUST, 2024.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

DRAFT

City of Helena, Montana

August 12, 2024
Commission Meeting

To: Mayor Colins, Helena City Commission

From: Sheila Danielson, Finance Director
Doug Smiths, Parks, Open Lands and Recreation Director

Subject: Consider a Resolution Expanding the Boundaries of the Open Space Maintenance District No. 1 for Fiscal Year 2025.

Present Situation: Properties have been annexed into the corporate City Limits since the official Zoning Map was approved by the Commission on May 22, 2023. If adopted, this Resolution will expand the boundaries of the Open Lands Special District to include annexed properties to help support the services provided to the Community.

Background Information: On January 29, 2007, the Helena City Commission created the Open Space Maintenance District No. 1 ("District") to protect, maintain, preserve, restore, and care for the City of Helena's open space lands and natural parks.

7-12-4179 MCA allows for the alteration of district boundaries once each calendar year by resolution and the City desires to alter the boundaries of Open Space Maintenance District No. 1 to include all property within the corporate limits of the City of Helena.

Proposal/Objective: Consider a Resolution Expanding the Boundaries of the Open Space Maintenance District No. 1 for Fiscal Year 2025.

Advantage: Defray the cost of operating and maintaining the District and to provide for capital improvements necessary for the management of the district. This step will allow the boundaries to be expanded prior to rates being set and assessed so all properties levied can provide public input.

Notable Energy Impact: N/A

Disadvantage: Cost to property owner(s) annexed into the City since the last Official Zoning Map was adopted.

Notice of Public Hearing: False

Staff Recommendation/ Recommended Motion: Move to approve a Resolution Expanding the Boundaries of the Open Space Maintenance District No. 1 for Fiscal Year 2025.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION EXPANDING THE BOUNDARIES OF THE OPEN SPACE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2025

WHEREAS, the City Commission has created a Special Improvement District for the purpose of protecting, maintaining, preserving, restoring, and caring for the City of Helena's open space lands and natural parks;

WHEREAS, § 7-12-4179, MCA, allows for the alteration of district boundaries once each calendar year by resolution; and

WHEREAS, the City Commission desires to alter the boundaries of Open Space Maintenance District No. 1 to include all property within the corporate limits of the City of Helena.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. That Open Space Maintenance District No. 1 consists of all real property within the corporate limits of the City of Helena, as indicated on the official zoning map of Helena adopted by the Commission on May 22, 2023, filed in the office of the City of Helena Clerk, and all properties annexed thereafter into the City by the Helena City Commission as of August 12, 2024.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF AUGUST, 2024.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

DRAFT

City of Helena, Montana

(07/29/24)

To: Mayor Collins and the Helena City Commission

From: Michael Alvarez, Planner II
Christopher brink, Dir. Community Development

Subject: Consider first passage of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-3 (residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Subdivision in the City of Helena, Lewis and Clark County, Montana

Present Situation: The applicant, 133 7th Ave LLC (John Iverson), is requesting a Zone Change to R-3 (residential) for the property located at 102 S Cooke Street, legally described as:
Lots 18-20 in Block 20 of the Corbin Subdivision in the City of Helena, Lewis and Clark County, Montana
The property is currently zoned R-2 (residential) and has a land use of Residential, single-dwelling unit.

Background Information: The subject property is located in an R-2 (residential) zoning district. The subject property has PLI zoning to the north, R-2 zoning to the east and south, and R-3 zoning to the west.
Subject property has adjacency to the applied for zoning district. The Future Land Use map designates this area as "Public" -- targeting it as an area for expansion of the state capitol complex. Neither R-2 nor R-3 would be considered strongly aligned with the goals of the Public designation, however, R-3, with its broader range of use types (especially those available through the CUP process) is more appropriate.

Proposal/Objective: Applicant originally applied with a concurrent application for a CUP to operate a Professional Office use in an R-3 (residential) zoning district. That application has been withdrawn.
The application has decided to continue with the zone change to increase their options for development at a later date.

Advantage: A zone change to R-3 allows for a path forward for the property to be used for purposes that befit its proximity to the capitol complex.

Notable Energy Impact: There is no intended change in use on the property associated with this zone change and therefore there is no notable energy impact expected.

Disadvantage: Neighbors to the subject property have voiced criticism to uses associated with the expanding into the surrounding residential neighborhood. The concern that they want people living in the properties along E Broadway St conflict with the growth policy's

	future land use map. Their concerns about parking for non-residential uses reflected the associated CUP application that has been withdrawn.
Notice of Public Hearing:	True (affidavit attached)
Staff Recommendation/ Recommended Motion:	Move to Approve an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-3 (residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Subdivision in the City of Helena, Lewis and Clark County, Montana.

STAFF REPORT

102 S Cooke St

Zone Change from R-2 to R-3

Case# ZONC2404-001

Michael Alvarez
Planner II

Community Development Department
316 North Park Avenue, Room 402
Helena, Montana 59623

City of
Helena
Est. 1881

Table of Contents

Section 1 - Project Overview 2
Section 2 - Staff Recommendation 2
Section 3 - General Information 2
Section 4 - Public Process 3
Section 5 –Evaluation 4
Section 6 - Staff Recommendation 7
Appendix A –Maps 8
Appendix B – Comments 11

City of Helena
Est. 1881

Section 1 - Project Overview

The applicant, John Iverson, is requesting a Zone Change to R-3 (residential) for the property located at 102 S. Cooke Street, legally described as:

> Lots 18-20 in Block 29 of the Corbin Addition to the City of Helena, Lewis and Clark County, Montana.

The subject property is located in an R-2 (residential) zoning district. In conjunction with this application, the property owners are requesting a Conditional Use Permit (CUP). The subject property has PLI (public lands and institutions) zoning to the north, R-3 zoning to the west (adjacent), R-2 (residential) zoning to the east and south.

Section 2 - Staff Recommendation

Move to recommend **Approval** of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-3 (residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Addition to the City of Helena, Lewis and Clark County, Montana.

Section 3 - General Information

Application Date: April 17, 2024

Public Hearing Dates: Zoning Commission – July 9, 2024
City Commission – August 12, 2024 – First Passage
City Commission – September 09, 2024 – Final Passage

Applicant: John Iverson
1437 Helena Ave #8
Helena, MT 59601

Authorized Representative: Same

Property Owner: 133 7th Ave., LLC
1437 Helena Ave. #8
Helena, MT 59601

Legal Description: Lots 18-20 in Block 29 of the Corbin Addition to the City of Helena, Lewis and Clark County, Montana.

General location: The property is generally located on the southwest side of the intersection of E. Broadway St. and S. Cooke Street.

Present Land Use: Residence, single-dwelling unit

Adjacent Land Uses:

North:	PLI -	Professional Offices (State Capitol)
South:	R-2 -	Residential (single-dwelling unit)
East:	R-2 – units)	Residential (single-dwelling unit and multiple-dwelling
West:	R-3 –	Residential (multiple-dwelling units)
Northwest:	R-3 –	Professional Offices (Montana Association of Realtors)

Tract/Property Size: Approximately 0.26 acres

2019 Growth Policy Land Use Designation(s): **Public**– Land that is in government or quasi-government use; some public uses may be incorporated into other land use categories.

Section 4 - Public Process

A. Zone Change applications are filed with the Community Development Department, and any required fees must be paid upon submission of an application. The application will then be reviewed by City staff, per City Code Section 11-1-10.

B. The Zoning Commission shall hold a public hearing and make a recommendation to the City Commission, per City Code Section 11-1-10.

D. The City Commission shall pass an ordinance approving the zoning change, which is effective thirty (30) days after the passage of the ordinance. (Ord. 3097, 4-7-2008)

This review process as defined by Helena City Code allows for public comment, staff review, and vetting through city departments and appointed and elected boards or committees prior to approval. As part of this process, the Community Development Department sends the application materials to applicable departments for their review and comment. This leads to a full evaluation of potential impacts and helps determine how the proposed conditional use relates to the review criteria.

Public Comment

An integral part of the review process is the conducting of public hearings and the solicitation of public comment. Comments are welcome throughout the entire process including during the public hearings. As of June 28, 2024, there have been no comments received regarding the proposed rezoning. Any comments received during and after the hearing conducted by the Zoning Commission will be attached to this report and presented to the City Commission for their review and final decision.

Section 5 –Evaluation

The property at 102 S. Cooke St. currently has the land uses of Residential, single-dwelling unit, and is zoned R-2 (residential). The applicant and property owner are requesting a zone change to the adjacent zoning, R-3 (residential) zone type. The merits of the associated CUP application are not considered in evaluating this zone change application.

The building was built in 1962 as a single-story, freestanding, single-dwelling unit and has existed in that capacity until its purchase by the applicant this year. The existing use on the property, residence, single-dwelling unit, is a use allowed by right in both the current and proposed zoning districts. The property has adjacency to the proposed zoning district, and staff has concluded that changing the zoning would not constitute "spot zoning."

Future land use map designations are not zoning districts and a variety of different allowable uses in each zoning district may match a future land use map designation. Every property must have its unique characteristics considered when its zoning is analyzed through the lens of the future land use map. For the subject property, developed as it is with an existing structure, and adjacent to the state capitol, the future land use designation of Public in this location carries a similar purpose to the adjacent state Capitol campus. Considering that purpose, the current zone type, R-2 (residential) is a poor match to the future land use map designation, and the proposed zone type, R-3 (residential) improves the property's conformity with the 2019 Growth Policy.

76-2-304. Criteria and guidelines for zoning regulations.

1. Zoning regulations must be:
    a. made in accordance with a growth policy; and
    b. designed to:
        i. secure safety from fire and other dangers;
        ii. promote public health, public safety, and the general welfare; and
        iii. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

2. In the adoption of zoning regulations, the municipal governing body shall consider:
    a. reasonable provision of adequate light and air;
    b. the effect on motorized and nonmotorized transportation systems;
    c. promotion of compatible urban growth;
    d. the character of the district and its peculiar suitability for particular uses; and
    e. conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

EVALUATION

1. *Zoning regulations must be:*

a. *Made in accordance with a growth policy;*

The 2019 City of Helena Growth Policy designates this property as "Public," defined as "[l]and that is in government or quasi-government use; some public uses may be incorporated into other land use categories." Residential uses would not generally be considered complimentary to the Public future land use designation. However, the R-3 (residential) zone type allows for a greater number of complimentary uses, such as

Professional Offices, through the Conditional Use Permitting process.

The proposed zone change aligns with the following goals and objectives:

- [G.01] Promote and sustain Helena's economic vitality, supporting existing businesses and attracting a diverse range of economic sectors that provide employment opportunities.
- [G.10] Plan for and establish types and quantities of land uses in Helena supporting community needs, neighborhood centers, aesthetics and the City's long-term sustainability.
- [O.77] Apply or revise zoning designations with careful consideration of factors including:
    - Future land use mapping;
    - Compatibility with surrounding land uses;
    - Infrastructure and service plans;
    - Development of vacant and under-utilized buildings;
    - Existing and future traffic patterns;
    - Goals and objectives of the growth policy.
- [O.82] Encourage development patterns and proposals that promote efficient use of City infrastructure and resources.
- [O.99] Promote the concentration of specialized industries within the city where specialized infrastructure, information, and labor advantages may promote economic development and desirable growth.

b. Designed to:

***i.* Secure safety from fire and other dangers;**

The subject property is within the City of Helena Urban Standards Boundary and is currently served by all City of Helena emergency services. The proposed zone change will not impact the levels of emergency services available in the surrounding area.

***ii.* Promote public health, public safety, and the general welfare;**

The proposed zone change will not significantly affect the subject property's zoning alignment with the surrounding residential zoning and will allow for more complimentary non-residential uses in the neighborhood. As such, the proposed zone change will not create unique impacts to health, safety, or welfare within the vicinity.

iii. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The property is currently fully developed and is served by City of Helena streets, utilities, and public services. The proposed zone change and any future uses will not have a significant impact on these services.

2. In the adoption of zoning regulations, the municipal governing body shall consider:

a. Reasonable provision of adequate light and air;

The existing property was built in 1962 as a single-story, freestanding, single-dwelling unit and has existed in that capacity until its purchase by the applicant this year. It conforms with both the current and proposed zoning types.

An evaluation of the property for compliance with the current zoning requirements of the R-3 zoning districts shows the following conditions:

Design Standard	Zoning Requirement for R-3	Present Condition
Lot Coverage	40% maximum	Approximately 18% (Calculation taken from Montana Cadastral data)
Height	36' maximum	<20'
Front Lot Line Setback (E Broadway St)	10' Minimum	~38' to property line (note that there is a non-standard, increased distance to the active right of way)
Front Lot Line Setback (S Cooke St)	10' Minimum	~24'
Setback from alleyway (South)	5' Minimum	~6'
Side Lot Line Setback (East)	6' Minimum	~38'
Garage door setback	20' Minimum	<24'

b. The effect on motorized and nonmotorized transportation systems;

A 0.26 acre R-2 Residential property could be expected to accommodate 1.29 – residence, single-dwelling units (9,000sf lot). The ITE trip generation manual for a detached single family home estimates 9.52 trips per unit. Two detached homes on the property would be estimated to produce 19.04 trips per day.

A 0.26 acre R-3 Residential property could be expected to accommodate 1.66 – residence, single-dwelling units (7,000sf lot) or 5.8 – residence, multiple-dwelling units (1 unit per 2,000sf). The ITE trip generation manual for a detached single family home estimates 9.52 trips per unit. six – residence, multiple-dwelling units on the property would be estimated to produce 39.99 trips per day. Estimates do not include ranges for uses approved through the CUP process.

The 2014 Greater Helena Long Range Transportation Plan designates E. Broadway St. as a minor collector and S. Cooke Street as a local road. Roads are designed to the City of Helena engineering standards. Local roads are designed to accommodate less than 1,500 vehicles per day. Minor Collectors are designed to accommodate between 1,501 and 3,500 vehicles per day.

The proposed zone change to R-3 will not have significant impact on local traffic (vehicular, bicycle, and pedestrian) compared to the existing R-2 use.

c. Promotion of compatible urban growth;

The 2019 City of Helena Growth Policy designates this area as Public, an area that is in government or quasi-government use.

The R-2 zoning district restricts the type of uses typically found in Public areas primarily by limiting commercial and recreational activities within the district. R-2 zoning districts prohibits applicable commercial use outside of community gardens, and, through the CUP process, cultural facilities and worship facilities. The zone type otherwise prohibits almost all applicable uses.

The proposed R-3 zoning district similarly restricts the type of uses typically found in Public areas. However, through the CUP process, it allows for Professional Offices, which is the prevailing use type in the adjacent PLI (public lands and institutions) zoning district that covers the Capitol campus to the north of 102 S. Cooke Street.

d. The character of the district and its peculiar suitability for particular uses; and

The zoning change to R-3 is not out of alignment with the zoning of the area. This is a predominately residential zoned area and R-3 is a residential zone type.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The proposed zone change to R-3 will increase consistency with adjacent properties and increase development opportunities unique to the area. The proposed zoning is not expected to create detrimental impacts to the surrounding properties because this zone type already exists adjacent to the subject property and affords for similar uses found in the vicinity. The increased compliance with the Growth Policy will generate uses that are wholly complimentary with surrounding properties.

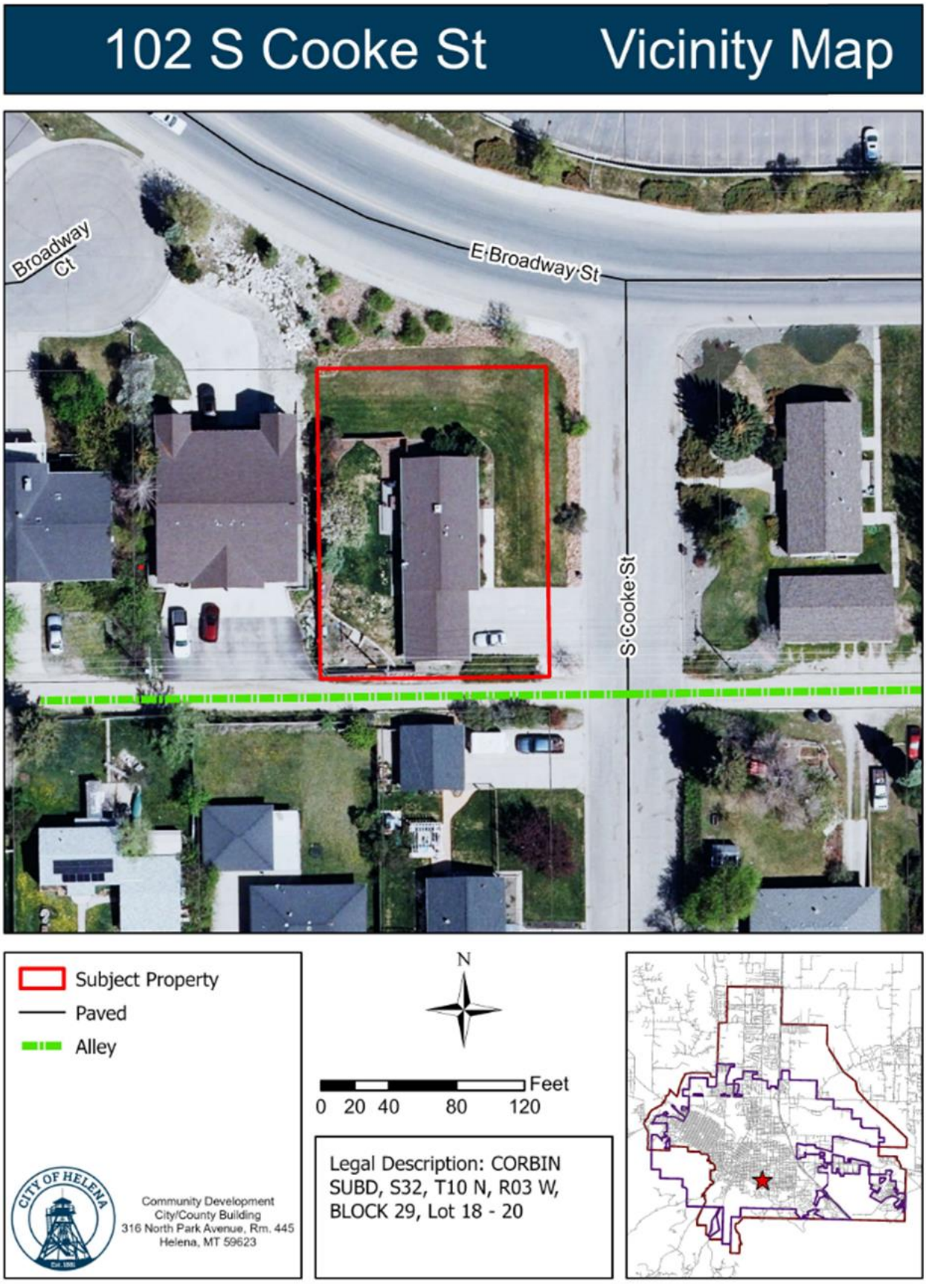
Section 6 - Staff Recommendation

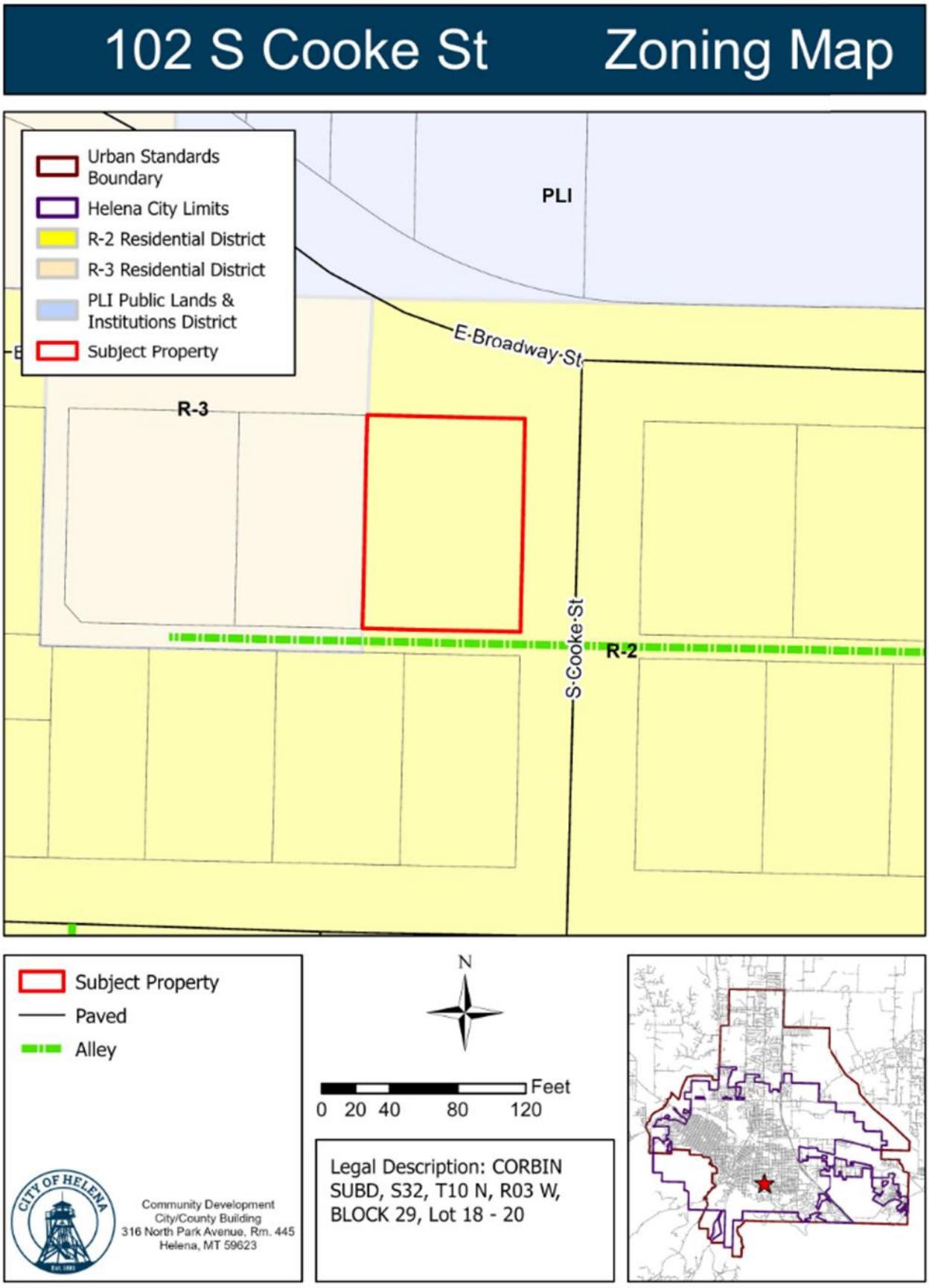
The approval of this zone change is consistent with the goals and objectives of the 2019 Growth Policy and is consistent with all of the Montana zoning criteria.

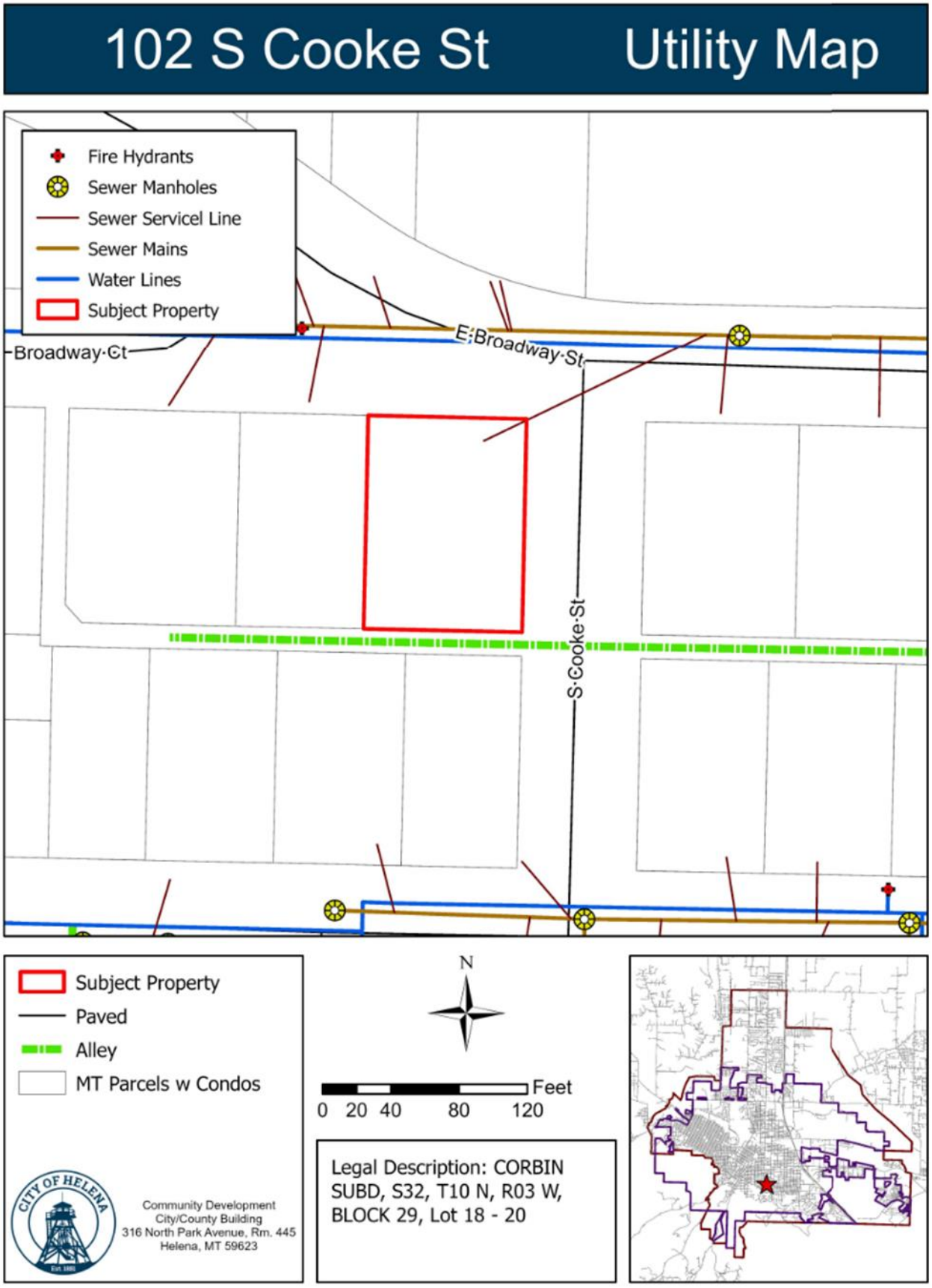
Staff Recommendation:

Move to recommend **Approval** of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (residential) to R-3 (residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Addition to the City of Helena, Lewis and Clark County, Montana.

Appendix A –Maps




102 S Cooke St Zoning Map
Urban Standards Boundary
Helena City Limits
R-2 Residential District
R-3 Residential District
PLI Public Lands & Institutions District
Subject Property
PLI
E Broadway St
R-3
S Cooke St
R-2
Subject Property
Paved
Alley
N
Feet
0 20 40 80 120
Legal Description: CORBIN SUBD, S32, T10 N, R03 W, BLOCK 29, Lot 18 - 20
CITY OF HELENA
Community Development
City/County Building
316 North Park Avenue, Rm. 445
Helena, MT 59623


102 S Cooke St Utility Map
Fire Hydrants
Sewer Manholes
Sewer Servicel Line
Sewer Mains
Water Lines
Subject Property
Broadway Ct
E Broadway St
S Cooke St
Subject Property
Paved
Alley
MT Parcels w Condos
N
Feet
0 20 40 80 120
Legal Description: CORBIN SUBD, S32, T10 N, R03 W, BLOCK 29, Lot 18 - 20
CITY OF HELENA
Community Development
City/County Building
316 North Park Avenue, Rm. 445
Helena, MT 59623

Appendix B – Comments

ZONE CHANGE APPLICATION

Community Development Department, Planning Division
316 North Park Avenue, Room 445, Helena, MT 59623
406-447-8490; **citycommunitydevelopment@helenamt.gov**

Date received:
RECEIVED
APR 17 2024
City Comm. Dev. Dept.

APPLICATION FEE: $410.00
(PAYABLE TO THE CITY OF HELENA)
ALL FEES ARE NON-REFUNDABLE

Application to the Helena Zoning Commission and City Commission for an amendment to the official Zoning Map. Such amendments re-classify property from one zoning district to another.

PROPERTY OWNER: *Primary Contact?* ☐

Name: 133 7th Ave LLC
Address: 1437 Helena Ave #8
Email: iversonmontana@gmail.com
Primary Number: (406) 459-3344
Other Phone:

APPLICANT (If different from property owner)**:** *Primary Contact?* ☑

Name: John Iverson
Address: 1437 Helena Ave #8
Email: iversonmontana@gmail.com
Primary Number: (406) 459-3344
Other Phone:
Company:

AUTHORIZED REPRESENTATIVE: *Primary Contact?* ☐

Name:
Address:
Email:
Primary Number:
Other Phone:
Company:

☑ Address of the Property: 102 S Cooke St. Helena, MT 59601
Address City State Zip Code

☐ Legal Description (Lots, Block, & Subdivision, COS #, deed reference)
CORBIN SUBD, S32, T10 N, R03 W, BLOCK 29, Lot 18 - 20

☐ Provide a current deed and plat/COS with the metes and bounds of the subject property

☐ Geocode 05-1888-32-2-19-19-0000

☐ Current City Zoning District R-2

☐ Proposed Zoning District R-3

☐ Adjacent Zoning Districts R-2 and R-3

☐ Are there other related Land Use Applications being submitted: Yes ☑ No ☐

☐ Submit proof of current paid taxes

☐ Existing use on the property Residental House

I HEREBY CERTIFY AND ACKNOWLEDGE THE STATEMENTS IN THIS APPLICATION AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed: _____ Date: 2/14/24
Property Owner

Applicant: _____ Date: _____
(If different from Owner)

Review Criteria

(A different zoning district may be recommended if it appropriately fits the review criteria)

Your application will be reviewed using Montana MCA Section 76-2-304, "Criteria and Guidelines for Zoning Regulations" stated below.

(1) Zoning regulations must be:
- *(a) made in accordance with a growth policy; and*
- *(b) designed to secure safety from fire and other dangers;*
- *(ii) promote public health, public safety, and the general welfare; and*
- *(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.*

(2) In the adoption of zoning regulations, the municipal governing body shall consider:
- *(a) reasonable provision of adequate light and air;*
- *(b) the effect on motorized and nonmotorized transportation systems;*
- *(c) promotion of compatible urban growth;*
- *(d) the character of the district and its peculiar suitability for particular uses; and*
- *(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.*

Per Section 11-1-10 of the Helena City Code, the Zoning Commission and the City Commission will hold public hearings, to give the public an opportunity to be heard upon the matter. The Zoning Commission will make a recommendation to the City Commission who will approve or deny the requested zoning. If approved, the zone change becomes effective 30 days after final pass of the zone change Ordinance.



Shopping Cart: 0 items [$0.00]

New Search | History | Payoff | PayTaxes | Help

Property Tax ID: 4544

Status: Current
Realware#: 188832219190000
Receipt: 10440

2023 Owner(s):
CHOVANAK MICHAEL T & SHIRLEY

Mailing Address:
102 S COOKE ST
HELENA, MT 596015235

Levy District:
01-01, Tax District 01

Tax Comparison

2023 Value:

Market:	$328,300
Taxable:	$4,432

Detail

2023 Taxes: View Pie Charts

First Half:	$1,825.12	**Due:** 11/30/2023
Second Half:	$1,825.09	**Due:** 5/31/2024
Total:	$3,650.21	

Detail

2023 Payments:

First Half:	$1,825.12
Second Half:	$1,825.09
Total:	$3,650.21

(May include penalty & interest)

2023 Legal Records:

Geo Code: 05-1888-32-2-19-19-0000 **Deed Book:** M40 **Page:** 7842 **Instru#:** 3174141 **Date:** 2009-08-31

Property address: 102 S COOKE ST, HELENA MT 59601
Subdivision: (COR) SubDiv COR **Lot:** 18 **Block:** 29
TRS: T10 N, R03 W, Sec. 32
Legal: CORBIN SUBD, S32, T10 N, R03 W, BLOCK 29, Lot 18 - 20
Acres: 0.26

Note: The accuracy of this data is not guaranteed. Property Tax data was last updated 02/14/2024 01:00 PM.

Send Payments to:
Lewis & Clark County
316 North Park Ave; Room #113
Helena, Montana 59623

Phone: (406) 447-8329
Email: propertytax@lccountymt.gov

tyler technologies

Google Maps



Imagery ©2024 Airbus, CNES / Airbus, Maxar Technologies, U.S. Geological Survey, Map data ©2024 100 ft

Subject Property


Helena Zoning
Community Development and Planning
Helena City Code
Select Dropdown to Search
E 6Th Ave
8Th Ave
Golden St
Unnamed St
N Roberts St
PLI
5Th Ave
N Sanders St
N Montana
N Hoback St
Breckenridge St
N Alta St
N Dakota St
Lockey Ave
R-O
Carson St
S Hoback St
S Alta St
Shiland St
Stabern St
S Dakota St
Broadway Ct
S Cooke St
S Roberts St
S Oakes St
Highland St
S Montana Ave
S Sanders St
S Harris St
R-2-T #20
State St
Jerome Pl
S Cooke St
Wallace St
3Rd St
R-1
S Roberts St
Sibelius St
Tamarack St
Illinois Ave
Rhode Island St
Touchstone Dr
Wintergreen Ct
Quarry Ln
Hazelgreen Ct
Baarson Blvd
Diehl Dr
PUD #5
Woodbridge Dr
PUD #9
Mueller Ct
Strawberry Dr
Ohio Ave
Harris Ct
Virginia Dale St
600ft
-112.015 46.585 Degrees

Application for Zoning Change: 102 S Cooke St

John Iverson, Owner
1437 Helena Ave #8
Helena, MT 59601
406 459-3344
iversonmontana@gmail.com

102 S Cooke St is a 2-bedroom house located on the corner of Broadway and Cooke, immediately South from the Capital building. The property is zoned R-2, the property immediately adjacent to the west is zoned R-3. I am requesting that the subject property zoning be changed from R-2 zoning to R-3 zoning. I would like to apply for a CUP under R-3 zoning to use the subject property as an office. Conditional use permits are not allowed under R-2 zoning for office use.

I provide non-profit association management services and non-profit government affairs services and seek to use the subject property as an office. The property's proximity to the Capital makes it an ideal office location for this type of work.

The neighborhood around the Capital is evolving and I expect that many more property owners on the busy streets that surround the Capital will see this type of use as the highest and best use for their property. Capitals all over the country have seen these types of "government adjacent" uses near their capitals.

I believe that this application complies with the growth policy and does not have any impact on safety from fire and other dangers.

Compliance with the 2019 Helena Growth Policy

From Chapter 3, page 9 of the Helena 2019 Growth Policy

> ***Future land use classification boundaries should be interpreted in a broad, flexible manner, but in context with currently existing land uses and development. Therefore, the boundaries shown on the Future Land Use Map are not absolute but may vary slightly according to the situation.***

Let break the above first sentence into two parts to see if this application meets this definition within the Growth policy.

Future land use classification boundaries should be interpreted in a broad, flexible manner:

The subject property's next-door neighbor is allowed under the current zoning and growth policy to apply for a CUP for an office use. I am asking to be zoned like my next-door neighbor.

but in context with currently existing land uses and development.

There are six city blocks south of Broadway, just south of the Capital Complex, whose future land use has been determined to be "public". The subject property is within these six blocks. There is not a single property that I am aware of within these six blocks that is being used in the way that is suggested in the future land use map.

However, within the same city block as the subject property, there is a 2 story 8,600 sq ft. commercial office building. And not far to the east of the subject property is a commercial daycare. Therefore, this application complies with the currently existing land uses.

The existing structure meets the proposed zoning dimensional standards without a need for a variance and I have no plans to change the structure.

The existing use on the subject property meets the proposed zoning permitted uses.

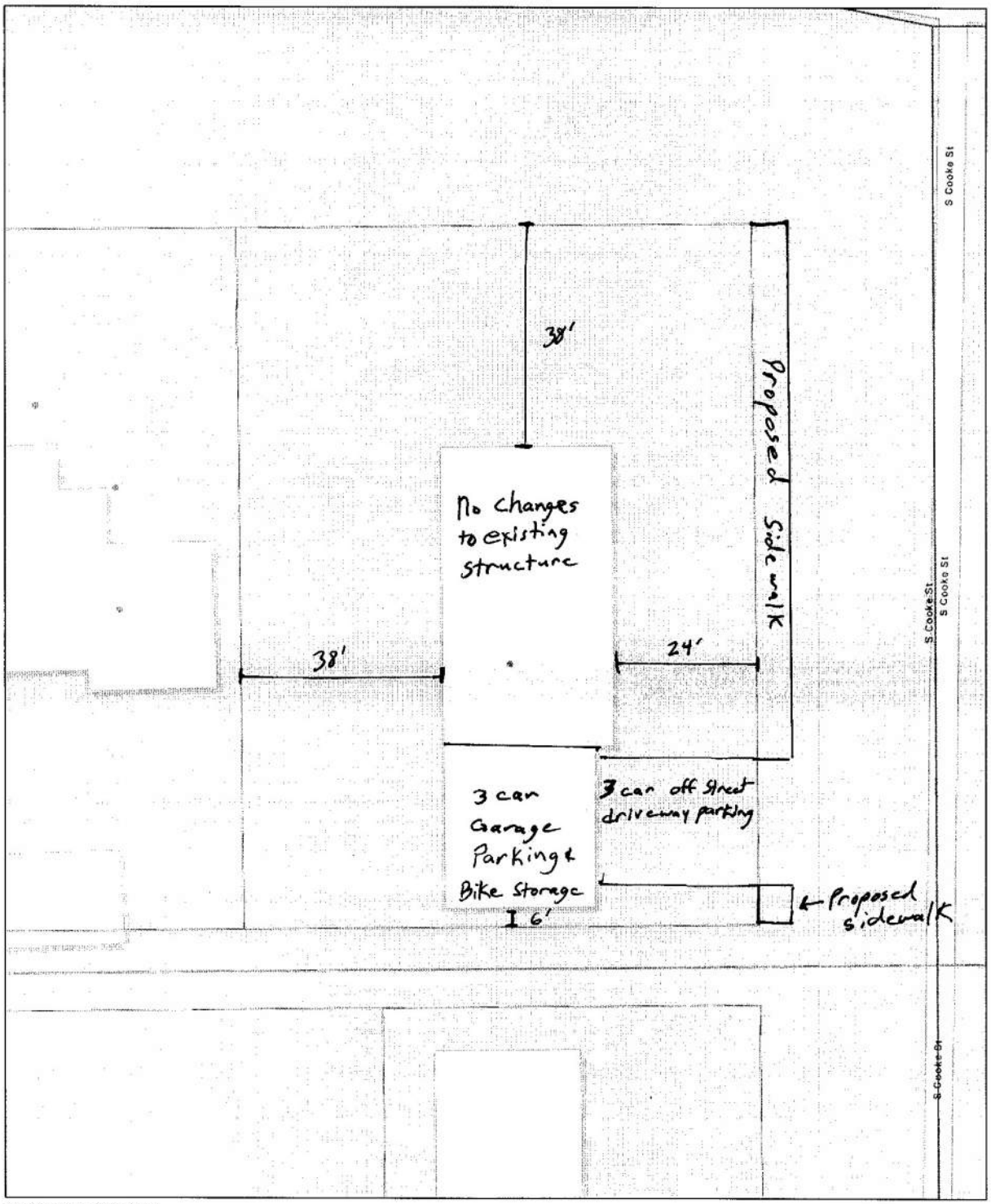
I mailed a letter informing the immediate neighbors to the south, east and west of my desire to change my zoning. I heard back from on neighbor, and they were supportive.

Thank you for considering my application.

John Iverson

Site Plan 102 S. Cooke St
CUP Application

ArcGIS Web Map



5/31/2024, 2:17:37 PM

Roadways: Railroads; Interstate; Divided 4-Lane; Paved; Unpaved; Driveway; Oneway; Oneway; Non-Motorized; Abandoned; Water Access Only; Alley

Highways: Interstate Hwy; US Hwy; Montana Hwy; Secondary Hwy

Addresses: Residential; Commercial; Public; Miscellaneous; Private Non-Profit; Residential Mulit-Family; School

Parcel Boundaries; Helena City Limits; County Boundary; East Helena City Limit; Lakes; Streams

1:282

0 0 0 0.01 mi

0 0 0.01 0.01 km

Lewis and Clark County/City of Helena GIS Services, The data contained on this map are NOT the official records and may be inaccurate and incomplete! The City of Helena and Lewis & Clark County do not warrant, either explicit or implied, the completeness or accuracy of the information

Web AppBuilder for ArcGIS

Lewis and Clark County/City of Helena GIS Services | The data contained on this map are NOT the official records and may be inaccurate and incomplete! The City of Helena and Lewis & Clark County do not warrant.

* Measurements are approximate

802

For Abandonment of streets and Alleys, see Ordinance No. 1390, recorded Aug. 8, 1949, in Book 146 of Misc'l Records on Page 286

For Closing of alley by Ordinance No. 1440, see Book 50 Misc'l Records on Page 496 Recorded Dec 11, 1952

For closing of alley by ordinance No. 1505 see Book 57 Misc'l page 336 Recorded May 16, 1955

Resolution closing portions of Cook St and alley. Resolution No. 5081 see Book 57 Misc'l page Recorded May 16, 1955

CORBIN SUBDIVISION

— OF THE —

N.W.¼ Sec. 32 T.10N.R.3W.

Scale 200 ft. = 1 Inch.

We Richard Lockey and Emily E. Lockey his wife by Massena Bullard, their Attorney-in-fact, Frederick W. Dunton and Emily M. Dunton his wife, by Daniel C. Corbin, their Attorney-in-fact, and Daniel C. Corbin, do hereby Certify that we have caused to be surveyed and platted into lots and blocks streets, alley and public park, as shown upon the plat and survey hereunto annexed, the following described tract of land, to wit: the N.W.¼ of Sec. 32 T.10 N.R.3W. in the county of Lewis and Clarke and State of Montana, as an Addition to the City of Helena, Montana, to be known as "Corbin" and all the lands included in all streets, avenues and alleys, and that certain public park designated as "Lockey Avenue Park" shown on said plat are hereby donated and granted to the use of the public forever; and this dedication is made upon the express consideration and condition that the said public park shall be forever known and designated as "Lockey Avenue Park" and it is expressly stipulated and made a condition of this dedication that, if the name of said park shall at any time be changed, then and in that event this dedication of said park shall be construed to be void, and the land embraced in said park, and the title thereto, shall immediately re-vest in the parties named herein, their heirs or assigns, in the same proportions in which the title is now held by them, and that the same to all intents and purposes as if this dedication thereof had not been made; and this dedication is made upon the further express stipulation and condition that the certain avenue shown upon said plat and described as "Lockey Avenue" shall forever be known by said name of "Lockey Avenue" and the name of said Lockey Avenue shall not be changed, and if the same shall be changed then and in such event the dedication thereof shall be construed as void, and the title thereto shall re-vest in the parties named herein, their heirs and assigns, in the same proportions in which said title is now held by the respective parties. In witness whereof, we hereunto set our hands and seals this 24th day of May A.D. 1890.

Richard Lockey (Seal) by Massena Bullard his Atty in fact (Seal)
Emily E. Lockey (Seal) by Massena Bullard her Attorney in fact (Seal)
Frederick W. Dunton (Seal) by Daniel C. Corbin his Atty in fact (Seal)
Emily M. Dunton (Seal) By Daniel C. Corbin her Atty in fact (Seal)
Daniel C. Corbin (Seal)

State of Montana } ss.
County of Lewis and Clarke }

On this 24th day of May A.D. 1890, personally appeared before me F.R. Wallace a Notary Public in and for said county Massena Bullard, personally known to me to be the same person described in and who executed by power of attorney the accompanying instrument and plat as the attorney in fact of Richard Lockey and Emily E. Lockey, his wife, named in the accompanying instrument and plat as parties thereto, and therein described as the parties executing the same by their said attorney; and at the same time personally appeared before me Daniel C. Corbin personally known to me to be the same person described in and who executed the said accompanying instrument and plat as one of the parties thereto, and as the attorney in fact of Frederick W. Dunton and Emily M. Dunton, his wife, named in the said instrument and plat as parties thereto, and therein described as the parties executing the same by their said attorney; and the said Massena Bullard acknowledged to me that he executed the same freely and voluntarily, as and for the act and deed of the said Richard Lockey and Emily E. Lockey and for the uses and purposes therein mentioned; and the said Daniel C. Corbin acknowledged to me that, for himself and as and for the act and deed of the said Frederick W. Dunton and Emily M. Dunton he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness Whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notarial Seal)

F.R. Wallace
Notary Public

State of Montana } ss.
County of Lewis and Clarke }

I, Albert S. Hovey do solmenly swear that I made from May 17th to 24th 1890 Careful Survey of the Corbin Addition to the City of Helena, County of Lewis and Clarke, and State of Montana, that the streets and alleys are in width in feet stated in figures on this map, that said Addition has been laid out on the ground according to said map, stone monuments have been set in center intersections of all streets, iron pins, at corners of each Block and stakes at each Lot corner: Said Addition embraces the N.W.¼ Sec. 32 T.10 N.R.3 W. of the Principal Base and Meridian of Montana. That said survey and plat have been made according to the provisions of an Act of the Legislature Assembly approved March 14th 1889.

Albert S. Hovey Civil Engineer

Subscribed and sworn to before me this 26th day of May A.D. 1890.

(Notarial Seal)

George O. Freeman Notary Public

I certify that the annexed plat of Corbin conforms to the streets and Alleys of the adjoining Additions as near as the configuration of the ground will admit. May 27, 1890.

Geo. K. Rhodes City Engineer

I hereby certify that the annexed Plat of Corbin was approved by the City Council of the City of Helena, Montana on the 27th day of May A.D. 1890. Witness my hand and the corporate seal of the City of Helena, this 4th day of June A.D. 1890.

(Corporate Seal)

Robt. A. Smith City Clerk.

Affidavit showing no Mortgages filed.

The accompanying Plat and Field Notes of the survey of Corbin Addition to Helena embracing the N.W.¼ Sec. 32 T.10 N.R.3W. which has been made at the instance of Daniel Corbin et al Wm are the owners of the land embraced in said Survey, is hereby accepted and approved. Dated June 6th 1890.

C.W. Knight
Chairman Board County Commissioners
Lewis and Clarke County, Montana.

Fees $100.00

State of Montana } ss.
County of Lewis & Clarke }

I hereby certify that the within instrument was filed in my office on the 9 day of June A.D. 1890 at 55 min past 9 o'clock A.M. and recorded on Page 33 of Book 2 of Plats, Records of Lewis & Clarke County State of Montana

A.S. Tooker County Recorder

1888--32 Corbin Subdivision

Flowerree Addition
C.W. Cannon Addition
Tenth Street Addition
Montana Ave. Addition
East Valley View Addition
Montana Ave. Addition
Lockey Avenue Park
Lenox "
Lamborn
Fairmount Park Addition

S 89°53' W. 265245'
S 0°11' W. 2690'
N 89°53' E. 2664.6'

SIXTH AVENUE
LOCKEY AVENUE
BROADWAY
HIGHLAND AVENUE
JEROME PLACE
WINNE AVENUE

MONTANA AVENUE
COOKE STREET
ROBERTS STREET
SANDERS STREET
HARRIS STREET
OAKES STREET
WALLACE STREET
TRUMBACK STREET

CERTIFICATE OF SURVEY NO. _____

FOR A PORTION OF BLOCK 19 IN THE CORBIN SUBDIVISION IN THE CITY OF HELENA

NW 1/4 SEC. 32 , TWP. 10N , RGE. 3W , P.M.M.

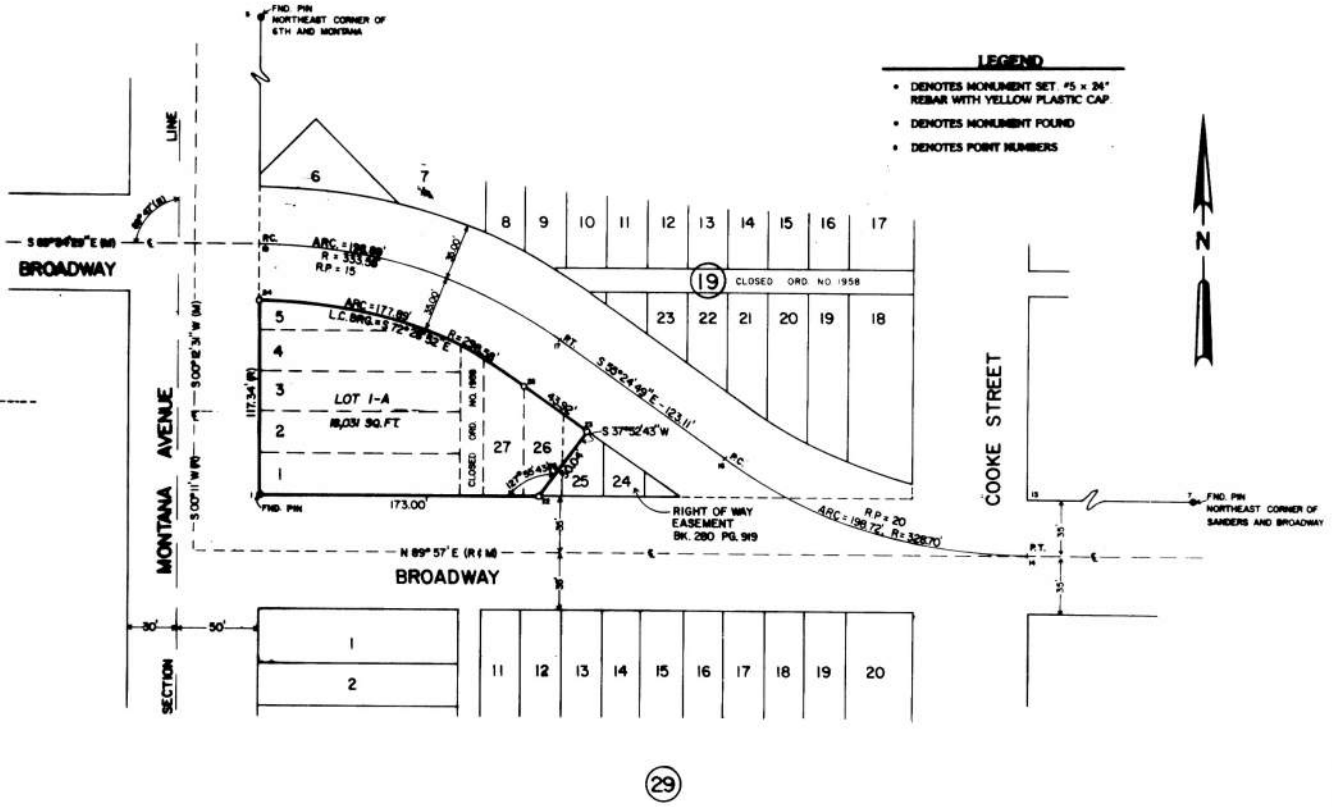
LEWIS & CLARK COUNTY

SCALE (FEET)

333830
333830

STATE OF MONTANA
COUNTY OF LEWIS & CLARK
I hereby certify that the within instrument was filed in my office at this 18 day of June A.D. 19 81 at 20 min. past 12 o'clock P. M. Records of Lewis & Clark County, State of Montana
Recorder
By Kathy Davis Deputy
Fee 2.00

Corbin Addn. Portion of Blk. 19
1888--32
#333830



29

BASIS OF BEARINGS
RECORD BEARINGS FOR CENTERLINE OF BROADWAY WEST OF MONTANA NORTH 89° 57' EAST

OWNER OF THE TRACT
THE MONTANA DEPARTMENT OF STATE LANDS

CERTIFICATE OF EXEMPTION

"WE HEREBY CERTIFY THAT THE PURPOSE FOR THIS SURVEY IS TO IDENTIFY THE EXTERIOR BOUNDARIES OF A PARCEL OF LAND DIVORCED FROM THE ORIGINAL TRACT BY HIGHWAY CONSTRUCTION; THEREFORE, THIS DIVISION OF LAND IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES PURSUANT TO TITLE 76, CHAPTER 76, 6052(2).

GARETH MOON, COMMISSIONER
DEPARTMENT OF STATE LANDS

REASON FOR SURVEY

THIS SURVEY WAS PERFORMED IN ORDER TO ESTABLISH THE BOUNDARIES OF AN EXISTING TRACT OF LAND CREATED BY THE AQUISITION OF STREET RIGHT OF WAY AND TO AGGREGATE THE EXISTING LOTS INTO ONE.

BOUNDARY DESCRIPTION

A TRACT OF LAND IN LEWIS AND CLARK COUNTY, CITY OF HELENA, SITUATED IN THE NORTHWEST ONE QUARTER OF SECTION 32, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M. AND BEING A PORTION OF BLOCK 19 OF THE CORBIN SUBDIVISION, SAID TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 19, THENCE NORTH 00° 12' 31" EAST, 117.34 FEET TO THE SOUTHERLY RIGHT OF WAY OF BROADWAY; THENCE ALONG SAID RIGHT OF WAY ON A CURVE TO THE RIGHT ARC LENGTH EQUALS 177.89 FEET, RADIUS EQUALS 298.58 FEET, LONG CHORD BEARING IS SOUTH 72° 28' 52" EAST; THENCE SOUTH 55° 24' 49" EAST, 43.92 FEET; THENCE SOUTH 37° 52' 43" WEST, 50.04 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF BROADWAY; THENCE ALONG SAID RIGHT OF WAY SOUTH 89° 57' WEST, 173.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 18,031 SQUARE FEET.

CERTIFICATE OF SURVEYOR

I, LOWELL C. HANSON, DO HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION DURING MARCH OF 1981.

MONTANA REGISTERED PROFESSIONAL ENGINEER LOWELL C. HANSON 2523ES

LOWELL C. HANSON
REGISTERED ENGINEER & LAND SURVEYOR # 2523ES
HELENA, MONTANA

EXAMINING LAND SURVEYOR

Registered Land Surveyor
Cert. Reg. No. 2354-S
Reviewed Under Section 76-3-611, MCA
Date 6-18-81

PREPARED BY
L. C. Hanson Co.
CONSULTING ENGINEERS AND SURVEYORS
HELENA, MONTANA

1/4	SEC.	TWP.	RGE.
☒	32	10N	3W

Project Reviews
City of Helena

Project Number: ZONC2404-001

Description: **102 S Cooke**

Applied: **4/17/2024**
Approved:
Closed:
Expired:
Status: **RECEIVED**
Parent Project:

Site Address: **102 S COOKE ST**
City, State Zip Code: **HELENA, MT 59601**
Applicant: **John Iverson**
Owner: **CHOVANAK MICHAEL T & SHIRLEY**
Contractor: **<NONE>**

Details:

LIST OF REVIEWS						
SENT DATE	**RETURNED DATE**	**DUE DATE**	**TYPE**	**CONTACT**	**STATUS**	**REMARKS**
Review Group: ALL						
6/5/2024	6/11/2024	6/14/2024	TRANSPORTATION SYSTEMS	Mark Young	NO COMMENT	
Notes:						
Review Group: AUTO						
4/17/2024		4/20/2024	DIRECTOR REVIEW	Christopher Brink		
Notes:						
Review Group: ZONING						
6/5/2024	6/10/2024	6/14/2024	ADDRESSING	Jason Danielson	APPROVED	
Notes:						
6/5/2024	6/7/2024	6/14/2024	BUILDING	Kim Mack	SEE COMMENTS	
Notes: No comments related to the Zone Change. See CUP comments for building requirements for "Change of Use".						
6/5/2024		6/14/2024	CITY ATTORNEY	Attorney Bucket		
Notes:						
6/5/2024	6/10/2024	6/14/2024	FIRE	Lou Antonick	SEE COMMENTS	
Notes: The Helena Fire Department does not have any comments for this Zone Change but did have comments for the CUP related to Change of occupancy. Please refer to those comments. 6/7/2024 12:58:17 PM						

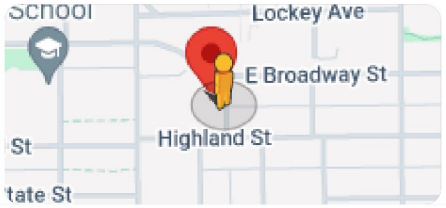
Project Reviews
City of Helena

6/5/2024		6/14/2024	HCC			
Notes:						
6/5/2024	6/17/2024	6/14/2024	PARKS	Craig Marr	NO COMMENT	
Notes:						
6/5/2024		6/14/2024	PLANNING	Planning Bucket		
Notes:						
6/5/2024		6/14/2024	POLICE	Police Bucket		
Notes:						
6/5/2024	6/11/2024	6/14/2024	PUBLIC WORKS	JAMIE CLARK	NO COMMENT	
Notes:						
6/5/2024		6/14/2024	ZONING ENFORCEMENT	Planning Bucket		
Notes:						

Google Maps 102 S Cooke St



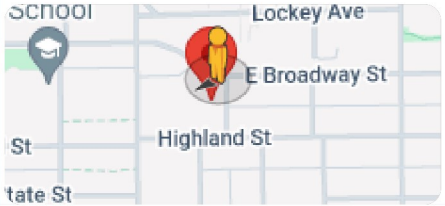
Image capture: Aug 2021 © 2024 Google



Google Maps 1299 E Broadway St



Image capture: Oct 2021 © 2024 Google



Independent Record

AFFIDAVIT OF PUBLICATION

See Proof on Next Page

Helena Independent Record
2222 N. Washington St
Helena, Montana 59602
(123) 456-7890

State of Pennsylvania, County of Lancaster, ss:

Tatiana Dorval, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Helena Independent Record, a newspaper of general circulation published that is a "legal newspaper" as that is published daily in the City of Helena, in the County of Lewis and Clark, State of Montana, and has charge of the Advertisements thereof.

If this certification is for the State of Montana, I hereby certify that I have read sec. 18-7-204 and 18-7-205， MCA, and subsequent revisions, and declare that the price or rate charged the State of Montana for the publication for which claim is made in printed copy in the amount of $48.00， is not in excess of the minimum rate charged any other advertiser for publication of advertisement, set in the same size type and published for the same number of insertions, further certify that this claim is correct and just in all respects, and that payment or credit has not been received.

PUBLICATION DATES: July. 27 2024

NOTICE ID: OIx18Ough8Lw043xynR0

PUBLISHER ID: COL-MT-200478
NOTICE NAME: City Commission 8/12 CD
Publication Fee: $48.00

(Signed) Tatiana Dorval

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 07/29/2024

Nicole Burkholder

Notary Public
Notarized remotely online using communication technology via Proof.

NOTICE OF PUBLIC HEARING

The Helena City Commission will hold a public hearing on **Monday, August 12, 2024, at 6pm in person in the Commission Chambers, Rm. 330, 316 N Park Ave, and via the ZOOM platform.** The meeting will serve to consider the following proposal:

- **To consider approval of a resolution to set fees to be charged for various land use and subdivision review applications within the Planning Division of the Department of Community Development, repealing Resolution No. 11039, and providing for a policy for the waiver of fees.**
- **To consider final passage of an ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof, and to set the public hearing.**
- **To consider first passage of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (Residential) to R-3 (Residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Subdivision to the City of Helena, Lewis and Clark County, Montana.**

ADDRESS:
This property is located at 102 S Cooke Street and is generally located on the southeast side of the intersection of E Broadway St and S Cooke St.

This meeting can be accessed via the online meeting platform Zoom at:
https://us06web.zoom.us/j/89382079922
Webinar ID: 893 8207 9922
Dial in at (253) 215-8782 (Tacoma), or (346) 248-7799 (Houston), or find your local number at: https://us06web.zoom.us/u/kStLNOlae

For further information on this proposal, please contact the Community Development Department located in the City-County Building, 316 N. Park Avenue, Room 445, Helena, MT 59623 or by calling (406) 447-8490.

Dannai Clayborn
City Clerk

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447- 8490; TTY Relay Service 1-800-253-4091 or 711; Email: Citycommunitydevelopment@helenamt.gov; Mailing Address & Physical Location: 316 North Park, Avenue, Room 445, Helena, MT 59623.
July 27, 2024 COL-MT-200478 **MNAXLP**

Independent Record

AFFIDAVIT OF PUBLICATION

See Proof on Next Page

Helena Independent Record
2222 N. Washington St
Helena, Montana 59602
(123) 456-7890

State of Texas, County of Bexar, ss:

Emmie Atwood, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Helena Independent Record, a newspaper of general circulation published that is a "legal newspaper" as that is published daily in the City of Helena, in the County of Lewis and Clark, State of Montana, and has charge of the Advertisements thereof.

If this certification is for the State of Montana, I hereby certify that I have read sec. 18-7-204 and 18-7-205， MCA, and subsequent revisions, and declare that the price or rate charged the State of Montana for the publication for which claim is made in printed copy in the amount of $48.00， is not in excess of the minimum rate charged any other advertiser for publication of advertisement, set in the same size type and published for the same number of insertions, further certify that this claim is correct and just in all respects, and that payment or credit has not been received.

PUBLICATION DATES: June. 22 2024

NOTICE ID: 0mSrUwSIiI5nBPkRFpWo

PUBLISHER ID: COL-MT-200345
NOTICE NAME: ZONC2404-001 -- CUP2405-001
Publication Fee: $48.00

Emmie Atwood

(Signed)_____

VERIFICATION

State of Texas
County of Bexar

NOTARY PUBLIC STATE OF TEXAS

Robert Hollie III

ID NUMBER
133582194
COMMISSION EXPIRES
February 10, 2026

Subscribed in my presence and sworn to before me on this: 06/25/2024

_____
Notary Public

Electronically signed and notarized online using the Proof platform.

NOTICE OF PUBLIC HEARING
PUBLICATION DATE: June 22, 2024

NOTICE OF PUBLIC HEARING
The Helena Zoning Commission will hold public hearings on **Tuesday, July 09, 2024, at 6pm in person in the Commission Chambers, Rm 330, 316 N Park Ave, and via the ZOOM platform** . The meeting will serve to consider the following proposals:
Item 1:
To consider an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (Residential) to R-3 (Residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Subdivision to the City of Helena, Lewis and Clark County, Montana .
ADDRESS:
This property is located at 102 S Cooke Street and is generally located on the southeast side of the intersection of E Broadway St and S Cooke St.
Item 2:
To consider a resolution granting a Conditional Use Permit to allow General Services / Professional Offices uses in a R-3 zoning district for the property legally described as Lots 18-20 in Block 29 of the Corbin Subdivision to the City of Helena, Lewis and Clark County, Montana.
ADDRESS:
This property is located at 102 S Cooke Street and is generally located on the southeast side of the intersection of E Broadway St and S Cooke St.
This meeting can be accessed via the online meeting platform Zoom at:
https://zoom.us/j/92989300533
Meeting ID: 929 8930 0533
Dial in at 1(346) 248-7799, or find your local number at: https://zoom.us/u/a7dWq98hm

Public comment will be taken up to and at the above meeting. If you wish to submit written comments prior to the meeting please send them in via email to malvarez@helenamt.gov or mail to Michael Alvarez, Community Development Department, Room 445, 316 N. Park Ave, Helena MT, 59623. For any questions, please call 406-447-8459.

Rebecca Harbage
Chair, City of Helena Zoning Commission

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447- 8490; TTY Relay Service 1-800-253-4091 or 711; Email: Citycommunitydevelopment@helenamt.gov; _Mailing Address & Physical Location: 316 North Park, Avenue, Room 445, Helena, MT 59623.
June 22, 2024 COL-MT-200345 **MNAXLP**

City of Helena, Montana

08/01/2024

To: Mayor Collins and the Helena City Commission

From: Tim Burton, City Manager
David Knoepke, Transportation Systems Director Steve Baiamonte, Administrator/Security Director-Montana Dept. of Administration

Subject: Consider Capitol Traffic Plan Proposal which includes one-way streets and angle parking along 5th, 6th and Lockey Avenue.

Present Situation: Currently, the area around the Capitol has two-way traffic and challenging parking situations. Anticipating the opening of the new Montana Heritage Center, General Services and the City have been collaborating on finding ideas to better optimize the traffic flow around the Capitol. The Capitol staff met with the Downtown, Chamber and Tourism staff to discuss this plan. After the meeting the consensus was to move forward with the plan with some minor additions, signage being one.

Background Information: There have been many changes to this area over the years. One of the most notable is the construction of the new Montana Heritage Center. Traffic flow and parking have always been a challenge at times for the area. It was with this in mind that General Services continued to look on how to improve the area.

Proposal/Objective: The proposed plan would make 6th Avenue a one-way eastbound and Lockey Avenue essentially one-way westbound. This plan would also convert existing parallel parking into angled parking. A new bike lane would be added to both 6th and Lockey Avenue. In addition, this proposed plan meets the 20' unobstructed width for emergency response.

Advantage:

1. Increased public safety for pedestrians.
2. Improved traffic flow for vehicles and bicyclists.
3. Improved parking opportunities.
4. Natural traffic calming effects through angle parking signage, and traffic flow.
5. Improved emergency response access to Capitol from Montana Avenue.
6. Reduced risk to pedestrian and vehicular traffic on Montana Avenue.

Notable Energy Impact: N/A

Disadvantage: It may take a bit of time to get used to the new configuration.

Quasi-Judicial Item: False

Notice of Public Hearing: False

Staff Recommendation/ Recommended Motion: Move to Approve Capitol Traffic Plan Proposal which includes one-way streets and angle parking along 5th, 6th and Lockey Avenue.

TECHNICAL MEMORANDUM

TO: Cory Schlauch
Construction Planning Manger
Montana General Services Division

FROM: Shae Talley, P.E.
Project Manager
DOWL

DATE: July 2, 2024

PROJECT: Helena Capitol Square Angle Parking Findings Memo

Project Information

The General Services Division (GSD) proposes to provide angled parking around the Capitol Square to improve the number of available parking spaces. The proposed concept includes two-way traffic on North Sanders Street and Roberts Street; two-way traffic on Lockey Avenue from Montana Avenue to the Capitol parking lot; west bound one-way traffic on Lockey Avenue east of the Capitol parking lot; and east bound one-way traffic on 5th Avenue and East 6th Avenue. The layout can be seen in the attached figure. The project goal is to provide additional parking for vehicles and provide a more pedestrian-friendly, multimodal environment around Capitol Square. Large personal vehicles (light trucks) are considered the design vehicle for the parking spaces.

Design Standards

The City of Helena does not have on-street parking standards. DOWL utilized the City of Missoula's parking standards for the concept layouts. Parallel and angle parking dimensions are detailed on the attached figure. A standard 9-feet angle parking space width was used to provide adequate ingress/egress maneuvering.

Chapter 11 Section 8-11-2 of City of Helena code details parking restrictions including:

- No parking within 15-feet of a fire hydrant.
- No parking within 20-feet of a crosswalk when marked by painted lines and signed.
- No parking within 20-feet of a crosswalk at an intersection.

These offsets are shown on the attached figures for reference.

Appendix D of the International Fire Code details emergency service accessibility road requirements. The code requires a minimum 20-foot road width, which can include a bike lane.

The two-way section of Lockey Avenue between Montana Avenue and the Capitol parking lot requires the lanes to taper from the south side of the roadway to center prior to the pedestrian crossing with bulb outs. A lane taper is also necessary east of the Capitol parking lot where one-way traffic transitions from the south side of the roadway to center prior to the two-way section of roadway. Assuming a 25 mph design speed, a 115-foot taper was calculated per Equation 3-39 of the *2018 AASHTO A Policy on Geometric Design of Highways and Streets* reference manual.

Proposed Concept Findings

The proposed configuration meets the project goal of increasing the parking around the Capitol Square. The existing and proposed parking stall counts on each street are summarized in Table 1 below. Below is a summary of added benefits associated with the proposed concept.

- Improved clockwise traffic flow around the Capitol Square.
- Reduced congestion during times of high traffic such as the legislative session.
- Improved vehicle safety on the one-way streets with reduced conflicting movements (Lockey Ave, 6th St E, and 5th Ave).
- Reduced vehicle speeds on one-way streets due to side friction from the angle parking spaces.
- Improved pedestrian safety on the one-way streets, especially at the crossings.
- Improved bicycle safety on one-way streets by providing a separate bike lane.
- Net parking stall increase of 12 stalls around the Capitol Square (see table below).

Table 1: Existing and Proposed Parking Summary

Street	Existing Number of Stalls	Approx. New Number of Stalls	Stall Type
East 6th Avenue	57	66	Angle
5th Avenue	25	33	Angle
Lockey Avenue	76	61	Angle
Roberts Street	28	31	Parallel
North Sanders Street	34	34	Parallel
TOTAL	**220**	**225**	

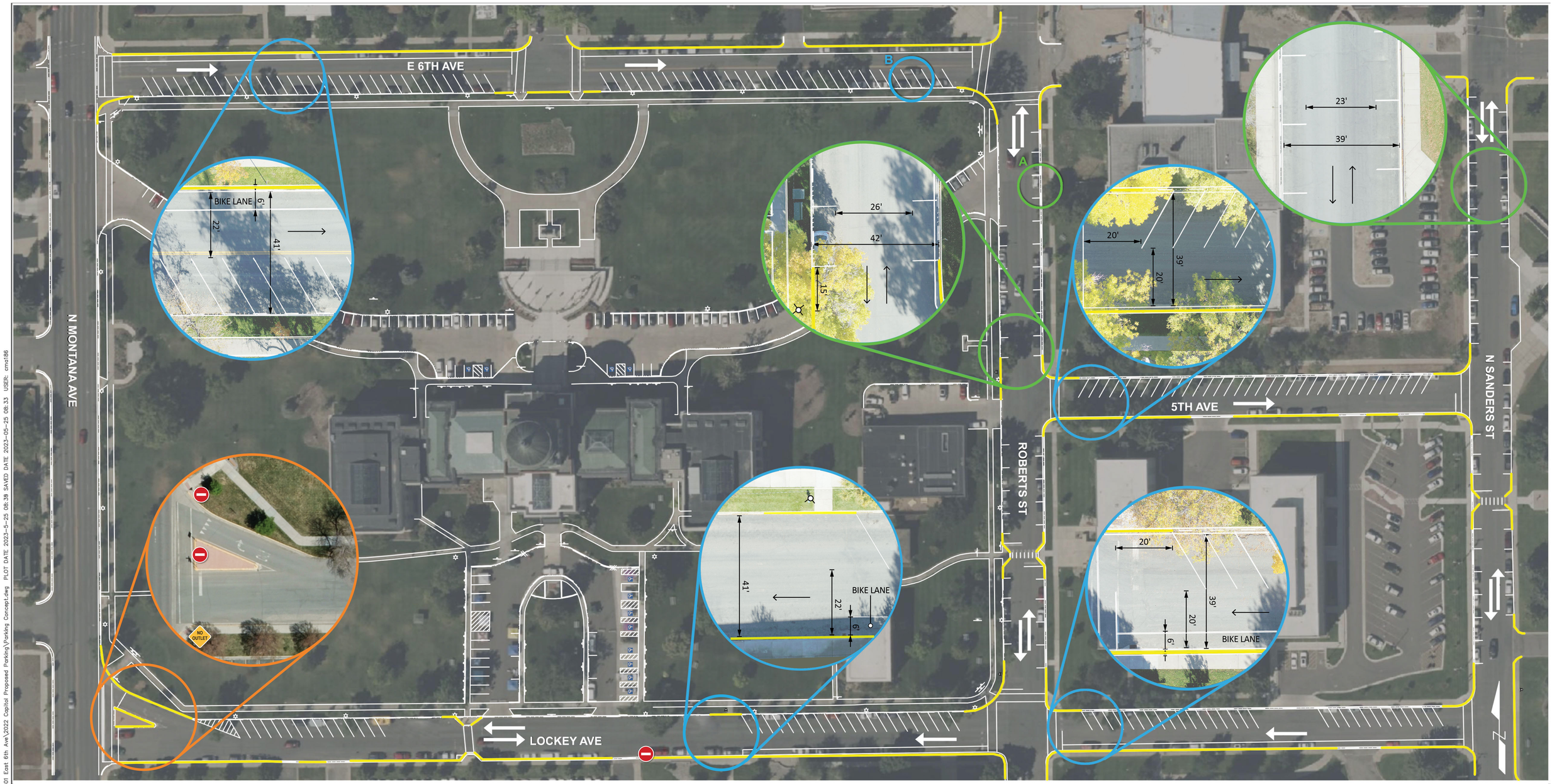
Recommendations

DOWL recommends the following improvements for driver and biker clarity on Lockey Avenue where the street transitions from one-way traffic to two-way traffic. These improvements are for GSD consideration and therefore are not depicted on the attached figure.

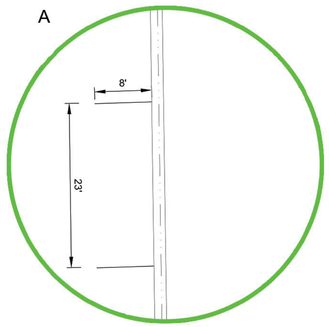
- Stripe the centerline along the two-way portion of Lockey Avenue so drivers can better anticipate and navigate the lane shift west of the bulb out pedestrian crossing and it is clear where the two-way section of road ends.
- Strip the edge of travel lane for the one-way lane shift east of the Capitol parking lot and include a stripped median between the travel lane and curbs to depict the unusable area of roadway. The striped medians will create a visual barrier for east bound traffic and provide driver clarity for west bound traffic through the lane shift. Alternatively, the lane shift could be avoided by installing a stop sign for the west bound traffic. This would allow the vehicular and bike traffic to transition through the intersection while no opposing traffic is present. A raised median on the north side of the roadway would be necessary to provide a location for the stop sign installation that is visible by west bound traffic. A stop controlled movement for west bound traffic would accommodate 4-5 additional parking stalls on the north side of the roadway.
- Add a sharrow (shared lane) pavement marking in the west bound lane near the terminus of the bike lane to indicate the bike traffic should transition from the dedicated bike lane on the south side of the roadway to the vehicular travel lane on the north side of the roadway. The bike lane merging should occur in the one-way section of the road to prevent a cross traffic conflict point. Alternatively, the dedicated bike lane on Lockey

Avenue could be removed and bicycle/vehicular traffic can share lanes for the extent of the project. Consider installing sharrow pavement markings along Lockey Avenue should elimination of the Lockey Avenue bike lane be the preferred alternative. Implementing stop control for west bound traffic east of the Capitol parking lot as described in the bullet above would address the cross conflict point for bike traffic.

- In addition to the “Do Not Enter” signage, add a right turn pavement marking at the end of the east bound two-way travel lane to indicate traffic should turn right into the public parking lot on the south side of the roadway for Lockey Avenue egress. This improvement will direct through traffic away from the Capitol parking lot on the north side of the roadway.

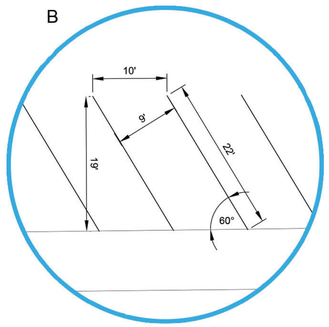


A



PARALLEL PARKING TYPICAL

B



ANGLE PARKING TYPICAL

STREET PARKING	
STREET	SPACES
E 6TH AVE	66
5TH AVE	33
LOCKEY AVE	61
ROBERTS ST	31
N SANDERS ST	34
TOTAL	225

REVISIONS			
REV	DATE	DESCRIPTION	BY

MONTANA DEPARTMENT OF ADMINISTRATION

GSD GENERAL SERVICES smart stewardship

CAPITOL FACILITIES MANAGEMENT
GENERAL SERVICES

CAPITOL SQUARE PARKING
HELENA, MONTANA

PROPOSED PARKING
&
TRAFFIC OPERATIONS

PROJECT 4651.1254.00
DATE 07/02/2024

SHEET
1

S:\FMB\GSD Project Files – Construction Administration\10 – State Capitol – 1301 East 6th Ave\2022 Capitol Proposed Parking\Parking Concept.dwg PLOT DATE: 2023-05-25 08:38 SAVED DATE: 2023-05-25 08:33 USER: cmo186

Public Participation Plan
Capitol Square Traffic Flow Improvements Project

Introduction

The purpose of this Public Participation Plan is to make sure the *Capitol Square Traffic Flow Improvement* team provides relevant, accurate, and consistent project information to stakeholders and the public. Through effective communication, the project will continue with community support and cooperation.

Communication Objectives

Effective and open communication is a vital component to the success of the project, as it relates to public and stakeholder receptiveness. The key communication objectives for this project are to:

- ✓ Give timely and accurate responses to public, stakeholders, and media inquiries.
- ✓ Confirm that the project team is giving a consistent message.
- ✓ Promote the progress of the project.
- ✓ Engage with the community and stakeholders.

Target Audience

For our project communications approach, we are specifically targeting property and business owners, and stakeholders. We will distribute the project notice postcard to the landowners in the boundary defined below in Figure 1. We also intend to reach the public of Helena through our public notice advertisement.

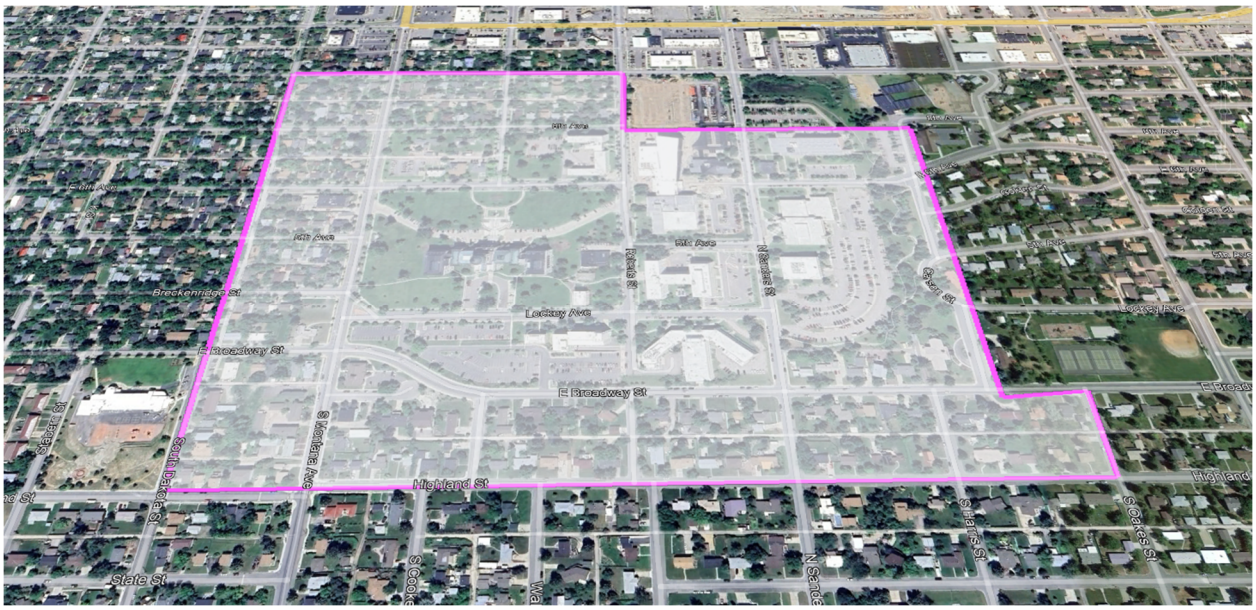


Figure 1: Landowner direct-mail boundary

Project Communications Approach

The *Capitol Square Traffic Flow Improvements* project plans to make improvements to the streets adjacent to Capitol Square to improve traffic flow, campus feel, multimodal accommodations, and parking efficiency. The project includes the following new traffic patterns:

- West bound one-way traffic on Lockey Avenue east of the Capitol parking lot
- East bound one-way traffic on 5th Avenue and East 6th Avenue

These new traffic directional changes will allow for additional angled stall parking on surrounding streets of the Capitol. Dedicated bike lanes will also be on the one-way segments of Lockey Avenue and East 6th Avenue, opposite of the angled parking.

The purpose of the project is to enhance the campus feel of Capitol square, improve traffic flow and reduce congestion, and enhance parking efficiency.

The project communications objective is to communicate project details to the public, property and business owners, and stakeholders. DOWL's strategies to inform the public on the project will include:

- ✓ Provide preliminary project information via the General Services District (GSD) website to the public, property and business owners, and stakeholders about the upcoming improvements.
- ✓ Send a direct-mail piece (postcard) to inform stakeholders, property and business owners, and interested members of the public.
- ✓ Issue a public notice about the project and open house opportunity, and coordinate with area media.
- ✓ Coordinate a public open house for stakeholders and the public to learn more about the project, including informational project display boards.
- ✓ Facilitate a two-week public comment period and report findings to GSD.

City of Helena, Montana

08/01/2024

To: Mayor Collins and the Helena City Commission

From: Tim Burton, City Manager
Christopher Brink, Community Development Director
Anne Pichette, Housing Coordinator

Subject: Consider a Resolution Modifying the Distribution of Helena Affordable Housing Trust Funds from United Housing Partners, LLC to Twin Creek 4 Housing Associates, LLLP, for New Multi-Family Housing Construction.

Present Situation: During the course of negotiations for funding the project previously approved by the City Commission and the Helena Affordable Housing Trust Fund Advisory Board, United Housing Partners, LLC, had to structure the funding sources for this development in a way that necessitates a change in the distribution of the Helena Affordable Housing Trust Funds and therefore, a change in the grant of the loan monies from the City Commission.

Background Information: United Housing Partners, LLC, was previously approved for funding from the Helena Affordable Housing Trust Fund on June 12, 2023 through Resolution #20824, and approved for a modification to the loan terms in the original application on March 11, 2024 through Resolution #20903 .

Proposal/Objective: To allow Twin Creek 4 Housing Associates, LLLP to serve as the entity to receive/spend the distribution of the Helena Affordable Housing Trust Funds instead of United Housing Partners, LLC as previously approved by the City Commission.

Advantage: Approval of requested funding will dramatically expand affordable housing opportunities for Helena community residents earning at or below 70% of Area Median Income (AMI).

Notable Energy Impact: In following adopted building codes, new housing construction is more energy efficient than existing affordable housing stock that may be older and not designed or constructed with the intent to conserve energy

Disadvantage: While the full Twin Creek Apartments project will build 72 new affordable housing units, Twin Creek 4 Housing Associates, LLLP will specifically be responsible for 52 of those units.

Quasi-Judicial Item: False

Notice of Public Hearing: False

Staff Recommendation/ Recommended Motion: Move to approve a Resolution modifying the distribution of Helena Affordable Housing Trust Funds from United Housing Partners, LLC to Twin Creek 4 Housing Associates, LLLP, for new multi-family housing construction.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

RESOLUTION NO. _____

A RESOLUTION MODIFYING THE DISTRIBUTION OF HELENA AFFORDABLE HOUSING TRUST FUNDS FROM UNITED HOUSING PARTNERS, LLC TO TWIN CREEK 4 HOUSING ASSOCIATES, LLLP, FOR NEW MULTI-FAMILY HOUSING CONSTRUCTION.

WHEREAS, on November 9, 2020, the City Commission adopted Resolution No. 20630, which established the Helena Affordable Housing Trust Fund;

WHEREAS, pursuant to Resolution No. 20630, the City of Helena is empowered to grant or loan funds that will address housing-related issues identified in City limits;

WHEREAS, on October 18, 2021, the City Commission adopted Ordinance No. 3292, amending Helena City Code §2-6-3 and establishing the Affordable Housing Trust Fund Advisory Board to evaluate proposals for funding from the Affordable Housing Trust Fund and provide recommendations to the City Commission;

WHEREAS, on September 26, 2022, the City Commission adopted Resolution No. 20775, authorizing the approval of the Program Guidelines and Application process documents to guide disbursement of the Affordable Housing Trust Fund dollars;

WHEREAS, on June 12, 2023, the City Commission adopted

Resolution No. 20824, distributing Helena Affordable Housing Trust Funds to United Housing Partners, LLC, for new multi-family housing construction;

WHEREAS, the applicant, United Housing Partners, LLC, proposes to develop seventy-two (72) new multi-family dwelling units at property generally located at the northwest corner of Alice and Dorothy Streets ("Project");

WHEREAS, the total cost of the Project is estimated to be twenty-three million, nine hundred thousand dollars ($23,900,000);

WHEREAS, the applicants have requested a modification of the approved distribution of one million dollars ($1,000,000) to now be in the form of a three-year construction loan, two-hundred thousand ($200,000) of which will be paid during the term;

WHEREAS, the applicants have requested eight hundred thousand dollars ($800,000) of the original distribution as an eighteen-year permanent loan from the Affordable Housing Trust Fund after payment of the three-year construction loan;

WHEREAS, the Helena Affordable Housing Trust Fund Advisory Board recommended approval of the modification request for the Project on February 21, 2024;

WHEREAS, on March 11, 2024, the City Commission adopted

Resolution No. 20903, modifying the distribution of Helena Affordable Housing Trust Funds to United Housing Partners, LLC, for new multi-family housing construction;

WHEREAS, United Housing Partners, LLC proposes to develop seventy-two (72) new multi-family dwelling units that are required by a restrictive covenant to meet the period of affordability for low-to moderate-income households, with all units for residents with incomes between 0% and up to 70% of the Area Median Income (AMI);

WHEREAS, during the course of negotiations for funding the project, United Housing Partners, LLC had to structure the funding sources for this development in a way that necessitates a change in the distribution of the Helena Affordable Housing Trust Funds and therefore, a change in the grant of the loan monies from the City Commission;

WHEREAS, Twin Creek 4 Housing Associates, LLLP will need to serve as the entity to receive/spend the distribution of the Helena Affordable Housing Trust Funds instead of United Housing Partners, LLC as previously approved by the City Commission;

WHEREAS, Twin Creek 4 Housing Associates, LLLP will be responsible for fifty-two (52) units as part of the overall project

DRAFT

of seventy-two (72) units and;

WHEREAS, Twin Creek 4 Housing Associates, LLLP will be responsible and sign for all requirements under the program including for the construction loan and eventual eighteen-year permanent loan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

//

Section 1. The Helena City Commission finds that the Project constitutes an allowable cost, pursuant to Resolution No. 20630 establishing the Affordable Housing Trust Fund and the Affordable Housing Trust Fund Program Guidelines and Application process documents approved under Resolution No. 20775.

Section 2. The City shall distribute one million dollars ($1,000,000) in the form of a three-year construction loan and at the end of the term (three years) and upon conversion to an eighteen-year permanent loan of eight hundred thousand dollars ($800,000) to Twin Creek 4 Housing Associates, LLLP, payable from the Affordable Housing Trust Fund.

Section 3. Prior to distribution of funds, Twin Creek 4

Res. No. _____

Housing Associates, LLLP, must enter into a, trust indenture, promissory note, and loan agreement acceptable to the City conditioning disbursement of the funds and stipulating all Project obligations, documentation maintenance, and reporting requirements through the Project's period of affordability of no less than thirty-five (35) years.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF AUGUST, 2024.

MAYOR

ATTEST:

CLERK OF THE COMMISSION

DRAFT

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20824

A RESOLUTION DISTRIBUTING HELENA AFFORDABLE HOUSING TRUST FUNDS TO UNITED HOUSING PARTNERS, LLC, FOR NEW MULTI-FAMILY HOUSING CONSTRUCTION

WHEREAS, on November 9, 2020, the City Commission adopted Resolution No. 20630, which established the Helena Affordable Housing Trust Fund;

WHEREAS, pursuant to Resolution No. 20630, the City of Helena is empowered to grant or loan funds that will address housing-related issues identified in City limits;

WHEREAS, on October 18, 2021, the City Commission adopted Ordinance No. 3292, amending Helena City Code §2-6-3 and establishing the Affordable Housing Trust Fund Advisory Board to evaluate proposals for funding from the Affordable Housing Trust Fund and provide recommendations to the City Commission;

WHEREAS, on September 26, 2022, the City Commission adopted Resolution No. 20775, authorizing the approval of the Program Guidelines and Application process documents to guide disbursement of the Affordable Housing Trust Fund dollars;

WHEREAS, the applicants, United Housing Partners, LLC, propose to develop forty-five (45) or more new multi-family dwelling units at property generally located at the northwest corner of Alice and Dorothy Streets ("Project");

WHEREAS, the total cost of the Project is estimated to be fifteen million, seven hundred thousand dollars ($15,700,000);

WHEREAS, the applicants have requested a loan from the Affordable Housing Trust Fund of one million dollars ($1,000,000) paying interest per the terms of the loan agreement;

WHEREAS, the applicants have requested this loan to be in the form of a construction loan of six-hundred thousand ($600,000) which will be paid over three years and four-hundred thousand dollars ($400,000) of the original loan as an eighteen-year term; and

WHEREAS, the Helena Affordable Housing Trust Fund Advisory Board recommended approval of trust fund dollars for the Project on May 10, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. The Helena City Commission finds that the Project constitutes an allowable cost, pursuant to Resolution 20630 establishing the Affordable Housing Trust Fund and the Affordable Housing Trust Fund Program Guidelines and Application process documents approved under Resolution 20775.

Section 2. The City shall loan one million dollars ($1,000,000) in the form of a three-year construction loan and four-hundred thousand dollars ($400,000) as an eighteen-year loan to United Housing Partners, LLC, payable from the Affordable Housing Trust Fund.

Section 3. Prior to distribution of funds, United Housing Partners, LLC, must each enter into a loan agreement acceptable to the City conditioning disbursement of the funds and stipulating all Project obligations, documentation maintenance, and reporting requirements through the Project's period of affordability.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF JUNE, 2023.

MAYOR

ATTEST:

CLERK OF THE COMMISSION

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20903

A RESOLUTION MODIFYING THE DISTRIBUTION OF HELENA AFFORDABLE HOUSING TRUST FUNDS TO UNITED HOUSING PARTNERS,LLC, FOR NEW MULTI-FAMILY HOUSING CONSTRUCTION.

WHEREAS, on November 9, 2020, the City Commission adopted Resolution No. 20630, which established the Helena Affordable Housing Trust Fund;

WHEREAS, pursuant to Resolution No. 20630, the City of Helena is empowered to grant or loan funds that will address housing-related issues identified in City limits;

WHEREAS, on October 18, 2021, the City Commission adopted Ordinance No. 3292, amending Helena City Code §2-6-3 and establishing the Affordable Housing Trust Fund Advisory Board to evaluate proposals for funding from the Affordable Housing Trust Fund and provide recommendations to the City Commission;

WHEREAS, on September 26, 2022, the City Commission adopted Resolution No. 20775, authorizing the approval of the Program Guidelines and Application process documents to guide disbursement of the Affordable Housing Trust Fund dollars;

WHEREAS, on June 12, 2023, the City Commission adopted Resolution No. 20824, distributing Helena Affordable Housing Trust

Funds to United Housing Partners, LLC, for new multi-family housing construction;

WHEREAS, the applicant, United Housing Partners, LLC, proposes to develop seventy-two (72) new multi-family dwelling units at property generally located at the northwest corner of Alice and Dorothy Streets ("Project");

WHEREAS, the total cost of the Project is estimated to be twenty-three million, nine hundred thousand dollars ($23,900,000);

WHEREAS, the applicants have requested a modification of the approved distribution of one million dollars ($1,000,000) to now be in the form of a three-year construction loan, two hundred thousand ($200,000) of which will be paid during the term; and

WHEREAS, the applicants have requested eight hundred thousand dollars ($800,000) of the original distribution as an eighteen-year permanent loan from the Affordable Housing Trust Fund; and

WHEREAS, the Helena Affordable Housing Trust Fund Advisory Board recommended approval of the modification request for the Project on February 21, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

//

Section 1. The Helena City Commission finds that the Project constitutes an allowable cost, pursuant to Resolution No. 20630 establishing the Affordable Housing Trust Fund and the Affordable Housing Trust Fund Program Guidelines and Application process documents approved under Resolution No. 20775.

Section 2. The City shall distribute one million dollars ($1,000,000) in the form of a three-year construction loan and eight hundred thousand dollars ($800,000) as an eighteen-year permanent loan to United Housing Partners, LLC, payable from the Affordable Housing Trust Fund.

Section 3. Prior to distribution of funds, United Housing Partners, LLC, must enter into a loan agreement acceptable to the City conditioning disbursement of the funds and stipulating all Project obligations, documentation maintenance, and reporting requirements through the Project's period of affordability.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 11th DAY OF MARCH, 2024.

MAYOR

ATTEST:

Res. No. 20903

CLERK OF THE COMMISSION



AFFORDABLE HOUSING TRUST FUND

Program Guidelines

Last updated: *February 23, 2023*

Table of Contents

I. Introduction 1
II. HAHTF Priorities 2
III. Eligible Applicants 2
IV. Eligible Activities 2
V. Eligible Uses 2
VI. Eligible Beneficiaries 3
VII. Match Requirement 3
VIII. Building Standards and Accessibility 4
IX. Continued Affordability 5
- A. Rental, Temporary, and Transitional Housing
- B. Single Family Dwelling Unit Development and Homebuyer Assistance

X. Rental, Temporary, and Transitional Housing 6
- A. Rent Limits
- B. Financing Structure & Requirements
- C. Mixed Use and/or Mixed Income

XI. Single Family Dwelling Unit Development 10
- A. Cost Limits
- B. Mixed Use and/or Mixed Income
- C. Financing Structure & Requirements – Non-Land Trust Development
- D. Financing Structure & Requirements –Land Trust Development

XII. Homebuyer Assistance 12
XIII. Application Submission 12
XIV. Administrative Procedures 13
XV. Advisory Board 14
XVI. Recipient Requirements 15
- A. Written Agreements
- B. Ongoing Compliance, Recordkeeping, and Reporting

XVII. Requests for Funds 17
XVIII. Other Considerations 17

I. Introduction

The City of Helena's planning documents have identified affordable housing as a significant community need and has established a number of goals and objectives to address it. The City of Helena established the Helena Affordable Housing Trust Fund (HAHTF) to meet affordable housing needs in the City of Helena through Resolution No. 20630. This manual establishes the guidelines and requirements of the HAHTF.

These funds will be used as gap financing to support affordable housing opportunities within Helena city limits serving low- and moderate-income households. HAHTF funds may not be invested in a project in lieu of other funding sources when other, existing programs or funds are available and accessible. As such, other sources of state or federal funding such as Low-Income Housing Tax Credits (LIHTC), HOME Investment Partnerships Program (HOME), Community Development Block Grant Program (CDBG), other government programs, or private investment must be a project's primary funding source(s).

In most cases HAHTF requirements will be satisfied in form and content through compliance with the rules and policies governing a project's primary funding source(s). This is intended to ease HAHTF administrative burdens and ensure this gap financing does not conflict with other financing. When multiple funding sources are combined in one project, developers, owners, and sponsors are responsible for coordinating requirements to ensure compliance.

Any project receiving an allocation of HAHTF funds must align with City plans and priorities found in planning documents adopted by the City of Helena. Generally, HAHTF funds will be lent to the project and the financial investment will be secured through a Promissory Note, Loan Agreement, and Trust Indenture. The City of Helena may also secure its long-term interest through a Deed Restriction. Loan proceeds shall be returned to the fund for future investment in affordable housing efforts.

This program also seeks to grow Helena's pool of HAHTF loan funds over time in order to have a greater long-term impact on the community's affordable housing needs and aims to be as sustainable as possible while recognizing the difficulty of financing complex affordable housing projects. Principal and interest payments to the fund are carefully evaluated to determine future funding needs and monitor payment compliance. Proceeds from loan payments will be returned to HAHTF account and used for future projects.

The City's Community Development Department programs are open to all eligible persons and does not discriminate on the basis of race, creed, religion, color, national origin, age, physical or mental disability, marital status, sex, pregnancy, childbirth or medical condition related to pregnancy or childbirth, sexual orientation or expression, political beliefs or affiliation, genetic information, veteran status, culture, social origin or condition, or ancestry.

II. HAHTF Priorities

In reviewing and evaluating applications for HAHTF funding, consideration/priority will be given to projects demonstrating the following:

- Projects that maximize the utilization of outside financing (non-HAHTF matching funds).
- Projects that do not duplicate existing services or funding options and that leverage partnerships with other organizations and agencies.
- Projects that are sponsored by organizations or agencies able to demonstrate the staff capability, capacity, and experience necessary to successfully implement the proposed project.
- Projects that are clearly defined and realistic in scope, location, need, budget, and goals.
- Projects that utilize a proven, effective strategy.
- Projects that further the City of Helena's strategic goals and objectives and demonstrate consistency with adopted planning efforts.
- Projects that will not require ongoing investments of HAHTF funds.
- Projects that will have a sustainable long-term impact.
- Projects that further the City's environmental and sustainability goals and objectives. Promote energy efficiency and the use of renewable energy in new and existing development, minimizing impacts on natural resources and the environment.
- The length of time a project will maintain its affordability.

III. Eligible Applicants

Eligible applicants include non-profit, for-profit, and public organizations who will own, develop, and/or sponsor eligible activities. Individuals are not eligible to apply for HAHTF assistance.

IV. Eligible Activities

HAHTF-assisted activities must add, improve or support permanent, transitional, and/or temporary housing. Eligible activities include construction, demolition and reconstruction, conversion, rehabilitation, acquisition, or financing of affordable housing.

V. Eligible Uses

- Donate, provide, or pay all or a portion of the costs of land for the construction of affordable housing on that land;

- Donate, provide, or pay all or a portion of the costs of conversion or renovation of existing buildings into affordable housing;
- Provide or pay all or a portion of the costs of financing of infrastructure to support affordable housing projects;
- Provide or pay all or a portion of the costs of acquisition, development, construction, financing, operating, or owning affordable housing;
- Pay all or a portion of the up-front costs associated with permitting, plan reviews, and water and wastewater system development fees;
- Provide or pay all or a portion of the costs associated with consumer housing programs and services;
- Provide loan guarantees to affordable housing projects;
- Provide gap financing for affordable housing projects; and
  Pay the costs incurred by the City of Helena associated directly with the administration of the funds; provided, however, in no event shall the amount expended from the funds for such administrative expenses in any year exceed eight (8%) of the amount of revenue received in the fund that year.

VI. Eligible Beneficiaries

HAHTF-assisted projects must serve low- to moderate-income households within Helena City Limits. Low- to moderate income is typically defined as households whose income is between 0 and 80% of the Area Median Income (AMI). However, projects benefiting households with incomes up to 120% of AMI may be recommended by the Advisory Board and approved by the City Commission on a case-by-case basis. Beneficiaries of the HAHTF program must be income qualified using the Section 8 Part 5 definition of income or other approved metric consistent with the requirements of a project's primary finding source(s).

In the absence of a state or federal primary funding source with established income limits, rental and non-permanent housing projects must use the current US Department of Housing and Urban Development (HUD) Multifamily Tax Subsidy Income Limits available online.

https://www.huduser.gov/portal/datasets/mtsp.html#2022

VII. Match Requirement

Each HAHTF-assisted project must contribute matching funds. Matching funds are defined as the dollar value of other resources committed to a project. Each dollar committed to the project that is not generated from the Trust Fund shall be considered as match.

Examples of matching funds may include but are not necessarily limited to funding from other sources (such as federal community development block grants, federal HOME investment

funds, low-income housing tax credits, owner equity); the value of donated land or property supported by a third-party appraisal; donated infrastructure, site preparation, or construction materials; donated professional services, labor or sweat equity; and the cash value of a below market interest rate loan.

A minimum $5 of matching funds to every $1 of HAHTF financing (a 5:1 match) is required. However, shelters and/or temporary housing may request match reduction to a 3:1 match with sufficient justification and rationale.

VIII. Building Standards and Accessibility

All construction or rehabilitation work undertaken as part of a project receiving HAHTF assistance must conform to current building codes and zoning ordinances adopted by the City of Helena. Projects benefiting from HAHTF assistance must comply with the Fair Housing Act.

Additionally, all new construction of owner-occupied, single family (condominiums, mobile homes, townhomes, etc.), rental, temporary, or transitional housing units and common areas as well as rehabilitation projects that at least replaces or exposes interior wall structures and doors must incorporate the following:

For rehabilitation, items 1, 3, 4, and 5 below apply to all units and all floors where moving walls, removing wall coverings, or doing new wiring or rewiring occurs.

1. 36-inch doors for all living areas (except pantry, storage, and closets).
2. All door hardware must comply with Fair Housing Act standards for all units.
3. Outlets mounted not less than 18 inches above floor covering.
4. Light switches, control boxes and/or thermostats mounted from 36 to 48 inches above floor covering.
5. Walls adjacent to toilets, bath tubs and shower stalls must be reinforced for later installation of grab bars.
6. All faucets must be lever style.
7. A minimum of a ground floor level half-bath with a 30 x 48-inch turn space (also required in rehabilitation unless waived by staff for structural limitations or excessive cost, etc.) (does not apply if there is no living space on the ground floor level).
8. Zero-step entry to all ground floor level units.
9. Compliance with accessibility requirements must be certified by the project architect upon completion.

Except for new construction projects, the City may agree to waive certain accessibility requirements on a project-by-project basis.

A Phase I Environmental Site Analysis (ESA) prepared by a qualified professional is typically required and must be submitted to the City. If the Phase I identifies a Recognized Environmental Condition (REC) or potential REC and recommends a Phase II, then a Phase II ESA must be conducted and submitted to the City. Identified environmental hazards must be appropriately addressed per state and federal requirements as part of the project. Certain activities may not require a Phase I or other environmental analysis. The City will determine if a Phase I or other environmental investigation is necessary on a case-by-case basis.

IX. Continued Affordability

A. Rental, Temporary, and Transitional Housing

Projects receiving HAHTF funds must maintain its affordability (i.e., income limits, rent restrictions, and occupancy requirements) for a period of time after project completion. Typically, this is accomplished by maintaining compliance with the requirements of the primary state and/or federal funding source(s). In the absence of such requirements or if the primary funding sources period of affordability are less restrictive than the table below, HAHTF-assisted projects must adhere to the following requirements:

Time Period	HAHTF Investment
20 Years	<$30,000 Acquisition and/or rehabilitation
25 Years	$30,001 - $100,000 Acquisition and/or rehabilitation
30 Years	$100,001 - $400,000 Acquisition and/or rehabilitation
35 Years	$400,001 - $1,000,000 Acquisition and/or rehabilitation and all conversion and new construction projects

A Deed Restriction, a Land Use Restriction Agreement (LURA), or covenant running with the land will be filed to ensure the housing's long-term compliance and affordability. If it is determined that the project is not in compliance, the investment may be reverted to the City. Typically, the deed restriction or LURA filed to secure period of affordability requirements for the project's primary funding sources will suffice and an additional HAHTF covenant is not necessary. If a project does not utilize a primary funding source enforcing its affordability requirements through such a covenant, the HAHTF covenant will stipulate the number of affordable units designated by the Applicant and required by these Program Guidelines.

In the absence of Deed Restrictions or LURAs filed by the project's primary funding source(s) matching or exceeding HAHTF requirements, the City of Helena will file a Deed Restriction commensurate with the proposed project and programmatic requirements contained

herein. At a minimum, the Deed Restriction will require the borrower maintain the property in acceptable condition and maintain the project's purpose, income and rent restrictions.

Circumstances such as a change in land/property use, housing occupied by ineligible beneficiaries, failing to properly maintain the property, and/or the voluntary or involuntary sale or transfer of Title which occurs during the HAHTF Period of Affordability will trigger full repayment of the outstanding balance of the HAHTF investment.

To document compliance with the affordability requirements, projects must maintain accurate rent rolls, ledgers, and income verification of HAHTF beneficiaries. Failure to submit timely, accurate reports demonstrating compliance with HAHTF programmatic requirements (absent compliance with a similar requirement from a primary funding source) may result in full repayment of the HAHTF investment.

B. Single Family Dwelling Unit Development and Homebuyer Assistance

HAHTF single family housing development projects must ensure continuing affordability through resale restrictions enforced by a deed restriction or by placing the property in a land trust that will ensure these properties serve low- to moderate-income households for at least 35 years.

Applicants must demonstrate a track record of successful single family housing developments or Homebuyer Assistance programs, an ability to maintain continued affordability, and an ability to facilitate resales to eligible beneficiaries.

X. Rental, Temporary, and Transitional Housing

Rental, temporary, and transitional housing includes acquisition, new construction, demolition and reconstruction, conversion, or rehabilitation of housing that will be occupied by eligible beneficiaries. Projects may include but are not necessarily limited to affordable housing such as multifamily rental development, housing for seniors, accessory dwelling units, supportive housing, and temporary housing such as shelters.

Projects that result in the permanent displacement or relocation of current occupants from their homes or rental units in order to create, preserve, and or rehabilitate affordable housing will not receive HAHTF assistance.

A. Rent Limits

Rental and non-permanent housing is governed by rent limits established by the project's primary funding source. In the absence of a state or federal primary funding source with rent

restrictions, projects receiving HAHTF assistance must not charge rents exceeding the least restrictive rent limits established by either the Montana LIHTC or HOME program.

B. Financing Structure & Requirements

HAHTF funds may be lent as short-term construction loans and/or longer-term permanent financing. The following terms and conditions will govern HAHTF rental, temporary, and transitional housing loans. Loans may be made to the applicant or an affiliated entity, depending on the nature of the project and its specific needs.

Loan Terms

HAHTF permanent loans will not exceed an 18-year term, the amortization schedule will not exceed 40 years, and they are repayable through cash flow. Applicants will propose an interest rate advantageous to their project but not less than necessary, and in no case less than 1%. A 0.75% origination fee is due at closing. Temporary or transitional housing may request loan forgiveness up to 50% of the amount of a permanent loan. A 2% retainage for permanent loans financing new construction, conversion or rehabilitation activities will be withheld and released upon receipt of the architect's Certificate of Substantial Completion and the Occupancy Permit issued by the City of Helena's building department. HAHTF permanent loans may not exceed $400,000, are nonrecourse and will subordinate to senior debt.

HAHTF construction loan amortization schedules will match the loan term and are repayable upon conversion to permanent financing. Applicants will propose an interest rate advantageous to their project but not less than necessary, and in no case less than 1%. A 0.75% origination fee is due at closing. Temporary and transitional housing may request loan forgiveness up to 25% of the amount of a construction loan. Construction loans may not exceed $1MM, construction loan terms are not to exceed 3 years, and may require personal guarantees from project owner/developer/sponsor.

Construction loans may be converted to permanent loans upon stabilization commensurate with the requirements of the project's senior debt.

Other terms requested by the Applicant may be considered on a case-by-case basis and may require additional documentation and explanation as to why the project cannot move forward without special terms. The Advisory Board will determine if the applicant's proposed loan terms are reasonable and in the City's best interest.

Loans may be made directly to the Owner or an affiliate entity as benefits the project and approved by the City. Loans are non-assumable without written permission from the City of Helena. If a request for loan transfer is declined, the loan is due in full upon sale or transfer

of ownership. Loans can be prepaid in whole or in part at any time without penalty. Prepayment does not end the period of affordability before its original end date. Loans are expected to be repaid on a monthly basis.

Under extraordinary conditions, and after all other project funding has been secured, the Affordable Housing Trust Fund Advisory Board may approve modifications of the above terms to accommodate a project's specific needs. Modifications may include:

- Loans may be negotiated for interest rates or terms lengths other than the standard loan terms noted above.
- Projects may receive funding in the form of deferred payment loans due upon sale or transfer of the property.

Such modifications will only be allowed if it can be shown that the City's standard terms would cause undue hardship to the applicant or would preclude the successful completion of the project. It is the responsibility of the project applicant to provide sufficient evidence to the City that the requested modifications are necessary in order for the project to be completed.

Underwriting and Subsidy Layering Standards

The City of Helena will undertake a project-by-project underwriting and subsidy layering review to ensure that:

- The HAHTF loan will only be the amount necessary to provide quality affordable housing that is financially viable; and
- The sources and uses of funds are reasonable and necessary, and will not result in undue profit.

Affordable rental and non-permanent housing projects should demonstrate consistency with the following underwriting parameters:

- Vacancy Rate
  - New construction vacancy rate of 10% for projects with fewer than 20 units, 7% for projects with 21-50 units, and 5% with 51 or more units or projects with 100% project based rental assistance.
  - Greater of 5% vacancy rate or last 3-year vacancy rate average but not exceeding 7% for rehabilitation projects.
- Debt service coverage ratio
  - Projects with an upward trend through HAHTF period of affordability should have a DSCR between 1.15 and 1.30 in the first year of normal operation.

    - Projects with downward trend through HAHTF period of affordability should have a DSCR between 1.10 and 1.50 during the HAHTF period of affordability, beginning the first year of normal operation.
- Operating reserves should be at least four months of operating expenses, debt service payments, and annual replacement reserve payments.
- Replacement Reserves should be contributed in an amount equal to at least $250 per unit annually.
- If tenants pay utilities, projects are to show utility allowances based on the Montana Department of Commerce Section 8 Utility Allowances, USDA RD Utility Allowances, or HUD Utility Schedule Model (HUSM).
- Income trending at 2%
- Expense trending at 3%
- Reserve Trending not to exceed 3%
- Operating Expense per unit between $3,000 and $6,000
- 5% minimum construction contingency

Some of the specified underwriting parameters may not apply to temporary or transitional housing. Temporary or transitional housing must identify and explain deviations from the underwriting parameters in the application for HAHTF assistance. At a minimum, temporary or transitions projects must demonstrate need and feasibility by submitting evidence of demand, a comprehensive sources and uses statement, rent schedule, proforma, and construction flow of funds. If requesting loan forgiveness, temporary or transitional housing must also provide a financial analysis showing proposed project's inability to repay the entire loan amount and indicate the amount of loan forgiveness necessary to complete the project.

The City must be made aware of significant changes to a project's financial assumptions or proposed project outcomes in order to determine if the investment of HAHTF needs to be reconsidered. At the City's discretion, a new underwriting and subsidy layering review may be required. The result of such a review may result in a change in the amount or terms of a HAHTF loan. An updated sources and uses, rent schedule, proforma, and implementation schedule must be submitted for City review within 30 days of closing. The City has the right to request any additional documentation it deems necessary to ensure the transaction is appropriate and in its best interests.

An independent certified accountant must produce a final cost certification verifying the project's actual sources and uses were largely consistent with what was presented in the application. HAHTF funds found to have been spent in ways other than proposed in the application or a project found to materially differ from what was presented in the application may face repayment of all or a portion of the HAHTF investment.

C. Mixed Use and/or Mixed Income

Projects that are mixed use or mixed income may receive HAHTF assistance. At least 50% of the housing units (rounded up to the nearest whole unit) in a mixed use or mixed income development receiving HAHTF assistance must house low- to moderate-income households and comply with HAHTF requirements.

XI. Single Family Dwelling Unit Development

Single family housing development includes new construction or conversion of housing including but not limited to townhomes, condominiums, or detached homes that are owner-occupied or made available for purchase by a low- to moderate-income household.

A. Cost Limits

Total construction costs for newly constructed or converted single family housing assisted with a HAHTF loan cannot exceed the purchase price limits established by Montana Housing, available online:

https://housing.mt.gov/Homeownership/Homebuyers/Current-Rates,-Income-and-Purchase-Price-Limits.

B. Mixed Use and/or Mixed Income

Projects that are mixed use or mixed income may receive HAHTF assistance. At least 50% of the housing units (rounded up to the nearest whole unit) in a mixed use or mixed income development receiving HAHTF assistance must house low- to moderate-income households and comply with HAHTF requirements.

C. Financing Structure & Requirements – Non-Land Trust Development

This Financing Structure & Requirements section is only applicable to single family dwelling unit development where the properties **are not** placed into a land trust that will maintain its affordability in perpetuity.

Loan Terms

Single family development loans will be lent as short-term construction loans and will be governed by the following terms and conditions.

HAHTF construction loan amortization schedules will match the loan term and is repayable upon conversion to permanent financing. Construction loans are expected to be repaid

within 2 years of closing. Single family development projects not completed or occupied within 3 years of closing are subject to repayment of the full HAHTF loan and penalty in the amount of 25% of the HAHTF loan. Applicants will propose an interest rate advantageous to their project but not less than necessary, and in no case less than 1%. A 0.75% origination fee is due at closing.

The amount of HAHTF funds invested in a single-family home cannot exceed 50% of its prospective value as evidenced by an appraisal or comparative market analysis.

Depending on the nature of the project, HAHTF single family loans may or may not be nonrecourse and may or may not subordinate to a senior lender. The City will determine if the applicant's proposed loan terms are reasonable, in the City's interest, and advantageous to the project.

Underwriting and Subsidy Layering Standards

The City of Helena will undertake a project-by-project underwriting and subsidy layering review to ensure that:

- The HAHTF loan will only be the amount necessary to provide quality affordable housing that is financially viable; and
- The sources and uses of funds are reasonable and will not result in an undue profit.

Single family housing development projects demonstrate need and feasibility by submitting evidence of demand and a marketing plan, a comprehensive sources and uses statement, proforma, and construction flow of funds. Projects must include a discussion of its ability to attract eligible purchasers and consummate a sale within the 3-year period.

The City must be made aware of significant changes to a project's financial assumptions or proposed project in order to determine if the investment of HAHTF needs to be reconsidered. At the City's sole discretion, a new underwriting and subsidy layering review may be required. The result of said review may result in a change in the amount or terms of a HAHTF loan.

An independent certified accountant must produce a final cost certification verifying the project's actual sources and uses, were largely consistent with what was presented in the application. HAHTF funds found to have been spent in ways other than proposed in the application or a project found to materially differ from what was presented in the application may face repayment of all or a portion of the HAHTF investment.

D. Financing Structure & Requirements –Land Trust Development

This Financing Structure & Requirements section is only applicable to single family housing development where the properties **are** placed into a land trust that will maintain its affordability in perpetuity.

Financing Terms

The City requires property placed into a land trust be secured with a deed restriction or similar covenant running with the land that will ensure the property's affordability and eligibility of future owners in perpetuity. The City may make grants available to these projects. The grant amount shall be determined on a case-by-case basis and will not exceed the amount of funds necessary to complete the project.

The amount allocated to any entity will be based on the amount of funds that can reasonably expected to be spent within a three (3) year period, as proposed in the application. The City will maintain control of these funds until they are needed for an eligible use.

XII. Homebuyer Assistance

Applicants wishing to utilize HAHTF funds for homebuyer assistance activities must submit a detailed proposal to the Advisory Board detailing how the proposed homebuyer assistance program will operate. This proposal must specify all aspects of the program, such as the processes it will use to determine beneficiary eligibility, document compliance with HAHTF requirements, manage and repay HAHTF funds, and how HAHTF funds will be paired with other sources to fill financing gaps.

XIII. Application Submission

Applications for HAHTF funding will be considered on a regular basis. Application cycles will be timed to complement annual funding cycles for state and federal funds expected to make up the bulk of a project's funding package. Each year's specific funding schedule and application requirements will be published in advance of the application due date.

Any request for information or clarification must be submitted by email to the City of Helena at least fifteen (15) calendar days before the application deadline.

Questions, requests for information, or clarification may be sent to the City of Helena's Community Development Department, citycommunitydevelopment@helenamt.gov, or by calling 406.447.8490.

A non-refundable application fee of $200 is due upon application submission.

XIV. Administrative Procedures

Applications will be submitted through a shared OneDrive folder set up for each application. Applicants must contact the City Housing Coordinator for access to their organization's individual folder.

Applications will be reviewed as follows:

1. City staff and Advisory Board review applications
2. Applicants present project to Advisory Board & City staff
3. Advisory Board makes recommendation to City Commission
4. City Commission makes final award and funding decisions.

Upon award, City staff will issue a preliminary letter of commitment including a general project description and anticipated outcomes in terms of number and type of units or households assisted, and stipulating the HAHTF loan terms and repayment schedule.

Funds not awarded in the current cycle will be made available the following application cycle, however up to $100,000 may be held in reserve and be made available to address unanticipated housing-related emergencies. Organizations providing affordable housing that experience a housing-related emergencies may be invited to submit an application outside the annual cycle upon invitation from City staff.

The City reserves the right to waive irregularities or deficiencies in a proposal if the City determines that such a waiver is in its best interest. The City reserves the right to fund projects at a level that is less than the amount requested. In cases of doubt or differences of opinion concerning the interpretation of this guidance or the application contents, the City reserves the exclusive right to determine and interpret the intent, purpose and meaning of any provision, which determination and/or interpretation shall be binding to the applicant.

Each recipient is required to carry out the specified activity in the manner described in the application, and to meet all of the obligations contained herein. Any material modifications to the project's financial assumption, its outcomes, or the manner in which the activity is carried out will require prior approval from the City. Advisory Board meetings may be called as needed to review proposed changes to an approved HAHTF project.

The City appreciates that successful affordable housing projects take many years to complete. However, projects must make demonstrable progress toward completion within one year from the date of the preliminary letter of commitment. The City reserves the right to withdraw or reconsider the award in the event that an applicant fails to meet this requirement.

In the event of non-compliance with any applicable City federal or state laws, codes, or regulations, the City's award may be terminated or suspended in whole or in part.

Any applicant (including any entity that has or had family or business ties or obtains an ownership interest in the project or property) who is in default on any funding agreement or reporting requirements for any City, state, or federal loans or grants, or is not in compliance with any zoning, planning or building division requirements, regardless of site will not be eligible for funding through this program.

HAHTF loans will close at or about the time all other project financing closes. HAHTF funds will not be released until all other financing is firmly committed and made available for use.

XV. Advisory Board

The Advisory Board will be appointed by the City Commission, and is comprised of up to seven (7) members who have a background and working knowledge in the areas of finance, real-estate development, nonprofit housing provider, architecture or engineering, and direct experience with housing insecurity. Knowledge of state, federal, or other funding sources that may act as primary financing is preferred. Members are responsible for reviewing, understanding, and analyzing project financials and making judgments as to a project's short and long-term feasibility and the reasonableness of an application's loan request and providing advice and recommendations to the City Commission for approval/denial. Members are also responsible for maintaining familiarity with the HAHTF Program Guidelines and current HAHTF Application.

The mayor appoints individuals to the Advisory Board with the advice and consent of the City Commission. Appointments are made for a three (3) year term. Members perform service voluntarily without compensation and are immune from liability with respect to any recommendation or action taken during the course of those services. Vacancies occurring in the membership of the Advisory Board will be filled by appointment by the mayor and the advice and consent of the City Commission. Each year on or about the time the annual HAHTF Application is released, the Advisory Board selects one of its members as chairperson and another of its members as vice chairperson.

The Board will review applications to ensure:

1) The amount and terms of the HAHTF loan is necessary to provide quality affordable housing that is financially viable;
2) The proposed sources and uses are reasonable;
3) The underwriting's financial assumptions are consistent with HAHTF underwriting and subsidy layering standards or other applicable financial standards and requirements;
4) The proposed project and financing structure is in the City's best interests; and

5) The project is feasible and achievable.

A project's conformance to the rules, requirements, and industry norms of a its primary financing sources will be considered when reviewing a project's financial assumptions and strategy.

The Advisory Board will also review applications for consistency with the City's HAHTF goals and priorities established in the HAHTF Application.

XVI. Recipient Requirements

A. Written Agreements

City staff will be available to provide technical assistance in determining which requirements apply to each project and interpreting relevant policies. However, recipients will be responsible for satisfying these requirements, documenting how the requirements are being satisfied, and reporting to the City on how these requirements are being satisfied.

At the time the loan is closed and prior to the disbursement of any funds, recipients and the City will sign a Loan Agreement stipulating the terms and conditions of the project and HAHTF loan including and/or incorporating by reference:

(1) The applicable HAHTF program guidelines, application materials & requirements;
(2) The application requesting HAHTF assistance;
(3) All HAHTF loan terms and conditions applicable to the project;
(4) The project's details and anticipated outcomes in terms of the location, anticipated beneficiaries, and number and type of units or households assisted; and
(5) Other items deemed necessary by the City.

In addition to the Loan Agreement, a Trust Indenture, Promissory Note, and in some cases a Deed Restriction securing the HAHTF investment will be signed by the recipient and filed with the Lewis and Clark County Clerk and Recorder; violation of which could result in full repayment of the HAHTF investment.

B. Ongoing Compliance, Recordkeeping, and Reporting

Recipients must maintain accurate records documenting that the project continues to meet its obligations commensurate with HAHTF requirements and the project's intent through its entire period of affordability. Recipients must provide annual reports to the City demonstrating that this requirement is being satisfied. At a minimum, reports must document that 1) the project is serving eligible beneficiaries; 2) Costs paid by HAHTF are eligible; and 3) The project continues to operate as intended and in a manner consistent with

HAHTF and other funding requirements; there has been no change in land use, occupancy, or other characteristic that would have triggered full repayment of the HAHTF investment or make the project otherwise ineligible for HAHTF assistance.

Projects currently in construction must submit the following documents on a quarterly basis:

- Summary of project and progress since last report
- Project construction status
- Estimated date of completion
- Material (>5%) changes to sources and uses or unit mix
- Marketing & lease up plan
- Third-party construction monitoring reports if required by other funders

At time of project completion, projects must submit the following information:

- Final cost certification
- Final sources and uses
- Certificate of occupancy
- Draft Marketing & lease up plan when project reaches 75% completion
- Contact information for ownership and property management agent

Typically, City staff will simply accept the results of monitoring and compliance reviews conducted by state or federal programs that provided the primary financing for rental and non-permanent housing projects.

In the absence of funding sources with these requirements, recipients must submit to annual monitoring visits and file review to ensure ongoing compliance. This may include physical inspections of the property and housing and reviewing the recipient's files to ensure compliance with all applicable HAHTF requirements. The City will charge an annual monitoring fee of $45 per unit/bed fee to conduct this onsite monitoring visit and file review.

Recipients, project owners or property management agents of completed rental or non-permanent housing projects are required to submit, at a minimum, the following documents every year:

- Current contact information for the project owner, management company, and site manager
- Annual report that includes, at a minimum, the following:
    - Vacancy rates
    - Total households provided with affordable housing
    - Changes in property management, ownership, operating subsidies, or service provision

- Certified annual operating statement
- Compliance/monitoring reports from other funders
- Current rent rolls
- Current tenant selection policies and procedures
- Current marketing plan
- Most recent audited financial statements
- Documentation of household income to ensure it meets the affordability required
- Rent limits and utility allowances
- Additional documents as requested by City staff

Recipients failing to submit adequate reports or whose reports evidence the project is not meeting its period of affordability requirements may be subject to immediate and full repayment of the HAHTF investment.

XVII. Requests for Funds

The City will release HAHTF funds on an as-needed basis during the course of the project (upon receipt of a request for funds and accompanying supporting documentation). HAHTF funds may be drawn not more than once per month and the City of Helena reserves up to fifteen (15) business days to process a request for funds. This 15-day period begins once all necessary documentation has been received.

XVIII. Other Considerations

Recipients are responsible for being aware of and complying with all applicable local, state, and federal policies, regulations, and statues which may include, but are not necessarily limited to:

- Montana Landlord Tenant Law
- Displacement/relocation protection
- Fair Housing Act
- The National Environmental Protection Act (NEPA) and the Montana Environmental Protection Act (MEPA).
- ADA & Section 504
- Tri-County Housing Needs Assessment
- 2019 Growth Policy
- TIF District Information ("At least ten percent (10%) of annual tax increment funds generated in urban renewal districts must be prioritized or segregated for the support of affordable housing projects within each respective urban renewal district. – Section 4 of Resolution No. 20630

City of Helena, Montana

06/24/2024

To: Honorable Mayor Collins and Members of the City Commission

From: *Chris Brink, Community Development Director*

Subject: Consider the passage of resolution to set fees to be charged for various land use and subdivision review applications within the Planning Division of the Department of Community Development, repealing Resolution No. 11093, and providing for a policy for the waiver of fees.

Present Situation: Conduct a Public Hearing and present to members of the City Commission a Resolution to Set Fees Charged for Various Land Use and Subdivision Review Applications within the Planning Division of the Department of Community Development, Repealing Resolution # 11093, and Providing for a Policy for the Waiver of Fees

Background Information: Fees charged and collected by the Planning Division of the City of Helena Community Development Department have not changed in over 27 years. In 1997, when the fees were last adjusted, an analysis was done that estimated the average planning staff time to review the various land use applications. An estimate of the staff time-cost was then calculated for each land use application. The application fee amount was based on recovery of related costs (legal advertisement, notifications, etc.) and an estimate of half of staff costs. A survey of other communities was also conducted and, at the time of that analysis, Helena's fees "appeared to represent an average."

In conjunction with the FY 25 budget process, to further coincide with the implementation of our new, online application submittal process, and in preparation of full implementation of SB 382, staff has once again conducted a thorough review of our fee schedules relative to land use and subdivision applications. As in 1997, staff conducted an analysis of our current fee structure and the cost for the City of Helena to provide services to receive, review, process, and present for action those applications and requests. Again, like in 1997, reviews and surveys were conducted of various Montana cities and their fee structures. This time around, however, it was evident that fees charged by the City of Helena for planning services have been drastically outpaced by all our sister cities.

As part of the departmental budget presentation to City Commission, staff provided an overview of proposed fee increases and the analysis used to draft the proposed departmental fee schedule. Taking into consideration the increased cost of providing our planning services since the establishment of the current land use fees, approximately 27 years, the requirements in state law for additional and new subdivision processes, the land use fees charged by other jurisdictions in Montana, and compatibility with the new online application process, staff is proposing changes to the City of Helena's land use application fees.

Staff also proposes a policy for the review of waiver requests relative to the proposed fees.

Proposal/Objective: Passage of a Resolution setting fees for the Planning Division of Community Development, repealing Resolution # 11093, and setting a policy for the waiver of these fees.

Advantage:	Various charges for certain land use applications and other planning division processed requests are necessary and reflect the partial cost of providing application processing, review and public noticing and presentation for consideration by the City's various boards and commissions
Notable Energy Impact:	NA
Disadvantage:	NA
Notice of Public Hearing:	Notice Attached
Staff Recommendation/ Recommended Motion:	Move to approve a to Resolution Setting Fees Charged for Various Land Use and Subdivision Review Applications within the Planning Division of the Department of Community Development, Repealing Resolution # 11093, and Providing for a Policy for the Waiver of Fees

Christopher J. Brink, AICP
Director

Community Development Department
316 North Park Avenue, Room 445
Helena, Montana 59623

Phone: 406-447-8490
Direct: 406-447-8445
Email: cbrink@helenamt.gov

helenamt.gov

STAFF MEMO

DATE: August 1, 2024

TO: Honorable Mayor Collins
Members, Helena City Commission
Tim Burton, City Manager

FROM: Christopher Brink, AICP
Director

SUBJECT: **A Resolution to set fees to be charged for various land use and subdivision review applications within the Planning Division of the Department of Community Development, repealing Resolution No. 11093, and providing for a policy for the waiver of fees.**

OVERVIEW

Fees charged and collected by the Planning Division of the City of Helena Community Development Department have not changed in over 27 years. In 1997, when the fees were last adjusted, an analysis was done that estimated the average planning staff time to review the various land use applications. An estimate of the staff time-cost was then calculated for each land use application. The application fee amount was based on recovery of related costs (legal advertisement, notifications, etc.) and an estimate of half of staff costs. A survey of other communities was also conducted and, at the time of that analysis, Helena's fees "appeared to represent an average."

In conjunction with the FY 25 budget process, to further coincide with the implementation of our new, online application submittal process, and in preparation of full implementation of SB 382, staff has once again conducted a thorough review of our fee schedules relative to land use and subdivision applications. As in 1997, staff conducted an analysis of our current fee structure and the cost for the City of Helena to provide services to receive, review, process, and present for action those applications and requests. Again, like in 1997, reviews and surveys were conducted of various Montana cities and their fee structures. This time around, however, it was evident that fees charged by the City of Helena for planning services have been drastically outpaced by all our sister cities.

As part of the departmental budget presentation to City Commission, staff provided an overview of proposed fee increases and the analysis used to draft the proposed departmental fee schedule. Taking into consideration the increased cost of providing our planning services since the establishment of the current land use fees, approximately 27 years, the requirements in state law for additional and new subdivision processes, the land use fees charged by other jurisdictions in Montana, and compatibility with the new online application process, staff is proposing changes to the City of Helena's land use application fees.

During the City Commission Administrative Meeting on July 10 and the Regular Meeting on July 15 where the Resolution of Intent was presented, comments were made and discussion had relative to providing relief to certain fees related to non-profits, small businesses, and applications related to the creation of affordable housing.

Staff proposes the following for consideration, all included in the draft resolution document:

Section 2. *The Helena City Commission hereby establishes a policy and process for fee waiver requests.*

A. The City Commission may consider and approve a request, by resolution, for a full or partial waiver of fees, when one of the following criteria is demonstrated and met:

1. *An application that demonstrates an extraordinary civic, charitable, educational, or other similar benefit for the whole of the City of Helena or for the immediate surrounding neighborhood.*
2. *There is a prevailing public interest in waving the application fee.*
3. *The proposed, resultant project is being developed by a non-profit, charitable, religious, or other public service organization.*
4. *The proposed, resultant project will serve households earning at or below 60% of area median income (AMI) and maintain a period of affordability at or below 60% AMI for a minimum of 40 years.*
5. *The application is part of a larger project funded by or with, to include but not limited to, Low Income Housing Tax Credits (LIHTC), the Helena Affordable Housing Trust Fund, Community Development Block Grant (CDBG), Historic Preservation and Rehabilitation programs.*
6. *The applicant qualifies as low income and the application concerns property, either residential or commercial, that is owned by the applicant.*

B. Requests for waivers must be made on materials supplied by the City, with supporting documentation demonstrating eligibility with the appropriate waiver criteria.

C. Waiver requests will be considered at a public hearing held at the next available regular meeting of the City Commission; but no sooner than 30 days from the date of the waiver request being made and submitted to Community Development staff.

GENERAL INFORMATION/PUBLIC NOTICE

IR Legal Notice:	July 30, 2024
City Commission Administration Mtg (Budget):	May 1, 2024
City Commission Administration Meeting:	July 10, 2024
City Commission Regular Meeting:	July 15, 2024
City Commission Public Hearing:	August 12, 2024

PUBLIC COMMENT AND ENGAGEMENT

Staff presented the proposed fee schedule changes at the May 1, 2024 Administration Meeting of the City Commission.

The proposed fee scheduled changes have also been posted on the Community Development website @ https://www.helenamt.gov/Departments/Community-Development/Planning/Current-Projects

Additional public notice has been provided using our normal social media channels prior to the public hearing.

A solicitation for comments was provided via email to select department/development stakeholders. One comment/question was received and has been placed in the NOVUS packet

RECOMMENDED FEE SCHEDULE

Exhibit A - Planning Division
Land Use, Subdivision Review, and Miscellaneous Fees
w/ Three (3) Year Phased Implementation

Fee Category	Fee Name/Type	Fee at Adoption	Fee on July 1, 2025	Fee on July 1, 2026
Pre-Applications				
	Pre-Application Non-Subdivision Consultation	No Fee	No Fee	No Fee
	Subdivision Pre-Application Consultation	No Fee	No Fee	No Fee
Subdivision				
	Major Subdivision Preliminary Plat	$475 Base + $15/Lot	$550 Base + $15/Lot	$625 Base + $15/Lot
	Minor Subdivision Preliminary Plat	$475	$550	$625
	Preliminary Plat Amendments	$400	$800	$1,200
	Preliminary Plat Extension	$375	$775	$1,150
	Subdivision Variance (each)	$275	$550	$825
	Phased Commencement Review	$375	$750	$1,125
	Major Subdivision Final	$725	$1,050	$1,400
	Minor Subdivision Final	$375	$650	$925
	*Amended Plat/COS	$125	$275	$400
	Expedited Subdivision review	$350	$725	$1,075
	Administrative Minor	$375	$775	$1,150

Land Use/Zoning				
	Annexation	$650	$1,000	$1,350
	Annexation w/Pre-Zone	$1,025	$1,475	$1,925
	Pre-Zone/Zone Change	$750	$1,100	$1,450
	Zone Change w/CUP	$600	$1,200	$1,800
	Conditional Use Permit	$825	$1,200	$1,575
	Conditional Use Permit Amendment	$650	$875	$1,100
	Conditional Use Permit Extension	$550	$800	$1,050
	Zoning Variance	$550	$750	$950
	Zoning Ordinance Text Amendment	$550	$750	$950
	Growth Policy/Land Use Map Amendment	$575	$975	$1,150
Site Plan Review				
	1 and 2 Residential Units	No Fee	No Fee	No Fee
	Commercial/Non-Residential/Multi-Unit Residential	See Fee Table - $250 Base - $750 Max Fee	See Fee Table - $250 Base -$750 Max Fee	See Fee Table - $250 Base -$750 Max Fee
Miscellaneous				
	Historic Demolition	$200	$200	$200
	Tax Abatement Requests	$175	$175	$175

* There is an additional $200 fee charged for the County Survey Review Committee review

Commercial/Non-Residential/Multi-Unit Residential Site Review Fee Table			
Cost	Square Feet	Cost	Square Feet
$ 250	1,000	$ 510	27,000
$ 260	2,000	$ 520	28,000
$ 270	3,000	$ 530	29,000
$ 280	4,000	$ 540	30,000
$ 290	5,000	$ 550	31,000
$ 300	6,000	$ 560	32,000
$ 310	7,000	$ 570	33,000
$ 320	8,000	$ 580	34,000
$ 330	9,000	$ 590	35,000
$ 340	10,000	$ 600	36,000
$ 350	11,000	$ 610	37,000
$ 360	12,000	$ 620	38,000
$ 370	13,000	$ 630	39,000
$ 380	14,000	$ 640	40,000

$ 390	15,000	$ 650	41,000
$ 400	16,000	$ 660	42,000
$ 410	17,000	$ 670	43,000
$ 420	18,000	$ 680	44,000
$ 430	19,000	$ 690	45,000
$ 440	20,000	$ 700	46,000
$ 450	21,000	$ 710	47,000
$ 460	22,000	$ 720	48,000
$ 470	23,000	$ 730	49,000
$ 480	24,000	$ 740	50,000
$ 490	25,000	$ 750	51,000
$ 500	26,000		
$250 minimum, plus $10 per 1,000 square feet of gross floor area over 1,000 square feet with a cap/maximum of $750.			

RECOMMENDED MOTION

Move to Approve the Resolution to set fees to be charged for various land use and subdivision review applications within the Planning Division of the Department of Community Development, repealing Resolution No. 11093, and providing for a policy for the waiver of fees.

Documents Attached (Included in the NOVUS Submittal):

Draft Resolution
Proposed Fee Schedule
Updated Fee Analysis to include the CUP/ZC Consolidated Fee
Adopted Resolution of Intent – July 15, 2024
Resolution 11093 – January 1997
Ordinance #3280 – Waivers for Building Permit Fees
Notice of Public Hearing

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

RESOLUTION NO. _____

A RESOLUTION TO SET FEES TO BE CHARGED FOR VARIOUS LAND USE AND SUBDIVISON REVIEW APPLICATIONS WITHIN THE PLANNING DIVISION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT, REPEALING RESOLUTION NO. 11093, AND PROVIDING FOR A POLICY FOR THE WAIVER OF FEES

WHEREAS, pursuant to the Helena City Code 1-5-9: Fee and Charge Amounts: The specific amount of any fees and charges imposed will be established and adjusted by the City Commission in a manner provided in Title 7, Chapter 5, Part 1 of the Montana Code Annotated;

WHEREAS, various charges for certain land use applications and other planning division processed requests are necessary and reflect the partial cost of providing application processing, review and public noticing and presentation for consideration by the City's various boards and commissions;

WHEREAS, the land use application fees are set to be as equitable as possible while offsetting the impact to the general fund for those services with which the fees are associated;

WHEREAS, the current fee schedule for the planning division of the Community Development Department (Helena Planning Department) was established by Resolution No. 11093 in January

DRAFT

1997;

WHEREAS, the fees referenced herein and shown in Exhibit A will be fully implemented within three (3) years, with increases occurring on July 1, 2025 and July 1, 2026.

WHEREAS, the City Commission has the discretion to and desires to waive the fees as shown in Exhibit A and to set forth criteria which establishing when and under what circumstances the City Commission may consider and approve requests for full or partial waivers of fees for applications and requests as set forth in Exhibit A;

WHEREAS, a public hearing on this resolution was held by the City Commission on August 12, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00 P.M.; and

WHEREAS, it appears to be in the best interest of the City of Helena and its citizens that Resolution No. 11093 be repealed and the above mentioned fees, as further referenced and shown in Exhibit A, be established as set forth below.

\\

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. The City of Helena Commission hereby repeals

Resolution No. 11093 and establishes updated fees for various land use applications within the planning division of the Community Development Department as shown in Exhibit A.

Section 2. The Helena City Commission hereby establishes a policy and process for fee waiver requests.

A. The City Commission may consider and approve a request, by resolution, for a full or partial waiver of fees, when one of the following criteria is demonstrated and met:

1. An application that demonstrates an extraordinary civic, charitable, educational, or other similar benefit for the whole of the City of Helena or for the immediate surrounding neighborhood.
2. There is a prevailing public interest in waving the application fee.
3. The proposed, resultant project is being developed by a non-profit, charitable, religious, or other public service organization.
4. The proposed, resultant project will serve households earning at or below 60% of area median income (AMI) and maintain a period of affordability

at or below 60% AMI for a minimum of 40 years.

5. The application is part of a larger project funded by or with, to include but not limited to, Low Income Housing Tax Credits (LIHTC), the Helena Affordable Housing Trust Fund, Community Development Block Grant (CDBG), Historic Preservation and Rehabilitation programs.

6. The applicant qualifies as low income and the application concerns property, either residential or commercial, that is owned by the applicant.

B. Requests for waivers must be made on materials supplied by the City, with supporting documentation demonstrating eligibility with the appropriate waiver criteria.

C. Waiver requests will be considered at a public hearing held at the next available regular meeting of the City Commission; but no sooner than 30 days from the date of the waiver request being made and submitted to Community Development staff.

Section 3. The Helena City Commission held a public hearing on this matter on August 12, 2024, in the Commission Chambers at

DRAFT

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

316 North Park Avenue in Helena, Montana.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 12th DAY OF August, 2024.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COMMISSION

DRAFT

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. _____

Exhibit A - Planning Division
Land Use, Subdivision Review, and Miscellaneous Fees
w/ Three (3) Year Phased Implementation

Fee Category	Fee Name/Type	Fee at Adoption	Fee on July 1, 2025	Fee on July 1, 2026
Pre-Applications				
	Pre-Application Non-Subdivision Consultation	No Fee	No Fee	No Fee
	Subdivision Pre-Application Consultation	No Fee	No Fee	No Fee
Subdivision				
	Major Subdivision Preliminary Plat	$475 Base + $15/Lot	$550 Base + $15/Lot	$625 Base + $15/Lot
	Minor Subdivision Preliminary Plat	$475	$550	$625
	Preliminary Plat Amendments	$400	$800	$1,200
	Preliminary Plat Extension	$375	$775	$1,150
	Subdivision Variance (each)	$275	$550	$825
	Phased Commencement Review	$375	$750	$1,125
	Major Subdivision Final	$725	$1,050	$1,400
	Minor Subdivision Final	$375	$650	$925
	*Amended Plat/COS	$125	$275	$400
	Expedited Subdivision review	$350	$725	$1,075
	Administrative Minor	$375	$775	$1,150
Land Use/Zoning				
	Annexation	$650	$1,000	$1,350
	Annexation w/Pre-Zone	$1,025	$1,475	$1,925
	Pre-Zone/Zone Change	$750	$1,100	$1,450
	Zone Change w/CUP	$600	$1,200	$1,800
	Conditional Use Permit	$825	$1,200	$1,575
	Conditional Use Permit Amendment	$650	$875	$1,100
	Conditional Use Permit Extension	$550	$800	$1,050
	Zoning Variance	$550	$750	$950
	Zoning Ordinance Text Amendment	$550	$750	$950
	Growth Policy/Land Use Map Amendment	$575	$975	$1,150

DRAFT

Res. No. _____

Site Plan Review				
	1 and 2 Residential Units	No Fee	No Fee	No Fee
	Commercial/Non-Residential/Multi-Unit Residential	See Fee Table - $250 Base - $750 Max Fee	See Fee Table - $250 Base -$750 Max Fee	See Fee Table - $250 Base -$750 Max Fee
Miscellaneous				
	Historic Demolition	$200	$200	$200
	Tax Abatement Requests	$175	$175	$175

* There is an additional $200 fee charged for the County Survey Review Committee review

Commercial/Non-Residential/Multi-Unit Residential Site Review Fee Table

Cost	Square Feet	Cost	Square Feet
$ 250	1,000	$ 510	27,000
$ 260	2,000	$ 520	28,000
$ 270	3,000	$ 530	29,000
$ 280	4,000	$ 540	30,000
$ 290	5,000	$ 550	31,000
$ 300	6,000	$ 560	32,000
$ 310	7,000	$ 570	33,000
$ 320	8,000	$ 580	34,000
$ 330	9,000	$ 590	35,000
$ 340	10,000	$ 600	36,000
$ 350	11,000	$ 610	37,000
$ 360	12,000	$ 620	38,000
$ 370	13,000	$ 630	39,000
$ 380	14,000	$ 640	40,000
$ 390	15,000	$ 650	41,000
$ 400	16,000	$ 660	42,000
$ 410	17,000	$ 670	43,000
$ 420	18,000	$ 680	44,000
$ 430	19,000	$ 690	45,000
$ 440	20,000	$ 700	46,000
$ 450	21,000	$ 710	47,000
$ 460	22,000	$ 720	48,000

DRAFT

$ 470	23,000	$ 730	49,000
$ 480	24,000	$ 740	50,000
$ 490	25,000	$ 750	51,000
$ 500	26,000		
$250 minimum, plus $10 per 1,000 square feet of gross floor area over 1,000 square feet with a cap/maximum of $750.			

DRAFT

Fee Name	Current Fee	Year 1 (FY25)	Year 2 (FY26)	Final (FY27) ≈1/2 Recovery	Total Fee Increase	% Increase	Full Recovery Cost
* Major Subdivision Preliminary Plat Base	$ 400.00	$ 475.00	$ 550.00	$ 625.00	$ 225.00	56%	$ 4,239.68
+ per lot	$ 15.00	$ 15.00	$ 15.00	$ 15.00	$ -	0%	
Minor Subdivision Preliminary Plat	$ 400.00	$ 475.00	$ 550.00	$ 625.00	$ 225.00	56%	$ 1,265.51
Minor Subdivision Final Plat	$ 100.00	$ 375.00	$ 650.00	$ 925.00	$ 825.00	825%	$ 1,833.20
Major Subdivision Final Plat	$ 375.00	$ 725.00	$ 1,050.00	$ 1,400.00	$ 1,025.00	273%	$ 2,774.80
Annexation	$ 300.00	$ 650.00	$ 1,000.00	$ 1,350.00	$ 1,050.00	350%	$ 2,718.22
Annexation with Pre-Zone	$ 560.00	$ 1,025.00	$ 1,475.00	$ 1,925.00	$ 1,365.00	244%	$ 3,836.62
Pre-Zone/Zone Change	$ 410.00	$ 750.00	$ 1,100.00	$ 1,450.00	$ 1,040.00	254%	$ 2,875.02
Conditional Use Permit	$ 435.00	$ 825.00	$ 1,200.00	$ 1,575.00	$ 1,140.00	262%	$ 3,139.02
Conditional Use Permit Amendment	$ 435.00	$ 650.00	$ 875.00	$ 1,100.00	$ 665.00	153%	$ 2,185.62
Conditional Use Permit Extension	$ 310.00	$ 550.00	$ 800.00	$ 1,050.00	$ 740.00	239%	$ 2,063.82
Board of Adjustment Variance	$ 125.00	$ 500.00	$ 850.00	$ 1,225.00	$ 1,100.00	880%	$ 2,422.82
Zoning Ordinance Amendment	$ 350.00	$ 550.00	$ 750.00	$ 950.00	$ 600.00	171%	$ 1,907.80
Minor Growth Policy Amendment	$ 200.00	$ 575.00	$ 975.00	$ 1,350.00	$ 1,150.00	575%	$ 2,679.40
Historic Property Demolition	$ 200.00	$ 200.00	$ -	$ -	$ -	N/A	
Tax Abatement Requests	$ 175.00	$ 175.00	$ -	$ -	$ -	N/A	
Zone Change with CUP	$ -	$ 600.00	$ 1,200.00	$ 1,800.00	$ 1,800.00	N/A	$ 3,735.72
Phase Commencement Review	$ -	$ 375.00	$ 750.00	$ 1,125.00	$ 1,125.00	N/A	$ 2,235.37
Preliminary Plat Amendments	$ -	$ 400.00	$ 800.00	$ 1,200.00	$ 1,200.00	N/A	$ 2,392.17
Preliminary Plat Extension	$ -	$ 375.00	$ 775.00	$ 1,150.00	$ 1,150.00	N/A	$ 2,297.17
Subdivision Variance (each)	$ -	$ 275.00	$ 550.00	$ 825.00	$ 825.00	N/A	$ 1,658.30
**Amended Plat COS	$ -	$ 125.00	$ 275.00	$ 400.00	$ 400.00	N/A	$ 1,721.40
Expedited Subdivision Review	$ -	$ 350.00	$ 725.00	$ 1,075.00	$ 1,075.00	N/A	$ 2,151.80
Administrative Minor Subdivision	$ -	$ 375.00	$ 775.00	$ 1,150.00	$ 1,150.00	N/A	$ 2,301.02
***Commercial Site Review (Max Fee)	$ -	$ 750.00	$ -	$ -	$ 750.00	N/A	$ 1,486.00

Existing
New

* Fee recovery, fee analysis, and proposed increases are based on a 100 lot subdivison review
** $400 maximum per 76-3-201 and 76-3-207 MCA
*** $250 minimum, plus $10 per 1,000 square feet of gross floor area over 1,000 square feet with a cap/maximum of $750

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20929

A RESOLUTION OF INTENTION TO SET FEES TO BE CHARGED FOR VARIOUS LAND USE AND SUBDIVISON REVIEW APPLICATIONS WITHIN THE PLANNING DIVISION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT, REPEALING RESOLUTION NO. 11093, AND SETTING THE PUBLIC HEARING

WHEREAS, pursuant to the Helena City Code 1-5-9, the specific amount of any fees and charges imposed will be established and adjusted by the City Commission;

WHEREAS, various charges for certain land use applications and other planning division processed requests are necessary and reflect the partial cost of providing application processing, review and public noticing and presentation for consideration by the City's various boards and commissions;

WHEREAS, the land use application fees are set to be as equitable as possible while partially offsetting the impact to the general fund for those services with which the fees are associated;

WHEREAS, the fees referenced herein and shown in Exhibit A will be fully implemented within three (3) years, with increases occurring on July 1, 2025 and July 1, 2026.

WHEREAS, the current fee schedule for the planning division of the Community Development Department (Helena Planning

Department) was established by Resolution No. 11093 in January 1997; and

WHEREAS, it appears to be in the best interest of the City of Helena, and its citizens thereof, that the Helena City Commission hold a public hearing on the implementation of above mentioned fees and as further referenced and shown in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

//

Section 1. It is the intention of the City of Helena Commission to repeal Resolution No. 11093 and establish updated fees for various land use applications within the planning division of the Community Development Department as shown in Exhibit A.

Section 2. The Helena City Commission will hold a public hearing on this matter on August 12, 2024, in the Commission Chambers at 316 North Park Avenue in Helena, Montana, at 6:00pm and via Zoom Meeting at webinar ID: https://us06web.zoom.us/j/89382079922 at which time all interested parties may appear and express their views of approval or disapproval on the proposed fees.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,

MONTANA, THIS 15th DAY OF JULY, 2024.

MAYOR

ATTEST:

CLERK OF THE COMMISSION

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. 20929

Land Use, Subdivision Review, and Miscellaneous Fees
w/ Three (3) Year Phased Implementation

Fee Category	Fee Name/Type	Fee at Adoption	Fee on July 1, 2025	Fee on July 1, 2026
Pre-Applications				
	Pre-Application Non-Subdivision Consultation	No Fee	No Fee	No Fee
	Subdivision Pre-Application Consultation	No Fee	No Fee	No Fee
Subdivision				
	Major Subdivision Preliminary Plat	$475 Base + $15/Lot	$550 Base + $15/Lot	$625 Base + $15/Lot
	Minor Subdivision Preliminary Plat	$475	$550	$625
	Preliminary Plat Amendments	$400	$800	$1,200
	Preliminary Plat Extension	$375	$775	$1,150
	Subdivision Variance (each)	$275	$550	$825
	Phased Commencement Review	$375	$750	$1,125
	Major Subdivision	$725	$1,050	$1,400
	Minor Subdivision	$375	$650	$925
	*Amended Plat/COS	$125	$275	$400
	Expedited Subdivision review	$350	$725	$1,075
	Administrative Minor	$375	$775	$1,150
Land Use/Zoning				
	Annexation	$650	$1,000	$1,350
	Annexation w/Pre-Zone	$1,025	$1,475	$1,925
	Pre-Zone/Zone Change	$750	$1,100	$1,450
	Conditional Use Permit	$825	$1,200	$1,575
	Conditional Use Permit Amendment	$650	$875	$1,100
	Conditional Use Permit Extension	$550	$800	$1,050
	Zoning Variance	$550	$750	$950
	Zoning Ordinance Text Amendment	$550	$750	$950
	Growth Policy/Land Use Map Amendment	$575	$975	$1,150
Site Plan Review				
	1 and 2 Residential Units	No Fee	No Fee	No Fee

	Commercial/Non-Residential/Multi-Unit Residential	See Fee Table - $250 Base - $750 Max Fee	See Fee Table - $250 Base -$750 Max Fee	See Fee Table - $250 Base -$750 Max Fee
Miscellaneous				
	Historic Demolition	$200	$200	$200
	Tax Abatement Requests	$175	$175	$175

* There is an additional $200 fee charged for the County Survey Review Committee review

Commercial/Non-Residential/Multi-Unit Residential Site Review Fee Table			
Cost	Square Feet	Cost	Square Feet
$ 250	1,000	$ 510	27,000
$ 260	2,000	$ 520	28,000
$ 270	3,000	$ 530	29,000
$ 280	4,000	$ 540	30,000
$ 290	5,000	$ 550	31,000
$ 300	6,000	$ 560	32,000
$ 310	7,000	$ 570	33,000
$ 320	8,000	$ 580	34,000
$ 330	9,000	$ 590	35,000
$ 340	10,000	$ 600	36,000
$ 350	11,000	$ 610	37,000
$ 360	12,000	$ 620	38,000
$ 370	13,000	$ 630	39,000
$ 380	14,000	$ 640	40,000
$ 390	15,000	$ 650	41,000
$ 400	16,000	$ 660	42,000
$ 410	17,000	$ 670	43,000
$ 420	18,000	$ 680	44,000
$ 430	19,000	$ 690	45,000
$ 440	20,000	$ 700	46,000
$ 450	21,000	$ 710	47,000
$ 460	22,000	$ 720	48,000
$ 470	23,000	$ 730	49,000

$ 480	24,000	$ 740	50,000
$ 490	25,000	$ 750	51,000
$ 500	26,000		
$250 minimum, plus $10 per 1,000 square feet of gross floor area over 1,000 square feet with a cap/maximum of $750.			

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Minor Subdivision Preliminary Plat

Fee Description: Application review and processing for subdivisions creating 5 or fewer lots.

Fee Justification Formula

PERSONNEL (base only)

If different levels of pay for multiple personnel, place each rate on separate line

# People	Pay Rate (hourly)	# Hours
1	$30	20
1	$25	2
1	$50	6
0	$0.00	0
0	$0.00	0

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $150.31

Desc.	# Units	$ Cost /Unit
Paper	30	$0.01
Envelopes	15	$0.14
Certified Mail	15	$8.73
Sign	1	$16.80
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$1,265.51

3-YEAR FEE TARGET

$632.75

TOTAL FEE INCREASE

$232.75

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Major Subdivision Preliminary Plat

Fee Description: Application review and processing for subdivisions creating 6 or more lots.

Fee Justification Formula

PERSONNEL (base only)

If different levels of pay for multiple personnel, place each rate on separate line

# People	Pay Rate (hourly)	# Hours
1	$30	80
1	$25	8
1	$50	10
0	$0.00	0
0	$0.00	0

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $562.82

Desc.	# Units	$ Cost /Unit
Paper	80	$0.01
Envelopes	40	$0.14
Certified Mail	40	$8.73
Sign	1	$16.80
Legal Notice	2	$95.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$4,239.68

3-YEAR FEE TARGET

$2,119.84

TOTAL FEE INCREASE

$1,719.84

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Minor Subdivision Final Plat

Fee Description: Application review and processing for final plat of subdivisions creating 5 or fewer lots.

Fee Justification Formula

PERSONNEL (base only)

If different levels of pay for multiple personnel, place each rate on separate line

# People	Pay Rate (hourly)	# Hours
1	$30	40
1	$25	2
1	$50	6
0	$0.00	0
0	$0.00	0

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $0.00

Desc.	# Units	$ Cost /Unit
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$1,833.20

3-YEAR FEE TARGET

$916.60

TOTAL FEE INCREASE

$816.60

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Major Subdivision Final Plat

Fee Description: Application review and processing for final plat of subdivisions creating 6 or more lots.

Fee Justification Formula

PERSONNEL (base only)

# People	Pay Rate (hourly)	# Hours
1	$30	60
1	$25	2
1	$50	10
0	$0.00	0
0	$0.00	0

If different levels of pay for multiple personnel, place each rate on separate line

PUBLIC NOTICE

Amount: $0.00

Desc.	# Units	$ Cost /Unit
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

CITY SUPPORT

0%

Commission Subsidy

None → 0

PRELIMINARY TOTAL

$2,774.80

3-YEAR FEE TARGET

$1,387.40

TOTAL FEE INCREASE

$1,012.40

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Annexation

Fee Description: Application review and processing for proposed annexation of property into City limits.

Fee Justification Formula

PERSONNEL (base only)

# People	Pay Rate (hourly)	# Hours
1	$30	40
1	$25	4
1	$50	8
1	$55	4
0	$0.00	0

If different levels of pay for multiple personnel, place each rate on separate line

PUBLIC NOTICE

Amount: $467.82

Desc.	# Units	$ Cost /Unit
Paper	80	$0.01
Envelopes	40	$0.14
Certified	40	$8.73
Sign	1	$16.80
Legal Notice	1	$95.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

CITY SUPPORT

0%

Commission Subsidy

None → 0

PRELIMINARY TOTAL

$2,718.22

3-YEAR FEE TARGET

$1,359.11

TOTAL FEE INCREASE

$1,059.11

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Annexation with Pre-Zone

Fee Description: Review and processing of annexation application in conjunction with an associated Pre-Zoning application.

Fee Justification Formula

PERSONNEL (base only)

# People	Pay Rate (hourly)	# Hours
1	$30	60
1	$25	6
1	$50	8
1	$55	8
0	$0.00	0

If different levels of pay for multiple personnel, place each rate on separate line

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $562.82

Desc.	# Units	$ Cost /Unit
Paper	80	$0.01
Envelopes	40	$0.14
Certified	40	$8.73
Sign	1	$16.80
Legal Notice	2	$95.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$3,836.62

3-YEAR FEE TARGET

$1,918.31

TOTAL FEE INCREASE

$1,508.31

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Pre-Zone

Fee Description: Review and processing of a zoning application for a parcel yet to be annexed or zoned by the City.

Fee Justification Formula

PERSONNEL (base only)

If different levels of pay for multiple personnel, place each rate on separate line

# People	Pay Rate (hourly)	# Hours
1	$30	40
1	$25	6
1	$50	8
1	$55	4
0	$0.00	0

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $562.82

Desc.	# Units	$ Cost /Unit
Paper	80	$0.01
Envelopes	40	$0.14
Certified	40	$8.73
Sign	1	$16.80
Legal Notice	2	$95.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$2,875.02

3-YEAR FEE TARGET

$1,437.51

TOTAL FEE INCREASE

$1,027.51

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Zone Change

Fee Description: Review and processing of a zoning application for a parcel already zoned by the City.

Fee Justification Formula

PERSONNEL (base only)

If different levels of pay for multiple personnel, place each rate on separate line

# People	Pay Rate (hourly)	# Hours
1	$30	40
1	$25	6
1	$50	8
1	$55	4
0	$0.00	0

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $562.82

Desc.	# Units	$ Cost /Unit
Paper	80	$0.01
Envelopes	40	$0.14
Certified	40	$8.73
Sign	1	$16.80
Legal Notice	2	$95.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$2,875.02

3-YEAR FEE TARGET

$1,437.51

TOTAL FEE INCREASE

$1,027.51

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Conditional Use Permit

Fee Description: Review and processing of a conditional use permit for Growth Policy/LUP and zoning regulation compliance.

Fee Justification Formula

PERSONNEL (base only)

# People	Pay Rate (hourly)	# Hours
1	$30	50
1	$25	6
1	$50	8
1	$55.00	4
0	$0.00	0

If different levels of pay for multiple personnel, place each rate on separate line

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $467.82

Desc.	# Units	$ Cost /Unit
Paper	80	$0.01
Envelopes	40	$0.14
Certified	40	$8.73
Sign	1	$16.80
Legal Notice	1	$95.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$3,139.02

3-YEAR FEE TARGET

$1,569.51

TOTAL FEE INCREASE

$1,134.51

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Conditional Use Permit Amendment

Fee Description: Review and processing of an amendment to a conditional use permit which has previously been approved.

Fee Justification Formula

PERSONNEL (base only)

# People	Pay Rate (hourly)	# Hours
1	$30	30
1	$25	2
1	$50	6
1	$55.00	4
0	$0.00	0

If different levels of pay for multiple personnel, place each rate on separate line

PUBLIC NOTICE

Amount: $467.82

Desc.	# Units	$ Cost /Unit
Paper	80	$0.01
Envelopes	40	$0.14
Certified	40	$8.73
Legal Notice	1	$95.00
Sign	1	$16.80
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

CITY SUPPORT

0%

Commission Subsidy

None → 0

PRELIMINARY TOTAL

$2,185.62

3-YEAR FEE TARGET

$1,092.81

TOTAL FEE INCREASE

$657.81

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Conditional Use Permit Extension

Fee Description: Review and processing of an extension of a conditional use permit which has previously been approved.

Fee Justification Formula

PERSONNEL (base only)

# People	Pay Rate (hourly)	# Hours
1	$30	30
1	$25	2
1	$50	6
1	$55.00	2
0	$0.00	0

If different levels of pay for multiple personnel, place each rate on separate line

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $467.82

Desc.	# Units	$ Cost /Unit
Paper	80	$0.01
Envelopes	40	$0.14
Certified	40	$8.73
Legal Notice	1	$95.00
Sign	1	$16.80
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$2,063.82

3-YEAR FEE TARGET

$1,031.91

TOTAL FEE INCREASE

$721.91

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Zone Change w/ CUP

Fee Description: Review and processing of a zoning application for a parcel already zoned by the City combined with a CUP Request.

Fee Justification Formula

PERSONNEL (base only)

# People	Pay Rate (hourly)	# Hours
1	$30	55
1	$25	8
1	$50	8
1	$55	8
0	$0.00	0

If different levels of pay for multiple personnel, place each rate on separate line

PUBLIC NOTICE

Amount: $579.62

Desc.	# Units	$ Cost /Unit
Paper	80	$0.01
Envelopes	40	$0.14
Certified	40	$8.73
Sign	2	$16.80
Legal Notice	2	$95.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

CITY SUPPORT

0%

Commission Subsidy

None → 0

PRELIMINARY TOTAL

$3,735.72

3-YEAR FEE TARGET

$1,867.86

TOTAL FEE INCREASE

$1,867.86

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Variance

Fee Description: Review and processing of request for variance from zoning regulations.

Fee Justification Formula

PERSONNEL (base only)

If different levels of pay for multiple personnel, place each rate on separate line

# People	Pay Rate (hourly)	# Hours
1	$30	40
1	$25	2
1	$50	6
1	$55	2
0	$0.00	0

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $467.82

Desc.	# Units	$ Cost /Unit
Paper	80	$0.01
Envelopes	40	$0.14
Certified	40	$8.73
Sign	1	$16.80
Legal Notice	1	$95.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$2,422.82

3-YEAR FEE TARGET

$1,211.41

TOTAL FEE INCREASE

$1,086.41

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Zoning Ordinance Amendment

Fee Description: Review and processing of an application amending Title 11 of Helena City Code.

Fee Justification Formula

PERSONNEL (base only)

# People	Pay Rate (hourly)	# Hours
1	$30	30
1	$25	2
1	$50	6
1	$55.00	4
0	$0.00	0

If different levels of pay for multiple personnel, place each rate on separate line

PUBLIC NOTICE

Amount: $190.00

Desc.	# Units	$ Cost /Unit
Legal Notice	2	$95.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

CITY SUPPORT

0%

Commission Subsidy

None → 0

PRELIMINARY TOTAL

$1,907.80

3-YEAR FEE TARGET

$953.90

TOTAL FEE INCREASE

$603.90

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Minor Growth Policy Amendment

Fee Description: Application review and processing for minor amendments to the current Growth Policy/LUP.

Fee Justification Formula

PERSONNEL (base only)

If different levels of pay for multiple personnel, place each rate on separate line

# People	Pay Rate (hourly)	# Hours
1	$30	50
1	$25	8
1	$50	8
0	$0.00	0
0	$0.00	0

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $190.00

Desc.	# Units	$ Cost /Unit
Legal Notice	2	$95.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$2,679.40

3-YEAR FEE TARGET

$1,339.70

TOTAL FEE INCREASE

$1,139.70

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Phased Subdivision Commencement Review

Fee Description: Application review and processing for an individual phase of a major phased subdivision. (Fee/phase)

Fee Justification Formula

PERSONNEL (base only)

If different levels of pay for multiple personnel, place each rate on separate line

# People	Pay Rate (hourly)	# Hours
1	$30	40
1	$25	2
1	$50	8
0	$0.00	0
0	$0.00	0

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $290.37

Desc.	# Units	$ Cost /Unit
Paper	80	$0.01
Envelopes	20	$0.14
Certified Mail	20	$8.73
Sign	1	$16.80
Legal Notice	1	$95.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$2,235.37

3-YEAR FEE TARGET

$1,117.69

TOTAL FEE INCREASE

$1,117.69

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Preliminary Plat Amendment

Fee Description: Review and processing amendedments to a preliminary plat approval or approval with conditions.

Fee Justification Formula

PERSONNEL (base only)

# People	Pay Rate (hourly)	# Hours
1	$30	40
1	$25	4
1	$50	8
0	$0.00	0
0	$0.00	0

If different levels of pay for multiple personnel, place each rate on separate line

PUBLIC NOTICE

Amount: $385.37

Desc.	# Units	$ Cost /Unit
Legal Notice	2	$95.00
Paper	80	$0.01
Envelopes	20	$0.14
Certified Mail	20	$8.73
Sign	1	$16.80
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

CITY SUPPORT

0%

Commission Subsidy

None → 0

PRELIMINARY TOTAL

$2,392.17

3-YEAR FEE TARGET

$1,196.09

TOTAL FEE INCREASE

$1,196.09

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Preliminary Plat Extension

Fee Description: Review and processing request for extension of preliminary plat approval or approval with conditions.

Fee Justification Formula

PERSONNEL (base only)

# People	Pay Rate (hourly)	# Hours
1	$30	40
1	$25	4
1	$50	8
0	$0.00	0
0	$0.00	0

If different levels of pay for multiple personnel, place each rate on separate line

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $290.37

Desc.	# Units	$ Cost /Unit
Legal Notice	1	$95.00
Paper	80	$0.01
Envelopes	20	$0.14
Certified Mail	20	$8.73
Sign	1	$16.80
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$2,297.17

3-YEAR FEE TARGET

$1,148.59

TOTAL FEE INCREASE

$1,148.59

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Subdivision Variance

Fee Description: Review and processing of request for variance from subdivisions regulations.

Fee Justification Formula

PERSONNEL (base only)

If different levels of pay for multiple personnel, place each rate on separate line

# People	Pay Rate (hourly)	# Hours
1	$30	25
1	$25	4
1	$50	8
0	$0.00	0
0	$0.00	0

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $190.00

Desc.	# Units	$ Cost /Unit
Legal Notice	2	$95.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$1,658.30

3-YEAR FEE TARGET

$829.15

TOTAL FEE INCREASE

$829.15

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Amended Plat/COS

Fee Description: Review amended plat applications for compliance to City standards.

Fee Justification Formula

PERSONNEL (base only)

# People	Pay Rate (hourly)	# Hours
1	$30	40
1	$25	2
1	$50	4
0	$0.00	0
0	$0.00	0

If different levels of pay for multiple personnel, place each rate on separate line

PUBLIC NOTICE

Amount: $0.00

Desc.	# Units	$ Cost /Unit
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

CITY SUPPORT

0%

Commission Subsidy

None → 0

PRELIMINARY TOTAL

$1,721.40

3-YEAR FEE TARGET

$860.70

FINAL FEE TOTAL

$860.70

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Expedited Subdivision

Fee Description: Application review and processing for subdivisions meeting the expedited subdivision criteria.

Fee Justification Formula

PERSONNEL (base only)

# People	Pay Rate (hourly)	# Hours
1	$30	40
1	$25	2
1	$50	8
0	$0.00	0
0	$0.00	0

If different levels of pay for multiple personnel, place each rate on separate line

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $206.80

Desc.	# Units	$ Cost /Unit
Legal Notice	2	$95.00
Sign	1	$16.80
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$2,151.80

3-YEAR FEE TARGET

$1,075.90

TOTAL FEE INCREASE

$1,075.90

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Administrative Minor Subdivision

Fee Description: Application review and processing for subdivisions creating 5 or fewer lots meeting certain criteria.

Fee Justification Formula

PERSONNEL (base only)

If different levels of pay for multiple personnel, place each rate on separate line

# People	Pay Rate (hourly)	# Hours
1	$30	40
1	$25	2
1	$50	8
0	$0.00	0
0	$0.00	0

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $356.02

Desc.	# Units	$ Cost /Unit
Paper	80	$0.01
Envelopes	40	$0.14
Postage	40	$8.73
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$2,301.02

3-YEAR FEE TARGET

$1,150.51

TOTAL FEE INCREASE

$1,150.51

Community Development, Planning Division Fee Analysis

Department: Community Development

Fund # 100

Division: Planning

Fee Name: Commercial/Non-Residential Site Plan Review

Fee Description: Review of Commercial and Non-Residential/Multi-Unit Development Site Plans (Permit)

Fee Justification Formula

PERSONNEL (base only)

If different levels of pay for multiple personnel, place each rate on separate line

# People	Pay Rate (hourly)	# Hours
1	$30	30
1	$25	2
1	$50	2
0	$0.00	0
0	$0.00	0

CITY SUPPORT

0%

Commission Subsidy

None → 0

PUBLIC NOTICE

Amount: $0.00

Desc.	# Units	$ Cost /Unit
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00
	0	$0.00

OTHER

Amount: $0.00

Desc.	# Uses	$ Cost /Unit
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00
	1	$0.00

TECHNOLOGY

Amount: $0.00

PRELIMINARY TOTAL

$1,250.60

3-YEAR FEE TARGET

$625.30

TOTAL FEE INCREASE

$625.30

RESOLUTION NO. 11093

A RESOLUTION INCREASING THE FEES CHARGED AND COLLECTED BY THE CITY OF HELENA PLANNING DEPARTMENT

WHEREAS, the Consolidated Planning Board has recommended changes in the fees charged and collected by the Helena Planning Department; and

WHEREAS, a public hearing was held on this matter on January 13, 1997, at 7:00 p.m. in the City Commission Chambers at 316 North Park Avenue, Helena, Montana; and

WHEREAS, it appears to be in the best interests of the City of Helena and the inhabitants thereof that the fees charged and collected by the Helena Planning Department be increased as proposed by the Consolidated Planning Board.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. That the City of Helena adopts the fee changes as recommended by the Consolidated Planning Board and shown on Exhibit "A" attached hereto.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 13TH DAY OF JANUARY, 1997.

MAYOR PRO TEM

ATTEST:

Debbie Pullman
CLERK OF THE COMMISSION

	Current Fees	Planning Board Recommendation Proposed Fees
• Major Subdivision, Preliminary Plat	$400 + $5.00/lot	$400 + $15.00/lot
• Major Subdivision Final Plat per subdivision phase	$375	$375

	Current Fees	Proposed Fees 1/2 Recovery of Staff Costs
• Minor Subdivision, Preliminary Plat	$235	$400
• Zoning Actions:		
Annexation	$375	$300
Pre-Zone/Zone Change	$375	$410
Conditional Use Permit	$375	$435
Conditional Use Permit Amendment	$175	$435
Conditional Use Permit Extension	$175	$310
Amendment to Zoning Ordinance	$250	$350
Neighborhood Notification Process	$25	$110
• Simultaneous Applications: 100%* of higher (or highest) fee, and 50%* of the lesser fee (or 50%* of each additional lesser fee) if more than one additional application simultaneously considered (Ord #2458, 1-11-88)		Subtract $150 from higher fee* (based upon costs for legal ad, copying and postage)

EXHIBIT "A"

PROPOSED NEW FEES BASED ON COSTS FOR LEGAL AD, COPYING AND POSTAGE

	Current Fee	Planning Board Recommendation Proposed Fees
• Demolition Permit	0	$200
• Tax Abatements: (Current fee shared equally by City and County)		
Project Cost $25,000 to $100,000	$25/$25	$175
Project Cost $100,001 to $250,000	$50/50	$175
Project Cost $250,000 and above	$100/100	$175

CURRENT FEES THAT ARE NOT PROPOSED TO CHANGE

• Minor Subdivision, Final Plat	$100
• Zoning Actions:	
Land Use Variance	$375
Change of Non-Conforming Use (NCU)	$375
Appeal of Zoning Determination	$100
• Comprehensive Plan Change	$200

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3277

AN ORDINANCE AMENDING THE HELENA CITY CODE TO ALLOW FOR THE DISCRETIONARY WAIVER OF CITY FEES ON AFFORDABLE HOUSING PROJECTS TO BE CONSTRUCTED IN THE CITY OF HELENA

WHEREAS, the City of Helena wishes to provide an incentive for all developers to provide housing units affordable to those making less than 60% of the area median income by amending the City Code to allow developers of units targeting that income bracket to request fee waivers for the affordable portion of their projects;

WHEREAS, the City has no formal process to waive permit fees for affordable housing;

WHEREAS, whether to grant a fee waiver would be left to the discretion of the City Commission; and

WHEREAS, the City Commission believes it is in the best interests of the City of Helena to amend the City Code accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Title 3, Chapter 1, of the Helena City Code is hereby amended as follows:

TITLE 3: BUILDING REGULATIONS

CHAPTER 1

BUILDING AND SAFETY DIVISION

3-1-1: BUILDING AND SAFETY DIVISION ESTABLISHED

3-1-2: APPOINTMENT OF BUILDING OFFICIAL

3-1-3: PURPOSE

3-1-4: DECISION AND APPEAL

3-1-5: WAIVER OF FEES

3-1-~~5~~6: VIOLATIONS; PENALTIES

3-1-1: through **3-1-4:** No Change.

3-1-5. WAIVER OF FEES:

A. The city commission may, by resolution, at its sole discretion, waive the imposition of a portion or all of any fee imposed by the provisions of Title 3 of the Helena City Code for an affordable housing project.

B. For purposes of this section "affordable housing project" is defined as a housing project intended to house:

1. Homeless or disabled persons, as such terms are defined by the U.S. Department of Housing and Urban Development, or

2. Households with an annual income that does not exceed sixty (60) percent of the area median income for the applicable household size in the Lewis and Clark County statistical area, as published by the U.S. Department of Housing and Urban Development.

C. A developer seeking waiver of fees pursuant to this section must submit an application, provided by the city, prior to the issuance of any certificates of occupancy for the project that is subject to the waiver request.

D. To grant a waiver of fees the city commission must find that:

1. The project meets the definition of an "affordable housing project;" and

2. The proposed waiver will not jeopardize the financial interests of the city. In making this determination, the city commission may consider any of the following factors:

a. The size of the project;

b. The number of persons proposed to be served;

c. The financial capability of the applicant to pursue the project without fee waiver;

d. The length of time the project is guaranteed to remain affordable;

e. The manner in which the applicant has guaranteed the project will remain affordable; and

f. Any other factor the city commission deems relevant.

E. The city commission may condition the waiver of fees to ensure the project remains affordable. Conditions imposed by the city commission can include, but are not limited to:

1. Time limitations;

2. Written agreements;

3. Guarantees;

4. Proof of income verification;

5. Annual certification of rents; and

6. Annual certifications of compliance.

F. The city must keep a record of all waivers of fees granted pursuant to this section.

G. If the city determines that an affordable housing project has violated any condition imposed, the city may seek the full balance of the waived fees, which may be attached as a lien against the property. (Ord. 3277, 1-13-2020)

3-1-~~5~~6: **VIOLATIONS; PENALTIES:**

A. Any person who violates any of the provisions of this title, or violates or fails to comply with any order, or builds in violation of any detailed statement or specifications or plans submitted and approved, or any certificate or permit issued, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than twenty five dollars ($25.00) nor more than three hundred dollars ($300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment. The imposition of one penalty for any violation does not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty does not prevent the enforced removal of prohibited conditions. (Ord. 3151, 4-23-2012; amd. Ord. 3277, 1-13-2020)

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 9th DAY OF DECEMBER, 2019.

MAYOR

CITY OF HELENA LEWIS & CLARK CO. 1881 MONTANA

ATTEST:

CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 13th DAY OF JANUARY, 2020.

MAYOR

CITY OF HELENA LEWIS & CLARK CO. 1881 MONTANA

ATTEST:

CLERK OF THE COMMISSION

Independent Record

AFFIDAVIT OF PUBLICATION

See Proof on Next Page

Helena Independent Record
2222 N. Washington St
Helena, Montana 59602
(123) 456-7890

State of Pennsylvania, County of Lancaster, ss:

Tatiana Dorval, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Helena Independent Record, a newspaper of general circulation published that is a "legal newspaper" as that is published daily in the City of Helena, in the County of Lewis and Clark, State of Montana, and has charge of the Advertisements thereof.

If this certification is for the State of Montana, I hereby certify that I have read sec. 18-7-204 and 18-7-205， MCA, and subsequent revisions, and declare that the price or rate charged the State of Montana for the publication for which claim is made in printed copy in the amount of $48.00， is not in excess of the minimum rate charged any other advertiser for publication of advertisement, set in the same size type and published for the same number of insertions, further certify that this claim is correct and just in all respects, and that payment or credit has not been received.

PUBLICATION DATES: July. 27 2024

NOTICE ID: OIx18Ough8Lw043xynR0

PUBLISHER ID: COL-MT-200478
NOTICE NAME: City Commission 8/12 CD
Publication Fee: $48.00

(Signed) Tatiana Dorval

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 07/29/2024

Nicole Burkholder

Notary Public
Notarized remotely online using communication technology via Proof.

NOTICE OF PUBLIC HEARING

The Helena City Commission will hold a public hearing on **Monday, August 12, 2024, at 6pm in person in the Commission Chambers, Rm. 330, 316 N Park Ave, and via the ZOOM platform.** The meeting will serve to consider the following proposal:

- **To consider approval of a resolution to set fees to be charged for various land use and subdivision review applications within the Planning Division of the Department of Community Development, repealing Resolution No. 11039, and providing for a policy for the waiver of fees.**
- **To consider final passage of an ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof, and to set the public hearing.**
- **To consider first passage of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (Residential) to R-3 (Residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Subdivision to the City of Helena, Lewis and Clark County, Montana.**

ADDRESS:
This property is located at 102 S Cooke Street and is generally located on the southeast side of the intersection of E Broadway St and S Cooke St.

This meeting can be accessed via the online meeting platform Zoom at:
https://us06web.zoom.us/j/89382079922
Webinar ID: 893 8207 9922
Dial in at (253) 215-8782 (Tacoma), or (346) 248-7799 (Houston), or find your local number at: https://us06web.zoom.us/u/kStLNOlae

For further information on this proposal, please contact the Community Development Department located in the City-County Building, 316 N. Park Avenue, Room 445, Helena, MT 59623 or by calling (406) 447-8490.

Dannai Clayborn
City Clerk

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447- 8490; TTY Relay Service 1-800-253-4091 or 711; Email: Citycommunitydevelopment@helenamt.gov; Mailing Address & Physical Location: 316 North Park, Avenue, Room 445, Helena, MT 59623.
July 27, 2024 COL-MT-200478 **MNAXLP**

Christopher Brink

From: Christopher Brink
Sent: Friday, July 26, 2024 1:40 PM
To: Mike Newhouse
Cc: April Sparks
Subject: RE: City of Helena Proposed Planning Fee Updates

Mike,

Great question. One I knew was going to come up.

The City has always conducted amended plat/COS reviews for City code compliance as we have for all final plats, but has eaten this cost for these reviews. The volume of Amended Plats/COS reviews by City Planning Staff (the governing body) has increasingly taken up a fairly large portion of a planner's day; a trend we see increasing. However, we are not changing the examining land surveyor review of final plats for errors or omissions in calculations or drafting. This fee is new for the City and in line with similar Amended Plat/COS fees charged by the County.

Chris

Also, Thank you for your email about Civis Access. We are making some changes to required vs not required for amended plat/cos application documents. We tried to make the file set (required files) consistent across multiple application types but didn't recognize that some are not pertinent.

Christopher J. Brink, AICP
Director, Community Development Department
(406) 447-8445| cbrink@helenamt.gov | helenamt.gov
316 N. Park Avenue, Room 445, Helena, MT 59623

Helena FORWARD
History • Opportunity • Legacy

To request an accommodation or alternate information format, please contact the Community Development Department/Planning Division at: Voice: 406-447-8490 | TTY: 1-800-253-4091|Relay: 711 Email: citycommunitydevelopment@helenamt.gov

---

From: Mike Newhouse <mnewhouse@seaeng.com>
Sent: Friday, July 26, 2024 12:05 PM
To: Christopher Brink <CBRINK@helenamt.gov>
Cc: April Sparks <APSPARKS@helenamt.gov>
Subject: RE: City of Helena Proposed Planning Fee Updates

You don't often get email from mnewhouse@seaeng.com. Learn why this is important

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,
The first question that comes to mind for me, will the City be doing their own COS/amended plat review when this is implemented, or will applicants be required to pay review fees to both the City and Lewis and Clark County?

Mike Newhouse, PLS
Senior Land Surveyor
Stahly Engineering & Associates, Inc
3530 Centennial Drive | Helena, MT 59601
Phone: (406) 442-8594 | Direct Line: (406) 449-5598 ext. 317
Cell: (406) 461-4879
Email: mnewhouse@seaeng.com
www.seaeng.com

From: Christopher Brink <CBRINK@helenamt.gov>
Sent: Friday, July 26, 2024 11:56 AM
To: Christopher Brink <CBRINK@helenamt.gov>
Cc: April Sparks <APSPARKS@helenamt.gov>
Subject: City of Helena Proposed Planning Fee Updates

Greetings,

You are receiving this email because you have been identified as a key stakeholder in the City of Helena's development community. I want to make sure you are aware of changes that are being considered by the City Commission.

The Community Development Department has proposed changes to Land Use Fees. This would be the first change to our fees in over 27 years. A draft of the changes was presented to the City Commission during the department's budget presentation to the City Commission and at an Administrative Meeting, as well as a regular Commission Meeting earlier this month. **A public hearing to consider the changes is set for August 12, 2024 at 6 p.m.**

Leading up to the August 12 meeting, I am seeking feedback on the changes. Part of the update will include a proposed fee waiver process and input from the development community will help ensure the process is established thoughtfully.

A complete breakdown of the proposed fees is available to view at www.helenamt.gov/Departments/Community-Development/Planning/Current-Projects/.

While you are reviewing the information please take some time to explore attachments that have been presented to the City Commission, which include the following details:

- Comparison of Helena's Fees vs. Other Montana Cities
- Schedule of Fee Implementation
- Commission Presentation

Stakeholders are encouraged to contact me to ask questions and provide feedback on our proposal. I can be reached at cbrink@helenamt.gov or 406-447-8445.

Thank You!

Chris

Christopher J. Brink, AICP
Director, Community Development Department
(406) 447-8445| cbrink@helenamt.gov |helenamt.gov
316 N. Park Avenue, Room 445, Helena, MT 59623

Helena FORWARD
History • Opportunity • Legacy

To request an accommodation or alternate information format, please contact the Community Development Department/Planning Division at: Voice: 406-447-8490 | TTY: 1-800-253-4091|Relay: 711 Email: citycommunitydevelopment@helenamt.gov

BEWARE: This email originated outside of our organization. DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please report all suspicious emails to helpdesk@getsystems.net, by saving the message as a file and attach to a new email.

City of Helena, Montana

07/26/2024

To: Mayor Collins and the Helena City Commission

From: Tim Burton, City Manager
Chris Brink, Community Development Director
Michael Alvarez, Planner II

Subject: Consider Final passage of an ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof.

Present Situation: The current sign regulations in Chapter 23 of Title 11 of the Helena City Code are not in compliance with the U.S. Supreme Court's ruling in Reed v. Town of Gilbert (2015), and do not adequately address the needs of the community in a sign code.

Background Information: This sign code has been developed by the Zoning Commission and city staff over a year plus journey with the gracious help and input from local and national sign industry professionals, as well as the valuable comments and critiques from the residents and business people of Helena. The Zoning Commission hosted 8 public work sessions and 2 public hearings, city staff additionally held 2 open houses to take public comment, the proposal was featured in a KTVH news spot, an article was written on it in the Helena Independent Record, and a short interview in Montana Free Press' "Helena This Week" section.

In the Reed v. Town of Gilbert decision, the U.S. Supreme Court ruled that content-based regulations on noncommercial speech are subject to strict scrutiny and are presumptively unconstitutional. The Court held that distinctions based on the message content of signs, such as political, ideological, and directional signs, are content-based regulations and must serve a compelling government interest and be narrowly tailored to achieve that interest. The current sign code contains content-based distinctions that are impermissible under the Reed decision.

The Reed decision dates from 2015 and presented municipalities with large challenges in crafting their sign codes. In part because of the difficulty of writing actionable sign regulation updates post-Reed (save some exceptions), city staff has had to rely on the use of determinations from the sign administrator/ Director/ legal counsel about how to enforce a code that isn't content neutral in a content neutral way. The 2022 City of Austin v. Reagan National Advertising decision has given important controls back to municipalities, specifically with concern to on vs off-premise signage and allows the proposed version to be considerably more comprehensive than the last attempt at a sign code update (See: Ordinance (Post-Reed)).

Ultimately the sign code hasn't had a comprehensive update since 1997 and due to its age currently falls short from legal and technological viewpoint. Further, the community standards the code is based in are potentially dated. The current code is lacks legibility and is difficult to use.

Proposal/Objective:

City staff propose an ordinance amending Chapter 23 of Title 11 of the Helena City Code to bring the sign regulations into compliance with the Reed v. Town of Gilbert decision and to update the regulations to achieve the following:

- Improve legibility of the sign code.
- Reduce the frequency of variances sought and typically granted for wall signage.
- Provide standards for large, multi-building developments previously handled only through the conditional use process.
- Provide additional controls over billboards.
- Reflect the increased usage of electronic message centers and other advancements in sign technology.

Advantage:

This ordinance will ensure that the City of Helena's sign regulations are constitutionally sound and legally defensible. The updated regulations will also provide clarity for businesses, sign owners, and the community regarding the permissible types, sizes, and locations of signs. The new lighting standards for electronic message centers should promote safety and a more harmonious integration off the signs into the streetscape.

Notable Energy Impact:

Similar signs with similar energy requirements will be permitted under the proposed or existing sign regulations.

Disadvantage:

The proposed changes will require some businesses and sign owners to modify the way they currently use their signs. For example: some sign owners may need to change the programming on their digital sign to remain static. Billboard owners will now need to pay for permits.

Quasi-Judicial Item:

True

Notice of Public Hearing:

True

Staff Recommendation/ Recommended Motion:

Move to Approve an ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof.

With the condition that the area of allowable wall signage in section 11-23-9 be changed from 8% to 15%.

The further condition that section 11-23-6 (H) be amended to read “Any on-premise electronic message center(s) that is located within three hundred (300) feet of any residential zoning district must automatically turn off between the hours of 11:00 p.m. and 6:00 a.m. daily …”

And the further condition that section 11-23-7 (E) be amended to read “a nonconforming on-premise sign shall cease to be used when the business, activity…”

Michael Alvarez, Planner II

Community Development Department

316 North Park Avenue, Room 445

Helena, MT 59623

Phone: 406-447-8459

Fax: 406-447-8460

Email: malvarez@helenamt.gov

helenamt.gov

Date: July 9, 2024

To: Honorable Mayor Collins

Members, Helena City Commission

From: Christopher Brink, Director – AICP

Michael Alvarez, Planner II

Subject: Consider 1st passage of an ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof, and to set the public hearing.

OVERVIEW

Since March of 2023, city staff, in collaboration with the Zoning Commission, the City Attorney's office, and with the guidance, participation, and expertise of the City of Helena's residents, business owners, on & off premise sign companies, and industry representatives, have worked on revising and editing Title 11, Chapter 23, **SIGN REGULATIONS**.

The effort had three main goals:

- Increase conformance with recent legal rulings.
- Ensure that the current needs of the community are met.
- Improve clarity in signage regulation.

The City of Helena sign code has had problematic, indefensible, elements since the Supreme Court's decision in Reed v. Town of Gilbert in 2015. Excepting for updates to how temporary signs are handled with respect to that ruling (made in 2016), the code is largely the same since its adoption in 1997 (there were a handful of small changes made in 2004). The work in 2016 came out of a larger scale effort that looked to revise the whole sign code. That code (see: "Ordinance (Post reed)") failed to gain adoption by the city, however, it became a useful starting point for working on the code proposed with this report. Importantly, since the "Ordinance (Post Reed)" attempt the Supreme Court handed down another ruling in 2022, City of Austin v. Reagan National Advertising, which clarified municipal powers regarding sign locations.

GENERAL INFORMATION/PUBLIC NOTICE

- Zoning Commission work sessions and Public Hearings:
    - March 14, 2023 (WS)
    - May 09, 2023 (WS)

- June 13, 2023 (WS)
- August 08, 2023 (WS)
- August 15, 2023 (WS)
- September 12, 2023 (PH)
- October 10, 2023 (WS)
- October 24, 2023 (WS)
- December 06, 2023 (WS)
- January 10, 2024 (WS)
- January 24, 2024 (WS)
- April 09, 2024 (WS)
- June 11, 2024 (PH)

- City Commission 1st Reading/Passage: July 15, 2024 (scheduled)
- City Commission Public Hearing/Final Passage: August 12, 2024 (not scheduled)

PUBLIC COMMENT AND ENGAGEMENT (SUMMARY)

The first few months of the project saw little traction in terms of public outreach. This can be understood by commissioners as a personal shortcoming of the city staff lead for casting an inadequate net with local businesses and the sign industry. In August, a draft of the code, a description of the project, and an invitation to an open house at the City/County Building was posted to BeHeardHelena. That open house had very low turnout but got the ball rolling with a member of the local business community who played a critical role in connecting local businesses and sign professionals with city staff. In October, the Zoning Commission held two well-attended work sessions, which were followed up by city staff hosting in-person meetings with on and off-premise sign professionals in November. October saw an article run in the Helena Independent Record ("City of Helena seeks comment on rewrite of sign ordinance"), and in November an interview ran on KTVH ("City of Helena looking at revising sign code"). The sign code took important leaps forward in December and January after the public input. The next few months saw the introduction of new elements like the "Planned Sign Program," Billboard Business Permits (scrapping the sunset provision), digital sign lighting requirements, improved legal language, and negotiated standards throughout the documents (work was delayed two months while the city staff lead went on paternity & personal leave).

This Ordinance has seen 11 work sessions with zoning commission, two advertised public hearings before the zoning commission, two open houses, three in-person works sessions between sign professionals and city staff, one snowy breakfast with local business owners, and generated the public comments and materials submitted with this report.

RECOMMENDED MOTIONS

City staff recommends:

Approval of an ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof.

With the condition that the area of allowable wall signage in section 11-23-9 be changed from 8% to 15%.

The further condition that section 11-23-6 (H) be amended to read "Any on-premise electronic message center(s) that is located within three hundred (300) feet of any residential zoning district must automatically turn off between the hours of 11:00 p.m. and 6:00 a.m. daily …"

And the further condition that section 11-23-7 (E) be amended to read "a nonconforming on-premise sign shall cease to be used when the business, activity…"

On 06/11/2024, the Zoning Commission recommended the same.

Regards,



Michael Alvarez, Planner II
Community Development Department
City-County Building
316 N. Park Ave, Rm 445
Helena, MT 59601

CITY OF HELENA
Zoning Commission
June 11, 2024 – 6:00 PM
Meeting Minutes

Recording Available Here

Members Present:
Rebecca Harbage (Chair), Kim Wilson (Vice-Chair), Nicole Anderson, Alyssa Sorenson, Betsy Story,

Staff Present:
Michael Alvarez, April Sparks

Call to Order and Roll Call

(0:00:00) It was noted that a quorum was present with five members in attendance.

Minutes

(0:00:32) It was noted that there had been an error with the minutes from the May meeting the commission would consider the draft minutes at the next meeting.

Regular Items

Item 1

Staff Presentation and Questions for Staff

(0:01:44) Michael Alvarez gave a presentation on the proposed revised sign code outlining the changes being made and reasoning behind said changes.

(0:13:08) Commissioners addressed questions to Mr. Alvarez at this time, specifically about political signs and the restrictions being proposed. Mr. Alvarez stated that the Commission could choose to restrict the total allowable sign size/number of signs of a certain size to prevent a proliferation of signs in a residential area. This was followed up by a question about putting a time limit on temporary signs. Mr. Alvarez stated that the state regulates the length of time for political signs, so the city does not have an independent regulation of those signs, and while the city would be able to put a time limit on other types of temporary signs, it is uncertain if that could be applied to political signs. Mr. Alvarez was asked another question about temporary signs and how that will relate to non-residential properties. Mr.

DRAFT

Alvarez responded that non-residential areas would be treated differently and that with the overlap between residential and non-residential uses in R4/RO it could be possible to limit the number of temporary signs, but he was unsure of how to separate that use from the residential area. It was also noted that political signage in non-residential uses could be handled with the aggregation of signs.

Public Comment

(0:17:26) Public Comment was opened. Four individuals connected to the sign industry made comments and asked questions about certain sections of the proposed code, notably those relating to billboards including the proposed annual permit fees on billboards, the credit system for billboards, and the allowable size of billboards along the interstate corridor. There were also comments about electronic signs, their value as an advertising mechanism, and that they are not as bright as people may think.

Commission Discussion

(0:38:20) Mr. Alvarez was asked if it was known how many electronic signs are close to residential uses. Mr. Alvarez responded that he would need to take a closer look at the Highway 12 corridor. There was another commission comment about how it may be difficult for a business owner to know whether they are within 300 feet of a residential use versus a district. There was another question for staff about the process for permitting for billboards and if it could be bundled for larger owners such as Lamar to alleviate the amount of paperwork. Mr. Alvarez stated that something like that could possibly be done. There was some final discussion about amending a certain portion of the proposed code to read district in place of use. Mr. Alvarez made amendments to the proposed motion language and the Commission spoke about the process getting to this point.

Motion

(0:47:54) Ms. Story a motion to recommend approval of an ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23 General sign regulations in its entirety and adopting this new Chapter 23 sign regulations in lieu thereof with the condition that the area of allowable wall signage in Section 11-23-9 be changed from 8% to 15%. Additionally, the further condition that Section 11-23-6H be amended to read any on premise electronic message centers that is located within 300 feet of any residential zoning district must automatically turn off between the hours of 11:00 PM and 6:00 AM daily unless the business is operating during these hours, and the further condition that Section 11-23-7E be amended to read a non-conforming

DRAFT

on premise sign shall cease to be used when the business activity and so on. Ms. Anderson seconded the motion. There was some discussion about the amount of work that had been put into getting to this point and the Commission wanted to stress the importance of the City Commission knowing the quantity of on premise signs within 300 feet from a residential zoning district when this goes before them for review. A vote was called and the motion passed unanimously.

General Public Comment

(0:50:46) There was no general public comment.

Member Communications / Proposals for next Agenda

(0:51:08) It was noted that the next meeting was scheduled for Tuesday, July 9 and that there may be an item ready for the Commission to consider at that time. There was also a reminder that tonight's item would go to City Commission on July 15th.

Adjournment

(0:53:06) The meeting was adjourned.

DRAFT

NOTICE OF PUBLIC HEARING

The Helena City Commission will hold a public hearing on **Monday, August 12, 2024, at 6pm in person in the Commission Chambers, Rm. 330, 316 N Park Ave, and via the ZOOM platform**. The meeting will serve to consider the following proposal:

- **To consider approval of a resolution to set fees to be charged for various land use and subdivision review applications within the Planning Division of the Department of Community Development, repealing Resolution No. 11039, and providing for a policy for the waiver of fees.**
- **To consider final passage of an ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof, and to set the public hearing.**
- **To consider first passage of an ordinance amending City of Helena ordinance no. 3097 and the official zoning map for the City of Helena that changes the zoning district from R-2 (Residential) to R-3 (Residential) for the property legally described as Lots 18-20 in Block 29 of the Corbin Subdivision to the City of Helena, Lewis and Clark County, Montana.**

ADDRESS:
This property is located at 102 S Cooke Street and is generally located on the southeast side of the intersection of E Broadway St and S Cooke St.

This meeting can be accessed via the online meeting platform Zoom at:
https://us06web.zoom.us/j/89382079922
Webinar ID: 893 8207 9922
Dial in at (253) 215-8782 (Tacoma), or (346) 248-7799 (Houston), or find your local number at: https://us06web.zoom.us/u/kStLNOlae

For further information on this proposal, please contact the Community Development Department located in the City-County Building, 316 N. Park Avenue, Room 445, Helena, MT 59623 or by calling (406) 447-8490.

Dannai Clayborn
City Clerk

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447- 8490; TTY Relay Service 1-800-253-4091 or 711; Email: Citycommunitydevelopment@helenamt.gov; Mailing Address & Physical Location: 316 North Park, Avenue, Room 445, Helena, MT 59623.

July 27, 2024 COL-MT-200478 **MNAXLP**

Independent Record

AFFIDAVIT OF PUBLICATION

See Proof on Next Page

Helena Independent Record
2222 N. Washington St
Helena, Montana 59602
(123) 456-7890

State of Pennsylvania, County of Lancaster, ss:

Jake Seaton, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Helena Independent Record, a newspaper of general circulation published that is a "legal newspaper" as that is published daily in the City of Helena, in the County of Lewis and Clark, State of Montana, and has charge of the Advertisements thereof.

If this certification is for the State of Montana, I hereby certify that I have read sec. 18-7-204 and 18-7-205， MCA, and subsequent revisions, and declare that the price or rate charged the State of Montana for the publication for which claim is made in printed copy in the amount of $48.00， is not in excess of the minimum rate charged any other advertiser for publication of advertisement, set in the same size type and published for the same number of insertions, further certify that this claim is correct and just in all respects, and that payment or credit has not been received.

PUBLICATION DATES: June. 29 2024

NOTICE ID: iTCTVgLmEAVmEBjgaxpN

PUBLISHER ID: COL-MT-200370
NOTICE NAME: City Commission July 15
Publication Fee: $48.00

(Signed) Jake Seaton

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 07/03/2024

Nicole Burkholder

Notary Public
Notarized remotely online using communication technology via Proof.

Notice of Public Hearing

The Helena City Commission will hold a public hearing on **Monday, July 15, 2024, at 6pm in person in the Commission Chambers, Rm. 330, 316 N Park Ave, and via the ZOOM platform** . The meeting will serve to consider the following proposal:

- **Consider a 1 st passage of an ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof, and to set the public hearing.**
- **Consider a final passage of an ordinance to amend Title 3, Chapter 15 of Helena City Code titled "Review Process for Demolition of Historic Buildings".**
- **Consider a final passage of an ordinance to amend Title 11, Chapter 40 of the City of Helena Zoning Regulations, titled Establishment of Areas that Allow the Sale of Alcoholic Beverages and Casinos within City Limits.**
- **Consider a final passage of an ordinance to amend Title 11, Chapter 2, Table 1 of the City of Helena Zoning Regulations**

This meeting can be accessed via the online meeting platform Zoom at:
https://us06web.zoom.us/j/81862350992
Meeting ID: 818 6235 0992
Dial in at 1(346) 248-7799, or find your local number at: https://zoom.us/u/kbzFYiCZO

For further information on this proposal, please contact the Community Development Department located in the City-County Building, 316 N. Park Avenue, Room 445, Helena, MT 59623 or by calling (406) 447-8490.

Dannai Clayborn
City Clerk

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447- 8490; TTY Relay Service 1-800-253-4091 or 711; Email: Citycommunitydevelopment@helenamt.gov ; Mailing Address & Physical Location: 316 North Park, Avenue, Room 445, Helena, MT 59623.
June 29, 2024 COL-MT-200370 **MNAXLP**

Independent Record

AFFIDAVIT OF PUBLICATION

See Proof on Next Page

Helena Independent Record
2222 N. Washington St
Helena, Montana 59602
(123) 456-7890

State of Texas, County of Bexar, ss:

Yuade Moore, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Helena Independent Record, a newspaper of general circulation published that is a "legal newspaper" as that is published daily in the City of Helena, in the County of Lewis and Clark, State of Montana, and has charge of the Advertisements thereof.

If this certification is for the State of Montana, I hereby certify that I have read sec. 18-7-204 and 18-7-205， MCA, and subsequent revisions, and declare that the price or rate charged the State of Montana for the publication for which claim is made in printed copy in the amount of $36.00， is not in excess of the minimum rate charged any other advertiser for publication of advertisement, set in the same size type and published for the same number of insertions, further certify that this claim is correct and just in all respects, and that payment or credit has not been received.

PUBLICATION DATES: May. 25 2024

NOTICE ID: ITZKRCm6PBIJ49e2rPe4

PUBLISHER ID: COL-MT-200266
NOTICE NAME: Sign Code Update 2024
Publication Fee: $36.00

(Signed) Yuade Moore

VERIFICATION

State of Texas
County of Bexar

NOTARY PUBLIC STATE OF TEXAS
Robert Hollie III
ID NUMBER
133582194
COMMISSION EXPIRES
February 10, 2026

Subscribed in my presence and sworn to before me on this: 05/31/2024

Notary Public

Electronically signed and notarized online using the Proof platform.

NOTICE OF PUBLIC HEARING

The **Helena Zoning Commission** will hold a public hearing for the following item on **Tuesday, June 11th, 2024, at 6pm:**

The hearing may be attended either in-person or online. The hearing will take place in Commission Chambers (Rm 330) and streamed on the Zoom meeting platform. The hearing will serve to consider the following proposal:

To make a recommendation on an ordinance revising the regulation of signs by amending chapter 23 of title 11 of the Helena City Code.

The **Helena Zoning Commission** hearing can be accessed via the online meeting platform Zoom at:

https://zoom.us/j/92989300533

Meeting ID: 929 8930 0533

Dial in at 1(346) 248-7799, or find your local number at: https://us06web.zoom.us/u/kxkzkEuiW

Public comment will be taken up to and at the above meeting. If you wish to submit written comments prior to the meeting please send them in via email to malvarez@helenamt.gom or mail to Michael Alvarez, Community Development Department, Room 403, 316 N. Park Ave, Helena, MT 59623. For any questions, please call (406) 447-8459.

Michael Alvarez -- Planner II

Rebecca Harbage

Zoning Commission Chair

Persons with disabilities requiring accommodations to participate in the City's meetings, services, programs, or activities should contact the City's ADA Coordinator, Ellie Ray, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447-8490; TTY Relay Service 1-800-253-4091 or 711; Email: Citycommunitydevelopment@Helenamt.gov; Mailing Address & Physical Location: 316 N Park Ave, Rm 445, Helena, MT 59623.

May 25, 2024 COL-MT-200266 **MNAXLP**

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

REED ET AL. *v*. TOWN OF GILBERT, ARIZONA, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 13–502. Argued January 12, 2015—Decided June 18, 2015

Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. "Ideological Signs," defined as signs "communicating a message or ideas" that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. "Political Signs," defined as signs "designed to influence the outcome of an election," may be up to 32 square feet and may only be displayed during an election season. "Temporary Directional Signs," defined as signs directing the public to a church or other "qualifying event," have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the "qualifying event" and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code's sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

Held: The Sign Code's provisions are content-based regulations of

Syllabus

speech that do not survive strict scrutiny. Pp. 6–17.

(a) Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *E.g., R. A. V.* v. *St. Paul*, 505 U. S. 377, 395. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g., Sorrell* v. *IMS Health, Inc.*, 564 U. S. ___, ___–___. And courts are required to consider whether a regulation of speech "on its face" draws distinctions based on the message a speaker conveys. *Id.,* at ___. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be " 'justified without reference to the content of the regulated speech,' " or were adopted by the government "because of disagreement with the message" conveyed. *Ward* v. *Rock Against Racism*, 491 U. S. 781, 791. Pp. 6–7.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign's communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government's justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. Pp. 7.

(c) None of the Ninth Circuit's theories for its contrary holding is persuasive. Its conclusion that the Town's regulation was not based on a disagreement with the message conveyed skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of "animus toward the ideas contained" in the regulated speech. *Cincinnati* v. *Discovery Network, Inc.,* 507 U. S. 410, 429. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question—whether a law is content based on its face and whether the purpose and justification for the law are content based—before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit's conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints

is a "more blatant" and "egregious form of content discrimination," *Rosenberger* v. *Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, but "[t]he First Amendment's hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic," *Consolidated Edison Co. of N. Y.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code's categories are not speaker-based—the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, "laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference." *Turner Broadcasting System, Inc.* v. *FCC*, 512 U. S. 622, 658. This same analysis applies to event-based distinctions. Pp. 8–14.

(d) The Sign Code's content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code's differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. See *Arizona Free Enterprise Club's Freedom Club PAC* v. *Bennett*, 564 U. S. ___, ___. Assuming that the Town has a compelling interest in preserving its aesthetic appeal and traffic safety, the Code's distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network*, *supra,* at 425. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. 14–15.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U. S. 789, 817. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—*e.g.,* warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny. Pp. 16–17.

Syllabus

707 F. 3d 1057, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion, in which KENNEDY and SOTOMAYOR, JJ., joined. BREYER, J., filed an opinion concurring in the judgment. KAGAN, J., filed an opinion concurring in the judgment, in which GINSBURG and BREYER, JJ., joined

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE THOMAS delivered the opinion of the Court.

The town of Gilbert, Arizona (or Town), has adopted a comprehensive code governing the manner in which people may display outdoor signs. Gilbert, Ariz., Land Development Code (Sign Code or Code), ch. 1, §4.402 (2005).[1] The Sign Code identifies various categories of signs based on the type of information they convey, then subjects each category to different restrictions. One of the categories is "Temporary Directional Signs Relating to a Qualifying Event," loosely defined as signs directing the public to a meeting of a nonprofit group. §4.402(P). The Code imposes more stringent restrictions on these signs than it does on signs conveying other messages. We hold that these provisions are content-based regulations of speech that cannot survive strict scrutiny.

[1] The Town's Sign Code is available online at http://www.gilbertaz.gov/departments/development-service/planning-development/land-development-code (as visited June 16, 2015, and available in Clerk of Court's case file).

I

A

The Sign Code prohibits the display of outdoor signs anywhere within the Town without a permit, but it then exempts 23 categories of signs from that requirement. These exemptions include everything from bazaar signs to flying banners. Three categories of exempt signs are particularly relevant here.

The first is "Ideological Sign[s]." This category includes any "sign communicating a message or ideas for noncommercial purposes that is not a Construction Sign, Directional Sign, Temporary Directional Sign Relating to a Qualifying Event, Political Sign, Garage Sale Sign, or a sign owned or required by a governmental agency." Sign Code, Glossary of General Terms (Glossary), p. 23 (emphasis deleted). Of the three categories discussed here, the Code treats ideological signs most favorably, allowing them to be up to 20 square feet in area and to be placed in all "zoning districts" without time limits. §4.402(J).

The second category is "Political Sign[s]." This includes any "temporary sign designed to influence the outcome of an election called by a public body." Glossary 23.[2] The Code treats these signs less favorably than ideological signs. The Code allows the placement of political signs up to 16 square feet on residential property and up to 32 square feet on nonresidential property, undeveloped municipal property, and "rights-of-way." §4.402(I).[3] These signs may be displayed up to 60 days before a primary election and up to 15 days following a general election. *Ibid.*

---

[2] A "Temporary Sign" is a "sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display." Glossary 25.

[3] The Code defines "Right-of-Way" as a "strip of publicly owned land occupied by or planned for a street, utilities, landscaping, sidewalks, trails, and similar facilities." *Id.,* at 18.

The third category is "Temporary Directional Signs Relating to a Qualifying Event." This includes any "Temporary Sign intended to direct pedestrians, motorists, and other passersby to a 'qualifying event.'" Glossary 25 (emphasis deleted). A "qualifying event" is defined as any "assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization." *Ibid.* The Code treats temporary directional signs even less favorably than political signs.[4] Temporary directional signs may be no larger than six square feet. §4.402(P). They may be placed on private property or on a public right-of-way, but no more than four signs may be placed on a single property at any time. *Ibid.* And, they may be displayed no more than 12 hours before the "qualifying event" and no more than 1 hour afterward. *Ibid.*

B

Petitioners Good News Community Church (Church) and its pastor, Clyde Reed, wish to advertise the time and location of their Sunday church services. The Church is a small, cash-strapped entity that owns no building, so it holds its services at elementary schools or other locations in or near the Town. In order to inform the public about its services, which are held in a variety of different loca-

---

[4]The Sign Code has been amended twice during the pendency of this case. When litigation began in 2007, the Code defined the signs at issue as "Religious Assembly Temporary Direction Signs." App. 75. The Code entirely prohibited placement of those signs in the public right-of-way, and it forbade posting them in any location for more than two hours before the religious assembly or more than one hour afterward. *Id.,* at 75–76. In 2008, the Town redefined the category as "Temporary Directional Signs Related to a Qualifying Event," and it expanded the time limit to 12 hours before and 1 hour after the "qualifying event." *Ibid.* In 2011, the Town amended the Code to authorize placement of temporary directional signs in the public right-of-way. *Id.,* at 89.

tions, the Church began placing 15 to 20 temporary signs around the Town, frequently in the public right-of-way abutting the street. The signs typically displayed the Church's name, along with the time and location of the upcoming service. Church members would post the signs early in the day on Saturday and then remove them around midday on Sunday. The display of these signs requires little money and manpower, and thus has proved to be an economical and effective way for the Church to let the community know where its services are being held each week.

This practice caught the attention of the Town's Sign Code compliance manager, who twice cited the Church for violating the Code. The first citation noted that the Church exceeded the time limits for displaying its temporary directional signs. The second citation referred to the same problem, along with the Church's failure to include the date of the event on the signs. Town officials even confiscated one of the Church's signs, which Reed had to retrieve from the municipal offices.

Reed contacted the Sign Code Compliance Department in an attempt to reach an accommodation. His efforts proved unsuccessful. The Town's Code compliance manager informed the Church that there would be "no leniency under the Code" and promised to punish any future violations.

Shortly thereafter, petitioners filed a complaint in the United States District Court for the District of Arizona, arguing that the Sign Code abridged their freedom of speech in violation of the First and Fourteenth Amendments. The District Court denied the petitioners' motion for a preliminary injunction. The Court of Appeals for the Ninth Circuit affirmed, holding that the Sign Code's provision regulating temporary directional signs did not regulate speech on the basis of content. 587 F. 3d 966, 979 (2009). It reasoned that, even though an enforcement

officer would have to read the sign to determine what provisions of the Sign Code applied to it, the "'kind of cursory examination'" that would be necessary for an officer to classify it as a temporary directional sign was "not akin to an officer synthesizing the expressive content of the sign." *Id.*, at 978. It then remanded for the District Court to determine in the first instance whether the Sign Code's distinctions among temporary directional signs, political signs, and ideological signs nevertheless constituted a content-based regulation of speech.

On remand, the District Court granted summary judgment in favor of the Town. The Court of Appeals again affirmed, holding that the Code's sign categories were content neutral. The court concluded that "the distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs . . . are based on objective factors relevant to Gilbert's creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign." 707 F. 3d 1057, 1069 (CA9 2013). Relying on this Court's decision in *Hill* v. *Colorado*, 530 U. S. 703 (2000), the Court of Appeals concluded that the Sign Code is content neutral. 707 F. 3d, at 1071–1072. As the court explained, "Gilbert did not adopt its regulation of speech because it disagreed with the message conveyed" and its "interests in regulat[ing] temporary signs are unrelated to the content of the sign." *Ibid.* Accordingly, the court believed that the Code was "content-neutral as that term [has been] defined by the Supreme Court." *Id.,* at 1071. In light of that determination, it applied a lower level of scrutiny to the Sign Code and concluded that the law did not violate the First Amendment. *Id.*, at 1073–1076.

We granted certiorari, 573 U. S. ___ (2014), and now reverse.

II

A

The First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws "abridging the freedom of speech." U. S. Const., Amdt. 1. Under that Clause, a government, including a municipal government vested with state authority, "has no power to restrict expression because of its message, its ideas, its subject matter, or its content." *Police Dept. of Chicago* v. *Mosley*, 408 U. S. 92, 95 (1972). Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *R. A. V.* v. *St. Paul*, 505 U. S. 377, 395 (1992); *Simon & Schuster, Inc.* v. *Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 115, 118 (1991).

Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g., Sorrell* v. *IMS Health, Inc.*, 564 U. S. ___, ___–___ (2011) (slip op., at 8–9); *Carey* v. *Brown*, 447 U. S. 455, 462 (1980); *Mosley*, *supra,* at 95. This commonsense meaning of the phrase "content based" requires a court to consider whether a regulation of speech "on its face" draws distinctions based on the message a speaker conveys. *Sorrell*, *supra,* at ___ (slip op., at 8). Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny.

Our precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be "'justified without reference to

the content of the regulated speech,'" or that were adopted by the government "because of disagreement with the message [the speech] conveys," *Ward* v. *Rock Against Racism*, 491 U. S. 781, 791 (1989). Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

B

The Town's Sign Code is content based on its face. It defines "Temporary Directional Signs" on the basis of whether a sign conveys the message of directing the public to church or some other "qualifying event." Glossary 25. It defines "Political Signs" on the basis of whether a sign's message is "designed to influence the outcome of an election." *Id.,* at 24. And it defines "Ideological Signs" on the basis of whether a sign "communicat[es] a message or ideas" that do not fit within the Code's other categories. *Id.,* at 23. It then subjects each of these categories to different restrictions.

The restrictions in the Sign Code that apply to any given sign thus depend entirely on the communicative content of the sign. If a sign informs its reader of the time and place a book club will discuss John Locke's Two Treatises of Government, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke's followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke's theory of government. More to the point, the Church's signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas. On its face, the Sign Code is a content-based regulation of speech. We thus have no need to consider the government's justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny.

C

In reaching the contrary conclusion, the Court of Appeals offered several theories to explain why the Town's Sign Code should be deemed content neutral. None is persuasive.

1

The Court of Appeals first determined that the Sign Code was content neutral because the Town "did not adopt its regulation of speech [based on] disagree[ment] with the message conveyed," and its justifications for regulating temporary directional signs were "unrelated to the content of the sign." 707 F. 3d, at 1071–1072. In its brief to this Court, the United States similarly contends that a sign regulation is content neutral—even if it expressly draws distinctions based on the sign's communicative content—if those distinctions can be "'justified without reference to the content of the regulated speech.'" Brief for United States as *Amicus Curiae* 20, 24 (quoting *Ward, supra*, at 791; emphasis deleted).

But this analysis skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of "animus toward the ideas contained" in the regulated speech. *Cincinnati* v. *Discovery Network, Inc.,* 507 U. S. 410, 429 (1993). We have thus made clear that "'[i]llicit legislative intent is not the *sine qua non* of a violation of the First Amendment,'" and a party opposing the government "need adduce 'no evidence of an improper censorial motive.'" *Simon & Schuster, supra,* at 117. Although "a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary." *Turner Broadcasting System, Inc.* v. *FCC*, 512 U. S. 622, 642 (1994). In other words, an

innocuous justification cannot transform a facially content-based law into one that is content neutral.

That is why we have repeatedly considered whether a law is content neutral on its face *before* turning to the law's justification or purpose. See, *e.g., Sorrell*, *supra,* at ___–___ (slip op., at 8–9) (statute was content based "on its face," and there was also evidence of an impermissible legislative motive); *United States* v. *Eichman*, 496 U. S. 310, 315 (1990) ("Although the [statute] contains no explicit content-based limitation on the scope of prohibited conduct, it is nevertheless clear that the Government's asserted *interest* is related to the suppression of free expression" (internal quotation marks omitted)); *Members of City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U. S. 789, 804 (1984) ("The text of the ordinance is neutral," and "there is not even a hint of bias or censorship in the City's enactment or enforcement of this ordinance"); *Clark* v. *Community for Creative Non-Violence*, 468 U. S. 288, 293 (1984) (requiring that a facially content-neutral ban on camping must be "justified without reference to the content of the regulated speech"); *United States* v. *O'Brien*, 391 U. S. 367, 375, 377 (1968) (noting that the statute "on its face deals with conduct having no connection with speech," but examining whether the "the governmental interest is unrelated to the suppression of free expression"). Because strict scrutiny applies either when a law is content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny.

The Court of Appeals and the United States misunderstand our decision in *Ward* as suggesting that a government's purpose is relevant even when a law is content based on its face. That is incorrect. *Ward* had nothing to say about facially content-based restrictions because it involved a facially content-*neutral* ban on the use, in a

city-owned music venue, of sound amplification systems not provided by the city. 491 U. S., at 787, and n. 2. In that context, we looked to governmental motive, including whether the government had regulated speech "because of disagreement" with its message, and whether the regulation was "'justified without reference to the content of the speech.'" *Id.,* at 791. But *Ward*'s framework "applies only if a statute is content neutral." *Hill*, 530 U. S., at 766 (KENNEDY, J., dissenting). Its rules thus operate "to protect speech," not "to restrict it." *Id.,* at 765.

The First Amendment requires no less. Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech. That is why the First Amendment expressly targets the operation of the laws—*i.e.,* the "abridg[ement] of speech"—rather than merely the motives of those who enacted them. U. S. Const., Amdt. 1. "'The vice of content-based legislation . . . is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes.'" *Hill, supra,* at 743 (SCALIA, J., dissenting).

For instance, in *NAACP* v. *Button*, 371 U. S. 415 (1963), the Court encountered a State's attempt to use a statute prohibiting "'improper solicitation'" by attorneys to outlaw litigation-related speech of the National Association for the Advancement of Colored People. *Id.,* at 438. Although *Button* predated our more recent formulations of strict scrutiny, the Court rightly rejected the State's claim that its interest in the "regulation of professional conduct" rendered the statute consistent with the First Amendment, observing that "it is no answer . . . to say . . . that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression." *Id.,* at 438–439. Likewise, one could easily imagine a Sign Code compliance manager who disliked the Church's

substantive teachings deploying the Sign Code to make it more difficult for the Church to inform the public of the location of its services. Accordingly, we have repeatedly "rejected the argument that 'discriminatory . . . treatment is suspect under the First Amendment only when the legislature intends to suppress certain ideas.'" *Discovery Network,* 507 U. S., at 429. We do so again today.

2

The Court of Appeals next reasoned that the Sign Code was content neutral because it "does not mention any idea or viewpoint, let alone single one out for differential treatment." 587 F. 3d, at 977. It reasoned that, for the purpose of the Code provisions, "[i]t makes no difference which candidate is supported, who sponsors the event, or what ideological perspective is asserted." 707 F. 3d, at 1069.

The Town seizes on this reasoning, insisting that "content based" is a term of art that "should be applied flexibly" with the goal of protecting "viewpoints and ideas from government censorship or favoritism." Brief for Respondents 22. In the Town's view, a sign regulation that "does not censor or favor particular viewpoints or ideas" cannot be content based. *Ibid.* The Sign Code allegedly passes this test because its treatment of temporary directional signs does not raise any concerns that the government is "endorsing or suppressing 'ideas or viewpoints,'" *id.*, at 27, and the provisions for political signs and ideological signs "are neutral as to particular ideas or viewpoints" within those categories. *Id.*, at 37.

This analysis conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints—or the regulation of speech based on "the specific motivating ideology or the opinion or perspective of the speaker"—is a "more blatant" and "egregious form of

content discrimination." *Rosenberger* v. *Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). But it is well established that "[t]he First Amendment's hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic." *Consolidated Edison Co. of N. Y.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537 (1980).

Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. *Ibid.* For example, a law banning the use of sound trucks for political speech—and only political speech—would be a content-based regulation, even if it imposed no limits on the political viewpoints that could be expressed. See *Discovery Network, supra,* at 428. The Town's Sign Code likewise singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter. Ideological messages are given more favorable treatment than messages concerning a political candidate, which are themselves given more favorable treatment than messages announcing an assembly of like-minded individuals. That is a paradigmatic example of content-based discrimination.

3

Finally, the Court of Appeals characterized the Sign Code's distinctions as turning on "'the content-neutral elements of who is speaking through the sign and whether and when an event is occurring.'" 707 F. 3d, at 1069. That analysis is mistaken on both factual and legal grounds.

To start, the Sign Code's distinctions are not speaker based. The restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. If a local business, for example, sought to put up

signs advertising the Church's meetings, those signs would be subject to the same limitations as such signs placed by the Church. And if Reed had decided to display signs in support of a particular candidate, he could have made those signs far larger—and kept them up for far longer—than signs inviting people to attend his church services. If the Code's distinctions were truly speaker based, both types of signs would receive the same treatment.

In any case, the fact that a distinction is speaker based does not, as the Court of Appeals seemed to believe, automatically render the distinction content neutral. Because "[s]peech restrictions based on the identity of the speaker are all too often simply a means to control content," *Citizens United* v. *Federal Election Comm'n*, 558 U. S. 310, 340 (2010), we have insisted that "laws favoring some speakers over others demand strict scrutiny when the legislature's speaker preference reflects a content preference," *Turner,* 512 U. S., at 658. Thus, a law limiting the content of newspapers, but only newspapers, could not evade strict scrutiny simply because it could be characterized as speaker based. Likewise, a content-based law that restricted the political speech of all corporations would not become content neutral just because it singled out corporations as a class of speakers. See *Citizens United, supra*, at 340–341. Characterizing a distinction as speaker based is only the beginning—not the end—of the inquiry.

Nor do the Sign Code's distinctions hinge on "whether and when an event is occurring." The Code does not permit citizens to post signs on any topic whatsoever within a set period leading up to an election, for example. Instead, come election time, it requires Town officials to determine whether a sign is "designed to influence the outcome of an election" (and thus "political") or merely "communicating a message or ideas for noncommercial purposes" (and thus "ideological"). Glossary 24. That obvious content-based

inquiry does not evade strict scrutiny review simply because an event (*i.e.,* an election) is involved.

And, just as with speaker-based laws, the fact that a distinction is event based does not render it content neutral. The Court of Appeals cited no precedent from this Court supporting its novel theory of an exception from the content-neutrality requirement for event-based laws. As we have explained, a speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. *Supra,* at 6. A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea. Here, the Code singles out signs bearing a particular message: the time and location of a specific event. This type of ordinance may seem like a perfectly rational way to regulate signs, but a clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem "entirely reasonable" will sometimes be "struck down because of their content-based nature." *City of Ladue* v. *Gilleo*, 512 U. S. 43, 60 (1994) (O'Connor, J., concurring).

III

Because the Town's Sign Code imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, "'which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest,'" *Arizona Free Enterprise Club's Freedom Club PAC* v. *Bennett*, 564 U. S. ___, ___ (2011) (slip op., at 8) (quoting *Citizens United*, 558 U. S., at 340). Thus, it is the Town's burden to demonstrate that the Code's differentiation between temporary directional signs and other types of signs, such as political signs and ideological signs, furthers a compelling governmental interest and is narrowly tai-

lored to that end. See *ibid.*

The Town cannot do so. It has offered only two governmental interests in support of the distinctions the Sign Code draws: preserving the Town's aesthetic appeal and traffic safety. Assuming for the sake of argument that those are compelling governmental interests, the Code's distinctions fail as hopelessly underinclusive.

Starting with the preservation of aesthetics, temporary directional signs are "no greater an eyesore," *Discovery Network*, 507 U. S., at 425, than ideological or political ones. Yet the Code allows unlimited proliferation of larger ideological signs while strictly limiting the number, size, and duration of smaller directional ones. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town while at the same time allowing unlimited numbers of other types of signs that create the same problem.

The Town similarly has not shown that limiting temporary directional signs is necessary to eliminate threats to traffic safety, but that limiting other types of signs is not. The Town has offered no reason to believe that directional signs pose a greater threat to safety than do ideological or political signs. If anything, a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting.

In light of this underinclusiveness, the Town has not met its burden to prove that its Sign Code is narrowly tailored to further a compelling government interest. Because a "'law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited,'" *Republican Party of Minn.* v. *White*, 536 U. S. 765, 780 (2002), the Sign Code fails strict scrutiny.

IV

Our decision today will not prevent governments from enacting effective sign laws. The Town asserts that an "'absolutist'" content-neutrality rule would render "virtually all distinctions in sign laws . . . subject to strict scrutiny," Brief for Respondents 34–35, but that is not the case. Not "all distinctions" are subject to strict scrutiny, only *content-based* ones are. Laws that are *content neutral* are instead subject to lesser scrutiny. See *Clark*, 468 U. S., at 295.

The Town has ample content-neutral options available to resolve problems with safety and aesthetics. For example, its current Code regulates many aspects of signs that have nothing to do with a sign's message: size, building materials, lighting, moving parts, and portability. See, *e.g.,* §4.402(R). And on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner. See *Taxpayers for Vincent*, 466 U. S., at 817 (upholding content-neutral ban against posting signs on public property). Indeed, some lower courts have long held that similar content-based sign laws receive strict scrutiny, but there is no evidence that towns in those jurisdictions have suffered catastrophic effects. See, *e.g., Solantic, LLC* v. *Neptune Beach*, 410 F. 3d 1250, 1264–1269 (CA11 2005) (sign categories similar to the town of Gilbert's were content based and subject to strict scrutiny); *Matthews* v. *Needham*, 764 F. 2d 58, 59–60 (CA1 1985) (law banning political signs but not commercial signs was content based and subject to strict scrutiny).

We acknowledge that a city might reasonably view the general regulation of signs as necessary because signs "take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation." *City of Ladue*, 512 U. S., at 48. At the same time, the presence of certain

signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety. A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny. The signs at issue in this case, including political and ideological signs and signs for events, are far removed from those purposes. As discussed above, they are facially content based and are neither justified by traditional safety concerns nor narrowly tailored.

* * *

We reverse the judgment of the Court of Appeals and remand the case for proceedings consistent with this opinion.

It is so ordered.

SUPREME COURT OF THE UNITED STATES

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE ALITO, with whom JUSTICE KENNEDY and JUSTICE SOTOMAYOR join, concurring.

I join the opinion of the Court but add a few words of further explanation.

As the Court holds, what we have termed "content-based" laws must satisfy strict scrutiny. Content-based laws merit this protection because they present, albeit sometimes in a subtler form, the same dangers as laws that regulate speech based on viewpoint. Limiting speech based on its "topic" or "subject" favors those who do not want to disturb the status quo. Such regulations may interfere with democratic self-government and the search for truth. See *Consolidated Edison Co. of N. Y.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537 (1980).

As the Court shows, the regulations at issue in this case are replete with content-based distinctions, and as a result they must satisfy strict scrutiny. This does not mean, however, that municipalities are powerless to enact and enforce reasonable sign regulations. I will not attempt to provide anything like a comprehensive list, but here are some rules that would not be content based:

Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.

Rules regulating the locations in which signs may be

placed. These rules may distinguish between free-standing signs and those attached to buildings.

Rules distinguishing between lighted and unlighted signs.

Rules distinguishing between signs with fixed messages and electronic signs with messages that change.

Rules that distinguish between the placement of signs on private and public property.

Rules distinguishing between the placement of signs on commercial and residential property.

Rules distinguishing between on-premises and off-premises signs.

Rules restricting the total number of signs allowed per mile of roadway.

Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.*

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See *Pleasant Grove City* v. *Summum*, 555 U. S. 460, 467–469 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Properly understood, today's decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives.

---

*Of course, content-neutral restrictions on speech are not necessarily consistent with the First Amendment. Time, place, and manner restrictions "must be narrowly tailored to serve the government's legitimate, content-neutral interests." *Ward* v. *Rock Against Racism*, 491 U. S. 781, 798 (1989). But they need not meet the high standard imposed on viewpoint- and content-based restrictions.

SUPREME COURT OF THE UNITED STATES

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE BREYER, concurring in the judgment.

I join JUSTICE KAGAN's separate opinion. Like JUSTICE KAGAN I believe that categories alone cannot satisfactorily resolve the legal problem before us. The First Amendment requires greater judicial sensitivity both to the Amendment's expressive objectives and to the public's legitimate need for regulation than a simple recitation of categories, such as "content discrimination" and "strict scrutiny," would permit. In my view, the category "content discrimination" is better considered in many contexts, including here, as a rule of thumb, rather than as an automatic "strict scrutiny" trigger, leading to almost certain legal condemnation.

To use content discrimination to trigger strict scrutiny sometimes makes perfect sense. There are cases in which the Court has found content discrimination an unconstitutional method for suppressing a viewpoint. *E.g., Rosenberger* v. *Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 828–829 (1995); see also *Boos* v. *Barry*, 485 U. S. 312, 318–319 (1988) (plurality opinion) (applying strict scrutiny where the line between subject matter and viewpoint was not obvious). And there are cases where the Court has found content discrimination to reveal that rules governing a traditional public forum are, in fact, not a neutral way of fairly managing the forum in the interest of all

speakers. *Police Dept. of Chicago* v. *Mosley*, 408 U. S. 92, 96 (1972) ("Once a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say"). In these types of cases, strict scrutiny is often appropriate, and content discrimination has thus served a useful purpose.

But content discrimination, while helping courts to identify unconstitutional suppression of expression, cannot and should not *always* trigger strict scrutiny. To say that it is not an automatic "strict scrutiny" trigger is not to argue against that concept's use. I readily concede, for example, that content discrimination, as a conceptual tool, can sometimes reveal weaknesses in the government's rationale for a rule that limits speech. If, for example, a city looks to litter prevention as the rationale for a prohibition against placing newsracks dispensing free advertisements on public property, why does it exempt other newsracks causing similar litter? Cf. *Cincinnati* v. *Discovery Network, Inc.*, 507 U. S. 410 (1993). I also concede that, whenever government disfavors one kind of speech, it places that speech at a disadvantage, potentially interfering with the free marketplace of ideas and with an individual's ability to express thoughts and ideas that can help that individual determine the kind of society in which he wishes to live, help shape that society, and help define his place within it.

Nonetheless, in these latter instances to use the presence of content discrimination automatically to trigger strict scrutiny and thereby call into play a strong presumption against constitutionality goes too far. That is because virtually all government activities involve speech, many of which involve the regulation of speech. Regulatory programs almost always require content discrimination. And to hold that such content discrimination triggers strict scrutiny is to write a recipe for judicial management

of ordinary government regulatory activity.

Consider a few examples of speech regulated by government that inevitably involve content discrimination, but where a strong presumption against constitutionality has no place. Consider governmental regulation of securities, *e.g.,* 15 U. S. C. §78*l* (requirements for content that must be included in a registration statement); of energy conservation labeling-practices, *e.g.,* 42 U. S. C. §6294 (requirements for content that must be included on labels of certain consumer electronics); of prescription drugs, *e.g.,* 21 U. S. C. §353(b)(4)(A) (requiring a prescription drug label to bear the symbol "Rx only"); of doctor-patient confidentiality, *e.g.,* 38 U. S. C. §7332 (requiring confidentiality of certain medical records, but allowing a physician to disclose that the patient has HIV to the patient's spouse or sexual partner); of income tax statements, *e.g.,* 26 U. S. C. §6039F (requiring taxpayers to furnish information about foreign gifts received if the aggregate amount exceeds $10,000); of commercial airplane briefings, *e.g.,* 14 CFR §136.7 (2015) (requiring pilots to ensure that each passenger has been briefed on flight procedures, such as seatbelt fastening); of signs at petting zoos, *e.g.,* N. Y. Gen. Bus. Law Ann. §399–ff(3) (West Cum. Supp. 2015) (requiring petting zoos to post a sign at every exit "'strongly recommend[ing] that persons wash their hands upon exiting the petting zoo area'"); and so on.

Nor can the majority avoid the application of strict scrutiny to all sorts of justifiable governmental regulations by relying on this Court's many subcategories and exceptions to the rule. The Court has said, for example, that we should apply less strict standards to "commercial speech." *Central Hudson Gas & Elec. Corp.* v. *Public Service Comm'n of N. Y.*, 447 U. S. 557, 562–563 (1980). But I have great concern that many justifiable instances of "content-based" regulation are noncommercial. And, worse than that, the Court has applied the heightened

"strict scrutiny" standard even in cases where the less stringent "commercial speech" standard was appropriate. See *Sorrell* v. *IMS Health Inc.*, 564 U. S. ___, ___ (2011) (BREYER, J., dissenting) (slip op., at ___). The Court has also said that "government speech" escapes First Amendment strictures. See *Rust* v. *Sullivan*, 500 U. S. 173, 193–194 (1991). But regulated speech is typically private speech, not government speech. Further, the Court has said that, "[w]hen the basis for the content discrimination consists entirely of the very reason the entire class of speech at issue is proscribable, no significant danger of idea or viewpoint discrimination exists." *R. A. V.* v. *St. Paul*, 505 U. S. 377, 388 (1992). But this exception accounts for only a few of the instances in which content discrimination is readily justifiable.

I recognize that the Court could escape the problem by watering down the force of the presumption against constitutionality that "strict scrutiny" normally carries with it. But, in my view, doing so will weaken the First Amendment's protection in instances where "strict scrutiny" should apply in full force.

The better approach is to generally treat content discrimination as a strong reason weighing against the constitutionality of a rule where a traditional public forum, or where viewpoint discrimination, is threatened, but elsewhere treat it as a rule of thumb, finding it a helpful, but not determinative legal tool, in an appropriate case, to determine the strength of a justification. I would use content discrimination as a supplement to a more basic analysis, which, tracking most of our First Amendment cases, asks whether the regulation at issue works harm to First Amendment interests that is disproportionate in light of the relevant regulatory objectives. Answering this question requires examining the seriousness of the harm to speech, the importance of the countervailing objectives, the extent to which the law will achieve those objectives,

and whether there are other, less restrictive ways of doing so. See, *e.g., United States* v. *Alvarez*, 567 U. S. ___, ___–___ (2012) (BREYER, J., concurring in judgment) (slip op., at 1–3); *Nixon* v. *Shrink Missouri Government PAC*, 528 U. S. 377, 400–403 (2000) (BREYER, J., concurring). Admittedly, this approach does not have the simplicity of a mechanical use of categories. But it does permit the government to regulate speech in numerous instances where the voters have authorized the government to regulate and where courts should hesitate to substitute judicial judgment for that of administrators.

Here, regulation of signage along the roadside, for purposes of safety and beautification is at issue. There is no traditional public forum nor do I find any general effort to censor a particular viewpoint. Consequently, the specific regulation at issue does not warrant "strict scrutiny." Nonetheless, for the reasons that JUSTICE KAGAN sets forth, I believe that the Town of Gilbert's regulatory rules violate the First Amendment. I consequently concur in the Court's judgment only.

SUPREME COURT OF THE UNITED STATES

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE KAGAN, with whom JUSTICE GINSBURG and JUSTICE BREYER join, concurring in the judgment.

Countless cities and towns across America have adopted ordinances regulating the posting of signs, while exempting certain categories of signs based on their subject matter. For example, some municipalities generally prohibit illuminated signs in residential neighborhoods, but lift that ban for signs that identify the address of a home or the name of its owner or occupant. See, *e.g.*, City of Truth or Consequences, N. M., Code of Ordinances, ch. 16, Art. XIII, §§11–13–2.3, 11–13–2.9(H)(4) (2014). In other municipalities, safety signs such as "Blind Pedestrian Crossing" and "Hidden Driveway" can be posted without a permit, even as other permanent signs require one. See, *e.g.*, Code of Athens-Clarke County, Ga., Pt. III, §7–4–7(1) (1993). Elsewhere, historic site markers—for example, "George Washington Slept Here"—are also exempt from general regulations. See, *e.g.*, Dover, Del., Code of Ordinances, Pt. II, App. B, Art. 5, §4.5(F) (2012). And similarly, the federal Highway Beautification Act limits signs along interstate highways unless, for instance, they direct travelers to "scenic and historical attractions" or advertise free coffee. See 23 U. S. C. §§131(b), (c)(1), (c)(5).

Given the Court's analysis, many sign ordinances of that kind are now in jeopardy. See *ante*, at 14 (acknowledging

that "entirely reasonable" sign laws "will sometimes be struck down" under its approach (internal quotation marks omitted)). Says the majority: When laws "single[] out specific subject matter," they are "facially content based"; and when they are facially content based, they are automatically subject to strict scrutiny. *Ante*, at 12, 16–17. And although the majority holds out hope that some sign laws with subject-matter exemptions "might survive" that stringent review, *ante*, at 17, the likelihood is that most will be struck down. After all, it is the "rare case[] in which a speech restriction withstands strict scrutiny." *Williams-Yulee* v. *Florida Bar*, 575 U. S. ___, ___ (2015) (slip op., at 9). To clear that high bar, the government must show that a content-based distinction "is necessary to serve a compelling state interest and is narrowly drawn to achieve that end." *Arkansas Writers' Project, Inc.* v. *Ragland*, 481 U. S. 221, 231 (1987). So on the majority's view, courts would have to determine that a town has a compelling interest in informing passersby where George Washington slept. And likewise, courts would have to find that a town has no other way to prevent hidden-driveway mishaps than by specially treating hidden-driveway signs. (Well-placed speed bumps? Lower speed limits? Or how about just a ban on hidden driveways?) The consequence—unless courts water down strict scrutiny to something unrecognizable—is that our communities will find themselves in an unenviable bind: They will have to either repeal the exemptions that allow for helpful signs on streets and sidewalks, or else lift their sign restrictions altogether and resign themselves to the resulting clutter.*

---

*Even in trying (commendably) to limit today's decision, JUSTICE ALITO's concurrence highlights its far-reaching effects. According to JUSTICE ALITO, the majority does not subject to strict scrutiny regulations of "signs advertising a one-time event." *Ante*, at 2 (ALITO, J., concurring). But of course it does. On the majority's view, a law with an exception for such signs "singles out specific subject matter for

Although the majority insists that applying strict scrutiny to all such ordinances is "essential" to protecting First Amendment freedoms, *ante*, at 14, I find it challenging to understand why that is so. This Court's decisions articulate two important and related reasons for subjecting content-based speech regulations to the most exacting standard of review. The first is "to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail." *McCullen* v. *Coakley*, 573 U. S. ___, ___–___ (2014) (slip op., at 8–9) (internal quotation marks omitted). The second is to ensure that the government has not regulated speech "based on hostility—or favoritism—towards the underlying message expressed." *R. A. V.* v. *St. Paul*, 505 U. S. 377, 386 (1992). Yet the subject-matter exemptions included in many sign ordinances do not implicate those concerns. Allowing residents, say, to install a light bulb over "name and address" signs but no others does not distort the marketplace of ideas. Nor does that different treatment give rise to an inference of impermissible government motive.

We apply strict scrutiny to facially content-based regulations of speech, in keeping with the rationales just described, when there is any "realistic possibility that official suppression of ideas is afoot." *Davenport* v. *Washington Ed. Assn.*, 551 U. S. 177, 189 (2007) (quoting *R. A. V.*, 505 U. S., at 390). That is always the case when the regulation facially differentiates on the basis of viewpoint. See *Rosenberger* v. *Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). It is also the case (except in nonpublic or limited public forums) when a law restricts "discussion of an entire topic" in public debate. *Consolidated*

---

differential treatment" and "defin[es] regulated speech by particular subject matter." *Ante*, at 6, 12 (majority opinion). Indeed, the precise reason the majority applies strict scrutiny here is that "the Code singles out signs bearing a particular message: the time and location of a specific event." *Ante*, at 14.

Edison Co. of N. Y. v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537, 539–540 (1980) (invalidating a limitation on speech about nuclear power). We have stated that "[i]f the marketplace of ideas is to remain free and open, governments must not be allowed to choose 'which issues are worth discussing or debating.'" *Id.*, at 537–538 (quoting *Police Dept. of Chicago* v. *Mosley*, 408 U. S. 92, 96 (1972)). And we have recognized that such subject-matter restrictions, even though viewpoint-neutral on their face, may "suggest[] an attempt to give one side of a debatable public question an advantage in expressing its views to the people." *First Nat. Bank of Boston* v. *Bellotti*, 435 U. S. 765, 785 (1978); accord, *ante*, at 1 (ALITO, J., concurring) (limiting all speech on one topic "favors those who do not want to disturb the status quo"). Subject-matter regulation, in other words, may have the intent or effect of favoring some ideas over others. When that is realistically possible—when the restriction "raises the specter that the Government may effectively drive certain ideas or viewpoints from the marketplace"—we insist that the law pass the most demanding constitutional test. *R. A. V.*, 505 U. S., at 387 (quoting *Simon & Schuster, Inc.* v. *Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 116 (1991)).

But when that is not realistically possible, we may do well to relax our guard so that "entirely reasonable" laws imperiled by strict scrutiny can survive. *Ante*, at 14. This point is by no means new. Our concern with content-based regulation arises from the fear that the government will skew the public's debate of ideas—so when "that risk is inconsequential, . . . strict scrutiny is unwarranted." *Davenport*, 551 U. S., at 188; see *R. A. V.*, 505 U. S., at 388 (approving certain content-based distinctions when there is "no significant danger of idea or viewpoint discrimination"). To do its intended work, of course, the category of content-based regulation triggering strict scrutiny must

sweep more broadly than the actual harm; that category exists to create a buffer zone guaranteeing that the government cannot favor or disfavor certain viewpoints. But that buffer zone need not extend forever. We can administer our content-regulation doctrine with a dose of common sense, so as to leave standing laws that in no way implicate its intended function.

And indeed we have done just that: Our cases have been far less rigid than the majority admits in applying strict scrutiny to facially content-based laws—including in cases just like this one. See *Davenport*, 551 U. S., at 188 (noting that "we have identified numerous situations in which [the] risk" attached to content-based laws is "attenuated"). In *Members of City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U. S. 789 (1984), the Court declined to apply strict scrutiny to a municipal ordinance that exempted address numbers and markers commemorating "historical, cultural, or artistic event[s]" from a generally applicable limit on sidewalk signs. *Id.*, at 792, n. 1 (listing exemptions); see *id.*, at 804–810 (upholding ordinance under intermediate scrutiny). After all, we explained, the law's enactment and enforcement revealed "not even a hint of bias or censorship." *Id.*, at 804; see also *Renton* v. *Playtime Theatres, Inc.*, 475 U. S. 41, 48 (1986) (applying intermediate scrutiny to a zoning law that facially distinguished among movie theaters based on content because it was "designed to prevent crime, protect the city's retail trade, [and] maintain property values . . . , not to suppress the expression of unpopular views"). And another decision involving a similar law provides an alternative model. In *City of Ladue* v. *Gilleo*, 512 U. S. 43 (1994), the Court assumed *arguendo* that a sign ordinance's exceptions for address signs, safety signs, and for-sale signs in residential areas did not trigger strict scrutiny. See *id.*, at 46–47, and n. 6 (listing exemptions); *id.*, at 53 (noting this assumption). We did not need to, and so did not, decide the

level-of-scrutiny question because the law's breadth made it unconstitutional under any standard.

The majority could easily have taken *Ladue*'s tack here. The Town of Gilbert's defense of its sign ordinance—most notably, the law's distinctions between directional signs and others—does not pass strict scrutiny, or intermediate scrutiny, or even the laugh test. See *ante*, at 14–15 (discussing those distinctions). The Town, for example, provides no reason at all for prohibiting more than four directional signs on a property while placing no limits on the number of other types of signs. See Gilbert, Ariz., Land Development Code, ch. I, §§4.402(J), (P)(2) (2014). Similarly, the Town offers no coherent justification for restricting the size of directional signs to 6 square feet while allowing other signs to reach 20 square feet. See §§4.402(J), (P)(1). The best the Town could come up with at oral argument was that directional signs "need to be smaller because they need to guide travelers along a route." Tr. of Oral Arg. 40. Why exactly a smaller sign better helps travelers get to where they are going is left a mystery. The absence of any sensible basis for these and other distinctions dooms the Town's ordinance under even the intermediate scrutiny that the Court typically applies to "time, place, or manner" speech regulations. Accordingly, there is no need to decide in this case whether strict scrutiny applies to every sign ordinance in every town across this country containing a subject-matter exemption.

I suspect this Court and others will regret the majority's insistence today on answering that question in the affirmative. As the years go by, courts will discover that thousands of towns have such ordinances, many of them "entirely reasonable." *Ante*, at 14. And as the challenges to them mount, courts will have to invalidate one after the other. (This Court may soon find itself a veritable Supreme Board of Sign Review.) And courts will strike down those democratically enacted local laws even though no

one—certainly not the majority—has ever explained why the vindication of First Amendment values requires that result. Because I see no reason why such an easy case calls for us to cast a constitutional pall on reasonable regulations quite unlike the law before us, I concur only in the judgment.

Sign Litigation
A Brief Analysis of Reed v_Town of Gilbert
Coates' Canons

Temporary yard signs are springing up all around town. Town council wants to reduce the clutter, but also wants to respect the free speech rights of the community. Council is considering new rules that will allow campaign signs during election season, event signs within a day of the event, and ideological signs anytime. It seems like a reasonable balance—allowing the signs but limiting them to a relevant time-frame. Can the town's regulations distinguish among signs this way?

A recent U.S. Supreme Court decision says no. Such distinctions are unconstitutional content-based regulation of speech.

To be clear, every sign ordinance distinguishes among signs. Ordinances commonly distinguish between locations (commercial property, residential property, public property, etc.), between types of signs (free-standing, wall signs, electronic signs, etc.), and between messages on the signs (commercial, safety, political, etc.). Reasonable distinctions concerning location and types of signs remain permissible.

The Reed decision, though, clearly invalidated some distinctions based on the message content of signs, and it will require adjustments to many local ordinances and some state statutes. The decision, with its four separate concurring opinions, also left open several legal questions.

This blog considers the decision of Reed v. Town of Gilbert, 576 U.S. __ (2015), and its impact on local sign ordinances.

Context of Free Speech Caselaw

In thinking about the Reed decision it is helpful to recall a few key points about Constitutional protections of free speech and local government sign regulation. This area of the law is complex—far beyond the scope and space of this blog—but some context is helpful in understanding the impact of the new decision.

Content-Neutral Sign Regulations. Some sign regulations concern the form and nature of the sign, not the content of the message. These regulations—called reasonable time, place, or manner restrictions—include regulation of sign size, number, materials, lighting, moving parts, and portability, among other things. These regulations are allowed, provided they are "[1] justified without reference to the content of the regulated speech, [2] that they are narrowly tailored to serve a significant governmental interest, and [3] that they leave open ample alternative channels for communication of the information" (Ward v. Rock Against Racism, 491 U.S. 781, 791, 109 S. Ct. 2746, 2753, 105 L. Ed. 2d 661 (1989)). Over the years the courts have allowed a variety of content-neutral sign regulations.

Content-Based Sign Regulations. Some sign regulations, however, restrict the content of the message. The Supreme Court requires that content-based

regulation of noncommercial signs must meet strict scrutiny. As phrased in the Reed majority opinion, a regulation is content-based if the rule "applies to a particular [sign] because of the topics discussed or the idea or message expressed" (slip op., at 6). The strict scrutiny standard demands that the local government must show that the regulation is (i) designed to serve a compelling governmental interest and (ii) narrowly tailored to achieve that interest. That is a steep hill to climb, and in practice few, if any, regulations survive strict scrutiny review.

It is worth noting that commercial speech is subject to yet another test—a version of intermediate scrutiny outlined in Central Hudson Gas & Electric Corp. v. Public Service Commission of New York, 447 U.S. 557 (1987). That test is described in David Owens' blog on Offensive Signs, and as discussed below, the impact of the Reed decision on the Central Hudson test is unclear.

Case Summary

The Town of Gilbert, Arizona, had a sign code requiring permits for signs, but outlining a variety of exemptions. The Reed decision focused on the exemptions for three types of signs: Political Signs, Temporary Directional Signs, and Ideological Signs. Under the local code, Political Signs were signs designed to influence the outcome of an election; they could be up to 32 square feet and displayed during political season. Temporary Directional Signs were defined to include signs that direct the public to a church or other qualifying event; they could be up to six square feet and could be displayed 12 hours before and 1 hour after the qualifying event. Ideological signs were defined to be signs that communicate a noncommercial message that didn't fit into some other category; they could be up to 20 square feet.

A local church—after being cited for violation of the rules for Temporary Directional Signs—challenged the sign code as abridging their freedom of speech. The Town argued (and the lower courts found) that its regulations were content-neutral. The distinctions among types of signs, they said, were based on objective factors not the expressive content of the sign. The distinctions did not favor nor censor a particular viewpoint or philosophy. And, the justification for the regulation was unrelated to the content of the sign.

Justice Thomas, writing for the Court, disagreed. He found that the distinctions were plainly content-based and thus subject to strict scrutiny. The distinctions—between Political Signs, Temporary Directional Signs, and Ideological Signs—"depende[ed] entirely on the communicative content of the sign" (slip op., at 7). "Regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints with that subject matter" (12). And, "an innocuous justification cannot transform a facially content-based law into one that is content neutral" (9).

In its failed attempt to meet the strict scrutiny standard, the Town offered two governmental interests to support its distinctions: aesthetic appeal and traffic safety. Even if these were considered compelling governmental interests (which the Court assumed without ruling), the

Town's distinctions were not narrowly tailored. Justice Kagan noted in her own opinion (concurring in the judgment only) that the Town's distinctions did "not pass strict scrutiny, or intermediate scrutiny, or even the laugh test" (slip op., at 6, Kagan, J., concurring in judgment).

Impact of Local Ordinances

So what does this decision mean for local ordinances? In the end, some distinctions among signs clearly are allowed and will withstand judicial review. Some code provisions, though, must be revised. And then, there are the open questions.

The Court was unanimous in judgment: The particular provisions of the Town of Gilbert's sign code violate Constitutional protections for free speech. The Court was fractured, though, in the opinions, making it harder to discern the full scope of the decision. Justice Thomas offered the majority opinion of the court with five justices joining. Justice Alito offered a concurring opinion to further clarify the impact of Justice Thomas' opinion. He was joined by Justices Kennedy and Sotomayor. Three justices concurred in judgment only, and they offered two separate opinions to outline their legal reasoning and their concerns with the majority's reasoning.

So we have a split court. Three joined the majority only; three joined the majority, but also joined an explanatory concurrence; and three disagreed with the majority's legal reasoning. This three-three-three split, unfortunately, causes even more head-scratching for an already complex topic.

Content-Based Distinctions. In thinking about your sign ordinance, ask this: Does this regulation apply to a particular sign because of the non-commercial content on the sign? If yes, the regulation must meet strict scrutiny under Reed. The government must show that the regulation is designed to serve a compelling governmental interest and narrowly tailored to achieve that interest.

If your ordinance distinguishes among noncommercial sign types—political v. ideological v. religious—those distinctions are unconstitutional and must be changed.

Justice Thomas did offer some content-based regulations that may survive strict scrutiny if they are narrowly tailored to address public safety. These include warning signs for hazards on private property, signs directing traffic, or street numbers associated with private houses.

Content-Neutral Distinctions. The several opinions of the court outline some valid distinctions for regulation. In his majority opinion, Justice Thomas noted that local governments still have "ample content-neutral options available to resolve problems with safety and aesthetics" (slip op., at 16). These include regulation of, among other things,

- size
- building materials
- lighting
- moving parts

portability

Moreover, "on public property the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner" (slip op., at 16). A local ordinance or state statute can prohibit all signs in the public right-of-way. But, if signs are allowed, the regulations must not distinguish based on the content of the message. Regulations that allow some, but not all, noncommercial signs run afoul of the Reed decision.

For example, NCGS § 136-32 allows for "political signs" (as narrowly defined) in the public right-of-way of state highways during election season. That statute and similar ordinances will need to be revised to either, prohibit all signs in the right-of-way, or allow compliant signs with any noncommercial message in the right-of-way during election season.

Justice Alito, in his concurring opinion, provided further explanation (although not an exhaustive list) of what distinctions may be valid, content-neutral distinctions. He included:

- Size (including different sizes for different types of signs)
- Location, including distinguishing between freestanding signs and attached signs
- Distinguishing between lighted and unlighted
- Distinguishing between fixed message and electronic signs
- Distinguishing between signs on public property and signs on private property
- Distinguishing between signs on commercial property and signs on residential property
- Restricting the total number of signs allowed per mile of roadway
- Distinguishing between on-premises and off-premises signs*
- And time restrictions on signs advertising a one-time event*

* These last examples—distinguishing between on-premises/off-premises and restricting signs for one-time events—seem to conflict with the majority opinion in Reed. Here, we get back to the issue of the fractured court and multiple opinions (discussed below).

Open Questions

Content-ish Regulations

Justice Alito's concurrence (discussed above) listed many regulatory distinctions that are clearly authorized. He listed two distinctions that do not clearly square with the reasoning of the majority opinion. But, if you consider the three justices concurring with Alito plus the three justices concurring in judgment only, there are six justices that took the question of content neutrality with more practical consideration than Justice Thomas' hard line. Thus, Alito's opinion may in fact hold the greatest weight of this case. Only time will tell—time and more litigation.

First, Justice Alito listed signs for one-time events. This seems to be

precisely what the majority stuck down in this case. It is unclear how a local regulation could structure such regulation without relying on the content of the message itself. But the inclusion on Justice Alito's list points to some room for defining signs based on function.

And second, Justice Alito listed the distinction between on-premises and off-premises signs. The enforcement officer must read the sign in order to determine if a sign is off-premises or on-premises. As such, these would seem to be facially content-based and subject to strict scrutiny. But, prior Supreme Court caselaw has upheld the on-premise/off-premise distinction and that precedent is not overruled by the majority opinion.

Commercial and Noncommercial Speech. In past decisions the Supreme Court has treated commercial speech to slightly less protection than noncommercial speech. Commercial speech regulation needs to meet a version of intermediate scrutiny, not the strict scrutiny applied to regulation of non-commercial speech (See, generally, Central Hudson Gas & Electric Corp. v. Public Service Commission of New York, 447 U.S. 557 (1987)).

Arguably, the Reed decision opened the door to challenge a sign ordinance that distinguishes between commercial and noncommercial speech. Justice Alito's concurring opinion noted that distinguishing based on the type of property—commercial or residential—would be valid. Regulating based on the content of the sign—commercial or noncommercial—arguably is undermined by the Reed decision.

Notably, though, the majority in Reed did not overrule its prior decisions. The Reed decision was focused on the Town code's distinctions among types of noncommercial speech. Presumably the long-held standards for regulation of commercial speech still apply.

Conclusion

In the wake of Reed, some things are clear. Governments still have an array content-neutral regulations to apply to signs. But, content-based distinctions such as the ones in the Town of Gilbert's code must survive strict scrutiny to stand. Because of mix of opinions from the Court, there are several open questions. We will not know the full scope and meaning of Reed v. Town of Gilbert until the federal courts begin to apply this decision to other sign litigation.

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

CITY OF AUSTIN, TEXAS *v.* REAGAN NATIONAL ADVERTISING OF AUSTIN, LLC, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 20–1029. Argued November 10, 2021—Decided April 21, 2022

Like a great many jurisdictions around the country, the City of Austin, Texas (City), specially regulates signs that advertise things that are not located on the same premises as the sign, as well as signs that direct people to offsite locations. See City Code §25–10–102(1). These are known as off-premises signs. The City's sign code at the time of this dispute prohibited construction of new off-premises signs. *Ibid.* Grandfathered off-premises signs could remain in their existing locations as "nonconforming signs," but could not be altered in ways that increased their nonconformity. §§25–10–3(10), 25–10–152(A)–(B). On-premises signs were not similarly restricted. §25–10–102(6).

Respondents, Reagan National Advertising of Austin, LLC, and Lamar Advantage Outdoor Company, L. P., own billboards in Austin. When Reagan sought permits to digitize some of its billboards, the City denied its applications. Reagan filed suit in state court, alleging that the City's prohibition against digitizing off-premises signs, but not on-premises signs, violated the First Amendment's Free Speech Clause. The City removed the case to federal court, and Lamar intervened. The District Court held that the challenged sign code provisions were content neutral under *Reed* v. *Town of Gilbert*, 576 U. S. 155, reviewed the City's on-/off-premises distinction under intermediate scrutiny, and found that the distinction satisfied that standard. The Court of Appeals reversed. It found the on-/off-premises distinction to be facially content based because a government official had to read a sign's message to determine whether the sign was off-premises. The court then reviewed the City's on-/off-premises distinction under strict scrutiny, and it held that the City failed to satisfy that onerous standard.

Held: The City's on-/off-premises distinction is facially content neutral

under the First Amendment. Pp. 6–14.

(a) *Reed* held that a regulation of speech is content based under the First Amendment if it "target[s] speech based on its communicative content," *i.e.,* if it "applies to particular speech because of the topic discussed or the idea or message expressed." 576 U. S., at 163. The Court of Appeals' interpretation of *Reed*—to mean that a regulation cannot be content neutral if its application requires reading the sign at issue—is too extreme an interpretation of this Court's precedent. Pp. 6–12.

(1) In *Reed*, the town of Gilbert, Arizona, adopted a comprehensive sign code that applied distinct size, placement, and time restrictions to 23 different categories of signs, giving more favorable treatment to some categories (such as ideological signs or political signs) and less favorable treatment to others (such as temporary directional signs relating to religious events, educational events, or other similar events). The Court rejected the contention that the restrictions were content neutral because they did not discriminate on the basis of particular viewpoints, reasoning that "a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter." 576 U. S., at 169. Unlike the sign code in *Reed*, the City's sign ordinances here do not single out any topic or subject matter for differential treatment. A sign's message matters only to the extent that it informs the sign's relative location. Thus, the City's on-/off-premises distinction is more like ordinary time, place, or manner restrictions, which do not require the application of strict scrutiny. Cf. *Frisby* v. *Schultz,* 487 U. S. 474, 482. Pp. 6–8.

(2) This Court's precedents and doctrines have consistently recognized that restrictions on speech may require some evaluation of the speech and nonetheless remain content neutral. Most relevant here, the First Amendment allows for regulations of solicitation, and speech must be read or heard to determine whether it entails solicitation. See *Heffron* v. *International Soc. for Krishna Consciousness, Inc.,* 452 U. S. 640. Moreover, the Court has previously understood distinctions between on-premises and off-premises signs to be content neutral. See *Suffolk Outdoor Advertising Co.* v. *Hulse*, 439 U. S. 808 (order dismissing appeal); *Members of City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U. S. 789. Underlying these cases and others is a rejection of the view that *any* examination of speech or expression inherently triggers heightened First Amendment concern. Rather, content-based regulations are those that discriminate based on "the topic discussed or the idea or message expressed." *Reed*, 576 U. S., at 171. Pp. 8–10.

(3) Reagan's counterargument relies primarily on a sentence in *Reed* recognizing that "[s]ome facial distinctions based on a message

are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose." 576 U. S., at 163. Reagan contends that the City's sign code defines off-premises signs on the basis of function or purpose and is therefore content based and subject to strict scrutiny. This stretches *Reed*'s "function or purpose" language too far. *Reed* held that subtler forms of content discrimination cannot escape classification as content based simply because they swap an obvious subject-matter distinction for a function or purpose proxy. That does not mean that any classification that considers function or purpose is *always* content based. Reagan's reading of *Reed* would contravene numerous precedents and cast doubt on the Nation's history of regulating off-premises signs. Pp. 11–12.

(b) This Court's determination that the City's on-/off-premises distinction is facially content neutral does not end the First Amendment inquiry. Evidence that an impermissible purpose or justification underpins a facially content-neutral restriction may mean that the restriction is nevertheless content based. Moreover, to survive intermediate scrutiny, a restriction on speech or expression must be "'narrowly tailored to serve a significant governmental interest.'" *Ward* v. *Rock Against Racism,* 491 U. S. 781, 791. Because the Court of Appeals did not address these issues, the Court leaves them for remand and expresses no view on the matters. Pp. 13–14.

972 F. 3d 696, reversed and remanded.

SOTOMAYOR, J., delivered the opinion of the Court, in which ROBERTS, C. J., and BREYER, KAGAN, and KAVANAUGH, JJ., joined. BREYER, J., filed a concurring opinion. ALITO, J., filed an opinion concurring in the judgment in part and dissenting in part. THOMAS, J., filed a dissenting opinion, in which GORSUCH and BARRETT, JJ., joined.

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 20–1029

CITY OF AUSTIN, TEXAS, PETITIONER *v.*
REAGAN NATIONAL ADVERTISING
OF AUSTIN, LLC, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

[April 21, 2022]

JUSTICE SOTOMAYOR delivered the opinion of the Court.

Like thousands of jurisdictions around the country, the City of Austin, Texas (City), regulates signs that advertise things that are not located on the same premises as the sign, as well as signs that direct people to offsite locations. These are known as off-premises signs, and they include, most notably, billboards. The question presented is whether, under this Court's precedents interpreting the Free Speech Clause of the First Amendment, the City's regulation is subject to strict scrutiny. We hold that it is not.

I

A

American jurisdictions have regulated outdoor advertisements for well over a century. See C. Taylor & W. Chang, The History of Outdoor Advertising Regulation in the United States, 15 J. of Macromarketing 47, 48 (Spring 1995). By some accounts, the proliferation of conspicuous patent-medicine advertisements on rocks and barns prompted States to begin regulating outdoor advertising in the late 1860s. *Ibid.*; F. Presbrey, The History and

Development of Advertising 500–501 (1929). As part of this regulatory tradition, federal, state, and local governments have long distinguished between signs (such as billboards) that promote ideas, products, or services located elsewhere and those that promote or identify things located onsite. For example, this Court in 1932 reviewed and approved of a Utah statute that prohibited signs advertising cigarettes and related products, but allowed businesses selling such products to post onsite signs identifying themselves as dealers. *Packer Corp.* v. *Utah*, 285 U. S. 105, 107, 110.

On-/off-premises distinctions, like the one at issue here, proliferated following the enactment of the Highway Beautification Act of 1965 (Act), 23 U. S. C. §131. In the Act, Congress directed States receiving federal highway funding to regulate outdoor signs in proximity to federal highways, in part by limiting off-premises signs. See §§131(b)–(c) (allowing exceptions for "signs, displays, and devices advertising the sale or lease of property upon which they are located" and "signs, displays, and devices . . . advertising activities conducted on the property on which they are located"). Under the Act, approximately two-thirds of States have implemented similar on-/off-premises distinctions. See App. A to Reply to Brief in Opposition (collecting statutes); Brief for State of Florida et al. as *Amici Curiae* 7, n. 3 (same). The City represents, and respondents have not disputed, that "tens of thousands of municipalities nationwide" have adopted analogous on-/off-premises distinctions in their sign codes. Brief for Petitioner 19; see also App. B to Reply to Brief in Opposition (collecting examples of ordinances); Brief for State of Florida et al. as *Amici Curiae* 8, n. 4 (same).

The City of Austin is one such municipality. The City distinguishes between on-premises and off-premises signs in its sign code, and specially regulates the latter, in order to "protect the aesthetic value of the city and to protect public safety." App. 39.

During the time period relevant to this dispute, the City's sign code defined the term "off-premise sign" to mean "a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site." Austin, Tex., City Code §25–10–3(11) (2016). This definition was materially analogous to the one used in the federal Highway Beautification Act and many other state and local codes referenced above. The code prohibited the construction of any new off-premises signs, §25–10–102(1), but allowed existing off-premises signs to remain as grandfathered "non-conforming signs," §25–10–3(10). An owner of a grandfathered off-premises sign could "continue or maintain [it] at its existing location" and could change the "face of the sign," but could not "increase the degree of the existing nonconformity," "change the method or technology used to convey a message," or "increase the illumination of the sign." §§25–10–152(A)–(B). By contrast, the code permitted the digitization of on-premises signs. §25–10–102(6) (permitting "electronically controlled changeable-copy sign[s]").[1]

B

Respondents, Reagan National Advertising of Austin, LLC (Reagan), and Lamar Advantage Outdoor Company, L. P. (Lamar), are outdoor-advertising companies that own billboards in Austin. In April and June of 2017, Reagan sought permits from the City to digitize some of its off-premises billboards. The City denied the applications. Reagan filed suit against the City in state court alleging that the code's prohibition against digitizing off-premises signs, but not on-premises signs, violated the Free Speech Clause of the First Amendment. The City removed the case

[1]The City subsequently amended its sign code. The parties agree that the amendments do not affect this dispute. Reply to Brief in Opposition 11–12; Brief for Respondent Reagan 9.

to federal court, and Lamar intervened as a plaintiff.[2]

After the parties stipulated to the pertinent facts, the District Court held a bench trial and entered judgment in favor of the City. 377 F. Supp. 3d 670, 673, 683 (WD Tex. 2019). As relevant, the court held that the challenged sign code provisions were content neutral under *Reed* v. *Town of Gilbert*, 576 U. S. 155 (2015). The court explained that "the on/off premises distinction [did] not impose greater restrictions for political messages, religious messages, or any other subject matter," and "d[id] not require a viewer to evaluate the topic, idea, or viewpoint on the sign"; instead, it required the viewer only "to determine whether the subject matter is located on the same property as the sign." 377 F. Supp. 3d, at 681. The court therefore held that the distinction was a facially content-neutral "regulation based on location." *Ibid.* The court further found "no evidence in the record" that the City had applied the sign code provisions "differently for different messages or speakers" or that its stated concern for esthetics and safety was "pretext for any other purpose." *Id.,* at 681–682. Accordingly, the court reviewed the City's on-/off-premises distinction under the standard of intermediate scrutiny applicable to content-neutral regulations of speech. *Id.,* at 682. The court found that the distinction satisfied this standard. *Id.,* at 682–683.

The Court of Appeals reversed. 972 F. 3d 696, 699 (CA5 2020). The court opined that because the City's on-/off-premises distinction required a reader to inquire "who is the speaker and what is the speaker saying," "both hallmarks of a content-based inquiry," the distinction was content based. *Id.,* at 706. It reasoned that "[t]he fact that a government official ha[s] to read a sign's message to determine the sign's purpose [i]s enough to" render a regulation content based and "subject [it] to strict scrutiny." *Ibid.*

---

[2] Lamar did not participate in the proceedings on the merits before this Court. Brief for Respondent Reagan II.

(citing *Thomas* v. *Bright*, 937 F. 3d 721, 730–731 (CA6 2019)); see also 972 F. 3d, at 704 ("To determine whether a sign is on-premises or off-premises, one must read the sign . . . "). The court acknowledged that its interpretation of *Reed* was "broad," but reasoned that the consequences were "not . . . unforeseen," given the concerns raised by Justices who did not join the opinion of the Court. 972 F. 3d, at 707.

Because the Court of Appeals determined that the City's on-/off-premises distinction imposed a content-based restriction on speech, it reviewed that distinction under the onerous standard of strict scrutiny. Recognizing that strict scrutiny "is, understandably, a hard standard to meet" and that it "leads to almost certain legal condemnation," *id.,* at 709, the court held that the City's justifications for the distinction could not meet that standard, rendering it unconstitutional, *id.,* at 709–710.[3]

This Court granted certiorari. 594 U. S. ___ (2021).

---

[3]The Court of Appeals further considered the possibility that the code provisions regulated only commercial speech, such that only intermediate scrutiny would apply even if the provisions were content based. 972 F. 3d, at 707–709; see *Central Hudson Gas & Elec. Corp.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 557, 566 (1980). The court rejected this view because the provisions "applie[d] with equal force to both commercial and noncommercial messages." 972 F. 3d, at 709. Before this Court, the City makes a similar argument, claiming that "[a]s applied to billboards like those owned by respondents," the contested code provisions regulate commercial speech and so are subject to intermediate scrutiny. Brief for Petitioner 49. It is undisputed, however, that Reagan's billboards also display noncommercial messages, meaning that the City's denial of Reagan's applications for digitization implicated Reagan's commercial and noncommercial speech alike. See Brief for Respondent Reagan 45–46; App. 130–141. More importantly, as the Court of Appeals explained, the contested code provisions admit of no exception for noncommercial speech. The only way in which they differentiate speech is by distinguishing between on-premises and off-premises signs. The Court thus must determine which level of scrutiny applies to the manner in which the provisions actually regulate speech.

II

A regulation of speech is facially content based under the First Amendment if it "target[s] speech based on its communicative content"—that is, if it "applies to particular speech because of the topic discussed or the idea or message expressed." *Reed*, 576 U. S., at 163. The Court of Appeals interpreted *Reed* to mean that if "[a] reader must ask: who is the speaker and what is the speaker saying" to apply a regulation, then the regulation is automatically content based. 972 F. 3d, at 706. This rule, which holds that a regulation cannot be content neutral if it requires reading the sign at issue, is too extreme an interpretation of this Court's precedent. Unlike the regulations at issue in *Reed*, the City's off-premises distinction requires an examination of speech only in service of drawing neutral, location-based lines. It is agnostic as to content. Thus, absent a content-based purpose or justification, the City's distinction is content neutral and does not warrant the application of strict scrutiny.

A

The *Reed* Court confronted a very different regulatory scheme than the one at issue here: a comprehensive sign code that "single[d] out specific subject matter for differential treatment." 576 U. S., at 169. The town of Gilbert, Arizona, had adopted a code that applied distinct size, placement, and time restrictions to 23 different categories of signs. *Id.,* at 159. The Court focused its analysis on three categories defined by whether the signs displayed ideological, political, or certain temporary directional messages. The code gave the most favorable treatment to "'Ideological Sign[s],'" defined as those "'communicating a message or ideas for noncommercial purposes'" with certain exceptions. *Id.,* at 159–160 (alteration in original). It offered less favorable treatment to "'Political Sign[s],'" defined as those "'designed to influence the outcome of an election.'" *Id.,* at

160 (alteration in original). Most restricted of all were "'Temporary Directional Signs Relating to a Qualifying Event,'" with qualifying events defined as gatherings "'sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar nonprofit organization.'" *Id.,* at 160–161.

The *Reed* Court determined that these restrictions were facially content based. *Id.,* at 164–165. Rejecting the contention that the restrictions were content neutral because they did not discriminate on the basis of viewpoint, the Court explained: "[I]t is well established that '[t]he First Amendment's hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic.'" *Id.,* at 169 (quoting *Consolidated Edison Co. of N. Y.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537 (1980)); accord, *e.g., Police Dept. of Chicago* v. *Mosley*, 408 U. S. 92, 95 (1972) (explaining that "[t]he central problem" with a municipality's effort to exempt labor picketing from a prohibition on picketing near public schools was "that it describes permissible picketing in terms of its subject matter"); *Carey* v. *Brown*, 447 U. S. 455, 460–461 (1980) (subjecting a similar statute that "accord[ed] preferential treatment to the expression of views on one particular subject" to strict scrutiny).[4] Applying these principles, the Court reasoned that "a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. . . . For example, a law

[4]The concurrence in *Reed*, which spoke for three of the six Justices in the majority, similarly explained that "[c]ontent-based laws merit th[e] protection" of strict scrutiny "because they present, albeit sometimes in a subtler form, the same dangers as laws that regulate speech based on viewpoint. Limiting speech based on its 'topic' or 'subject' favors those who do not want to disturb the status quo. Such regulations may interfere with democratic self-government and the search for truth." 576 U. S., at 174 (ALITO, J., concurring) (quoting *Consolidated Edison Co. of N. Y.*, 447 U. S., at 537).

banning the use of sound trucks for political speech—and only political speech—would be a content-based regulation, even if it imposed no limits on the political viewpoints that could be expressed." 576 U. S., at 169. By treating ideological messages more favorably than political messages, and both more favorably than temporary directional messages, "[t]he Town's Sign Code likewise single[d] out specific subject matter for differential treatment, even if it [did] not target viewpoints within that subject matter." *Ibid.*

In this case, enforcing the City's challenged sign code provisions requires reading a billboard to determine whether it directs readers to the property on which it stands or to some other, offsite location. Unlike the sign code at issue in *Reed*, however, the City's provisions at issue here do not single out any topic or subject matter for differential treatment. A sign's substantive message itself is irrelevant to the application of the provisions; there are no content-discriminatory classifications for political messages, ideological messages, or directional messages concerning specific events, including those sponsored by religious and nonprofit organizations. Rather, the City's provisions distinguish based on location: A given sign is treated differently based solely on whether it is located on the same premises as the thing being discussed or not. The message on the sign matters only to the extent that it informs the sign's relative location. The on-/off-premises distinction is therefore similar to ordinary time, place, or manner restrictions. *Reed* does not require the application of strict scrutiny to this kind of location-based regulation. Cf. *Frisby* v. *Schultz*, 487 U. S. 474, 482 (1988) (sustaining an ordinance that prohibited "only picketing focused on, and taking place in front of, a particular residence" as content neutral).

B

This Court's First Amendment precedents and doctrines have consistently recognized that restrictions on speech

may require some evaluation of the speech and nonetheless remain content neutral.

Most relevant here, the First Amendment allows for regulations of solicitation—that is, speech "requesting or seeking to obtain something" or "[a]n attempt or effort to gain business." Black's Law Dictionary 1677 (11th ed. 2019). To identify whether speech entails solicitation, one must read or hear it first. Even so, the Court has reasoned that restrictions on solicitation are not content based and do not inherently present "the potential for becoming a means of suppressing a particular point of view," so long as they do not discriminate based on topic, subject matter, or viewpoint. *Heffron* v. *International Soc. for Krishna Consciousness, Inc.*, 452 U. S. 640, 649 (1981).

Thus, in 1940, the Court invalidated a statute prohibiting solicitation for religious causes but observed that States were "free to regulate the time and manner of solicitation generally, in the interest of public safety, peace, comfort or convenience." *Cantwell* v. *Connecticut*, 310 U. S. 296, 306–307. Decades later, the Court reviewed just such a time, place, and manner regulation restricting all solicitation at the Minnesota State Fair, as well as all sale or distribution of merchandise, to a specific location. *Heffron*, 452 U. S., at 643–644. The State had applied the restriction against a religious practice that included "solicit[ing] donations for the support of the Krishna religion." *Id.,* at 645. As a result, members of the religion were free to roam the fairgrounds and discuss their beliefs, but they were prohibited from asking for donations for their cause outside of a designated location. *Id.,* at 646, 655. The Court upheld the State's application of this restriction as content neutral, emphasizing that it "applie[d] evenhandedly to all who wish[ed] . . . to solicit funds," whether for "commercial or charitable" reasons. *Id.,* at 649.

Consistent with these precedents, the Court has previously understood distinctions between on-premises and off-

premises signs, like the one at issue in this case, to be content neutral. In 1978, the Court summarily dismissed an appeal "for want of a substantial federal question" where a state court had approved of an on-/off-premises distinction as a permissible time, place, and manner restriction under the Free Speech Clause. *Suffolk Outdoor Advertising Co.* v. *Hulse*, 439 U. S. 808 (1978). Three years later, the Court upheld in relevant part an ordinance that prohibited all off-premises commercial advertising but allowed on-premises commercial advertising. *Metromedia, Inc.* v. *San Diego*, 453 U. S. 490, 503–512 (1981) (plurality opinion).[5] The *Metromedia* Court did not need to decide whether the off-premises prohibition was content based, as it regulated only commercial speech and so was subject to intermediate scrutiny in any event. See *id.,* at 507–512 (citing *Central Hudson Gas & Elec. Corp.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 557 (1980)). Shortly thereafter, however, the Court applied the relevant portion of *Metromedia* and described the off-premises prohibition as "a *content-neutral* prohibition against the use of billboards." *Members of City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U. S. 789, 807 (1984) (emphasis added).

Underlying these cases and others is a rejection of the view that *any* examination of speech or expression inherently triggers heightened First Amendment concern. Rather, it is regulations that discriminate based on "the topic discussed or the idea or message expressed" that are content based. *Reed*, 576 U. S., at 171. The sign code provisions challenged here do not discriminate on those bases.

---

[5] Although the opinion in *Metromedia* was labeled a plurality for four Justices, the relevant portion of the opinion was also joined by a fifth. See 453 U. S., at 541 (Stevens, J., dissenting in part) ("join[ing] Parts I through IV of JUSTICE WHITE's opinion").

C

Reagan does not claim *Reed* expressly or implicitly overturned the precedents discussed above. Its argument relies primarily on one sentence in *Reed* recognizing that "[s]ome facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose." *Id.,* at 163. Seizing on this reference, Reagan asserts that the City's sign code "defines off-premises signs based on their 'function or purpose.'" Brief for Respondent Reagan 20 (quoting *Reed*, 576 U. S., at 163). It asks the Court to "reaffirm that, where a regulation 'define[s] regulated speech by its function or purpose,' it is content-based on its face and thus subject to strict scrutiny." Brief for Respondent Reagan 34 (quoting *Reed*, 576 U. S., at 163).

The argument stretches *Reed*'s "function or purpose" language too far. The principle the *Reed* Court articulated is more straightforward. While overt subject-matter discrimination is facially content based (for example, "'Ideological Sign[s],'" defined as those "'communicating a message or ideas for noncommercial purposes'"), so, too, are subtler forms of discrimination that achieve identical results based on function or purpose (for example, "'Political Sign[s],'" defined as those "'designed to influence the outcome of an election'"). *Id.,* at 159, 160, 163–164 (alterations in original). In other words, a regulation of speech cannot escape classification as facially content based simply by swapping an obvious subject-matter distinction for a "function or purpose" proxy that achieves the same result. That does not mean that any classification that considers function or purpose is *always* content based. Such a reading of "function or purpose" would contravene numerous precedents, including many of those discussed above. *Reed* did not purport to cast doubt on these cases.

Nor did *Reed* cast doubt on the Nation's history of regulating off-premises signs. Off-premises billboards of the sort that predominate today were not present in the founding era, but as large outdoor advertisements proliferated in the 1800s, regulation followed. As early as 1932, the Court had already approved a location-based differential for advertising signs. See *Packer Corp.*, 285 U. S., at 107, 110. Thereafter, for the last 50-plus years, federal, state, and local jurisdictions have repeatedly relied upon on-/off-premises distinctions to address the distinct safety and esthetic challenges posed by billboards and other methods of outdoor advertising. See *supra,* at 2. The unbroken tradition of on-/off-premises distinctions counsels against the adoption of Reagan's novel rule. See *Williams-Yulee* v. *Florida Bar*, 575 U. S. 433, 446 (2015) (recognizing "history and tradition of regulation" as relevant when considering the scope of the First Amendment).[6]

D

Tellingly, even today's dissent appears reluctant to embrace the read-the-sign rule adopted by the court below. In-

[6]The Court of Appeals, for its part, understood *Reed* to have deemed a regulation content based solely because "it 'single[d] out signs bearing a particular message: the time and location of a specific event.'" 972 F. 3d 696, 706 (CA5 2020) (quoting *Reed*, 576 U. S., at 171). Reagan does not rely as heavily on this language, and for good reason. As a preliminary matter, the *Reed* Court found that the provisions at issue in that case did not, in fact, "hinge on 'whether and when an event is occurring.'" *Id.,* at 170. More fundamentally, those provisions did not target all events generally, regardless of topic; they targeted "a specific event" (an election) "because of the topic discussed or the idea or message expressed" (political speech). *Id.,* at 171. The Court of Appeals' contrary reading would render the majority opinion in *Reed* irreconcilable with the concurrence, which recognized that "[r]ules imposing time restrictions on signs advertising a one-time event," which "do not discriminate based on topic or subject," would be content neutral. *Id.,* at 174, 175 (ALITO, J., concurring).

stead, the dissent attacks a straw man. Contrary to its accusations, we do not "nullif[y]" *Reed*'s protections, "resuscitat[e]" a decision that we do not cite, or fashion a novel "specificity test" simply by quoting the standard repeatedly enunciated in *Reed*. *Post,* at 9, 11, 21 (opinion of THOMAS, J.). Nor do we cast doubt on any of our precedents recognizing examples of topic or subject-matter discrimination as content based. See, *e.g., post,* at 9–10. We merely apply those precedents to reach the "commonsense" result that a location-based and content-agnostic on-/off-premises distinction does not, on its face, "singl[e] out specific subject matter for differential treatment." *Reed*, 576 U. S., at 163, 169.

It is the dissent that would upend settled understandings of the law. Where we adhere to the teachings of history, experience, and precedent, the dissent would hold that tens of thousands of jurisdictions have presumptively violated the First Amendment, some for more than half a century, and that they have done so by use of an on-/off-premises distinction this Court has repeatedly reviewed and never previously questioned. For the reasons we have explained, the Constitution does not require that bizarre result.

III

This Court's determination that the City's ordinance is facially content neutral does not end the First Amendment inquiry. If there is evidence that an impermissible purpose or justification underpins a facially content-neutral restriction, for instance, that restriction may be content based. See *Reed*, 576 U. S., at 164. Moreover, to survive intermediate scrutiny, a restriction on speech or expression must be "'narrowly tailored to serve a significant governmental interest.'" *Ward* v. *Rock Against Racism*, 491 U. S. 781, 791 (1989).

The parties dispute whether the City can satisfy these requirements. This Court, however, is "a court of final review

and not first view," and it does not "[o]rdinarily . . . decide in the first instance issues not decided below." *Zivotofsky* v. *Clinton*, 566 U. S. 189, 201 (2012) (internal quotation marks omitted). "In particular, when we reverse on a threshold question, we typically remand for resolution of any claims the lower courts' error prevented them from addressing." *Ibid.* Because the Court of Appeals did not address these issues, the Court leaves them for remand and expresses no view on the matters.

* * *

For these reasons, the judgment of the Court of Appeals for the Fifth Circuit is reversed, and the case is remanded for further proceedings consistent with this opinion.

It is so ordered.

SUPREME COURT OF THE UNITED STATES

No. 20–1029

CITY OF AUSTIN, TEXAS, PETITIONER *v.*
REAGAN NATIONAL ADVERTISING
OF AUSTIN, LLC, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

[April 21, 2022]

JUSTICE BREYER, concurring.

Reed v. *Town of Gilbert*, 576 U. S. 155 (2015), is binding precedent here. Given that precedent, I join the majority's opinion. I write separately because I continue to believe that the Court's reasoning in *Reed* was wrong. The Court there struck down a city's sign ordinance under the First Amendment. It wrote that the First Amendment requires strict scrutiny whenever a regulation "target[s] speech based on its communicative content." *Id.,* at 163. It therefore concluded that "[c]ontent-based laws . . . are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests." *Ibid.*

But the First Amendment is not the Tax Code. Its purposes are often better served when judge-made categories (like "content discrimination") are treated, not as bright-line rules, but instead as rules of thumb. And, where strict scrutiny's harsh presumption of unconstitutionality is at issue, it is particularly important to avoid jumping to such presumptive conclusions without first considering "whether the regulation at issue works harm to First Amendment interests that is disproportionate in light of the relevant regulatory objectives." *Id.,* at 179 (BREYER, J., concurring in judgment); *Barr* v. *American Assn. of Political Consultants,*

Inc., 591 U. S. ___, ___–___ (2020) (BREYER, J., concurring in judgment and dissenting in part) (slip op., at 9–10); *Sorrell* v. *IMS Health Inc.*, 564 U. S. 552, 582 (2011) (BREYER, J., dissenting). Here, I would conclude that the City of Austin's (City's) regulation of off-premises signs works no such disproportionate harm. I therefore agree with the majority's conclusion that strict scrutiny and its attendant presumption of unconstitutionality are unwarranted. The majority reaches this conclusion by applying *Reed*'s formal framework, as *stare decisis* requires. I would add that *Reed*'s strict formalism can sometimes disserve the very First Amendment interests it was designed to protect.

I

The First Amendment helps to safeguard what Justice Holmes described as a marketplace of ideas. *Abrams* v. *United States,* 250 U. S. 616, 630 (1919) (dissenting opinion). A democratic people must be able to freely "generate, debate, and discuss both general and specific ideas, hopes, and experiences." *Barr*, 591 U. S., at ___ (opinion of BREYER, J.) (slip op., at 3). They "must then be able to transmit their resulting views and conclusions to their elected representatives, which they may do directly, or indirectly through the shaping of public opinion." *Ibid.* Those representatives can respond by turning the people's ideas into policies. The First Amendment, by protecting the "marketplace" and the "transmission" of ideas, thereby helps to protect the basic workings of democracy itself. See *Meyer* v. *Grant*, 486 U. S. 414, 421 (1988) ("The First Amendment was 'fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people'").

Courts help to protect these democratic values in part by strictly scrutinizing certain categories of laws that threaten to "'drive certain ideas or viewpoints from the marketplace.'" *R. A. V.* v. *St. Paul*, 505 U. S. 377, 387 (1992). We

have recognized, for example, that First Amendment values are in danger when the government imposes restrictions upon "'core political speech,'" *Buckley* v. *American Constitutional Law Foundation, Inc.*, 525 U. S. 182, 186–187 (1999); when it discriminates against "particular views taken by speakers on a subject," *Rosenberger* v. *Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829–830 (1995); and, in some contexts, when it removes "an entire topic" of discussion from public debate, *Consolidated Edison Co. of N. Y.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537–538 (1980).

But not all laws that distinguish between speech based on its content fall into a category of this kind. That is in part because many ordinary regulatory programs may well turn on the content of speech without posing any "realistic possibility that official suppression of ideas is afoot." *R. A. V.*, 505 U. S., at 390. Those regulations, rather than hindering the ability of the people to transmit their thoughts to their elected representatives, may constitute the very product of that transmission. *Barr*, 591 U. S., at ___ (opinion of BREYER, J.) (slip op., at 4).

The U. S. Code (as well as its state and local equivalents) is filled with regulatory laws that turn, often necessarily, on the content of speech. Consider laws regulating census reporting requirements, *e.g.,* 13 U. S. C. §224; securities-related disclosures, *e.g.,* 15 U. S. C. §78*l*; copyright infringement, *e.g.,* 17 U. S. C. §102; labeling of prescription drugs, *e.g.,* 21 U. S. C. §353(b)(4)(A), or consumer electronics, *e.g.,* 42 U. S. C. §6294; highway signs, *e.g.,* 23 U. S. C. §131(c); tax disclosures, *e.g.,* 26 U. S. C. §6039F; confidential medical records, *e.g.,* 38 U. S. C. §7332; robocalls, *e.g.,* 47 U. S. C. §227; workplace safety warnings, *e.g.,* 29 CFR §1910.145 (2021); panhandling, *e.g.,* Ala. Code §13A–11–9(a) (2022); solicitation on behalf of charities, *e.g.,* N. Y. Exec. Law Ann. §174–b (West 2019); signs at petting zoos, *e.g.,* N. Y. Gen. Bus. Law Ann. §399–ff(3) (West 2015); and many more.

If *Reed* is taken as setting forth a formal rule that courts must strictly scrutinize regulations simply because they refer to particular content, we have good reason to fear the consequences of that decision. One possibility is that courts will strike down "'entirely reasonable'" regulations that reflect the will of the people. *Reed*, 576 U. S., at 171; *e.g., Barr*, 591 U. S., at ___ (slip op., at 9) (striking down the Telephone Consumer Protection Act's exception allowing robocalls that collect government debt); *IMDB.com* v. *Becerra*, 962 F. 3d 1111, 1125–1127 (CA9 2020) (striking down a California law prohibiting certain websites from publishing the birthdates of entertainment professionals). If so, the Court's content-based line-drawing will "substitut[e] judicial for democratic decisionmaking" and threaten the ability of the people to translate their ideas into policy. *Sorrell*, 564 U. S., at 603 (BREYER, J., dissenting).

A second possibility is that courts instead will (perhaps unconsciously) dilute the stringent strict scrutiny standard in an effort to avoid striking down reasonable regulations. Doing so would "weaken the First Amendment's protection in instances where 'strict scrutiny' should apply in full force." *Reed*, 576 U. S., at 178 (opinion of BREYER, J.).

A third possibility is that courts will develop a matrix of formal subsidiary rules and exceptions that seek to distinguish between reasonable and unreasonable content-based regulations. Such a patchwork, however, may prove overly complex, unwieldy, or unworkable. And it may make it more difficult for ordinary Americans to understand the importance of First Amendment values and to live their lives in accord with those values.

For these reasons, as I have said before, I would reject *Reed's* approach, which too rigidly ties content discrimination to strict scrutiny (and, consequently, to "almost certain legal condemnation"). *Id.*, at 176. Instead, I would treat content discrimination as a rule of thumb to be applied with what JUSTICE KAGAN has called "a dose of common sense."

Id., at 183 (opinion concurring in judgment). Where content-based regulations are at issue, I would ask a more basic First Amendment question: Does "the regulation at issue wor[k] harm to First Amendment interests that is disproportionate in light of the relevant regulatory objectives"? *Id.,* at 179 (opinion of BREYER, J.). I believe we should answer that question by examining "the seriousness of the harm to speech, the importance of the countervailing objectives, the extent to which the law will achieve those objectives, and whether there are other, less restrictive ways of doing so." *Ibid.*

II

The regulation at issue in this case is the City of Austin's sign code, which regulates billboards and other "off-premises" signs. The City defines an "off-premises" sign as "a sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site." Austin, Tex., City Code §25–10–3(11) (2016).

Some years ago, the City forbid construction of new off-premises signs. §25–10–102(1). At the same time, it grandfathered in existing off-premises signs, allowing them to remain but subjecting them to regulation. §§25–10–3(10), 25–10–152(A), (B). Owners of grandfathered off-premises signs are allowed to change the face of their signs, but not to digitize them. *Ibid.* In the case before us, owners who wanted to digitize their off-premises signs challenged the City's regulation on the ground that it violates the First Amendment.

The Court remands for the lower courts to assess the constitutionality of this regulation in the first instance, so I need not answer that question conclusively now. I wish only to illustrate why I believe a strong presumption of unlawfulness is out of place here.

Billboards and other roadside signs can generally be categorized as a form of outdoor advertising. Regulation of outdoor advertising in order to protect the public's interest in "avoiding visual clutter," *Members of City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U. S. 789, 806 (1984), or minimizing traffic risks, *Metromedia, Inc.* v. *San Diego*, 453 U. S. 490, 507–508 (1981), is unlikely to interfere significantly with the "marketplace of ideas." In this case, for example, there is no evidence that the City regulated off-premises signs in order to censor a particular viewpoint or topic, or that its regulations have had that effect in practice. There is consequently little reason to apply a presumption of unconstitutionality to this kind of regulation.

Without such a presumption, I would weigh the First Amendment harms that a regulation imposes against the regulatory objectives that it serves. The City's regulation here appears to work at most a limited, niche-like harm to First Amendment interests. Respondents own a number of grandfathered off-premises signs. They can use those signs to communicate whatever messages they choose. They complain only that they cannot digitize the signs, which would allow them to display several messages in rapid succession. Perhaps digitization would enable them to make more effective use of their billboard space. But their inability to maximize the use of their space in this way is unlikely to meaningfully interfere with their participation in the "marketplace of ideas."

At the same time, the City has asserted a legitimate interest in maintaining the regulation. As I have said, the public has an interest in ensuring traffic safety and preserving an esthetically pleasing environment, *supra* this page, and the City here has reasonably explained how its regulation of off-premises signs in general, and digitization in particular, serves those interests. *Amici* tell us that billboards, especially digital ones, can distract drivers and cause accidents. See, *e.g.,* Brief for United States as *Amicus*

Curiae 21 (citing a study of 450 crashes in Alabama and Florida that "revealed that the presence of digital billboards increased the overall crash rates in areas of billboard influence"); Brief for National League of Cities et al. as *Amici Curiae* 22 ("'The Wisconsin Department of Transport found a 35% increase in collisions near a variable message sign'" (alteration omitted)). They add that on-premises signs are less likely to cause accidents. *Id.,* at 23 ("[A] 2014 study found no evidence that on premises digital signs led to an increase in crashes"). The City further says that billboards cause more visual clutter than on-premises signs because the latter are "typically 'small in size' and integrated into the premises." Reply Brief 19.

I would leave for the courts below to weigh these harms and interests, and any alternatives, in the first instance, without a strong presumption of unconstitutionality.

SUPREME COURT OF THE UNITED STATES

No. 20–1029

CITY OF AUSTIN, TEXAS, PETITIONER *v.*
REAGAN NATIONAL ADVERTISING
OF AUSTIN, LLC, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

[April 21, 2022]

JUSTICE ALITO, concurring in the judgment in part and dissenting in part.

I agree with the majority that we must reverse the decision of the Court of Appeals holding that the provisions of the Austin City Code regulating on- and off-premises signs are facially unconstitutional. *Ante*, at 6. The Court of Appeals reasoned that those provisions impose content-based restrictions and that they cannot satisfy strict scrutiny, but the Court of Appeals did not apply the tests that must be met before a law is held to be facially unconstitutional. "Normally, a plaintiff bringing a facial challenge must 'establish that no set of circumstances exists under which the [law] would be valid,' or show that the law lacks 'a plainly legitimate sweep.'" *Americans for Prosperity Foundation* v. *Bonta*, 594 U. S. ___, ___ (2021) (slip op., at 15) (citation omitted). A somewhat less demanding test applies when a law affects freedom of speech. Under our First Amendment "overbreadth" doctrine, a law restricting speech is unconstitutional "if a substantial number of its applications are unconstitutional, judged in relation to the statute's plainly legitimate sweep." *United States* v. *Stevens*, 559 U. S. 460, 473 (2010) (internal quotation marks omitted).

In this case, the Court of Appeals did not apply either of those tests, and it is doubtful that they can be met. Many

(and possibly the great majority) of the situations in which the relevant provisions may apply involve commercial speech, and under our precedents, regulations of commercial speech are analyzed differently. See *Sorrell* v. *IMS Health Inc.*, 564 U. S. 552, 571–572 (2011).

It is also questionable whether those code provisions are unconstitutional as applied to most of respondents' billboards. It appears that most if not all of those billboards are located off-premises in both the usual sense of that term,[1] and in the sense in which the term is used in the Austin code. See Austin, Tex., City Code §25–10–3(11) (2016) (a sign is off-premises if it "advertis[es] a business, person, activity, goods, products, or services not located on the site where the sign is installed" or if it "directs persons to any location not on that site"). The record contains photos of some of these billboards, see App. 130–147, and all but one appears to be located on otherwise vacant land. Thus, they are clearly off-premises signs, and because they were erected before the enactment of the code provisions at issue, the only relevant restriction they face is that they cannot be digitized.[2] The distinction between a digitized and non-digitized sign is not based on content, topic, or subject matter. Even if the message on a billboard were written in a secret code, an observer would have no trouble determining whether it had been digitized.

Because the Court of Appeals erred in holding that the code provisions are facially unconstitutional, I agree that

---

[1] In ordinary usage, a sign that is attached to or located in close proximity to a building is not described as located "off-premises." The distinction between on- and off-premises signs is based solely on location, and that is why such a classification is not content-based. See *Reed* v. *Town of Gilbert*, 576 U. S. 155, 175 (2015) (ALITO, J., concurring).

[2] A grandfathered sign can be maintained at its existing location, but the owner cannot "increase the degree of the existing nonconformity," "change the method or technology used to convey a message," or "increase the illumination of the sign." Austin, Tex., City Code §§25–10–152(A)–(B).

we should reverse that decision. On remand, the lower courts should determine whether those provisions are unconstitutional as applied to each of the billboards at issue.

Today's decision, however, goes further and holds flatly that "[t]he sign code provisions challenged here do not discriminate" on the basis of "'the topic discussed or the idea or message expressed,'" *ante*, at 10, and that categorical statement is incorrect. The provisions defining on- and off-premises signs clearly discriminate on those grounds, and at least as applied in some situations, strict scrutiny should be required.

As the Court notes, under the provisions in effect when petitioner's applications were denied, a sign was considered to be off-premises if it "advertis[ed]," among other things, a "person, activity, . . . or servic[e] not located on the site where the sign is installed" or if it "direct[ed] persons to any location not on that site." Austin, Tex., City Code §25–10–3(11). Consider what this definition would mean as applied to signs posted in the front window of a commercial establishment, say, a little coffee shop. If the owner put up a sign advertising a new coffee drink, the sign would be classified as on-premises, but suppose the owner instead mounted a sign in the same location saying: "Contribute to X's legal defense fund" or "Free COVID tests available at Y pharmacy" or "Attend City Council meeting to speak up about Z." All those signs would appear to fall within the definition of an off-premises sign and would thus be disallowed. See also *post*, at 3–4 (THOMAS, J., dissenting). Providing disparate treatment for the sign about a new drink and the signs about social and political matters constitutes discrimination on the basis of topic or subject matter. The code provisions adopted in 2017 are worded differently, but the new wording may not rule out similar results.[3]

---

[3]The amended code now defines "off-premise[s] sign" as "a sign that

For these reasons, I would simply hold that the provisions at issue are not facially unconstitutional, and I would refrain from making any broader pronouncements.

---

displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located," and defines an "on-premise[s] sign" as "a sign that is not an off-premise[s] sign." Austin, Tex., City Code §§25–10–4(9)–(10) (2021). It is not clear that the inclusion of "other commercial message" modifies the terms "activity," "event," "person," or "institution" such that the provision would not draw topic-based distinctions as applied to non-commercial speech.

SUPREME COURT OF THE UNITED STATES

No. 20–1029

CITY OF AUSTIN, TEXAS, PETITIONER *v.*
REAGAN NATIONAL ADVERTISING
OF AUSTIN, LLC, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

[April 21, 2022]

JUSTICE THOMAS, with whom JUSTICE GORSUCH and JUSTICE BARRETT join, dissenting.

In *Reed* v. *Town of Gilbert*, 576 U. S. 155 (2015), we held that a speech regulation is content based—and thus presumptively invalid—if it "draws distinctions based on the message a speaker conveys." *Id.*, at 163. Here, the city of Austin imposes special restrictions on "off-premise[s] sign[s]," defined as signs that "advertis[e] a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that direc[t] persons to any location not on that site." Austin, Tex., City Code §25–10–3(11) (2016). Under *Reed*, Austin's off-premises restriction is content based. It discriminates against certain signs based on the message they convey—*e.g.*, whether they promote an on- or off-site event, activity, or service.

The Court nevertheless holds that the off-premises restriction is content neutral because it proscribes a sufficiently broad category of communicative content and, therefore, does not target a specific "topic or subject matter." *Ante*, at 8. This misinterprets *Reed*'s clear rule for content-based restrictions and replaces it with an incoherent and malleable standard. In so doing, the majority's reasoning is reminiscent of this Court's erroneous decision in *Hill* v. *Colorado*, 530 U. S. 703 (2000), which upheld a blatantly

content-based prohibition on "counseling" near abortion clinics on the ground that it discriminated against "an extremely broad category of communications." *Id.*, at 723. Because I would adhere to *Reed* rather than echo *Hill*'s long-discredited approach, I respectfully dissent.

I

A

The First Amendment, applicable to the States through the Fourteenth, prohibits laws "abridging the freedom of speech." U. S. Const., Amdt. 1; see also *Stromberg* v. *California*, 283 U. S. 359, 368 (1931). "When enforcing this prohibition, our precedents distinguish between content-based and content-neutral regulations." *National Institute of Family and Life Advocates* v. *Becerra*, 585 U. S. ___, ___ (2018) (slip op., at 6). A content-based law is "presumptively invalid," *United States* v. *Playboy Entertainment Group*, *Inc.*, 529 U. S. 803, 817 (2000) (internal quotation marks omitted), and may generally be upheld only if the government proves that the regulation is narrowly tailored to serve compelling state interests, *R. A. V.* v. *St. Paul*, 505 U. S. 377, 395 (1992).[1]

In *Reed* v. *Town of Gilbert*, we held that courts should identify content-based restrictions by applying a "commonsense" test: A speech regulation is content based if it

---

[1] For several categories of historically unprotected speech, including obscenity, defamation, fraud, incitement, and speech integral to criminal conduct, the government ordinarily may enact content-based restrictions without satisfying strict scrutiny. See *United States* v. *Stevens*, 559 U. S. 460, 468–469 (2010). This Court's precedents have also declined to apply strict scrutiny to several other types of content-based restrictions, including laws targeting "commercial speech." *Central Hudson Gas & Elec. Corp.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 557, 561–566 (1980). But see *Lorillard Tobacco Co.* v. *Reilly*, 533 U. S. 525, 572 (2001) (THOMAS, J., concurring in part and concurring in judgment). As the Court recognizes, Austin's off-premises sign rule is not limited to any of these categories of speech. See *ante,* at 5, n. 3.

"target[s] speech based on its communicative content." 576 U. S., at 163. Put another way, a law is content based "'on its face' [if it] draws distinctions based on the message a speaker conveys." *Ibid.* While we noted that "[s]ome facial distinctions based on a message are obvious," we emphasized that others could be "more subtle, defining regulated speech by its function or purpose." *Ibid.* In all events, whether a law is characterized as targeting a "topic," "idea," "subject matter," or "communicative content," the law is content based if it draws distinctions based in any way "on the message a speaker conveys." *Id.*, at 163–164.[2]

Applying this standard, we held that the town of Gilbert's sign code was "a paradigmatic example of content-based discrimination" because it classified "various categories of signs based on the type of information they convey[ed], [and] then subject[ed] each category to different restrictions." *Id.*, at 169, 159. For instance, Gilbert defined "'Temporary Directional Signs'" as any sign that "convey[ed] the message of directing the public to [a] 'qualifying event,'" and permitted their display for no more than 12 hours before and 1 hour after the event occurred. *Id.*, at 164, 161. Meanwhile, "'Ideological Sign[s],'" defined as any sign (not covered by another category) that "'communicat[ed] a message or ideas for noncommercial purposes,'" were subject to no temporal limitations. *Id.*, at 159–160. In short, the restrictions on any given sign depended "on the communicative content of the sign." *Id.*, at 164. Gilbert's

---

[2] In *Reed*, we acknowledged that some prior decisions had skipped over this facial analysis and applied a justification-focused test. See 576 U. S., at 165–167. But we explained that the justification-focused test implicated a "separate and additional category of laws that, though facially content neutral, [are] content-based regulations [because they] cannot be '"justified without reference to the content of the regulated speech,"' or . . . were adopted by the government 'because of disagreement with the message [the speech] conveys.'" *Id.,* at 164 (quoting *Ward* v. *Rock Against Racism*, 491 U. S. 781, 791 (1989)). All agree that this second type of content-based regulation is not at issue here.

sign code was thus facially content based and presumptively unlawful. See *id.*, at 159.

In contrast to *Reed*'s "commonsense" test, Gilbert urged us to define "content based" as a "term of art that 'should be applied flexibly' with the goal of protecting 'viewpoints and ideas from government censorship or favoritism.'" *Id.*, at 168. Such a functionalist test, Gilbert argued, could ferret out illicit government motives while obviating the need to subject reasonable laws to strict scrutiny. See *ibid.* We rejected Gilbert's attempt to cast the phrase "content based" as a "term of art" because "[i]nnocent motives do not eliminate the danger of censorship presented by a facially content-based statute." *Id.*, at 167. We noted that "one could easily imagine a Sign Code compliance manager who disliked [a] Church's substantive teachings deploying the Sign Code to make it more difficult for the Church to inform the public of the location of its services." *Id.*, at 167–168. Thus, we concluded that "a clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem entirely reasonable will sometimes be struck down because of their content-based nature." *Id.*, at 171 (internal quotation marks omitted).

We also rejected the Ninth Circuit's reasoning that Gilbert's sign restrictions were content neutral because they depended on "the content-neutral elements of . . . whether and when an event is occurring." *Id.*, at 169 (internal quotation marks omitted). That is, whether a temporary directional sign was permissible depended, in part, on its temporal proximity to a "'qualifying event.'" *Id.*, at 164. This partial dependence on content-neutral elements was immaterial, we explained, because the restrictions also depended on the signs' communicative content. Gilbert officials still had to examine a sign's message to determine what type of sign it was, and this "obvious content-based inquiry d[id] not evade strict scrutiny simply because an

event [was] involved." *Id.*, at 170.

B

Under *Reed*'s approach for identifying content-based regulations, Austin's off-premises sign restriction is content based. As relevant to this suit, Austin's sign code imposes stringent restrictions on a category of "off-premise[s] sign[s]." §25–10–3(11). The code defines "off-premise[s] sign[s]" as those "advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed," or as signs "direct[ing] persons to any location not on that site." *Ibid.* This broad definition sweeps in a wide swath of signs, from 14- by 48-foot billboards to 24- by 18-inch yard signs. The sign code prohibits new off-premises signs and makes it difficult (or impossible) to change existing off-premises signs, including by digitizing them. See *ante*, at 3.

Like the town of Gilbert in *Reed*, Austin has identified a "categor[y] of signs based on the type of information they convey, [and] then subject[ed that] category to different restrictions." 576 U. S., at 159. A sign that conveys a message about off-premises activities is restricted, while one that conveys a message about on-premises activities is not. See *id.*, at 171 (regulating signs based on "a particular message" about "the time and location of a specific event" is content based). And, per *Reed*, it does not matter that Austin's code "defin[es] regulated speech by its function or purpose"—*i.e.*, advertising or directing passersby elsewhere. *Id.*, at 163. Again, all that matters is that the regulation "draws distinctions based on" a sign's "communicative content," which the off-premises restriction plainly does. *Ibid.*

This conclusion is not undermined because the off-premises sign restriction depends in part on a content-neutral element: the location of the sign. Much like in *Reed*, that an Austin official applying the sign code must know

where the sign is does not negate the fact that he also must know *what* the sign says. Take, for instance, a sign outside a Catholic bookstore. If the sign says, "Visit the Holy Land," it is likely an off-premises sign because it conveys a message directing people elsewhere (unless the name of the bookstore is "Holy Land Books"). But if the sign instead says, "Buy More Books," it is likely a permissible on-premises sign (unless the sign also contains the address of another bookstore across town). Finally, suppose the sign says, "Go to Confession." After examining the sign's message, an official would need to inquire whether a priest ever hears confessions at that location. If one does, the sign could convey a permissible "on-premises" message. If not, the sign conveys an impermissible off-premises message. Because enforcing the sign code in any of these instances "requires [Austin] officials to determine whether a sign" conveys a particular message, the sign code is content based under *Reed*. *Id.*, at 170.

In sum, the off-premises rule is content based and thus invalid unless Austin can satisfy strict scrutiny. See *Playboy Entertainment Group*, 529 U. S., at 813. Because Austin has offered nothing to make that showing, the Court of Appeals did not err in holding that the off-premises rule violates the First Amendment.

II

To reach the opposite result, the majority implicitly rewrites *Reed*'s bright-line rule for content-based restrictions. In the majority's view, the off-premises restriction is not content based because it does not target a specific "topic or subject matter." *Ante*, at 8. The upshot of the majority's reasoning appears to be that a regulation based on a sufficiently general or broad category of communicative content is not actually content based.

Such a rule not only conflicts with *Reed* and many pre-*Reed* precedents but is also incoherent and unworkable.

Tellingly, the only decision that even remotely supports the majority's rule is one it does not cite: *Hill* v. *Colorado*. There, the Court held that an undeniably content-based law was nonetheless content neutral because it discriminated against "an extremely broad category of communications," supposedly without regard to "subject matter." 530 U. S., at 723. The majority's decision today is erroneous for the same reasons that *Hill* is an aberration in our case law.

A

The majority concedes that "[t]he message on the sign matters" when applying Austin's sign code. *Ante*, at 8. That concession should end the inquiry under *Reed*. But the majority nonetheless finds the sign code to be content neutral by recasting facially content-based restrictions as only those that target sufficiently specific categories of communicative content and not as those that depend on communicative content *simpliciter*.

For example, while *Reed* defined content-based restrictions as those that "dra[w] distinctions based on the *message* a speaker conveys," 576 U. S., at 163 (emphasis added), the majority decides that Austin's sign code is not content based because it draws no distinctions based on "[a] sign's *substantive* message," *ante*, at 8 (emphasis added). Elsewhere, the majority speaks not of "substantive message[s]" but of "topic[s] or subject matter[s]," which the majority thinks are sufficiently *specific* categories of communicative content. *Ibid.* As a result, the majority contends that a law targeting directional messages concerning "events generally, regardless of topic," would not be content based, but one targeting "directional messages concerning *specific* events" (*e.g.*, "religious" or "political" events) would be. *Ante*, at 12, n. 6, 8 (emphasis added).[3] Regardless of the

[3] On this point, the majority's analysis tracks the position advanced by

label, the majority today excises, without a word of explanation, a subset of supposedly non-substantive or unspecific messages from the First Amendment's protection against content-based restrictions.

This understanding of content-based restrictions contravenes *Reed*, which held that a law is content based if it "target[s] speech based on its communicative content"—not "specific" or "substantive" categories of communicative content. 576 U. S., at 163; see also, *e.g.*, *Norton* v. *Springfield*, 806 F. 3d 411, 412 (CA7 2015) ("*Reed* effectively abolishes any distinction between content regulation and subject-matter regulation. Any law distinguishing one kind of speech from another by reference to its meaning now requires a compelling justification"). Only by jettisoning *Reed*'s "commonsense" definition of what it means to be content based can the majority assert that the off-premises rule is strictly "location-based" and "agnostic as to content," *ante*, at 6, even though the law undeniably depends on *both* location *and* communicative content, *supra*, at 5–6.

Moreover, the majority's suggestion that laws targeting broad categories of communicative content are not content based is hard to square with the sign categories that *Reed* invalidated. For instance, we found Gilbert's expansive definition of "Ideological Sign[s]" to be content based even though it broadly covered any "sign communicating a message or ideas for noncommercial purposes" that did not already fall into one of the other categories. 576 U. S., at 159 (internal quotation marks omitted). Nor did we suggest that the outcome in *Reed* would have been different if the sign categories were defined even more generally.

The majority answers that it is not "fashion[ing] a novel

Austin, which asserted that content neutrality was a "question of generality." Tr. of Oral Arg. 14; see also *id.,* at 19 (explaining that whether a law is content based turns on the "level of specificity" at which the government regulates speech).

'specificity test,'" but instead "simply" "quoting the standard repeatedly enunciated in *Reed*." *Ante*, at 13. The majority finds this alleged specificity test in a paragraph near the end of *Reed*, where we noted that a law "targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter," and then affirmed that Gilbert's sign code "single[d] out specific subject matter for differential treatment." 576 U. S., at 169.

These statements never purported to endorse a specificity test of the sort now suggested by the majority. Read in context, *Reed*'s two references to "specific subject matter" naturally address laws that target a "subject matter," however broadly defined, as opposed to some other subject matter; they did not refer only to laws targeting some sufficiently "specific" category of "subject matter." Moreover, the concept of "specificity" or "generality" appears nowhere in the part of *Reed* that set forth its "commonsense" test for content neutrality. See *id.*, at 163–164. If *Reed*'s content-neutrality test turned on specificity, we would have said so explicitly when stating the test. Finally, even crediting the majority's strained reading of *Reed*'s passing references to "specific subject matter," the paragraph where they appear made clear that it was describing only "a paradigmatic *example* of content-based discrimination." *Id.*, at 169 (emphasis added). That part of *Reed* never professed to announce a comprehensive rule with respect to all laws targeting speech based on its communicative content.

Our pre-*Reed* precedents likewise foreclose a construction of "content based" that applies only to some content. We have held many capacious speech regulations to be content based, including restrictions on "'advice or assistance derived from scientific, technical or other specialized knowledge,'" *Holder* v. *Humanitarian Law Project*, 561 U. S. 1, 12–13 (2010); "'advertising, promotion, or any activity . . . used to influence sales or the market share of a

prescription drug,'" *Sorrell* v. *IMS Health Inc.*, 564 U. S. 552, 559 (2011); "editorializing," *FCC* v. *League of Women Voters of Cal.*, 468 U. S. 364, 382–383, and n. 14 (1984); "'[publication] for philatelic, numismatic, educational, historical, or newsworthy purposes,'" *Regan* v. *Time*, *Inc.*, 468 U. S. 641, 644 (1984); and "anonymous speech," *McIntyre* v. *Ohio Elections Comm'n*, 514 U. S. 334, 348, 357 (1995). These speech categories are no more "specific" or "substantive" than messages regarding off-premises activities. And some of these examples, like "editorializing" or publishing "newsworthy" information, are clearly *less* so. What unites these speech restrictions is that their application turns "on the nature of the message being conveyed," *Carey* v. *Brown*, 447 U. S. 455, 461 (1980), not whether they regulate specific or general categories of speech, or whether they address substantive or non-substantive categories of speech.

We have defined content-based restrictions to include *all* content-based distinctions because any other rule would be incoherent. After all, off-premises advertising could be considered a "subject" or a "topic" as those words are ordinarily used. See *L. D. Management Co.* v. *Gray*, 988 F. 3d 836, 839 (CA6 2021) (off-premises billboard restriction "turns on the '*topic* discussed'" (emphasis added)). And, in any event, there is no principled way to decide whether a category of communicative content is "substantive" or "specific" enough for the majority to deem it a "topic" or "subject" worthy of heightened protection. Although off-premises advertising is a more general category of speech than some (*e.g.*, off-premises advertising of religious events), it is a more specific category than others (*e.g.*, advertising generally). The majority offers only its own *ipse dixit* to explain why off-premises advertising is insufficiently specific to qualify as content based under *Reed*. Worse still, the majority does not explain how courts should draw the line between a sufficiently substantive or specific content-based classification and one that is insufficiently substantive or specific.

On this point, Austin suggests there is no need to worry because our cases provide "guideposts" from which one can divine what "level of generality" renders a speech regulation content based. Tr. of Oral Arg. 18, 24. To be sure, that is the sort of inquiry the majority's opaque test invites. But *Reed* directed us elsewhere—to the text of the law in question and whether that law "'on its face' draws distinctions based on the message a speaker conveys." 576 U. S., at 163. The majority's holding that some rules based on content are not, as it turns out, content based nullifies *Reed*'s clear test.

B

The majority offers several reasons why its approach is consistent with *Reed* and other cases. None of these arguments is persuasive. Instead, they only serve to underscore the Court's ill-advised departure from our doctrine.

1

The majority first suggests that deeming Austin's sign code content based would require us to adopt an "extreme" reinterpretation of *Reed*. *Ante*, at 6. Specifically, the majority faults the Court of Appeals for concluding that Austin's regulation was content based because, to enforce the off-premises rule, "'[a] reader must ask: who is the speaker and what is the speaker saying'"? *Ibid.* (quoting 972 F. 3d 696, 706 (CA5 2020)). In the majority's view, *Reed* cannot stand for such a simplistic read-the-sign test.

The majority's skepticism is misplaced. We have often acknowledged that the need to examine the content of a message is a strong indicator that a speech regulation is content based. One year before *Reed*, for example, we stated that an abortion clinic buffer-zone law "would be content based if it required enforcement authorities to examine the content of the message that is conveyed to determine whether a violation has occurred." *McCullen* v. *Coakley*, 573 U. S. 464, 479 (2014) (internal quotation

marks omitted). That statement was not an outlier. See, *e.g.*, *Arkansas Writers' Project*, *Inc.* v. *Ragland*, 481 U. S. 221, 230 (1987) (tax exemption for periodicals "uniformly devoted to religion or sports" was content based because it required state officials to "examine the content of the message" (internal quotation marks omitted)); *Forsyth County* v. *Nationalist Movement*, 505 U. S. 123, 134 (1992) (regulation requiring parade organizers to pay a fee depending on the security costs anticipated for the event was content based because "[i]n order to assess accurately the cost of security for parade participants, the administrator must necessarily examine the content of the message that is conveyed" (internal quotation marks omitted)); *League of Women Voters*, 468 U. S., at 366, 383 (law forbidding public broadcasting stations from "engag[ing] in editorializing" was content based because it required "enforcement authorities [to] necessarily examine the content of the message that is conveyed" (internal quotation marks omitted)).

Ultimately, the majority's objection to the Court of Appeals' reliance on a read-the-sign test is a red herring; its real objection is to *Reed*'s rule that any law that draws distinctions based on communicative content is content based.

2

The majority next argues that Austin's sign code is content neutral under our precedents. See *ante*, at 8–10. But none of the cases the majority cites supports its crabbed view of what constitutes a content-based restriction.

First, in *Heffron* v. *International Soc. for Krishna Consciousness*, *Inc.*, 452 U. S. 640 (1981), the Court upheld, as content neutral, an ordinance providing that the "[s]ale or distribution of any merchandise, including printed or written material," could occur only from certain booths at the fairgrounds. *Id.*, at 643 (internal quotation marks omitted). Such a statute is facially content neutral under *Reed* because it does not "'on its face' dra[w] distinctions

based on the message a speaker conveys" when selling or distributing merchandise subject to the ordinance. 576 U. S., at 163. True, the Court construed the ordinance also to limit "fund solicitation operations," 452 U. S., at 644, but that was not, as the majority claims, a prohibition on "asking for donations," *ante*, at 9. Rather, anyone was free to "as[k] for donations" wherever he liked, because the ordinance did "not prevent respondents from wandering throughout the fairgrounds and directing interested donors or purchasers to their booth." 452 U. S., at 664, n. 2 (Blackmun, J., concurring in part and dissenting in part). Then, once "at the booth," the donor could "make a contribution." *Ibid.*

Second, in *Cantwell* v. *Connecticut*, 310 U. S. 296 (1940), the Court invalidated a licensing system for religious and charitable solicitation while acknowledging in dicta that a State could regulate the time, place, and manner of solicitation. *Id.*, at 304, 307. But here, we are not faced with a true time, place, or manner restriction, as even the majority concedes. See *ante*, at 8.[4] And, in any event, *Cantwell* did not suggest that a content-based restriction could be sustained as a time, place, or manner restriction; its analysis focused predominantly on the plaintiff's free exercise claim; and the case predated our modern content-neutrality doctrine by nearly three decades. Thus, nothing in *Heffron* or *Cantwell* supports the majority's narrow approach to identifying content-based restrictions.

---

[4] The majority says only that Austin's sign code is "similar" to a time-place-manner restriction, citing *Frisby* v. *Schultz*, 487 U. S. 474 (1988). *Ante,* at 8. But *Frisby* upheld an ordinance that regulated only *where* picketing may take place and not *what* message the picketers could communicate. See 487 U. S., at 477 (ordinance made it "unlawful for any person to engage in picketing before or about the residence or dwelling of any individual" (internal quotation marks omitted)); cf. *Hill* v. *Colorado*, 530 U. S. 703, 766 (2000) (Kennedy, J., dissenting) ("[n]o examination of the content of a speaker's message is required to determine whether an individual is picketing").

Finally, the majority argues that we have "previously understood distinctions between on-premises and off-premises signs . . . to be content neutral." *Ante*, at 9–10. To be sure, in both *Suffolk Outdoor Adv. Co.* v. *Hulse*, 439 U. S. 808 (1978), and *Metromedia, Inc.* v. *San Diego*, 453 U. S. 490, 503–512 (1981) (plurality opinion), this Court suggested that some restrictions on off-premises advertising were constitutional. And later, in *Members of City Council of Los Angeles* v. *Taxpayers for Vincent*, 466 U. S. 789 (1984), the Court described *Metromedia* as upholding "a *content-neutral* prohibition against the use of billboards." 466 U. S., at 807 (emphasis added). But the statement in *Vincent* was dictum, and, as the majority concedes, both our summary decision in *Suffolk* and the plurality opinion in *Metromedia* sanctioned off-premises restrictions only insofar as they applied to *commercial* speech. *Ante*, at 10. That is, the "Court did not need to decide"—and did not decide—"whether the off-premises prohibition was content based" because restrictions on commercial speech are "subject to intermediate scrutiny in any event." *Ibid.*

3

The majority also claims that finding Austin's sign code to be content based "would render the majority opinion in *Reed* irreconcilable with" JUSTICE ALITO's *Reed* concurrence. *Ante*, at 12, n. 6. In particular, JUSTICE ALITO identified nine different types of sign regulations that he believed "would not be content based," including "[r]ules distinguishing between on-premises and off-premises signs" and "[r]ules imposing time restrictions on signs advertising a one-time event." 576 U. S., at 174–175. The majority evidently believes that these two types of sign regulations necessarily turn on a sign's communicative content, like the off-premises sign restriction at issue here.

That reading of the *Reed* concurrence makes little sense.

First, there is no reason to interpret the concurrence as referring to off-premises or one-time-event rules that turn on a sign's communicative content. Doing so would make those two rules categorically different from the other seven, none of which would ever turn on message content. See, *e.g.*, *id.*, at 174 ("Rules distinguishing between lighted and unlighted signs"). And although off-premises and one-time-event rules *could* be drafted in terms of a sign's communicative content, as is true here, they need not be. "There might be many formulations of an on/off-premises distinction that are content-neutral." *Thomas* v. *Bright*, 937 F. 3d 721, 733 (CA6 2019); see also *ante*, at 2, n. 1 (ALITO, J., concurring in judgment in part and dissenting in part) (explaining that "[i]n ordinary usage" an "off-premises" sign is one that is not "attached to or located in close proximity to a building"). For instance, a city could define "'an o[n]-premise[s] sign as any sign within 500 feet of a building,'" 937 F. 3d, at 732, or a sign that is installed by "'a business . . . licensed to occupy . . . the premises where the sign is located,'" Brief for Summus Outdoor as *Amicus Curiae* 10. As for regulations of one-time-event signs, Austin itself amended its sign code, at the behest of its lawyers, specifically to make its ordinance content neutral. See Austin, Tex., City Code §25–10–102(D) (2021); App. 152. Thus, interpreting JUSTICE ALITO's concurrence as referring to rules that turn on communicative content, as opposed to rules that are content neutral, is unwarranted.

Second, it would be strange to interpret the concurrence as proclaiming that *all* off-premises sign restrictions are content neutral considering the longstanding dispute over that question. In fact, 20 years before *Reed*, then-Judge Alito opined that there was "no easy answer to [the] question" whether "exceptions for 'for sale' signs and signs relating to on-site activities" would render a sign code content based. *Rappa* v. *New Castle County*, 18 F. 3d 1043, 1080

(CA3 1994) (concurring opinion); see also, *e.g.*, *Ackerly Communications of Mass., Inc.* v. *Cambridge*, 88 F. 3d 33, 36, n. 7 (CA1 1996) ("In 'commonsense' terms, the distinction surely is content-based because determining whether a sign must stay up or must come down requires consideration of the message it carries"); *Norton Outdoor Adv., Inc.* v. *Arlington Heights*, 69 Ohio St. 2d 539, 541, 433 N. E. 2d 198, 200 (1982) ("In prohibiting all forms of offsite billboard advertising, the ordinance is thus inescapably directed to the content of protected speech"). Ultimately, it seems quite unlikely that JUSTICE ALITO's quick recital of some content-neutral rules purported to pre-emptively decide an issue that had long perplexed federal and state courts.

4

Near the end of its analysis, the majority invokes an allegedly "unbroken tradition of on-/off-premises distinctions" that it claims "counsels against" faithful application of *Reed*. *Ante*, at 12. To be sure, history and tradition are relevant to identifying and defining those "few limited areas" where, "[f]rom 1791 to the present," "the First Amendment has permitted restrictions upon the content of speech." *Brown* v. *Entertainment Merchants Assn.*, 564 U. S. 786, 791 (2011) (internal quotation marks omitted); see *supra*, at 2, n. 1. But the majority openly admits that off-premises regulations "were not present [at] the founding." *Ante*, at 12. And while it asserts that "large outdoor advertisements proliferated in the 1800s," *ibid.*, it offers no evidence of any content-based restrictions from that period, let alone off-premises restrictions on *noncommercial* speech. The *earliest* example of an off-premises restriction that the majority cites arose in *Packer Corp.* v. *Utah*, 285 U. S. 105 (1932), but that case involved a restriction on *commercial* advertising and did not even feature a First Amendment claim. See *id.*, at 108–112.

Ultimately, the majority's only "historical" support is that

regulations like Austin's "proliferated following the enactment of the Highway Beautification Act of 1965." *Ante*, at 2. The majority's suggestion that the First Amendment should yield to a speech restriction that "proliferated"—under pressure from the Federal Government—some two centuries after the founding is both "startling and dangerous." *United States* v. *Stevens*, 559 U. S. 460, 470 (2010). This Court has never hinted that the government can, with a few decades of regulation, subject "new categories of speech" to less exacting First Amendment scrutiny. *Id.*, at 472.

Regardless, even if this allegedly "unbroken tradition" did not fall short by a century or two, the majority offers no explanation why historical regulation is relevant to the question whether the off-premises restriction is content based under *Reed* and our modern content-neutrality jurisprudence. If Austin had met its burden of identifying a historical tradition of analogous regulation—as can be done, say, for obscenity or defamation—that would not make the off-premises rule content neutral. It might simply mean that the off-premises rule is a constitutional form of content-based discrimination. But content neutrality under *Reed* is an empirical question, not a historical one. Thus, the majority's historical argument is not only meritless but misguided.

C

Despite asserting that the Court of Appeals' analysis under *Reed* would "contravene numerous precedents," *ante*, at 11, the majority identifies no decision of this Court supporting the idea that a speech restriction is not content based so long as it regulates a sufficiently broad or nonsubstantive category of communicative content. In fact, there is only one case that could possibly validate the majority's aberrant analysis: *Hill* v. *Colorado*. That *Hill* is the majority's only support underscores the danger that today's

decision poses to the First Amendment.

Hill involved a law that prohibited persons outside abortion clinics from knowingly approaching within eight feet of another person without consent "for the purpose of . . . engaging in oral protest, education, or counseling." 530 U. S., at 707 (internal quotation marks omitted). *Hill* concluded, implausibly, that this regulation was content neutral.

The majority's reasoning in this case is just as implausible. The majority asserts that the off-premises rule is not content based because it does not target a sufficiently "specific" or "substantive" category of communications. *Ante*, at 8. *Hill* correspondingly held that restrictions on "protest, education, or counseling" were not content-based classifications because they cover "an extremely broad category of communications." 530 U. S., at 723. The majority also tries to disguise its redefinition of content neutrality by characterizing Austin's rule as a "neutral, location-based" restriction. *Ante*, at 6. So too did *Hill* try to conceal its doctrinal innovation by characterizing the buffer-zone law as a neutral "place restriction." 530 U. S., at 723. Finally, the majority finds it immaterial that Austin's rule can be enforced only by "reading a [sign] to determine whether it" contains an off-premises message. *Ante*, at 8. *Hill* likewise found it irrelevant that "the content of the oral statements" would need to "be examined to determine whether" the prohibition applied. 530 U. S., at 720.

The parallel between the majority's opinion and *Hill* should be discomforting given that *Hill* represented "an unprecedented departure" from this Court's First Amendment jurisprudence. *Id.*, at 772 (Kennedy, J., dissenting). Its content-neutrality analysis was, as Justice Scalia explained, "absurd" given that the buffer-zone law was "obviously and undeniably content based." *Id.*, at 742–743 (dissenting opinion). First Amendment scholars from across the ideological spectrum agree. See, *e.g.*, M.

McConnell, Professor Michael W. McConnell's Response, in K. Sullivan, Sex, Money, and Groups: Free Speech and Association Decisions in the October 1999 Term, 28 Pepperdine L. Rev. 723, 748 (2001) ("The Court said that this statute is content-neutral. I just literally cannot see how they could possibly come to that conclusion"); Colloquium, *id.*, at 750 (Laurence Tribe stating *Hill* "was slam-dunk simple and slam-dunk wrong"); R. Fallon, Strict Judicial Scrutiny, 54 UCLA L. Rev. 1267, 1298, and n. 174 (2007) (*Hill* "unconvincingly . . . maintain[ed] that a content-based restriction on speech [was] not really content-based"). And, since *Hill*, this Court has all but interred its flawed content-neutrality analysis in both *McCullen*, see *supra*, at 11, and *Reed*. See *Price* v. *Chicago*, 915 F. 3d 1107, 1118 (CA7 2019) ("In the wake of *McCullen* and *Reed*, it's not too strong to say that what *Hill* explicitly rejected is now prevailing law").

The majority's refusal to acknowledge *Hill* simply underscores the decision's defunct status. Again, *Hill* is the only case that could support the majority's ill-conceived content-neutrality analysis, and yet the majority disclaims reliance on it. Lower courts should take the majority's disclaimer at face value: *Hill* is "a decision that we do not cite." *Ante*, at 13. And today's decision amounts to little more than an ad hoc exemption for the "location-based" and supposedly "content-agnostic on-/off-premises distinction." *Ibid*.

Even so, the majority's approach should offer little comfort because arbitrary carveouts from *Reed* undermine the "clear and firm rule governing content neutrality" that we understood to be "an essential means of protecting the freedom of speech." 576 U. S., at 171. The majority's deviation from that "clear and firm rule" poses two serious threats to the First Amendment's protections.

First, transforming *Reed*'s clear definition of "content based regulation" back into an opaque and malleable "term

of art" turns the concept of content neutrality into a "vehicl[e] for the implementation of individual judges' policy preferences." *Tennessee* v. *Lane*, 541 U. S. 509, 556 (2004) (Scalia, J., dissenting). *Hill* exemplifies this danger. See 530 U. S., at 742 (Scalia, J., dissenting) ("I have no doubt that this regulation would be deemed content based *in an instant* if the case before us involved antiwar protesters, or union members seeking to 'educate' the public about the reasons for their strike"). The majority's approach in this case is cut from the same cloth. As the majority transparently admits, it seeks to "apply [our] precedents to reach the 'commonsense' *result*" and avoid what it perceives as a "bizarre *result*." *Ante*, at 13 (emphasis added). But *Reed* mandates a "commonsense" test for content neutrality even if the *result* is that "laws that might seem entirely reasonable will sometimes be struck down." 576 U. S., at 163, 171 (internal quotation marks omitted).

Second, sanctioning certain content-based classifications but not others ignores that even seemingly reasonable content-based restrictions are ready tools for those who would "suppress disfavored speech." *Id.*, at 167; see also *Hill*, 530 U. S., at 743 (Scalia, J., dissenting) ("'The vice of content-based legislation . . . is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes'"). This is because "the responsibility for distinguishing between" permissible and impermissible content "carries with it the potential for invidious discrimination of disfavored subjects." *Cincinnati* v. *Discovery Network, Inc.*, 507 U. S. 410, 423–424, n. 19 (1993). That danger only grows when the content-based distinctions are "by no means clear," giving more leeway for government officials to punish disfavored speakers and ideas. *Ibid.*

The content-based distinction drawn by Austin's off-premises speech restriction is "by no means clear," *ibid.*, and plainly lends itself "to suppress[ing] disfavored

speech," *Reed*, 576 U. S., at 167. As the Court of Appeals noted, Austin's "prepared counsel" "struggled to answer whether" signs conveying messages like "'God Loves You,'" "'Vote for Kathy,'" or "'Sally makes quilts here and sells them at 3200 Main Street'" would be regulated as off-premises signs. 972 F. 3d, at 706. Before us, Austin's counsel had similar difficulties, and *amici* have proposed dozens of religious and political messages that would be next to impossible to categorize under Austin's rule. See, *e.g.*, Brief for Alliance Defending Freedom et. al. as *Amici Curiae* 15–19; Brief for Institute for Justice as *Amicus Curiae* 3–9. These pervasive ambiguities offer enforcement officials ample opportunity to suppress disfavored views. And they underscore *Reed*'s warning that "[i]nnocent motives do not eliminate the danger of censorship presented by a facially content-based statute." 576 U. S., at 167.

* * *

Because *Reed* provided a clear and neutral rule that protected the freedom of speech from governmental caprice and viewpoint discrimination, I would adhere to that precedent rather than risk resuscitating *Hill*. I respectfully dissent.

LEADING CASES

CONSTITUTIONAL LAW

First Amendment — Freedom of Speech — Content Discrimination — City of Austin v. Reagan National Advertising of Austin, LLC

Imagine three kinds of statutes: The first limits only signs displaying political messaging. The second restricts only signs directing passersby to nearby events. And the third regulates only signs advertising off-premises activities. When the Supreme Court decided *Reed v. Town of Gilbert*[1] several Terms ago, it suggested that all three posed serious threats to First Amendment interests and therefore warranted "strict" judicial review.[2] A law is "presum[ed] unconstitutional," *Reed* announced, if it regulates speech "based on the message a speaker conveys."[3] That sweeping rule, taken at face value, surely applies to all three of the statutes listed above — as well as many other, perhaps "entirely reasonable" laws.[4] But one of these statutes, the Supreme Court held last Term in *City of Austin v. Reagan National Advertising of Austin, LLC*,[5] is not like the others; the third — a location-based sign restriction — just doesn't belong.[6] *City of Austin* made two important contributions to constitutional free speech law: It clarified that *Reed* does not go as far as many had feared. And it provided lower courts with some direction for how to think about *Reed* going forward. But serious concerns about *Reed*'s breadth remain — concerns that will continue to trouble and divide courts as they figure out how exactly to apply *Reed*.

Content-based restrictions on speech must overcome "strict" judicial scrutiny.[7] Much therefore rides on whether a speech regulation is "content based" or "content neutral."[8] Yet the Supreme Court, for decades, failed to consistently distinguish one from the other.[9] Instead, it wavered between two different standards: In some cases, the Court would treat

---

[1] 576 U.S. 155 (2015).

[2] *See id.* at 163–64.

[3] *Id.* at 163. A law survives "strict scrutiny" only if it serves a "compelling interest" that the government "has no other way" of achieving. *Id.* at 181 (Kagan, J., concurring in the judgment).

[4] *Id.* at 171 (majority opinion) (quoting City of Ladue v. Gilleo, 512 U.S. 43, 60 (1994) (O'Connor, J., concurring)).

[5] 142 S. Ct. 1464 (2022).

[6] *See id.* at 1468–69.

[7] United States v. Playboy Ent. Grp., Inc., 529 U.S. 803, 813 (2000) (citing Sable Commc'ns of Cal., Inc. v. FCC, 492 U.S. 115, 126 (1989)). For an account of why strict scrutiny applies to content-based laws, see Elena Kagan, *Private Speech, Public Purpose: The Role of Governmental Motive in First Amendment Doctrine*, 63 U. CHI. L. REV. 413, 450–51 (1996) (arguing that the designation reflects "the view that content-based regulation emerges from illicit motives," *id.* at 451).

[8] *See, e.g.*, Kagan, *supra* note 7, at 443 (describing "[t]he distinction between content-based and content-neutral regulations of speech" as "the keystone of First Amendment law").

[9] *See* Genevieve Lakier, Reed v. Town of Gilbert, Arizona*, And the Rise of the Anticlassificatory First Amendment*, 2016 SUP. CT. REV. 233, 249 (2017).

any law that drew subject matter distinctions as content based.[10] In others, it would insist that only regulations lacking a content-neutral purpose were content based.[11] It was only a few Terms ago, in *Reed v. Town of Gilbert*,[12] that the Court settled on a purportedly "clear and firm rule"[13]: a restriction on speech is content based, no matter its purpose, if its text draws distinctions "based on the message a speaker conveys."[14] So an ordinance that treats different subject matters differently — that treats, for instance, "ideological" signs more favorably than "political" signs and "temporary directional" signs least favorably of them all — is content based and subject to strict scrutiny.[15]

Reed appeared to initiate "a drastic change" in free speech law,[16] prompting fresh challenges to speech regulations that had long been considered permissible under the First Amendment.[17] Location-based limits on signage, such as those challenged in *City of Austin*, are one such example. Like most jurisdictions, the City of Austin regulates outdoor advertising.[18] By ordinance, Austin had imposed restrictions on the use of "off-premises" signs — signs that advertise a business, person, product, or service "not located on the site where the sign is installed."[19] Specifically, in order to minimize visual blight and promote traffic safety, Austin's sign code prohibited the construction of new off-premises signs and the digitization of old off-premises signs.[20]

In 2017, two years after the Court had decided *Reed*, Reagan National Advertising of Austin, a local outdoor-advertising agency, applied to install digital sign faces on various off-premises billboards.[21] When Austin denied the applications, the agency brought a First

---

[10] *See, e.g.*, Burson v. Freeman, 504 U.S. 191, 197 (1992) (plurality opinion) (holding that law prohibiting campaign-related speech near polling places was content based).

[11] *See, e.g.*, Hill v. Colorado, 530 U.S. 703, 724 (2000) (holding that law that furthered state's interest in protecting patients from "potential physical and emotional harm," *id.* at 718 n.25, by prohibiting "oral protest, education, or counseling" near health care facilities, *id.* at 724, was content neutral).

[12] *Reed* involved a challenge to a sign code that treated "ideological" signs, "political" signs, and "temporary directional" signs differently. Reed v. Town of Gilbert, 576 U.S. 155, 159–60 (2015).

[13] *Id.* at 171.

[14] *Id.* at 164.

[15] *Id.* at 159–60, 163–64.

[16] Reagan Nat'l Advert. of Austin, Inc. v. City of Austin, 972 F.3d 696, 702 (5th Cir. 2020) (quoting Free Speech Coal., Inc. v. Att'y Gen. U.S., 825 F.3d 149, 160 n.7 (3d Cir. 2016); and citing other opinions across circuits). However, some courts have characterized *Reed* differently. *See, e.g.*, Reagan Nat'l Advert. of Austin, Inc. v. City of Austin, 377 F. Supp. 3d 670, 678 (W.D. Tex. 2019) ("*Reed* did not change the test for content-based speech. Rather, *Reed* recites the familiar standard.").

[17] *See* Note, *Free Speech Doctrine After* Reed v. Town of Gilbert, 129 HARV. L. REV. 1981, 1986–87 (2016) (noting post-*Reed* challenges to "other municipal sign codes, antipanhandling regulations, commercial speech regulations, and regulations of general commercial conduct" (footnotes omitted)).

[18] *City of Austin*, 142 S. Ct. at 1469.

[19] *Id.* (citing AUSTIN, TEX., CITY CODE § 25-10-3(11) (2016)).

[20] *Id.* at 1469–70.

[21] *Id.* at 1470.

Amendment challenge against the city's sign code, asserting that, under *Reed*, the ordinance's on/off premises distinction was a content-based restriction of speech subject to strict scrutiny.[22]

The Western District of Texas disagreed. Judge Pitman rejected Reagan National's theory that a sign regulation is content based simply because its enforcement requires the government to read what the sign says.[23] Such a broad rule, he explained, "would apply strict scrutiny to all regulations for signs with written text," even "stop signs."[24] Instead, Judge Pitman embraced a more modest interpretation of *Reed*: a regulation of speech is not content based if it does not restrict "discussion of any specific topics, ideas[,] or viewpoints."[25] And because Austin's ordinance regulated signs based on location, not on the message conveyed, it was not content based on its face.[26]

The Fifth Circuit reversed and remanded.[27] Writing for a unanimous panel, Judge Elrod[28] held that the challenged ordinance was content based under *Reed* because its application "depend[ed] on the content" of the sign's message.[29] To determine whether a sign was "off-premises," an Austin official would have to read it and ask: Does this sign advertise a business, product, or service located elsewhere?[30] "This," Judge Elrod concluded, "is an 'obvious content-based inquiry,' and it 'does not evade strict scrutiny' simply because a location is involved."[31]

The Supreme Court reversed and remanded.[32] A majority of the Court, speaking through Justice Sotomayor,[33] held that Austin's on/off premises distinction was content neutral on its face.[34] Justice Sotomayor began with the history of outdoor-advertising regulation in the United States. "American jurisdictions," she explained, "have regulated outdoor advertisements for well over a century."[35] And, "[a]s part of this regulatory tradition," governments "have long distinguished" between signs that promote things located elsewhere and those that promote things located onsite.[36] The Court's own free speech precedents,

---

[22] Reagan Nat'l Advert. of Austin, Inc. v. City of Austin, 377 F. Supp. 3d 670, 675 (W.D. Tex. 2019).

[23] *Id.* at 680.

[24] *Id.*

[25] *Id.* at 681.

[26] *Id.*

[27] Reagan Nat'l Advert. of Austin, Inc. v. City of Austin, 972 F.3d 696, 699 (5th Cir. 2020).

[28] Judge Elrod was joined by Judges Southwick and Haynes.

[29] *City of Austin*, 972 F.3d at 705 (quoting Thomas v. Bright, 937 F.3d 721, 731 (6th Cir. 2019)).

[30] *Id.* at 704.

[31] *Id.* at 707 (quoting Reed v. Town of Gilbert, 576 U.S. 155, 170 (2015)).

[32] *City of Austin*, 142 S. Ct. at 1476.

[33] Justice Sotomayor was joined by Chief Justice Roberts and Justices Breyer, Kagan, and Kavanaugh.

[34] *City of Austin*, 142 S. Ct. at 1471.

[35] *Id.* at 1469.

[36] *Id.*

she noted, have permitted this regulatory practice.[37] And, more broadly, they teach that not all restrictions that "require[] an examination of speech" are content based.[38] The Court, for example, has held that location-based regulations on solicitation — speech "requesting or seeking to obtain something"[39] — are not content based even though, "[t]o identify whether speech entails solicitation, one must read or hear it first."[40]

Reed did not disturb these traditions.[41] It did not, Justice Sotomayor urged, hold that a sign-code provision is content based simply because "it requires reading the sign at issue."[42] Such a broad interpretation "would upend settled understandings of the law" — of "history, experience, and precedent" — while reaching a "bizarre result."[43] Rather, she instructed, *Reed* stood for the much narrower view that a regulation of speech is facially content based if it "applies to particular speech because of the topic discussed or the idea or message expressed"[44] — that is, when it "single[s] out specific subject matter for differential treatment."[45]

So, on this view of *Reed*, Austin's sign code is not a facially content-based restriction. Much like an "ordinary time, place, or manner restriction[]," [46] Justice Sotomayor reasoned, the challenged ordinance "distinguish[es] based on location," not on topic or subject matter: "A given sign is treated differently based solely on whether it is located on the same premises as the thing being discussed . . . ."[47] And to the extent that the "distinction requires an examination of speech," it does so "only in service of drawing neutral, location-based lines."[48]

Justice Breyer concurred.[49] He agreed that *Reed* controlled the outcome of the case, but insisted that *Reed* had been wrongly decided.[50] Some restrictions on speech, he acknowledged, threaten democratic values by "driv[ing] certain ideas or viewpoints from the marketplace [of ideas]."[51] "But not all laws that distinguish between speech based on its

---

[37] *Id.* at 1473–75 (citing Packer Corp. v. Utah, 285 U.S. 105, 107, 110 (1932); Suffolk Outdoor Advert. Co. v. Hulse, 439 U.S. 808 (1978); Metromedia, Inc. v. San Diego, 453 U.S. 490, 503–12 (1981) (plurality opinion)).

[38] *Id.* at 1471; *see also id.* at 1473.

[39] *Id.* at 1473 (quoting *Solicitation*, BLACK'S LAW DICTIONARY (11th ed. 2019)).

[40] *Id.*

[41] *See id.* at 1474.

[42] *Id.* at 1471.

[43] *Id.* at 1475.

[44] *Id.* at 1471 (quoting Reed v. Town of Gilbert, 576 U.S. 155, 163 (2015)).

[45] *Id.* (quoting *Reed*, 576 U.S. at 169).

[46] *Id.* at 1473.

[47] *Id.* at 1472–73.

[48] *Id.* at 1471. The remainder of the inquiry — whether the ordinance was underpinned by an impermissible purpose or justification, or whether it could survive even intermediate scrutiny — was left for the Fifth Circuit to resolve. *See id.* at 1475–76.

[49] *Id.* at 1476 (Breyer, J., concurring).

[50] *Id.*

[51] *Id.* at 1477 (quoting R.A.V. v. City of St. Paul, 505 U.S. 377, 387 (1992)).

content" do so.[52] And categorically applying strict scrutiny whenever a regulation targets speech because of its content, as *Reed* requires, "can sometimes disserve the very First Amendment interests it was designed to protect."[53]

Indeed, Justice Breyer continued, countless federal, state, and local regulations — think laws requiring tax disclosures, prescription-drug labeling, or workplace-safety warnings — "turn, often necessarily, on the content of speech."[54] But if "courts must strictly scrutinize [these] regulations simply because they refer to particular content," then *Reed*'s formal rule comes with undue costs.[55] Courts will have to "strike down 'entirely reasonable' regulations,"[56] "dilute" the strict scrutiny standard to avoid doing so,[57] or "develop a matrix" of subrules and exceptions to sort reasonable content-based regulations from unreasonable ones.[58]

Justice Alito concurred in the judgment in part and dissented in part.[59] He disagreed with the majority as to whether Austin's ordinance was content based.[60] Under Austin's sign code, he reasoned, a coffeeshop owner can post a storefront sign promoting a new drink inside, but not one advertising free COVID-19 tests at a nearby pharmacy or urging attendance at a local city council meeting.[61] Such disparate treatment is "discrimination on the basis of topic or subject matter."[62] Justice Alito nevertheless agreed with the majority that Austin's ordinance was not facially unconstitutional. A plaintiff challenging a law on its face, he explained, must show that at least "a substantial number" of the law's applications would violate the Constitution.[63] But because applications of Austin's sign code would count as regulations of *commercial* speech,

---

[52] *Id.*

[53] *Id.* at 1476.

[54] *Id.* at 1477; *see also* Reed v. Town of Gilbert, 576 U.S. 155, 177–78 (2015) (Breyer, J., concurring in the judgment) (listing "examples of speech regulated by government that inevitably involve content discrimination, but where a strong presumption against constitutionality has no place," *id.* at 177).

[55] *City of Austin*, 142 S. Ct. at 1477.

[56] *Id.* (quoting *Reed*, 576 U.S. at 171 (majority opinion)).

[57] *Id.* at 1478.

[58] *Id.*

[59] *Id.* at 1479 (Alito, J., concurring in the judgment in part and dissenting in part).

[60] *See id.* at 1480.

[61] *Id.* at 1481.

[62] *Id.*

[63] *Id.* at 1479–80 (quoting United States v. Stevens, 559 U.S. 460, 473 (2010)). Generally, "a plaintiff bringing a facial challenge must 'establish that no set of circumstances exists under which the [law] would be valid,' or show that the law lacks 'a plainly legitimate sweep.'" *Id.* at 1479 (alteration in original) (quoting Ams. for Prosperity Found. v. Bonta, 141 S. Ct. 2373, 2387 (2021)). But for a law burdening free speech, a plaintiff need show only that "a substantial number of its applications are unconstitutional," *id.* at 1480 (quoting *Stevens*, 559 U.S. at 473) — a "somewhat less demanding test," *id.* at 1479–80. Justice Alito expressed doubt that the challengers could prevail under either inquiry. *Id.* at 1480.

which are analyzed under a much more lenient standard of review, Austin's ordinance would likely survive a facial challenge.[64]

Justice Thomas,[65] who had written for the Court in *Reed*,[66] dissented.[67] Under Austin's sign code, he explained, "[a] sign that conveys a message about off-premises activities is restricted, while one that conveys a message about on-premises activities is not."[68] The ordinance thus singles out for regulation a "categor[y] of signs based on the type of information they convey."[69] And, per *Reed*'s "commonsense" test, such disparate treatment is content based and triggers strict scrutiny.[70]

The majority, Justice Thomas asserted, had reached the opposite result by "recasting facially content-based restrictions as only those that target *sufficiently specific* categories of communicative content."[71] But *Reed* drew no such distinction, and any rule that does is both "incoherent and unworkable."[72] For one thing, Justice Thomas explained, "there is no principled way" to determine how specific is "'specific' enough."[73] (Why is singling out off-premises advertising "insufficiently specific to qualify as content based under *Reed*"?[74]) Worse yet, he continued, the majority's approach "turns the concept of content neutrality into a 'vehicl[e] for the implementation of individual judges' policy preferences.'"[75] (Who is to say when a given outcome makes for a "bizarre *result*"?[76]) Replacing *Reed*'s "clear and firm rule"[77] with an "arbitrary" and "ad hoc" approach poses a "serious threat[]" to First Amendment values.[78]

When *City of Austin* came before the Court, free speech law under *Reed* was in a state of disarray. Lower courts, troubled by *Reed*'s apparent scope, had split on whether to interpret *Reed* at full breadth — and, if not, when to apply it. But *City of Austin* did little to address these troubles. The interpretations of *City of Austin* that are most plausible do little to cabin *Reed*'s scope, and the interpretations that most narrow *Reed*'s reach suffer from their own ambiguities. As a result, *City of Austin* left this core area of constitutional free speech law

---

[64] *See id.* at 1480–81.
[65] Justice Thomas was joined by Justices Gorsuch and Barrett.
[66] Reed v. Town of Gilbert, 576 U.S. 155, 159 (2015).
[67] *City of Austin*, 142 S. Ct. at 1481 (Thomas, J., dissenting).
[68] *Id.* at 1483 (citing *Reed*, 576 U.S. at 171).
[69] *Id.* (alteration in original) (quoting *Reed*, 576 U.S. at 159).
[70] *Id.* at 1482 (quoting *Reed*, 576 U.S. at 163).
[71] *Id.* at 1484 (emphasis added).
[72] *Id.*
[73] *Id.* at 1486.
[74] *Id.*
[75] *Id.* at 1491–92 (alteration in original) (quoting Tennessee v. Lane, 541 U.S. 509, 556 (2004) (Scalia, J., dissenting)).
[76] *Id.* at 1492 (quoting *id.* at 1475 (majority opinion) (emphasis added)).
[77] *Id.* at 1491 (citing Reed v. Town of Gilbert, 576 U.S. 155, 171 (2015)).
[78] *Id.*

in largely the same condition it had found it: a confusing doctrinal mess for the lower courts to sort out.

In *Reed*, the Court attempted to clean up decades of doctrinal confusion by announcing what Justice Thomas described as a "clear and firm rule."[79] But *Reed*'s test has been anything but — and, as Justice Breyer predicted,[80] its apparent breadth is to blame. On its own terms, *Reed* subjects laws that seem "entirely reasonable" to exacting judicial review.[81] Taken to its logical end, *Reed* would invalidate "perhaps thousands" of speech regulations, including those that pose no plausible threat to First Amendment interests.[82] So courts, reluctant to strike down "entirely reasonable" regulations, have opted instead to narrow *Reed* from below,[83] either by diluting the strict scrutiny standard or by devising various ways to distinguish *Reed*.[84] But they've done so with little guidance from above. Because the *Reed* Court likely intended for its rule to apply broadly, the decision says little about when its rule does not.[85] The result has been considerable inconsistency and incoherency in this area of constitutional free speech law.[86]

So, in *City of Austin*, the Court had a doctrinal decision to make: Either affirm *Reed* and insist that it be interpreted at face value. Or narrow *Reed* and explain when it does (and doesn't) apply. *City of Austin* tried to do both. As to scope, *City of Austin* affirmed *Reed*'s formal test: a speech regulation is content based, the Court maintained, if it "target[s] speech based on its communicative content."[87] But the Court then clarified that *Reed* did not go as far as many had feared. It held that the Fifth Circuit's broad interpretation of *Reed* — that a law is content

---

[79] *Reed*, 576 U.S. at 171.

[80] *See id.* at 176–78 (Breyer, J., concurring in the judgment).

[81] *Id.* at 171 (majority opinion) (quoting City of Ladue v. Gilleo, 512 U.S. 43, 60 (1994) (O'Connor, J., concurring)).

[82] Lakier, *supra* note 9, at 235; *see also id.* at 265–66 (listing as examples labor laws restricting certain kinds of employer speech, employment laws prohibiting discrimination, and professional rules regulating doctor and lawyer speech).

[83] *See generally* Richard M. Re, *Narrowing Supreme Court Precedent from Below*, 104 GEO. L.J. 921 (2016).

[84] *See* Brief of the Knight First Amendment Institute at Columbia University & Professor Genevieve Lakier as *Amici Curiae* in Support of Petitioner at 13–14, *City of Austin*, 142 S. Ct. 1464 (No. 20-1029) [hereinafter Knight Institute & Lakier Amicus Brief]; Note, *supra* note 17, at 2000 (summarizing how courts have distinguished *Reed* "up, down, and sideways").

[85] *See* Lakier, *supra* note 9, at 254 n.94 (noting that *Reed*'s failure "to specify in what circumstances the decision applied . . . has led to considerable debate among the lower courts about the scope of the rule"); Note, *supra* note 17, at 1998 ("*Reed* may have pushed courts to develop new ways to avoid the strict scrutiny it seems to demand.").

[86] *See* Lakier, *supra* note 9, at 293–94; Note, *supra* note 17, at 2001 ("*Reed* thus appears to have further fragmented First Amendment doctrine, not unified it."); Knight Institute & Lakier Amicus Brief, *supra* note 84, at 4 (noting the "rampant inconsistency" in the lower courts after *Reed*).

[87] *City of Austin*, 142 S. Ct. at 1471 (alteration in original) (quoting Reed v. Town of Gilbert, 576 U.S. 155, 163 (2015)).

based so long as its application requires a government official to examine a speaker's message[88] — is wrong.[89] Rather, a regulation is facially content based only if its text discriminates on the basis of specific kinds of content — namely, "topic or subject matter."[90]

And as to guidance, *City of Austin* affirmed that history and tradition matter.[91] As Justice Sotomayor emphasized, the Court has long approved "location-based" regulations on advertising signs.[92] And jurisdictions have, for decades, relied on that endorsement to address the unique safety and aesthetic concerns posed by outdoor advertising.[93] Five Justices were not willing to unsettle this "unbroken tradition of on/off premises distinctions."[94] Nor were they inclined to endorse an interpretation of *Reed* that would call into question a good number of the Court's long-standing precedents, such as cases permitting regulations of solicitation.[95] This aversion to disturbing these regulatory and judicial traditions suggests that lower courts, too, must heed "the teachings of history, experience, and precedent" when applying *Reed*.[96]

But even after *City of Austin*, *Reed*'s breadth remains a thorny problem. A doctrine that applies strict scrutiny whenever a regulation of speech draws distinctions based on "topic or subject matter" still imperils a wide range of "entirely reasonable" regulatory activity.[97] Such scrutiny, as the saying goes, though "'strict' in theory," ends up being quite "fatal in fact."[98] So judges bothered by *Reed*'s sweeping nature have good reason to remain concerned after *City of Austin*.

And even if *Reed* is not as broad as critics initially feared, *City of Austin* offers little clarity on when it actually applies. Instead, *City of Austin*'s effort to distinguish *Reed* raises as many difficult doctrinal questions as it resolves. The Court in *City of Austin* maintained that laws discriminating between "political," "ideological," and "directional" messages are meaningfully different from laws disfavoring "off-premises"

---

[88] Other circuits shared the Fifth Circuit's understanding of *Reed*. *See, e.g.*, Thomas v. Bright, 937 F.3d 721, 730 (6th Cir. 2019).

[89] *City of Austin*, 142 S. Ct. at 1471.

[90] *Id.* at 1472.

[91] *See id.* at 1474–75 (citing Packer Corp. v. Utah, 285 U.S. 105, 107, 110 (1932); Williams-Yulee v. Fla. Bar, 575 U.S. 433, 446 (2015)); *see also* Transcript of Oral Argument at 27, *City of Austin* (No. 20-1029) (statement of Kavanaugh, J.), https://www.supremecourt.gov/oral_arguments/argument_transcripts/2021/20-1029_jifl.pdf [https://perma.cc/T5WM-CPHQ].

[92] *City of Austin*, 142 S. Ct. at 1475.

[93] *Id.*

[94] *Id.*

[95] *See id.* at 1473–74 (citing, for example, Cantwell v. Connecticut, 310 U.S. 296, 306–07 (1940)).

[96] *Id.* at 1475.

[97] *See* Transcript of Oral Argument, *supra* note 91, at 35 (statement of Breyer, J.) (noting that virtually "[e]very law on the statute books in the SEC[,] . . . railroad regulation, airline regulation, energy regulation, you name it," all refer to "specific content").

[98] Gerald Gunther, *The Supreme Court, 1971 Term — Foreword: In Search of Evolving Doctrine on a Changing Court: A Model for a Newer Equal Protection*, 86 HARV. L. REV. 1, 8 (1972).

advertising.[99] But it didn't clearly explain why. Despite the Court's suggestion otherwise, the difference cannot simply be that the sign code in *Reed* treated certain "topic[s] or subject matter[s]" less favorably than others.[100] After all, Austin's ordinance too singled out specific topics — off-premises people, products, services, and businesses — for differential treatment.

This ambiguity leaves lower courts with at least a few plausible directions to take *City of Austin*'s treatment of *Reed*. For one, courts might interpret *City of Austin* to mean, narrowly, that a subject matter distinction does not automatically trigger strict scrutiny if the distinction bears a close relation to noncontent aspects of the regulated speech, such as where it takes place. So a subject matter distinction that disfavors off-premises advertising, and does so only to demarcate "neutral, location-based lines," evades strict scrutiny.[101] But this interpretation does little to limit *Reed*'s reach; it is hard to think of other noncontent features of speech that a subject matter distinction could plausibly track.[102]

Alternatively, courts might take *City of Austin* to mean, more expansively, that speech restrictions drawing *broad* subject matter distinctions are not content based. As the Court suggested, off-premises advertising, like solicitation, is speech that encompasses a wide range of topics.[103] It subsumes all of the categories of speech differentiated under the ordinance in *Reed* — political, ideological, and temporary directional messaging — and more. Under Austin's ordinance, a sign in a coffee-shop window may not advertise free COVID-19 testing at a nearby pharmacy. But it also can't direct patrons to church services across the street or provide directions to the charity organization next door. In other words, Austin's sign code, much like a law prohibiting solicitation, "applie[d] evenhandedly to all who wish[ed]" to advertise off-site things.[104]

The problem is that this principle will be hard to apply going forward. A breadth-based theory of content neutrality would require courts to differentiate sufficiently broad subject matters from narrower ones.[105] That is no simple task; how broad is broad enough? Why, for

---

[99] *See City of Austin*, 142 S. Ct. at 1472.

[100] *Id.*

[101] *Id.* at 1471.

[102] Perhaps subject matter could serve as a proxy for the "secondary effects" of regulated speech, such as the impact an adult-movie theater has on the surrounding community, which was at issue in *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 52 (1986). But the Court seemed to have little appetite for this argument. No opinion in *City of Austin* mentions the secondary effects doctrine. And during oral argument, two Justices expressed deep skepticism about applying it here. *See* Transcript of Oral Argument, *supra* note 91, at 31 (statement of Thomas, J.) (asking whether the doctrine has ever been applied "outside of the adult entertainment business cases"); *id.* at 32 (statement of Roberts, C.J.) (finding *City of Renton* to be "a bit of a stretch").

[103] *See City of Austin*, 142 S. Ct. at 1473–74.

[104] *Id.* at 1473 (alterations in original) (quoting Heffron v. Int'l Soc'y for Krishna Consciousness, Inc., 452 U.S. 640, 649 (1981)).

[105] *Id.* at 1484–87 (Thomas, J., dissenting).

instance, is political speech, which too subsumes a wide range of more-specific topics (tax policy, abortion, gun control, and the like), insufficiently broad? It is already hard for courts to distinguish viewpoint from subject matter;[106] asking them also to differentiate between various subject matters on the basis of breadth may prove even more difficult.

Nor does *City of Austin*'s reliance on history and common practice offer much additional guidance. It's certainly true that many regulations of speech — such as those found in securities,[107] antitrust,[108] and evidence[109] law — have long fallen "well beyond the First Amendment's borders."[110] For these laws, the Court's explicit reluctance to disturb long-standing policy and judicial practice is welcome news. But it's still unclear whether these regulations really are safe from *Reed*'s reach. *City of Austin* did not specify the weight that lower courts should accord long-standing regulatory traditions. Nor did it explain whether such traditions could shield from strict scrutiny laws that clearly discriminate on the basis of topic or subject matter. And because politics and culture, not necessarily doctrinal coherence, have shaped the historical development of the First Amendment,[111] courts may have trouble explaining why, for instance, a notice requirement regarding workplace safety survives *Reed* but a disclosure requirement as to abortion services does not.[112]

In *Reed* and *City of Austin*, the Court revisited a question that has long perplexed courts: What do we do about laws that single out specific subject matter for special treatment? Both decisions, however, left this "keystone of First Amendment law"[113] in a continued state of disarray. One cannot help but wonder how much longer this doctrinal uncertainty will continue before the Court will have to settle on a definite path: Either recognize that *Reed*, interpreted at full breadth, is unworkable — and that First Amendment purposes are "better served" when designations like "content based" are treated "as rules of thumb," "not as bright-line rules."[114] Or accept *Reed* for what it plainly says — despite all the untoward consequences that will come with it.[115]

---

[106] *See* Kagan, *supra* note 7, at 443 (noting the "fuzzier line" separating subject matter–based restrictions from viewpoint-based ones).

[107] *See* Frederick Schauer, *The Boundaries of the First Amendment: A Preliminary Exploration of Constitutional Salience*, 117 HARV. L. REV. 1765, 1778–80 (2004).

[108] *See id.* at 1781–82.

[109] *See id.* at 1784.

[110] *Id.* at 1778.

[111] *See id.* at 1784–87.

[112] *See* Nat'l Inst. of Fam. & Life Advocs. v. Becerra, 138 S. Ct. 2361, 2371, 2376, 2378 (2018).

[113] Kagan, *supra* note 7, at 443.

[114] *City of Austin*, 142 S. Ct. at 1476 (Breyer, J., concurring).

[115] *Cf.* Lakier, *supra* note 9, at 235–36 (noting how *Reed* "demonstrates once again the pronounced deregulatory tilt of the Roberts Court's First Amendment jurisprudence").

Michael Alvarez

From: Byron Stahly <BStahly@seaeng.com>
Sent: Tuesday, August 22, 2023 12:00 PM
To: Michael Alvarez
Subject: RE: New sign code ordinance -- request for comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Michael,
Here are my comments on the new sign code ordinance. I will say that I don't believe anyone on the BOA should be considered content experts on the subject matter.

1. Freestanding Sign definition. Change the verbiage to *structure(s)* and *support(s).* A freestanding sign doesn't necessarily need multiple structures or supports.
2. Suspended Sign definition. Why is this definition needed? Doesn't the freestanding sign definition cover this? If it needed, suggest changing the word "pole" to "column". Pole gives a circular connotation while column provides options for the geometric shape of the support.
3. What does nits stand for? Does it need to be defined?
4. How was 8 minutes determined for minimum time between electronic message display changes?
5. What is the reasoning behind off-premises signs having to be removed after 10 year of effective date of this ordinance?
6. Have an appropriate picture for each sign type being portrayed in each of the sign general standard sections.?
7. How was 200 sf for common sign max area in B-1, B-2, CLM, and MI determined?
8. Have a diagram showing what is intended with the verbiage in 1. b) under freestanding sign section.
9. Aren't some zoning districts being omitted. Ie, B-3, DT?
10. Roof Sign 1. b) – doesn't seem like it would be possible to comply with the verbiage used in this section. Very subjective at best.
11. Table 1 under wall signs – the 3% of building facade or 24 sf max identified in the table for a couple of the zone types must be in error. No way is this reasonable and not what has been discussed between staff and BOA.

Byron stahly, BOA member

From: Michael Alvarez <MALVAREZ@helenamt.gov>
Sent: Thursday, August 17, 2023 5:44 PM
To: April Sparks <APSPARKS@helenamt.gov>
Cc: Christopher Brink <CBRINK@helenamt.gov>
Subject: New sign code ordinance -- request for comment

Dear Board members,
The Zoning Commission has requested public comment from members of the Board of Adjustment as content experts. The previous board discussion was on a much earlier draft, and I hope you all will approach this version with fresh eyes. I will be sharing a version with track changes visible – please note they skip drafts from the last version you have seen. Please feel free to email me with your comments and I will make them available to the Commission.
Let me know if you have any questions or concerns regarding this request.
Best,

Michael Alvarez
Planner II, Community Development Dept.
(406) 447-8459 | malvarez@helenamt.gov | helenamt.gov
Room 403, City-County Building

Michael Alvarez

From: Tracy Egeline <tracy@eclipsearch.com>
Sent: Tuesday, August 22, 2023 4:56 PM
To: Michael Alvarez
Subject: RE: New sign code ordinance -- request for comment

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Michael,

Below are my comments on the Sign Ordinance.

1. Page 17, Free Standing Sign, General Standards: b) & c), a graphic explaining 60-degree rule and various rules above the grade plane would be helpful.
2. General: Different graphics that represent each type of sign. Assuming this is still in the works.
3. Page 18, b), Clarify ground floor elevation: Is it from finish floor to finish floor or finish floor to ceiling.
4. Projecting signs, General: Clarify 6" above parapet, parapet that sign is attached to or building parapet. The parapet in the back of the building might be taller than the front where the sign is located.

Cheers, Tracy

From: Michael Alvarez <MALVAREZ@helenamt.gov>
Sent: Thursday, August 17, 2023 5:44 PM
To: April Sparks <APSPARKS@helenamt.gov>
Cc: Christopher Brink <CBRINK@helenamt.gov>
Subject: New sign code ordinance -- request for comment

Dear Board members,
The Zoning Commission has requested public comment from members of the Board of Adjustment as content experts. The previous board discussion was on a much earlier draft, and I hope you all will approach this version with fresh eyes. I will be sharing a version with track changes visible – please note they skip drafts from the last version you have seen. Please feel free to email me with your comments and I will make them available to the Commission.
Let me know if you have any questions or concerns regarding this request.
Best,

Michael Alvarez
Planner II, Community Development Dept.
(406) 447-8459 | malvarez@helenamt.gov | helenamt.gov
Room 403, City-County Building

Executive Director of PROLIFE Across America completed Share Feedback

City of Helena, MT <notifications@engagementhq.com>

Mon 10/9/2023 2:50 PM

To:Jacob Garcin <JAGARCIN@helenamt.gov>;Michael Alvarez <MALVAREZ@helenamt.gov>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Executive Director of PROLIFE Across America just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

I am the Director of PROLIFE Across AMERICA, a 501 (c) (3), totally educational, non-profit and non-political organization. This is our 35th year of offering information regarding pregnancy and the development of the pre-born baby, along with our 800# Hotline for Help – posted on every ad. Our ads do more than advertise, we serve as a conduit or direct link to over 3,000 pregnancy support and adoption agencies across the nation. Our Hotline receives 400 - 450 call each month from callers seeking, • Confidential counseling • Pregnancy information – including adoption - and/or pregnancy services • Or Post-abortion assistance – for those in need of help Here are just a few of our most recent Hotline calls: •"I had to call to say 'Thank you'! Three years ago today, because of many circumstances, I was scheduled for an abortion. I drove by one of your Billboards and when I read the message, it made me cry. In fact, I went back and took a photo to re-read the message. Today, I'm on my way to church with my 3 ½ year-old little girl, and I have you to thank for her!" • "I am 23 weeks pregnant. My husband and I are very excited to bring our son into the world. Unfortunately, we both work hard and work full time, we live paycheck to paycheck and barely scrape by. My job does not offer me paid maternity leave. If I miss even one paycheck, we will be homeless. We depend on both of our incomes just to survive. I need financial help so I can recover from having my baby without having to immediately return to work." • "I saw your ad. I'm 23 and already have one child, but I'm scared I might be pregnant again. I'm feeling nauseous and moody and even though the test I took showed negative I think I need some help." In each case, we were able to direct the caller to a pregnancy support/and/or shelter nearby. Billboards so often may be the only sign of Hope and Help to someone feeling alone or pressured.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Monday, October 9, 2023 3:26 PM
To: Jacob Garcin; Michael Alvarez
Subject: Mary Ann completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mary Ann just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

I am the Director of PROLIFE Across AMERICA, a 501 (c) (3), totally educational, non-profit and non-political organization. This is our 35th year of offering information regarding pregnancy and the development of the pre-born baby, along with our 800# Hotline for Help – posted on every ad. Our ads do more than advertise, we serve as a conduit or direct link to over 3,000 pregnancy support and adoption agencies across the nation. Our Hotline receives 400 - 450 call each month from callers seeking, • Confidential counseling • Pregnancy information – including adoption - and/or pregnancy services • Or Post-abortion assistance – for those in need of help Here are just a few of our most recent Hotline calls: •"I had to call to say 'Thank you'! Three years ago today, because of many circumstances, I was scheduled for an abortion. I drove by one of your Billboards and when I read the message, it made me cry. In fact, I went back and took a photo to re-read the message. Today, I'm on my way to church with my 3 ½ year-old little girl, and I have you to thank for her!" • "I am 23 weeks pregnant. My husband and I are very excited to bring our son into the world. Unfortunately, we both work hard and work full time, we live paycheck to paycheck and barely scrape by. My job does not offer me paid maternity leave. If I miss even one paycheck, we will be homeless. We depend on both of our incomes just to survive. I need financial help so I can recover from having my baby without having to immediately return to work." • "I saw your ad. I'm 23 and already have one child, but I'm scared I might be pregnant again. I'm feeling nauseous and moody and even though the test I took showed negative I think I need some help." In each case, we were able to direct the caller to a pregnancy support/and/or shelter nearby. Billboards so often may be the only sign of Hope and Help to someone feeling alone or pressured.

LAMAR

7505 Entryway Drive
Billings, MT 59101

O: 406.252.7181
F: 406.252.7690
W: lamar.com/Montana

Oct 9, 2023

City Zoning Commision
Helena, MT

To Whom It May Concern,

Historically, Lamar Outdoor Advertising has come from a position of working with the cities where we operate our business whenever there have been proposed changes to sign codes; the City of Helena is no exception.

We are particularly concerned by the recent addition of the proposed deadline of 10 years to remove billboards after enactment of the proposed ordinance. This provision not only conflicts with the way the City of Helena has traditionally handled zoning changes and resulting nonconforming uses, but also constitutes a taking under the Montana and U.S. Constitutions. Even if the City of Helena decides to prohibit future billboards, it cannot simply declare current legally existing signs to be illegal and order their removal. Under Sections 11-6-3 and 4 of City's zoning ordinance, a nonconforming building or use is allowed to continue indefinitely as long as it satisfies the other conditions. The City must delete subsection H of the proposed new 11-23-1 to comply with this long-standing and legally required authorization of the indefinite continuation of "nonconforming" uses of property after amendments to the Zoning Code.

Attached you will find the proposed ordinance changes. Highlighted in yellow, you will see the concerns that will affect that outdoor industry as a whole. We have provided questions as well as examples of how the proposed changes will affect the Helena market.

We appreciate the City Zoning Commissions consideration of our concerns regarding the proposed code changes. If adopted, not only will these changes significantly impact our industry but they will also impact numerous local businesses and the many charitable organizations we promote and support on a daily basis.

Thank you again for your consideration.

Lamar of Montana

ORDINANCES OF THE CITY OF HELENA, MONTANA

AN ORDINANCE REVISING THE REGULATION OF SIGNS BY AMENDING CHAPTER 23 OF TITLE 11 OF THE HELENA CITY CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

That Title 11 of the Helena City Code is hereby amended by repealing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof:

CHAPTER 23

SIGN REGULATIONS

SECTION:

11-23-1: GENERAL:

11-23-2: DEFINITIONS:

11-23-3: PROHIBITIONS:

11-23-4: EXEMPT SIGNS:

11-23-5: REGULATIONS FOR SPECIFICIED DISTRICTS:

TABLE 1: ALLOWABLE BUILDING SIGNAGE:

TABLE 2: ALLOWABLE SITE SIGNAGE:

TABLE 3: ALLOWABLE DISPLAY FACE TYPES:

11-23-6: SIGN LIGHTING STANDARDS:

11-23-7: NONCONFORMING SIGNS:

11-23-8: REMOVAL OF SIGNS:

11-23-9: DESIGN GUIDELINES:

A. COMMON SIGN:

B. DIRECTIONAL SIGN:

C. FREESTANDING SIGN:

B. MARQUEE, AWNING AND/OR CANOPY SIGN:

D. SANDWICH BOARD SIGN:

E. PROJECTING SIGN:

F. ROOF SIGN:

G. SUSPENDED SIGN:

H. WALL SIGN:

I. WINDOW SIGN:

11-23-1: GENERAL:

A. INTENT: This chapter is intended to provide standards for the erection, design, and placement of signage. The standards established by this chapter are intended to provide equal opportunity for messages to be displayed, achieve proper relationship of signs to their environment, enhance the outward appearance of the community, secure pedestrian and vehicular safety, and preserve the historic aspects of the city.

B. APPLICABILITY: This chapter applies to all signs erected, installed, structurally altered, or otherwise modified after the effective date of this Code. Adoption of this code does not permit signs erected in violation of previous versions of this chapter. Nonconforming signs are subject to the provisions of section 11-23-7.

C. PERMIT REQUIRED: Unless specifically exempted in section 11-23-4 a permit must be obtained prior to erection, installation, display, or alteration of sign.

D. STANDARDS:

1. SETBACKS AND ENCROACHMENTS:

a. District dimensional standards for buildings do not apply to signs.

b. Awning, canopy, pedestrian, or projecting signs can encroach 42 inches beyond the property line over a public right-of-way provided that:

1) The sign cannot encroach within a vertical plane measured 2’ (two feet) from the back of the curb;

2) The bottom edge of the sign must maintain a clearance of at least 10’ (ten feet) from the finish grade level below the sign (or a variance must be obtained from the Board of Adjustments);

3) The encroachment cannot constitute a hazard to the use of the right-of-way by the public;

4) Encroachment cannot be placed in a way as to constitute an obstacle in violation of local, state, and federal universal accessibility laws, rules, and regulations.

c. Placing an encroachment in the right-of-way as permitted by this section does not grant any property rights in the City’s right-of-way to the owner of the encroachment.

d. The city may, without warning, perform construction and maintenance activities within the right-of-way. The city is not responsible for any damage to any encroachments present in the right-of-way when performing these activities.

e. Encroachments permitted by this section are subject to removal, at property owner's expense, upon sixty (60) calendar days written notice from the City.

2. MAINTENANCE:

a. All signs must meet the following provisions for maintenance. Signs that do not meet these provisions must be repaired or removed within thirty (30) calendar days after receipt of notification from the Sign Administrator. Violations of this chapter are subject to the provisions of section 11-23-8.

b. The area around a sign must be properly maintained to make the sign readily visible.

c. All non-functioning bulbs or damaged sign faces or panels must be replaced or repaired within ten (10) calendar days of written notice.

d. All sign copy must be maintained securely on the sign face or panel and all missing copy must be replaced within 10 (ten) calendar days of written notice.

10 calendar days is an unrealistic timeline for any repairs/damage due to supply chain needs or storm issues. Suggested timeline would be 120 days.

E. All sign structures, framework, and poles must be structurally sound. 1. All signs in their installation, maintenance, and removal must comply with the provision of the building and electrical codes adopted by the city.

F. AGGREGATION OF SIGNAGE:

1. Freestanding signage for multiple entities must be aggregated onto Common Signs where access and parking are shared.

G. No sign permitted in the Airport district shall obscure vision from the control tower to any part of the airfield.

H. Off-premises signs, including billboard signs, must be removed after ten (10) years of the effective date of this ordinance, or ten (10) years after their annexation into city limits if annexed after the adoption of this ordinance.

Noted in our letter, this an illegal amortization (taking and would require just compensation).

11-23-2: DEFINITIONS:

Words used in this Chapter have their normal dictionary meaning unless they are listed in Section §11-23-2 or unless this Chapter specifically refers to another Title and/or Chapter. Words listed in Section §11-23-2 have the specific meaning stated or referenced unless the context clearly indicates another meaning.

*On-premise is not listed, therefore, should be added to provide clarification.

ABANDONED SIGN: A sign which no longer correctly advertises a bona fide business, lessor, owner, product, or activity conducted, or product available on the premises where the sign is displayed or elsewhere.

ALTERATION OF SIGN: The moving or modification, in any manner, of a sign including, but not limited to, changes to the sign structure, height, size or area, shape or foundation, but excluding the exchange, replacement or repainting of the sign faces of cabinet type signs where there are no changes to the original cabinet.

AWNING SIGN: A sign that is affixed to a roof- like structure; generally composed of a skeletal frame covered in a fabric or other skin-type material typically open on the bottom side, that extends along and projects beyond the wall of the building and is generally designed and constructed to provide protection from the weather.

BANNER: A horizontally displayed sign of lightweight plastic, fabric, or other material, whether or not it contains a message of any kind, suspended from or between brackets, ropes, wires or similar means of support.

BILLBOARD SIGN: A sign that is larger than two hundred fifty (250) square feet in area which is designed to advertise products, services, or businesses not located on the premises on which the sign is located by temporary poster panels or painted bulletin panels.

BUILDING FAÇADE: The portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves for the entire width of the building elevation, or that portion comprising the exterior elevation of one business located in a multiple-tenant structure.

BUILDING FRONTAGE: The side of a building which faces a public street right of way.

COMMON SIGN: A freestanding sign intended to be shared by all tenants or businesses within a single building or group of buildings that share common drives and parking areas.

DIRECTIONAL SIGN: A permanent and incidental sign erected as a design element to guide or direct pedestrian or vehicular traffic to and within the property.

ELECTRONIC MESSAGE DISPLAY FACE: A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.

ERECTED: The attachment, installation, alteration, building, constructing, reconstructing, enlargement, moving, or painting of signs, or the relocation, placement, or alteration of individual sign letters (excluding manual reader board copy) or cabinets.

FREESTANDING SIGN: A sign supported by structure(s) or support(s) that are placed on, or anchored in, the ground, and that are independent from any building or any other structure.

Is a billboard considered a freestanding sign or is this in reference to an on premise sign; clarification needed.

GHOST SIGNS: A sign, painted upon the facade of a building, that is in excess of fifty (50) years old and which generally advertises an extinct business or product.

HEIGHT OF SIGN: The vertical distance measured from the highest point of the sign to the highest adjacent street grade or surface beneath the sign, whichever measurement results in a lower overall height.

MARQUEE SIGN: A sign attached to or constructed on a canopy structure which is attached to and projecting horizontally beyond the wall of a building that generally is designed and constructed to provide protection from the weather.

MONUMENT SIGN: A freestanding sign mounted directly to the ground, or with its bottom edge flush to the ground, not more than six (6) feet tall, and which may be placed on a berm not exceeding two and one half feet ($2^1/_2$') above the adjacent street grade or surface beneath the sign, whichever is less.

NONCONFORMING SIGN: A sign which was lawfully erected and maintained prior to the adoption of this chapter and all amendments, which now fails to conform to all applicable regulations and restrictions of this chapter.

OFF-PREMISES 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.

PORTABLE SIGN: A sign mounted on a trailer, stand or similar support structure which is designed in such a manner that the sign can be readily relocated to provide advertising at another location.

PROJECTING SIGN: A sign affixed to the exterior wall of a structure and extends perpendicular to the facade of the building or structure.

ROOF SIGN: A sign erected upon or above any portion of a roof or parapet wall of a building that is wholly or partially supported by the building.

SANDWICH BOARD SIGNS: A sign or structure that is freestanding, temporary and movable, composed of two sign faces mounted or attached back-to-back in such a manner as to form a triangle with the ground and sign faces (also known as an A-frame sign).

SIGN: Any identification, description, graphics, illustration, or device that is visible from any public place and exposed to the public which directs attention to a product, service, place, activity, person, institution, business, or solicitation, designed to advertise, identify, or convey information.

SIGN AREA: The entire area within any type of perimeter or border which encloses the outer limits of writing, representation, emblem, figure, or character. The area of the sign having no such perimeter or border is computed by enclosing the entire area with parallelograms, triangles, or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles, or circles. The area for double- faced or multiple-faced signs is the aggregate area of all the sign faces visible from any one direction at any one time.

SUSPENDED SIGN: A freestanding sign comprised of a vertical column, a horizontal decorative sign support, and a suspended sign face.

TEMPORARY SIGN: A sign intended for a limited period of time under specially defined requirements.

UNDER MARQUEE OR AWNING SIGN: A lighted or unlighted display attached to the underside of a marquee or awning that extends over public or private sidewalks or rights of way.

VEHICLE SIGN: A message or graphic affixed to a vehicle and intended to provide off-premises, or additional on-premises signage for a commercial entity.

WALL SIGN: A sign affixed in any manner, including paint, to the exterior wall of a building or structure with its face parallel to the building façade, including signs affixed to awnings.

WINDOW SIGN: A sign installed inside or upon the window surface for the purpose of viewing from outside the premises.

11-23-3: PROHIBITIONS:

A. Signs and sign face types that are not listed as permitted within a district are prohibited.

B. Signs may not be erected in such a manner that they obstruct or create a hazard by blocking the clear view of vehicular, bicycle, or pedestrian traffic as set forth in section §7-3-7 of this code; or where they may obstruct the view of any traffic control device. No sign or its illumination may interfere with traffic safety or simulate emergency services.

C. Signs may not be placed on or extend into any public rights-of-way except as outlined in section 11-23-1D1, nor be affixed to any post, tree, or pole located in any public right-of-way or upon any city owned property, including signs held by a person, except for signs placed by authorized agents of the city or except as permitted by Title 7, Chapter 13 of this code.

D. No sign may be constructed or erected that resembles any official marker erected by the city, state, or any governmental agency, or that by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal.

E. Any of the following sign types are expressly prohibited:

1. Signs intended to flutter in the wind to attract attention, including but not limited to:
    a) Air activated devices (including but not limited to air dancers);
    b) Balloons;
    c) Festoons;
    d) Feather flags; and,
    e) Pennants.
2. Flashing, blinking, scrolling, video, or varying light intensity signs.
3. Off-premises signs including but not limited to billboards.
This is a proposed moratorium to eliminate billboards.
4. Portable signs.
5. Reflective or mirrored signs.
6. Vehicle signs that are on-premises and not involved in the regular operations of the advertised business in a non-advertising function or used off-premises in the performance of an explicitly advertising function.
7. Signs that are flashed or projected on walls or other structures by means of a slide projector, laser, or other device are prohibited.

7

ORDINANCES OF THE CITY OF HELENA,

MONTANA Ord. No. _____

11-23-4: EXEMPT SIGNS:

A. The following signs are allowed by right in all zoning districts without a permit but must adhere to the specific size restrictions in this chapter. A permit is not required for the following types of signs, provided all applicable provisions of this section are met. Such signs are not considered in determining the allowable number or size of signs on a lot. The signs cannot be internally illuminated (including but not limited to electronic faces).

1. GHOST SIGNS:
   a. Nothing in this chapter should interfere with the restoration of a ghost sign.
   b. Ghost signage shall not be included in calculating the allowable signage on a property.

2. House numbers and street names for the purpose of identifying the property for emergency services and mail delivery.

3. Public interest signs, erected by or on the order of a public officer in the performance of their duty, such as public notices, safety sign, danger signs, trespassing signs, traffic and street signs, wayfinding signs, memorial plaques, and signs of historical interest.

4. Any sign internal to a development not intended to be visible from the right-of-way or neighboring property.

5. One under-marquee or under-awning signs where allowed, under six square feet (6sf) in size per business, and where the bottom edge of the sign is at least eight (8) feet above grade.

B. Temporary signs are allowed to be erected so long as the following conditions are met:
   1. That the start and end date of the timeframe they will be up is listed on the sign and clearly visible from the right of way they are adjacent to;
   2. That the start and end date does not exceed 60 calendar days;
   3. That the signs are not illuminated in any fashion;

4. That the signs are not erected in a permanent manner; and 5. That they follow the requirements of their zoning districts outlined below:

a. R-1, R-2, and R-3 zoning districts: one temporary freestanding sign that may not exceed six (6) square feet.

b. R-4, R-O, R-U, TR, DT, and B-1 zoning districts: one temporary freestanding sign that may not exceed twelve (12) square feet.

c. B-2, CLM, M-I, and PLI zoning districts: two temporary signs that may not individually exceed twenty-four (24) square feet or exceed thirty-two (32) square feet in the aggregate.

11-23-5: REGULATIONS FOR SPECIFICIED DISTRICTS:

TABLE 1: ALLOWABLE BUILDING SIGNAGE:

For DT and TR districts see Ch. 9.

For district specific dimensional standards see "Design Guidelines" in this chapter (11-23-9) in this chapter.

ZONE □□ SIGN TYPE □□	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
MARQUEE, AWNING AND/OR CANOPY SIGN:	P	P	P	P	P
PROJECTING SIGN:	NP	P	P	NP	P
ROOF SIGN:	NP	NP	P	NP	NP
WALL SIGN:	P	P	P	P	P
WINDOW SIGN:	P	P	P	P	P

10

TABLE 2: ALLOWABLE SITE SIGNAGE:

For DT and TR districts see Ch. 9.

For dimensional standards see "Design Guidelines" in this chapter (11-23-9) in this chapter.

ZONE SIGN TYPE	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
COMMON SIGN:	NP	P	P	P	P
BILLBOARD SIGN:	NP	NP	P	NP	NP
DIRECTIONAL SIGN:	P	P	P	P	P
FREESTANDING SIGN:	NP	P	P	P	P
SANDWICH BOARD SIGN:	NP	P	P	P	P
SUSPENDED SIGN:	P	P	P	P	P

Clarifying definitions:
- NP stands for No Permit
- P stands for Permit

ZONE □ FACE TYPE □	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
ELECTRONIC MESSAGE DISPLAY FACE:	NP	NP	P	NP	P
EXTERNALLY ILLUMINATED W/ DOWNWARD FACING LIGHTS	P	P	P	P	P
HALO LIT:	NP	P	P	P	P
INTERNALLY ILLUMINATED	NP	NP	P	NP	P
NON ILLUMINATED AND PERMANENT IN NATURE	P	P	P	P	P
READER BOARD (MANUAL CHANGE):	NP	NP	P	NP	P

11-23-6: SIGN LIGHTING STANDARDS:

A. Signs that are permitted to be lighted may only be lighted in such a manner that the light therefrom may shine only on the sign or on the property on which

it is located and may not shine onto any other property, in any direction, except by indirect reflection. No lighting arrangement is permitted which, by reason of brilliance or reflected light, is a detriment to surrounding properties or prevents the reasonable enjoyment of residential uses.

B. Electronic message display luminance must have ambient light monitors and automatic controls so that the electronic message display does not exceed 7650 nits between sunrise and sunset and 1350 nits between sunset and sunrise.

C. Electronic message displays may not exceed fifty percent (50%) of the total allowable sign area allowed in the district or a maximum of seventy-five (75) square feet, whichever is less, and must be computed as part of the sign's total area.

D. Electronic message displays may not have a color temperature above 4000K (four thousand kelvin) between sunset and sunrise.

OAAA lighting information was provided to the city earlier this summer in regards to regulation as requested.

E. Awning, billboard, canopy, directional, monument, projecting, roof, suspended, and wall signs may not have electronic display faces.

This is the elimination of new technology for the local community.

F. Portable signs and sandwich boards may not be illuminated or electrified in any way.

G. Sign illumination in residential districts must be turned off after business hours.

H. Electronic message displays may not change their display face faster than once every eight (8) minutes.

Where is 8 minutes coming from? Industry standard is every 6-8 seconds per OAAA.

Nonconforming signs are permitted to remain, subject to the following

exceptions and restrictions:

A. The abandonment of a nonconforming sign terminates the right to maintain such sign.

B. A nonconforming sign may be continuously maintained or repaired in its original form with materials compatible with the existing construction until damaged or destroyed from any cause in excess of seventy percent (70%) of replacement costs or until the sign becomes substandard structurally, materially, or electrically from obsolescence or other cause, so as to pose a hazard or endangerment to the public, and is not promptly repaired as ordered by the sign administrator.

C. When a nonconforming sign is replaced or relocated, a sign permit must be obtained, and the sign must then comply with this chapter.

D. A nonconforming sign may be altered only when the proposed alterations bring the sign fully into conformance with the restrictions for the district in which the sign is located.

E. A nonconforming sign shall cease to be used when the business, activity or use on, or to which the property is put, is enlarged more than fifty percent (50%) of either the original lot area or the building area lot coverage in place at the time the sign was installed.

Further clarification needed on E.

Signs placed within the jurisdiction may be removed or cited for a

violation in accordance with section 11-1-13 for the following reasons:

A. Failure to comply with a written order of removal for a sign in violation of this chapter. The sign owner shall be responsible for all costs incurred by the city in connection with the removal and demolition of the sign and may be subject to the penalties of section 11-1-13 until the sign is removed.

B. Signs found to be structurally, materially, or electrically defective or in any way found to be a hazard or an endangerment to the public shall be ordered repaired or removed by the owner within a time frame not to exceed a maximum of thirty (30) calendar days, as established by the administrator based upon the degree of hazard presented by the sign.

C. Signs abandoned by reason of a change of occupancy or vacation of the building or use, shall be removed within ninety (90) calendar days by the sign owner. Failure to remove shall subject the sign owner to the responsibility for all costs incurred in removal or demolition of the sign by the jurisdiction and may be subject to the penalties of section 11-1-13 until the sign is removed.

D. The administrator, in case of an emergency when a dangerous or defective sign poses an immediate hazard, may cause the removal of the sign without the standard notice. Following removal of the sign, the administrator shall make available to the owner a statement of the work performed and a copy of the costs of the removal for payment.

What is the definition of dangerous/hazard?

E. In the case of removal of a sign by the jurisdiction, all costs incurred are the responsibility of the sign owner. If the costs for removal are not paid by the owner of the sign within thirty (30) calendar days of receipt of notice of those costs and attempt to serve notice of those costs, the amount specified shall become an assessment or lien against the property.

F. Signs described in section 11-23-3C of this chapter erected on public property or rights of way without prior approval shall be subject to immediate removal where and when possible, by city personnel without obligation to notify the owner of said sign.

11-23-9: DESIGN GUIDELINES:

A. COMMON SIGN:

1. GENERAL STANDARDS:

a) 1 per lot, tract, or parcel held in common ownership.

b) Common signs must be used when applicable in place of freestanding sign requirements.

2. DESIGN STANDARDS BY ZONING DISTRICT:
Table 1.

ZONE □□ SIGN TYPE□□	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
COMMON SIGN:	NP	Max Height: 5′ Max Area: 6sf	1 per lot, tract, or parcel held in common ownership. Max Height: 34′ Max Area: 200sf	1 per lot, tract, or parcel held in common ownership. Max Height: 24′ Max Area: 100sf	1 per lot, tract, or parcel held in common ownership. Max Height: 24′ Max Area: 100sf

B. DIRECTIONAL SIGN:

1. GENERAL STANDARDS:

a) One per curb cut for property.

b) No more than twenty-five percent (25%) of the sign face may be devoted to graphics other than an arrow(s) or the words “enter”, “exit”, the name of a building, “parking”, or “one way”.

2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Signs are limited to a max area of six (6) square feet and four (4) feet in height.

C. FREESTANDING SIGN:

1. GENERAL STANDARDS:

a) One sign is permitted per principal building.

b) Freestanding signs shall be set back from a point two feet (2') inside the street front property line(s) beginning at a height of six feet (6') above grade so as not to encroach either above or forward of an imaginary line drawn up and inward at a sixty degrees (60°) angle from that point.

c) The bottom edge of the sign face must be at least eight feet (8′) above ground level or the standards for a monument sign or suspended sign must be used.

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE □□ SIGN TYPE□	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
FREESTANDING SIGN:	NP	Max Height: 18′ Max Area: 32sf	Total #: 1 Max Height: 24′ (B-1) 34′ (B-2, CLM and MI) Max Area: 32sf (B-1) 150sf (B-2 and CLM) 250sf (M-I)	Total #: 1 Max Height: 18′ Max Area: 100sf	Total #: 1 Max Height: 24′ Max Area: 100sf

D. MARQUEE, AWNING AND/OR CANOPY SIGN:

1. GENERAL STANDARDS:

a) Marquee, awning, and canopy signs are only permitted on the ground floor.

b) Marquee, awning, and canopy signs may not exceed thirty percent (30%) of the ground floor elevation of a building. Not to exceed the total square footage allowed when aggregated with wall signage. 2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Square footage of signs aggregated with wall signage requirements where permitted.

E. PROJECTING SIGN:

1. GENERAL STANDARDS:

a) Projecting signs may not project more than six inches (6”) above the parapet on the façade they are installed upon.

b) Projecting signs shall not extend more than ten feet (10') measured at a right angle between the outer extremity of the sign and the wall or structure to which it is attached or as limited by section 11-23-1D.

c) The sign shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc., and sign supports shall appear to be an architectural feature and integral part of the building. 2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Square footage of signs aggregated with wall signage requirements where permitted.

F. ROOF SIGN:

1. GENERAL STANDARDS:

a) A roof sign may be used in place of a primary wall sign where permitted.

b) The sign shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc., and sign supports shall appear to be an architectural feature and integral part of the building. 2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Roof signs are calculated with and may not exceed wall signage requirements where permitted.

G. SANDWICH BOARD SIGN:

1. GENERAL STANDARDS:

a) Signs are not permitted to obstruct or impede in any manner free movement along sidewalks and roadways.

b) Signs are only permitted on or immediately adjacent to the property where the business is located.

c) Signs must be brought in at the end of the business day.

2. DESIGN STANDARDS BY ZONING DISTRICT:

a) One allowed per business.

b) Max area of sign is twelve (12) square feet.

H. SUSPENDED SIGN:

1. GENERAL STANDARDS:

a) A suspended sign may not be used on the same tract, parcel, or aggregation of tracts and parcels under common ownership and with a common land use if said property has a freestanding sign (including but not limited to monument signs).

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE □ SIGN TYPE □	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
SUSPENDED SIGN:	Total #: 1 Max Height: 5' Max Area: 12sf	Total #: 1 Max Height: 5' Max Area: 12sf	Total #: 1 Max Height: 5' Max Area: 12sf	Total #: 1 Max Height: 5' Max Area: 12sf	Total #: 1 Max Height: 5' Max Area: 12sf

I. WALL SIGN:

1. GENERAL STANDARDS:

a) Sign areas are given per building façade.

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE □□ SIGN TYPE □	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
WALL SIGN:	Max Area: 40sf	Max Area: 40sf	Max Area: 3% of the building façade or 24sf, whichever is greater.	Max Area: 100sf	Max Area: 3% of the building façade or 24sf, whichever is greater.

24

J. WINDOW SIGN:

1. GENERAL STANDARDS:

A. Window signs may be displayed on ground floor windows only.

B. Window signage occupying less than twenty-five percent (25%) of the aggregated window area per building elevation or tenant occupied portion of a building is exempt.

C. If window signage exceeds twenty-five percent (25%) of the aggregated window area per building elevation the total square footage of the window signage is to be aggregated with and not to exceed the requirement of wall signage.

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE □□SIGN TYPE □	R-1, R 2, R-3	R-4, R-O, R U	B-1, B-2, CLM, M-I	PLI	Airport
WINDOW SIGN:	1 window sign up to 6sf.	Aggregated with wall signage requirements	Aggregated with wall signage requirements	Aggregated with wall signage requirements	Aggregated with wall signage requirements

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS ___ DAY OF _____, 2023.

_____

ATTEST: MAYOR

_____

CITY CLERK

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS _____ DAY OF _____, 2023.

_____

ATTEST: MAYOR

_____

CITY CLERK

Michael Alvarez

From: Michael Alvarez
Sent: Tuesday, October 10, 2023 8:16 AM
To: April Sparks; Wes Van Dyke
Cc: Jacob Garcin; Christopher Brink
Subject: Re: Helena City Zoning commission work meeting October 10th

Good Morning Wes,

Thank you for your comments! As noted in my email yesterday, we were closed for Indigenous People's Day.

Your comment will be sent to the Zoning Commission, and they will be given a print copy at the beginning of the session. The comment will be included with the associated material of the proposed ordinance as it moves through the process.

There is a work session tonight at 5p in room 326 and via Zoom at this link -- Zoning Commission Work Session - City of Helena, MT (helenamt.gov). Please keep in mind that there is no vote at this work session and the Chair is under no obligation to take public comment during the work session.

City of Helena
City Zoning Commission

Zoning Commission Work Session

Monthly work sessions by the Commission.

www.helenamt.gov

Michael Alvarez
Planner II, Community Development Dept.
(406) 447-8459 | malvarez@helenamt.gov | helenamt.gov
Room 403, City-County Building

From: April Sparks <APSPARKS@helenamt.gov>
Sent: Tuesday, October 10, 2023 6:31 AM
To: Wes Van Dyke <wvandyke@yesco.com>
Cc: Michael Alvarez <MALVAREZ@helenamt.gov>; Jacob Garcin <JAGARCIN@helenamt.gov>
Subject: Re: Helena City Zoning commission work meeting October 10th

Good morning Mr. Van Dyke,

I apologize for no one replying to you sooner. Yes, there is a work session on the proposed sign ordinance tonight at 5:00 pm in room 326 of the City-County Building. I am including both Michael Alvarez and Jake Garcin on this email as well so they can also see your detailed concerns.

You are more than welcome to join us this evening if you are able.

Best,

April Sparks
Administrative Assistant III, Community Development Department
(406) 447-8490| apsparks@helenamt.gov | helenamt.gov
316 N. Park Avenue, Room 445, Helena, MT 59623

From: Wes Van Dyke <wvandyke@yesco.com>
Sent: Monday, October 9, 2023 3:18:18 PM
To: April Sparks <APSPARKS@helenamt.gov>
Subject: Helena City Zoning commission work meeting October 10th

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mrs. April Sparks,

We have sent emails and left a voicemail for Michael Alvarez and Jake Garcin and have yet to connect with them on this most important topic and our concerns. Our understanding is that there is a working session planned for tomorrow evening, Oct 10th at 6:00 PM we have tried to draft our understanding and position on the proposed sign language.

YESCO has been doing work in the Helena Montana area for more than 75 years. In 2008 YESCO decided to open a local presence and purchased Montana Signworks from Barry Simmons. The purchase included a fabrication factory and billboard business with extended throughout Montana. That investment continued with we purchased land and building built a new factory in 2010 at our current location: 2996 Bozeman Ave in Helena.

We have enjoyed working with the local business community. Employing local trade and craftsman to fabricate and service signs from our main Montana office in Helena.

We were surprised by the sudden change in tone to the newly proposed sign ordinance. An ordinance that would have a negative effect on our business operations as well as the Helena business community at large, if adopted in its current language.

We would welcome the opportunity to better understand and participate in updating the sign ordinance to accomplish the goals and objectives of the City as well as the needs of the business community.

Concerns----------

Electronic message signs

1) Proposed changes to reduce communication with Electronic message signs through restrictions in the allowable area.

11-23-6: Sign Lighting Standards:

C. Electronic message displays may not exceed fifty percent (50%) of the total allowable sign area allowed in the district or a maximum of seventy-five (75) square feet, whichever is less, and must be computed as part of the sign's total area.

Under the current ordinance, the business owner is allowed to choose the amount of message area (from what is allowed) to be utilized.

Under the new proposal, electronic message signs will only be allowed half of the size of communication currently allowed. Proposed restrictions to 50% of the allowed sign area up to a maximum of 75 sq. ft.

Our position is that the business owner should be able to choose the amount of area they will utilize for electronically produced messages.

Whether the message is produced by a digital screen or by a permanently constructed graphic of light through acrylic, vinyl or paint; The message is the same and the business owner should make that decision.

2) Proposed changes to increase electronic message hold times, thereby restricting the number of messages or communication from the business owner.

11-23-6: Sign Lighting Standards:

H. Electronic message displays may not change their display face faster than once every eight (8) minutes.

Under the current ordinance the business owner is allowed to present a message every 7 ½ seconds. (8 times per minute).

Under the proposed ordinance hold times would be further restricted to 8 minutes

Our position is that the current regulation is far more strict than most all of the municipalities across the US. This restriction of static images only with 7 ½ second hold times is already a hardship to the current business community. Additional restrictions are so far beyond the mark. This proposed restriction in addition to the restriction in message size mentioned above would result in rendering the effectiveness of digital communication

to less than 1% of its current value. (50% of the size of message and reducing the communication to only 7 messages per hour)

A point-of-purchase sign, advertising products and services to the community is the least expensive form of advertising. Typically costing pennies to the dollar of the other forms of advertising and often the difference in remaining open and an ongoing supplier of products and services to the community.

3) Proposed changes to regulate light output and display brightness

11-23-6: Sign Lighting Standards:

B. Electronic message display luminance must have ambient light monitors and automatic controls so that the electronic message display does not exceed 7650 nits between sunrise and sunset and 1350 nits between sunset and sunrise.

D. Electronic message displays may not have a color temperature above 4000K (four thousand kelvin) between sunset and sunrise.

Under the current ordinance, there is no regulation on brightness or light output.

The proposed regulation listing nits output range from 1350 to 7650

**Our position is that we would be in favor of regulation to control light output. Nearly every complaint on electronic message signs we field is related to brightness. The only correlation between vehicle safety and electronic message signs is correlated to overly bright displays.*
The proposed nits regulation introduced in 11-23-6 is out of date and difficult to monitor thereby enforcing. Perceived brightness is largely influenced by ambient light surrounding the display. We have found changes in footcandle readings a much better and lower cost means to regulate brightness.
The current listings are nearly 4 times brighter than the ISA recommended .3 footcandle recommendations. We would love the opportunity to provide some guidance and input.

WALL SIGNS

1) Proposed changes to remove and regulate out existing Billboard and Off-Premise signs

I. Wall Sign (General Standards)

ZONE ▸ / SIGN TYPE ▾	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
WALL SIGN:	Max Area: 40sf	Max Area: 40sf	Max Area: 3% of the building façade or 24sf, whichever is greater.	Max Area: 100sf	Max Area: 3% of the building façade or 24sf, whichever is greater.

Existing ordinance allows wall signs in B-1, B-2, CLM, M-I zones

- B-1 30% of the building facade up to 100 sq. ft.
- B-2 30% of the building facade up to 200 sq. ft.
- B-3 30% of the building facade up to 200 sq. ft.
- CLM / M-I 30% of the building facade up to 300 sq. ft.

The proposed new ordinance is listing a reduction in these zones to 3% or 24 sq. ft. whichever is greater.

Our position is this is a dramatic reduction (90% reduction) in area allowance would produce an extreme hardship on any new business start, additionally, when an existing business sells or updates their Trade Mark logo they would be brought into compliance. Reducing their advertising so dramatically that it would question if they could survive. Much of our access to products and services have been reduced through online purchase forcing many local business owners to reduce inventory and even close locations. Reductions in advertising would add additional hardship.

Surprising that the allowance in a residential zone is nearly twice the size allowable in a business zone? We don't believe this will support economic growth nor access to products and services in Helena. Most especially for those tenants in a shopping complex who can not upgrade to a freestanding sign will be forced to reduce their advertising voice in the community.

OFF-PREMISE SIGNS / BILLBOARD SIGNS

2) Proposed changes to remove and regulate out existing Billboard and Off-Premise signs

11-23-1: General:

H. Off-premises signs, including billboard signs, must be removed after ten (10) years of the effective date of this ordinance, or ten (10) years after their annexation into city limits if annexed after the adoption of this ordinance.

11-23-3: Projibtations:

3. Off-premises signs including but not limited to billboards.

Under the current regulation, there is an extensive definition and explanation of the use of Billboard signs as on and Off-Premise signs. Their use and application. (see 11-23-9 Special Provisions) Freeway/highway-oriented advertising provides immediacy to those travelers entering business corridors and a vital, cost-effective means to bring tourists and travelers into the business community to purchase products and services.

The proposed ordinance would ban this type of advertising including the taking of property through upgrades in maintenance, and electronics obsolescence. The ultimate taking of property with the clause to remove all billboards after 10 years.

Our position is that this would be illegal to simply take property or a revenue-producing business built in alignment with local, state, and national codes. There is a place for these types of displays and for the advertisement of products and services found in the community.

We would welcome the opportunity to sit down and discuss the goals and objectives of the Zoning Commission and Citizens to help align with the needs of the business community.

Best regards

Wes VanDyke

Wesley VanDyke
YESCO

801-430-2572 **DIRECT**



YESCO
Custom Electric Signs

Michael Alvarez

From: Earl Charles <earl@brandedsignsolutions.com>
Sent: Tuesday, October 10, 2023 11:09 AM
To: Michael Alvarez
Subject: Sign Code Changes

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Michael,

I have to say I am disappointed in the way the City is going about the sign code changes this time around.

1. I found out from a customer a week and a half ago as I was not notified by the city even though I am licensed as a Sign installer in the City and have been in the sign business in Helena for over 20 years. I have been in the industry for over 40 years and have worked with many City's in their sign code changes. I was also President of the Board of the United States Sign Council when we developed a"Model Sign Code" Free to any City to use and modify as needed.

2. The time line and the absence transparency (I'm sure you guys are going about it the "legal" way however, every Helena business owner I've spoken to didn't know anything about it)

3. The absence of a community workshop like we had back when Elroy first started this process that eventually was tabled because some of the commissioners wanted a ban or serious restrictions on message centers that were not in the final draft. We at that time had several workshop meeting with Sign Company Rep's and Business Owner's along with staff and worked through a lot of issues that not everyone was totally happy with every change but, in the end we all felt we had come up with a good sign code.

--

BRANDED SIGN SOLUTIONS
A Charles Family LLC Company

Earl Charles
President
406.461.7928
Earl@BrandedSignSolutions.com
Branded Sign Solutions
PO Box 7533
Helena, MT 59604
BrandedSignSolutions.com

Effectively Communicating Your Brand

Virus-free.www.avg.com

Michael Alvarez

From: James Carpentier <James.Carpentier@signs.org>
Sent: Tuesday, October 10, 2023 1:51 PM
To: Michael Alvarez
Cc: pking@nwsigncouncil.org; David Hickey
Subject: Draft sign code

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Michael,

I am contacting you on behalf of the Northwest Sign Council (NWSC) and the International Sign Association (ISA), representing the on-premises sign industry. Both organizations work with jurisdictions throughout the Northwest to assist in the creation of beneficial and enforceable sign regulations.

We have a number of recommendations in the letter at the link below along with the cited references for your and the Zoning Commission's consideration. I apologize for not getting you these suggestions sooner but I just recently became aware of the proposed draft.

Do not hesitate to contact me with any questions. I plan on attending the Commission meeting later via zoom.

"NWSC ISA recommendations Draft Helena Sign Code 10.10.23.pdf" at:
https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:0abc9a86-87ec-4b82-bbe5-f3da6d372caf
"Digital-Signage-Traffic-Safety-Executive-Summary R.pdf" at:
https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:4c17eeeb-56b4-49b5-9a0d-51bdece91c73
"ISA Night time illumination standards for EMC's.pdf" at:
https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:b001bd06-d8b1-4431-aa09-c61616818879
"Content Neutral Sign Codes report FINAL R.pdf" at:
https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:8fee5362-a44a-4419-9b6b-9c5fdfd90173

Best,

James Carpentier, AICP
Director, State & Local Government Affairs
International Sign Association
480.773.3756 / james.carpentier@signs.org
Signs.org / SignExpo.org

INTERNATIONAL SIGN ASSOCIATION
1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org
WWW.SIGNS.ORG

NORTHWEST SIGN COUNCIL

October 9, 2023 Sent via email

City of Helena Zoning Commission

Honorable Chair Harbage and the City Zoning Commission:

I am contacting you on behalf of the Northwest Sign Council (NWSC) and the International Sign Association (ISA), representing the on-premises sign industry. Both organizations work with jurisdictions throughout the Northwest to assist in the creation of beneficial and enforceable sign regulations.

The proposed sign regulations are not business friendly and will place an economic burden or limit economic opportunities for the business community. Some of the issues includes: a severe reduction in allowable wall sign area from 30% of the façade to 3% and increase in hold time for electronic signs from 7.5 seconds to 8 minutes. In addition, the proposed changes are not in concert with Helena's Comprehensive Plan or the 2015 SCOTUS decision Reed v. Town of Gilbert.

Comprehensive Plan

The proposed sections of the code that require additional limitations and regulations on sign types such as: a severe reduction in the allowable sign area for wall signs, a 50% reduction in the allowable area for electronic signs, and an increase in the hold time for messages on electronic signs from 7.5 seconds to 8 minutes conflicts with some sections of the Helena's Comprehensive Plan. Three objectives in the Comprehensive plan in the Prosperity section page 63 states the following:
To achieve our Prosperity goal, we will...
★ Capture more retail spending by increasing and diversifying retail offerings within Helena
★ Foster opportunities for local employers to expand within the community
★ Create opportunities for economic diversification

The proposed noted amendments to the code are not in concert with the goals of the Comprehensive Plan.

Wall Signs I. WALL SIGN Table 1. pg. 24

The proposed wall area allowances for commercial, industrial and airport districts represent a decrease in allowable area from 30% to 3% of the building facade and 300, 200 or 100 square feet to 24 square feet. These proposed standards are not reasonable. The proposed standard of 24 sq. ft. may very well result in signs that are not legible depending on the viewing distances, ROW widths and speed limits. This will result in many existing wall signs becoming non-conforming.

We recommend maintaining the existing wall area standards of 30% of the building façade so as to not make many existing signs nonconforming, placing a burden on the business community.

11-23-6: SIGN LIGHTING STANDARDS: B.C. D. H. pg. 13

INTERNATIONAL SIGN ASSOCIATION
1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org
WWW.SIGNS.ORG
NORTHWEST SIGN COUNCIL

The proposed hold time for electronic signs is 8 minutes, the existing code has a hold time of 7.5 seconds per message. We recommend maintaining the existing hold time of 7.5 seconds. The proposed standard will not be supportive of the business community and others. In these highly competitive times for brick-and-mortar businesses the need to provide information to the public is critical. The attached study Digital Signs and Traffic Safety: A Statistical Analysis states the following: "The data revealed there is no significant increase in crash frequency after the installation of on-premise digital signs."

Therefore, we recommend to maintain the existing hold time of 7.5 seconds.

The draft code proposes a daytime limitation of electronic signs and a nighttime limitation that is about 4 times as bright as our recommendations in the attached document, Recommended Night-time Brightness Levels for On-Premise Electronic Message Centers. Daytime limitations are not needed since we have not seen any issues or complaints during the daytime, especially with automatic dimming. Brightness issues are the most common issue with regulating electronic signs. We recommend our .3 footcandle approach for nighttime brightness limitations. This standard is easy to enforce and has been adopted by at least 3 jurisdictions in Montana that we are aware of including: Kalispell, Hamilton and West Yellowstone. See attached Recommended Illumination Standards for electronic signs which includes some model language.

Therefore, we recommend our brightness standards to ensure that electronic signs are not too bright.

The draft code proposes a limitation of 50% of the sign area or 75 sq. ft. whichever is less. The existing code does not have a limitation on the area of electronic signs other than what is allowed in a zoning district. Since EMCs are no brighter than a typical static sign if our illumination standards are utilized, we do not see any justification to limit the allowable area. In addition, electronic signs pose no safety issues as previously noted and are similar in brightness to static signs the business community should be able to determine the appropriate size needed within the zoning limitations to meet their needs.

Therefore, we recommend that the area limitation of 50% or 75 sq. ft. section be deleted.

Legal Issues

Content Neutrality B. Direction Sign pg. 17

The section for directional signs conflicts with Reed v. Town of Gilbert. This section should refer to this sign type as a minor sign or a similar type of term with no reference to content. See attached reference Content Neutrality Post Reed and Austin.

Substitution Clause

Sign codes should contain a substitution clause, as recommended in the reference Content Neutral Signs Codes Post Reed & Austin. A substitution clause simply allows a sign to substitute a noncommercial message on any sign that permits a commercial or another noncommercial message. This simply clarifies that a sign code regulates only the physical characteristics of the sign and not its message.

INTERNATIONAL SIGN ASSOCIATION
1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org
WWW.SIGNS.ORG

NORTHWEST SIGN COUNCIL

Several other recommendations are included in the attached document, NWSC ISA Summary Comments.

We appreciate your consideration of these recommendations. Do not hesitate to contact me with any questions at 480-773-3756 or james.carpentier@signs.org

Sincerely,

James Carpentier

James B. Carpentier AICP
Director State & Local Government Affairs

jcarpentier

Oct 10

The proposed sections of the code that require additional limitations and regulations on sign types such as: a severe reduction in the allowable sign area for wall signs, a 50% reduction in the allowable area for electronic signs, and an increase in the hold time for messages on electronic signs from 7.5 seconds to 8 minutes conflicts with some sections of the Helena's Comprehensive Plan. Three objectives in the Comprehensive plan in the Prosperity section page 63 states the following:

To achieve our Prosperity goal, we will...

★ Capture more retail spending by increasing and diversifying retail offerings within Helena

★ Foster opportunities for local employers to expand within the community

★ Create opportunities for economic diversification

The aforementioned changes to the code is not in concert with these goals.

jcarpentier

Oct 08

We recommend that the code include a substitution clause that allows for noncommercial speech wherever commercial speech is allowed. See attached reference Content Neutrality Post Reed & Austin.

jcarpentier

Oct 08

A 30 day time frame for all repairs may not be reasonable in every instance. An appeal process needs to be in place similar to the one in the existing code.

jcarpentier

Oct 08

A reasonable time frame, such as 180 days needs to be included in this definition.

jcarpentier

Oct 08

A directional sign is content regulation and should be avoided to comply with Reed v. Town of Gilbert. This sign type should be described as something like incidental or minor without reference to the message. See attached reference Content Regulation Post Reed & Austin.

jcarpentier

Oct 08

A 6' limitation on monument signs will not function safely in all locations depending on the ROW widths and speed limits. We recommend that monument signs be allowed up to 12' to accommodate a minimum distance of 5' for sign copy to grade. This will ensure proper and effective visibility from landscaping and other vehicles. See attached information from APA's Street Graphics and the Law.

jcarpentier

Oct 08

Electronic signs vary in light intensity so this portion should be deleted.

jcarpentier

Oct 08

The limitation of one and two signs in the residential and commercial districts may be limiting speech. Consider limiting the total square foot and a reasonable limit on the number or no limit of the number of signs within the allowable square foot. See attached reference Content Neutrality Post Reed & Austin.

jcarpentier

Oct 08

Daytime limitations are not needed since we have not seen any issues or complaints during the daytime, especially with automatic dimming. We recommend our .3 footcandle approach for nighttime brightness limitations. This standard is easy to enforce and has been adopted by at least 3 jurisdictions in Montana that we are aware of including: Kalispell, Hamilton and West Yellowstone. See attached Recommended Illumination Standards for electronic signs which includes some model language.

jcarpentier

Oct 10

The existing code does not have a limitation on the area of electronic signs. We recommend that this section be eliminated.

jcarpentier

Oct 09

With the variability in messaging with electronic signs, the 4,000k limitation on color temperature is not reasonable or enforceable. Therefore we recommend that this section be deleted.

jcarpentier

Oct 10

The proposed hold time for electronic signs is 8 minutes the existing code has a hold time of 7.5 seconds per message. We recommend to maintain the existing hold time of 7.5 seconds. The proposed standard will not be supportive of the business community and others. In these highly competitive times for brick and mortar businesses the need to provide information to the public is critical The attached study Digital

Signs and Traffic Safety: A Statistical Analysis states the following: "The date revealed there is no significant increase in crash frequency after the installation of on-premise digital signs."

jcarpentier

Oct 10

The proposed hold time for electronic signs is 8 minutes, the existing code has a hold time of 7.5 seconds per message. We recommend maintaining the existing hold time of 7.5 seconds. The proposed standard will not be supportive of the business community and others. In these highly competitive times for brick-and-mortar businesses the need to provide information to the public is critical. The attached study Digital Signs and Traffic Safety: A Statistical Analysis states the following: "The data revealed there is no significant increase in crash frequency after the installation of on-premise digital signs."

jcarpentier

Oct 10

The proposed hold time for electronic signs is 8 minutes, the existing code has a hold time of 7.5 seconds per message. We recommend maintaining the existing hold time of 7.5 seconds. The proposed standard will not be supportive of the business community and others. In these highly competitive times for brick-and-mortar businesses the need to provide information to the public is critical. The attached study Digital Signs and Traffic Safety: A Statistical Analysis states the following: "The data revealed there is no significant increase in crash frequency after the installation of on-premise digital signs."

jcarpentier

Oct 08

We recommend to allow ground signs of 6 square feet and 6' in height as allowed in the existing code.

jcarpentier

Oct 08

We recommend to maintain the same standards as the existing sign code of 18' height for the R-4 and R-U Districts.

jcarpentier

Oct 08

We recommend that the CLM and M-1 Districts maintain the existing standard of 300 square feet and 35' height.

jcarpentier

Oct 08

The section for directional signs is in conflict with Reed v. Town of Gilbert. This section should refer to this sign type as a minor sign or a similar type term with no reference to content. See attached reference Content Neutrality Post Reed and Austin.

jcarpentier

Oct 09

The setback should be stated clearly from any part of the sign, without the reference to a 60 degree angle as is done in the exiting code.

jcarpentier

Oct 08

We recommend to allow a 6' high and 6 sq. ft. freestanding signs in these districts as is allowed in the current code.

jcarpentier

Oct 08

We recommend to maintain the existing height standard for M-1 and CLM of 35' tall

jcarpentier

Oct 08

We recommend to maintain the existing area standard of 300 sq. ft. for CLM and M-1 District.

jcarpentier

Oct 08

The proposed wall area allowances for commercial, industrial and airport districts represents a decrease in allowable area from 30% to 3% of the building facade and 300, 200 or 100 square feet to 24 square feet. These proposed standards are not reasonable. The proposed standard of 24 sq. ft. may very well result in signs that are not legible depending on the viewing distances, ROW widths and speed limits. This will result in many existing wall signs to become non-conforming. We recommend to maintain the existing standards so as to not make many existing signs nonconforming, placing a burden on the business community.

jcarpentier

Oct 08

We do not recommend that wall signs and window signs be co-mingled since the wall signs are permanent and window signs typically are temporary in nature and the administration/enforcement of this provision is not practical.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Tuesday, October 10, 2023 3:32 PM
To: Jacob Garcin; Michael Alvarez
Subject: Janessa Barrell completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Janessa Barrell just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

This sign ordinance affects our small business immensely. We spent $60,000 on a brand new digital sign to advertise for our business and now it will potentially be for nothing. I would like to see the statistics that prove more accidents have happened because of distractions due to digital signs and billboards in town. We have had this sign for a year and not one accident has happened due to it. Without hard facts behind this proposal, it makes no sense. There are far more things to be worried about that cause accidents rather than digital signs.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Tuesday, October 10, 2023 4:07 PM
To: Jacob Garcin; Michael Alvarez
Subject: YESCO Outdoor Media completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

YESCO Outdoor Media just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Honorable Chair Harbage and the City Zoning Commission, I am writing on behalf of YESCO Outdoor Media, which operates 27 billboard structures in Lewis and Clark County. We are proud to conduct business in Montana, especially in Helena, where our employees and advertisers deeply believe in the effectiveness of our advertising medium. We strongly oppose the proposed Sign Code Update, particularly the annexation of all billboards in ten years. The imposition of amortization on billboards will negatively affect the City of Helena. Billboards are essential for advertising local businesses and services. Amortization will discourage investment in billboard advertising and lead to reduced economic activity. This, in turn, will create cascading effects on local businesses, employment, and the overall fiscal health of the community. We believe that amortization is unfair. Amortizing billboards infringes upon property rights, including those protected by the United States Constitution. The Fifth Amendment's Takings Clause requires just compensation when private property is taken for public use. Billboards are valuable advertising assets, and subjecting billboard owners to amortization will constitute an unconstitutional deprivation of property. The Federal Highway Administration's policy states that the removal of legal billboards along federal roadways requires payment of just compensation in the form of cash compensation. Congress has also repeatedly rejected amortization. In 1978, they amended the Highway Beautification Act to clarify that "just compensation shall be paid upon the removal" of billboards. Attempting to remove billboards through amortization would put the City of Helena at risk of violating the Highway Beautification Act and losing federal funds for their state. We urge the City of Helena to maintain the existing billboard code, 75-15-123, and to completely omit amortization from the Sign Code Update. Thank you for considering our position. Please don't hesitate to contact me at 801-244-6545 or nyoung@yesco.com if you have any questions. Nathan T. Young

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Tuesday, October 10, 2023 4:59 PM
To: Jacob Garcin; Michael Alvarez
Subject: montanatom1950 completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

montanatom1950 just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Awesome. I support all aspects of the proposed sign codes. I especially am pleased to see that the new ordinance would codify "Abandoned Signs" and mandate their removal. See Shopko, Bed Bath and Beyond and many others for reasons to like this new ordinance.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Wednesday, October 11, 2023 5:48 PM
To: Jacob Garcin; Michael Alvarez
Subject: Katie.W completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Katie.W just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Hello, I'm reaching out on behalf of BestMed Urgent Care of Helena. Using billboards as a canvas to communicate with the community and potential patients was integral to our marketing campaign as we opened a new Urgent care clinic. Partnering with the YESCO billboard group enabled us to share messaging about our new healthcare facility so we can better serve the community. We continue to use billboards as part of our marketing campaigns and hope to do so in the future.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Monday, October 16, 2023 10:54 AM
To: Jacob Garcin; Michael Alvarez
Subject: kpatterson completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

kpatterson just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

I am writing in full support of the sign code update. I appreciate the care and thought that was taken in drafting this update, not just for the aesthetics of the community, but for the safety of drivers as well.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Monday, October 23, 2023 12:56 PM
To: Jacob Garcin; Michael Alvarez
Subject: Shane completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Shane just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

I recognize the importance of signage to help people locate businesses. However, I don't feel that the signs need to completely dominate the views that one sees while driving along a major road. Many of the major roads in Helena look like they are straight out of the 80's with tall signage for every business. Small monument signs would suffice in many situations. On the subject of billboards, I find them to be the most visually obtrusive forms of advertising. In an area like Helena that has amazing scenery, it is a shame that the view is cluttered with billboards. Digital billboards are even worse due to their bright light emissions and changing nature. Lighting regulations would be nice to reduce light pollution in the city. Disallowing upward facing lights and requiring a timer on signs for business that are not open would be nice. Why does Starbucks need a fully lit sign at 3 AM?

INTERNATIONAL SIGN ASSOCIATION
1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org
WWW.SIGNS.ORG

NORTHWEST SIGN COUNCIL

October 19, 2023

City of Helena Mayor Wilmont J. Collins

Honorable Mayor Collins:

I am contacting you on behalf of the Northwest Sign Council (NWSC) and the International Sign Association (ISA), representing the on-premises sign industry. Both organizations work with jurisdictions throughout the Northwest to assist in the creation of beneficial and enforceable sign regulations.

The proposed sign regulations are not business friendly and will place an economic burden or limit economic opportunities for the business community. Some of the issues includes: a severe reduction in allowable wall sign area from 30% of the façade to 3%, an increase in hold time for electronic signs from 7.5 seconds to 8 minutes and a 50% reduction in the allowable area for electronic signs. In addition, the proposed changes are not in concert with City of Helena's 2019 Growth Policy or the 2015 SCOTUS decision Reed v. Town of Gilbert.

2019 City of Helena's Growth Policy Land Use 3 pg. 3.21

The proposed sections of the code that require additional limitations and regulations on sign types such as: a severe reduction in the allowable sign area for wall signs, a 50% reduction in the allowable area for electronic signs, and an increase in the hold time for messages on electronic signs from 7.5 seconds to 8 minutes conflicts with the 2019 City of Helena's Growth Policy Land Use 3 pg. 3.21, which states the following:
Land Use Goals & Objectives
Goals
[G.01] Promote and sustain Helena's economic vitality, supporting existing businesses and attracting a diverse range of economic sectors that provide employment opportunities.

The proposed sign code amendments are not in concert with this goal of Helena's Growth Policy since the proposed amendments may very well be in direct conflict with this goal since the noted amendments to the sign code may not: promote and sustain Helena's economic vitality, support existing businesses and limit employment opportunities. Sign code regulations need to directly support adopted land use policies. The proposed sign code amendments do not support Helena's 2019 Land Use Growth Policy for Land Use Goals and Objectives.

11-23-2: DEFINITIONS: Monument Sign pg. 5

A monument sign is defined to not exceed 6' in height. We recommend that monument signs be allowed so as to not exceed 12' in height. The American Planning Association document "Street Graphics and the Law states the following: "Based on the research, the USSC minimum height standard for copy on signs placed on roads … is no less than five feet above grade." This is due to safety issues to ensure adequate visibility and a reasonable viewer reaction time, considering the blocking potential of other vehicles on the road.

INTERNATIONAL SIGN ASSOCIATION
1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org
WWW.SIGNS.ORG

NORTHWEST SIGN COUNCIL

Therefore, due to safety and visibility issues, we recommend that the minimum height for monument signs be 12' above grade. (The referenced document Street Graphics and the Law previously sent to Michael Alvarez.)

11-23-4: EXEMPT SIGNS B. TEMPORARY SIGNS pg. 8

This section is too vague since it does not describe the type, size and number of temporary signs that are allowed, except for the signs by district which is too restrictive since the number of signs allowed do not accommodate sufficient free speech allowances. For instance, the draft only allows for a temporary sign not to exceed 12 sq. ft in the B-1 District and 25 sq. ft, which may not safely function as intended due to visibility and legibility issues. See attached references *Best Practices in Developing Temporary Sign Regulations* and *Content Neutrality Post Reed & Austin*.

We recommend working with the stakeholders, such as the business community, sign companies, realtors, etc. to develop reasonable temporary sign regulations that will work in Helena.

11-23-6: SIGN LIGHTING STANDARDS: B.C. D. H. pg. 13

Section H. of the Lighting Standards propose hold time for electronic signs is 8 minutes, the existing code has a hold time of 7.5 seconds per message. We recommend allowing animation with no flashing as stated in the existing code. Many of the existing electronic signs do not comply with the existing 7.5 second hold time. The proposed standard will not be supportive of the business community and others. In these highly competitive times for brick-and-mortar businesses the need to provide information to the public is critical. The attached study Digital Signs and Traffic Safety: A Statistical Analysis states the following: "The data revealed there is no significant increase in crash frequency after the installation of on-premise digital signs."

Therefore, we recommend to allow for animation with electronic signs.
(Section 11-23-3: PROHIBITIONS: 2. Would need to be amended as follows:
2. Flashing and blinking~~, scrolling, video, or varying light intensity signs~~. Section 11-23-6 Sign Lighting Standards would need to be amended to allow for animation and Section H on message hold time deleted.)

Section B. of the Lighting Standards proposes a daytime limitation of electronic signs and a nighttime limitation that is about 4 times as bright as our recommendations in the attached document, Recommended Night-time Brightness Levels for On-Premise Electronic Message Centers. Daytime limitations are not needed since we have not seen any issues or complaints during the daytime, especially with automatic dimming. Brightness issues are the most common issue with regulating electronic signs. We recommend our .3 footcandle approach for nighttime brightness limitations. This standard is easy to enforce and has been adopted by at least 3 jurisdictions in Montana that we are aware of including: Kalispell, Hamilton and West Yellowstone. See attached Recommended Illumination Standards for electronic signs which includes some model language.

Therefore, we recommend no daytime brightness limitations and our brightness standards to ensure that electronic signs are not too bright.

INTERNATIONAL SIGN ASSOCIATION
1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org
WWW.SIGNS.ORG
NORTHWEST SIGN COUNCIL

Section C of the Lighting standards proposes a limitation of 50% of the sign area or 75 sq. ft. whichever is less. The existing code does not have a limitation on the area of electronic signs other than what is allowed in a zoning district. Since EMCs are no brighter than a typical static sign if our illumination standards are utilized, we do not see any justification to limit the allowable area. In addition, electronic signs pose no safety issues as previously noted and are similar in brightness to static signs. The business community along with the sign companies should be able to determine the appropriate size needed within the zoning limitations to meet their needs.

C. FREESTANDING SIGN: 1. GENERAL STANDARDS: pg. 18

This section only allows for one freestanding sign per principal building. We strongly recommend that one freestanding sign be allowed per street frontage and an additional freestanding sign be allowed for each outlet where a project has multiple buildings. This will ensure safe and effective freestanding signs for corner parcels and developments that include outlots.

Therefore, we recommend that one freestanding sign be allowed per street frontage and one additional freestanding sign for outlots.

WALL SIGN Table 1. pg. 24

The proposed wall area allowances for commercial, industrial and airport districts represent a decrease in allowable area from 30% to 3% of the building facade and 300, 200 or 100 square feet to 24 square feet. These proposed standards are not reasonable. The proposed standard of 24 sq. ft. may very well result in signs that are not legible depending on the viewing distances, ROW widths and speed limits. This will result in many existing wall signs becoming non-conforming.

We recommend maintaining the existing wall area standards of 30% of the building façade to not make many existing signs nonconforming, placing a burden on the business community.

Therefore, we recommend that the area limitation of 50% or 75 sq. ft. section be deleted.

Legal Issues

Content Neutrality B. Direction Sign pg. 17

The section for directional signs conflicts with Reed v. Town of Gilbert. This section should refer to this sign type as a minor sign or a similar type of term with no reference to content. See attached reference Content Neutrality Post Reed and Austin.

Substitution Clause

Sign codes should contain a substitution clause, as recommended in the reference Content Neutral Signs Codes Post Reed & Austin. A substitution clause simply allows a sign to substitute a noncommercial message on any

INTERNATIONAL SIGN ASSOCIATION
1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org
WWW.SIGNS.ORG

NORTHWEST SIGN COUNCIL

sign that permits a commercial or another noncommercial message. This simply clarifies that a sign code regulates only the physical characteristics of the sign and not its message.

We appreciate your consideration of these recommendations. Do not hesitate to contact me with any questions at 480-773-3756 or james.carpentier@signs.org

Sincerely,



James B. Carpentier AICP
Director State & Local Government Affairs

Cc
Zoning Commission
Michael Alvarez

7505 Entryway Drive
Billings, MT 59101

O: 406.252.7181
F: 406.252.7690
W: lamar.com/Montana

October 23, 2023

City Zoning Commision
Helena, MT

To Whom It May Concern,

Per our previous submission which is attached; we at Lamar value our partnerships with the cities we operate in and are thankful for the opportunity to be heard.

As mentioned, we are particularly concerned by the recent addition of the proposed deadline of 10 years to remove billboards after enactment of the proposed ordinance. This provision not only conflicts with the way the City of Helena has traditionally handled zoning changes and resulting nonconforming uses, but also constitutes a taking under the Montana and U.S. Constitutions.

The impact of adopting such regulations will be substantial to the business community and nonprofit organizations in the Greater Helena area that utilize outdoor as a cost effective means to get their messages out. This will also affect emergency management services for weather related messaging as well as AMBER Alerts.

A few options that could be considered are (1) adopt the off-premise regulations that are currently in place with the clarification off keeping on-premise and off-premise separate for both traditional static billboards as well as electronic billboards. (2) open to discussion for off-premise changes with the intent to work with Planning and Zoning as well as input from the outdoor industry.

We look forward to working with you on this.

Thank you again for your consideration.

Lamar of Montana

update sample definition

Cetraro

Dax (Village pizza + Rialto)
issue with prohibitions - 11-23-3-
also wants to animate reader board E-2
- Clarify whether ~~all~~ existing flashing signs would be "grandfathered in"

Roger Cox: Sign industry professional
- Design section for Monument signs
- suspended sign height too low (6')
- Floor to low on commercial wall signage
- Projecting Signs @ 10'??
- "The sign shall appear to be free of..." projecting sign
- Town of Breckenridge multi-dimensional aesthetic sign encouragement
- Produce User guide -
  Ex: Town of Frisco, CO sign code user guide

Kathy Macefield:
Better tracking of façade easements
Comment in addition to handout from Pam Ptlardo
- Likes the billboard idea

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Tuesday, October 24, 2023 10:19 AM
To: Jacob Garcin; Michael Alvarez
Subject: Rick completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rick just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Good Morning, I have read the article in the Helena IR regarding the sign code update. My only concern is if you were to get rid of the billboards in ten years , how would the owner of the billboards be compensated. I believe a sunset clause ,which is what you are proposing is illegal. It has been tried in many communities in Montana and each time it has been found that if you want the billboards removed you must pay for them. I would hope that the City of Helena would have better things to do with our tax dollars.

Michael Alvarez

From: megonzo1@yahoo.com
Sent: Tuesday, October 24, 2023 9:20 AM
To: Michael Alvarez
Subject: Sign Code Update Comments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi there

My comment is on digital billboards.

These are great for advertisers and the billboard companies, but there must be a night time setting that reduces how much light they put out at night.

Many times I have encountered very bright lights from the digital billboards at Montana and Cedar while waiting for the light at night.
This is a huge safety concern as the bright lights from the digital billboards affect eyesight during night driving and impair visibility of the driver, who may not notice the pedestrian in the crosswalk, or jaywalking and it also messes with depth perception.

Even a significantly smaller digital sign on Lyndale has created dangerous issues during night driving, when a flash of very bright light is emitted while driving by.

Thank you!
Nicole

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Tuesday, October 24, 2023 9:35 AM
To: Jacob Garcin; Michael Alvarez
Subject: Julie Ackerlund completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Julie Ackerlund just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

I support the 10 year proposal to eliminate billboards fin Helena. Thank you for hearing my earlier comment supporting to eliminate billboards and particularly electronic billboards/digital messaging boards from Helena.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Tuesday, October 24, 2023 2:23 PM
To: Jacob Garcin; Michael Alvarez
Subject: HelenPaulson completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

HelenPaulson just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Please consider current and future public art installations as exempt from sign code update.

Michael Alvarez

From: Sales SOM Bozeman <sales@signsofmontana.com>
Sent: Tuesday, October 24, 2023 9:46 AM
To: pking@nwsigncouncil.org; Mat McCallum; Elizabeth Johnson; Bruce McCallum; William McCallum; Michael Alvarez
Subject: Helena sign code changes

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Day Michael-
I was sent the information regarding Helena sign code changes from the Northwest Sign Council. My husband & I have manufactured and installed signs for 24 years now in Bozeman and do some work occasionally in Helena. I would like to present some suggestions and questions on your proposals.

Are you going to have a temporary sign permit that is approved within 24 hours that is different from the permanent sign permit?

11-23-1 General Maintenance #2 A & C & D
Your timeline should allow sign companies to be able to perform the needed repairs/replacement. Some sign faces take longer to produce than your 10 days and even 30 days. Example: pan faces are made in a mold - custom done. Not every sign company can manufacture these. To get in the queue for production it could take 2-3 weeks for production and a week in shipment. Thus the installation could be 4 weeks in the process. Replacing/repairing channel letters could also take that long. After COVID the supply chain is slower. Let me put it into another perspective - have you tried to get a doctor's appointment or x-ray recently? They are generally weeks out also - not always within 10 days. Your regulation could state showing proof that maintenance/repairs have been ordered.

11-23-2 Definitions
Banners - why can they not be vertically also?

11-23-3 Prohibited
#1 Why not allow fluttering signs for grand openings, sales, closures, etc with a temporary sign permit? The business benefits and the city makes more revenue.
#2 Gas pricers that change digits as gas prices change are a scrolling. Are you saying here they are eliminated?
#5 Reflective signs you say are prohibited. Are you now saying all street signs, stop signs, directional signs are not reflective? You are creating a safety issue here. Even businesses should be allowed entry/exit directionals as reflective since the city is allowed their own regulations.

11-23-6 Lighting
#E wall signs not to be electronic. Gas pricers can be mounted to walls and need to change their prices daily or weekly as prices change. How can they be allowed in this regulation?
#G Residential district sign to turn off when business closes. Why not give a

time set like 8pm or 9 pm? This is discrimination against a business who is trying to survive and advertise their business. If they operate 9-5, they are missing a few more hours of advertising.

11-27-8 Removal
#C abandoned/vacated sign location. If the economy suffers a downside, locations could take several months to rent/lease to new tenant. You should allow property owner to flip faces or paint over faces to cover old business name until new tenant gets a sign permit. Leaving a sign without faces causes damages to the interior of the sign from snow/rain/winds. I think the 90 days is a rather short timeline if the economy suffers recessions.

Projecting Signs #1C and Roof Signs #1B- free of extra supports, etc.
I see you are considering only the visual look of the sign. You should include that a structural engineer make the determination regarding extra support for the sign based upon the integrity of old bricks on the building or wind load, etc., should extra support be needed. Supports can be designed to look good. I am sure you allow cables/supports for entryway wooden and metal awnings as a visually good look.

Windows: You are allowing only first floor window graphics. You have excluded the business on the second floor that does not have access to the first floor windows. Why can they not be allowed to have the same 25% window graphic to show their business? This is discrimination. It could mean the the property owner would be unable to lease second floor business locations.

I leave the determination of your light regulations on electronic message centers to the companies that produce them to suggest if you are being too restrictive in your new regulations. These are part of new signage types for the industry. We need to be able to expand signage to new technology. I am sure you do not restrict doctors from using new technology - nor restrict computer companies/ phone manufacturers from improving & producing better/faster technology. Why discriminate against the sign industry?

Thank you for listening to sign companies.
Mary Lou McCallum
Owner
Gallatin Valley Signs, LTD
DBA: Signs of Montana
400 E. Bryant Street
Bozeman, MT 59715

--
Please Note: New Business Hours
Monday - Thursday 7:30 AM - 5:00 PM
Friday 7:30 AM - 12:00 PM
New Shipping / Receiving Hours
Monday -Thursday 8:00 AM to 11:00 AM & 1:00 PM to 4:00 PM
Friday: No deliveries will be accepted on Fridays. No Exceptions!



SALES@SIGNSOFMONTANA.COM | WWW.SIGNSOFMONTANA.COM

Follow us on Facebook: https://www.facebook.com/signsofmontana

Confidentiality Notice: *This information is intended only for use by the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any unauthorized review, use, distribution, or copy is prohibited. If you have received this communication in error, please inform the sender immediately by replying to this message and then destroy all copies of the original message.*

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Tuesday, October 24, 2023 12:47 PM
To: Jacob Garcin; Michael Alvarez
Subject: Rubin J. Ackerman completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rubin J. Ackerman just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

This is government overreach and we don't want this type of dictatorship in or around Helena, MT. Perhaps some updates are needed but this is unacceptable as written and why hasn't there been more time allowed for public input? Seems very shady to me. You know... quietly changing the laws to make "here" more like "there" without too much kerfuffle. Sneaky and low! If you liked "there" so much, go on back. STOP TRYING TO CALIFORNIA MY MONTANA!

From: James Carpentier <James.Carpentier@signs.org>
Sent: Tuesday, October 24, 2023 8:10 PM
To: Michael Alvarez <MALVAREZ@helenamt.gov>
Cc: David Hickey <David.Hickey@signs.org>
Subject: SLC Vintage Sign Code

Hi Michael,

Here is the SLC vintage sign code, which is my favorite buy far! Really well done. Also an article that I wrote on the same topic. Also can assist with the concept on creative signs!

James Carpentier, AICP

Director, State & Local Government Affairs

International Sign Association

480.773.3756 / james.carpentier@signs.org

Signs.org / SignExpo.org

21A.46.125: VINTAGE SIGNS:

A. The purpose of this section is to promote the retention, restoration, reuse, and reinstatement of nonconforming signs that represent important elements of Salt Lake City's heritage and enhance the character of a corridor, neighborhood, or the community at large.

B. Notwithstanding any contrary provision of this title:

1. An application for designation of vintage sign status as well as for the reinstatement of, modifications to, or relocation of a vintage sign shall be processed in accordance with the procedures set forth in chapter 21A.08 and section 21A.46.030 as well as the following:

Application: In addition to the general application requirements for a sign, an application for vintage sign designation or modification shall require:

a. Detailed drawings and/or photographs of the sign in its current condition, if currently existing;

b. Written narrative and supporting documentation demonstrating how the sign meets the applicable criteria;

c. Detailed drawings of any modifications or reinstatement being sought;

d. Detailed drawings of any relocation being sought; and

e. Historic drawings and/or photographs of the sign.

2. The zoning administrator shall designate an existing sign as a vintage sign if the sign:

a. Was not placed as part of a Localized Alternative Signage Overlay District and has not been granted flexibility from the base zoning through a planned development agreement or by the historic landmark commission;

b. Is not a billboard as defined in section 21A.46.020 of this chapter;

c. Retains its original design character, or that character will be reestablished or restored, based on historic evidence such as drawings or photographs; and,

d. Meets at least four (4) of the following criteria:

(1) The sign was specifically designed for a business, institution, or other establishment on the subject site;

(2) The sign bears a unique emblem, logo, or another graphic specific to the city, or region;

(3) The sign exhibits specific characteristics that enhance the streetscape or identity of a neighborhood;

(4) The sign is or was characteristic of a specific historic period;

(5) The sign is or was integral to the design or identity of the site or building where the sign is located; or

(6) The sign represents an example of craftsmanship in the application of lighting technique, use of materials, or design.

3. A designated vintage sign may:

a. Be relocated within its current site.

b. Be modified to account for changing uses within its current site. These modifications shall be in the same style as the design of the original sign including:

(1) Shape and form,

(2) Size,

(3) Typography,

(4) Illustrative elements,

(5) Use of color,

(6) Character of illumination, and

(7) Character of animation.

c. Be restored or recreated, and reinstated on its original site.

d. Be relocated to a new site for use as a piece of public art, provided that the original design and character of the sign is retained, or will be restored, and it advertises a business no longer in operation. Vintage signs may only be relocated for use as public art to sites in the following districts: D-1, D-2, D-3, D-4, G-MU, CSHBD1, CSHBD2, FB-UN2, FB-UN3, FB-SC, FB-SE, TSA.

e. Be relocated and reinstalled on the business's new site, should the business with which it is associated move, provided that the business's new location is within the same contiguous zoning district as the original location.

4. Once designated, a vintage sign is exempt from the calculation of allowed signage on a site. (Ord. 64-21, 2021: Ord. 45-18, 2018)

General Public Comment Form

The following information will be archived in a public record database, accessible online. To view all submitted comments visit the Public Comment Repository.

Control has templatized attribute(s) with invalid templatized dependencies. Invalid dependencies: [63ABA158]. Please edit to correct and then save and reload the form.

First Name: Chelsia

Last Name: Rice

EMail: chelsia@mtbookco.com

Address: 331 N Last Chance Gulch

City: Helena

ST: MT

Zip Code: 59601

Phone: 4064430260

Please enter your public commentary below. This is generic public comment form and will be archived, as such. The Mayor and City Commissioners will recieve a copy of this form. For those wishing to speak directly to their elected officials on specific agenda items, attendance of a public meeting is strongly encouraged.

Meeting agendas can be found here: Agenda Archives

You may also reach out directly to the elected officials via email by visiting: Mayor & Commissioners Page

If you have a request for service, please download the My Helena App or visit: My Helena App.

Join a conversation with other citizens at Helena's Public Engagement website: Be Heard Helena.

***If you register a question in the comment section below please note, the question will be recorded as general public comment and may not necessarily receive a response.**

Date

10/24/2023 5:44 PM

Comment Type:

- ○ General Public Comment - no related agenda
- ● Regular City Commission
- ○ Administrative Meeting
- ○ Special Meeting / Work Session
- ○ Boards/Committee Meeting

Meeting Date (if applicable):

10/24/2023

Agenda Item Reference: (Please indicate agenda section including the number & letter. Example: 12B)

Billboards

Public Comments:

Helena City Commissions, Mayor Collins:

It came to my attention today that there is discussion about the eventual elimination of billboards in the City of Helena. I am writing to you to express my concern about this move and to ask you to reject it.

Though some of the billboards are light pollution and distracting, traditional billboards are one of the few methods in which local businesses, nonprofits, healthcare entities, etc. can advertise their services. Our newspaper distribution has dwindled to under 4000, many people do not read digitally and if they do advertising on the platform or in the paper has become - quite frankly - a waste of money. Other traditional advertising routes no longer have the impact they once had. Radio is being replaced by streaming services where advertising is a moot point. We are left with social media, some of which has gotten so toxic that we have had to discontinue use.

Though some billboards can be an eye sore or can even be upsetting to some, they are one of the last remaining traditional methods for gaining the public's eye. In particular, an event that we are having at St. Paul's in November in conjunction with the YWCA, Montana Budget and Policy Center, and Montana Women Vote will need to draw at least 300 people and the venue holds 500 people. I need the to draw as many people as possible and a billboard is one of the best methods for public exposure.

So here's my pitch because I hate complaints without solutions. Digital billboards are light polution. They are awful and distracting. Perhaps some regulation needs to be placed upon these. Perhaps there is a grandfathered amount of billboards and no more are added to our city limits.

I cannot imagine total elimination and I hope you'll consider alternatives if this is the discussion.

Sincerely,

Chelsia Rice, Owner
Montana Book Company.

If appropriate, someone may contact you. Would you like to be contacted by a City representative?

- ● Yes
- ○ No

What is your preferred method to be contacted?

- ● Email
- ○ Phone
- ○ Mail

Public Information Acknowledgment

- [x] I certify I am over the age of 18,and I understand that by submitting this form the information provided is considered a public record pursuant to Title 2 Chapter 6 of the Montana Code Annotated

Signature



From: James Carpentier <James.Carpentier@signs.org>
Sent: Tuesday, October 24, 2023 8:47 PM
To: Michael Alvarez <MALVAREZ@helenamt.gov>
Subject: Enforcement issues

I heard a number of concerns with enforcement. With the variability of electronic signs we find that an signed affidavit be required prior to permit issuance for electronic signs can assist. The affidavit includes the code requirements for EMCs and the owner agrees to meet code or may be subject to enforcement action. This assists with EMC enforcement issues since the owner is aware of the code. Let me know if you have any questions.

Thanks

James Carpentier, AICP
Director, State & Local Government Affairs
International Sign Association
480.773.3756 / james.carpentier@signs.org
Signs.org / SignExpo.org

ZONING & SUBDIVISION ORDINANCES
NASHUA, NEW HAMPSHIRE

Section 16-245 (b)(2) – Electronic Message Center

a. The changing sign (electronic) may not exceed fifty (50) percent of the area of the sign or fifty-two (52) square feet, whichever is smaller.

b. The changing sign (electronic) shall be restricted to three (3) lines of text only and no additional symbols, graphics or images shall be allowed. Signs which are restricted to the display of current local time and the current local temperature shall be restricted to one (1) line of text.

c. All illumination elements on the face of a changing sign (electronic) shall remain at a fixed level of illumination for a period of not less than five (5) seconds.

d. Changes from one message to another shall be accomplished by the change of all illumination elements on the face of a changing sign (electronic) simultaneously, with the provision that the sign may fade to complete darkness and then re-illuminate with or fade to the new message.

e. Changing signs (electronic) shall be equipped with the ability to adjust the brightness of the sign, and shall not be operated at a brightness which is substantially greater than other sources of illumination in the area. The development and adoption of specific brightness criteria by the planning director shall be considered as a part of this section, and all signs permitted under the provisions of this chapter, including those permitted prior to the development of such criteria, shall be subject to any such criteria as they are developed.

f. The applicant for a sign permit for a changing sign (electronic) under the provisions of this chapter shall provide with his application an affidavit, sworn or attested by the land owner and by the applicant, attesting to the facts that:

    1. The sign to be installed meets all of the criteria set forth in this chapter; and

    2. That the sign shall be operated in a manner consistent with the criteria set forth in this chapter; and

3. That the landowner and applicant agree to be held liable, separately or collectively, if these provisions are not met, for any fines arising from such violation. This provision shall not be construed to relieve any other responsibility or remedy for such violation set forth in this chapter.

BY SIGNING BELOW, I ATTEST THAT I HAVE READ AND UNDERSTAND SECTION 16-245 (b)(2), AND WILL ADHERE TO THE PROVISIONS SET FORTH THEREIN:

Land Owner Signature:_____ Land Owner (Print name):_____

Applicant Signature: _____ Applicant (Print name):_____

ECM-affidavit

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Wednesday, October 25, 2023 12:11 PM
To: Jacob Garcin; Michael Alvarez
Subject: Marcy Reher completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Marcy Reher just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Hello, As the Brand Creative Specialist at St. Peter's Health, part of my job is handling our organization's signage. We have very large buildings on our campus and have encountered barriers in the past to adding façade signage due to what we find to be limits to allowable sign space. The Regional Medical Center, for example, has 4 different entrances and approximately 25 different departments that serve the community. Having more square footage to work with on our buildings would help greatly with visibility and wayfinding. When a patient needs to get to the Urgent Care or Emergency Room quickly, proper signage, literally, can be life-saving. We are very much in favor of revamping the code so that the maximum signage allotment is a percentage of the overall façade space rather than a blanket amount of square footage. In regards to the proposal to phase out billboards within the city limits in the next 10 years, we would generally be against this proposal unless there is a defined plan for replacement of large, off-site signage inventory that is easily viewable by the public. Large, off-site signage is a standard and effective way to share health and other important system information within our service area. Thank you for this opportunity to provide input, Marcy Reher Brand Creative Specialist St. Peter's Health

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Wednesday, October 25, 2023 10:32 AM
To: Jacob Garcin; Michael Alvarez
Subject: billredd completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

billredd just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

I think signs are excessively bright right now. The east side of town is bad.

SCENIC AMERICA

October 25, 2023

Michael Alvarez
City Community Development Department
316 N Park Ave, Rm 445
Helena, MT 59623

RE: City of Helena Sign Code Update

Scenic America appreciates the opportunity to provide comments to the City of Helena regarding the proposed sign code updates. Scenic America, a nonprofit organization dedicated to preserving and enhancing the scenic beauty of our nation's communities, would like to commend the City of Helena for its proactive efforts in revising their sign ordinances.

Scenic America fully endorses the city's consideration of scenic beauty over scenic blight, and we applaud your commitment to creating policies that work for the benefit of the community. We believe that the removal of off-premises signage over the next decade, as proposed in the sign code revision, is a significant step toward achieving a more visually appealing and safer environment in Helena. The proposed removal of billboards comes with a multitude of advantages that can significantly enhance the city's overall quality of life and well-being:

- **Improved Aesthetics**: One of the most apparent advantages of removing billboards is the immediate improvement in the city's visual appeal. Billboards, often large and imposing, can dominate the landscape and distract from the natural beauty of the surroundings. The elimination of billboards creates a cleaner visual environment, making it easier for residents and visitors to appreciate the city's architectural, cultural, and natural assets without the distraction of numerous advertising signs.[1]

- **Tourism:** Billboard removal can help restore the scenic beauty that makes Helena a unique and attractive place to live and visit. A more visually appealing and uncluttered cityscape can attract more tourists who seek a serene and scenic environment, leading to an increase in tourism-related revenue for the city.[2]

- **Increased Safety**: By removing billboards, the city can enhance safety on its roadways. Numerous scientific studies have shown that billboards, especially digital billboards, creates distractions for drivers and leads to traffic accidents. The elimination of these distractions can contribute to a safer and more secure environment for all residents and visitors.[3]

- **Preservation of Cultural and Historical Sites**: Helena boasts a rich cultural and historical heritage. Removing billboards contributes to preserving community character and authenticity, allowing residents and visitors to better connect with their community.

[1] McMahon, "Billboards: The Case for Control," June 20, 2023.
[2] Scenic America, "Case Study: Vermont's Billboard Ban," April 13, 2023.
[3] Wachtel, "Compendium of a Decade's Worth of Research Studies on Distraction from Digital Billboards," October 16, 2020.

- **Environmental Benefits**: Billboards require a large consumption of materials and the removal of trees and vegetation.[4] Additionally, digital signs leave a large carbon footprint with their electronic requirements and can disrupt nocturnal animal movement and migration.[5] Billboard removal can lead to a reduction in resource consumption, waste production, and the energy required for maintenance, contributing to environmental sustainability.

- **Economic Benefits to Cities:** Removing billboards and other forms of outdoor advertising can lead to substantial economic benefits for cities via the elimination of regulatory and maintenance costs, increasing property values, and the promotion of tourism. It is a common misconception that billboards are economically advantageous to cities, as off-premises advertising primarily benefits large companies, with minimal direct economic contributions to local businesses.[6] Additionally, billboards that increase visual blight have been shown to reduce adjacent property values, especially in areas with historically marginalized people.[7] Cities may also incur costs associated with regulating the placement and maintenance of billboards, including the enforcement of zoning laws and sign ordinances.[8] Conversely, tourism has been shown to increase in cities and states that have banned billboards, as community beautification increases commercial desirability.[9]

We also appreciate the attention given to on-building signage and lighting standards. We particularly support the language for limiting the size of under-marquee, under-awning signs, canopy, and directional signs. Setting standards for reducing visual clutter enhances the overall tranquility and legibility of the city's landscape, allowing residents and visitors to better appreciate the city's natural beauty, architectural features, and cultural landmarks.

Lastly, we would like to address the use of digital and illuminated signage for on-premises signs. We agree with the proposed language that sandwich boards cannot be illuminated, illuminated signs must be turned off after business hours, electronic messages cannot exceed 7650 nits between sunrise and sunset and 1350 nits between sunset and sunrise, a limitation on face-switching of 8 minutes, and a limitation on color temperature between sunrise and sunset. While we appreciate the efforts to regulate the size of electronic message displays, we would like to suggest that the allowable size of such displays be further reduced from the current maximum of seventy-five (75) square feet. Electronic messages can be visually overwhelming and disruptive in the urban landscape, more so than unilluminated or static signs. Additionally, electronic signs can be a significant visual distraction for both pedestrians and drivers. Moreover, these electronic signs may contribute to light pollution, negatively affecting the night sky and making it difficult to enjoy stargazing.

[4] Floyd, "Trees, Billboards, and the Right to be Seen from the Road."
[5] Pidd, "Manchester Electronic Ad Boards Each Use Electricity of Three Households."
[6] OAAA, "Top OOH Product Categories and Advertisers - OAAA."
[7] Snyder, "Beyond Aesthetics: How Billboards Affect Economic Prosperity," December, 2011.
[8] Scenic America, "Just Compensation," April 13, 2023.
[9] Scenic America, "Case Study: Vermont's Billboard Ban," April 13, 2023.

SCENIC AMERICA

A decision to gradually remove billboards and impose stricter regulations on on-premises signs in Helena will reflect a forward-thinking approach that prioritizes the well-being of the community over commercial advertising. Scenic America fully supports the City of Helena in its commitment to enhancing the city's scenic beauty and improving the lives of those who call Helena home.

Sincerely,



Mark Falzone, President
Scenic America

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Wednesday, October 25, 2023 3:05 PM
To: Jacob Garcin; Michael Alvarez
Subject: Abby completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Abby just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Thank you for the opportunity to comment on the proposed sign updates. I am writing in support of the updates , specifically 11-23-3 section E prohibiting flashing, blinking, scrolling video signs and billboards. The e-billboards on North MT Avenue, the corner of MT and Cedar, and the interstate are very bright and distracting to drivers. They pose a safety concern and are take away the charm of the city. There are also a lot of very bright and flashing signs for businesses all over town from coffee shops to casinos that cheapen the look of the city. Businesses could use other ways to draw attention to their business by making their own unique signs with soft lighting following the lighting standards in 11-23-6 or restoring their ghost signs. Less is more when it comes to signs. Some businesses that have beautiful signs are The Gold Bar, Old Salt, Silverstar, On Broadway, Park Avenue Bakery, Birds and Beasley's. Their signs are not bright or flashy but they are still successful in drawing people into their business. Thank you for your time and consideration. Abby Hunthausen

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Thursday, October 26, 2023 2:07 PM
To: Jacob Garcin; Michael Alvarez
Subject: bill c completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

bill c just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Thanks for this opportunity to comment. My wife and I live near the Capitol. We can see some signs from our home. Some are innocuous, but others are a nuisance. One, in particular (at Montana Eye Care), flashes bright and fast-changing lighted messages all day and all night (words, pictures, etc). It's unfortunate that when I look out our front window to gaze at the Big Belts and the Sleeping Giant, my view also includes that garish electro-monstrosity. From what I could see in the proposed ordinance revisions, "electronic message signs" would continue to be allowed. I was sorry to see that. The one near our home detracts from our view. I'd also bet that it distracts drivers on Montana Avenue. I would also like to see any allowed signs limited in height so that views of Mount Helena and Mount Ascension and the cathedral spires are not impeded. Helena is unique in its historic and mountainous skyline; why let tacky signs get in the way of such wonderful views? This is not Las Vegas or Reno; let's keep any signage low to the ground so that can easily see the sights for which our city is known. Best regards.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Wednesday, October 25, 2023 3:35 PM
To: Jacob Garcin; Michael Alvarez
Subject: Davy Blade completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Davy Blade just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Digital signs should be prohibited from displaying flashing / strobing images. These type of images are distracting and are a serious issue for some drivers. They also are a significant distraction when the high traffic areas on Prospect and 12th Avenues are traveled by emergency vehicles from Fire Department and Hospital ambulances.

Michael Alvarez

From: Mary Musil <marymusil@gmail.com>
Sent: Friday, November 3, 2023 3:00 PM
To: Michael Alvarez
Subject: In favor of removing billboards

[You don't often get email from marymusil@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am immediately and forever in favor of removing billboards from our city (and county if possible). Billboards are ugly and annoying things that are a blight on our town and on our lives and our mental health. The city and county of Ketchum and including Sun Valley Idaho has no billboards, making their community very calm and inviting. Upon arriving to their town, it felt clean, beautiful and smart. At first I didn't recognize why. And then… I realized. No Billboards Anywhere! In Europe ad well, they don't allow billboards. We can remove them. We will all be better for it.
Thank you for putting this proposal forward. It can't come soon enough!

Mary Musil
556 Sparta St., Helena, MT 59601

Sent from my iPhone

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Monday, November 6, 2023 9:04 AM
To: Jacob Garcin; Michael Alvarez
Subject: Rob Freistadt completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rob Freistadt just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Great ideas! Some signs are very distracting to drivers and cheapen the “feel” of our city.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Friday, November 17, 2023 10:49 AM
To: Jacob Garcin; Michael Alvarez
Subject: MM completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

MM just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Yes, please eliminate the tackey blinking/flashing lights and billboards. This isn't the Vegas strip or the 1970' anymore. The east and west entrances to Helena are already uninviting with all the casino's, fast food joints, and ugly, mostly dead landscaping. The outdated signage does not help.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Saturday, November 18, 2023 6:23 AM
To: Jacob Garcin; Michael Alvarez
Subject: Rick completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rick just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

The planning board is trying to put in a Sunset Clause to get rid of Billboards, this has been tried in other communities and has found to be illegal unless you compensate the owners of the billboards. If you look at most of the billboards in Helena, they are sold to local businesses which to me says there is a need for the billboards. I would hate to see any tax dollars being used to not only compensate the billboard company but also the cost of defending the code in a courtroom.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Friday, November 17, 2023 7:52 AM
To: Jacob Garcin; Michael Alvarez
Subject: JH completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

JH just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Please address yard signs too. There's a time for them but perpetual virtue signaling has become an eye sore in our neighborhoods. Maybe frame around election seasons.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Saturday, November 18, 2023 9:23 AM
To: Jacob Garcin; Michael Alvarez
Subject: River completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

River just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

As a Helena native I have watched in horror the deterioration and degradation of what used to be called “The Queen City”. In the 70’s, “Urban Renewal” started the destruction of our history and charm. The lack of city ordinances regarding advertising and signs in Helena has created a Las Vegas feel! Neon flashing signs and huge billboards should be banned and replaced with trees and landscaping. All roads leading into Helena are lacking character, ugly, and uninviting. The only message the city of Helena portrays is “buy this” and “think that”. I miss our former “Queen City”. TREES NOT SIGNS.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Friday, November 17, 2023 2:19 PM
To: Jacob Garcin; Michael Alvarez
Subject: Macy McCauley completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Macy McCauley just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Thank you for doing this! There is nothing worse than driving into our beautiful town and being smacked in the face with a giant billboard advertisement or towering Starbucks sign. It's awful. I think removing those billboards would de great thing for our city. We are constantly surrounding by advertisements and these gigantic signs are completely unnecessary. I would like to see a height limit placed on signs as well. Everyone knows where Starbucks is or can find it on their phone. We don't need a giant Starbucks sign, or any other sign, towering over and obstructing the views of the mountains and our beautiful Helena land marks.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Sunday, November 19, 2023 7:42 PM
To: Jacob Garcin; Michael Alvarez
Subject: Leslie Bass completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Leslie Bass just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

I would like very much to get rid of all billboards. They are more of a distraction while driving. Minimizing the height flashing lights make it difficult to see the road at night. With the use of Google maps it is easier to find businesses without needing unnecessary signage.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Monday, November 20, 2023 8:25 AM
To: Jacob Garcin; Michael Alvarez
Subject: Valorian completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Valorian just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

I don’t know how it would be addressed or worded or whatever, but the sign at the Ramada/Family Roots on 11th? Crazy blinding at night, for me anyway. So there should be something about nighttime sign brightness.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Monday, November 20, 2023 2:25 PM
To: Jacob Garcin; Michael Alvarez
Subject: sforrest completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

sforrest just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

I really like what I am seeing is more conservative signage laws. I would confide to the city to take a look at the City of Scottsdale which has reduced the height of the signs to around 5-8 feet in some cases.

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Thursday, November 30, 2023 1:55 PM
To: Jacob Garcin; Michael Alvarez
Subject: Mary Koumoutsos completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mary Koumoutsos just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

I work for Optec Displays and we manufacture digital LED signage. A lot of cities are making mistakes when setting city codes for digital signage. They are not understanding the product and how it works. Digital signage can be an eye-sore if the codes aren't set correctly, but it can also be features of communication in the community. Digital signage is controlled by software that can be used to follow city codes in brightness, flashing, movement, etc. The brightness can also be controlled externally by a photo sensor that is similar to the ones featured at parks to control the lights. The sensor automatically dims or brightens the sign depending on the ambient light and weather. Digital signage is also great at cleaning up excessive signage in areas with lots of business, such as multi-tenant areas. The sign's software can advertise multiple messages at one time. This is a great way to keep excess signage to a minimum. Digital signage is great for spreading community messages quickly. For example, with Covid digital signage was able to be used to update communities quickly on closures and new procedures. The software is also able to interrupt current schedules to display urgent community messages, such as missing persons or emergency situations such as fire. I suggest contacting large companies such as mine, to help be the experts in teaching how to signs can be used properly. Only Vegas and NYC need to be big, bold, and flashy. Average cities need simple, clean, and effective messaging to help their community businesses advertise within their community.

Michael Alvarez

From: Kathy Macefield
Sent: Tuesday, November 28, 2023 3:14 PM
To: Michael Alvarez
Cc: Pam Attardo
Subject: RE: Sign Code Update -- Update -- Latest Draft attached!

Thank you for the draft ordinance. First there's a typo on the top of the table on the bottom of page 19, column should state Area. Measurement is misspelled in the second column.

What kind of sign is permitted under 1. GENERAL STANDARDS: a) One sign is permitted per principal building. ? Looks like it's intended to be a free-standing sign? It wouldn't hurt to add the clarification in the standard.

I was glad to see the section on nonconforming billboards and the exemption for ghost signs. Wonder if there should be a statement requiring consultation with the HPO prior to beginning any work on ghost signs?

Window signs in the residential zones include home occupation signs? Has that clarification been added to the Home Occupation chapter?

What distinguishes a minor incidental sign from a major incidental sign? Is it based on sign size, or property size, or building size or trip generation? I don't see it in the definitions – is it described somewhere else?

Why are balloons prohibited while pennants are permitted? They typically don't have signage on them. What about those dancing helium figures that are powered by generators?

Thank you for the opportunity to comment!

Kathy Macefield
Helena/Lewis & Clark County Historic Preservation Assistant
316 N. Park Ave., Room 234
Helena MT 59623
(406) 447-8342

From: Michael Alvarez <MALVAREZ@helenamt.gov>
Sent: Monday, November 27, 2023 3:22 PM
Subject: RE: Sign Code Update -- Update -- Latest Draft attached!

Hello All,
I hope you all had a Happy Thanksgiving!
I have attached a redlined version of the draft's changes, and I apologize for not sending this out with new draft on Wednesday.
As always, my door is open if you have any questions or additional comments.
Best,

Michael Alvarez
Planner II, Community Development Dept.
(406) 447-8459 | malvarez@helenamt.gov | helenamt.gov
Room 403, City-County Building

From: Michael Alvarez
Sent: Wednesday, November 22, 2023 4:14 PM
Subject: Sign Code Update -- Update -- Latest Draft attached!

Hello All,

You are receiving this email because you have provided feedback to the City of Helena on its proposed sign code. The next draft of the sign code (attached here) will be posted on BeHeardhelena.com and to the Zoning Commission Work Session for Dec. 6th's meeting materials on Monday.

Please find some of the larger changes that will be in the draft below:

- City of Helena guidelines for billboards along the Federal-Aid Primary System.
- A new cap and permit system for billboards
- An expansion on the "sign program" section.
- Clarifying legal language

City staff is still seeking guidance from the public and sign industry experts on the following items:

- Examples of different sized on-building signage to consider.
- Billboard standards and locations.

Please also find attached a vintage sign code ordinance from Salt Lake City. After some debate on including similar language in the draft code, city staff is not recommending its adoption unless the zoning commission requests specific language that would sunset certain illumination technology or on-premises sign types (not proposed).

We thank you for the comments we've already received from you and hope you'll continue to stay involved with this project as it moves forwards.
Best,

Michael Alvarez
Planner II, Community Development Dept.
(406) 447-8459 | malvarez@helenamt.gov | helenamt.gov
Room 403, City-County Building

Michael Alvarez

From: john honemann <honemann1@hotmail.com>
Sent: Monday, November 27, 2023 3:46 PM
To: Michael Alvarez
Subject: Re: Sign Code Update -- Update -- Latest Draft attached!

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I firmly believe increasing the size allowed for temporary signs in residential zones is a mistake. Our neighborhoods are already littered with random, divisive and unnecessary signage.

Additionally, the definition of Temporary Sign mentions a limited period of time for display, however that period is not defined (at least I couldn't find it).
I pragmatically understand why you eliminated the start/stop date requirement, but please define "period".

I would like to minimize the visual impacts of signs in our neighborhoods , while protecting speech rights of residents.

Keep the max size at 6sf.

Thank you,

John Honemann
1819 E. Broadway.

From: Michael Alvarez <MALVAREZ@helenamt.gov>
Sent: Monday, November 27, 2023 2:22 PM
Subject: RE: Sign Code Update -- Update -- Latest Draft attached!

Hello All,
I hope you all had a Happy Thanksgiving!
I have attached a redlined version of the draft's changes, and I apologize for not sending this out with new draft on Wednesday.
As always, my door is open if you have any questions or additional comments.
Best,

Michael Alvarez
Planner II, Community Development Dept.
(406) 447-8459 | malvarez@helenamt.gov | helenamt.gov
Room 403, City-County Building

From: Michael Alvarez
Sent: Wednesday, November 22, 2023 4:14 PM
Subject: Sign Code Update -- Update -- Latest Draft attached!

Hello All,

You are receiving this email because you have provided feedback to the City of Helena on its proposed sign code. The next draft of the sign code (attached here) will be posted on BeHeardhelena.com and to the Zoning Commission Work Session for Dec. 6th's meeting materials on Monday.

Please find some of the larger changes that will be in the draft below:

- City of Helena guidelines for billboards along the Federal-Aid Primary System.
- A new cap and permit system for billboards
- An expansion on the "sign program" section.
- Clarifying legal language

City staff is still seeking guidance from the public and sign industry experts on the following items:

- Examples of different sized on-building signage to consider.
- Billboard standards and locations.

Please also find attached a vintage sign code ordinance from Salt Lake City. After some debate on including similar language in the draft code, city staff is not recommending its adoption unless the zoning commission requests specific language that would sunset certain illumination technology or on-premises sign types (not proposed).

We thank you for the comments we've already received from you and hope you'll continue to stay involved with this project as it moves forwards.
Best,

Michael Alvarez
Planner II, Community Development Dept.
(406) 447-8459 | malvarez@helenamt.gov | helenamt.gov
Room 403, City-County Building

Michael Alvarez

From: City of Helena, MT <notifications@engagementhq.com>
Sent: Sunday, December 3, 2023 11:35 AM
To: Jacob Garcin; Michael Alvarez
Subject: Alicia completed Share Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Alicia just submitted the survey Share Feedback with the responses below.

Please submit any comments you have regarding the proposed sign code updates.

Thank you for the opportunity to comment on the proposed changes to the Helena City Sign Ordinance. I fully support the proposal to phase out billboards inside the city limits and only wish the timeline could be shorter than 10 years. The city is growing so fast, 10 years isn't soon enough to assure street traffic and pedestrian safety. The large billboards whether flashing light or not are a driver distraction. I also support the section regarding sidewalk banners, etc. Signs may not be placed on or extend into any public rights-of-way, nor be affixed to any post, tree, or pole located in any public right-of-way or upon any city owned property, including signs held by a person, except for signs placed by authorized agents of the city or except as permitted by Title 7, Chapter 13 of this code. Signs on vehicles parked on public rights-of-way for the express purpose of displaying signage is prohibited. Can the city simplify the complaint process for those flapping flag signs that extend over the public sidewalks and street right of way, or simplify the process for enforcing the ordinance so violations can be easily ticketed. Thank You

ORDINANCES OF THE CITY OF HELENA, MONTANA

AN ORDINANCE REVISING THE REGULATION OF SIGNS BY AMENDING CHAPTER 23 OF TITLE 11 OF THE HELENA CITY CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

That Title 11 of the Helena City Code is hereby amended by repealing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof:

CHAPTER 23

SIGN REGULATIONS

SECTION:

11-23-1: GENERAL:

11-23-2: DEFINITIONS:

11-23-3: PROHIBITIONS:

11-23-4: EXEMPT SIGNS:

11-23-5: REGULATIONS FOR SPECIFICIED DISTRICTS:

~~TABLE 1: ALLOWABLE BUILDING SIGNAGE:~~

~~TABLE 2: ALLOWABLE SITE SIGNAGE:~~

~~TABLE 3: ALLOWABLE DISPLAY FACE TYPES:~~

11-23-6: SIGN LIGHTING STANDARDS:

11-23-7: NONCONFORMING SIGNS:

11-23-8: REMOVAL OF SIGNS:

11-23-9: DESIGN GUIDELINES:

~~A. COMMON SIGN:~~

~~B. DIRECTIONAL SIGN:~~

~~C. FREESTANDING SIGN:~~

~~B. MARQUEE, AWNING AND/OR CANOPY SIGN:~~

~~D. SANDWICH BOARD SIGN:~~

~~E. PROJECTING SIGN:~~

~~F. ROOF SIGN:~~

~~G. SUSPENDED SIGN:~~

~~H. WALL SIGN:~~

~~I. WINDOW SIGN:~~

11-23-10: PLANNED SIGN PROGRAM: 11-23-11: BILLBOARDS:

11-23-1: GENERAL:

A. INTENT: This chapter is intended to provide standards for the erection, design, and placement of signage. The standards established by this chapter are intended to provide equal opportunity for messages to be displayed, achieve proper relationship of signs to their environment, enhance the outward appearance of the community, secure pedestrian and vehicular safety, and preserve the historic aspects of the city.

B. APPLICABILITY: This chapter applies to all signs erected, installed, structurally altered, or otherwise modified after the effective date of this Code. Adoption of this code does not permit signs erected in violation of previous versions of this chapter. Nonconforming signs are subject to the provisions of section 11-23-7.

C. ADMINISTRATION AND ENFORCEMENT: The sign administrator for the city shall be the director of the community development department or the administrator's designees. It shall be the administrator's responsibility to review, approve and process applications for and issue sign permits; to conduct public hearings to resolve requests received for variances to the general sign regulations before the board of adjustment; to approve a Planned Sign Program, to enter any premises, building or structure in the city following the presentation of proper credentials for the purpose of inspection of a sign and its structural and/or electrical connections to ensure compliance with applicable codes and ordinances; and to enforce and carry out all provisions of this code.

D. PERMIT REQUIRED:

~~0.~~1. Unless specifically exempted in section 11-23-4 a permit must be obtained prior to erection, installation, display, or alteration of sign.

2. A permit is not required to change the face of a sign provided there is no change to the type of display face being used which shall be considered an alteration.

3. Each application for a sign permit shall be accompanied by the appropriate fee based upon the sign's valuation and as determined from the current building permit fee schedule adopted by the building department. Each application for a variance shall be accompanied by the fee established for that process by city resolution. No sign as described or limited by the provisions of this chapter shall be erected or otherwise installed or altered without first having obtained a permit.

4. If erection of a sign, later found to be acceptable, occurs on a property prior to approval and permitting by the administrator, the specified permit fee shall be doubled as provided for in the building permit fee schedule.

5. When a sign is erected illegally without proper review, approval or permit, or when, in the opinion of the administrator, a violation of the general sign regulations exists, the administrator shall identify and attempt to notify the alleged violator in writing of the need to correct or remove said violation within ten (10) days, or make appeal of the administrator's determination in writing to the city manager within that same period. Any pending enforcement action will be held in abeyance during this period, and if an appeal is received, until such appeal is resolved (see also: 11-23-8).

E. SUBSTITUTION CLAUSE: A protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. This provision applies to all signs, including billboards, allowed under this ordinance. Such substitution of message may be made without any additional approval, permitting, registration or notice to the city.

~~D.~~F. STANDARDS:

1. SETBACKS AND ENCROACHMENTS:
   a. District dimensional standards for buildings do not apply to signs.
   b. Awning, canopy, pedestrian, or projecting signs can encroach 42 inches beyond the property line over a public right-of-way provided that:
      1) The sign cannot encroach within a vertical plane measured 2’ (two feet) from the back of the curb;
      2) The bottom edge of the sign must maintain a clearance of at least 10’ (ten feet) from the finish grade level below the sign (or a variance must be obtained from the Board of Adjustments);
      3) The encroachment cannot constitute a hazard to the use of the right-of-way by the public;
      4) Encroachment cannot be placed in a way as to constitute an obstacle in violation of local, state, and federal universal accessibility laws, rules, and regulations.
   c. Placing an encroachment in the right-of-way as permitted by this section does not grant any property rights in the City’s right of-way to the owner of the encroachment.
   d. The city may, without warning, perform construction and maintenance activities within the right-of-way. The city is not

responsible for any damage to any encroachments present in the right-of-way when performing these activities.

e. Encroachments permitted by this section are subject to removal, at property owner's expense, upon sixty (60) calendar days written notice from the City.

2. MAINTENANCE:

a. All signs must meet the following provisions for maintenance. Signs that do not meet these provisions must be repaired or removed within thirty (~~30~~90) calendar days after receipt of notification from the Sign Administrator. Violations of this chapter are subject to the provisions of section 11-23-8.

b. The area around a sign must be properly maintained to make the sign readily visible.

c. All non-functioning bulbs or damaged sign faces or panels must be replaced or repaired within ~~ten (10~~sixty (60) calendar days of written notice, or proof of an order for parts or services and a timeline not to exceed 180 days from the notice of violation for the repairs to be made must be given to the sign administrator.

d. All sign copy must be maintained securely on the sign face or panel and all missing copy must be replaced within ~~10 (ten~~sixty (60) calendar days of written notice, or proof of an order for parts or services and a timeline not to exceed 180 days from the notice of violation for the repairs to be made must be given to the sign administrator.

~~.~~e. All sign structures, framework, and poles must be structurally sound.

~~.~~f. All signs in their installation, maintenance, and removal must comply with the provision of the building and electrical codes adopted by the city.

~~F. AGGREGATION OF SIGNAGE:~~

~~1. Freestanding signage for multiple entities must be aggregated onto Common Signs where access and parking are shared.~~

G. APPLICATION FOR PERMITS/VARIANCES:

1. Application for a permit for the erection or alteration of a sign or to request a variance by the board of adjustment from a specific sign criterion as set forth in chapter 5 of this title shall be made upon the forms provided by the administrator.

2. Applications must be complete to be considered valid. Failure to provide the information requested on the form is grounds for rejection of the application as incomplete. Any reason for rejection of an application for a sign permit shall be noted on the application and returned to the applicant. The reasons for denial of a variance

request following proper hearing shall be noted on the board of adjustment's order and decision form and a copy sent to applicant. H. A planned sign program is required for any business or group of business uses on a parcel or group of parcels greater than 2 acres with common access and parking.

~~G.~~I. No sign permitted in the Airport district shall obscure vision from the control tower to any part of the airfield.

~~H. Off premises signs, including billboard signs, must be removed after ten (10) years of the effective date of this ordinance, or ten (10) years after their annexation into city limits if annexed after the adoption of this ordinance.~~

11-23-2: DEFINITIONS:

Words used in this Chapter have their normal dictionary meaning unless they are listed in Section §11-23-2 or unless this Chapter specifically refers to another Title and/or Chapter. Words listed in Section §11-23-2 have the specific meaning stated or referenced unless the context clearly indicates another meaning.

ABANDONED SIGN: A sign which no longer correctly advertises a bona fide business, lessor, owner, product, or activity conducted, or product available on the premises where the sign is displayed or elsewhere.

ALTERATION OF SIGN: The moving or modification, in any manner, of a sign including, but not limited to, changes to the sign structure, height, size or area, shape or foundation, but excluding the exchange, replacement or repainting of the sign faces of cabinet type signs where there are no changes to the original cabinet.

AWNING SIGN: A sign that is affixed to a roof- like structure; generally composed of a skeletal frame covered in a fabric or other skin-type material typically open on the bottom side, that extends along and projects beyond the wall of the building and is generally designed and constructed to provide protection from the weather.

~~BANNER: A horizontally displayed sign of lightweight plastic, fabric, or other material, whether or not it contains a message of any kind, suspended from or between brackets, ropes, wires or similar means of support.~~

~~BILLBOARD SIGN: A sign that is larger than two hundred fifty (250) square feet in area which is designed to advertise products, services, or businesses not located on the premises on which the sign is located by temporary poster panels or painted bulletin panels.~~

BANNER: A temporary, on-premises, nonrigid sign that is generally hung from a permanent or temporary structure for the purpose of advertising.

BILLBOARD SIGN: A permanent off-premises sign in a fixed location used, in whole or in part, for the display of off-site commercial messages with a minimum size of _____ square feet.

BUILDING FAÇADE: The portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves for the entire width of the building elevation, or that portion comprising the exterior elevation of one business located in a multiple-tenant structure.

BUILDING FRONTAGE: The side of a building which faces a public street right of way.

COMMON SIGN: ~~A~~An on-premises, freestanding sign intended to be shared by all tenants or businesses within a single building or group of buildings that share common drives and parking areas.

~~DIRECTIONAL SIGN: A permanent and incidental sign erected as a design element to guide or direct pedestrian or vehicular traffic to and within the property.~~

INCIDENTAL SIGN (MAJOR OR MINOR): An on-premises, permanent, sign containing an informational message that has a purpose incidentally related to the use or occupancy of the premises and is intended to assist the public with respect to the location of business facilities or provides courtesy or directive information but is not an advertisement.

ELECTRONIC MESSAGE DISPLAY FACE: A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.

ERECTED: The attachment, installation, alteration, building, constructing, reconstructing, enlargement, moving, or painting of signs, or the relocation, placement, or alteration of individual sign letters (excluding manual reader board copy) or cabinets.

FREESTANDING SIGN: ~~A~~An on-premises sign supported by structure(s) or support(s) that are placed on, or anchored in, the ground, and that are independent from any building or any other structure.

GHOST SIGNS: A sign, painted upon the facade of a building, that is ~~in excess of~~more than fifty (50) years old, and which generally advertises an extinct business or product.

HEIGHT OF SIGN: The vertical distance measured from the highest point of the sign to the highest adjacent street grade or surface beneath the sign, whichever measurement results in a lower overall height.

MARQUEE SIGN: ~~A~~An on-premises sign attached to or constructed on a canopy structure which is attached to and projecting horizontally beyond the wall of a building that generally is designed and constructed to provide protection from the weather.

MONUMENT SIGN: A freestanding sign mounted directly to the ground, or with its bottom edge flush to the ground, not more than ~~six (6~~twelve (12) feet tall, and which may be placed on a berm not exceeding two and one-half feet ($2^1/_2$') above the adjacent street grade or surface beneath the sign, whichever is less.

NONCONFORMING SIGN: A sign which was lawfully erected and maintained prior to the adoption of this chapter and all amendments, which now fails to conform to all applicable regulations and restrictions of this chapter.

OFF-PREMISES 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.

ON-PREMISES SIGN: A sign which directs persons to; or advertises goods, products, services, or facilities situated or provided at the same premises where the sign is installed.

POLE BANNER SIGN: A sign suspended from brackets mounted on a light pole.

PORTABLE SIGN: A sign mounted on a trailer, stand or similar support structure which is designed in such a manner that the sign can be readily relocated to provide advertising at another location.

PROJECTING SIGN: ~~A~~An on-premises sign affixed to the exterior wall of a structure and extends perpendicular to the facade of the building or structure.

ROOF SIGN: ~~A~~An on-premises sign erected upon or above any portion of a roof or parapet wall of a building that is wholly or partially supported by the building.

SANDWICH BOARD SIGNS: A sign or structure that is freestanding, temporary and movable, composed of two sign faces mounted or attached back-to back in such a manner as to form a triangle with the ground and sign faces (also known as an A-frame sign). The are of a sandwich board sign is calculated on one side only.

SIGN: Any identification, description, graphics, illustration, or device that is visible from any public place and exposed to the public which directs attention to a product, service, place, activity, person, institution, business, or solicitation, designed to advertise, identify, or convey information.

SIGN AREA: The entire area within any type of perimeter or border which encloses the outer limits of writing, representation, emblem, figure, or character. The area of the sign having no such perimeter or border is computed by enclosing the entire area with parallelograms, triangles, or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles, or circles. The area for double- faced or multiple-faced signs is the aggregate area of all the sign faces visible from any one direction at any one time.

SUSPENDED SIGN: ~~A~~An on-premises freestanding sign comprised of a vertical column, a horizontal decorative sign support, and a suspended sign face.

TEMPORARY SIGN: ~~A~~An on-premises sign intended for a limited period ~~of time~~ under specially defined requirements.

UNDER MARQUEE OR AWNING SIGN: ~~A~~An on-premises lighted or unlighted display attached to the underside of a marquee or awning that extends over public or private sidewalks or rights of way.

VEHICLE SIGN: A message or graphic affixed to a vehicle and intended to provide off-premises, or additional on-premises signage for a commercial entity.

WALL SIGN: ~~A~~An on-premises sign affixed in any manner, including paint, to the exterior wall of a building or structure with its face parallel to the building façade, including signs affixed to awnings.

WINDOW SIGN: ~~A~~An on-premises sign installed inside or upon the window surface for the purpose of viewing from outside the premises.

11-23-3: PROHIBITIONS:

A. Signs and sign face types that are not listed as permitted within a district are prohibited.

B. Signs may not be erected in such a manner that they obstruct or create a hazard by blocking the clear view of vehicular, bicycle, or pedestrian traffic as set forth in section §7-3-7 of this code; or where they may obstruct the view of any traffic control device. No sign or its illumination may interfere with traffic safety or simulate emergency services.

C. Signs may not be placed on or extend into any public rights-of-way except as outlined in section 11-23-1D1, nor be affixed to any post, tree, or pole located in any public right-of-way or upon any city owned

property, including signs held by a person, except for signs placed by authorized agents of the city or except as permitted by Title 7, Chapter 13 of this code.

D. No sign may be constructed or erected that resembles any official marker erected by the city, state, or any governmental agency, or that by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal.

E. Any of the following sign types are expressly prohibited:

~~1. Signs intended to flutter in the wind to attract attention, including but not limited to:~~

~~a) Air activated devices (including but not limited to air dancers);~~

1. Balloons;

~~c) Festoons;~~

~~d) Feather flags; and,~~

~~e) Pennants.~~

~~2. Flashing, blinking, scrolling, video, or varying light intensity signs.~~

~~3. Off premises signs including but not limited to billboards.~~ ~~4.~~2. Portable signs~~.~~;

~~5.~~3. Reflective or mirrored signs~~.~~;

~~6.~~4. Vehicle signs that are on-premises and not involved in the regular operations of the advertised business in a non-advertising function or used off-premises in the performance of an explicitly advertising function~~.~~;

~~7.~~5. Signs that are flashed or projected on walls or other structures by means of a slide projector, laser, or other ~~device are prohibited~~devices.

A. The following signs are allowed by right in all zoning districts without a permit but must adhere to the specific size restrictions in this chapter. A permit is not required for the following types of signs, provided all applicable provisions of this section are met. Such signs are not considered in determining the allowable number or size of signs on a lot. The signs cannot be internally illuminated (including but not limited to electronic faces).

1. GHOST SIGNS:

a. Nothing in this chapter ~~should~~shall interfere with the restoration of a ghost sign.

b. Ghost signage shall not be included in calculating the allowable signage on a property.

2. House numbers and street names for the purpose of identifying the property for emergency services and mail delivery.

3. Public interest signs, erected by or on the order of a public officer in the performance of their duty, such as public notices, safety sign, danger signs, trespassing signs, traffic and street signs, wayfinding signs, memorial plaques, and signs of historical interest.

4. Any sign internal to a development not intended to be visible from the right-of-way or neighboring property.

5. One under-marquee or under-awning signs where allowed, under six square feet (6sf) in size per business, and where the bottom edge of the sign is at least eight (8) feet above grade.

B. Temporary signs are allowed to be erected so long as the following conditions are met:

~~1. That the start and end date of the timeframe they will be up is listed on the sign and clearly visible from the right of way they are adjacent to;~~

~~2. That the start and end date does not exceed 60 calendar days;~~

~~3.~~1. That the signs are not illuminated in any ~~fashion~~manner; ~~4.~~2. That the signs are not erected in a permanent manner; and ~~5.~~3. That they follow the requirements of their zoning districts outlined below:

a. R-1, R-2, and R-3 zoning districts: ~~one temporary freestanding~~Temporary sign~~that~~(s) may not exceed six (~~6~~12)

square feet in aggregate area.

b. R-4, R-O, R-U, TR, DT, and B-1 zoning districts: ~~one temporary freestanding~~Temporary sign~~—that~~(s) may not exceed twelve (12) square feet in aggregate area.

c. B-2, CLM, M-I, and PLI zoning districts: ~~two temporary~~Temporary signs ~~that~~ may not individually exceed twenty-four (24) square feet or exceed thirty-two (32) square feet in the aggregate.

For DT and TR districts see Ch. 9.

For district specific dimensional standards see "Design Guidelines" in this chapter (11-23-9) in this chapter.

ZONE □□ **SIGN TYPE** □□	**R-1, R-2, R-3**	**R-4, R-O, R-U**	**B-1, B-2, CLM, M-I**	**PLI**	**Airport**
MARQUEE, AWNING AND/OR CANOPY SIGN:	P	P	P	P	P
PROJECTING SIGN:	NP	P	P	NP	P
ROOF SIGN:	NP	NP	P	NP	NP
WALL SIGN:	P	P	P	P	P
WINDOW SIGN:	P	P	P	P	P

TABLE 2: ALLOWABLE SITE SIGNAGE:

For DT and TR districts see Ch. 9.

For dimensional standards see "Design Guidelines" in this chapter (11-23-9) in this chapter.

ZONE □ SIGN TYPE □	**R-1, R-2, R-3**	**R-4, R-O, R-U**	**B-1, B-2, CLM, M-I**	**PLI**	**Airport**
~~**COMMON SIGN:**~~	~~NP~~	~~P~~	~~P~~	~~P~~	~~P~~

BILLBOARD SIGN:	NP	NP	P	NP	NP
~~DIRECTIONAL~~ CO ~~M~~MON SIGN:	~~P~~NP	P*	P*	P*	P*
FREESTANDIN G SIGN:	NP	P	P	P	P
~~SANDWICH BOARD~~INCIDE NT AL MAJOR SIGN:	NP	P*	P*	P*	P*
~~SUSPENDED~~IN CI DENTAL MINOR SIGN:	P	P	P	P	P
SANDWICH BOARD SIGN:	NP	P	P	P	P

*As part of an approved Planned Sign Program element.

TABLE 3: ALLOWABLE DISPLAY FACE TYPES:

For DT and TR districts see Ch. 9.

ZONE □ **FACE TYPE** □	**R-1, R-2, R-3**	**R-4, R-O, R-U**	**B-1, B-2, CLM, M-I**	**PLI**	**Airport**

ELECTRONIC MESSAGE DISPLAY FACE:	NP	NP	P	NP	P
EXTERNALLY ILLUMINATED W/ DOWNWARD FACING LIGHTS	P	P	P	P	P
HALO LIT:	NP	P	P	P	P
INTERNALLY ILLUMINATED	NP	NP	P	NP	P
NON ILLUMINATED AND PERMANENT IN NATURE	P	P	P	P	P
READER BOARD (MANUAL CHANGE):	NP	NP	P	NP	P

11-23-6: SIGN LIGHTING STANDARDS:

A. Signs that are permitted to be lighted may only be lighted in such a manner that the light therefrom may shine only on the sign or on the property on which it is located and may not shine onto any other property, in any direction, except by indirect reflection. No lighting arrangement is permitted which, by reason of brilliance or reflected light, is a detriment to surrounding properties or prevents the reasonable enjoyment of residential uses.

B. Electronic message display luminance must have ambient light monitors and automatic controls so that the electronic message display does not exceed ~~7650 nits between sunrise and sunset and 1350 nits between sunset and sunrise.~~ .3 footcandle above ambient light when measured according to the following chart:

~~C. Electronic message displays may not exceed fifty percent (50%) of the total allowable sign area allowed in the district or a maximum of seventy-five (75) square feet, whichever is less, and must be computed as part of the sign's total area.~~

~~D. Electronic message displays may not have a color temperature above 4000K (four thousand kelvin) between sunset and sunrise.~~

ARE OF SIGN IN SQUARE FEET	MEASUREMANT DISTANCE
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74

60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	172

~~E.~~C. Awning, billboard, canopy, ~~directional, monument~~incidental, projecting, roof, suspended, and wall signs may not have electronic display faces.

~~F.~~D. Portable signs and sandwich boards may not be illuminated or electrified in any way.

~~G.~~E. Sign illumination in residential districts must be turned off after business hours.

F. Electronic message displays may not change their display face faster than once every ~~eight (8) minutes~~seven and one half (7.5) seconds.

~~H.~~G. Changes from one message to another shall be accomplished by the change of all illumination elements on the face of a changing sign

(electronic) simultaneously, with the provision that the sign may fade to complete darkness and then re-illuminate with or fade to the new message.

11-23-7: NONCONFORMING SIGNS:

Nonconforming signs are permitted to remain, subject to the following exceptions and restrictions:

A. The abandonment of a nonconforming sign terminates the right to maintain such sign.

B. A nonconforming sign may be continuously maintained or repaired in its original form with materials compatible with the existing construction until damaged or destroyed from any cause in excess of seventy percent (70%) of replacement costs or until the sign becomes substandard structurally, materially, or electrically from obsolescence or other cause, so as to pose a hazard or endangerment to the public, and is not promptly repaired as ordered by the sign administrator.

C. When a nonconforming sign is replaced or relocated, a sign permit must be obtained, and the sign must then comply with this chapter.

D. A nonconforming sign may be altered only when the proposed alterations bring the sign fully into conformance with the restrictions for the district in which the sign is located.

E. A nonconforming sign shall cease to be used when the business, activity, or use on~~, or to~~ which ~~the property~~it is ~~put,~~located is enlarged by more than fifty percent (50%) of either the original lot area or the building area lot coverage in place at the time the sign was installed.

11-23-8: REMOVAL OF SIGNS:

Signs placed within the jurisdiction may be removed or cited for a violation in accordance with section 11-1-13 for the following reasons:

A. Failure to comply with a written order of removal for a sign in violation of this chapter. The sign owner shall be responsible for all costs incurred by the city in connection with the removal and demolition of the sign and may be subject to the penalties of section 11-1-13 until the sign is removed.

B. Signs found to be structurally, materially, or electrically defective or in any way found to be a hazard or an endangerment to the public shall be ordered repaired or removed by the owner within a time frame not to exceed a maximum of thirty (30) calendar days, as established by the administrator based upon the degree of hazard presented by the sign.

C. Signs abandoned by reason of a change of occupancy or vacation of the

building or use, shall be removed within ninety (90) calendar days by the sign owner. Failure to remove shall subject the sign owner to the responsibility for all costs incurred in removal or demolition of the sign by the jurisdiction and may be subject to the penalties of section 11-1-13 until the sign is removed.

D. The administrator, in case of an emergency when a dangerous or defective sign poses an immediate hazard, may cause the removal of the sign without the standard notice. Following removal of the sign, the administrator shall make available to the owner a statement of the work performed and a copy of the costs of the removal for payment.

E. In the case of removal of a sign by the jurisdiction, all costs incurred are the responsibility of the sign owner. If the costs for removal are not paid by the owner of the sign within thirty (30) calendar days of receipt of notice of those costs and attempt to serve notice of those costs, the amount specified shall become an assessment or lien against the property.

F. Signs described in section 11-23-3C of this chapter erected on public property or rights of way without prior approval shall be subject to immediate removal where and when possible, by city personnel without obligation to notify the owner of said ~~sign~~removal.

23
ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

11-23-9: DESIGN GUIDELINES:

A. COMMON SIGN:

1. GENERAL STANDARDS:

a) 1 per lot, tract, or parcel held in common ownership.

b) Common signs must be used when applicable in place of freestanding sign requirements.

2. DESIGN STANDARDS BY ZONING DISTRICT:
Table 1.

ZONE □□	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport

SIGN TYPE□□					
COMMON SIGN:	NP	Max Height: ~~5'~~24' Max Area: ~~6sf~~ 40sf	1 per lot, tract, or parcel held in common ownership. Max Height: 30' (B-1) 34' (B-2, CLM, and M I) Max Area: 40sf (B-1) 200sf (B-2 and CLM) 300sf (M-I)	1 per lot, tract, or parcel held in common ownership. Max Height: 24' Max Area: ~~100sf~~120 sf	1 per lot, tract, or parcel held in common ownership. Max Height: 24' Max Area: ~~100sf~~120 sf

~~B. DIRECTIONAL SIGN:~~

~~1. GENERAL STANDARDS:~~

~~a) One per curb cut for property.~~

~~b) No more than twenty five percent (25%) of the sign face may be devoted to graphics other than an arrow(s) or the words "enter", "exit", the name of a building, "parking", or "one way".~~

~~2.1. DESIGN STANDARDS BY ZONING DISTRICT:~~

~~a) Signs are limited to a max area of six (6) square feet and four (4) feet in height.~~

~~C.~~F. FREESTANDING SIGN:

~~1. GENERAL STANDARDS:~~

1. GENERAL STANDARDS:

a) One sign is permitted per principal building.

b) Freestanding signs shall be set back from a point two feet (~~2'~~2′) inside the street front property line(s) beginning at a height of six feet (~~6'~~6′) above grade so as not to encroach either above or forward of an imaginary line drawn up and inward at a sixty degrees (60°) angle from that point.

c) The bottom edge of the sign face must be at least eight feet (8′)

above ground level or the standards for a monument sign or suspended sign must be used.

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE □□ SIGN TYPE□	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
FREESTANDING SIGN:	~~NP~~Total #: 1 Max Height: 5′ Max Area: 12sf	Max Height: 18′ Max Area: 32sf	Total #: 1 Max Height: 24′ (B-1) 34′ (B-2, CLM and MI) Max Area: 32sf (B-1) 150sf (B-2 and CLM) 250sf (M-I)	Total #: 1 Max Height: 18′ Max Area: 100sf	Total #: 1 Max Height: 24′ Max Area: 100sf

G. INCIDENTAL MAJOR SIGN:

1. GENERAL STANDARDS:

a) Location and number as approved with a Planned Sign Program.

2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Signs are limited to a max area of thirty-two (32) square feet and eight (8) feet in height.

H. INCIDENTAL MINOR SIGN:

3. GENERAL STANDARDS:

a) One per curb cut for property.

4. DESIGN STANDARDS BY ZONING DISTRICT:

a) Signs are limited to a max area of six (6) square feet and four (4) feet in height.

D. MARQUEE, AWNING AND/OR CANOPY SIGN:

1. GENERAL STANDARDS:

a) Marquee, awning, and canopy signs are only permitted on the ground

floor.

b) Marquee, awning, and canopy signs may not exceed thirty percent (30%) of the ground floor elevation of a building. Not to exceed the total square footage allowed when aggregated with wall signage. 2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Square footage of signs aggregated with wall signage requirements where permitted.

E. MONUMENT SIGN:

3. GENERAL STANDARDS:

a) One sign is permitted per frontage.

b) A monument sign is a freestanding sign and not an additional sign type.

4. DESIGN STANDARDS BY ZONING DISTRICT:

a) A monument sign may be placed on a berm not exceeding two and one half feet (2½′)above the adjacent street grade or surface beneath the sign, whichever is less.

ZONE □□ SIGN TYPE□	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
MONUMENT SIGN:	NP	Max Height: 6′ Max Area: 32sf	Total #: 1 Max Height: 6′ (B-1) 12′ (B-2, CLM and MI) Max Area: 32sf (B-1) 150sf (B-2 and CLM) 250sf (M-I)	Total #: 1 Max Height: 12′ Max Area: 120sf	Total #: 1 Max Height: 12′ Max Area: 120sf

E. PROJECTING SIGN:

1. GENERAL STANDARDS:

a) Projecting signs may not project more than six inches (6″) above

the parapet on the façade they are installed upon.

b) Projecting signs shall not extend more than ~~ten~~six feet (10') measured at a right angle between the outer extremity of the sign and the wall or structure to which it is attached or as limited by section 11-23-1D.

~~c) The sign shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc., and sign supports shall appear to be an architectural feature and integral part of the building.~~

2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Square footage of signs aggregated with wall signage requirements where permitted.

F. ROOF SIGN:

1. GENERAL STANDARDS:

a) A roof sign may be used in place of a primary wall sign where permitted.

b) The sign shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc., and sign supports shall appear to be an architectural feature and integral part of the building.

2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Roof signs are calculated with and may not exceed wall signage requirements where permitted.

~~G. SANDWICH BOARD SIGN:~~

~~1. GENERAL STANDARDS:~~

~~a) Signs are not permitted to obstruct or impede in any manner free movement along sidewalks and roadways.~~

b) Signs are only permitted on or immediately adjacent to the property where the business is located.

c)a) Signs must be brought in at the end of the business day. 2.1. DESIGN STANDARDS BY ZONING DISTRICT:

a) One allowed per business.

b) Max area of sign is twelve (12) square feet.

H. SUSPENDED SIGN:

1. GENERAL STANDARDS:

a) A suspended sign may not be used on the same tract, parcel, or aggregation of tracts and parcels under common ownership and with a common land use if said property has a freestanding sign (including but not limited to monument signs).

~~2.1. DESIGN STANDARDS BY ZONING DISTRICT:~~

~~Table 1.~~

~~ZONE □ SIGN TYPE □~~	~~R-1, R-2, R-3~~	~~R-4, R-O, R-U~~	~~B-1, B-2, CLM, M-I~~	~~PLI~~	~~Airport~~
~~SUSPENDED SIGN:~~	~~Total #: 1 Max Height: 5' Max Area: 12sf~~	~~Total #: 1 Max Height: 5' Max Area: 12sf~~	~~Total #: 1 Max Height: 5' Max Area: 12sf~~	~~Total #: 1 Max Height: 5' Max Area: 12sf~~	~~Total #: 1 Max Height: 5' Max Area: 12sf~~

~~I.~~G. WALL SIGN:

1. GENERAL STANDARDS:

a) Sign areas are given per building façade.

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE □□ SIGN TYPE □	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport

WALL SIGN:	Max Area: 40sf	Max Area: 40sf	Max Area: ~~3%~~ __% of the building façade or ~~24sf~~sixty (__) square feet (per façade) __, whichever is greater.	Max Area: 100sf	Max Area: ~~3%~~ __% of the building façade or ~~24sf~~ __ sf, whichever is greater.

J. WINDOW SIGN:

1. GENERAL STANDARDS:

A. Window signs may be displayed on ground floor windows only.

B. Window signage occupying less than twenty-five percent (25%) of the aggregated window area per building elevation or tenant occupied portion of a building is exempt.

C. If window signage exceeds twenty-five percent (25%) of the aggregated window area per building elevation the total square footage of the window signage is to be aggregated with and not to exceed the requirement of wall signage.

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE □□SIGN TYPE □	R-1, R 2, R-3	R-4, R-O, R U	B-1, B-2, CLM, M-I	PLI	Airport

WINDOW SIGN:	1 window sign up to 6sf.	~~Aggregated with wall signage requirements~~ Up to 25% of the window	Aggregated with wall signage requirements unless exempt	Aggregated with wall signage requirements unless exempt	Aggregated with wall signage requirements unless exempt

11-23-10: PLANNED SIGN PROGRAM:

A. INTENT: The intent of a Planned Sign Program is to ensure that all signs are in harmony with other on-site signs, buildings, surrounding developments and to reduce visual clutter. Sign programs are also intended to provide a means of flexible application of sign regulations to encourage maximum creativity in the design and display of signs.

B. APPLICABILITY: Any business or group of business uses on a parcel or group of parcels greater than 2 acres with common access and parking.

C. Each new sign applied for under a Planned Sign Program shall be accompanied by the appropriate fee as described in §11-23-1D3.

D. The Sign Administrator may approve a Planned Sign Program that follows the applicable standards of this chapter and may grant the following deviations to the chapter as outlined in this subsection:

1. The Sign Administrator may approve of incidental minor and major signs.

2. The Sign Administrator may approve of an additional freestanding sign where the subject property has an additional frontage and an incidental major sign would prove inadequate for wayfinding purposes.

3. The Sign Administrator may order the use of common sign(s) in place of freestanding sign(s) where it will reduce visual clutter.

4. The Sign Administrator may increase allowable wall signage by no more than twenty percent (25%) of wall signs so that they may match the largest wall sign allowed on the premises where it will create uniformity and/or to improve wayfinding.

5. The sign administrator shall consider the intent of the Planned Sign Program in its evaluation of the application.

E. A Planned Sign Program may not be used to circumvent the sign variance

process or to simply permit larger, more visible, or additional signs than may otherwise be permitted.

F. Appeals to the Sign Administrators dispensation of deviations under this subsection are to be handled by the Board of Adjustments.

11-23-11: BILLBOARDS

A. Billboard signs shall not be established at a location having principal frontage on a street within five hundred feet (500') of any property which is used for a public park, public school, church, courthouse, city hall or public museum having principal frontage on the same street. This reads exactly as the current regulations as requested.

B. No billboard signs shall be established closer to the street than the building setback line, if such a line exists. If none exists, the billboard sign shall maintain a minimum setback of two feet (2') from all streets and/or property lines. This reads the same as the current regulations.

C. All billboard signs shall meet the standards set forth in 11-23-1F of this chapter.

D. BILLBOARD SIGN USES FOR SPECIFIED ZONES:

1. Billboard signs shall be permitted in the interstate highway corridor as defined by Montana law. All billboard sign faces in the interstate highway corridor must read to the interstate highway. Billboard signs are permitted on properties zoned B-2, CLM and M-I as follows: This is all current regulations.

a. Billboard signs located within the interstate corridor shall have a maximum size of six hundred (600) square feet in area, including border and trim but excluding base or apron, supports, and other structural members. We would request 672 sq. ft. as this is a 14x48 bulletin and is allowable on federally aid primary system route; and is a standard highway size.

b. Billboard signs may not exceed forty-eight feet (48') in length.

c. The maximum height of billboard signs, including the sign face, shall be thirty feet (30').

d. Minimum distance between billboard signs shall be five hundred feet (500').

2. Billboard signs shall be permitted in B-2, CLM and M-I districts along routes covered by the Federal-aid primary system and the Highway Beautification Act but not within the interstate corridor as follows: All current regulations.

a. Billboard signs shall be a maximum of three hundred (300) square feet in area, including border and trim but excluding base or apron, supports, and other structural members.

b. Billboard signs may not exceed twenty-four feet (24') in length.

c. The maximum height of billboard signs, including the sign face, is thirty feet (30').

d. Minimum distance between billboard signs shall be five hundred feet (500').

e. All new billboard signs constructed outside the interstate corridor shall be self-supporting structures erected upon or permanently attached to concrete foundations. Billboard signs shall be erected using single pole construction.

E. NONCONFORMING BILLBOARDS: Nonconforming billboards will be permitted to remain subject to the following exceptions and restrictions:

1. The abandonment of a nonconforming sign shall terminate the right to maintain such sign. Removal shall be subject to the provisions of section 11-23-8 of this chapter. Current regulations.

2. A nonconforming sign may be continuously maintained or repaired in its original form with compatible materials to the existing construction until damaged or destroyed from any cause in excess of seventy percent (70%) of replacement costs or until the sign becomes substandard structurally, materially or electrically from obsolescence or other cause and is not promptly repaired as ordered by the sign administrator, so as to pose a hazard or endangerment to the public. Removal shall be subject to the provisions of section 11-23-8 of this chapter. Current regulations.

3. A nonconforming sign may be altered only when the proposed alterations bring the sign fully into conformance with the restrictions for the district in which the sign is located. Current regulations.

4. A nonconforming sign shall cease to be used when the business, activity or use on, or to which the property is put, is enlarged in excess of fifty percent (50%) of either the original lot area or the building area lot coverage in place at the time the sign was installed. Current regulations; please on expand on meaning.

5. A nonconforming sign that is required to be re-permitted shall have that fee doubled. What is the reasoning behind this? Why do we need to repermit?

6. A sign which projects into the right of way beyond the curb line is hereby declared to be a traffic hazard and public nuisance. Such signs shall be reconstructed. Current regulations.

F. PERMIT ISSUANCE: In addition to the permitting requirements of 11-23-1D, the following permitting requirements shall apply to Billboards in particular:

1. Permits for existing Billboards. All Billboards having valid sign permits prior to the adoption of this chapter, or which existed prior to permitting requirements, shall be required to be permitted or re-permitted within ninety (90) calendar days of the adoption of this chapter, but shall not be required to meet the present standards and requirements as a condition for receiving said permitting or re-permitting. In order to be eligible for initial permitting or re-permitting, the owner shall furnish the Sign Administrator with the following information on each Billboard:

a. Location;

b. Color photograph, taken within ten (14) calendar days of submission to the Sign Administrator of each face and support structure; and

c. Sign face area of each face.

2. No fee shall be charged for initial permitting or re-permitting of Billboards having valid sign permits prior to the adoption of this chapter, or which existed prior to permitting requirements.

Please expand on why with the adoption of these regulations for all of F; why are you requiring the repermitting of all permitted locations (this is not done in any other city ordinance in MT).

 This is NEW

3. Permits for new or relocated Billboards. A sign permit for new Billboards or for the relocation of an existing Billboard shall not be issued by the Sign Administrator unless:

a. The Sign Administrator has verified that an existing Billboard has been completely removed, the new or relocated Billboard has no greater sign face area than that Billboard it is replacing and the new or relocated Billboard does not exceed present Billboard size requirements; and,

b. An officer of the company applying for the permit verifies in writing to the Planning Department that the new or relocated Billboard shall be completely constructed or reconstructed within twelve (12) months from the date the sign permit for the new or relocated Billboard is issued; and,

c. An officer of the company applying for the permit certifies in writing to the Sign Administrator that the new or relocated Billboard shall have no more sign faces that the Billboard it is replacing and meets all present Billboard face requirements; and,

d. An officer of the company applying for the permit certifies in writing to the Sign Administrator that the company had provided the information required by subsection 11-23-11F1 above for all of its existing Billboards in the city and has received re-permitting for said Billboards as required

hereunder, and as of the date of the adoption of this ordinance; and,

e. The Sign Administrator has verified that the new or relocated Billboard and its proposed location meet all present standards and requirements of this ordinance and all Federal, State and local statutes; and,

f. All other requirements for obtaining a permit have been met, including, but not limited to the payment of an initial permit fee.

g. Notwithstanding the foregoing no sign permit for the relocation of a Billboard or for a new Billboard, shall be issued in violation of any of the provisions of this ordinance as to any Billboard or Billboard location in the City.

G. PERMITS FOR REPLACEMENT BILLBOARDS IN SAME LOCATION. A replacement Billboard for an existing nonconforming Billboard may be erected on the exact same location, provided the replacement Billboard meets the requirements set forth in 11-23-11E and does not exceed the height and display area of the sign to be replaced.

H. RENEWAL: All sign permits issued in accordance with this section shall be valid for the calendar year in which they are issued and shall be renewed not later than January 30th of each calendar year. An annual renewal fee of _____ dollars ($___), subject to periodic adjustment by City Commission, shall be charged at the time of issuance and must

be paid prior to the issuance of the renewal permit. No renewal permit shall be issued if the company requesting such permit is known by the Sign Administrator to be in violation of any of the provisions of this chapter. Any Billboard that does not have a renewal permit issued for it by January 30th of any given calendar year shall be removed by the Owner within (90) days after written notification from the Sign Administrator unless a renewal permit is obtained within that ninety (90) day period. Failure to renew the permit within the time guidelines as set forth above is a violation of the code and will subject the Billboard owner and the landowner to the following penalties in addition to the annual renewal fee listed above:

1. One (1) to twenty-nine (29) days past due - _____ dollars ($_____) penalty
2. Thirty (30) to fifty-nine (59) days past due - _____ dollars ($_____) penalty
3. Sixty (60) to eighty-nine (89) days past due - _____ dollars ($_____) penalty
4. Beyond 90 days – forced removal of sign

This is new and appears to be annual permitting fees. Again no other city ordinance in the state of Montana does this. Therefore, we request to eliminate the entire section of 11.23.11 H.

I. Billboard signs not located along routes covered by the Federal-aid primary system and the Highway Beautification Act must be removed after ten (10) years of the effective date of this ordinance, or ten (10) years after their annexation into city limits if annexed after the adoption of this ordinance. This would require just compensation. This needs to be removed all together.

ORDINANCES OF THE CITY OF HELENA,

MONTANA Ord. No. _____

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS ___ DAY OF _____, 2023.

_____

ATTEST: MAYOR

_____

CITY CLERK

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS _____ DAY OF _____, 2023.

_____

ATTEST: MAYOR

_____

CITY CLERK

43

YESCO Outdoor Media

December 6, 2023

City of Helena Zoning Commission
316 N Park Ave,
Helena, MT 59601

Michael,

We are grateful for being given the chance to express our opinions regarding the changes in the Sign Code and to take part in the discussions. Enclosed is YESCO Outdoor's feedback on the revised Sign Code. Our objective was to ask relevant questions during the working sessions while providing clarity to the code that would result in a win-win situation for all parties involved.

11-23-11: A
- If existing structures do not comply with this section are they grandfathered in as a non-conforming structure?
- What happens if we construct a new structure and during its life, one of the properties is built or converted to one of the properties mentioned?

11-23-11: B
- What happens with existing structures that do not comply with the current setback?
- We propose the billboard setback be 2' from the curb (like on-premises)

11-23-11: C
- What is 11-23-1F? We are not able to locate that section in the code

11-23-11: D
a. We propose the billboard's maximum size is 672 square feet which mimics MDT's code and follows industry standard
b. We propose b to address the sign face, length, and height requirements. To do this please include the word face rather than sign for clarity and the associated paraments as written
c. We propose c to address the structure height. We propose the wording to read and mirror MDT's codes as follows, The maximum height of the sign structure, including the sign face, is 30 feet, measured at a right angle from the surface of the roadway at the centerline of the interstate or primary highway

YESCO Outdoor Media
866-779-8357 » Phone
1605 S Gramercy Road
Salt Lake City, Utah 84104
yesco.com

11-23-11: 2
- We propose it reads, Billboard signs shall be permitted in B-2, CLM and M-I districts and non-interstate corridors as follows:
b. We propose b to address the sign face, length, and height requirements. To do this please include the word face rather than sign for clarity and the associated paraments as written
c. We propose c to address the structure height. We propose the wording to read and mirror MDT's codes as follows, The maximum height of the sign structure, including the sign face, is 30 feet, measured at a right angle from the surface of the roadway at the centerline of the interstate or primary highway

11-23-11: E
1- What is the definition of an abandoned sign for the City of Helena?
4- Strike completely. We do not have control of the property like on-premise
5- We propose the fee remain standard, not double.

11-23-11: F
3- We propose you separate the permitting requirements for relocation and new builds to maintain clarity and integrity. The following is proposed to be inserted in place of 3a - g.

3a. Billboard Relocation
i. We propose this section read, The Sign Administrator confirms the receipt of a demolition permit for removal. Once the demolition permit has been issued the officer of the company may apply for the relocated billboard permit for a sign face area no greater than that Billboard it is replacing and the relocated Billboard does not exceed present Billboard size requirements; and,
ii. An officer of the company applying for the permit verifies in writing to the Planning Department that the relocated Billboard shall be completely reconstructed within twelve (12) months from the date the sign permit for the relocated Billboard is issued; and,
iii: An officer of the company applying for the permit certifies in writing to the Sign Administrator that the relocated Billboard shall have no more sign faces that the Billboard it is replacing and meets all present Billboard face requirements; and,
iv: An officer of the company applying for the permit certifies in writing to the Sign Administrator that the company had provided the information required by subsection 11-23-11F1 above for all of its existing Billboards in the city and has received re-permitting for said Billboards as required hereunder, and as of the date of the adoption of this ordinance; and,
v.The Sign Administrator has verified that the relocated Billboard and its proposed location meet all present standards and requirements of this ordinance and all Federal, State, and local statutes; and,

vi. All other requirements for obtaining a permit have been met, including, but not limited to the payment of an initial permit fee.
vii. Notwithstanding the foregoing no sign permit for the relocation of a Billboard shall be issued in violation of any of the provisions of this ordinance as to any Billboard or Billboard location in the City.

3b Billboard New Build
i. The Sign Administrator has verified that the new Billboard does not exceed present Billboard size requirements; and,
ii. An officer of the company applying for the permit verifies in writing to the Planning Department that the new Billboard shall be completely constructed or reconstructed within twelve (12) months from the date the sign permit for the new Billboard is issued; and,
iii. An officer of the company applying for the permit certifies in writing to the Sign Administrator that the new Billboard shall meet all present Billboard face requirements; and,
iv. An officer of the company applying for the permit certifies in writing to the Sign Administrator that the company had provided the information required by subsection 11-23-11F1 above for all of its existing Billboards in the city and has received re-permitting for said Billboards as required hereunder, and as of the date of the adoption of this ordinance; and,
v. The Sign Administrator has verified that the new Billboard and its proposed location meet all present standards and requirements of this ordinance and all Federal, State, and local statutes; and,
vi. All other requirements for obtaining a permit have been met, including, but not limited to the payment of an initial permit fee.
vii. Notwithstanding the foregoing no sign permit for a new Billboard, shall be issued in violation of any of the provisions of this ordinance as to any Billboard or Billboard location in the City.

11-23-11: G
- We agree with this section so long as the edits suggested for section E are adopted.

11-23-11: H
- Strike. In other municipalities, we haven’t seen this before and feel an annual renewal places an unnecessary administrative burden on both the City and the billboard operator

11-23-11: I
- Strike. As discussed at previous meetings and put into writing amortization of billboards is unfair Amortizing billboards infringes upon property rights, including those protected by the United States Constitution. The Fifth Amendment's Takings Clause requires just compensation when private property is taken for public use.

YESCO Outdoor Media

Billboards are valuable advertising assets, and subjecting billboard owners to amortization will constitute an unconstitutional deprivation of property.

Thank you for considering our position. Please don't hesitate to contact me at 801-244-6545 or nyoung@yesco.com if you have any questions.

Sincerely,

Nathan T. Young

Nathan T. Young
President - YESCO Outdoor Media

YESCO Outdoor Media
866-779-8357 » Phone
1605 S Gramercy Road
Salt Lake City, Utah 84104
yesco.com

ORDINANCES OF THE CITY OF HELENA, MONTANA

AN ORDINANCE REVISING THE REGULATION OF SIGNS BY AMENDING CHAPTER 23 OF TITLE 11 OF THE HELENA CITY CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

That Title 11 of the Helena City Code is hereby amended by repealing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof:

CHAPTER 23

SIGN REGULATIONS

SECTION:

11-23-1: GENERAL:

11-23-2: DEFINITIONS:

11-23-3: PROHIBITIONS:

11-23-4: EXEMPT SIGNS:

11-23-5: REGULATIONS FOR SPECIFICIED DISTRICTS:

11-23-6: SIGN LIGHTING STANDARDS:

11-23-7: NONCONFORMING SIGNS:

11-23-8: REMOVAL OF SIGNS:

11-23-9: DESIGN GUIDELINES:

11-23-10: PLANNED SIGN PROGRAM:

11-23-11: BILLBOARDS:

11-23-1: GENERAL:

A. INTENT: This chapter is intended to provide standards for the erection, design, and placement of signage. The standards established by this chapter are intended to provide equal opportunity for messages to be displayed, achieve proper relationship of signs to their environment, enhance the outward appearance of the community, secure pedestrian and vehicular safety, and preserve the historic aspects of the city.

B. APPLICABILITY: This chapter applies to all signs erected, installed, structurally altered, or otherwise modified after the effective date of this Code. Adoption of this code does not permit signs erected in violation of previous versions of this chapter. Nonconforming signs are subject to the provisions of section 11-23-7.

C. ADMINISTRATION AND ENFORCEMENT: The sign administrator for the city shall be the director of the community development department or the administrator's designees. It shall be the administrator's responsibility to review, approve and process applications for and issue sign permits; to conduct public hearings to resolve requests received for variances to the general sign regulations before the board of adjustment; to approve a Planned Sign Program, to enter any premises, building or structure in the city following the presentation of proper credentials for the purpose of inspection of a sign and its structural and/or electrical connections to ensure compliance with applicable codes and ordinances; and to enforce and carry out all provisions of this code.

D. PERMIT REQUIRED:

1. Unless specifically exempted in section 11-23-4 a permit must be obtained prior to erection, installation, display, or alteration of sign.

2. A permit is not required to change the face of a sign provided there is no change to the type of display face being used which shall be considered an alteration.

3. Each application for a sign permit shall be accompanied by the appropriate fee based upon the sign's valuation and as determined from the current building permit fee schedule adopted by the building department. Each application for a variance shall be accompanied by the fee established for that process by city resolution. No sign as described or limited by the provisions of this chapter shall be erected or otherwise installed or altered without first having obtained a permit.

4. If erection of a sign, later found to be acceptable, occurs on a property prior to approval and permitting by the administrator, the specified permit fee shall be doubled as provided for in the building permit fee schedule.

5. When a sign is erected illegally without proper review, approval or permit, or when, in the opinion of the administrator, a violation of the general sign regulations exists, the administrator shall identify and attempt to notify the alleged violator in writing of the need to correct or remove said violation within ten (10) days, or make appeal of the administrator's determination in writing to the city manager within that same period. Any pending enforcement action will be held in abeyance during this period, and if an appeal is received, until such appeal is resolved (see also: 11-23-8).

E. SUBSTITUTION CLAUSE: A protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. This provision applies to all signs, including billboards, allowed under this ordinance. Such substitution of message may be made without any additional approval, permitting, registration or notice to the city.

F. STANDARDS:

1. SETBACKS AND ENCROACHMENTS:
   a. District dimensional standards for buildings do not apply to signs.
   b. Awning, canopy, pedestrian, or projecting signs can encroach 42 inches beyond the property line over a public right-of-way provided that:
      1) The sign cannot encroach within a vertical plane measured 2’ (two feet) from the back of the curb;
      2) The bottom edge of the sign must maintain a clearance of at least 10’ (ten feet) from the finish grade level below the sign (or a variance must be obtained from the Board of Adjustments);
      3) The encroachment cannot constitute a hazard to the use of the right-of-way by the public;
      4) Encroachment cannot be placed in a way as to constitute an obstacle in violation of local, state, and federal universal accessibility laws, rules, and regulations.
   c. Placing an encroachment in the right-of-way as permitted by this section does not grant any property rights in the City’s right-of-way to the owner of the encroachment.
   d. The city may, without warning, perform construction and maintenance activities within the right-of-way. The city is not

responsible for any damage to any encroachments present in the right-of-way when performing these activities.

e. Encroachments permitted by this section are subject to removal, at property owner's expense, upon sixty (60) calendar days written notice from the City.

2. MAINTENANCE:

a. All signs must meet the following provisions for maintenance. Signs that do not meet these provisions must be repaired or removed within ninety (90) calendar days after receipt of notification from the Sign Administrator. Violations of this chapter are subject to the provisions of section 11-23-8.

b. The area around a sign must be properly maintained to make the sign readily visible.

c. All non-functioning bulbs or damaged sign faces or panels must be replaced or repaired within sixty (60) calendar days of written notice, or proof of an order for parts or services and a timeline not to exceed 180 days from the notice of violation for the repairs to be made must be given to the sign administrator.

d. All sign copy must be maintained securely on the sign face or panel and all missing copy must be replaced within sixty (60) calendar days of written notice, or proof of an order for parts or services and a timeline not to exceed 180 days from the notice of violation for the repairs to be made must be given to the sign administrator.

e. All sign structures, framework, and poles must be structurally sound.

f. All signs in their installation, maintenance, and removal must comply with the provision of the building and electrical codes adopted by the city.

G. APPLICATION FOR PERMITS/VARIANCES:

1. Application for a permit for the erection or alteration of a sign or to request a variance by the board of adjustment from a specific sign criterion as set forth in chapter 5 of this title shall be made upon the forms provided by the administrator.

2. Applications must be complete to be considered valid. Failure to provide the information requested on the form is grounds for rejection of the application as incomplete. Any reason for rejection of an application for a sign permit shall be noted on the application and returned to the applicant. The reasons for denial of a variance request following proper hearing shall be noted on the board of adjustment's order and decision form and a copy sent to applicant.

H. A planned sign program is required for any business or group of business uses on a parcel or group of parcels greater than 2 acres with common access and parking.

I. No sign permitted in the Airport district shall obscure vision from the control tower to any part of the airfield.

11-23-2: DEFINITIONS:

Words used in this Chapter have their normal dictionary meaning unless they are listed in Section §11-23-2 or unless this Chapter specifically refers to another Title and/or Chapter. Words listed in Section §11-23-2 have the specific meaning stated or referenced unless the context clearly indicates another meaning.

ABANDONED SIGN: A sign which no longer correctly advertises a bona fide business, lessor, owner, product, or activity conducted, or product available on the premises where the sign is displayed or elsewhere.

ALTERATION OF SIGN: The moving or modification, in any manner, of a sign including, but not limited to, changes to the sign structure, height, size or area, shape or foundation, but excluding the exchange, replacement or repainting of the sign faces of cabinet type signs where there are no changes to the original cabinet.

AWNING SIGN: A sign that is affixed to a roof- like structure; generally composed of a skeletal frame covered in a fabric or other skin-type material typically open on the bottom side, that extends along and projects beyond the wall of the building and is generally designed and constructed to provide protection from the weather.

BANNER: A temporary, on-premise, nonrigid sign that is generally hung from a permanent or temporary structure for the purpose of advertising.

BILLBOARD SIGN: A permanent off-premise sign in a fixed location used, in whole or in part, for the display of off-site commercial messages with a minimum size of one hundred and fifty (150) square feet.

BUILDING FAÇADE: The portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves for the entire width of the building elevation, or that portion comprising the exterior elevation of one business located in a multiple-tenant structure.

BUILDING FRONTAGE: The side of a building which faces a public street right of way.

COMMON SIGN: An on-premise, freestanding sign intended to be shared by all tenants or businesses within a single building or group of buildings that share common drives and parking areas.

INCIDENTAL SIGN (MAJOR OR MINOR): An on-premise, permanent, sign containing an informational message that has a purpose incidentally related to the use or occupancy of the premises and is intended to assist the public with respect to the location of business facilities or provides courtesy or directive information but is not an advertisement.

ELECTRONIC MESSAGE DISPLAY FACE: A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.

ERECTED: The attachment, installation, alteration, building, constructing, reconstructing, enlargement, moving, or painting of signs, or the relocation, placement, or alteration of individual sign letters (excluding manual reader board copy) or cabinets.

FREESTANDING SIGN: An on-premise sign supported by structure(s) or support(s) that are placed on, or anchored in, the ground, and that are independent from any building or any other structure.

GHOST SIGNS: A sign, painted upon the facade of a building, that is more than fifty (50) years old, and which generally advertises an extinct business or product.

HEIGHT OF SIGN: The vertical distance measured from the highest point of the sign to the highest adjacent street grade or surface beneath the sign, whichever measurement results in a lower overall height.

MARQUEE SIGN: An on-premise sign attached to or constructed on a canopy structure which is attached to and projecting horizontally beyond the wall of a building that generally is designed and constructed to provide protection from the weather.

MONUMENT SIGN: A freestanding sign mounted directly to the ground, or with its bottom edge flush to the ground, not more than twelve (12) feet tall, and which may be placed on a berm not exceeding two and one-half feet ($2^1/_2$') above the adjacent street grade or surface beneath the sign, whichever is less.

NONCONFORMING SIGN: A sign which was lawfully erected and maintained prior to the adoption of this chapter and all amendments, which now fails to conform to all applicable regulations and restrictions of this chapter.

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.

ON-PREMISE SIGN: A sign which directs persons to; or advertises goods, products, services, or facilities situated or provided at the same premises where the sign is installed.

POLE BANNER SIGN: A sign suspended from brackets mounted on a light pole.

PORTABLE SIGN: A sign mounted on a trailer, stand or similar support structure which is designed in such a manner that the sign can be readily relocated to provide advertising at another location.

PROJECTING SIGN: An on-premise sign affixed to the exterior wall of a structure and extends perpendicular to the facade of the building or structure.

ROOF SIGN: An on-premise sign erected upon or above any portion of a roof or parapet wall of a building that is wholly or partially supported by the building.

SANDWICH BOARD SIGNS: A sign or structure that is freestanding, temporary and movable, composed of two sign faces mounted or attached back-to-back in such a manner as to form a triangle with the ground and sign faces (also known as an A-frame sign). The area of a sandwich board sign is calculated on one side only.

SIGN: Any identification, description, graphics, illustration, or device that is visible from any public place and exposed to the public which directs attention to a product, service, place, activity, person, institution, business, or solicitation, designed to advertise, identify, or convey information.

SIGN AREA: The entire area within any type of perimeter or border which encloses the outer limits of writing, representation, emblem, figure, or character. The area of the sign having no such perimeter or border is computed by enclosing the entire area with parallelograms, triangles, or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles, or circles. The area for double- faced or multiple-faced signs is the aggregate area of all the sign faces visible from any one direction at any one time.

SUSPENDED SIGN: An on-premise freestanding sign comprised of a vertical column, a horizontal decorative sign support, and a suspended sign face.

TEMPORARY SIGN: An on-premise sign intended for a limited period under specially defined requirements.

UNDER MARQUEE OR AWNING SIGN: An on-premise lighted or unlighted display attached to the underside of a marquee or awning that extends over public or private sidewalks or rights of way.

VEHICLE SIGN: A message or graphic affixed to a vehicle and intended to provide off-premise, or additional on-premise signage for a commercial entity.

WALL SIGN: An on-premise sign affixed in any manner, including paint, to the exterior wall of a building or structure with its face parallel to the building façade, including signs affixed to awnings.

WINDOW SIGN: An on-premise sign installed inside or upon the window surface for the purpose of viewing from outside the premises.

11-23-3: PROHIBITIONS:

A. Signs and sign face types that are not listed as permitted within a district are prohibited.

B. Signs may not be erected in such a manner that they obstruct or create a hazard by blocking the clear view of vehicular, bicycle, or pedestrian traffic as set forth in section §7-3-7 of this code; or where they may obstruct the view of any traffic control device. No sign or its illumination may interfere with traffic safety or simulate emergency services.

C. Signs may not be placed on or extend into any public rights-of-way except as outlined in section 11-23-1D1, nor be affixed to any post, tree, or pole located in any public right-of-way or upon any city owned property, including signs held by a person, except for signs placed by authorized agents of the city or except as permitted by Title 7, Chapter 13 of this code.

D. No sign may be constructed or erected that resembles any official marker erected by the city, state, or any governmental agency, or that by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal.

E. Any of the following sign types are expressly prohibited:

1. Balloons;
2. Portable signs;
3. Reflective or mirrored signs;
4. Powered, air-activated devices;
5. Vehicle signs that are on-premise and not involved in the regular operations of the advertised business in a non-advertising function or used off-premise in the performance of an explicitly advertising function;
6. Signs that are flashed or projected on walls or other structures by means of a slide projector, laser, or other devices.

11-23-4: EXEMPT SIGNS:

A. The following signs are allowed by right in all zoning districts without a permit but must adhere to the specific size restrictions in this chapter. A permit is not required for the following types of signs, provided all applicable provisions of this section are met. Such signs are not considered in determining the allowable number or size of signs on a lot. The signs cannot be internally illuminated (including but not limited to electronic faces).

1. GHOST SIGNS:

   a. Nothing in this chapter shall interfere with the restoration of a ghost sign.

   b. Ghost signage shall not be included in calculating the allowable signage on a property.

2. House numbers and street names for the purpose of identifying the property for emergency services and mail delivery.

3. Public interest signs, erected by or on the order of a public officer in the performance of their duty, such as public notices, safety sign, danger signs, trespassing signs, traffic and street signs, wayfinding signs, memorial plaques, and signs of historical interest.

4. Any sign internal to a development not intended to be visible from the right-of-way or neighboring property.

5. One under-marquee or under-awning signs where allowed, under six square feet (6sf) in size per business, and where the bottom edge of the sign is at least eight (8) feet above grade.

6. Feather flags are only permitted in R-4, R-O, B-1, B-2, CLM, and PLI zoning districts at the rate of one per primary structure with an additional flag permitted per 200’ linear feet of frontage beyond the first 100’.

B. Temporary signs are allowed to be erected so long as the following conditions are met:

1. That the signs are not illuminated in any manner;
2. That the signs are not erected in a permanent manner; and
3. That they follow the requirements of their zoning districts outlined below:
   a. R-1, R-2, and R-3 zoning districts: Temporary sign(s) may not exceed twelve (12) square feet in aggregate area.
   b. R-4, R-O, R-U, TR, DT, and B-1 zoning districts: Temporary sign(s) may not exceed twelve (12) square feet in aggregate area.

c. B-2, CLM, M-I, and PLI zoning districts: Temporary signs may not individually exceed twenty-four (24) square feet or exceed thirty-two (32) square feet in the aggregate.

C. Political signs per state law.

11-23-5: REGULATIONS FOR SPECIFICIED DISTRICTS:

TABLE 1: ALLOWABLE BUILDING SIGNAGE:

For DT and TR districts see Ch. 9.

For district specific dimensional standards see "Design Guidelines" in this chapter (11-23-9) in this chapter.

ZONE ▸ **SIGN TYPE ▾**	**R-1, R-2, R-3**	**R-4, R-O, R-U**	**B-1, B-2, CLM, M-I**	**PLI**	**Airport**
MARQUEE, AWNING AND/OR CANOPY SIGN:	P	P	P	P	P
PROJECTING SIGN:	NP	P	P	NP	P
ROOF SIGN:	NP	NP	P	NP	NP
WALL SIGN:	P	P	P	P	P
WINDOW SIGN:	P	P	P	P	P

TABLE 2: ALLOWABLE SITE SIGNAGE:

For DT and TR districts see Ch. 9.

For dimensional standards see "Design Guidelines" in this chapter (11-23-9) in this chapter.

ZONE ▸ **SIGN TYPE ▾**	**R-1, R-2, R-3**	**R-4, R-O, R-U**	**B-1, B-2, CLM, M-I**	**PLI**	**Airport**
BILLBOARD SIGN:	NP	NP	P	NP	NP
COMMON SIGN:	P	P*	P*	P*	P*
FREESTANDING SIGN:	NP	P	P	P	P
INCIDENTAL MAJOR SIGN:	NP	P*	P*	P*	P*
INCIDENTAL MINOR SIGN:	P	P	P	P	P
SANDWICH BOARD SIGN:	NP	P	P	P	P

*As part of an approved Planned Sign Program element.

TABLE 3: ALLOWABLE DISPLAY FACE TYPES:

For DT and TR districts see Ch. 9.

ZONE ▸ FACE TYPE ▾	**R-1, R-2, R-3**	**R-4, R-O, R-U**	**B-1, B-2, CLM, M-I**	**PLI**	**Airport**
ELECTRONIC MESSAGE DISPLAY FACE:	NP	NP	P	NP	P
EXTERNALLY ILLUMINATED W/ DOWNWARD FACING LIGHTS	P	P	P	P	P
HALO LIT:	NP	P	P	P	P
INTERNALLY ILLUMINATED	NP	NP	P	NP	P
NON-ILLUMINATED AND PERMANENT IN NATURE	P	P	P	P	P
READER BOARD (MANUAL CHANGE):	NP	NP	P	NP	P

11-23-6: SIGN LIGHTING STANDARDS:

A. Signs that are permitted to be lighted may only be lighted in such a manner that the light therefrom may shine only on the sign or on the property on which it is located and may not shine onto any other property, in any direction, except by indirect reflection. No lighting arrangement is permitted which, by reason of brilliance or reflected light, is a detriment to surrounding properties or prevents the reasonable enjoyment of residential uses.

AREA OF SIGN IN SQUARE FEET	**MEASUREMANT DISTANCE**
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97

100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	172

B. Awning, canopy, incidental, projecting, roof, suspended, and wall signs may not have electronic display faces.

C. Portable signs and sandwich boards may not be illuminated or electrified in any way.

D. Sign illumination in residential districts must be turned off after business hours.

E. Billboards with electronic message centers may not change their display face faster than once every seven and one half (7.5) seconds.

F. On-premise signs with electronic message centers may not change their display face faster than once every two (2) seconds.

G. Changes from one message to another shall be accomplished by the change of all illumination elements on the face of a changing sign (electronic)

simultaneously, with the provision that the sign may fade or dissolve to complete darkness and then re-illuminate with or fade-in to the new message. A transition sequence must be completed in no more than two (2) seconds.

H. Any electronic message center(s) that is located within 300 feet of any residential use must automatically turn off between the hours of 11:00 p.m. and 6:00 a.m. daily unless the business is operating during these hours.

I. An electronic message shall not scroll, travel, or flash.

J. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion or animation, including the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns, bands of light, or expanding or contracting shapes, except as provided by 11-23-6 (G).

K. Electronic message displays must have ambient light monitors that automatically adjust their brightness and shall not exceed .3 footcandle above ambient light when measured according to the foot candle chart in this section.

11-23-7: NONCONFORMING SIGNS:

Nonconforming signs are permitted to remain, subject to the following exceptions and restrictions:

A. The abandonment of a nonconforming sign terminates the right to maintain such sign.

B. A nonconforming sign may be continuously maintained or repaired in its original form with materials compatible with the existing construction until damaged or destroyed from any cause in excess of seventy percent (70%) of replacement costs or until the sign becomes substandard structurally, materially, or electrically from obsolescence or other cause, so as to pose a hazard or endangerment to the public, and is not promptly repaired as ordered by the sign administrator.

C. When a nonconforming sign is replaced or relocated, a sign permit must be obtained, and the sign must then comply with this chapter.

D. A nonconforming sign may be altered only when the proposed alterations bring the sign fully into conformance with the restrictions for the district in which the sign is located.

E. A nonconforming sign shall cease to be used when the business, activity, or use on which it is located is enlarged by more than fifty percent (50%) of either the original lot area or the building area lot coverage in place at the time the sign was installed.

11-23-8: REMOVAL OF SIGNS:

Signs placed within the jurisdiction may be removed or cited for a violation in accordance with section 11-1-13 for the following reasons:

A. Failure to comply with a written order of removal for a sign in violation of this chapter. The sign owner shall be responsible for all costs incurred by the city in connection with the removal and demolition of the sign and may be subject to the penalties of section 11-1-13 until the sign is removed.

B. Signs found to be structurally, materially, or electrically defective or in any way found to be a hazard or an endangerment to the public shall be ordered repaired or removed by the owner within a time frame not to exceed a maximum of thirty (30) calendar days, as established by the administrator based upon the degree of hazard presented by the sign.

C. Signs abandoned by reason of a change of occupancy or vacation of the building or use, shall be removed within ninety (90) calendar days by the sign owner. Failure to remove shall subject the sign owner to the responsibility for all costs incurred in removal or demolition of the sign by the jurisdiction and may be subject to the penalties of section 11-1-13 until the sign is removed.

D. The administrator, in case of an emergency when a dangerous or defective sign poses an immediate hazard, may cause the removal of the sign without the standard notice. Following removal of the sign, the administrator shall make available to the owner a statement of the work performed and a copy of the costs of the removal for payment.

E. In the case of removal of a sign by the jurisdiction, all costs incurred are the responsibility of the sign owner. If the costs for removal are not paid by the owner of the sign within thirty (30) calendar days of receipt of notice of those costs and attempt to serve notice of those costs, the amount specified shall become an assessment or lien against the property.

F. Signs described in section 11-23-3C of this chapter erected on public property or rights of way without prior approval shall be subject to immediate removal where and when possible, by city personnel without obligation to notify the owner of said removal.

11-23-9: DESIGN GUIDELINES:

A. COMMON SIGN:

1. GENERAL STANDARDS:
   a) 1 per lot, tract, or parcel held in common ownership.
   b) Common signs must be used when applicable in place of freestanding sign requirements.
2. DESIGN STANDARDS BY ZONING DISTRICT:
   Table 1.

ZONE ▸ SIGN TYPE ▾	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
COMMON SIGN:	Total #: 1 Max Height: 5′ Max Area: 12sf	Max Height: 24′ Max Area: 40sf	1 per lot, tract, or parcel held in common ownership. Max Height: 30′ (B-1) 34′ (B-2, CLM, and M-I) Max Area: 40sf (B-1) 200sf (B-2 and CLM) 300sf (M-I)	1 per lot, tract, or parcel held in common ownership. Max Height: 24′ Max Area: 120sf	1 per lot, tract, or parcel held in common ownership. Max Height: 24′ Max Area: 120sf

F. FREESTANDING SIGN:

1. GENERAL STANDARDS:

a) One sign is permitted per principal building.

b) The bottom edge of the sign face must be at least eight feet (8’) above ground level or the standards for a monument sign or suspended sign must be used.

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE ▸ SIGN TYPE▾	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
FREESTANDING SIGN:	Total #: 1 Max Height: 5’ Max Area: 12sf	Max Height: 18’ Max Area: 32sf	Total #: 1 Max Height: 24’ (B-1) 34’ (B-2, CLM and M-I) Max Area: 32sf (B-1) 150sf (B-2 and CLM) 250sf (M-I)	Total #: 1 Max Height: 18’ Max Area: 100sf	Total #: 1 Max Height: 24’ Max Area: 100sf

G. INCIDENTAL MAJOR SIGN:

1. GENERAL STANDARDS:

   a) Location and number as approved with a Planned Sign Program.

2. DESIGN STANDARDS BY ZONING DISTRICT:

   a) Signs are limited to a max area of thirty-two (32) square feet and eight (8) feet in height.

H. INCIDENTAL MINOR SIGN:

3. GENERAL STANDARDS:

a) One per curb cut for property.

4. DESIGN STANDARDS BY ZONING DISTRICT:

a) Signs are limited to a max area of six (6) square feet and four (4) feet in height.

D. MARQUEE, AWNING AND/OR CANOPY SIGN:

1. GENERAL STANDARDS:

a) Marquee, awning, and canopy signs are only permitted on the ground floor.

b) Marquee, awning, and canopy signs may not exceed thirty percent (30%) of the ground floor elevation of a building. Not to exceed the total square footage allowed when aggregated with wall signage.

2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Square footage of signs aggregated with wall signage requirements where permitted.

E. MONUMENT SIGN:

3. GENERAL STANDARDS:

a) One sign is permitted per frontage.

b) A monument sign is a freestanding sign and not an additional sign type.

4. DESIGN STANDARDS BY ZONING DISTRICT:

a) A monument sign may be placed on a berm not exceeding two and one-half feet (2½')above the adjacent street grade or surface beneath the sign, whichever is less.

ZONE ▸ SIGN TYPE▾	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
MONUMENT SIGN:	NP	Max Height: 6' Max Area: 32sf	Total #: 1 Max Height: 6' (B-1) 12' (B-2, CLM and M-I) Max Area: 32sf (B-1) 150sf (B-2 and CLM) 250sf (M-I)	Total #: 1 Max Height: 12' Max Area: 120sf	Total #: 1 Max Height: 12' Max Area: 120sf

E. PROJECTING SIGN:

1. GENERAL STANDARDS:

a) Projecting signs may not project more than six inches (6”) above the parapet on the façade they are installed upon.

b) Projecting signs shall not extend more than six feet (10') measured at a right angle between the outer extremity of the sign and the wall or structure to which it is attached or as limited by section 11-23-1D.

2. DESIGN STANDARDS BY ZONING DISTRICT:

a) Square footage of signs aggregated with wall signage requirements where permitted.

F. ROOF SIGN:

1. GENERAL STANDARDS:

   a) A roof sign may be used in place of a primary wall sign where permitted.

   b) The sign shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc., and sign supports shall appear to be an architectural feature and integral part of the building.

2. DESIGN STANDARDS BY ZONING DISTRICT:

   a) Roof signs are calculated with and may not exceed wall signage requirements where permitted.

G. WALL SIGN:

1. GENERAL STANDARDS:

a) Sign areas are given per building façade.

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE ▸ SIGN TYPE ▾	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
WALL SIGN:	Max Area: 40sf	Max Area: 40sf	Max Area: 8% of the building façade or sixty (60) square feet (per façade) , whichever is greater.	Max Area: 100sf	Max Area: 8% of the building façade or sixty 60sf, whichever is greater.

J. WINDOW SIGN:

1. GENERAL STANDARDS:

A. Window signs may be displayed on ground floor windows only.

B. Window signage occupying less than twenty-five percent (25%) of the aggregated window area per building elevation or tenant occupied portion of a building is exempt in commercial districts (B-1, B-2, CLM, M-I, PLI, and Airport).

C. If window signage exceeds twenty-five percent (25%) of the aggregated window area per building elevation the total square footage of the window signage is to be aggregated with and not to exceed the requirement of wall signage.

2. DESIGN STANDARDS BY ZONING DISTRICT:

Table 1.

ZONE ▸ / SIGN TYPE ▾	R-1, R-2, R-3	R-4, R-O, R-U	B-1, B-2, CLM, M-I	PLI	Airport
WINDOW SIGN:	1 window sign up to 6sf.	Up to 25% of the window	Aggregated with wall signage requirements unless exempt	Aggregated with wall signage requirements unless exempt	Aggregated with wall signage requirements unless exempt

11-23-10: PLANNED SIGN PROGRAM:

A. INTENT: The intent of a Planned Sign Program is to ensure that all signs are in harmony with other on-site signs, buildings, surrounding developments and to reduce visual clutter. Sign programs are also intended to provide a means of flexible application of sign regulations to encourage maximum creativity in the design and display of signs.

B. APPLICABILITY: Any business or group of business uses on a parcel or group of parcels greater than 2 acres with common access and parking.

C. Each new sign applied for under a Planned Sign Program shall be accompanied by the appropriate fee as described in §11-23-1D3.

D. The Sign Administrator may approve a Planned Sign Program that follows the applicable standards of this chapter and may grant the following deviations to the chapter as outlined in this subsection:

1. The Sign Administrator may approve of incidental minor and major signs.

2. The Sign Administrator may approve of an additional freestanding sign where the subject property has an additional frontage and an incidental major sign would prove inadequate for wayfinding purposes.

3. The Sign Administrator may order the use of common sign(s) in place of freestanding sign(s) where it will reduce visual clutter.

4. The Sign Administrator may increase allowable wall signage by no more than twenty percent (25%) of wall signs so that they may match the largest wall sign allowed on the premises where it will create uniformity and/or to improve wayfinding.

5. The sign administrator shall consider the intent of the Planned Sign Program in its evaluation of the application.

E. A Planned Sign Program may not be used to circumvent the sign variance process or to simply permit larger, more visible, or additional signs than may otherwise be permitted.

F. Appeals to the Sign Administrators determination on a Planned Sign Program application are to be handled by the Board of Adjustments.

Ord. No. _____

11-23-11: Off-premises/billboard signs.

A. Purpose and intent: This section is enacted to provide more particular and uniform standards for the location, spacing, height, lighting, and regulation of off-premise signs and billboards within the city. It is the intent of these regulations to achieve the following:
   1. Enhance the economic value of the landscape by avoiding visual clutter;
   2. Enhance the aesthetics and impression of the city as it conveyed to tourists and visitors;
   3. Acknowledge the economic value that providing room for advertising may bring to the community;
   4. Protect adjacent and/or nearby properties from the negative impact of lighting, size, height and location of signs;
   5. Encourage and enforce the removal of non-conforming off-premises signs from scenic, cultural, and historic districts or corridors;
   6. Bring the business of outdoor advertising in-line with business permitting practices within the city.

Opinionated, is interesting how it's in every set of Regs.

~~B. Billboard business permit (BBP) required: All billboard sign faces must have one or more valid BBP(s) by the 30th of January of the second calendar year after adoption (for example: if this title is adopted anytime in 2024, the sign owner/operator would need their valid billboard business permit(s) by 01/30/2026).~~
   ~~1. The owner/operator of a billboard face must have the required BBP to display copy on the billboard face for which they have received compensation.~~
   ~~2. The total number of BBPs issued within city limits is fixed per the following count on the date of the adoption of this title:~~
      ~~1) Each non-illuminated or externally illuminated billboard face requires one (1) BBP.~~
      ~~2) Each electronic message center billboard face requires two (2) BBPs.~~
   ~~3. BBPs shall be valid for the calendar year in which they are issued and shall be renewed not later than January 30th of each calendar year.~~
   ~~4. An annual BBP renewal fee, subject to periodic adjustment by City Commission, shall be charged at the time of issuance and must be paid prior to the issuance of the renewal BBP according to the following fee schedule:~~
      ~~a) One hundred dollars ($100) per BBP for any non-illuminated, or externally illuminated BBP.~~
      ~~b) Fifty dollars ($50) per electronic message center BBP erected prior to the adoption of this title until such a time a time the face is altered or the sign reconstructed and/or moved.~~

~~c) One hundred ($100) per electronic message center BBP erected after the adoption of this title.~~

~~5. It is a violation of this title for a company to receive compensation for display copy on their sign faces without valid BBP(s).~~

~~6. No BBP shall be issued if the company requesting the BBP is known by the Sign Administrator to be in violation of any of the provisions of this chapter.~~

~~7. Any Billboard that does not have a BBP issued for it by January 30th of any given calendar year shall be removed by the Owner within (90) days after written notification from the Sign Administrator unless a renewal permit is obtained within that ninety (90) day period.~~

~~8. Failure to renew the permit within the time guidelines as set forth above is a violation of the code and will subject the Billboard owner and the landowner to the following penalties in addition to the annual renewal fee listed above:~~

~~a) One (1) to twenty-nine (29) days past due – one hundred dollars ($100) penalty~~

~~b) Thirty (30) to fifty-nine (59) days past due – two hundred dollars ($200) penalty~~

~~c) Sixty (60) to eighty-nine (89) days past due – four hundred dollars ($400) penalty~~

~~d) Beyond 90 days – forced removal of sign per §11-23-8-A.~~

~~9. The owner of a valid BBP or BBPs may renew the BBP(s) for two years after the removal of their sign. If the BBPs are no longer associated with a specific sign face the BBP(s) are forfeited.~~

~~10. The City Commission may choose to auction off or destroy a forfeited BBP pending a public hearing.~~

B. Billboards business permit (BBP) required:

Sections 1-10

THIS ENTIRE SECTION NEEDS TO BE REMOVED

- What's the purpose for this section, this entire section needs to be taken out (1-10)... This is going to cause a lot of extra time and work for what?
If it's to try and generate more money, I feel that there are other and more simpler ways to go about it. Per a previous conversation in a work session, a suggestion was made to charge more for the permits.

Example, Not on Interstate Corridor; **Charging by the sq foot:** if a sign is 10'6 x 22'8 (Poster)= 242 sq feet for a sign face at $3.50/square foot, that's about $850.00 for a permit or one face, if the proposed sign has two faces of the same size, the permit fee would be around $1,700.00 for a double-sided sign.

On the Interstate Corridor; A Bulletin 10'6"x 36 = 382sq feet @ $3.50/ sq feet permit fee would be around $1,337.00 per face.

This would be so much easier to keep track of.

Charge a fee for any type of sign change, example, change out supports, change face size, or rebuild....

No charge for regular/routine maintenance, changing ads, regular day to day business

By having an annual fee, who is going to monitor this and how?
Every Off-premise sign in the City Limits will need to be inventoried, all sizes, from the mom and pops, to the billboards, ect... Everything that advertises something that is not on the premise, or is this just being targeted to Lamar and Yesco?

C. No new off-premises/billboard signage pending removal of non-conforming signs (cap and replace).
   1. New billboards prohibited. No billboard sign shall be constructed or erected in any district after the date of the enactment of this subsection.
   2. Billboard replacement provisions: New billboard faces may be constructed with valid BBP(s) once the face and structure that BBP had previously been associated with has been completely removed and the BBP updated to reflect the new pending location.

D. Location standards for newly constructed billboards: All billboards shall be located in accordance with the following standards:
   1. Billboard signs shall be permitted in the I-15 interstate highway corridor as defined by Montana law. All billboard sign faces in the interstate highway corridor must read to the interstate highway. Billboard signs are permitted on properties zoned B-2, CLM, and M-I as follows:
      a) Billboard signs located within the interstate corridor shall have a maximum size of four hundred and thirty-two (432) square feet in area, including border and trim but excluding base or apron, supports, and other structural members.
      b) Billboard signs may not exceed forty-eight feet (48') in length.
      c) The maximum height of billboard signs, including the sign face, shall be thirty feet (30') measured to the centerline of the interstate right of way.
      d) Minimum distance between non-illuminated or externally illuminated billboard signs shall be five hundred feet (500').
      e) Minimum distance between electronic message center billboard signs shall be one thousand feet (1000').
   2. Billboard signs shall be permitted in B-2, CLM and M-I districts along routes covered by the Federal-aid primary system and the Highway Beautification Act but not within the interstate corridor as follows:

a) Billboard signs shall be a maximum of three hundred (300) square feet in area, including border and trim but excluding base or apron, supports, and other structural members.
b) Billboard signs may not exceed twenty-four feet (24') in length.
c) The maximum height of billboard signs, including the sign face, is thirty feet (30').
d) Minimum distance between billboard signs shall be a radius of five hundred feet (500').
e) No billboard shall be placed within three hundred (300) feet of the DT (downtown), TR (transitional residential), R-1 (residential), R-2 (residential), and R-3 (Residential) zone types.

E. Property standards.
1. Billboards shall be set back twenty (20) feet from any property line.
2. No billboard shall be placed on the roof of any building or structure.

F. Faces:
1. There shall be no more than a total of two (2) faces per supporting structure.
2. All structures must be single face, back-to-back, or "v" type of construction. Stacked faces are prohibited.

G. Pole construction:
1. All billboard signs shall be self-supporting structures erected upon or permanently attached to concrete foundations.
2. Billboard signs shall be erected using single pole construction.

H. Preservation of viewsheds:
No billboard sign shall interrupt the view in either direction along Helena Avenue. What is currently there is grandfathered in (if any)?

1. Signs shall not cover or blanket any prominent view of a structure or facade of historical or architectural significance.
2. The sign will not obstruct views of users of adjacent buildings to side yards. This requirement does not include views of distant vistas. - Is this moving forward with these regs? Please explain for more clarification..

I. Discontinuance. The city may order the removal of any billboard, without compensation, upon which the advertising or other message has been discontinued for more than sixty (60) continuous days. The owner shall either advertise upon or remove the billboard within thirty (30) days of written notification by the city. - need more Clarification on this section

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. _____

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS ___ DAY OF _____, 2024.

_____

ATTEST: MAYOR

_____

CITY CLERK

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS _____ DAY OF _____, 2024.

_____

ATTEST: MAYOR

_____

CITY CLERK

INTERNATIONAL SIGN ASSOCIATION
1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org
WWW.SIGNS.ORG

NORTHWEST SIGN COUNCIL

June 10, 2024 **sent via email**

City of Helena Zoning Commission

Re: Draft Sign Code – on premise signs

Honorable Helena Zoning Commission:

I am contacting you on behalf of the Northwest Sign Council (NWSC) and the International Sign Association (ISA), representing the on-premises sign industry. Both organizations work with jurisdictions throughout the Northwest to assist in the creation of beneficial and enforceable sign regulations.

We truly appreciate the inclusion of several of our recommendations in the proposed draft. However, we do have the following recommendations for your consideration.

GROUND SIGNS IN THE B-3 DISTRICT

The existing code allows for ground or monument signs in the B-3 district with a Conditional Use Permit.

> ***The proposed code does not allow for ground signs in the B-3 District. We recommend at a minimum allowing the same rights in the proposed code or preferably including reasonable time, place and manner standards for ground signs in the B-3 district and allow these signs by right. The requirement of a CUP for ground signs in the B-3 District can lead to undue discretion. Note that the table on page 22 for common signs lists B-3 in the text but does not include B-3 in the table.***

H. WALL SIGN Table. pg. 30
The proposed wall area allowances for commercial and industrial districts represent a decrease in allowable area from 30% to 8% which represents a 73.3% reduction in allowable sign area. Based on our field work and investigation in the existing wall sign areas with various percentages we believe that 20% of the façade area is reasonable, will provide for safe and effective legibility, and will minimize the number of existing signs that will become nonconforming.

> ***We recommend a wall sign area standard of 20% of the building façade to ensure effective visibility and legibility and to not make many existing signs nonconforming, which would place a burden on the business community.***

We appreciate your consideration of these recommendations. Do not hesitate to contact me with any questions at 480-773-3756 or james.carpentier@signs.org.

Sincerely,

1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org
WWW.SIGNS.ORG

INTERNATIONAL SIGN ASSOCIATION

NORTHWEST SIGN COUNCIL



James B. Carpentier AICP
Director State & Local Government Affairs

Cc
Michael Alvarez

Re: Sign Code Update: Zoning Commission Recommendation Vote -- 06/11/24

Tziporah Feldman <tziporah.feldman@scenic.org>

Tue 6/11/2024 7:32 AM

To:Michael Alvarez <MALVAREZ@helenamt.gov>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Michael,

I apologize for not getting any formal comments to you ahead of today's meeting. However, we truly support this endeavor and think the cap and replace law looks good. My only (more minor) suggestion would be increasing the renewal fees.

I probably won't be able to hop on the call today since it's pretty late in my time zone, but I'll send you a message in the morning tomorrow to see how it went.

TZIPORAH FELDMAN
Policy and Research Director
1012 14th Street NW, Suite 1108, Washington, DC 20005
(202) 792-1302
She/her/hers
tziporah.feldman@scenic.org | scenic.org

INTERNATIONAL SIGN ASSOCIATION
1001 N. Fairfax Street
Suite 301
Alexandria, VA 22314
main (703) 836-4012
fax (703) 836-8353
info@signs.org
WWW.SIGNS.ORG

NORTHWEST SIGN COUNCIL

July 15, 2024 **sent via email 7/15/24**

To: Honorable Mayor Collins and the City Commission

Re: Proposed ordinance revising the regulation of signs by amending Chapter 23, Title 11 of the Helena City Code by repealing and replacing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations – on 7/15/04 Commissioner's agenda Regular Item #12

I am contacting you on behalf of the Northwest Sign Council (NWSC) and the International Sign Association (ISA), representing the on-premises sign industry. Both organizations work with jurisdictions throughout the Northwest to assist in the creation of beneficial and enforceable sign regulations.

We truly appreciate the inclusion of several of our recommendations in the proposed draft and all the effort that Michael Alvarez and the Zoning Commission has devoted to this sign code update. However, we do have the following essential recommendation for your consideration.

11-23-6 H. Sign Lighting Standards pg. 18
Any electronic message center(s) that is located within 300 feet of any residential use must automatically turn off between the hours of 11:00 p.m. and 6:00 a.m. daily unless the business is operating during these hours.

> ***We recommend that this section be eliminated. The existing illumination standard for electronic message centers is at 1350 nits which is about 4 times as bright as our recommended and the proposed illumination standards which is approximately 323 nits. The proposed illumination standard along with automatic dimming will ensure that the electronic sign illumination levels will change in brightness depending on the ambient light and changing illumination conditions, such as from night to daytime and on cloudy days. The recommended standard will ensure that EMCs will be no brighter than necessary. This illumination standard has been successfully adopted by hundreds of jurisdictions throughout the country including Kalispell, Hamilton and West Yellowstone.***

We appreciate your consideration of this recommendation. Do not hesitate to contact me with any questions at 480-773-3756 or james.carpentier@signs.org.

Sincerely,

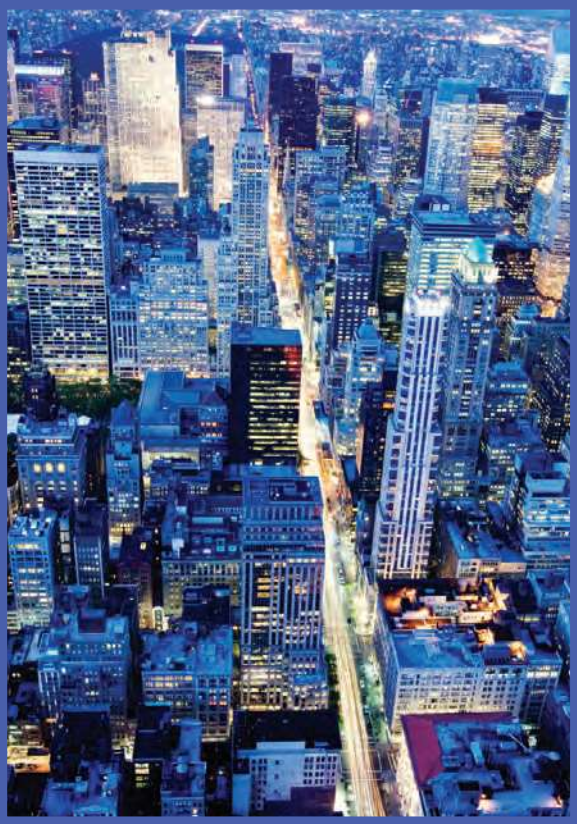
James Carpentier

James B. Carpentier AICP
Director State & Local Government Affairs

Cc
Michael Alvarez

SIGN RESEARCH FOUNDATION
EXECUTIVE SUMMARY

DIGITAL SIGNAGE AND TRAFFIC SAFETY: A STATISTICAL ANALYSIS



SIGN RESEARCH FOUNDATION™

When it comes to studying the impact of digital signage on traffic safety, a simple measure of crash frequencies before and after sign installation doesn't provide a complete picture. That's why a group of researchers from Texas A&M University incorporated the Empirical Bayes (EB) statistical analysis method, allowing for better control of external factors. Their work is believed to be the first comprehensive and scientifically based research on the issue.

The safety analysis included 135 sign locations based on the following criteria:

- The signs were located in Washington, North Carolina, Ohio or California.
- The signs were installed in 2006 or 2007 in order to have adequate time in both the before and after analysis periods to compare crash histories.
- The signs were located on major roads, as the Highway Safety Information System (HSIS) crash dataset usually does not include crashes that are located on minor roads or private driveways.

As the use of digital on-premise signs continues to increase, so, too, have efforts to regulate the way digital messages are displayed. Jurisdictions often cite traffic safety impact as justification for local sign codes and ordinances. This research, however, provides a scientifically based, national analysis to help all involved better understand the true impact of on-premise digital signage on safety.

The 2012 study was performed by H. Gene Hawkins, Jr., Ph.D., P.E., associate professor and research engineer, Zachry Department of Engineering, Texas A&M University; Pei-Fen Kuo, graduate research assistant, Texas A&M Transportation Institute; and Dominique Lord, Ph.D., associate professor and research engineer, Zachry Department of Engineering, Texas A&M University. It was funded by a grant from the Sign Research Foundation.

BEST PRACTICES

This executive summary highlights three key takeaways from the report.

THE STUDY USES ADVANCED STATISTICAL METHODS ALONG WITH A LARGE SAMPLE SIZE OF DATA.

- The 135 sites—narrowed down from an original pool of 3,000 possible locations—came from four states. Sites had to meet all study criteria of location and date of installation to be included.
- The size and specificity of the study allowed for more robust and accurate results than previous research.
- Crash data was acquired from the Federal Highway Administration's Highway Safety Information System. The data also included roadway characteristics such as number of lanes, speed limits and other factors. The research team gathered information about the location of on-premise digital signs from two sign manufacturing companies. The datasets were then carefully merged through a lengthy validation process.
- A basic comparison of crash frequencies before and after sign installation would be known as a naïve before-after analysis. The Empirical Bayes method used for the study, however, is the recommended procedure for evaluating the impact of safety treatments. Safety impacts are represented by the safety index, a ratio of safety before and after an event, in this case, the installation of digital signs.

THE DATA REVEALED THAT THERE IS NO STATISTICALLY SIGNIFICANT INCREASE IN CRASH FREQUENCY AFTER INSTALLING AN ON-PREMISE DIGITAL SIGN.

- The research involved a review of previous studies, including hypotheses that on-premise business signs distract drivers, leading to higher crash rates, and that on-premise business signs might mask the visibility of regulatory and warning road signs, also increasing crash risk.
- Previous research has been inconsistent, and some studies have had important weaknesses and study limitations.
- Hawkins, Kuo and Lord took every avenue to deliver as accurate and valid a study as possible; the analysis even separated crashes into single- and multi-use incidents. No statistically significant differences were found overall.
- The safety index for all four states was 1.0 with a 95 percent confidence interval that ranged from 0.93 to 1.07, meaning the use of on-premise digital signs does not increase the risk of crashes.

FIVE DISTINGUISHING FACTORS

USING THE ANALYSIS OF VARIANCE (ANOVA), THE TEAM ALSO EXPLORED THE IMPACT OF ON-PREMISE DIGITAL SIGN COLOR, DIMENSION AND BUSINESS TYPE ON SAFETY.

3

- ANOVA is a collection of statistical models used for comparing several groups or variables for statistical significance.
- Hawkins, Kuo and Lord compared single color and multi-color signs as part of the study; 89 were single and 37, multi-colored. They found no significant difference in the mean of safety index among signs having single or multiple colors.
- The study considered small, medium and large signs. In the final dataset, 36 signs had a sign area of less than 10 ft^2; 56 had a sign area from 10-15 ft^2; and 34 had a sign area greater than 15 ft^2. Sign size was delineated based on the area of the electronic display, not the overall size of the complete sign. Here, too, the researchers found no statistically significant difference among the categories in terms of safety.
- The researchers looked at business type, such as restaurants (seven); pharmacies and retail stores (18); hotels (three); gas stations (three); auto shops (seven); and others (84). Once again, there was no statistically significant difference among the population means.

1. Thorough literature review on safety aspects of digital signage and previous statistical analyses
2. Evaluation and gap analysis of past studies
3. Data collection of sign installation dates & crash data over four states (largest sample size of any study to date)
4. Use of the Empirical Bayes (EB) statistical analysis method - recommended by the Highway Safety Manual, the "authoritative document for analyzing the safety impacts of various transportation improvements or treatments."
5. Key study findings, conclusions, and recommendations

Read the Full Report Statistical Analysis of the Relationship between On-Premise Digital Signage and Traffic Safety (2012):
www.signresearch.org/trafficsafety

DID YOU FIND THIS SUMMARY USEFUL?
SUPPORT MORE RESEARCH LIKE THIS WITH A DONATION.

GIVETOSRF.ORG

FOLLOW US @SIGNRESEARCH

PUBLISHED BY:

SIGN RESEARCH FOUNDATION™

WWW.SIGNRESEARCH.ORG

This report remains the property of the Sign Research Foundation.
None of the information contained within can be used,
republished or reprinted without express permission from the Sign Research Foundation.

Recommended *Night-time Brightness Levels* for On-Premise Electronic Message Centers (EMC's)





ISA™ International Sign Association

A Compilation Summary with Extracts from Industry Reports • April 2011

Table of Contents

INTRODUCTION 2

EXECUTIVE SUMMARY 4

RECOMMENDED LANGUAGE 6

SIX STEPS: EMC BRIGHTNESS LEVELS 7



ISA™ International Sign Association

Introduction



Electronic Message Centers (EMC's)

One of the more interesting types of signage that is becoming increasingly popular is on-premise **electronic message centers**, or **EMCs**. You may have heard EMCs being referred to as changeable message displays or digital signs.

EMCs are *not* digital billboards, which advertise a good or service that is located away from where the sign is located. Rather, EMCs are digital signs that are located *on the premises* of the business, and that advertise goods and services that are provided at the location.



Digital billboard/off-premise sign advertising an automobile business away from where the sign is located



Electronic Message Center (EMC)/on-premise sign advertising an automobile business that is located at the place of business

There is often confusion regarding on and off-premise digital signs. However, EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes. For the purposes of this publication, *we are focusing solely and exclusively on EMCs.*

EMCs that are too bright at night can be offensive and ineffective. EMC brightness at night is an issue where sign users, the sign industry, and the planning community have a common goal: ensuring that EMCs are appropriately legible. We know the messages that these signs convey can be rendered unattractive and perhaps even unreadable if they are programmed too bright.





That's why many sign companies recommend to their customers that in order for these signs to be most effective, their brightness be set at such a level to be visible, readable and conspicuous.

In 2008, the International Sign Association (ISA) retained Dr. Ian Lewin of Lighting Sciences to help the industry develop scientifically-researched, understandable recommendations for EMC brightness. Dr. Lewin is a past chair of the Illuminating Engineering Society of North America (IES), and is greatly respected within the lighting field. His work for ISA was conducted with the input of experts within the sign industry. Dr. Lewin's full report can be found at www.signs.org.

As a result of this research, the recommended night-time brightness level for on premise EMCs is 0.3 foot candles above ambient light conditions when measured at an appropriate distance. This is a lighting level that works in theory and in practice.

The research and the recommendations contained in this report pertain only to EMCs, not traditionally internally illuminated signs, such as these channel letter and neon signs below. EMC's use a different lighting technology than most of these types of signs, and as such the scientific approach differs.





You can rest assured that the information contained in this publication is relevant, appropriate and workable for determining night-time EMC brightness levels.

We have provided six short steps to help guide the process and recommended statutory language. If you need further assistance, feel free to contact ISA at (703) 836-4012 to answer any of your EMC brightness questions.

EMCs and digital billboards have very distinct capabilities and purposes, each targets a specific audience and each has traditionally been treated under separate legal and regulatory regimes.

Executive Summary



ISA Electronic Message Display Brightness Recommendations

This summary has been developed to assist stakeholders concerned with development of brightness standards for large-format, electronic displays used for on-premise sign applications. This summary comprises:

1) an overview of the importance of ensuring appropriate brightness,
2) technology utilized to ensure appropriate brightness,
3) recommended brightness standards, and
4) brightness measurement methodology.

1. Overview of the importance of ensuring appropriate night-time brightness.

Electronic displays that are too bright at night can be offensive and ineffective. There are significant advantages to ensuring than an electronic display is not overly bright. These advantages include:

- Conservation of energy
- Increased life expectancy of the electronic display components
- Building goodwill with the community
- Ensuring the legibility of the display

It is in the best interest of all stakeholders to ensure that electronic displays are sufficiently bright to ensure clear legibility, while at the same time avoiding a display that is overly bright.



2. Technology utilized to ensure appropriate brightness.

Most electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing. The following general methods are used to dim an electronic display for appropriate night-time viewing:

1. *Manual Dimming.* Using this method, the sign operator dims the display in response to changing ambient light conditions.

2. *Scheduled Dimming.* Sunset-sunrise tables allow an electronic display to be programmed to dim at the same time that the sun sets and rises. This method is generally acceptable, but is more effective when used as a backup to automatic dimming controls capability, such as photocell technology.

3. *Photocell Technology.* An electronic display that utilizes photocell technology can automatically dim as light conditions change. A photocell sensor alerts the display to adjust brightness according to ambient light conditions.

Most electronic displays are designed to produce sufficient brightness to ensure clear legibility during daylight hours. However, daytime brightness settings are usually inappropriate for night-time viewing.

3. Recommended brightness standards.

ISA commissioned Dr. Ian Lewin of Lighting Sciences, Inc. to develop brightness criteria for on-premise electronic displays. Dr. Lewin is a leading lighting expert with over thirty years experience in the lighting industry.

Dr. Lewin recommended the development of brightness criteria based on the Illuminating Engineering Society's (IES) well-established standards pertaining to light trespass, IES Publication TM-11-00. The theory of light trespass is based on the concept of determining the amount of light that can spill over (or "trespass") into an adjacent area without being offensive.

As a result of his research, Dr. Lewin recommended two different brightness settings based on whether the EMC was located in an area of high or low ambient light. After field testing and utilizing Dr. Lewin's recommendations, it was determined that using the more conservative recommendation is appropriate in areas of both low and high ambient light. In order to simplify Dr. Lewin's recommendations, and to take a more reasonable approach to ensure that EMC's are sufficiently visible but not overly bright, it is recommended that EMC's not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.

...it is recommended that EMC's not exceed 0.3 footcandles over ambient lighting conditions when measured at the recommended distance, based on the EMC size.



4. Brightness measurement methodology.

There are two generally accepted measures of brightness in the sign industry; illuminance and luminance. Illuminance, the preferred method, is a measure of the amount of light intercepting an object at a given distance from a light source and is measured in footcandles or its metric equivalent, lux. Illuminance can be measured with a footcandle meter (also know as a luxmeter), which are relatively inexpensive ($100-1000) and commonly available. The footcandle meter should be accurate to two decimal points for accurate measurements. The second method, luminance, is an absolute measure of the amount of brightness that is being emitted from a light source and is usually measured in candelas per square meter, also known as "nits." Luminance can be measured by use of a "nit gun", which are expensive (~$3,000) and difficult to procure. The preferred method of measurement is illuminance using a footcandle meter because a measure of luminance fails to account for ambient light conditions.



Recommended Legislative Language



1. **Electronic Message Center (EMC) Criteria:** The night-time illumination of an EMC shall conform with the criteria set forth in this section.

A. **EMC Illumination Measurement Criteria:** The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpindicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area Versus Measurement Distance table.

B. **EMC Illumination Limits:** The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.

C. **Dimming Capabilities:** All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

D. **Definition of EMC:** A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

SIGN AREA VERSUS MEASUREMENT DISTANCE

AREA OF SIGN sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

** For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula:* Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft. x 100}}$

Six STEPS:
EMC Brightness Levels

How to Measure the Brightness of an Electronic Message Center (EMC)



STEP 1

OBTAIN AN ILLUMINANCE METER.

Purchase or otherwise procure an illuminance meter. Most city/county traffic departments have an illuminance meter, which are also referred to as lux or footcandle meters (lux is the metric measure of illuminance; footcandles is the English measure of illuminance). The illuminance meter must have the ability to provide a reading up to two decimal places and must be set to read footcandles. It is preferred to have an illuminance meter with a screw-mount that allows the sensor to be mounted on a tripod. A tripod ensures that the highly sensitive sensor is held perfectly still; otherwise it may be difficult to obtain an accurate reading.

If you do not have an illuminance meter, the Konica Minolta T-10 is a high quality illuminance meter that works well. However, other less expensive illuminance meters may also provide adequate results. The International Sign Association has no affiliation with Konica Minolta.

STEP 2

DETERMINE SQUARE FOOTAGE.

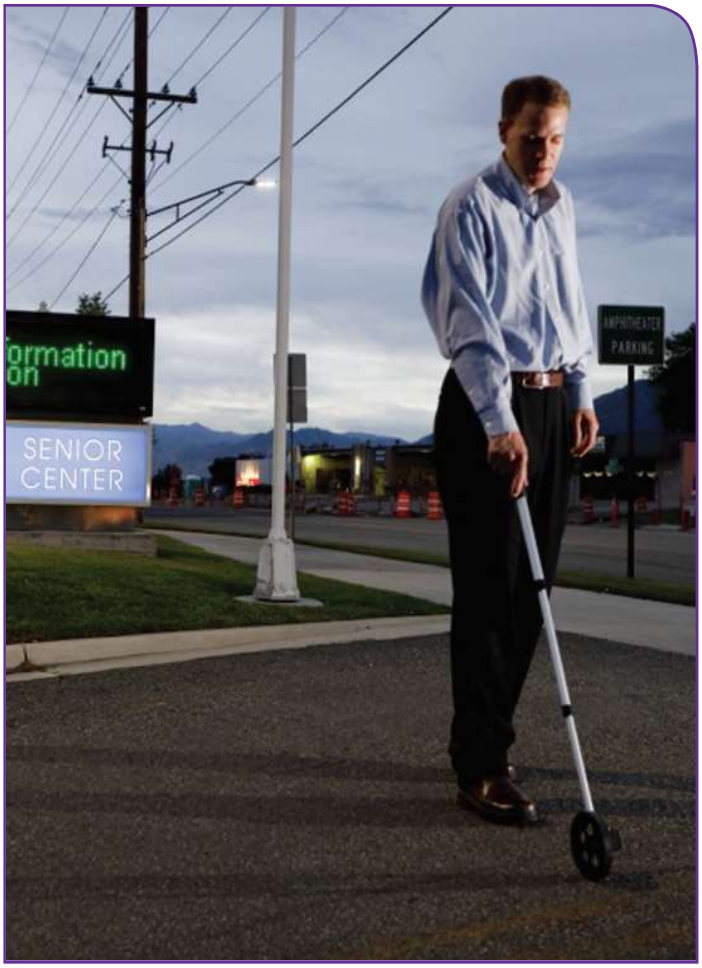
Determine the square footage of the face of the electronic message sign (EMC) by multiplying the height and width of the EMC. This information may be available in a permit application, or can be determined by physically measuring the height and width of the EMC. Do not include the sign face square footage attributable to any additional static signs associated with the EMC (if applicable).



STEP 3

DETERMINE THE MEASUREMENT DISTANCE.

Using the total square footage found in Step 2, look up the measurement distance in the table provided in the Recommended Legislative Language on page 6, to determine the distance to measure the brightness of the EMC. The distance should be measured perpendicular to the EMC sign face. The use of a measuring wheel is the most convenient way to measure the distance.



STEP 4

PREPARE THE DISPLAY FOR TESTING.

Ensure that the EMC is programmed to alternate between a solid white (or in the case of a monochrome display – the solid color of the display) message and a blank message. You may wish to have a requirement that the sign owner cooperate with testing by programming the EMC for testing upon written notice.

STEP 5

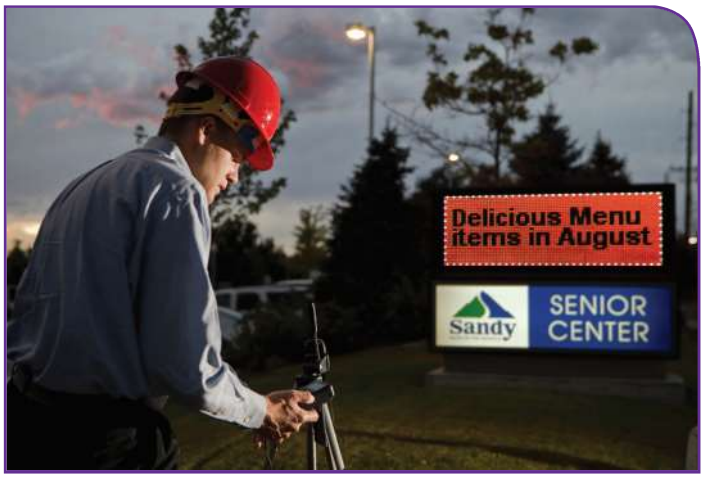
USE AN ILLUMANCE METER TO MEASURE THE BRIGHTNESS OF THE EMC.

Mount the sensor of your illuminance meter to a tripod and orient the sensor directly towards the face of the EMC at the measurement distance determined in Step 2.



STEP 5 [CONTINUED]

Ensure that the illuminance meter is set to measure footcandles up to two decimal places. As the display alternates between a solid white message and an "off" message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance. If not, the display will need to be adjusted to a lower brightness level using the manufacturer's recommended procedures.



STEP 6

ENSURE THAT THE DISPLAY CAN ADJUST TO DIFFERENT AMBIENT CONDITIONS.

Inspect the sign to ensure that it incorporates a photocell or other technology to ensure that the display can adjust according to ambient lighting conditions.

As the display alternates between a solid white message and an "off" message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance.

INTERNATIONAL SIGN ASSOCIATION

1001 N. FAIRFAX STREET, SUITE 301
ALEXANDRIA, VA 22314
703.836.4012 PH
703.836.8353 FAX
WWW.SIGNS.ORG



Outdoor Advertising Association of America

Issue Briefs

Outdoor Lighting and Dark Skies

Message Points

- Illumination is fundamental to effective outdoor advertising, a round-the-clock mass communication medium
- Unreasonable limits on lighting hurt the traveling public, advertisers and public safety
- Billboard lighting is a tiny fraction of the overall ambient light level

In a mobile society, outdoor lighting is an essential part of commerce and security. Anti-lighting proponents seek to damage the effectiveness of illuminated outdoor advertising by placing arbitrary lighting limits. Restrictions on lighting undermine the business of outdoor advertising by requiring costly retro-fitting of sign structures or elimination of lighting fixtures.

Lighting on outdoor advertising structures is a tiny fraction of the overall ambient light level. A previous report by Lighting Sciences, Inc. concludes that most sky glow – some 96 percent – is produced by sources other than billboards. A summary of this report is enclosed as a reference.

Plus, a new generation of halogen lights is more efficient, requiring only two fixtures to illuminate a standard bulletin (14-by-48 foot billboard) rather than three or four fixtures. These new fixtures also direct the light more evenly onto the face of the bulletins, reducing ambient light spillage around a bulletin edges and also cutting energy consumption.

Digital Billboards

Based on a March, 2008, report by Lighting Sciences, Inc, Phoenix, AZ, the OAAA has recommended brightness criteria for digital billboards, suggesting that light produced by digital billboard structures should not exceed 0.3 footcandles over ambient light levels. Eight states have adopted this standard. Using the industry standard of 0.3 footcandles over ambient light levels, provides reasonable, objective method to a achieve a site specific lighting requirement for digital billboards.

States with 0.3 foot candle criteria include:

- Colorado: 0.3 foot candles over ambient lighting levels*
- Massachusetts: 0.3 foot candles over ambient lighting levels
- Michigan: 0.3 foot candles over ambient lighting levels
- New Mexico: 0.3 foot candles over ambient lighting levels
- Oregon: 0.3 foot candles over ambient lighting levels
- Puerto Rico: 0.3 foot candles over ambient lighting levels
- Tennessee: 0.3 foot candles over ambient lighting levels
- Wyoming: 0.3 foot candles over ambient lighting levels

*(includes a back-up measurement of 300 Nits at night)

States with Candelas/Square meter (Nits) criteria or have proposed criteria include:

- West Virginia: candelas per square foot (note, not a nit), as follows:

Candelas/Sq Ft	Day	Night
Red	300	100
Green	600	200
Amber	450	150
Blue	800	350
White	550	50
All Color	650	250

- Arizona: 342 nits at night
- Missouri: 300 nits at night

States with Custom Criteria:

- Delaware: no maximum brightness level, but sign must adjust to ambient light changes
- Illinois: No brightness standards, but a letter from the manufacturer discussing the malfunction mechanism and hold time is required
- Mississippi: Sign must have “capability to adjust its intensity in response to ambient lighting conditions”

Light equals security

Illumination enhances public safety and security. Lack of adequate lighting can compromise safety, promote criminal activity, damage consumer confidence, and depress nighttime commerce.

State legislatures have rejected lighting restrictions

Numerous law-making bodies have considered, but rejected these proposals. (Michigan, Montana, Oregon, Washington, and Wyoming).

In 1999, New Mexico enacted the Night Sky Protection Act, which sought to strike a balance of preserving and enhancing the state's dark sky while promoting safety, security, and conserving energy. The Act exempts outdoor lighting fixtures on advertisement signs on interstates and federal-aid primary highways, as well as other lighting such as navigational lighting systems at airports.

References

OAAA Recommended Brightness Guidelines, based on a report from Dr. Ian Lewin, Principle, Lighting Sciences Incorporated, Scottsdale, AZ, March, 2008

"General Outdoor Advertising Lighting Guidelines," Illuminating Engineering Society of North America (IESNA), 2003

"A Preliminary Estimation of the Impact of Billboard Lighting on Sky Glow," *Executive Summary*, Ian Lewin, Ph.D, FIES, L.C., Lighting Sciences Inc., Phoenix, AZ

New Mexico Night Sky Protection Act, 1999

OAAA Recommended Brightness Guidelines

A. OAAA Guidelines: The OAAA recommended brightness criteria for digital billboards is as follows:

- Light produced by a digital billboard should not exceed 0.3 Footcandles over ambient light levels.
- Measurement should be taken utilizing a Footcandle meter from the following distances (perpendicular to the face of the digital billboard):
  - Posters: 150 feet
  - 10'6x36 Bulletins: 200 feet
  - 14x48 Bulletins: 250 feet
  - 20x60 Bulletins: 350 feet

The measurement distances are based on the average minimum viewing distances for each type of billboard.

- Digital billboards must have automatic dimming capability.

B. Basis for the Guidelines. These guidelines are based on recommendations by Dr. Ian Lewin of Lighting Sciences Inc. (Scottsdale, AZ) in a March, 2008 report to the OAAA. Dr. Lewin developed brightness criteria to meet the following general guidelines:

- Appropriately Legible Copy. Digital advertising copy is appropriately legible and not overly bright.
- Simplicity. Provide a guideline that can be easily implemented and enforced. Measurement of the ambient light level of the sign on and off is conducted by a footcandle meter. If the difference in measurements is less than 0.3 footcandles, the digital billboard is in compliance.
- Established Guidelines. The criteria is based on established scientific methodology and established industry standards from the Illuminating Engineering Society of North America (IESNA) publication TM-11-00 "light trespass" theory which is an accepted standard in the lighting industry.
- Flexibility. Ensure proper brightness levels in a variety of lighting environments.

C. Additional Issues/Clarification

- **Automatic Dimming Capability.** A digital billboard must be able to automatically adjust as ambient light levels change. An automatic light sensing device (such as photocell or similar technology) should be utilized for adjusting the digital billboard's brightness. Sunset-sunrise tables and manual methods of controlling brightness are not acceptable as a primary means of controlling brightness.
- **Brightness Measurement Methodology**. The brightness standard requires the use of a Footcandle meter (also known as a "Lux meter"; ~$100-1000). A Footcandle meter measures the amount of light arriving at the meter (illuminance), as opposed to an absolute measurement of the amount of light emanating from a light source or light sources (luminance). A Footcandle is a measure of lumens (light rays) that fall on one square foot area; Lux is the metric equivalent of a Footcandle.

- In contrast, a Candela Meter / NIT Gun (~$3,000) measures the amount of light emanating from a specific light source (luminance). A NIT gun measures candelas (a measure of luminance or brightness) per meter squared (also known as "NITS"), which is a measure of the brightness emanating from a specific light source. It excludes ambient light (which may include light from many sources) from the measurement. Standard NIT levels and/or utilization of a NIT gun are not a part of the OAAA recommended brightness guideline.

General Outdoor Advertising Lighting Guidelines referenced by the Illuminating Engineering Society of North America (IESNA)

A billboard can be illuminated either by fixtures located in front of the sign (front lit), from behind the sign (back lit) or from fixtures mounted away from the sign (remote). Each mounting location will present different issues:

Front lit / Top Mount

- May increase installation cost due to need for additional structure elements.
- Orientation of the fixture may create veiling glare and direct glare to the viewer.
- May possibly reduce the sky glow.
- Increased maintenance cost.
- Location interferes with changing of the sign message.
- Interferes with use of embellishments or cutouts.
- Daytime shadowing will detract from the readability of the sign.

Front lit / Bottom Mount

- Ability to mount fixtures to catwalks eases maintenance.
- Properly designed optical system will minimize sky glow.
- Does not interfere with changing of the sign message.
- Does not interfere with the use of embellishments.
- No daytime shadowing.
- Light source less likely to create veiling glare.

Remote

- Light source able to cover larger sign surface.
- Maintenance may be easier when mounted on the ground.
- May require additional wiring and installation cost.
- May contribute to sky glow.

Back lit

- Requires significantly more luminaires to illuminate the sign.
- Depends on the transmittance characteristics of the vinyl.
- Increase maintenance and installation cost.

- Cost to produce the translucent vinyl media for backlight signs may be more expensive than traditional methods.
- Lamp sources used are typically less efficient and consume more energy.
- Sign face brightness depends on the transmittance characteristics of the vinyl or other face material.

The vast majority of outdoor advertising signs use a front-lit configuration. The proper position of the luminaire (either top or bottom) is greatly determined by the associated costs of owning and operating the billboard. The current standard light fixture for a billboard needs to be mounted 4 to 6 feet out and 1 to 3 feet above or below the display face and is designed to be mounted on 1-1/4" rigid conduit. (The differences in distance have to do with the size of the display area.) The use of catwalks to provide safety to the crew responsible to perform placement and removal of advertisements affords the billboard company a secure structural mounting location. These catwalks are, by need, 3 to 4 feet wide. The fixture is mounted just below the catwalk so that it does not interfere with the worker's movement in front of the billboard. This arrangement also serves to further support and brace the luminaires to hold them in proper positioning. All electrical gear is integral to the fixture thereby providing for ease of installation and maintenance.

The following points explain further the pros/cons of mounting of fixtures on signs.

The current design of the billboard structure does not provide a similar mounting method if the fixtures were to be mounted on top of the billboard. When the fixtures are placed on top of the display area a new set of engineering issues are created. Since there is no catwalk above the sign the light fixtures must be supported by another means. However the conduit is mounted to the structure it must be able to support the weight of the fixture on an arm that is long enough to position the fixture in its proper location (above and in front of the sign face). In this application the amount of weight placed on the base of the conduit would run from 192 lbs to 288 lbs. The inherent vibration of the structure from any wind movement will increase substantially the deflection of the fixture creating a "live load." This will multiply the load on the conduit by a factor of 50%. This increase in weight and stress will accelerate the metal fatigue and may more frequently result in failure.

Another issue that must be taken into consideration when placing luminaires is the use of embellishments. The embellishment, or cutout, most always used at the top of the billboard, may extend the graphic surface up to an additional 4 to 5 feet. The use of top mounted lights will be in direct conflict whenever trying to use embellishments.

The location of the luminaires will also impact the ability of the outdoor company to change the messages on the sign. Traditionally, the sign message is "rolled" across the sign face. The ability of the installers to

perform this task quickly and safely (on signs that could be up to 150' in the air) will be hindered if fixtures and/or additional hardware are positioned at the top of the sign.

The presence of overhead lighting will also create a shadow on the sign during daylight hours. This shadowing will detract from the message and therefore diminish the economic value the sign offers to the customer.

A top mounted fixture will also increase costs of operation due to servicing issues. The fixture can either be installed on a retractable arm or installed on a permanent basis. The first method increases installation costs substantially while the second suffers from the challenges mentioned in the switching of the message and the proper support of the luminaires. In some instances, such as a remote location that does not provide access, a bucket truck may not be able to gain access to the permanent top mount fixture. Changing any of the components becomes a safety issue. The traditional location of the fixture allows for maintenance to be performed without increase risk to the installer as well as no additional costs in equipment by the owner. Any other method will increase operating costs and therefore cost to the consumer.

Types of luminaires

When choosing the type of fixture to use for billboard lighting it is important to understand the performance features of the type of fixtures available. The ability to control light is accomplished by the types of reflectors and refractors used.

A Preliminary Estimation of the Impact of Billboard Lighting on Sky Glow

(Executive Summary), Lighting Sciences Inc., Phoenix, AZ

By Ian Lewin, Ph.D, FIES L.C.

Sky glow is caused by lighting at night entering the atmosphere and being scattered by airborne particles. Sky glow may result from the use of lighting fixtures that emit light above a horizontal plane so that it enters the atmosphere directly. The effect also is caused by light reflecting from lighted objects, such as road surface or a billboard.

This study has evaluated the amount of light entering the atmosphere from a variety of lighting installations. Measured in "sky lumens," the results allow a comparison to be made of different lighting systems relative to sky glow. Specifically, calculations have been made to compare the sky lumens produced by a typical billboard lighting system to the sky lumens caused by roadway and parking lot lighting.

Various scenarios have been used for the roadway lighting, combining residential and major highway lighting in a typical neighborhood. Areas have been considered that consist only of roadway lighting, as well as areas that contain both roadway and parking lot lighting.

The results of the study support a conclusion that the vast majority of sky glow is a product of urban development. Even where full cut-off fixtures are used on all roadway and parking lot fixtures, and if there is an average of one billboard per square mile, over 96% of the sky glow produced per urban square mile is from those sources and not billboard lighting, for the conditions examined. For the examples considered, a single three fixture billboard lighting systems produces approximately 2 to 3 % of the sky lumens caused by roadway/parking area lighting in a typical one square mile area. For a four fixture billboard lighting system, the range becomes roughly 2.5 to 4 %. These figures can be prorated. For example, if there are two such billboards per square mile, the percentages are doubled; if there is one such billboard per two square miles, the percentages will be halved.

The exact percentages of sky glow are affected by the density of roadways/parking areas, the type of lighting fixtures used and the lighting level provided, among other factors. However, it is apparent that for the scenarios considered, the contribution of billboard lighting to sky glow is small in comparison to that from other sources of lighting. The other sources produce 96 to 98% of sky glow, compared to the 2 to 4 % produced per billboard in the example urban square mile.

Highlights of the New Mexico Night Sky Protection Act

Enacted by the 1999 Legislature and signed into law by Governor Gary Johnson on April 6, 1999, the Night Sky Protection Act regulates outdoor night lighting fixtures to preserve and enhance the state's dark sky while promoting safety, conserving energy and preserving the environment for astronomy. Outdoor lighting fixtures includes permanent or portable outdoor artificial illuminating devices such as searchlights, spot and floodlights, architectural and landscape lighting, parking lot, billboard, and street lighting. In addition to the specific provisions outlined below, the Act specifically prohibits the sale and installation of mercury vapor outdoor lighting fixtures after
January 1, 2000.

Provisions of the Night Sky Protection Act will impact night lighting as follows:

MERCURY VAPOR LIGHTING FIXTURES
No new mercury vapor outdoor lighting fixtures shall be sold or installed after January 1, 2000.

SHIELDING OF OUTDOOR LIGHT FIXTURES
All outdoor lighting fixtures installed after January 1, 2000, shall be shielded, except incandescent fixtures of one hundred fifty watts or less and other sources of seventy watts or less.
A shielded light fixture is shielded such that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

NONCONFORMING LIGHT FIXTURES
In addition to other exemptions provided in the Night Sky Protection Act, an outdoor lighting fixture not meeting these provisions shall be allowed if the fixture is extinguished by an automatic shutoff device from 11:00 p.m. to
sunrise.

No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 p.m. except for a national or international tournament or to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 p.m. at a ballpark, outdoor amphitheater, arena or similar facility.

EXEMPTIONS

The following are exempt from the requirements of the Night Sky Protection Act:

1. An outdoor lighting fixture on advertisement signs on interstates and federal primary highways.

2. Outdoor lighting fixtures existing and legally installed prior to the effective date of the Night Sky Protection Act. However, when the existing lighting fixtures become unrepairable, their replacements are subject to all provisions of the Night Sky Protection Act.

3. Navigational lighting systems at airports and other lighting necessary for aircraft safety.

4. Outdoor lighting fixtures are necessary for worker safety at farms, ranches, dairies, feedlots or industrial, mining or oil and gas facilities.

The provisions of the Night Sky Protection Act are cumulative and supplemental and shall not apply within any county or municipality that, by ordinance or resolution, has adopted provisions restricting light pollution that are equal to or more stringent than the provisions of the Night Sky Protection Act.

OAAA Lighting Comparison Guidelines

Comparison of luminance standards between NEMA TS-4 for LED signs used in traffic and the OAAA's brightness standards for digital billboards

Background

The National Electrical Manufacturers Association (NEMA) publishes over 500 standards, application guides, and technical papers. It is NEMA's belief that standards play a vital part in the design, production, and distribution of products destined for both national and international commerce: *"Sound technical standards benefit the user, as well as the manufacturer, by improving safety, bringing about economies in product, eliminating misunderstandings between manufacturer and purchaser, and assisting the purchaser in selecting and obtaining the proper product for his particular need."*

Abstract

The OAAA's recommended lighting criteria for LED digital displays are in compliance with the NEMA lighting standards for dynamic message signs.

Comparison Analysis

The National Electrical Manufacturers Association (NEMA) has defined the predominant standards governing the use of dynamic message signs in North America. NEMA standards are the guiding principles used on city and state right of way highway signs throughout North America. The reference document containing all of NEMA's findings and recommendations is NEMA TS-4 2005.

NEMA TS-4 quantifies brightness luminance on dynamic message signs in terms of cd/m² (candela per square-meter) or nits. These standards define minimum and maximum brightness levels for daylight and night time ambient illuminance levels. Table 5-9 from NEMA Standards publication TS-4 2005 identifies the values of luminance intensity for Light Emitting Diode (LED) signs displaying all white light during various times of the day (Lux levels from 40,000 to 4).

Table 5-9
LUMINANCE INTENSITY LIMITS IN CD/M² FOR ON-AXIS (0° HORIZONTAL, 0° VERTICAL) TEST ANGLES – FOR WHITE

Sign Illuminance (lx) (Tolerance = ± 10%)	Light Emitting @ Full Connected Power		Light Emitting @ Reserve Power		Reflective	Hybrid	
	Min	Max	Min	Max	Min	Min	Max
40,000	12400	62000	6200	NA	7500	7500	NA
4000	2200	11000	1100	NA	750	750	NA
400	600	3000	300	NA	75	365	NA
40	250	1250	200	1250	NA	250	2500
≤4	75	375	60	375	NA	75	750

NA = Not Applicable

NEMA TS-4 Luminance Levels for White Light

From the above table, we can read that the maximum luminance level allowed for Outdoor digital displays is 62,000 nits when outside illuminance levels are 40,000 lux. This 40,000 lux level could only occur during the middle of a very bright, sunny day. The 62,000 nit luminance level allowed by the standard is quite high. LED digital billboards operated by most OAAA members have a maximum brightness near 7,500 to 10,000 nits. As a result, The OAAA recommended lighting criteria are well within the Daylight NEMA TS-4 Standards.

During the middle of the night when Lux levels are at 4 or less, the maximum NEMA luminance levels allowed for digital displays are 375 nits. Again this luminance level is greater than the limits recommended by the OAAA. The maximum nighttime brightness suggested by the OAAA digital signage lighting standard is 300 to 342 nits. Thus, the OAAA recommended lighting criteria are within the Nighttime NEMA TS-4 Standards.

The OAAA recommended brightness criteria for digital billboards is as follows:

- Light produced by a digital billboard should not exceed 0.3 Foot-candles over ambient light levels. (0.3 foot candles is equivalent to 3.23 Lux)
- The distance (D) to measure foot-candles intensity for the various sized digital displays and the expected luminance level is listed in the table below:

Expected Luminance Levels

Billboard Dimensions (ft.)	D ft.	Luminance (Candela/sq Mtr.)
11 x 22	150	300
10.5 x 36	200	342
14 x 48	250	300
20 x 60	350	330

Conclusion

The luminance levels recommended by this OAAA standard are always below the maximum luminance levels listed in the NEMA TS-4 2005 standard.

Consequently, the OAAA recommended lighting standards are in complete compliance with the NEMA TS-4 standards for dynamic message signs.

Outdoor Advertising Association of America

Issue Briefs

Outdoor Lighting and Dark Skies

Message Points

- Illumination is fundamental to effective outdoor advertising, a round-the-clock mass communication medium
- Unreasonable limits on lighting hurt the traveling public, advertisers and public safety
- Billboard lighting is a tiny fraction of the overall ambient light level

In a mobile society, outdoor lighting is an essential part of commerce and security. Anti-lighting proponents seek to damage the effectiveness of illuminated outdoor advertising by placing arbitrary lighting limits. Restrictions on lighting undermine the business of outdoor advertising by requiring costly retro-fitting of sign structures or elimination of lighting fixtures.

Lighting on outdoor advertising structures is a tiny fraction of the overall ambient light level. A previous report by Lighting Sciences, Inc. concludes that most sky glow – some 96 percent – is produced by sources other than billboards. A summary of this report is enclosed as a reference.

Plus, a new generation of halogen lights is more efficient, requiring only two fixtures to illuminate a standard bulletin (14-by-48 foot billboard) rather than three or four fixtures. These new fixtures also direct the light more evenly onto the face of the bulletins, reducing ambient light spillage around a bulletin edges and also cutting energy consumption.

Digital Billboards

Based on a March, 2008, report by Lighting Sciences, Inc, Phoenix, AZ, the OAAA has recommended brightness criteria for digital billboards, suggesting that light produced by digital billboard structures should not exceed 0.3 footcandles over ambient light levels. Eight states have adopted this standard. Using the industry standard of 0.3 footcandles over ambient light levels, provides reasonable, objective method to a achieve a site specific lighting requirement for digital billboards.

States with 0.3 foot candle criteria include:

- Colorado: 0.3 foot candles over ambient lighting levels*
- Massachusetts: 0.3 foot candles over ambient lighting levels
- Michigan: 0.3 foot candles over ambient lighting levels
- New Mexico: 0.3 foot candles over ambient lighting levels
- Oregon: 0.3 foot candles over ambient lighting levels
- Puerto Rico: 0.3 foot candles over ambient lighting levels
- Tennessee: 0.3 foot candles over ambient lighting levels
- Wyoming: 0.3 foot candles over ambient lighting levels

*(includes a back-up measurement of 300 Nits at night)

States with Candelas/Square meter (Nits) criteria or have proposed criteria include:

- West Virginia: candelas per square foot (note, not a nit), as follows:

Candelas/Sq Ft	Day	Night
Red	300	100
Green	600	200
Amber	450	150
Blue	800	350
White	550	50
All Color	650	250

- Arizona: 342 nits at night
- Missouri: 300 nits at night

States with Custom Criteria:

- Delaware: no maximum brightness level, but sign must adjust to ambient light changes
- Illinois: No brightness standards, but a letter from the manufacturer discussing the malfunction mechanism and hold time is required
- Mississippi: Sign must have “capability to adjust its intensity in response to ambient lighting conditions”

Light equals security

Illumination enhances public safety and security. Lack of adequate lighting can compromise safety, promote criminal activity, damage consumer confidence, and depress nighttime commerce.

State legislatures have rejected lighting restrictions

Numerous law-making bodies have considered, but rejected these proposals. (Michigan, Montana, Oregon, Washington, and Wyoming).

In 1999, New Mexico enacted the Night Sky Protection Act, which sought to strike a balance of preserving and enhancing the state's dark sky while promoting safety, security, and conserving energy. The Act exempts outdoor lighting fixtures on advertisement signs on interstates and federal-aid primary highways, as well as other lighting such as navigational lighting systems at airports.

References

OAAA Recommended Brightness Guidelines, based on a report from Dr. Ian Lewin, Principle, Lighting Sciences Incorporated, Scottsdale, AZ, March, 2008

"General Outdoor Advertising Lighting Guidelines," Illuminating Engineering Society of North America (IESNA), 2003

"A Preliminary Estimation of the Impact of Billboard Lighting on Sky Glow," *Executive Summary*, Ian Lewin, Ph.D, FIES, L.C., Lighting Sciences Inc., Phoenix, AZ

New Mexico Night Sky Protection Act, 1999

OAAA Recommended Brightness Guidelines

A. OAAA Guidelines: The OAAA recommended brightness criteria for digital billboards is as follows:

- Light produced by a digital billboard should not exceed 0.3 Footcandles over ambient light levels.
- Measurement should be taken utilizing a Footcandle meter from the following distances (perpendicular to the face of the digital billboard):
  - Posters: 150 feet
  - 10'6x36 Bulletins: 200 feet
  - 14x48 Bulletins: 250 feet
  - 20x60 Bulletins: 350 feet

The measurement distances are based on the average minimum viewing distances for each type of billboard.

- Digital billboards must have automatic dimming capability.

B. Basis for the Guidelines. These guidelines are based on recommendations by Dr. Ian Lewin of Lighting Sciences Inc. (Scottsdale, AZ) in a March, 2008 report to the OAAA. Dr. Lewin developed brightness criteria to meet the following general guidelines:

- Appropriately Legible Copy. Digital advertising copy is appropriately legible and not overly bright.
- Simplicity. Provide a guideline that can be easily implemented and enforced. Measurement of the ambient light level of the sign on and off is conducted by a footcandle meter. If the difference in measurements is less than 0.3 footcandles, the digital billboard is in compliance.
- Established Guidelines. The criteria is based on established scientific methodology and established industry standards from the Illuminating Engineering Society of North America (IESNA) publication TM-11-00 "light trespass" theory which is an accepted standard in the lighting industry.
- Flexibility. Ensure proper brightness levels in a variety of lighting environments.

C. Additional Issues/Clarification

- **Automatic Dimming Capability.** A digital billboard must be able to automatically adjust as ambient light levels change. An automatic light sensing device (such as photocell or similar technology) should be utilized for adjusting the digital billboard's brightness. Sunset-sunrise tables and manual methods of controlling brightness are not acceptable as a primary means of controlling brightness.
- **Brightness Measurement Methodology**. The brightness standard requires the use of a Footcandle meter (also known as a "Lux meter"; ~$100-1000). A Footcandle meter measures the amount of light arriving at the meter (illuminance), as opposed to an absolute measurement of the amount of light emanating from a light source or light sources (luminance). A Footcandle is a measure of lumens (light rays) that fall on one square foot area; Lux is the metric equivalent of a Footcandle.

- In contrast, a Candela Meter / NIT Gun (~$3,000) measures the amount of light emanating from a specific light source (luminance). A NIT gun measures candelas (a measure of luminance or brightness) per meter squared (also known as "NITS"), which is a measure of the brightness emanating from a specific light source. It excludes ambient light (which may include light from many sources) from the measurement. Standard NIT levels and/or utilization of a NIT gun are not a part of the OAAA recommended brightness guideline.

General Outdoor Advertising Lighting Guidelines referenced by the Illuminating Engineering Society of North America (IESNA)

A billboard can be illuminated either by fixtures located in front of the sign (front lit), from behind the sign (back lit) or from fixtures mounted away from the sign (remote). Each mounting location will present different issues:

Front lit / Top Mount

- May increase installation cost due to need for additional structure elements.
- Orientation of the fixture may create veiling glare and direct glare to the viewer.
- May possibly reduce the sky glow.
- Increased maintenance cost.
- Location interferes with changing of the sign message.
- Interferes with use of embellishments or cutouts.
- Daytime shadowing will detract from the readability of the sign.

Front lit / Bottom Mount

- Ability to mount fixtures to catwalks eases maintenance.
- Properly designed optical system will minimize sky glow.
- Does not interfere with changing of the sign message.
- Does not interfere with the use of embellishments.
- No daytime shadowing.
- Light source less likely to create veiling glare.

Remote

- Light source able to cover larger sign surface.
- Maintenance may be easier when mounted on the ground.
- May require additional wiring and installation cost.
- May contribute to sky glow.

Back lit

- Requires significantly more luminaires to illuminate the sign.
- Depends on the transmittance characteristics of the vinyl.
- Increase maintenance and installation cost.

- Cost to produce the translucent vinyl media for backlight signs may be more expensive than traditional methods.
- Lamp sources used are typically less efficient and consume more energy.
- Sign face brightness depends on the transmittance characteristics of the vinyl or other face material.

The vast majority of outdoor advertising signs use a front-lit configuration. The proper position of the luminaire (either top or bottom) is greatly determined by the associated costs of owning and operating the billboard. The current standard light fixture for a billboard needs to be mounted 4 to 6 feet out and 1 to 3 feet above or below the display face and is designed to be mounted on 1-1/4" rigid conduit. (The differences in distance have to do with the size of the display area.) The use of catwalks to provide safety to the crew responsible to perform placement and removal of advertisements affords the billboard company a secure structural mounting location. These catwalks are, by need, 3 to 4 feet wide. The fixture is mounted just below the catwalk so that it does not interfere with the worker's movement in front of the billboard. This arrangement also serves to further support and brace the luminaires to hold them in proper positioning. All electrical gear is integral to the fixture thereby providing for ease of installation and maintenance.

The following points explain further the pros/cons of mounting of fixtures on signs.

The current design of the billboard structure does not provide a similar mounting method if the fixtures were to be mounted on top of the billboard. When the fixtures are placed on top of the display area a new set of engineering issues are created. Since there is no catwalk above the sign the light fixtures must be supported by another means. However the conduit is mounted to the structure it must be able to support the weight of the fixture on an arm that is long enough to position the fixture in its proper location (above and in front of the sign face). In this application the amount of weight placed on the base of the conduit would run from 192 lbs to 288 lbs. The inherent vibration of the structure from any wind movement will increase substantially the deflection of the fixture creating a "live load." This will multiply the load on the conduit by a factor of 50%. This increase in weight and stress will accelerate the metal fatigue and may more frequently result in failure.

Another issue that must be taken into consideration when placing luminaires is the use of embellishments. The embellishment, or cutout, most always used at the top of the billboard, may extend the graphic surface up to an additional 4 to 5 feet. The use of top mounted lights will be in direct conflict whenever trying to use embellishments.

The location of the luminaires will also impact the ability of the outdoor company to change the messages on the sign. Traditionally, the sign message is "rolled" across the sign face. The ability of the installers to

perform this task quickly and safely (on signs that could be up to 150' in the air) will be hindered if fixtures and/or additional hardware are positioned at the top of the sign.

The presence of overhead lighting will also create a shadow on the sign during daylight hours. This shadowing will detract from the message and therefore diminish the economic value the sign offers to the customer.

A top mounted fixture will also increase costs of operation due to servicing issues. The fixture can either be installed on a retractable arm or installed on a permanent basis. The first method increases installation costs substantially while the second suffers from the challenges mentioned in the switching of the message and the proper support of the luminaires. In some instances, such as a remote location that does not provide access, a bucket truck may not be able to gain access to the permanent top mount fixture. Changing any of the components becomes a safety issue. The traditional location of the fixture allows for maintenance to be performed without increase risk to the installer as well as no additional costs in equipment by the owner. Any other method will increase operating costs and therefore cost to the consumer.

Types of luminaires

When choosing the type of fixture to use for billboard lighting it is important to understand the performance features of the type of fixtures available. The ability to control light is accomplished by the types of reflectors and refractors used.

A Preliminary Estimation of the Impact of Billboard Lighting on Sky Glow

(Executive Summary), Lighting Sciences Inc., Phoenix, AZ

By Ian Lewin, Ph.D, FIES L.C.

Sky glow is caused by lighting at night entering the atmosphere and being scattered by airborne particles. Sky glow may result from the use of lighting fixtures that emit light above a horizontal plane so that it enters the atmosphere directly. The effect also is caused by light reflecting from lighted objects, such as road surface or a billboard.

This study has evaluated the amount of light entering the atmosphere from a variety of lighting installations. Measured in "sky lumens," the results allow a comparison to be made of different lighting systems relative to sky glow. Specifically, calculations have been made to compare the sky lumens produced by a typical billboard lighting system to the sky lumens caused by roadway and parking lot lighting.

Various scenarios have been used for the roadway lighting, combining residential and major highway lighting in a typical neighborhood. Areas have been considered that consist only of roadway lighting, as well as areas that contain both roadway and parking lot lighting.

The results of the study support a conclusion that the vast majority of sky glow is a product of urban development. Even where full cut-off fixtures are used on all roadway and parking lot fixtures, and if there is an average of one billboard per square mile, over 96% of the sky glow produced per urban square mile is from those sources and not billboard lighting, for the conditions examined. For the examples considered, a single three fixture billboard lighting systems produces approximately 2 to 3 % of the sky lumens caused by roadway/parking area lighting in a typical one square mile area. For a four fixture billboard lighting system, the range becomes roughly 2.5 to 4 %. These figures can be prorated. For example, if there are two such billboards per square mile, the percentages are doubled; if there is one such billboard per two square miles, the percentages will be halved.

The exact percentages of sky glow are affected by the density of roadways/parking areas, the type of lighting fixtures used and the lighting level provided, among other factors. However, it is apparent that for the scenarios considered, the contribution of billboard lighting to sky glow is small in comparison to that from other sources of lighting. The other sources produce 96 to 98% of sky glow, compared to the 2 to 4 % produced per billboard in the example urban square mile.

Highlights of the New Mexico Night Sky Protection Act

Enacted by the 1999 Legislature and signed into law by Governor Gary Johnson on April 6, 1999, the Night Sky Protection Act regulates outdoor night lighting fixtures to preserve and enhance the state's dark sky while promoting safety, conserving energy and preserving the environment for astronomy. Outdoor lighting fixtures includes permanent or portable outdoor artificial illuminating devices such as searchlights, spot and floodlights, architectural and landscape lighting, parking lot, billboard, and street lighting. In addition to the specific provisions outlined below, the Act specifically prohibits the sale and installation of mercury vapor outdoor lighting fixtures after
January 1, 2000.

Provisions of the Night Sky Protection Act will impact night lighting as follows:

MERCURY VAPOR LIGHTING FIXTURES
No new mercury vapor outdoor lighting fixtures shall be sold or installed after January 1, 2000.

SHIELDING OF OUTDOOR LIGHT FIXTURES
All outdoor lighting fixtures installed after January 1, 2000, shall be shielded, except incandescent fixtures of one hundred fifty watts or less and other sources of seventy watts or less.
A shielded light fixture is shielded such that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

NONCONFORMING LIGHT FIXTURES
In addition to other exemptions provided in the Night Sky Protection Act, an outdoor lighting fixture not meeting these provisions shall be allowed if the fixture is extinguished by an automatic shutoff device from 11:00 p.m. to
sunrise.

No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 p.m. except for a national or international tournament or to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 p.m. at a ballpark, outdoor amphitheater, arena or similar facility.

EXEMPTIONS

The following are exempt from the requirements of the Night Sky Protection Act:

1. An outdoor lighting fixture on advertisement signs on interstates and federal primary highways.

2. Outdoor lighting fixtures existing and legally installed prior to the effective date of the Night Sky Protection Act. However, when the existing lighting fixtures become unrepairable, their replacements are subject to all provisions of the Night Sky Protection Act.

3. Navigational lighting systems at airports and other lighting necessary for aircraft safety.

4. Outdoor lighting fixtures are necessary for worker safety at farms, ranches, dairies, feedlots or industrial, mining or oil and gas facilities.

The provisions of the Night Sky Protection Act are cumulative and supplemental and shall not apply within any county or municipality that, by ordinance or resolution, has adopted provisions restricting light pollution that are equal to or more stringent than the provisions of the Night Sky Protection Act.

OAAA Recommended Digital Brightness Guidelines

A. OAAA Guidelines: The OAAA recommended brightness criteria for digital billboards is as follows:

- Light produced by a digital billboard should not exceed 0.3 Footcandles over ambient light levels.
- Measurement should be taken utilizing a Footcandle meter from the following distances (perpendicular to the face of the digital billboard):
  - Posters: 150 feet
  - 10'6x36 Bulletins: 200 feet
  - 14x48 Bulletins: 250 feet
  - 20x60 Bulletins: 350 feet

The measurement distances are based on the average minimum viewing distances for each type of billboard.

- Digital billboards must have automatic dimming capability.

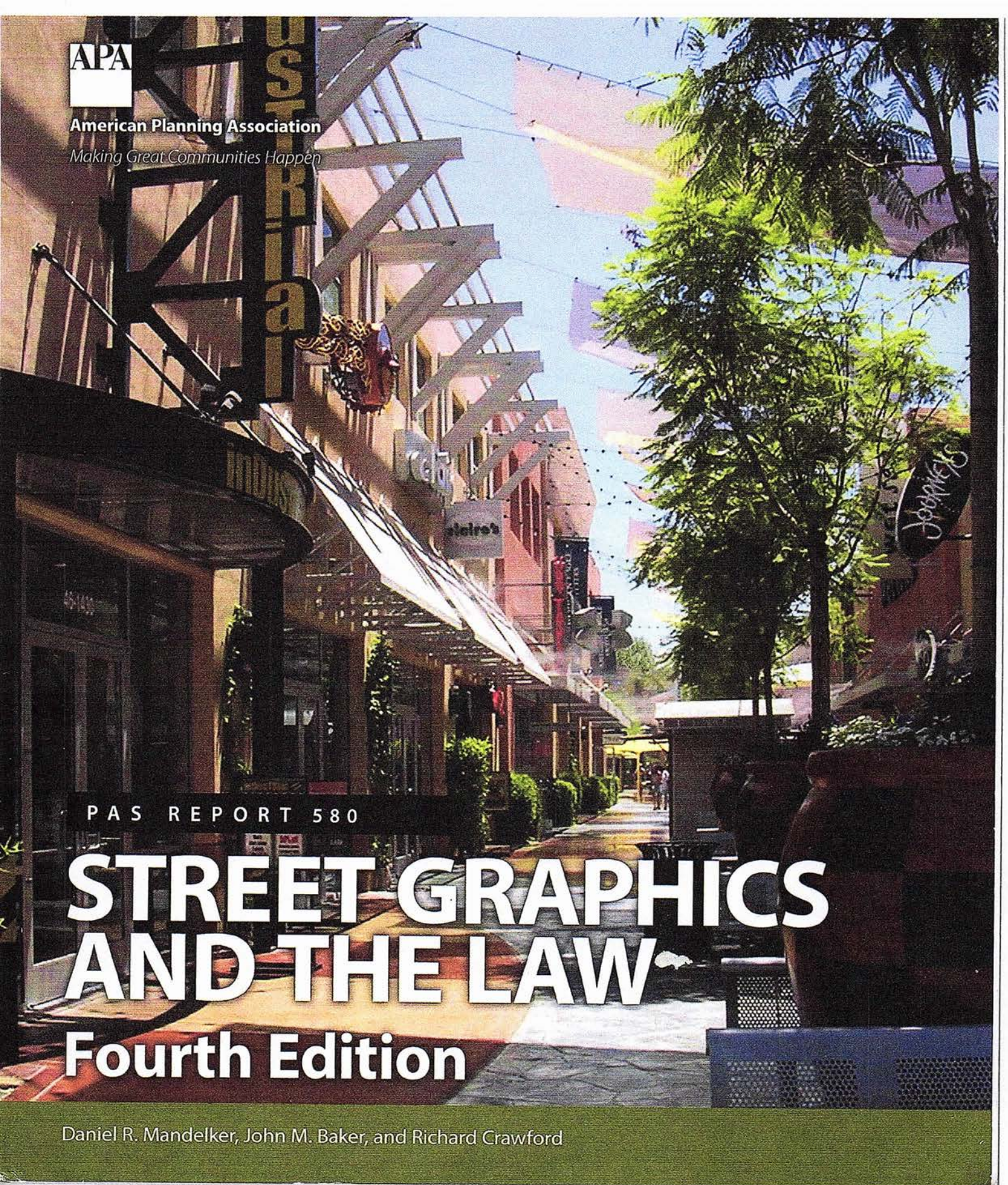
B. Basis for the Guidelines. These guidelines are based on recommendations by lighting expert Dr. Ian Lewin, Lighting Sciences Inc. (Scottsdale, AZ), in a March, 2008 report to the OAAA. Dr. Lewin developed brightness criteria to meet the following general guidelines:

- Appropriately Legible Copy. Digital advertising copy is appropriately legible and not overly bright.
- Simplicity. Provide a guideline that can be easily implemented and enforced. Measurement of the ambient light level of the sign on and off is conducted by a footcandle meter. If the difference in measurements is less than 0.3 footcandles, the digital billboard is in compliance.
- Established Guidelines. The criteria are based on established scientific methodology and established industry standards from the Illuminating Engineering Society of North America (IESNA) publication TM-11-00 “light trespass” theory which is an accepted standard in the lighting industry.
- Flexibility. Ensure proper brightness levels in a variety of lighting environments.

C. Additional Issues/Clarification

- **Automatic Dimming Capability.** A digital billboard must be able to automatically adjust as ambient light levels change. An automatic light sensing device (such as photocell or similar technology) should be utilized for adjusting the digital billboard’s brightness. Sunset-sunrise tables and manual methods of controlling brightness are not acceptable as a primary means of controlling brightness.
- **Brightness Measurement Methodology**. The brightness standard requires the use of a Footcandle meter (also known as a “Lux meter”; ~$100-1000). A Footcandle meter measures the amount of light arriving at the meter (illuminance), as opposed to an absolute measurement of the amount of light emanating from a light source or light sources (luminance). A Footcandle is a measure of lumens (light rays) that fall on one square foot area; Lux is the metric equivalent of a Footcandle.

  In contrast, a Candela Meter / NIT Gun (~$3,000) measures the amount of light emanating from a specific light source (luminance). A NIT gun measures candelas (a measure of luminance or brightness) per meter squared (also known as “NITS”), which is a measure of the brightness emanating from a specific light source. It excludes ambient light (which may include light from many sources) from the measurement. Standard NIT levels and/or utilization of a NIT gun are not a part of the OAAA recommended brightness guideline.



PAS REPORT 580

STREET GRAPHICS AND THE LAW

Fourth Edition

Daniel R. Mandelker, John M. Baker, and Richard Crawford

TABLE 4.5. SIGN SIZE AS FUNCTION OF TRAVEL SPEED AND VIEWER REACTION TIME

MPH	VRT (sec)	Sign Size (sq ft)
25	4	12.5
	5	20
	8	50
	10	78
40	4	32
	5	50
	8	128
	10	200
55	4	60.5
	5	95
	8	242
	1	378

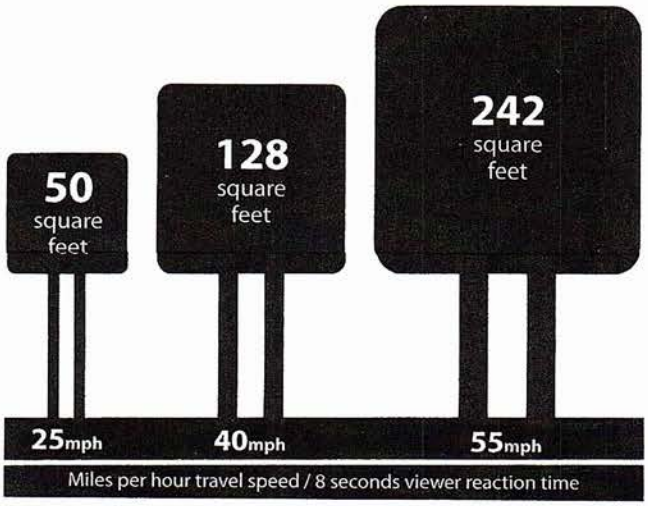


Figure 4.6. Average sign size related to speed of travel and reaction time

Calculating the Area for a Specific-Use Sign

In addition to the computation method above, the USSC has developed an algebraic equation to determine the area for signs containing letters only, which will provide the same result but will simplify the process. The equation allows for insertion of all of the size determinants, except for negative space, which is fixed at the standard 40/60 ratio. (Note: If numbers are rounded off in the computation process, a very slight difference in result may occur between the computation process and the equation.)

$$A_{sign} = 3n/80\ [(VRT)(MPH)/LI]^2$$

where:
A_{sign} = area of the sign

Fixed value:
40/60 ratio of letter to negative space

Variable values:
n = number of letters
VRT = Viewer Reaction Time (seconds)
MPH = miles per hour (travel speed)
LI = Legibility Index

Calculating the Area of a General-Use Sign

The specific-use sign equation is used to calculate the size of a sign containing letterforms when the motorist is traveling at a specific rate of speed. To allow for a broader scientific evaluation of sign size and satisfy the minimal legibility requirements across a full range of reaction times and speed zones, the USSC has developed a second equation. This formula fixes the average sign size determinants (number of letters, legibility index, and negative space), leaving only viewer reaction time and the speed of travel as the sole variables. It can be used to ascertain the general size of signs necessary to adequately and safely convey roadside information to motorists traveling at a given rate of speed as well as to establish size parameters for signs across an entire community or road system.

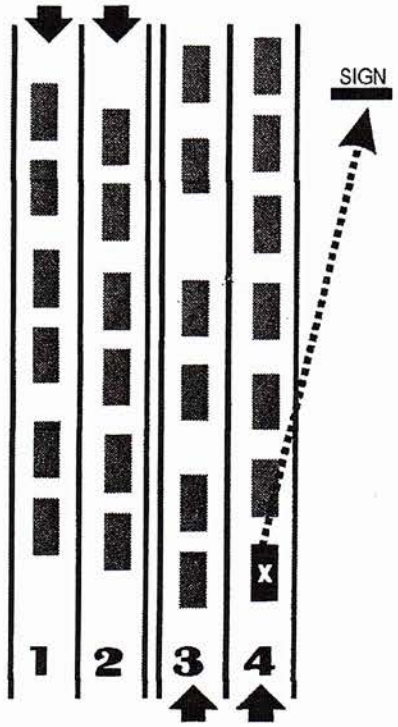
$$A_{sign} = [(VRT)(MPH)]^2/800$$

where:
A_{sign} = area of the sign

Fixed values:
1. 30 letters
2. Legibility Index (LI) of 30
3. 40/60 ratio of letters to negative space

Variable values:
VRT = Viewer Reaction Time (seconds)
MPH = miles per hour (travel speed)

Figure 4.8. Sign-blocking charts with tables



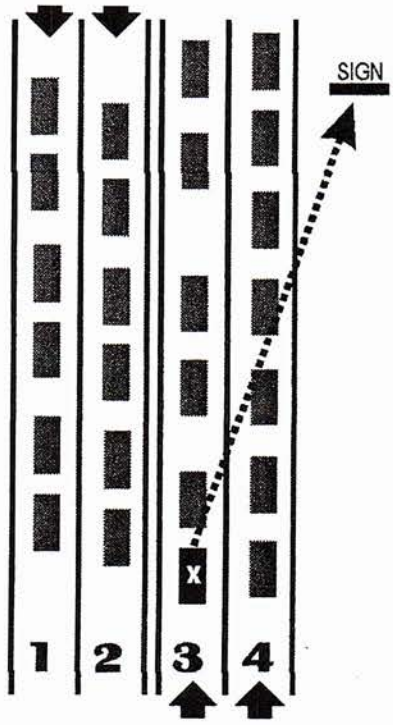
SCHEMATIC A

Speed of Travel: 35 mph
Subject Vehicle: Lane 4/Sign on right

Tables indicate percent of time sign is blocked from view of subject vehicle depending on Flow Rate and sign setback.

Flow Rate represents the number of vehicles traveling in both lanes in one direction for a period of one hour.

SIGN SETBACK AT 10 FEET		SIGN SETBACK AT 20 FEET	
Flow Rate	**% Blocking**	**Flow Rate**	**% Blocking**
200	9	200	6
400	17	400	12
600	25	600	18
800	31	800	23
1000	38	1000	28
1200	43	1200	33



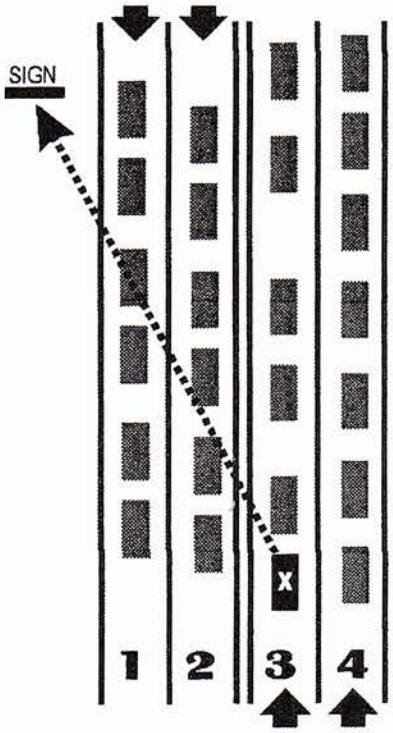
SCHEMATIC B

Speed of Travel: 35 mph
Subject Vehicle: Lane 3/Sign on right

Tables indicate percent of time sign is blocked from view of subject vehicle depending on Flow Rate and sign setback.

Flow Rate represents the number of vehicles traveling in both lanes in one direction for a period of one hour.

SIGN SETBACK AT 10 FEET		SIGN SETBACK AT 20 FEET	
Flow Rate	**% Blocking**	**Flow Rate**	**% Blocking**
200	17	200	12
400	29	400	24
600	41	600	33
800	50	800	42
1000	58	1000	49
1200	65	1200	56



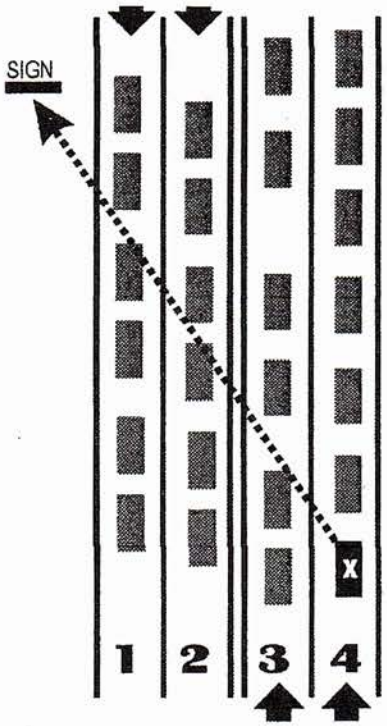
SCHEMATIC C

Speed of Travel: 35 mph
Subject Vehicle: Lane 3/Sign on left

Tables indicate percent of time sign is blocked from view of subject vehicle depending on Flow Rate and sign setback.

Flow Rate represents the number of vehicles traveling in both lanes in one direction for a period of one hour.

SIGN SETBACK AT 10 FEET		SIGN SETBACK AT 20 FEET	
Flow Rate	**% Blocking**	**Flow Rate**	**% Blocking**
200	19	200	16
400	35	400	30
600	48	600	41
800	58	800	51
1000	66	1000	59
1200	72	1200	65



SCHEMATIC D

Speed of Travel: 35 mph
Subject Vehicle: Lane 4/Sign on left

Tables indicate percent of time sign is blocked from view of subject vehicle depending on Flow Rate and sign setback.

Flow Rate represents the number of vehicles traveling in both lanes in one direction for a period of one hour.

SIGN SETBACK AT 10 FEET		SIGN SETBACK AT 20 FEET	
Flow Rate	**% Blocking**	**Flow Rate**	**% Blocking**
200	23	200	20
400	41	400	36
600	54	600	49
800	65	800	59
1000	73	1000	67
1200	79	1200	74

Table 4.5 and Figure 4.6 provide examples of the use of this sign area equation based on different travel speeds and viewer reaction times.

SIGN HEIGHT: MINIMUM STANDARDS FOR VEHICLE-ORIENTED ENVIRONMENTS

For signs providing roadside information in primarily vehicular-oriented environments, the height above grade of the sign or sign copy has a pronounced effect on an approaching motorist's ability to detect and read the message displayed. As is documented in the research publication, *Sign Visibility, Effects of Traffic Characteristics and Mounting Height* (2003), the simple presence of other vehicles on the road (i.e., in front, in an adjacent travel lane, or in travel lanes in the opposite direction) can potentially prevent a driver from detecting a sign. If a sign is situated at or below five feet above grade, other vehicles may block the driver's view, and the sign copy will not be legible (Figure 4.7).

The aforementioned study used analytical algorithms reflecting known patterns of traffic flow and volume, in conjunction with computer-generated simulation software. The research resulted in predictions of the percentage of times that other vehicles blocked the view of an approaching motorist , thus preventing the driver from detecting a low-mounted sign (five feet or less above grade). The percent of blockage was computed as a function of the traffic flow rate,

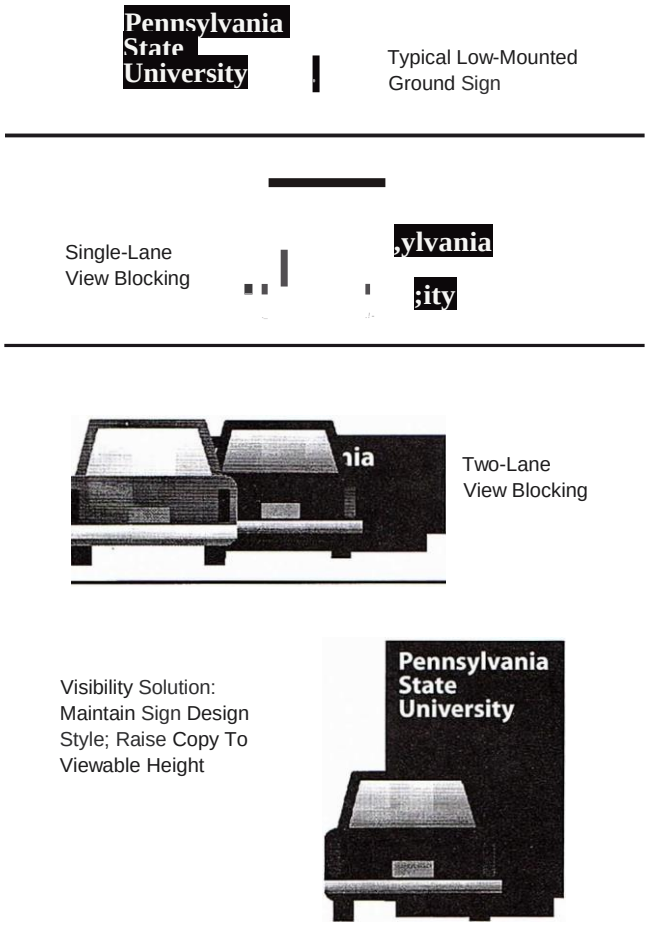


Figure 4.7 Sign-blocking scenarios (schematic)

the position of the subject motorist in the traffic stream, and the position and setback of the sign. Oversize vehicles (such as trucks, buses, and recreational vehicles) were not included in the calculations even though their normal presence in the vehicular mix would have, undoubtedly, increased the percentages noted in the study.

The researchers analyzed eight traffic scenarios, based on a four-lane undivided highway and either 35 or 45 miles per hour as the speed of travel. These conditions were chosen to simulate the general characteristics of roadways traversing commercial zones throughout the United States. The signs (assumed to be 10 feet wide) were located at either 10 or 20 feet from the edge of the roadway and on either the right- or left-hand side of the road. The findings clearly establish a quantifiable loss of visibility across the full range of sign placement as traffic flow rates increase. The charts, A through H, document the findings for traffic flow rates ranging from 200 to 1,200 vehicles per hour (Figure 4.8, pp. 36-39).

Based on the research, the USSC minimum height standard for copy on signs placed on roads with characteristics as detailed in the charts is no less than five feet above grade. However, the USSC strongly recommends a minimum height standard for sign copy of no less than seven feet above grade in order to ensure adequate visibility and a reasonable viewer reaction time , considering the block- ing potential of other vehicles on the road. The seven-feet-above-grade recommendation is the same as the Federal Highway Administration's standard, as promulgated in the *Manual of Uniform Traffic Control Devices,* for the height above grade of official roadside directional and wayfinding signs utilized along urban roadways in the United States.

As a related issue, the visibility requirement for ground or monument sign copy placement above seven feet above grade may run counter to community sign code regulation that (1) sets overall low maximum height limits, or (2) computes maximum square footage limits on sign size as the simple product of the total height times the total width of the



SAVING HISTORIC & VINTAGE SIGNS

Best Practices Regulating These Community Icons

JAMES CARPENTIER, AICP

SIGN RESEARCH FOUNDATION™

SIGN RESEARCH FOUNDATION™

James Carpentier, AICP, is the Director of State and Local Government Affairs with the International Sign Association (ISA). James works with local officials and planners in the creation of effective and enforceable sign regulations and is a frequent speaker and author on sign regulatory issues. He has helped communities develop historic sign codes and has spoken on the issue of historic sign regulations at national and regional APA events.

Published by:
Sign Research Foundation
January 2022

Cover image source: Al Barna, SFneon.org

Historic and vintage signs can rekindle fond memories of the past that bring us to a time and place when nearly all businesses were locally owned shops on Main Street, USA. These signs represented a one-of-a-kind piece of nostalgia and art, as vivid as a neon landmark.

"Signs speak of the people who run the businesses, shops, and firms. Signs are signatures. They reflect the owner's tastes and personality. They often reflect the ethnic makeup of a neighborhood and its character, as well as the social and business activities carried out there. By giving concrete details about daily life in a former era, historic signs allow the past to speak to the present in ways that buildings by themselves do not. And multiple surviving historic signs on the same building can indicate several periods in its history or use. In this respect, signs are like archeological layers that reveal different periods of human occupancy and use. Historic signs give continuity to public spaces, becoming part of the community memory. They sometimes become landmarks in themselves, almost without regard for the building to which they are attached, or the property on which they stand. Furthermore, in an age of uniform franchise signs and generic plastic 'box' signs, historic signs often attract by their individuality: by a clever detail, a daring use of color and motion, or a reference to particular people, shops, or events."

—Michael Auer, *The Preservation of Historic Signs*

100,000 CONSUMERS WERE POLLED IN 50 STATES, AND 77% AGREED WITH THE STATEMENT THAT "VINTAGE SIGNS ARE WORTH PRESERVING."

—James Kellaris, Professor at the University of Cincinnati, author of the 2012 *BrandSpark Better Homes and Gardens American Shopper Survey* (www.signresearch.org/consumer)

"AS INCREASINGLY RARE WORKS OF VERNACULAR DESIGN THAT ARE SIGNIFICANT IN THEIR OWN RIGHT, MANY HISTORIC SIGNS…WARRANT ACTIVE INITIATIVES TO ENSURE THEIR SURVIVAL."

—Thomas Rinaldi, *New York Neon*

"HISTORIC SIGNS HELP DEFINE A CITY. THEY CAN END UP BEING LANDMARKS AND BREAK UP THE ENDLESS LINES OF MATTRESS FIRMS AND DICK'S SPORTING GOODS STORES. THEY HELP PEOPLE REMEMBER A CITY."

—Jude Cook, Cook & Company, who has brought back to life many of the historic signs in Tucson, AZ

PLACEMAKING

Historic and vintage signs can enhance creative placemaking, which is defined by a Planner Advisory Service (PAS) Memo as **"a new way of engaging creative people and activities to address social and economic issues in communities."**

—Leonardo Vazquez, *Creative Placemaking*

Historic or vintage signs can enhance a program by increasing vibrancy, economic opportunities, and with stakeholder participation, while allowing the community to take ownership. Combining a mural program with either existing historic signs or new or replica signs, can be very impactful on a downtown or community.

Creative placemaking often revolves around art and includes murals. But could a historic neon sign be considered art? Neon is the unique combination of science, creativity and craftsmanship that takes many years to master, just like many other artistic formats. Anyone who ever had a chance to visit the Neon Museum in Las Vegas (www.neonmuseum.org) would not hesitate to answer this question in the affirmative – yes, it is art.

CULTURAL HERITAGE

Historic and vintage signs represent much more than a creative piece of history. These signs are reflective of the neighborhood or community in which they are located.

"[Historic signs] often reflect the ethnic makeup of a neighborhood and its character, as well as the social and business activities carried out there. By giving concrete details about daily life in a former era, historic signs allow the past to speak to the present in ways that buildings by themselves do not."

—Michael Auer, The Preservation of Historic Signs

"Their enduring ability to stir strong feelings is a testament to the significance of neon signs as works of design and as objects of cultural heritage."

—Thomas Rinaldi, *New York Neon*

Some of this appeal can be explained by the diverse places that neon signs represent:

"Other than the citizens themselves, there are few more immediate indicators of the multi-ethnicity of urban populations than the pop-up idiosyncratic signage of shops, cafés, and restaurants."

—Darren Anderson, *How Advertising Conquered Urban Space*



Obviously, historic and vintage signs can be highly representative of varying cultures and promote diversity in communities.

The restoration of the old Route 66 sign for the El Pueblo Motor Lodge in Flagstaff, AZ was an extremely important effort, given that one of the first meetings to establish the Navajo Code Talkers in WWII took place in this location. Karl Eberhard, former Historic Preservation Officer for the city of Flagstaff led the effort to save and restore this classic sign, states that **"the sign at the El Pueblo Motor lodge is a treasured cultural resource and marker for the region that helps to save the character of the Route 66 corridor."**

Image source: Dennis Wall, www.dwallfiction.com/home-grown-fiction

ROLE OF SIGN MUSEUMS



Jude Cook, Ignite Sign Art Museum

Another important aspect that reflects the cultural significance of historic and vintage signs is the emergence of sign museums. These institutions often provide a home to classic signs that have outlived their useful purpose, and now provide the public with an opportunity to witness a wide collection of artistic commercial displays that entertain the eyes and stimulate the imagination.

MUSEUM OF NEON ART (MONA):
www.neonmona.org (Glendale, CA)

AMERICAN SIGN MUSEUM:
www.americansignmuseum.org (Cincinnati, OH)

TENDERLOIN MUSEUM:
www.tenderloinmuseum.org (San Francisco, CA)

NEON MUSEUM:
www.neonmuseum.org (Las Vegas, NV)

IGNITE SIGN ART MUSEUM:
www.ignitemuseum.com (Tucson, AZ)

NATIONAL NEON SIGN MUSEUM:
www. nationalneonsignmuseum.org (Dalles, OR)

NEON MUSEUM OF PHILADELPHIA:
www. neonmuseumofphiladelphia.com (Philadelphia, PA)

ECONOMIC IMPACT

TUCSON, AZ

The city of Tucson, Arizona has had an ordinance in place protecting historic signs for over 10 years. The Heritage Landmark Sign Code has resulted in the restoration of 25 signs in the community to their former glory. The city's sign code, combined with the efforts of the Tucson Historic Preservation Foundation and the Ignite Neon Sign Museum, provide economic benefits to the City of Tucson, enhancing the tourist experience and resulting in positive economic development for Tucson.

- The Tucson Historic Preservation Foundation has taken advantage of the city's historic sign preservation to:

host evening tours of some of the city's most iconic glowing historic landmark neon signs.

- host evening tours of some of the city's most iconic glowing historic landmark neon signs.
- develop an award winning self-guided driving tour of vintage signs, which is termed "The Neon Pueblo."
- create the Vintage Tucson Neon Art Walk





Image source: preservationtucson.org

HOTEL CONGRESS WAS THE FIRST HISTORIC LEGACY SIGN DESIGNATED IN TUCSON.



The Ignite Sign Art Museum was founded in Tucson, Arizona by Jude Cook, who began his own sign business (Cook & Company) over 40 years ago. Cook has restored 23 historic signs in Tucson over the past 10 years. Several years ago, Cook decided to start sharing his collection of signs by opening one of the more recent sign museums in the country, the Ignite Sign Art Museum. This museum has become a destination for many that are interested in signs of old, and it also serves as a unique and attractive venue to host special events.

CASA GRANDE, AZ

The City of Casa Grande, Arizona represents an excellent public and private partnership that created the Neon Sign Park as the centerpiece of their downtown revitalization efforts.



"Casa Grande, Arizona's new neon sign park is the centerpiece of the local preservation commission and Main Street organization's downtown revitalization efforts, and in just over a year it has already become a prime attraction and catalyst for redevelopment and creativity in the small town."

—Melissa Aude, *Let there be light: New neon sign park now illuminates downtown*



The Casa Grande Neon Sign Park (www.neonsignpark.com) received a grant from the American Express Partners in Preservation program, a partnership of the National Trust for Historic Preservation and The American Express Foundation. Casa Grande Main Street took second place among 25 cities nationwide and was awarded $144,000 in January 2018. Funding provided for the restoration of 14 vintage and neon signs, along with installation and landscaping in the Arizona Plaza site in Historic Downtown.

In addition, the city received assistance from Urban Land Institute of Arizona through a Technical Assistance Panel in which 20 high-level building industry professionals traveled to Casa Grande to discuss how the park can serve as a catalyst for redevelopment and creativity.

"When it comes to neon, it's public art and science. As art, it remains vibrant today. Preserving our past (with historic signs) is a roadside attraction, hence tourism and economic development."

—Marge Jantz, former Executive Director for Casa Grande Main Street

GILBERT, AZ

The Town of Gilbert, Arizona, represents a jurisdiction that has turned an economically depressed downtown into a vibrant downtown. How did they do it? By using the town's design guidelines to encourage neon signs. Although not historic signs these new neon signs certainly are vintage in appearance and have played a large role in bringing a defunct downtown back to life.

"Vintage signs not only create a sense of place, but can assist with creating an economically vibrant downtown."

—Linda Edwards, former Planning Manager with the Town of Gilbert, AZ



"[Neon] keeps a city's spirits up in the wee small hours, its illumination making streets safer and making economic activity viable after the sun goes down."

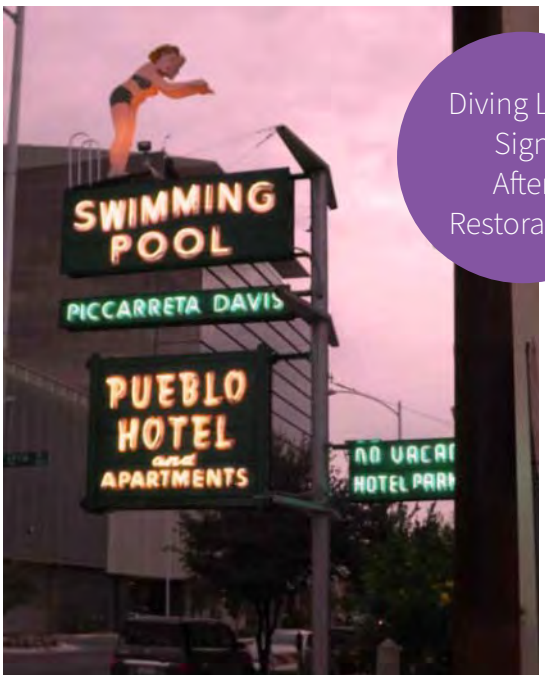
—Tom Downs, *San Francisco Neon*

REGULATORY FRAMEWORK

Tucson, Arizona's ten-year-old historic landmark sign ordinance started with one man's effort to save the "diving lady" sign, which for more than 60 years had welcomed visitors to the Pueblo Hotel. Barry Davis, the new owner, converted the property into law offices in 1993 and then started a years-long effort to get the city to grant a permit to restore the dilapidated sign.



Diving Lady Sign Before Restoration



Diving Lady Sign After Restoration

Image source: Jude Cook

It wasn't easy. The sign was non-conforming for several reasons: the sign was in the right-of-way, exceeded the 12-foot maximum height, did not meet the required setback, and on top of it pole signs were also not allowed. The owner could not restore the sign since once removed the new sign would need to comply with the existing code.

This scenario is not that uncommon in other jurisdictions, where the restoration of a historic or vintage sign is not allowed since it is non-conforming. Davis could not take down the sign without complying with the current code. Fortunately, some jurisdictions have realized the value of historic and vintage signs and are taking action to save them, such as Tucson and other jurisdictions.

"The primary focus of sign regulation over the past century has been on eliminating signs, not preserving them."

— Stephen R. Miller, Historic Signs, Commercial Speech, and the Limits of Preservation

BEST PRACTICES

TUCSON, ARIZONA

The City of Tucson adopted their Heritage Landmark Sign code (HLS) in 2011. In a multiyear initiative, the Tucson-Pima County Historical Commission, the City of Tucson Historic Preservation Office, the Citizen Sign Code Committee, and the Sign Code Division banded together to draft the HLS code. The city has approved 25 HLS signs since 2011. The purpose of the HLS code is to "provide for the preservation of the City of Tucson's unique character, history, and identity, as reflected in its historic and iconic signs, and to restore the sense of place that existed within the central business district and in areas of the City with concentrations of surviving historic signs."

There are three types of HLS: classic, transitional, and replica and are defined as follows; a Classic HLS is a heritage landmark sign originally installed prior to 1961, a transitional HLS is a heritage landmark sign originally installed between 1961 and 1974 inclusive, and a replica HLS is an accurate reconstruction of an original sign that no longer exists. For a sign to qualify as a replica it must have been originally installed prior to 1961.

The preservation of Heritage Landmark Signs is implemented through use of an official Tucson Register of Heritage Landmark Signs. Approximately 200 signs have been included on the City's Register. Inclusion on the Register is voluntary and handled through an 'opt-in' process.

To qualify under the HLS program a sign needs to meet the following technical guidelines:

- the sign shall include or have once included exposed integral incandescent lighting, or exposed neon lighting,
- the sign shall use materials and technology representative of its period of construction,
- the sign shall be non-rectangular or non-planar,
- the sign shall be a permanent sign, including but not limited to a detached, projecting, wall, or roof sign and the sign is structurally safe or can be made safe without substantially altering its historical appearance.

In addition to qualify under the HLS program the following cultural/historical/design guidelines are needed:

- the sign shall exemplify the cultural, economic, and historic heritage of Tucson;
- the sign shall exhibit extraordinary aesthetic quality, creativity, and innovation and the sign is unique;
    - or was originally associated with a chain or franchise business that is either a local or regional chain or franchise only found in Tucson or the southwestern United States;
    - or there is scholarly documentation to support its preservation;
    - or it is a rare surviving example of a once common type.

This last section is unique since it does allow for a sign to be relocated to Tucson from the County or Southwest if it has historical significance. Dan Bursuck, Principal Planner with the City of Tucson, indicated that "the city amended the code recently to allow relocation not only to another location with commercial or industrial zoning but also from the region to allow some additional flexibility in the HLS code."

Property owners can exempt their registered Historic Landmark Signs from the total sign allowance allotted for their property. The HLS code also allows for the recreation of historical signs that existed on a site or in a district, or for new signs constructed using historic styles. Administratively, the Tucson-Pima County Historical Commission reviews the application and makes a recommendation to the Planning Director.

Carlos Loranzo with the Tucson County Historical Commission believes the HLS program has helped Tucson "develop a strong sense of place."

SALT LAKE CITY, UTAH

In 2018, Salt Lake City (SLC) adopted a Vintage Sign Ordinance.
The purpose of the code is: "to promote the retention, restoration, reuse, and reinstatement of nonconforming signs that represent important elements of Salt Lake City's heritage and enhance the character of a corridor, neighborhood, or the community at large."
Administration of this code is straightforward since the existing special exception process is utilized. This process allows for administrative approval by the Zoning Administrator.



Image Source: Cater Williams, KSL.com

Approvals for vintage signs are contingent on the application meeting these four standards: the sign was not placed as part of a Localized Alternative Signage Overlay District and has not been granted flexibility from the base zoning through a planned development agreement or by the Historic Landmark Commission; is not a billboard as defined [elsewhere in the ordinance]; retains its original design character, or that character will be reestablished or restored, based on historic evidence such as drawings or photographs. In addition, the application needs to meet at least four of the following six criteria: (1) The sign was specifically designed for a business, institution, or other establishment on the subject site; (2) The sign bears a unique emblem, logo, or another graphic specific to the City, or region; (3) The sign exhibits specific characteristics that enhance the streetscape or identity of a neighborhood; (4) The sign is or was characteristic of a specific historic period; (5) The sign is or was integral to the design or identity of the site or building where the sign is located; or, (6) The sign represents an example of craftsmanship in the application of lighting technique, use of materials, or design.

SLC allows a vintage sign to be relocated within the site or the contiguous zoning district. The code allows for some changes to the sign that are in the same style as the design of the original sign including: shape and form, size, typography, Illustrative elements, and use of color. The SLC vintage code also allows for a sign to be recreated from an image (the code uses the term reinstatement). In addition, the code allows a vintage sign to be relocated to a new site for use as a piece of public art, provided that the original design and character of the sign is retained, or will be restored, and it advertises a business no longer in operation. Once designated, a vintage sign is exempt from the calculation of allowed signage on a site.

NASHVILLE, TENNESSEE

Nashville adopted a Landmark Sign Ordinance in 2011. A Landmark sign is defined as, "a sign that exemplifies the cultural, architectural, or commercial identity of Nashville and Davidson County, is iconic in its location, and contributes to the surrounding neighborhood character."

The Landmark Sign Ordinance has three categories of signs, historic, vintage and replica. A Historic sign must be 50 years old and meet the following five criteria: excellence in a particular period of construction:

- and/or is unique;
- retains the majority of its character-defining features;
- is structurally safe;
- is not a billboard;
- the sign is unique or was originally associated with a chain or franchise business that is either a local or regional chain or franchise only found in Nashville or the southeastern United States.

A vintage sign must be constructed between twenty-five and fifty years before the date of application. Applications are reviewed on the cultural and iconic contribution to the surroundings. A replica sign is permissible when based on sufficient historical documentation of the sign and its location. A replica sign must use historical materials and technologies or use contemporary materials and technologies that visually match historical ones.

The code allows for relocation of a sign designated under the landmark code to another location on the premises, to another location that houses the same or similar business, or to an area of similar character within a one-mile radius of the present location.

Signs designated under the landmark code are exempt 100% from the sign code for signs that do not advertise the business or are replica signs and 50% for signs that do advertise the business. The Landmark Sign Ordinance is administered through the Metropolitan Zoning Commission.



Image source: Debra Jane Selzter, roadsidearchitecture.com

MIAMI, FLORIDA

The City of Miami has an Historic section of their sign ordinance that allows for designated signs to be repaired, restored, structurally altered, reconstructed, or relocated. Miami allows for this special treatment because "historic signs may possess intrinsic importance or acquire that importance as a result of their association with the historic resource through which they have become associated." The code is administered by the Historic & Environmental Preservation board (HEPB) through the Certificate of Appropriateness Process.

The HEPB reviews eight different criteria in determination if a sign is "historic." It is important to note that the code does not specify that a sign needs to be of a certain age to qualify or that all of the criteria must be met for a sign to qualify as historic. The eight different criteria that the HEPB reviews are the following:

- associated with historic figures, events, or places;
- significant as evidence of the history of the product, business, or service advertised;
- significant as reflecting the history of the building or the development of the historic district or multiple property designation;
- significant as reflecting the history of the building such as gold leaf on glass, neon, or stainless-steel lettering;
- integral to the building's design or physical fabric;
- outstanding examples of the sign maker's art;
- recognized as a local landmark because of its prominence and popular recognition as a focal point in the community and assists in defining the character of a district and assists in defining the character of a district.

The unique characteristic of Miami's criteria to qualify as an "historic" sign is the ability to have a sign recognized by the neighborhood as a focal point with no stated limitations on the age of a sign, such as 25 and 50 years, as is common in other codes.

PORTSMOUTH, NEW HAMPSHIRE

Another issue involving vintage signs ("vintage" in appearance) that communities often deal with is regulating signs in historic districts. A model in ensuring that new signs in historic districts are appropriate is Portsmouth, New Hampshire, where the Historic District Commission (HDC) has developed policy document for new signs and awnings.

The Guidelines were developed in conjunction with the City of Portsmouth's HDC and the Planning Department. When reviewing applications, the HDC considers a property's classification, recommending the greatest historic authenticity at focal buildings, with more flexibility at contributing structures, and the most at non-contributing properties. The Guidelines include many helpful images and provides clear guidance for applicants.

CONCLUSION

There are many reasons why there has been an increased focus on historic and vintage signs in recent years, including enhancing a community's creative placemaking, preserving a community's cultural heritage, and promoting the economic impact in a community. This growing awareness has manifested itself in historic and vintage codes, museums, and sign parks or museums. Some significant characteristics of the codes identified in this paper bear noting:

- It is common to exempt the historic or vintage sign from the code so as to provide an incentive to restore the sign;
- Allow flexibility in the time frame that qualifies for a vintage or historic sign, such 25 years old for a vintage sign and 50 years for an historic sign. (Miami allows for increased flexibility by not stating limitations on the age);
- Flexibility in the allowed sign location is common, such as within a certain distance or in the same or similar zoning district;
- The recreation of a historic or vintage sign from an image that has been lost.

Other considerations to ensure that historic or vintage signs are saved:

- Exempt historic and vintage signs from permit fees, since the costs involved are often greater than a typical sign;
- Streamline the approval process;
- Include all the stakeholders in the process when creating a historic or vintage code to ensure community ownership and buy in.

IS NEON GREEN?

"ADAPTING NEON TO LEDS TURNS AN ARTFUL TREASURE THAT CAN LAST MORE THAN 50 YEARS, MADE FROM SUSTAINABLE AND RECYCLABLE MATERIALS BY SKILLED HANDS, INTO A THING THAT IS UNRECYCLABLE AND MADE CHIEFLY FROM UNSUSTAINABLE PETROLEUM PRODUCTS, A THING THAT MAY NOT LAST EVEN A DECADE."

—Al Barna and Randall Ann Homan, *Saving Neon: A Best Practice Guide*

"LIGHT-EMITTING DIODES (LEDS) ARE SUGGESTED AS ENERGY-EFFICIENT ALTERNATIVES TO NEON TUBES, BUT THE COMPARISONS, WHICH OFTEN CLAIM A 90 PERCENT ENERGY SAVINGS FOR LED, OFTEN FAIL TO TAKE INTO ACCOUNT THE RELATIVE INEFFICIENCY OF LED LIGHT SOURCES AS COMPARED TO NEON. WHILE AN LED LIGHT SOURCE OF A SIMILAR COLOR AND SIZE TO NEON MAY CONSUME LESS POWER, A FOOT OF LED TUBE LIGHTING LEFT ON FOR 12 HOURS PER DAY MAY CONSUME AS LITTLE AS 3.5 KWH PER YEAR; LED TYPICALLY OUTPUTS MUCH LESS LIGHT THAN THE NEON TUBE. ADJUSTING THE BRIGHTNESS OF THE LED FOR COMPARISON TO NEON, THE DIFFERENCE IN POWER CONSUMPTION IS LESS PRONOUNCED."

—Evan Gillespie, *How Much Electricity Does a Neon Light Use?*

WHEN CONSIDERING THE OVERALL PICTURE, YES, NEON IS GREEN.

REFERENCES

Anderson, Darren, *How Advertising Conquered Urban Space*, Bloomberg City Lab, Nov. 14, 2019.

Auer, Michael J., *The Preservation of Historic Signs*, National Park Service Preservation Brief 25, Oct. 1991.

Aude, Melissa, *Let there be light: New neon sign park now illuminates downtown*, Casa Grande Dispatch, Updated Feb, 7, 2021.

Downs, Tom, forward to Al Barn and Randall Ann Homan, San Francisco Neon, Giant Orange Press, San Francisco, 2015.

Gillespie, Evan, https://www.hunker.com/13412731/how-much-electricity-does-a-neon-light-use.

Homan, Randall & Al, Saving Neon: A Best Practices Guide, San Francisco: Giant Orange Press, 2018.

Kellaris, James J., "100,000 Shoppers Can't Be Wrong: Signage Communication Evidence from the BrandSpark / Better Homes and Gardens American Shopper Study," presentation to the National Signage Research & Education Conference, University of Cincinnati, October 10-11, 2012, https://signresearch.org/wp-content/uploads/BrandSpark-Better-Homes-and-Gardens-American-Shopper-Study2011.pdf.

Miami City, Miami Code, https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIITHCO_CH23HIPR_ARTIHIPR_S23-6.4SI.

Miller, Stephen R., Historic Signs, Commercial Speech, and the Limits of Preservation, 264 JOURNAL OF LAND USE [Vol. 25:2] Spring 2010.

Nashville TN Landmark Sign Ordinance, http://nashville-tn.elaws.us/code/coor_title17_ch17.32_sec17.32.145.

Portsmouth NH Guidelines for Awnings, http://files.cityofportsmouth.com/files/planning/drt/11-PNH_SignsAwnings_2016-03a.pdf.

Preserve Tucson Neon Pueblo Sign Guide, https://preservetucson.org/wp-content/uploads/2017/09/the_neon_pueblo_tucsonsignguide.pdf.

Rinaldi, Thomas E., New York Neon (New York: W.W. Norton, 2013), 176.

Salt Lake City, Vintage Sign Ordinance, https://codelibrary.amlegal.com/codes/saltlakecityut/latest/saltlakecity_ut/0-0-0-69929#JD_21A.46.125.

Tucson City Code, https://codelibrary.amlegal.com/codes/tucson/latest/tucson_az_udc/0-0-0-27095.

Vazquez, Leonardo, Creative Placemaking, APA, PAS Memo Nov./Dec. 2016., https://www.planning.org/knowledgebase/creativeplacemaking/.

PUBLISHED BY:



WWW.SIGNRESEARCH.ORG

This report remains the property of the Sign Research Foundation.
None of the information contained within can be used,
republished or reprinted without express permission from the Sign Research Foundation.



Billboards: The Case for Control

June 20, 2023

We are pleased to publish the following article by Edward T. McMahon, former president of Scenic America and renowned placemaking and urban planning expert. The article was originally published by Planning Commissioners Journal *in 1998, then updated and republished in 2011.*

It is a cornerstone piece of literature outlining the causes and effects of visual blight as brought on by billboard proliferation.

Come see America the beautiful, if you can. Amber waves of grain? It is more like a ride through the yellow pages: a windshield vista of 50-foot beer cans and towering casino signs.

Many thought billboards were an endangered species in 1965 when Congress passed the Highway Beautification Act. But the law was so riddled with loopholes and enforcement so lax that in recent years, billboard companies have put up thousands of new, bigger, more obtrusive billboards.

In a relatively short time, outdoor advertising has gone from Burma Shave to Blade Runner: from small and folksy to huge and intrusive. We've now entered the era of digital billboards giant outdoor TV screens wasting energy while degrading the landscape and distracting drivers.

Billboards are the definition of a roadside distraction. Their entire purpose is to take your eyes off the road and put them on giant outdoor advertisements. Safety is just one of the reasons why many communities have been trying to regulate billboards for decades.

Curbing billboards is not easy, but it can be done. This article lays out the case for billboard control. It discusses the reasons beyond safety for why we need to halt construction of new billboards and strictly regulate those that remain.

1. Billboards are a form of pollution visual pollution

Over the years, billboards have been described as the "junk mail of the highway," "litter on a stick," "visual kudzu," "urban blight," and more, but in their simplest form billboards are a form of visual pollution.

Regulating billboards is no different from regulating noxious fumes, sewage discharges, or excessive noise. The U.S. Supreme Court has said: "Pollution is not limited to the air we breathe and the water we drink; it can equally offend the eye and ear."

While the messages on a billboard can be ugly or ordinary, when they are enlarged to the size of a house, placed on poles 50 to 100 feet high, randomly strewn along every street,

even covering entire buildings, they become a visual and environmental hazard. Like overly loud noise – strictly regulated in many communities – billboards thrust a discordant commercial note into our environment. They deprive us of visual access to scenic vistas and create a strident, hectic atmosphere in cities.

2. Billboards are out of place in most locations



Billboards commercialize, homogenize, and degrade the countryside.

Our landscape is one of America's greatest resources. Its value is economic as well as aesthetic, psychological as well as recreational, spiritual as well as physical. Every landscape, rural or urban, has its own kind of beauty and uniqueness. In every kind of landscape billboards are a disturbing alien intrusion. Like empty beer cans in a mountain stream, they simply don't belong because they commercialize, homogenize, and degrade our natural landscape.

Visual clutter may be appropriate in a few limited locations, such as a city's entertainment district (e.g., Times Square or the Las Vegas Strip). In most cases, however, billboards obliterate architectural character and ruin natural beauty. They also undermine community livability and sustainability. Doug Kelbaugh of the University of Michigan School of Architecture put it this way: "If a building, a landscape, or a city is not beautiful, it will not be loved; if it is not loved, it will not be maintained. In short it won't be sustained."

3. Billboards destroy distinctiveness

Billboards look the same whether they are in Mississippi, Montana, or Malaysia. As a result, billboards homogenize our communities. They help turn unique places into "Anyplace." In fact, almost nothing will destroy the distinctive character of a place faster than uncontrolled signs and billboards. This has negative economic consequences.

"Community differentiation" is a key concept in economic development today. If you can't differentiate your community from any other community you have no competitive advantage. Put another way, the image of a community is fundamentally important to its economic well being.



Welcome to Anyplace USA!

Every day, people make decisions about where to live, invest, or vacation based on what communities look like. Attractive, well-ordered communities havean advantage over ugly, chaotic ones. Take tourism: the more one community comes to look like every other community, the less reason there is to visit. On the other hand, the more a community does to protect and enhance its distinctive character, whether natural or architectural, the more reason there is to visit.

Billboards destroy distinctiveness and undermine our sense of place while they commercialize our neighborhoods. continued on next page

4. Billboards are the only form of advertising that you can't turn off or avoid

There is a vast difference between seeing an ad – even the same ad – in a magazine, newspaper, on television, or on the internet. When you buy a magazine or turn on the television, you exercise freedom of choice. You can easily close the magazine or turn off the television. You can flip the page or turn the channel.



A tree on public land destroyed to improve the view of a billboard.

In contrast, you have no power to turn off or throw away a billboard. Twenty-four hours a day, 365 days a year, billboards force advertising on individuals and communities whether they want it or not. Billboards are placed so you can't avoid seeing them. Try closing your eyes while driving down a road lined with billboards and you'll wreck your car.

This is how the billboard industry sells space. They tell advertisers billboards give them more "control" over consumers. They claim the ability to "grab your attention" and rub your nose in advertising.

5. Billboard companies sell something they don't own – our field of vision

Courts have long held that billboards do not derive their value from the private land they stand on, but from the public roads they stand next to. Courts call this the "parasite principle" – because billboards feed like a parasite off roads they pay almost nothing to build, use, or maintain.

To understand this, imagine that every billboard in America was turned around so that the message could not be seen from the road. The billboards would suddenly be worthless. Their only value comes from their ability to be seen from public roads. Billboard companies charge advertisers based on the circulation of the road. The higher the traffic count, the higher the ad revenue.



Billboards make us a captive audience to advertising.

Next time you drive on a toll road lined with billboards, consider how you're being charged to use the road, while the ad company, typically is not. As former California Governor Pat Brown once said: "When a man throws an empty cigarette package from a car, he is liable to a fine, but when a man throws a billboard across a view, he is richly rewarded."

6. Billboards are ineffective and unnecessary

Billboard companies argue that "people need billboards." This is completely untrue. There are alternatives to billboards that provide the same information at less cost without degrading our landscape. We have all seen the highway "logo signs" which advertise roadside services such as gas stations, restaurants, hotels, and tourist attractions.

Information on roadside services is also readily available on smart phones, Blackberries, and vehicle information systems. These are far more useful and effective than roadside billboards, particularly when you consider the fact that the vast majority of billboards advertise products or services that have nothing to do with motorist information: beer, cell phones, strip clubs, you name it.

Logo signs provide motorist information without degrading the landscape.

Billboards are also one of the least effective forms of advertising. Billboards represent less than two percent of total advertising in the United States. At best, they are a secondary form of advertising that is used to reinforce ads in other media. The truth is, billboards are so ubiquitous that most people simply tune them out.

Media expert Marshall McLuhan was famous for saying "the medium is the message." This means that the medium affects us more than the message. Billboards are a downscale medium that blights the countryside, annoys many people, and causes advertising overload.

7. Billboard companies exercise almost no restraint in the placement of outdoor ads

In recent years, billboards have metastasized in every kind of landscape and setting. Billboards now cover up buildings, hover over our neighborhoods, and stare down on homes, schools, churches, parks, and playgrounds. They deface cemeteries and historic districts.

In the countryside there are few areas sufficiently rural or scenic to be safe from billboards – they are even found in World Heritage Areas and along many designated scenic highways. Rami Tambello, founder of an anti-billboard group in Canada, says: "The outdoor advertising industry has a global culture of non-compliance with the law. Ad companies are erecting illegal billboards all over the world, wherever they can get away with it."

Today four U.S. states – Alaska, Hawaii, Maine, and Vermont – along with thousands of cities and counties totally prohibit billboards. Many other strictly limit billboards.

A familiar streetscape in too many communities.
Good for property values?

Billboard regulation has also gone international: many European countries, like England, have long prohibited billboards in the countryside. Now billboards are becoming an issue in developing countries. In 2000, Athens, Greece was so thick with billboards that it was difficult to see the city's famous architecture. In preparation for the 2004 Olympics, the city dismantled rooftop billboards to beautify the city and improve its vitality.

In 2007, São Paulo Brazil, the world's ninth largest city, banned billboards and took them all down. Brazilian media called this "a rare victory of the public interest over the private interest, of order over disorder, of aesthetics over ugliness, of cleanliness over trash."9One of the most important reasons for billboard regulation is because no place in the world will stay scenic and un-commercialized by accident.

8. Billboards are both a cause and a symptom of urban blight

Billboards are a cause of urban blight because they degrade the urban environment, lower property values, and foster contempt for the public realm. They are a symptom of urban blight because one form of blight breeds another. Graffiti, trash, junk cars, billboards – where you find one you'll usually find the other.

What's more, billboards are disproportionately located in low income neighborhoods. There are no billboards in Beverly Hills, Georgetown, Palm Beach, Scarsdale, or hundreds of other affluent communities. But drive into low-income neighborhoods in Chicago, Los Angeles, Miami, or any other big city and you will see neighborhoods saturated with billboards. As more of the world's population moves into cities, there is a growing need for places of respite from the chaos and clutter of urban life.

9. Billboards are bad for business

Beauty and place making are good for business; ugliness is not. Compare two communities: one with billboards and one without. For example, Montgomery County, Maryland, has no billboards. The nearby city of Baltimore, Maryland has thousands of billboards.

Has Montgomery County been negatively affected? On the contrary, Montgomery County has much lower unemployment, and much higher property values, than Baltimore. In fact, the county with America's lowest unemployment rate – Arlington County, Virginia, has no billboards at all. Lack of billboards does not seem tohave deterred economic vitality here or in other communities. Places like Boulder, Colorado; Chapel Hill, North Carolina; Santa Fe, New Mexico; and Marin County, California, have banned billboards and gained national reputations as great places to live and work.

There is ample evidence to support the assertion that billboard regulation helps business. Thisis why almost all of America's premier vacation destinations tightly control signs. For example, Vermont runs ads touting its lack of billboards. The former head of the Vermont Chamber of Commerce said: "One of our greatest resources is our scenic beauty. Although there was some initial sensitivity that removing billboards might hurt tourism, it has had the opposite effect. Tourism went up for all businesses, large and small."

10. Digital billboards use huge amounts of energy, contributing to greenhouse

gas emissions and global warming

Digital billboards are energy hogs. They use an enormous amount of electricity, especially compared to conventional billboards. Research by the Central Texas chapter of the U.S. Green Building Council found the energy consumption of one digital billboard 49 times that of a conventional billboard.12Even the spokesman for a major outdoor advertising firm recently acknowledged that a digital billboard consumes roughly 4,600 kilowatts of electricity per month, compared to 920 kilowatts for the average single-family house.

Digital billboards make a mockery of government efforts to "go green." Sustainable communities simply don't allow themselves to be overrun with billboards. At its most basic, "sustainable" means enduring; a sustainable community is a place of enduring value. A community littered with ugly, energy guzzling digital signs is the antithesis of a sustainable community.

Digital billboards are energy hogs.

Billboard Control: What Works

Billboard control is difficult, but not impossible – and thousands of communities around the world have successfully addressed the billboard problem. The legal tools for effective billboard control do exist; the larger question is how can they be used to best advantage.

In my experience, the simplest thing to do right now is to say, "No more billboards," in other words, to stop the construction of new billboards.

The big mistake many communities make is allowing new billboards in some locations while the industry refuses to take down non-conforming billboards in other locations. This adds insult to injury. With billboards, if things can get worse, they will get worse.

Halting new construction means the number of existing billboards will slowly diminish. It also gives government some leverage in dealing with the industry, especially when you

understand that digital signs can generate five times more revenue than conventional signs.

Summing Up

Almost 70 years ago, *Fortune* magazine, observed, "no place on earth is geographically beyond the reach of the hawkers and hucksters." Today commercialism – particularly in the form of outdoor advertising pervades our world to an extent unimaginable, even several decades ago. It seems now that the hucksters won't be satisfied until every square inch of public space is filled with giant structures festooned with the message "BUY."

Billboards degrade our landscape and our culture. The old fashioned ideals of community, beauty, modesty, and respect for nature stand for nothing in the face of rampant commercialism. Now is the time to stand up and just say no to out of control billboards.

Scenic America's first president Ed McMahon developed an interest in land use planning and landscape conservation as a result of serving a tour of duty in Germany as a young soldier in the US Army. A native of Birmingham, Alabama, Ed spent two years traveling throughout Europe from his post at US Army headquarters in the postcard-perfect town of Heidelberg, Germany. Over the course of Ed's tenure, Scenic America worked closely with local and state governments to pass sign ordinances, tree protection legislation, and other measures to protect community character and identity. We are proud to honor Ed's legacy by publishing his catalog of industry-renowned work on the Scenic America website in perpetuity. ***Read more about Ed McMahon***

RELATED TOPICS

BILLBOARDS **UNCATEGORIZED**

Back to top

SCENIC AMERICA

EXPLORE

Why Scenic Conservation?

Our Chapters & Affiliates

Get Involved

About Us

Contact Us

STAY INFORMED

Stay informed and up to date.
Sign up for our mailing list.

SIGN UP →

FOLLOW US

1012 14th St NW, Suite 1108
Washington, DC 20005

ACCREDITED CHARITY bbb.org
EarthShare
Platinum Transparency 2022 Candid.
Charity Navigator FOUR-STAR

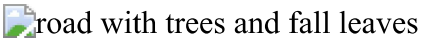
© 2023 Scenic America | Privacy Policy

Case Study: Vermont's Billboard Ban

Proud to Be Billboard-Free

"Whereas, billboards and other forms of outdoor advertising are becoming a matter of increasing concern to many residents...."

So began the joint resolution of the Vermont State Assembly in 1967, when it created the Committee to Study Outdoor Advertising, which included future U.S. Senator Jim Jeffords. It held public hearings, conducted research and reviewed the relevant law on outdoor advertising.


road with trees and fall leaves

Lake Champlain Byway

According to the Committee's report, "Our scenic resources... have contributed much to our economic development by attracting tourists, ... residents, and new industries and cultural facilities. ...[T]he scattering of outdoor advertising throughout the state is detrimental to the preservation of these resources, and consequently to the economic base of the state."

In 1968, Vermont prohibited new billboards and provided an amortization period of five years to remove existing billboards. By 1974, Vermont felled its last billboard.



4

Vermont, joins Alaska, Hawaii & Maine as one of four states to ban billboards.



$3B

Billboard-free Vermont boasts a $3B tourism industry.

Results

In 1997, the state commissioned an independent study of outdoor advertising to review the success of the billboard ban and to assess other forms of advertising. Public opinion polls and studies echoed the 1967 report. The study stated that traveler information solutions must maintain Vermont's quality environment, continue to prohibit billboards, and prevent sign clutter.

Decades after the passage of the legislation and the fall of the last billboard, Vermont draws millions of tourists from around the world each year to experience its scenic beauty. Far from being hampered by the absence of billboards, the state's tourism industry is thriving. In 2019, travel and tourism was a $3 billion industry that supported over 30,000 jobs across the state, generating $373 million in tax revenue.

Vermont joins Alaska, Hawaii, and Maine as one of four states to ban billboards. Scenic America estimates that approximately 700 communities also have billboard bans in place.

More Case Studies



Saving Snickersville Turnpike

Learn how activists took action to preserve a scenic roadway.

LEARN MORE →



Knoxville's Tree Conservation Bank

See how Knoxville is promoting responsible development through an innovative tree bank.

LEARN MORE →



Placemaking Projects in Greater Chicago

From a reclaimed gravel quarry to pop retail on vacant lots, greater Chicago is teeming with placemaking triumphs.

LEARN MORE →

↑ Back to top

SCENIC AMERICA

EXPLORE

Why Scenic Conservation?

Our Chapters & Affiliates

Get Involved

About Us

Contact Us

STAY INFORMED

Stay informed and up to date.
Sign up for our mailing list.

SIGN UP →

FOLLOW US

1012 14th St NW, Suite 1108
Washington, DC 20005

© 2023 Scenic America | Privacy Policy

Study shows billboards hurt nearby property values

September 18, 2019

A new study shows that billboards negatively affect the values of neighboring properties. It also found that cities with strict billboard controls are experiencing greater economic prosperity than those with controls that are less strict.

The report, "Beyond Aesthetics: How Billboards Affect Economic Prosperity," by urban planner Jonathan Snyder, is believed to be the first study on the economic impacts of billboards on nearby real estate value. **Click here to download the study** (PDF).



Snyder found that in Philadelphia there is a correlation between a home's value and its proximity to billboards. He found that homes within 500 feet of a billboard are worth $30,826 less on average at the time of sale than those properties further away from billboards. The study also found that each additional billboard within a census tract resulted in a decrease in home values of nearly $1,000.

Additionally, Snyder performed a survey of billboard controls and economic prosperity in 20 cities across the United States. His report found that cities with stricter billboard

controls have greater median incomes, lower poverty rates and lower home vacancy rates than city with less strict billboard controls.

Snyder is an urban planner from Philadelphia with a Master in City Planning degree and a concentration in Community and Economic Development from the University of Pennsylvania. His research was generously support by a grant from the **Samuel S. Fels Fund**.

RELATED TOPICS

BILLBOARDS UNCATEGORIZED

↑ Back to top

SCENIC AMERICA

EXPLORE

Why Scenic Conservation?

Our Chapters & Affiliates

Get Involved

About Us

Contact Us

STAY INFORMED

Stay informed and up to date.
Sign up for our mailing list.

SIGN UP →

FOLLOW US

1012 14th St NW, Suite 1108
Washington, DC 20005

© 2023 Scenic America | Privacy Policy

Compendium of a Decade's Worth of Research Studies on Distraction from Digital Billboards (Commercial Electronic Variable Message Signs [CEVMS])

Summary and Critique

Prepared for California State Department of Transportation

Legal Division

Prepared by
Jerry Wachtel, CPE
President, The Veridian Group, Inc.
Berkeley, California

VERIDIAN GROUP

October 16, 2020

Table of Contents

Background…… 3

Summary of Findings…… 6
Chan, et al., 2008, USA, Amherst, MA……6
Young, et al., 2009, England……6
Backer-Grøndahl, 2009, Norway……6
Chattington, et al., 2009, England……7
Horberry, et al., 2009, Australia……7
Bendak & Al-Saleh, 2010, Saudi Arabia……7
Milloy & Caird, 2011, Canada……8
Edquist, et al., 2011, Australia……8
Edquist, et al., 2015, Australia……8
Dukic, et al., 2012, Sweden……8
Perez, et al, 2012, USA, Washington, DC……9
Divekar, et al., 2013, USA, Amherst, MA……9
Roberts, et al., 2013, Australia……10
Herrstedt, et al., 2013, Denmark……10
Hawkins, et al., 2014, USA, College Station, TX……10
Schieber, et al., 2014, USA, Vermillion, SD……11
Young, et al., 2015, Australia……11
Sisiopiku, et al., 2015, USA, Birmingham, AL……12
Rempel, et al., 2015, Canada……11
Samsa & Phillips, 2015, Australia……12
Wilson & Casper, 2016, USA……12
Belyusar et al., 2016, USA, Cambridge, MA……12
Herrstedt, et al., 2017, Denmark……13
Mollu, 2018, Belgium……13
Oviedo-Trespalacios, et al., 2019, Australia……14
Gitelman, et al., 2019, Israel……14
Costa, et al., 2019, Italy……14

Compendium of Recent Research Studies…… 15

Citations…… 43

Background

This compendium is a stand-alone document that updates this author's 2009 report for AASHTO (the American Association of State Highway and Transportation Officials) through NCHRP (the National Cooperative Highway Research Program) Project 20-7/256,[1] which was a critical review of research that had been undertaken, and guidelines that had been developed, up to that time that addressed the potential consequences for driver distraction from Commercial Electronic Variable Message Signage (CEVMS) along the roadside, commonly known as "digital billboards.".

For this report we critically reviewed the available research papers that have been published or presented within approximately the last decade. These papers represent the work of academic, industry, and government researchers in many countries (including, but not limited to Sweden, Denmark, Israel, Canada, US, England, and Australia), and which followed many different research protocols. Whereas earlier studies (primarily those from 2010 and prior) often suffered from limitations in equipment, methodology, or statistical rigor, leaving their conclusions open to question and controversy, those performed in the more recent past were generally more robust, and tended to reach similar conclusions to one another.

Broadly summarized, the more recent studies have tended to find that outdoor advertising signs, particularly CEVMS, attract drivers' attention, and that more dramatic and salient signs attract longer and more frequent glances. This attention is often captured through a "bottom up" physiological process, in which the driver attends to the sign unintentionally and unconsciously, with the eyes captured involuntarily by the sign's changing imagery, brightness, conspicuity, and occasionally, motion and/or sequencing (employing successive screen displays to communicate one thought or message).

Several of the reported studies suggested that the distraction caused by outdoor advertising signs could be tolerated by experienced drivers and when attentional or cognitive demands of the driving task were low, but that the risk increased when such signs competed for the driver's visual attention with more demanding road, traffic, and weather conditions, when travel speeds were higher, or when an unanticipated event or action (such as a sudden lane change or hard braking by a lead vehicle) occurred to which the driver had to respond quickly and correctly.

In addition, the more recent research continues to show that the drivers most susceptible to unsafe levels of distraction from roadside billboards are the young (who are more prone to distraction and less adept at emergency vehicle response) and the elderly (who have more difficulty with rapidly shifting attention, poorer night vision and glare susceptibility, and slower mental processing time). As will be seen in this Compendium, these concerns are heightened today, with our elderly driver population growing quickly, traffic increasingly dense, more roads under maintenance or repair (construction and work zones

[1] Wachtel, J. (2009). "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs: Final Report. NCHRP Report 20-7/256. Available at: http://rightofway.transportation.org/Documents/NCHRP%20Reports/20-7(256)%20digital%20outdoor%20advertising_aashto.pdf

create added risks), and larger, brighter digital and video roadside advertising signs competing for the driver's attention.

Also, the most recent epidemiological studies have begun to demonstrate what has long been suspected but not proven – that roadside billboards are associated with increases in crash rates where such billboards are located.

While employing a broad array of approaches and methodologies, the common theme among the studies cited clearly indicates that the more that CEVMS succeed in attracting the attention of motorists that render them a worthwhile investment for owners and advertisers, the more they represent a threat to safety along our busiest streets and freeways, where these signs tend to be located. Further, we found evidence to confirm that the outdoor advertising industry in the US is actively engaged in studying ways to *increase* the attention-attracting power of roadside billboards - to the ultimate detriment of traffic safety.

A small number of research studies cited herein have found little or no relationship between CEVMS and traffic safety. One such, long anticipated, study was announced on the website of the Federal Highway Administration (FHWA) on December 30, 2014. The FHWA study, however, has been severely criticized for faulty methods and analyses in a peer-reviewed critique by the present author[2]. The FHWA study remains available on the agency's website but has never been formally published. Despite studies published by the outdoor advertising industry itself, those studies that show no adverse effects of CEVMS are far outnumbered by those that show such a relationship[3].

It has been shown that road environments cluttered with driving-irrelevant material (often called visual complexity) make it difficult for the driver to extract critical information from the roadway scene that is necessary for safe driving in a timely manner, a particular problem for older drivers. In addition, with the growing proliferation of CEVMS, ever-newer technology that renders them more compelling, the expansion of on-premise signs using this technology, and several States considering the use of such signs within the right-

---

[2] Wachtel, Jerry (2015). "A Peer-Reviewed Critique of the Federal Highway Administration (FHWA) Report Titled: "Driver Visual Behavior in the Presence of Commercial Electronic Variable Message Signs (CEVMS)." Available at: http://nebula.wsimg.com/722c5bb9d76d4b10b6d7add54d962329?AccessKeyId=388DC3CA49BF0BEF098B&disposition=0&alloworigin=1

[3] In 2007, two studies sponsored by the outdoor advertising industry (the Outdoor Advertising Association of America [OAAA] and its research arm, the Foundation for Outdoor Advertising Research and Education [FOARE]) were submitted through the peer review process to the Transportation Research Board of The National Academies. Both reports, one a human factors study by the Virginia Tech Transportation Institute (VTTI), and the other an epidemiological study by Tantala and Tantala, received overall negative reviews from peer reviewers, and were therefore rejected by TRB both for presentation and publication. Although Virginia Tech has not performed subsequent work in this field, Tantala and Tantala have continued to perform research under the sponsorship of OAAA/FOARE. However, for whatever reasons, FOARE and OAAA have not made the subsequent studies available to the public, so they could not be addressed in this report.

of-way, it was appropriate to provide an up-to-date review of the most recent research and guidelines.

The next section of this report provides a brief summary of each of the studies cited. The following section, the Compendium itself, provides further details about each study, including its sponsorship, research protocol, strengths and weaknesses, and source identification. This document concludes with a complete list of references.

Summary of Findings

This section summarizes the major findings of each of the 22 studies discussed in the Compendium. Key conclusions are highlighted in **bold**. The subsequent section of this report, the Compendium itself, provides additional detail about each study, and information about how to access the study, where available.

The studies are cited here, and in the Compendium, in generally chronological order.

Chan, et al., 2008 – USA, Amherst, MA

The researchers compared susceptibility to distraction from sources inside the vehicle (e.g. phone dialing, map reading) to those outside the vehicle (e.g. billboards) for both young novice drivers and experienced drivers. As predicted, for the in-vehicle distractors, the young drivers looked away from the roadway for extended periods (2 seconds or longer) more than twice as often as the experienced drivers. Surprisingly, however, results showed that: (a) external distractors were even more distracting, and (b) the experienced drivers were just as distracted as the newly-licensed drivers on this critical measure of distraction when they performed the outside-the-vehicle tasks. The authors had assumed that experienced drivers would exercise the same degree of caution with the external distractors as they did with the internal ones. Instead, "the experienced drivers showed little concern for the effect that diverting their attention to the side of the roadway might have had on their ability to perceive potential risks immediately in front." In some 81% of the external tasks, older drivers glanced for longer than 2s away from the forward roadway. The authors concluded by saying: **"...we think that our drivers engaged in the external search task were truly distracted with potentially serious consequences."**

Young, et al., 2009 - England

In this driving simulator study, participants drove rural, urban, and highway routes in the presence and absence of roadside billboards, while their driving performance was measured. Billboards had a detrimental effect on lateral control, and appeared to increase crash risk. Longitudinal control was not affected. The most striking effects were found for driver attention. Driver mental workload (using the NASA developed TLX scale) significantly increased in the presence of billboards. On rural roads and motorways, results showed that billboards were consciously attended to at the cost of more relevant road signs. The authors reached a **"persuasive overall conclusion that advertising has adverse effects on driving performance and driver attention.** Whilst there are sometimes conflicts of interest at Local Authority level when authorizing billboards (since Councils often take a share of the profit from roadside advertising), these data could and should be used to redress the balance in favour of road safety."

Backer-Grøndahl, & Sagberg, 2009 - Norway

The authors asked drivers who had actually been involved in a crash to identify, from a list, what they believed were the causes of distraction for that crash. (Cell phone use was

excluded). The most frequently reported sources of distraction were: (1) conversations with passengers, and (2) attending to children in the back seat. However, **when the researchers applied the statistical method known as quasi-induced exposure, they found that distractions with the "highest relative risk" were: (1) billboards outside the vehicle, and, (2) searching for addresses. The authors note that both of the highest risk distractors were *visual* distractions, rather than physical, auditory, or cognitive ones.**

Chattington, et al., 2009 - England

The researchers found "significant effects on both drivers' visual behavior and driving performance" in the presence of both static and video billboards. As expected, the video signs were seen as more potent distractors than similarly placed static signs. The authors state that their results "support and extend (the findings of) other studies of driver distraction by advertising," citing studies by Crundall, et al, and of Young and Mahfoud (both of which were extensively reviewed in the Wachtel 2009 report for AASHTO). The study showed that **several aspects of driving performance were adversely affected by both video and static billboards, with the video signs generally more harmful to such performance than the static signs. The authors list these effects as speed control, braking, and lane position maintenance.**

Horberry, et al., 2009 - Australia

Road authorities may be justified in using the best research information available, even if incomplete, coupled with engineering judgment, for the development of billboard guidelines**. The authors recommend that their client (Queensland, Australia) adopt advertising restrictions at known areas of high driver workload, including "locations with high accident rates, lane merges, curves/bends, hills and road/works/abnormal traffic flows."** (They state that) "this is broadly in line with Wachtel who recommended a restriction of advertisements at times when driver decision, action points and cognitive demand are greatest – such as at freeway exits/entrances, lane reductions, merges and curves. Although useful for all road users, such restrictions would be of specific benefit to older drivers."

Bendak & Al-Saleh, 2010 - Saudi Arabia

The authors used a driving simulator in which test subjects drove on two similar roads, one with advertising signs and one without. Twelve male volunteers, ages 23-28, participated in the study. Driver opinions about billboards were also sought using a simple questionnaire distributed to male drivers at random in the city of Riyadh, Saudi Arabia. 160 questionnaires were returned. Results of the simulator study showed that **the driving speed of participants was not affected by the presence of advertising signs. However, two of the five indicators were statistically significant. Both "drifting unnecessarily from (the) lane" and "recklessly crossing dangerous intersections" were significantly**

more prevalent in the presence of billboards. Although not reaching statistical significance, each of the other three measures, tailgating, speeding, and failure to signal, were all worse in the presence of billboards. Half of the respondents to the questionnaire indicated that they had been distracted by a billboard, and 22% indicated that they had been put in a dangerous situation due to distraction from billboards.

Milloy & Caird, 2011 - Canada

This was a driving simulator study that looked at distraction effects of a video billboard and a wind turbine. **The results demonstrated a *causal* (italics original) relationship between the presence of a video billboard and collisions with, and delays in responding to, the lead vehicle.**

Edquist, et al., 2011 – Australia

"The finding that the presence of billboards increases time to detect changes is an important one." Billboards can automatically attract attention when drivers are engaged in other tasks, delaying their responses to other aspects in the environment. The effect of billboards was particularly strong in scenes where response times are already lengthened by high levels of visual clutter. This is of particular concern because roads with high levels of clutter are the very kind of busy, commercial, high traffic environments where billboards are most often erected."

The results are consistent with growing evidence suggesting that billboards impair aspects of driving performance such as visual search and the detection of hazards, and therefore should be more precisely regulated.

Edquist, et al., 2011, Sydney, Australia

These authors used a motion base driving simulator with a 180-degree forward view. They studied drivers' (elderly, novice, and in-between) lane change response to road signs telling them to change left or right, in the presence and absence of simplified billboards. Overall, drivers were significantly more likely to make errors at sites with billboards than without; elderly and novice drivers showed a stronger effect than comparison (mid-aged) drivers. For both novice and older drivers, both static and changeable billboards were associated with reduced time spent fixating on the road ahead. As predicted, the presence of billboards distracted eye movements from the road ahead and delayed responses to road signs. **The presence of billboards changed drivers' patterns of visual attention, increased the time needed for drivers to respond to road signs, and increased the number of errors in this driving task.**

Dukic, et al., 2012 - Sweden

In this on-road, instrumented vehicle study**, drivers had a significantly longer dwell time (time looking at the billboards), a greater number of fixations, and a longer**

maximum fixation duration when driving past digital billboards compared to other signs along the same road sections.

Perez, et al., 2012 – USA, Washington, DC

The authors of this Federal Highway Administration (FHWA) sponsored study used an instrumented vehicle that recorded volunteer drivers' eye glances as they drove along pre-determined routes in Reading, Pennsylvania and Richmond, Virginia. The routes included digital as well as static billboards, undefined on-premise signs, and areas free of commercial signage. The routes were driven during daylight and at night, and the report found that **digital billboards "were not associated with 'unacceptably long glances away from the road'." As noted above, however, the draft report of this study was strongly criticized by the agency's selected peer reviewers, particularly with regard to the efficacy of the obtained eye glance data. Indeed, the participants in the study did gaze more often to digital billboards than to other signs, in some cases more than twice as much**. (For example, 71% vs. 29% at night in Richmond). As a result of the critical peer reviews, the authors took 33 months to revise the study, which, although dated September 2012, was released on the agency's website on December 30, 2013. This revised report, in turn, was reviewed by the present author, whose critical report was reviewed and agreed-to by 14 independent expert peer reviewers. To our knowledge, the revised FHWA report was not subjected to peer review by the agency prior to its issuance on the agency website, and it has never been given an official agency report number, putting it in a state of uncertainty with regard to its publication.

Divekar, et al., 2013 – USA, Amherst, MA

Experienced drivers are far less likely to be distracted by inside-the-vehicle tasks (e.g. cell phone, map display, entertainment system) than novice drivers. However, the researchers were surprised to find that **experienced and novice drivers are at an equal and elevated risk of getting into a crash when they are performing a secondary task outside the vehicle such as looking at billboards**

Roberts, et al., 2013 - Australia

The appearance of movement or changes in luminance can involuntarily capture attention, and engaging information can capture attention to the detriment of driving performance, particularly in inexperienced drivers. Where this happens in a driving situation that is also cognitively demanding, the consequences for driving performance are likely to be significant. Further, if this results in a situation where a driver's eyes are off the forward roadway for 2 seconds or longer, this will further reduce safety. Additionally, road environments cluttered with driving-irrelevant material may make it difficult to extract information that is necessary for safe driving, particularly for older drivers. The studies that have been conducted show convincingly that roadside advertising is distracting and that it may lead to poorer vehicle control.

Herrstedt, et al., 2013 - Denmark

The authors studied drivers using an instrumented car equipped with an eye-tracking system, a GPS system for registering the vehicle's speed, and a laser scanner for measurement of following distances to other road users. The overall findings of the studies demonstrate that **"advertising signs do affect driver attention to the extent that road safety is compromised."** In 69% of all drives past advertising signs, the driver glanced at least once at the sign; in almost half of all drives, the driver glanced twice or more at the same sign. For 22% of all drives, the total glance duration of successive glances was two (2) seconds or longer. In 18% of all drives, glance durations of one (1) second or longer was recorded. In approximately 25% of all glances, the safety buffer to the vehicle ahead was less than two (2) seconds, and in 20% of the glances, the safety buffer was less than 1.5 seconds. This study has been praised in independent peer review by Dr. Richard Pain, Transportation Research Board Senior Program Officer, retired. Dr. Pain considered this study to be the best designed and conducted on-road study in this field, the conclusions of which, he believes, were far more valid and robust than those of the FHWA study (discussed above).

Hawkins, et al., 2014 – USA, College Station, TX

This study, sponsored by the on-premise signage industry, was a statistical (epidemiological) analysis of crash rates in the vicinity of on-premise digital signs that had been first installed in 2006-07. On premise signs differ from billboards in several ways. Per the common meaning of the term, on-premise signs must advertise only a business or service that is available on the property on which the sign is located. Because of that, on-premise signs typically function to identify the business and, as such, they may have little text or imagery other than that required for such identification. On the other hand, they are often closer to the road than billboards are permitted to be, and it is often possible for them to be larger than billboards and to feature motion or the appearance of motion. This study employed an analysis methodology known as *empirical Bayes* (or EB) to look at before-and-after crash data in four states. A total of 135 sign locations and 1,301 control sites were used, and the researchers found **"no evidence the installation of on-premise signs at these locations led to an automatic increase in the number of crashes."**

Schieber, et al., 2014 – USA, Vermillion, SD

In this simulator study the authors varied message length (4, 8, or 12 words) on digital billboards that participants drove past at either 25 or 50 MPH. Although there was no decrement in lane keeping or billboard reading performance at the lower speed on straight roads**, "clear evidence of impaired performance became apparent at the higher (50 MPH) driving speed." The analysis revealed that, rather than weaving in and out of lane while reading the billboards with longer messages, participants tended to slowly drift away from the lane center and then execute a large amplitude corrective steering input about eight (8) seconds *after* passing the billboard.** Eye gaze analysis showed that information processing overload began to emerge with a message length of eight (8) words and was clearly present with twelve (12) word messages under the 50 MPH condition.

Young, et al., 2015 – Australia, Sydney, New South Wales

These authors studied 19 participants who each drove an instrumented car along a previous selected route that included billboards (static only) and comparable road segments without billboards. Measures of speed, longitudinal and lateral control were captured. The researchers used a methodology called Verbal Protocol Analysis (VPA), which appears to be similar to the technique known as commentary driving in the US. The findings, based on studying 2 billboards and 2 control sections of a freeway suggested to the researchers that: **driving demands seemed to influence whether and how much attention was paid to billboards, rather than the billboards influencing driver behavior. Drivers focused on the billboards when driving demands were low. However, when driving demand increased, drivers tended to pay less attention to the billboards, suggesting that drivers can self-regulate their attention to billboards and reduce their attention to them when they are required to focus on the immediate traffic or driving situation.**

Sisiopiku, et al., 2015 – USA, AL, FL

The authors analyzed crashes from eight (8) digital billboard locations in Alabama and ten (10) in Florida. All sites were on high speed, limited access highways. A total of 377 crashes in Florida and 77 in Alabama were used in the analysis. Actual traffic collision reports were used since the authors discovered numerous errors in coding in the summary crash databases that they initially examined. Although the data set was too small to employ statistical analyses, the authors found that **"the presence of digital billboards increased the overall crash rates in areas of billboard influence compared to control areas downstream of the digital billboard locations. The increase was 25% in Florida and 29% in Alabama."** The predominant crash types that were overrepresented at billboard locations were rear-end and sideswipe collisions, both typical of driver distraction.

Rempel, et al., 2015 - Canada

These authors, working on behalf of the Transport Association of Canada, developed a set of guidelines for the control of digital and projected advertising signs. The resultant guidelines are based on a comprehensive literature review, a survey of Canadian governmental jurisdictions, a review of existing sign regulations, interviews with international Governmental agencies, discussions with sign industry representatives, and the application of human factors and traffic engineering principles. **The key principle documented in the Guidelines is that they "provide recommendations designed to control (digital billboards) *such that they emulate static advertising signs* (italics added), and therefore result in a similar distracting and road safety effect as static advertisements."**

Samsa & Phillips, 2015 - Australia

These authors, working on behalf of the Outdoor Media Association of Australia, studied 29 participants, ages 25-54 in an instrumented vehicle. The participants were fitted with "eye tracking glasses" and their eye fixations and driving performance was assessed as they drove a 14.6 km route in Brisbane, Queensland**. The route took them past a "number" of advertising signs, including static, digital, and on-premise signs. The results showed that fixation durations "were well below" 0.75 seconds, and that there were no significant differences in vehicle headways between the three types of signage. One statistically significant finding was that lateral deviation was poorer when billboards were present.** (Note that, at present, only an Abstract of this industry-sponsored study is available)**.**

Wilson & Casper, 2016 – USA

This was a two-part study. In Part 1, groups of drivers selected in a convenience sample, were presented with video clips from a driver's perspective, of a drive through settings that contained billboards. Their eye direction was "measured" by use of a fixed, floor mounted camera. "To potentially grow the business, the industry needed a more refined measure that took into account the actual noting of advertisements." The results from the initial noting of billboard advertising were significant and all hypotheses were supported. In Part 2, the authors examined the applicability to billboard advertising of a model of Visual Attention Theory. Through a thought experiment, they sought to determine the ability for a billboard to capture attention due to factors such as visual saliency and physical characteristics such as size, location, "dwell time," side of the road, position within the driver's field of view. Again, all hypotheses were confirmed. One of the authors' key conclusions was that: **"billboard advertising appeared to be attended to because it was located close to where other vehicles, pedestrians, traffic signals, and directional signage were found …"**

Belyusar, et al., 2016 – USA, Cambridge, MA

In this on-road study, data was collected from 123 subjects, nearly equally divided between males (63) and females (60) and between young (age 20-29, N = 63) and older (age 60-69, N = 60). These volunteers drove an instrumented vehicle under normal driving conditions (with no specific tasks to perform) past a digital billboard on a posted 65 MPH roadway with four travel lanes in each direction. Data was collected during late morning and early afternoon to avoid commuter traffic. The authors state: **"In contrast to the recent FHWA report (Perez, et al., 2012), the findings revealed statistically significant changes in total number of glances and, depending upon the direction of travel, moderate-to-long duration glances in the direction of the billboard." Older drivers were thought to be particularly affected. The authors also found that: "Drivers glanced more at the time of a switch to a new advertisement display than during a comparable section of roadway when the billboard was simply visible and stable."** Given typical billboard

dwell (cycle) times of six (6) or eight (8) seconds, these findings add to the argument the dwell times for such signs should be considerably longer.

Herrstedt, et al, 2017 – Denmark

This was a quasi-naturalistic study of 16 participants driving an instrumented car along two test routes in daylight and (in a subset of trials) in darkness. Glances were captured by eye tracking equipment to on-road and off-road (outside the vehicle) sources. The focus was on LED billboards. Four research questions were asked: (1) To what extent do LED advertising signs distract drivers' visual attention;? (2) Is drivers' visual attention to LED signs diverted and maintained to such an extent that it affects road safety;? (3) How does distraction from LED signs compare to other types of distractors;? and (4) Does distraction from LED signs differ during daylight and darkness? The most important conclusions reached are that: **"drivers' visual attention was diverted by LED-advertising signs. In more than every 10th drive past *visual distraction occurred,* e.g. cumulative glances of more than 2 sec. within a 6 sec. period, when the driver looked at the LED-advertising. In 4% of the drive pasts visual distraction occurred together with a 'safety buffer' less than 0 sec. The safety buffer reflects the time available to respond to a sudden critical event requiring immediate action in order to avoid an accident."**

Mollu, 2018 – Belgium

Per a 2015 European Commission report, distraction accounts for 10-30% of all European road accidents. Although there is no consistent definition of distraction, most definitions describe a *diversion* of attention away from the driving task, and *toward a competing activity* inside or outside the vehicle. This diversion of attention may be visual and/or cognitive. The author and his colleagues sought to study whether the glance behavior of road users was influenced by advertising signs, whether such signs lead to changes in driving behavior and whether there were notable effects on road safety as a result. Thirty-five test subjects (age range 20-69; 54% male) completed the protocol and drove a simulator past LED billboards with 3, 6, and 15-second dwell times, and at 41 and 65-meter distances from pedestrian crossings. The signs were placed in a road segment with a retail zone and in one transitioning to a built-up area. All other characteristics of the sign (size, placement, illumination, etc., were held constant. At the shortest display times and the closest distance to the pedestrian crossing the study showed significantly higher mental demands and lower performance. The longer the message display time, the fewer glances were made to the sign. **The signs also contributed to higher approach speeds to pedestrian crossings and delayed slowing upon approach to the crossing.** There was also an indication, although not statistically significant, of increased swerving behavior (change in lateral position) in the presence of the billboards.

Oviedo-Trespalacios, et al. – 2019 – Australia, Queensland

This report claims to be a critical review of selected, relevant literature, but it does not appear to be critical. The documents chosen for review have been identified by the use of a model called TCI (Task-Capability Interface) which compares task demands with the driver's capabilities, and which lead to conclusions about success or failure. Based upon the literature review, some general conclusions are reached. These include: **Roadside advertising signs are environmental clutter, which adds additional task demands. Roadside advertising signs impaired drivers' eye movement patterns. Young drivers seem to have a lower ability to discriminate between relevant and irrelevant information. Although it is not possible to conclude a direct relationship between outdoor advertising and crashes, there is an emerging trend in the literature suggesting that roadside advertising can increase crash risk, particularly with changeable displays such as those on digital billboards.**

Gitelman, et al., 2019 - Israel

This study examined the impact of roadside billboards on crash occurrence along two sections of a suburban, limited access highway, during three time periods. The first time segment occurred while the billboards were visible to drivers (Period 1). After the Israeli Parliament established a study period, all billboards were either covered or removed. This identified the second period (Period 2). Finally, the study period ended, and the billboards were again made visible to drivers. This was Period 3. **The results indicated that billboard removal (including covering) in Period 2 was associated with systematic downward trends and significant reductions in crash numbers compared to Period 1 when billboards were still visible. These findings held for both property damage and injury accidents. When billboards were restored in Period 3, findings showed consistent upward trends and significant increases in both crash types when compared with Period 2 data.**

Costa, et al., 2019 - Italy

These authors studied the response (fixation rate and duration) to six categories of signs, e.g. billboards, on-premise signs and gas price digital signs. They used 15 participants driving an instrumented car equipped with an eye movement system. Larger size text on signs was associated with a higher fixation rate, as were signs on the near side of the road. Signs with smaller text and many characters were related to a lower fixation rate because they "probably fail to attract the driver's visual attention due to the poor readability in a dynamic context. "Fixation duration was not affected by advertising sign category, but longer durations were found for signs close to the road level than for those that were elevated, in keeping with prior research." The distance at which signs were fixated increased linearly with speed, sign size, and text length.

The study showed there was a significant amount of "long" fixations that, in the circumstance of an immediate reaction required by the driver, could pose serious problems for traffic safety. "We can conclude that there is a discrete amount of cases in which distraction induced by roadside advertising could adversely impact traffic safety."

Compendium of Recent Research Studies on Commercial Electronic Variable Message Signs (CEVMS)

Key to Codes Used in Tables:

*Type of Study:

N = on-road, naturalistic
Q = on-road, quasi-naturalistic
C = on-road, controlled
S = lab, simulator
L = lab, other
E = epidemiological, crash data
R = review of other work
CR = critical review of other work
D = discussion /consultation with experts
G = guidelines or regulations development
QI = questionnaires, interviews, surveys, focus groups, etc.

**Type of Signs Studied:

O = On-premise
C = Conventional billboard
D = Digital billboard
V = Sign contains video or animation
H = Official highway sign
U = Unknown

Date 1st published/presented	2008
Location	U.S. (Massachusetts)
Author(s) Title Affiliation	Chan, E., Pradhan, AK, Knodler, MA, Jr., Pollatsek, A. & Fisher, DL Empirical Evaluation on a Driving Simulator of the Effect of Distractions Inside and Outside the Vehicle on Drivers' Eye Behaviors
Forum	TRB – presentation and CD ROM
Peer Reviewed?	Yes
Sponsor/funding source	National Science Foundation; National Highway Traffic Safety Administration (NHTSA)
Type of Study*	S
Type of Signs Studied**	C (simulated)
Brief Description of Method	Young, novice drivers (age 16-17) are at greatly elevated risk of crashing, and it is believed that distraction plays a large role in such crashes. More experienced, older teen drivers (age 18-19) have also been shown to look away from the forward roadway for extended periods of time. This simulator study compared such extended, off-roadway glance durations of newly licensed drivers to those of older, experienced drivers, using eye movement recordings as participants drove along a simulated roadway and engaged in distracting tasks both inside and outside the vehicle.
Summary of Findings	The researchers compared the average maximum duration of an *episode*, (the maximum time that drivers spent continuously looking away from the forward roadway). For the in-vehicle distractors, the average was 1.63s for the experienced drivers, and 2.76s for the younger drivers. Another measure, the percentage of scenarios in which the maximum duration of an episode was greater than 2s, yielded similar findings. The results were statistically significant between the two groups. As predicted for in-vehicle distractors, the young drivers looked away from the roadway for extended periods (2s or longer) more than twice as often as the experienced drivers while engaged in inside-the-vehicle distractors (such as phone dialing, map reading, and CD searching). Surprisingly, however, results showed that: (a) external distractors were even more distracting, and (b) there was no difference between newly-licensed and experienced drivers on this critical measure of distraction when the drivers performed outside-the-vehicle tasks, specifically, searching for a target letter in a 5x5 grid representative of a billboard. The authors had assumed that experienced drivers would exercise the same degree of caution with the external distractors as they did with the internal ones. Instead, "the experienced drivers showed little concern for the effect that diverting their attention to the side of the roadway might have had on their ability to perceive potential risks immediately in front. In fact, in 81% of the external tasks, older drivers glanced for longer than 2s away from the forward roadway. The authors conclude: "…we think that our drivers engaged in the external search task were truly distracted with potential serious consequences."
Strengths	The study is the first to directly compare the susceptibility to distraction from internal and external tasks between newly licensed and experienced drivers.
Weaknesses/Limitations	Older drivers were not included in this study. The representativeness of the outside-the vehicle task is questionable.
Availability/Accessibility	TRB 2008 Annual Meeting CD-ROM

Date 1st published/presented	2009
Location	UK (England, London)
Author(s) Title Affiliation	Young, MS, Mahfoud, JM, Stanton, N. Salmon, PM, Jenkins, DP & Walker, GH. "Conflicts of Interest: The implications of roadside advertising for driver attention." Brunel University, West London, England
Forum	Transportation Research Part F: Traffic Psychology and Behaviour, Vol. 12(5), September 2009, 381-388.
Peer Reviewed?	Yes
Sponsor/funding source	Insurance company – The Rees Jeffreys Road Fund
Type of Study*	S
Type of Signs Studied**	C, H
Brief Description of Method	The study was conducted in the University's driving simulator. 48 drivers drove urban, rural, and motorway routes in the presence and absence of billboards. Dependent variables included measures of speed and lateral control, and driver attention (mental workload, eye movements, and recall of signs and billboards).
Summary of Findings	The presence of billboards had a detrimental effect on lateral control, and appeared to increase crash risk. Longitudinal control was not affected. More striking effects were found for driver attention. Driver mental workload significantly increased in the presence of billboards. On rural roads and motorways, results showed that billboards were consciously attended to at the cost of more relevant road signs. "We must once again emphasize the persuasive overall conclusion that advertising has adverse effects on driving performance and driver attention. Whilst there are sometimes conflicts of interest at Local Authority level when authorizing billboards (since Councils often take a share of the profit from roadside advertising), these data could and should be used to redress the balance in favour of road safety."
Strengths	A fully interactive high fidelity simulator was used. The use of the NASA-TLX instrument for measuring subjective mental workload was a useful tool that is used too infrequently in studies of driver performance. All participants experienced identical road and sign condition the only manipulation being the presence or absence of billboards.
Weaknesses/Limitations	The sample of participants did not include either older or younger drivers – the age groups thought to be at greatest risk for adverse consequences of billboard distraction. Measures of lateral and longitudinal variability were constrained by the study design and were not fully representative of the measures of these variables used most commonly in the US.
Availability/Accessibility	Journal is available online.

Date 1st published/presented	2009
Location	Norway
Author(s) Title; Affiliation	Backer-Grøndahl, A., & Sagberg, F. "Relative crash involvement risk associated with different sources of driver distraction." Institute of Transport Economics, Norway
Forum	First International Conference on Driver Distraction and Inattention
Peer Reviewed?	Yes
Sponsor/funding source	Unknown
Type of Study*	E, QI
Type of Signs Studied**	C
Brief description of method	Used web- and paper-based questionnaire to ask 4300+ drivers who had been in a crash to identify from a list of possible choices the cause of their crash. Separated those at fault from those not at fault. Relative crash risk of each factor was estimated using the quasi-induced exposure method.
Summary of Findings	The most *frequent* sources of distraction were: (1) conversations with passengers, and (2) attending to children in the back seat. When the statistical method was applied to the data, it was found that distractions with the "*highest relative risk*" were: (1) billboards outside the vehicle, and, (2) searching for addresses. The authors note that both of the highest risk distractors were *visual* distractions, vs. physical, auditory, or cognitive.
Strengths	Authors controlled for possible confounding variables (such as age, gender, driving experience [years] and annual mileage driven) using logistical regression with culpability as the dependent variable.
Weaknesses/Limitations	Some researchers question the viability of the quasi-induced exposure method; cell phone use was (intentionally) excluded from the questionnaire. (It likely would have proven to be the highest risk factor). Confidence intervals were quite large.
Availability/Accessibility	Presented at large international conference; published in conference proceedings.

Date 1st published/presented	2009
Location	UK - England
Author(s) Title Affiliation	Chattington, M., Reed, N., Basacik, D., Flint, A., & Parkes, A. "Investigating Driver Distraction: The Effects of Video and Static Advertising: Transport Research Laboratory
Forum	Report
Peer Reviewed?	Yes
Sponsor/funding source	Transport for London
Type of Study*	S
Type of Signs Studied**	C, V
Brief Description of Method	Used the high fidelity TRL driving simulator, with a specifically designed urban/suburban database typical of the area around London. 48 participants drove 4 different routes, each of which required about 15 minutes. Participants did not know the purpose of the study. Their eye movements were unobtrusively recorded. Roadside advertising was designed to vary by: location (placement within the scene); type (static or video); and exposure duration (at 30 MPH, drivers could see at least 50% of the advertisement for either 2, 4, or 6+ seconds. Video ads ran in a 6-second loop.
Summary of Findings	"The report has found significant effects on both drivers' visual behavior and driving performance when static and video adverts are present and that the video adverts seem more potent distractors than similarly placed static adverts. The results support and extend (the findings of) other studies of driver distraction by advertising." (Here, the authors cite the work of Crundall, et al, and of Young and Mahfoud, both of which were extensively reviewed in the Wachtel 2009 report for AASHTO). The study showed that several different aspects of driving performance were adversely affected both video and static billboards, with the video signs generally more harmful to such performance than the static signs. The authors describe these effects as being "fundamental to the safe control of the vehicle." The effects include: speed control, braking, and the variability of each of these measures, as well as drivers showing that they are "less able to maintain a consistent lane position"
Strengths	A very comprehensive and sophisticated simulation study. The researchers went so far as to pre-screen the content of the simulated advertisements to ensure that they were of equivalent interest to the different age groups in their participant population.
Weaknesses/Limitations	It is important to note that this study compared digital video billboards to traditional static billboards (i.e. it did not examine digital billboards with intermittent displays (i.e. those that change their message every 6-8 seconds) that are typical in the U.S. Although the authors state that their participants represented a "wide range of ages," it is not known how well young and old drivers were represented in the study. This is of concern because these two age groups at the ends of the driving population distribution are known to have the greatest degree of difficulty with attention and distraction.
Availability/Accessibility	TRL Report Number RPN256.

Date 1st published/presented	2009
Location	Australia, Queensland
Author(s) Title Affiliation	Horberry, T., Regan, MA, & Edquist, J. Driver Distraction from Roadside Advertising: The clash of road safety evidence, highway authority guidelines, and commercial advertising pressure. University of Queensland (Australia), INRETS (France), Monash University (Australia).
Forum	Unknown
Peer Reviewed?	Yes
Sponsor/funding source	Swedish National Road and Transport Institute, VTI
Type of Study*	CR, D, G
Type of Signs Studied**	C, D
Brief Description of Method	Critical review of the research, worldwide, as well as existing guidelines and regulations.
Summary of Findings	"Road authorities around the world may … be justified in using the best research information available (albeit incomplete) coupled with engineering judgment for the development of 3rd party advertising guidelines." The authors recommend that Main Roads Queensland adopt advertising restrictions at known areas of high driver workload, including "locations with high accident rates, non-junction related lane merges, curves/bends, hills and road/works/abnormal traffic flows. This is broadly in line with Wachtel who recommended a restriction of advertisements at times when driver decision, action points and cognitive demand are greatest – such as at freeway exits/entrances, lane reductions, merges and curves. Although useful for all road users, such restrictions would be of specific benefit to older drivers." The authors correctly point out the flaw in arguments that suggest that guidance or regulatory controls are premature because there is a lack of data showing a causal relationship between billboards and accidents
Strengths	The study examined in detail the existing (2002) guidelines that seek to "minimize the possibility for 3rd party roadside advertisements to distract drivers…" with an intent toward developing upgraded guidelines.
Weaknesses/Limitations	The review of current guidelines, worldwide, is somewhat superficial.
Availability/Accessibility	https://document.chalmers.se/download?docid=653291678

Date 1st published/presented	2010
Location	Israel (Tel Aviv)
Author(s) Title Affiliation	Gitelman, V., Zaidel, D., & Doveh, E. "Influence of Billboards on Driving Behavior and Road Safety,"
Forum	Presented at: Fifth International Conference on Traffic and Transportation Psychology (2012); and at Annual Meeting of Transportation Research Board of the National Academies (2013)
Peer Reviewed?	Yes
Sponsor/funding source	Israel National Roads Authority
Type of Study*	E
Study Design	Quasi-experimental: Before and after crash date with controls – Crash data with DBBs present (2006-7) and absent (2008), with and without signs that were covered. Dependent measure – crashes and injuries. Control variable – traffic volume. Study sites – 8 treatment and 6 control.
Type of Signs Studied**	C
Brief Description of Method	Because of complaints, Israel's Supreme Court ruled that a series of billboards on an urban freeway near Tel Aviv had to be removed for 1 year while an evaluation took place. At control sites, the billboards remained visible throughout the study period. At treatment sites, billboards were visible in the "before" period (2006-7), and were covered during the "after" period (2008). Crashes were recorded and categorized (property damage only, injury or fatality) under four conditions: (a) at treatment sites while signs were visible; (b) at treatment sites after signs were covered; (c) at control sites where signs were visible; and (d) at the same control sites while signs were still visible but signs were covered at the treatment sites.
Summary of Findings	At control sites, crashes remained essentially the same throughout the 3-year study period; at the treatment sites, crashes declined dramatically after the billboards were covered. The results were the same for injury and fatal crashes. After adjusting for traffic volume, crashes were reduced at the treatment sites (where billboards were visible in the "before" period but covered during the "after" period) by the following percentages: all crashes by 60%; injury/fatal crashes by 39%; property damage crashes by 72%.
Strengths	For a field study, this used a well-controlled research design. Before-and-after measures were obtained both for sites where the billboards were covered during the study, and for the sites where the billboards remained visible during this same time period. Road sections were in close proximity, on the same highway, ensuring that traffic speeds and volumes, as well as weather conditions, law enforcement activity, etc. were comparable.
Weaknesses/Limitations	There might have been differences in certain roadway characteristics between the treatment and control sites (e.g. curves, merges, etc.) that were not identified.
Availability/Accessibility	Findings available as PowerPoint from either conference; original study is in Hebrew only; English translation not yet available.

Date 1st published/presented	2010
Location	Saudi Arabia
Author(s) Title Affiliation	Bendak, S., & Al-Saleh, K. "The Role of Roadside Advertising Signs in Distracting Drivers." King Saud University
Forum	*International Journal of Industrial Ergonomics, 40,* 233-236.
Peer Reviewed?	Yes
Sponsor/funding source	Research Centre of the College of Engineering, King Saud University
Type of Study*	S, QI
Study Design	
Type of Signs Studied**	O, C, D, V
Brief Description of Method	Twelve male drivers, age 23-28, drove a simulator consisting of two urban roadways, each 9.3-km long, and matched for physical, environmental and traffic characteristics. One road contained advertising signs; the other was devoid of advertisements.
Summary of Findings	The average driving duration was 12.83 minutes for each route showing that the presence of advertising signs did not materially affect driving speed. There were no accidents. Lane placement and position maintenance suffered significantly in the presence of advertising signs. According to the authors: "swinging and drifting from lane in the presence of advertising signs is a strong indication of how such signs distract drivers and affect their performance." A second finding was that "recklessly crossing dangerous intersections" was also significantly and adversely affected by the presence of advertising signs. This finding, according to the authors "indicates the loss of this fine coordination between paying attention and driving. … This can reasonably attributed… to the longer reaction time needed in the presence of hazards due to being distracted." All three of the other measures: tailgating, "overspeeding," and failure to signal, were poorer in the presence of advertising signs, but these were not statistically significant. In response to the questionnaire, 50% of the 160 respondents said they had been distracted by advertising signs, and 22% reported having been in a dangerous situation at least once due to being distracted by advertising signs.
Strengths	The two simulated routes driven were matched for key characteristics; the differences between them were essentially only in the presence or absence of advertising signs.
Weaknesses/Limitations	No females and no drivers older than 28 were included. "Advertising" signs of many different types were comingled, so it was impossible to identify the effects of any one category of signs, such as billboards. No definition is provided of the behavior identified as "recklessly crossing dangerous intersections." The authors attribute poorer performance in this measure to longer reaction time in the presence of the advertising signs, but there is no indication that they measured this response. The questionnaire completed by 160 respondents was not included in the paper.
Availability/Accessibility	www.elsevier.com/locate.ergon

Date 1st published/presented	2011
Location	Canada (Calgary, Alberta)
Author(s) Title Affiliation	Milloy, SL; and Caird, JK. "External Driver Distractions: The Effects of Video Billboards and Wind Farms on Driver Performance." University of Calgary
Forum	Book chapter
Peer Reviewed?	Yes
Sponsor/funding source	Unspecified
Type of Study*	S
Type of Signs Studied**	V (simulated)
Brief Description of Method	The contribution to driver distraction from in-vehicle technologies such as cell phones, I-Pods, and navigation systems have been studied extensively. But it is external distractions that compose the single largest category of distraction-related crashes. The least is known about such crashes, possibly because the variety of people, objects and events that make up external distractions are very difficult to study in a controlled empirical fashion. In theory, drivers often have spare cognitive capacity that they can allocate toward distractors such as billboards. The question asked here was: what happens when an unlikely but totally plausible emergency event takes place – can the driver "reallocate" his or her attention so as to respond to the event in a timely manner. In this "event-based" scenario, either the driver responds adequately or not. In this simulator study, drivers on a freeway moving at 80 km/h (50 mph) in an industrial environment passed a video billboard at the same time that a lead vehicle suddenly braked hard.
Summary of Findings	The results found a *causal* (italics original) relationship between the presence of the video billboard and collisions with, and delays in responding to, the lead vehicle. The authors note that the billboards in this study were less able to capture the drivers' attention than video billboards in the real world because the simulated billboards were not as bright as actual billboards, and because the study was not conducted at night, where the distracting effects were believed to be greater. The implication is that real world safety problems may be more significant than those indicated by the study.
Strengths	A high fidelity, interactive driving simulator with a 150-degree forward field of view was used. All 21 subjects made three drives, and viewed two static and two video billboards in each. The images on the billboards were different in each presentation. A lead vehicle appeared intermittently, and, twice during each presentation, braked suddenly so that the subject had to respond quickly to avoid a collision
Weaknesses/Limitations	Younger and older drivers, those believed to be most susceptible to such distractions, were not included in the study. Learning may have occurred from earlier drives, and subjects may have come to use the appearance of billboards as a visual cue to prepare to brake for the lead vehicle.
Availability/Accessibility	Published in: "Handbook of Driving Simulation for Engineering, Medicine and Psychology." Edited by: D.L. Fisher, M. Rizzo, J.K. Caird, & J.D. Lee. Boca Raton: CRC Press.

Date 1st published/presented	2011
Location	Australia, Perth
Author(s) Title Affiliation	Edquist, J., Horberry, T., Hosking, S. & Johnston, I "Advertising billboards impair change detection in road scenes" Monash University Accident Research Centre
Forum	2011 Australasian Road Safety Research, Education & Policing Conference
Peer Reviewed?	Yes
Sponsor/funding source	Unknown
Type of Study*	L
Type of Signs Studied**	C, H
Brief Description of Method	The authors used a "change detection" paradigm to study how billboards affect visual search and situation awareness in road scenes. Change detection time has been shown to correlate with at-fault errors in a simulated driving task. In a controlled experiment, inexperienced (mean age 19.3), older (73.0), and comparison (34.8) drivers searched for changes to road signs and vehicle locations in static photographs of road scenes. The road scenes ranged from suburban main streets to multilane highways to provide varying levels of background clutter. The actual experimental protocol is too complex to include in this summary, but may be found in the original article.
Summary of Findings	"The finding that the presence of billboards increases time to detect changes is an important one. This result lends support to the idea that billboards can automatically attract attention when drivers are engaged in other tasks, delaying their responses to other aspects in the environment The effect of billboards was particularly strong in scenes where response times are already lengthened by high levels of built or designed clutter. This is particularly concerning, as road scenes with high levels of built and/or designed clutter are just the sort of busy, commercial, high traffic environments where billboards are most often erected." Participants took longer to detect changes in road scenes that contained advertising billboards. This finding was especially true when the roadway background was more cluttered, when the change was to an official road sign, and for older drivers. The results are consistent with the small but growing body of evidence suggesting that roadside billboards impair aspects of driving performance such as visual search and the detection of hazards, and therefore should be more precisely regulated in order to ensure a safe road system.
Strengths	The change detection task has been shown to be relevant to safe driving performance, but has been underutilized in research. The inclusion of three diverse age cohorts addresses limitations in many other studies.
Weaknesses/Limitations	The study did not include an actual, or simulated driving task; rather a surrogate measure for visual subtasks required during driving. (However, the results are consistent with mounting evidence showing that roadside billboards impair key aspects of driving performance). Horberry, et al., (2009) argue that: "rather than waiting until it can be proven beyond doubt that roadside advertising is responsible for a particular collision, road authorities should regulate billboards to minimize the probability of interference with driving."
Availability/Accessibility	http://casr.adelaide.edu.au/rsr/RSR2011/4CPaper%20166%20Edquist.pdf

Date 1st published/presented	2011
Location	Australia, Victoria
Author(s) Title Affiliation	Edquist, J., Horberry, T., Hosking, S., & Johnston, I "Effects of Advertising Billboards During Simulated Driving." Monash University, Victoria Australia
Forum	Applied Ergonomics, 42, 619-626
Peer Reviewed?	Yes
Sponsor/funding source	Department of Main Roads, Queensland, 2 Post-Graduate Awards
Type of Study*	S
Type of Signs Studied**	C, D
Brief Description of Method	The study used a motion simulator, with 3 groups of participants; novice, older and comparisons who were neither. The 180-deg. display presented scenarios that included 3-lane divided arterial roads through commercial and industrial environments. The presence of other traffic was varied. The main task was to change lanes in response to roadside lane change signs at regular intervals. This task was broadly based on the ISO standard Lane Change Test. Drivers maintained their own chosen speed. Dependent measures included: errors (missed a sign or changed into the wrong lane), and time to change lanes. More errors and slower lane changes were indicative of poor performance. Billboards were present, on either side of the road, at a subset of the lane change signs. Billboard displays contained a large logo of well-known companies (see weaknesses below). Head and eye movements were captured. After each drive, participants completed the NASA-RTLX mental workload scale.
Summary of Findings	In all cases, lane changes at sites with billboards took longer than sites without (control sites). Drivers were significantly more likely to make errors at sites with billboards. This effect was stronger for older and for novice drivers than it was for comparison drivers. The effect of billboards was to reduce the time fixating on the road ahead for almost all subgroups of participants, and this effect was stronger for older and novice drivers. As predicted by multiple resource theory, the presence of billboards distracted eye movements from the road ahead and delayed responses to road signs.
Strengths	Included novice and older drivers; used NASA RTLX for self-report on workload.
Weaknesses/Limitations	Lead vehicles did not change speed, thus did not increase driver workload. Study in general presented low workload conditions.
Availability/Accessibility	https://www.sciencedirect.com/science/article/abs/pii/S0003687010001274?via%3Dihub

Date 1st published/presented	2012
Location	Sweden (Stockholm)
Author(s) Title Affiliation	Dukic, T., Ahlstrom, C., Patten, C., Kettwich, C., & Kircher, K. "Effects of Electronic Billboards on Driver Distraction." Swedish National Road and Transport Research Institute, and Karlsruhe Institute of Technology
Forum	Journal of Traffic Injury Prevention
Peer Reviewed?	Y
Sponsor/funding source	Swedish Transport Administration
Type of Study*	Q
Type of Signs Studied**	D
Brief Description of Method	The Swedish government allowed 12 digital billboards to be erected along highways near Stockholm for a trial period during which this, and related research was conducted. 41 volunteers drove an instrumented vehicle past 4 of the billboards in both day (N = 20) and night (N = 21) conditions. Eye movements (and other measures) were recorded. "A driver (was) considered to be visually distracted when looking at a billboard continuously for more than two seconds with a single long glance, or if the driver looked away from the road for a 'high percentage of time'." (This is defined in the study based on prior research, but is too complex for inclusion in this brief summary). Dependent measures were eye tracking and driving performance measures.
Summary of Findings	Drivers had a significantly longer dwell time (time looking at the billboards), a greater number of fixations, and a longer maximum fixation duration when driving past a DBB compared to other signs along the same road sections. No differences were found for day-night, or for specific driver performance variables.
Strengths	Excellent review of the relevant literature and explanation of the psycho-physiological processes involved
Weaknesses/Limitations	It is known from other research that younger drivers (e.g. those under age 25) and older drivers (e.g. those over age 65) are more likely to be distracted by roadside stimuli that are irrelevant to the driving task; this study was limited to drivers between the ages of 35 and 55.
Availability/Accessibility	http://www.tandfonline.com/doi/abs/10.1080/15389588.2012.731546

Date 1st published/presented	2012
Location	USA
Author(s) Title Affiliation	Perez, WA, Bertola, MA, Kennedy, JF, & Molino, JA "Driver Visual Behavior in the Presence of Commercial Electronic Variable Message Signs (CEVMS)." SAIC (now Leidos)
Forum	Unnumbered FHWA Report
Peer Reviewed?	N[4]
Sponsor/funding source	Federal Highway Administration
Type of Study*	C
Type of Signs Studied**	O, C, D, H
Brief Description of Method	FHWA contractor used instrumented vehicle with on-board eye glance data recording as participant drivers drove along predetermined routes in Reading, PA and Richmond, VA. Each route took the participants past a series of on-premise and off-premise (billboard) signs, apparently both conventional and digital, during daytime and at night.
Summary of Findings	Gazes to the road ahead were high across all test conditions; however, in three of the four test conditions digital and conventional billboards resulted in a lower probability of gazes to the road ahead as compared to the control conditions in which billboards were not present (although on-premise signs, including, potentially, electronic signs, might have been present). In Richmond, drivers gazed more at the digital than standard billboards at night, but this difference was not found in Reading.
Strengths	The study used state-of-the-art eye glance recording equipment. The study route had drivers pass signs on rural and urban routes, and surroundings that differed in visual complexity.
Weaknesses/Limitations	Numerous critical discrepancies between draft and final reports; errors in identifying billboard locations including size, distance from road edge, side of road; both far and near distances at which eye glances to billboards were recorded were artificially truncated; two experimenters sat in the vehicle with the participant driver; data overload required experimental vehicle to pull off road for resets; inappropriate recordation of billboard luminance levels; confounding of billboards with on-premise signs.
Availability/Accessibility	Report is available on the FHWA website at http://www.fhwa.dot.gov/real_estate/oac/visual_behavior_report/final/cevmsfinal.pdf

[4]In March 2011, FHWA released a draft version of the report to three pre-selected peer reviewers. The reviewers were not identified and the draft report was not made available to the public. The comments of two of the three reviewers (the third did not provide meaningful or comprehensive comments) were so critical of the draft report (stating, in essence, that the report's findings about eye glance durations to billboards were not credible) that FHWA spent the next 33 months revising and rewriting the report. A final report, which was *not* peer reviewed, was released on the agency's website on December 30, 2013, although the report was dated September 2012. Although the unreleased draft report was given the official agency report number FHWA-HEP-11-014, the final report remains unnumbered and unpublished.

Date 1st published/presented	2013
Location	U.S. (Massachusetts, Amherst)
Author(s) Title Affiliation	Divekar, G., Pradhan, AK, Pollatsek, A., & Fisher, DL; "Effects of External Distractions" University of Massachusetts, Amherst
Forum	Journal
Peer Reviewed?	Yes
Sponsor/funding source	National Institutes of Health, National Science Foundation, Arbella Insurance Group Charitable Foundation
Type of Study*	S
Type of Signs Studied**	D (simulated)
Brief Description of Method	Following previous research in the same lab, the authors sought to understand: (a) why experienced drivers were taking such long glances at external distractions (simulated billboards) when they were unwilling to do so for distractors inside the vehicle, and (b) if these experienced drivers were sacrificing some of their ability to monitor visible hazards in the roadway ahead of their vehicle, are they sacrificing even more of their ability to anticipate unseen hazards. Novice and experienced drivers performed an external search task (reading a simulated billboard) while driving in a simulator. Eye movements were recorded, as were vehicle performance.
Summary of Findings	Distractions are a major contributor to crashes, and almost one-third of such distractions are caused by sources external to the vehicle. Of these, digital billboards stand out because of their brightness and changing imagery. Recent research indicates that such billboards may attract attention away from the forward roadway for extended periods of time, and converging evidence shows that looking away from the forward roadway for such extended periods is associated with elevated crash risk. The external tasks in this study were designed to be similar to scanning a sign dense with information in the real world, such as a digital billboard that changed message every few seconds. "This study provides clear evidence that external tasks are distracting not only for novice drivers, but also for more experienced drivers." For both groups, external distractions significantly affect the drivers' anticipation of hazards. Overall the study showed that experienced as well as novice drivers are at an elevated risk of getting into a crash when they are performing a secondary task such as looking at a billboard.
Strengths	Sophisticated driving simulator with realistic hazard scenarios.
Weaknesses/Limitations	The simulated billboards, although requiring an external, visual distraction task, were not very representative of roadside billboards. There was no effort to study the effects of such external distractions on older drivers, a group known to be at high risk for such distraction
Availability/Accessibility	Transportation Research Record, Journal of the Transportation Research Board No. 2321.

Date 1st published/presented	2013
Location	Australia
Author(s) Title Affiliation	Roberts, P., Boddington, K., & Rodwell, L. "Impact of Roadside Advertising on Road Safety" ARRB Group (formerly Australian Road Research Board)
Forum	Austroads Road Research Report: Publication No. AP-R420-13
Peer Reviewed?	Unknown
Sponsor/funding source	Austroads (The Association of Australian and New Zealand Road Transport and Traffic Authorities)
Type of Study*	CR, G
Type of Signs Studied**	O, C, D, V
Brief Description of Method	(a) A critical review of existing literature to study the risk of distraction from roadside advertising, and to communicate these findings; (b) document and review existing guidelines across different highway agencies to identify gaps and inconsistencies; (c) develop guiding principles and make guidance recommendations that could be used to create guidelines and to harmonize guidelines across diverse agencies.
Summary of Findings	Most drivers, under most conditions, most of the time, probably possess sufficient spare cognitive capacity that they can tolerate driving-irrelevant information. The problem comes in some driving situations where it becomes likely that (the appearance of) movement or changes in luminance will involuntarily capture attention and that particularly salient emotional or engaging information will capture attention to the detriment of driving performance, particularly in inexperienced drivers. Where this happens in a driving situation that is also cognitively demanding, the consequences for driving performance are likely to be significant. Further, if this attentional capture also results in a situation where a driver's eyes are off the forward roadway for a significant amount of time (i.e. 2 seconds or longer) this will further reduce safety. Additionally, road environments cluttered with driving-irrelevant material may make it difficult to extract information that is necessary for safe driving, particularly for older drivers. The studies that have been conducted show convincingly that roadside advertising is distracting and that it may lead to poorer vehicle control. Results from the Klauer, et al (2006) studies show that looking at an external object increased the crash risk by nearly four times, nonetheless the number of crashes resulting from such distraction is probably quite small. This suggests that the contribution of roadside advertising to crashes is likely to be relatively minor. Nonetheless, from the Safe System perspective it would be difficult to justify adding any infrastructure to the road environment that could result in increased distraction for drivers. The exception to this may be in the case long drives on monotonous roads where drivers are likely to suffer the effects of passive fatigue.
Strengths	A comprehensive review, not only of existing research, but also of relevant human factors principles, advertising sign technology, and best practices.
Weaknesses/Limitations	Although the authors extensively review and comment on existing regulations and guidelines, only brief mention is made of guidelines in the U.S.
Availability/Accessibility	Available on the Austroads website

Date 1st published/presented	2013
Location	Denmark
Author(s) Title Affiliation	Herrstedt, L., Greibe, P., & Andersson, P. "Roadside Advertising Affects Driver Attention and Road Safety." Trafitec, Denmark
Forum	International Conference
Peer Reviewed?	Yes
Sponsor/funding source	Unknown
Type of Study*	Q
Type of Signs Studied**	C, D
Brief Description of Method	32 drivers, both men and women between the ages of 23 and 70, drove an instrumented vehicle on one of several comparable routes. Drivers had to have a current license and not require eyeglasses while driving. Drivers were not informed in advance of the purpose of the drive. The car's instruments recorded eye movements, vehicle speed and position, and proximity to vehicles ahead of the test vehicle. A "safety buffer" was calculated which reflected the time available for the driver to respond to a sudden critical situation requiring immediate action to avoid an accident.
Summary of Findings	A total of 109 drives past advertising signs were completed, and a total of 233 glances to the 16 roadside advertising signs were recorded. Results showed that, in 69% of all drives, the driver glanced at the advertisement at least once. In nearly half of all drives, the driver glanced two or more times to the same billboard. 18% of all glances lasted for 1 second or longer, and the total duration of successive glances on a single drive was 1.5 seconds or longer in 29% of trials, 2.0 seconds or longer in 22% of trials, and 3.0 seconds or longer in 10% of trials. In 65 of the 233 glances (28%), a vehicle ahead was present within a time gap of less than 3.0 seconds. In 59 cases (25%) the safety buffer was less than 2.0 seconds, and in 20% of all cases, the safety buffer was as low as 1.5 seconds. The authors conclude that, in 25% of all cases, driving safety was reduced because the safety buffer was less than 2 seconds to the lead vehicle. Further, in 16% of all drives (17 out of 109), the sum of cumulative glances to the same billboard resulted in visual distraction using the method developed by VTTI (2.0 seconds or more within a 6.0 second window). In other words, the authors state: "In more than every sixth drive past, visual distraction occurs as a result of the advertising sign." Their overall conclusion was that "the investigated advertising signs do capture drivers' attention to the extent that it impacts road safety."
Strengths	This is one of only two known on-road studies to combine measures of driver glance behavior (number and duration of glances to billboards) with the simultaneous measure of following distance to a vehicle ahead, and the only one to (apparently) calculate such following distances via laser scanner for accuracy. Older drivers were included in the participant group.
Weaknesses/Limitations	More details about the specific billboards studied would have been helpful.
Availability/Accessibility	*Proceedings of the 3rd International Conference on Driver Distraction and Inattention.*

Date 1st published/presented	2014
Location	US
Author(s) Title Affiliation	Hawkins, HG, Jr., Kuo, P-F, & Lord, D. "Statistical Analysis of the Traffic Safety Impacts of On-Premise Digital Signs" Texas A&M University
Forum	93rd Annual Meeting of the Transportation Research Board
Peer Reviewed?	Yes
Sponsor/funding source	On-premise sign industry (Signage Foundation, Inc.)
Type of Study*	E
Type of Signs Studied**	O
Brief Description of Method	135 sites in four states, where on premise signs had been installed in 2006-07, were compared to 1,301 control sites using the Empirical Bayes (EB) statistical methodology.
Summary of Findings	There were no statistically significant changes in crash frequency associated with the installation of the on-premise digital signs studied. A calculated safety effectiveness index was equal to 1.00, with the 95 percent confidence interval between 0.93 and 1.07. The findings were similar for each of the four investigated States. The researchers concluded that "there is no evidence (that) the installation of on-premise signs at the locations (studied) led to an automatic increase in the number of crashes." The authors point out in their conclusions that it might be of interest to examine whether or not the index varies as a function of sign design and operation or characteristics of the crashes themselves.
Strengths	The study employed a large database and a robust statistical analysis procedure.
Weaknesses/Limitations	The on-premise signs to be studied were chosen by the sponsor and individual sign companies rather than by the authors or at random. It is possible that the selection criteria included a bias toward the least potentially distracting signs (in terms of size, color, contrast, animation, video, etc.).
Availability/Accessibility	Paper No.: 14-2772 of the 93rd Annual Meeting of the Transportation Research Board.

Date 1st published/presented	2014
Location	USA
Author(s) Title Affiliation	Schieber, F., Limrick, K., McCall, R., & Beck, A. "Evaluation of the Visual Demands of Digital Billboards Using a Hybrid Driving Simulator" University of South Dakota
Forum	Journal
Peer Reviewed?	Yes
Sponsor/funding source	Unknown
Type of Study*	S
Type of Signs Studied**	D (Simulated)
Brief Description of Method	The authors used a purpose-built hybrid driving simulator designed "for investigating the limits of sign reading performance while driving." The driving task and the view of the road ahead used a validated, commercial simulator; but the digital billboard stimulus was implemented on a separate 20:1 scaled LCD display mounted on a linear actuator rail that could move the simulated sign toward the observer at angular velocities simulating speeds up to 55 mph. 18 university undergraduates participated. Gaze direction (road ahead vs. billboard) was captured by a video recording of each participant's face as they drove– this technique was previously demonstrated by the senior author. Participants drove once at 25 and again at 50 mph. Digital billboard stimuli were presented at predetermined random intervals, and contained either 4, 8, or 12 frequently used English words, also displayed at random.
Summary of Findings	The authors state: "Although little or no decrement in lane keeping or reading performance was observed at slow speed (25 MPH) on straight roads, clear evidence of impaired performance became apparent at the higher driving speed (50 MPH). Lane keeping performance was significantly degraded when participants were required to read digital billboards with 8 or more words at the higher speed. This decrement became greater when the sign contained 12 words. Surprisingly, the decrements in lane keeping performance emerged *after* the participants had finished reading the sign. The participants tended to slowly drift away from the center of the lane, and then executed a large amplitude corrective steering input during the 8-second interval after encountering the digital billboard. Eye gaze statistics and reading performance showed that information processing overload began to emerge at a message length of 8 words and was clearly present when 12 words were displayed.
Strengths	Sophisticated, hybrid driving simulator with a custom built zoomed image sign projector designed to overcome traditional simulator constraints on sign legibility at realistic distances. Simulated digital billboards contained different, common words of 4-5 letters each, and each was presented in the same size and location on the billboard.
Weaknesses/Limitations	No older drivers were studied. There is no discussion of the validity of the hybrid driving simulator for this specific application. The simulated billboards were only 10 ft. in width, only about one-fifth the width of typical highway billboards.
Availability/Accessibility	*Proceedings of the Human Factors and Ergonomics Society 58th Annual Meeting,* 2214-2218.

Date 1st published/presented	2014
Location	Israel (Tel Aviv)
Author(s) Title Affiliation	Gitelman, V., Zaidel, D., Doveh, E., & Silberstein, R. "Accidents on Ayalon Highway - Three Periods Comparison: Billboards Present, Removed, and Returned"
Forum	
Peer Reviewed?	Yes
Sponsor/funding source	Israel National Roads Authority
Type of Study*	E
Study Design	Quasi-experimental: Billboards present (2006-07), absent (2008), present again (2009-12) with controls. Dependent measure – property damage and injury crashes. Control variable – traffic volume. Study sites – 8 treatment and 6 control.
Type of Signs Studied**	C
Brief Description of Method	Because of complaints, Israel's Supreme Court ruled that a series of billboards on an urban freeway near Tel Aviv had to be removed, i.e. covered, for one year while an evaluation took place. At the end of the experimental period, the billboards were uncovered such that they were again visible to motorists. At control sites, the billboards remained visible throughout the study period. At treatment sites, billboards were visible in the "present" period (2006-7), covered during the "removed" period (2008), and visible again in the "returned" period (2009-12). Crashes were recorded and categorized (property damage only, injury or fatality) under six conditions: (a) at treatment sites while signs were visible; (b) at treatment sites after signs were covered; (c) at treatment sites where signs were visible again after having been uncovered; (d) at control sites where signs were visible; and (e) at the same control sites while signs were still visible but signs were covered at the treatment sites; and (f) at control sites while signs were again visible at the treatment sites.
Summary of Findings	At control sites, crashes remained essentially the same throughout the 6-year study period; at the treatment sites, crashes declined dramatically after the billboards were covered, and returned just as dramatically once the billboards were uncovered and therefore again visible. The results were the same for injury and fatal crashes. After adjusting for traffic volume, crashes were reduced at the treatment sites (where billboards were visible in the "before" period but covered during the "after" period) by the following percentages: all crashes by 60%; injury/fatal crashes by 39%; property damage crashes by 72%.
Strengths	For a field study, this used a well-controlled research design. Before-and-after measures were obtained both for sites where the billboards were covered during the study, and for the sites where the billboards remained visible during this same time period. Road sections were in close proximity, on the same highway, ensuring that traffic speeds and volumes, as well as weather conditions, law enforcement activity, etc. were comparable.
Weaknesses/Limitations	There might have been differences in certain roadway characteristics between the treatment and control sites (e.g. curves, merges, etc.) that were not identified.
Availability/Accessibility	Complete study is in Hebrew only; English translation is available for the Executive Summary only.

Date 1st published/presented	2015
Location	Australia
Author(s) Title Affiliation	Young, KL, Stephens, AN, Logan, DB, & Lenne, MG An on-road study of the effect of roadside advertising on driver performance and situation awareness Monash University Accident Research Centre
Forum	International Driver Distraction and Inattention Conference, 2015
Peer Reviewed?	Yes
Sponsor/funding source	Unknown
Type of Study*	Q
Type of Signs Studied**	C
Brief Description of Method	19 participants drove an instrumented car on a prescribed route selected for easy navigation and the presence of many billboards. (Only conventional, static billboards were used). The route was 38km long and took about 50 minutes to complete. There were sections with freeways, retail areas, and arterial roadways. Situation awareness (SA) was measured continuously throughout the drive using a method called Verbal Protocol Analysis (VPA). This required continuous speaking by the driver about things he or she sees, or does, or acts on. Participants were trained in this methodology for 30 minutes prior to starting the drive. VPA seems very similar to the technique known as commentary driving in the US. This paper used only the freeway data, and that section of the route had 2 billboards – one on the left side of the road and one mounted on an overhead bridge. Data analyzed included longitudinal and lateral vehicle control, the output of the VPA recording, and speed.
Summary of Findings	One interesting finding was that drivers drove slower than the speed limit in a roadway section that included the billboard on the roadside, and faster than the speed limit in a comparable section with no billboard. The authors found this of relevance because this particular billboard received the most comments in the VPA and the post-drive interview. There were no significant differences in speed variability or lateral control between billboard and control sections of the route. Network analysis was used to analyze drivers' SA through the VPA. Key concepts forming the drivers' SA were different in billboard than in control segments. In the billboard segment, drivers were aware of their speed and the speed limit, suggesting to the authors that drivers were able to maintain an awareness of driving-related tasks despite the fact that the billboard featured heavily in their awareness, although this aspect of awareness did seem to be reduced from what it was during the control segment. Compared to the roadside billboard, the overpass billboard was far less a feature of drivers' awareness.
Strengths	The use of VPA data was unusual and helpful
Weaknesses/Limitations	Studied static, not electronic billboards; limited number of subjects and billboards.
Availability/Accessibility	

Date 1st published/presented	2015
Location	USA
Author(s) Title Affiliation	Sisiopiku, VP, Islam, M., Haleem, K., Alluri, P. & Gan, A. "Investigation of the Potential Relationship between Crash Occurrences and the Presence of Digital Billboards in Alabama and Florida"
Forum	Conference Paper
Peer Reviewed?	Yes
Sponsor/funding source	U.S. Department of Transportation/RITA, Alabama Department of Transportation, Florida Department of Transportation
Type of Study*	E
Type of Signs Studied**	D
Brief Description of Method	The authors analyzed historical crash records from the states of Alabama and Florida. They identified locations of digital billboards along major limited-access roadways and chose 18 suitable sites for analysis, each with its own control site. Crash records were obtained for a five-year period from a centralized database in Alabama, and crash rates were determined per million vehicle miles travelled at each site. The procedure was similar in Florida, although only three years were studied. Because many crashes in the vicinity of the billboards were found to be located incorrectly, the authors retrieved the actual police traffic collision reports for 783 crashes. Of these, 406 had to be eliminated due to coding errors in the original summary reports, leaving a total of 377 crashes for the safety assessment.
Summary of Findings	The authors state: "The overall results were consistent between the two states. The presence of digital billboards increased the overall crash rates at "digital advertising billboard influence zones" by 25% in Florida and 29% in Alabama, compared to control sites. In addition, sideswipe and rear-end crashes were overrepresented at digital billboard influence zones compared to control sites.
Strengths	Included in their influence zone was a short distance (minimum 0.05 mile) downstream of each billboard. This is in keeping with the findings of Schieber, et al., discussed elsewhere in the present document. The influence zone and associated control zone for each billboard were matched for traffic and roadway conditions.
Weaknesses/Limitations	The authors provide no explanation for how the specific billboard locations were chosen out of all possibilities that they identified. Apparently, they identified "influence zones" by calculating the distances upstream of each digital billboard from which the sign could be seen, using Google Street View. There seems to have been no effort to relate sight distance in the real world to that shown in the Google Street View images. It is unclear whether their 5 years of data (AL) and 3 years (FL) correspond to periods when the billboards studied were actually in place, given that the authors seem to have selected sites from Google Street View.
Availability/Accessibility	*Proceedings of the Human Factors and Ergonomics Society 58th Annual Meeting,* 2214-2218.

Date 1st published/presented	2015
Location	Canada
Author(s) Title Affiliation	Rempel, G., Montufar, J., Forbes, G., & Dewar, R. "Digital and projected advertising Displays: Regulatory and Road Safety Assessment Guidelines." MORR Transportation Consulting, Ltd., Intus Road Safety Engineering, Inc.., Western Ergonomics, Inc.
Forum	Transportation Association of Canada Report
Peer Reviewed?	Yes
Sponsor/funding source	Transportation Association of Canada
Type of Study*	CR
Type of Signs Studied**	O, D
Brief Description of Method	The authors performed a critical literature review, met with representatives of Canadian government agencies and outdoor advertising companies, investigated practices and regulations/guidelines in other countries, and applied human factors principles toward the development of guidelines for Canada.
Summary of Findings	The resultant guidelines are specific to traffic safety issues – they do not address the aesthetic, "nuisance," or economic factors of such signs. Guidance is developed for sign density, spacing, dwell time (which they call "frame duration"), illuminance (which they authors call "brightness"), proximity to traffic control devices and driver decision points, message sequencing and text scrolling, animation, and transition time between messages. The overriding principle proposed in this report is that digital advertising signs should "emulate" traditional signs.
Strengths	A comprehensive review, not only of existing research, but also of relevant human factors principles, advertising sign technology, and best practices.
Weaknesses/Limitations	Accepted industry practices regarding DBB lighting rather than getting the views of lighting experts or undertaking their own independent evaluation.
Availability/Accessibility	Available for purchase from Transportation Association of Canada at http://tac-atc.ca/en/digital-and-projected-advertising-displays-publication-now-available

Date 1st published/presented	2015
Location	Australia
Author(s) Title Affiliation	Samsa, C., & Phillips, T. "Digital Billboards 'Down Under': Are they Distracting to Drivers and can Industry and Regulators Work Together for a Successful Road Safety Outcome?" Samsa Consulting, Outdoor Media Association of Australia
Forum	*4th International Conference on Driver Distraction and Inattention*
Peer Reviewed?	Yes
Sponsor/funding source	Outdoor Media Association of Australia
Type of Study*	C
Type of Signs Studied**	C, D, O
Brief Description of Method	29 participants, ages 25-54, drove an instrumented vehicle along a 14.6 km route in Brisbane, Queensland. Drivers were fitted with "eye tracking glasses."
Summary of Findings	Average fixation durations were "well below 0.75 s". There were no significant differences in average vehicle headway between the three signage types. There was a statistically significant difference in lateral deviation when billboards were present.
Strengths	The data showing significant differences in lateral deviation in the presence of billboards is in accord with findings from other recent studies.
Weaknesses/Limitations	No older drivers were studied. There is little description of the eye tracking glasses used, but this apparatus is not known to provide the precision necessary to determine exactly where the wearer is looking. No information is provided to enable the reader to determine how vehicle headways were measured; as such it is not possible to compare this study to the one conducted in Denmark, where headway measurement was clearly described.
Availability/Accessibility	https://www.ivvy.com/event/DD2015

Date 1st published/presented	2016
Location	USA
Author(s) Title Affiliation	Wilson, RT, & Casper, J. The role of location and visual saliency in capturing attention to outdoor advertising – How location attributes increase the likelihood for a driver to notice a billboard ad Texas State University, Traffic Audit Bureau for Media Measurement, Inc.
Forum	Journal of Advertising Research
Peer Reviewed?	Unknown
Sponsor/funding source	Traffic Audit Bureau for Media Measurement
Type of Study*	L, R
Type of Signs Studied**	C, D
Brief Description of Method	Two-part study. Part 1 involved presenting video clips of drives past billboards to groups of participants whose eye movements were "measured" by a camera in the front of the room. Part 2 involved the development and analysis of a model of visual attention.
Summary of Findings	Two sub-studies evaluated the contribution to a driver's visual attention to a billboard from (a) the billboard's location (close to the road, right side of the road, near the centerline of the driver's vision, extended "dwell time" [time available to an approaching driver to see the billboard]), and (b) the billboard's saliency (the billboard's ability to "pop out" from its background due to the use of color, shading, and compositional design
Strengths	Interesting application of bottom-up and top-down visual attention theories to the question of billboard glances.
Weaknesses/Limitations	The authors did not use eye tracking as traditionally defined; their understanding of eye tracking technology is at least a decade old. They are not justified in their use of the statistics they chose because their data are too crude, and they made too many assumptions based on this nebulous data set.
Availability/Accessibility	Journal of Advertising Research, September 2016

Date 1st published/presented	2016
Location	USA
Author(s) Title Affiliation	Belyusar, D., Reimer, B. Mehler B., & Coughlin, JF. "A Field Study on the Effects of Digital Billboards on Glance Behavior During Highway Driving." New England University Transportation Center & MIT Age Lab
Forum	Accident Analysis and Prevention, 88, 88-96
Peer Reviewed?	Yes
Sponsor/funding source	US Department of Transportation, Region 1 New England, University Transportation Center at MIT, and the Toyota Class Action Settlement Safety Research and Education Program.
Type of Study*	Q
Type of Signs Studied**	D
Brief Description of Method	This on-road study had 123 subjects, nearly equally divided between males and females and between young and old. Participants drove an instrumented vehicle under normal driving conditions, with no specific tasks to perform, past a digital billboard on a highway with a speed limit of 65 MPH.
Summary of Findings	The authors found statistically significant changes in total number of glances and, depending upon the direction of travel, moderate-to-long duration glances in the direction of the billboard as compared to sections of the roadway in which the billboard was not visible. Older drivers were particularly affected. The authors also found that: "Drivers glanced more at the time of a switch to a new advertisement display than during a comparable section of roadway when the billboard was simply visible and stable." They concluded: "Given typical billboard dwell (cycle) times of six (6) or eight (8) seconds, these findings add to the argument the dwell times for such signs should be considerably longer."
Strengths	The driving task was quasi naturalistic; both young and old drivers, and both males and females, were equally represented.
Weaknesses/Limitations	Only one billboard, with two faces, was used in the analysis. There could be characteristics of that sign, or its location, which make the results not generalizable to other billboards.
Availability/Accessibility	http://www.sciencedirect.com/science/article/pii/S0001457515301664

Date 1st published/presented	2017
Location	Denmark
Author(s) Title Affiliation	Herrstedt, L., Greibe, P., Andersson, P., & la Cour Land, B. Do LED-advertising signs affect driver attention? Trafitec
Forum	Fifth International Conference on Driver Distraction and Inattention, 2017
Peer Reviewed?	Yes
Sponsor/funding source	Nordic Committee for Visual Conditions in Road Traffic
Type of Study*	Q
Type of Signs Studied**	C, D
Brief Description of Method	16 test participants drove an instrumented car on each of two routes with LED billboards displayed. Some participants drove in both daylight and nighttime.
Summary of Findings	Overall, when advertising signs were present, visual attention outside the car was 84% to driving-related objects (the road, other road users, road signs and traffic lights), and 14% to non-driving-related objects of which LED billboards account for half of the glances. Thus, LED and other advertising signs make up approximately 10% of drivers' visual attention in terms of glance duration. No significant differences were found in daylight vs darkness periods, although this may be explained by the fact that all road sections driven during the test drivers were equipped with fixed street lighting meaning that no billboards were viewed in a completely dark environment.
Strengths	Creative use of "safety buffer," and "critical glances"
Weaknesses/Limitations	Small number of participants; although the authors mention that more attention is captured by larger signs, they don't measure the signs nor do they use size as an independent variable; signs studied appear to be considerably smaller than typical LED billboards in the US, suggesting that results of a similar study conducted here would be more dramatic.
Availability/Accessibility	Proceedings of the conference

Date 1st published/presented	2018
Location	Belgium, Flanders
Author(s) Title Affiliation	Mollu, K. "Influence of an Illuminated Digital Billboard on Driving Behavior with a Focus on Variable Display Time and Distance from a Pedestrian Crossing." Hasselt University and Flanders Agency for Roads and Traffic
Forum	TRB Subcommittee on Digital Billboards
Peer Reviewed?	Yes
Sponsor/funding source	Flanders Agency for Roads and Traffic
Type of Study*	N
Type of Signs Studied**	D (simulated)
Brief Description of Method	Using a driving simulator, investigators compared subjective workload and responses of drivers to pedestrians crossing in crosswalks. Subjects included 35 persons, age 20-60, with 54% male. Signs varied in dwell time and location in retail zones or in transitions to built-up areas.
Summary of Findings	Study participants rated their mental demand significantly higher and their own performance lower when a digital billboard was present. The minimum speed upon approach to the pedestrian was higher and was reached closer when a DBB was present. Although not statistically significant, lateral displacement was higher in the presence of the DBB. Brake-reaction time (perception reaction time) to the pedestrian was approximately 1.5 times higher in the presence of the DBB – and there was no effect of dwell time or distance to the sign.
Strengths	High definition driving simulator; roads agency sponsored; reasonably large number of subjects. A large number of billboards and road settings were used.
Weaknesses/Limitations	None of the display times matched those in most common use; simulated digital billboards were smaller than those in common use in the U.S.
Availability/Accessibility	Author

Date 1st published/presented	2019
Location	Australia
Author(s) Title Affiliation	Oviedo-Trespalacios, O., Truelove, V., Watson, B., & Hinton, JA The impact of road advertising signs on driver Behaviour and implications for road safety: A critical systematic review. Queensland University of Technology; Department of Transport & Main Roads
Forum	Transportation Research Part A
Peer Reviewed?	Yes
Sponsor/funding source	Transport Academic Partnership between Queensland Department of Transportation & Main Roads and Queensland University of Technology.
Type of Study*	R
Type of Signs Studied**	C. D
Brief Description of Method	This was a review of the literature (the actual reviews are in a separate Appendix) using a method called TCI (Task-Capability Interface) which, essentially, compares task demands with driver "capability" which, in turn, leads to positive (safe passage) or negative (which may lead to the driver losing control) outcomes. The TCI method is claimed to be relevant to the study of billboards because they are part of the road traffic environment and therefore serve to modify driving task demands.
Summary of Findings	Roadside advertising signs can be considered environmental clutter, which adds additional task demands. Roadside advertising signs impaired drivers' eye movement patterns. Young drivers invest more attentional resources interacting with roadside advertising, suggesting a lower ability (than older drivers) to discriminate between relevant and irrelevant information. It is not possible to definitively conclude that there is a direct connection between outdoor advertising and crashes, but there is an emerging trend in the literature suggesting that roadside advertising can increase crash risk, particularly with changeable displays such as those on digital billboards. Most empirical studies to date feature "strong methodological limitations." There is an urgent need for more research given that roadside advertising technology is changing rapidly.
Strengths	Studies some 90 articles.
Weaknesses/Limitations	Makes some unsupportable statements; references are reviewed and reported only in a separate Appendix to the paper; the reviews are not critical, as claimed in the title.
Availability/Accessibility	https://doi.org/10.1016/j.tra.2019.01.012

Date 1st published/presented	2019
Location	Israel
Author(s) Title Affiliation	Gitelman, V., Doveh, E., & Zaidel, D. An examination of billboard impacts on crashes on a suburban highway: Comparing three periods – Billboards present, removed, and restored
Forum	Traffic Injury Prevention
Peer Reviewed?	Yes
Sponsor/funding source	National Road Safety Authority of Israel
Type of Study*	E
Type of Signs Studied**	C
Brief Description of Method	The authors compared precise and comprehensive data direct from the roadway administration about crashes over two conditions (experimental sites where billboards were located and control sites where there were no billboards). They looked at data from three time periods – when billboards were visible, when they had been removed or covered, and when they were made visible again.
Summary of Findings	For both property damage only (PDO) and injury accidents, the data were stark. When the billboards were covered or removed, the reduction in crashes compared to the earlier period when these billboards were visible to drivers was between 30 and 40%, depending on road section. Equally important, when billboards were uncovered again, after the period in which they were covered, accidents rose by 30-60%. Most of these findings were statistically significant.
Strengths	Elegant study design, comprehensive data analysis, 3 periods of study lends further credibility to findings
Weaknesses/Limitations	Studied static, not electronic billboards.
Availability/Accessibility	Traffic Injury Prevention

Date 1st published/presented	2019
Location	Italy
Author(s) Title Affiliation	Costa, M., Bonetti L., Vignali, V., Bichicchi, A., Lantieri, C., & Simone, A. Driver's visual attention to different categories of roadside advertising signs. University of Bologna, Aarhus University
Forum	Applied Ergonomics
Peer Reviewed?	Yes
Sponsor/funding source	Alma Idea 2017 Costa grant from University of Bologna
Type of Study*	Q
Type of Signs Studied**	O, C, others unknown
Brief Description of Method	15 participants (10 male) drove an instrumented car equipped with an eye movement recorder along a 30km round trip along a two-lane, two-way road in both urban and rural areas. Glance numbers and durations were captured for 6 different categories of signs, including billboards, on-premise signs, single and multiple directional signs, and digital gas price signs.
Summary of Findings	Longer glance durations were found for signs closer to the road. The distance at which signs were fixated increased linearly with speed, sign size, and text length. Larger size text on signs was associated with a higher fixation rate, as were signs on the near side of the road. Signs with smaller text and many characters were related to a lower fixation rate because they "probably fail to attract the driver's visual attention due to the poor readability in a dynamic context." Interestingly, there was no commonality between the 6 signs that capture the longest glances and the 6 that captured the most glances. With one exception the first group (longest glances) consisted of signs with considerable text and smaller font sizes. In contrast, the six signs with the highest fixation rate (but not duration) tended to have more graphical properties and less text. This suggests to advertisers that the longer glances to signs with smaller fonts and much text take longer to read than simpler, more graphical signs, and therefore should deserve less consideration for roadside applications – and that the simplest sign designs with more, larger graphics and text should be prioritized.
Strengths	Excellent literature review (except, see below), studies a broader number and type of signs than most prior studies.
Weaknesses/Limitations	Makes lots of "factual" statements that are not supported by the literature, no freeway driving in test route, no billboards of size comparable to US, no digital billboards (only digital gas price signs). Some statements of conclusion in the text are not clearly explained, raising questions of interpretation by the reader.
Availability/Accessibility	Applied Ergonomics

Citations:

Backer-Grøndahl, A., & Sagberg, F. (2009). "Relative crash involvement risk associated with different sources of driver distraction." Presented at the First international Conference on Driver Distraction and Inattention. Gothenburg, Sweden: Chalmers University.

Belyusar, D., Reimer, B., Mehler, B., & Coughlin, JF. (2016). "A field study on the effects of digital billboards on glance behavior during highway driving." *Accident Analysis and Prevention, 88,* 88-96.

Bendak, S., & Al-Saleh, K. (2010). "The role of advertising signs in distracting drivers." *International Journal of Industrial Ergonomics, 40,* 233-236.

Chan, E., Pradhan, AK, Knodler, MA, Jr., Pollatsek, A. & Fisher, DL. (2008). "Empirical Evaluation on a Driving Simulator of the Effect of Distractions Inside and Outside the Vehicle on Drivers' Eye Behaviors," Washington, DC: 87th Annual Meeting of the Transportation Research Board of the National Academies.

Chattington, M., Reed, N., Basacik, D., Flint, A., & Parkes, A. (2009). "Investigating Driver Distraction: The Effects of Video and Static Advertising." Report No. RPN256. United Kingdom: Transport Research Laboratory.

Costa, M., Bonetti, L., Vignali, V., Bichicchi, A., Lantieri, C., & Simone, A. (2019). Driver's visual attention to different categories of roadside advertising signs. *Applied Ergonomics, 78,* 127-136.

Divekar, G., Pradhan, AK, Pollatsek, A., & Fisher, DL. (2013). "External Distractions": Evaluations of their effect on younger novice and experienced drivers' behavior and vehicle control." Transportation Research Record, Journal of the Transportation Research Board No. 2321. Washington, DC: Transportation Research Board of the National Academies.

Dukic, T., Ahlstrom, C., Patten, C., Kettwich, C., & Kircher, K. (2012). "Effects of Electronic Billboards on Driver Distraction." Journal of Traffic Injury Prevention, *14,* 469-476.

Edquist, J., Horberry, T., Hosking, S. & Johnston, I. (2011). "Advertising billboards impair change detection in road scenes." Paper presented at the 2011 Australasian Road Safety Research, Education & Policing Conference.

Edquist, J., Horberry, T., Hosking, S. & Johnston, I. (2011). Effect of advertising billboards during simulated driving. *Applied Ergonomics, 42*(4), 619-626.

Gitelman, V., Doveh, E., & Zaidel, D. (2019). "An examination of billboard impacts on crashes on a suburban highway: Comparing three periods – Billboards present, removed, and restored." Traffic Injury Prevention, 20, 569-574.

Hawkins, HG, Jr., Kuo, PF, & Lord, D. (2014). "Statistical Analysis of the Traffic Safety Impacts of On-Premise Digital Signs." Paper No: 14-2772. Presented at the 93rd Annual Meeting of the Transportation Research Board.

Herrstedt, L., Greibe, P. & Andersson, P. (2013). "Roadside Advertising Affects Driver Attention and Road Safety." *Proceedings of the 3rd International Conference on Driver Distraction and Inattention, Gothenburg, Sweden.*

Herrstedt, L., Greibe, P., Andersson, P. & Lund, BL (2017). "Do LED-Advertising Signs Affect Driver Attention?", *Fifth International Conference on Driver Distraction and Inattention.* Paris, France.

Horberry, T., Regan, MA, & Edquist, J. (2009). Driver Distraction from Roadside Advertising: The clash of road safety evidence, highway authority guidelines, and commercial advertising pressure. Downloaded from the web at: https://document.chalmers.se/download?docid=653291678

Milloy, SL and Caird, JK. (2011). "External Driver Distractions: The Effects of Video Billboards and Wind Farms on Driver Performance." Published in: *Handbook of Driving Simulation for Engineering, Medicine and Psychology.* Edited by: D.L. Fisher, M. Rizzo, J.K. Caird, & J.D. Lee. Boca Raton: CRC Press.

Mollu, K. (2018). "Influence of an Illuminated Digital Billboard on Driving Behavior with a Focus on Variable Display Time and Distance from a Pedestrian Crossing (Simulator Study)." Presented at the Annual Meeting of the TRB Digital Billboards Subcommittee Meeting.

Oviedo-Trespalacios, O., Truelove, V., Watson, B., & Hinton JA. (2019). "The Impact of Road Advertising Signs on Driver Behaviour and Implications for Road Safety: A Critical Systematic Review." *Transportation Research Part A: Policy and Practice, 122,* April 2019, 85-98.

Perez, WA., Bertola, MA, Kennedy, JF, & Molino, JA. (2012). "Driver Visual Behavior in the Presence of Commercial Electronic Variable Message Signs (CEVMS)." Unnumbered Report, Federal Highway Administration, Washington, DC. Downloaded from the web at: http://www.fhwa.dot.gov/real_estate/oac/visual_behavior_report/final/cevmsfinal.pdf

Rempel, G, Montufar, J., Forbes, G. & Dewar, R. (2015). "Digital and Projected Advertising Displays: Regulatory and Road Safety Assessment Guidelines." Unnumbered Transportation Association of Canada Report.

Roberts, P., Boddington, K., & Rodwell, L. (2013). Impact of Roadside Advertising on Road Safety. Austroads Road Research Report: Publication No. AP-R420-13. City: Australia, ARRB Group.

Samsa, C., & Phillips, T. (2015). Digital Billboards 'Down Under'. Are they Distracting to Drivers and can Industry and Regulators Work Together for a Successful Road Safety Outcome? *Paper Presented at the 4th International Conference on Driver Distraction and Inattention,* Sydney, Australia.

Schieber, F., Limrick, K. McCall, R, & Beck, A. (2014). Evaluation of the Visual Demands of Digital Billboards Using a Hybrid Driving Simulator. *Proceedings of the Human Factors and Ergonomics Society 58th Annual Meeting,* 2214-2218.

Sisiopiku, VP, Islam, M, Haleem, K, Alluri, P. & Gan, A. (2014). Investigation of the Potential Relationship between Crash Occurrence and the Presence of Digital Advertising Billboards in Alabama and Florida. *Proceedings of the Transportation Research Board (TRB) 94th Annual Meeting.*

Wilson, RT, & Casper, J. (2016). The Role of Location and Visual Saliency in Capturing Attention to Outdoor Advertising. *Journal of Advertising Research, September 2016,* 259-273.

Young, MS, Mahfoud, JM, Stanton, N. Salmon, PM, Jenkins, DP & Walker, GH. (2009). "Conflicts of Interest: The implications of roadside advertising for driver attention." *Transportation Research Part F: Traffic Psychology and Behaviour, Vol. 12*(5), 381-388.

Young, KL., Stephens, AN., Logan, DB, & Lenne, MG. (2015). An on-road study of the effect of roadside advertising on driving performance and situation awareness. *Paper Presented at the 4th International Conference on Driver Distraction and Inattention,* Sydney, Australia.

TREES, BILLBOARDS, AND THE RIGHT TO BE SEEN FROM THE ROAD

by Charles F. Floyd

Charles F. Floyd is Professor of Real Estate at the University of Georgia. He has assisted a number of states and local governments in sign control and billboard valuation cases.

Vista, (n), "a opening in the landscape through which one can see a billboard."
– UNKNOWN from Wagster's Unexpurgated Dictionary.

Introduction

The outdoor advertising industry depends for its very existence on its billboards being seen from the public roadway. If trees grow up in front of a sign and block this view, the billboard no longer has value to the outdoor advertising company's business. Pressure from the industry to remove these obstructions to their use of the road has led to the controversial practice in a number of states of permitting the cutting of trees on the public right-of-way to provide a clear view of billboards, and the billboard industry is pushing hard to extend the practice to other states.

Cutting the public's trees on the right-of-way to provide a better view of billboards gives rise to several questions. What is the relationship between the outdoor advertising business and the roadway? Are billboards a use of private property or a use of the road? Does an outdoor advertising company have the inherent right to a clear view from the roadway? If the highway authority refuses to cut the trees to provide this view, doe the obstruction of view constitute a compensable taking for the billboard's owners? Finally, if the public authority allows trees on the right-of-way to be destroyed in order to provide a clear view of billboards, does this constitute an illegal gift of public property for a non-profit purpose or an illegal relinquishment of right-of-way?

Billboards As A Use Of The Road

The outdoor advertising industry sells "exposure opportunities" based on the number of vehicles passing sign locations. In other words, they depend solely on the traffic that is produced by the public's investment in roads and highways for their "circulation." Thus, although billboards are located on private property, their value to the outdoor advertising business comes from the use of the public road, not of private property.

This dependence on the public's investment in the roadways is acknowledged by the outdoor advertising industry. For example, an official of the Outdoor Advertising Association of America testified: "The Outdoor Advertising Association members do not sell signs; they sell circulation." [From testimony of George McInturff given before a public hearing to consider a challenge to the constitutionality of the State of College Borough, Pennsylvania, Sign Ordinance 888, March 13, 1978]. In their publication,

Planning for Out-of-Home Media, the Traffic Audit Bureau defines "circulation" as follows [Ken Sammon, Planning for Out-of-Home Media, Revised Edition, New York: The Traffic Audit Bureau, Inc., 1987]:

> Circulation (potential viewers) is the foundation for determining the advertising value of the Out-of-Home media. Outdoor circulation is based on traffic volume. Traffic volume is made up of three modes of transportation: automotive, pedestrian and mass transit . . . For the most part, outdoor circulation reflects people in vehicles.

Outdoor Advertising Industry Practices

The firms comprising the standardized outdoor advertising industry own outdoor advertising structures and lease space to advertisers. They employ two basic types of signs, poster panels and painted bulletins.

The poster panel is designed for the posting of paper "bills" – hence the name "billboard" that is now commonly applied to all off-premise outdoor advertising signs. The standardized poster panel is 300 square feet in size (12 by 25 feet), although the industry also uses a smaller poster panel of 72 square feet (6 by 12 feet), appropriately called a "junior" panel, or 8-sheet poster [Ibid.].

The second type of standardized industry sign is the painted bulletin usually measuring 14 feet by 48 feet (672 square feet), although various other sizes are also used, particularly 10 feet by 40 feet (400 square feet) and 10 feet by 36 feet (360 square feet). The industry also offers a "Super Bulletin" of 1,200 square feet (20 feet by 60 feet) in some large markets, and a few bulletins range in size to 2,500 square feet, or even larger. Most bulletins are painted, but some advertisers, and particularly cigarette companies, now provide printed faces to the outdoor advertising company.

The advertiser usually furnishes the paper posters for billboards, and the outdoor advertising company "posts" the bill on their signboards for a fee. Poster panels are normally sold by the month in packages of what the industry refers to as "gross rating points." Thus, a 100-G.R.P. package (a #100 showing) supposedly will provide enough panels to deliver in one day the opportunity for the advertiser's message to be seen by 100 percent of the population of the market area. A 50-G.R.P. or #50 showing supposedly will be seen by half of the population; a 25-G.R.P. showing by 25 percent of the population. For example, a #100 showing in the Chicago market in March 1994 was defined as 43 non-illuminated and 285 illuminated panels; a #50 showing consisted of 21 non-illuminated and 143 illuminated panels. The monthly cost of the #100 showing was $191,880, or approximately $585 per billboard [Outdoor Advertising Association of America, The Buyer's Guide to Outdoor Advertising, Vol. 30, No. 1, March 1984].

Painted bulletins are usually sold for a longer period of time, commonly a year. Sometimes a firm leases a particular sign, although many are sold in packages similar to poster showing. Often the painted faces are "rotated" to different locations periodically

to reach various sub-markets. For example, in March 1994 a large outdoor advertising firm offered 672 square foot billboards in Jacksonville, Florida for $2,450 a month on a year's lease. The faces were "rotated" (moved) every 60 days to different locations within the market area.

The cost to the advertiser of these bulletins varies with supply and demand conditions in the particular locale. For example, the same size billboard that leased for $2,450 in Jacksonville would cost $4,725 per month is Los Angeles, or $950 in Mobile, Alabama.

For this analysis of outdoor advertising industry pricing policies, it is apparent that although off-premise outdoor advertising signs are located on private property, their value to the outdoor advertising business clearly derives solely from their direct use of the roadway. The only "use" of a billboard occurs where the reflected image meets the eye – on the road; no good or service is provided at the location of the sign.

Direct or Indirect Use of the Roadways

The outdoor advertising industry contends that billboards benefit from the roads in the same fashion as do all highway-oriented business such as motels, restaurants, and service stations – or even as business in general. This argument ignores the difference between direct and indirect uses of the roads.

Many types of businesses gain advantages from their close proximity to major highways, and particularly from measures to important roadway junctions or interchanges. These considerations are a major factor in locational decisions – either because firms depend on motorists for clientele or because they need easy access to roads for the transportation of goods. While quite important to many firms, these benefits are still indirectly derived and are almost impossible to measure with any hand, benefits directly and solely from its use of the roadway, and in direct relationship to the volume of traffic on the road. As discussed above, the outdoor advertising industry itself recognizes this direct relationship in its pricing policies.

The View From the Courts

The courts have long recognized the fact that the billboard business is a use of the public's investment in the roadways rather than a use of private property. A very early case pointed out this obvious fact [Churchill and Tait v. Rafferty, 32 Philippine Rpts. 580 (Phil. Isl. Sup. Ct. 15) app. dismissed 248 U.S. 591 (1918)]:

> The success of billboard advertising depends not so much upon the use of private property as it does upon the use of the channels of travel used by the general public. Suppose that the owner of private property, who so vigorously objects to the restriction of this form of advertising, should require the advertiser to paste his posters upon the billboards so that they would face the interior of the property instead of the exterior. Billboard advertising would die a natural death if this were done, and its real dependency not upon the

> unrestricted use of private property but upon the unrestricted use of the public highways is at once apparent. Ostensibly located on private property, the real and sole value of the billboard is its proximity to the public thoroughfares.

In upholding the state's Outdoor Advertising Control law, the Massachusetts Supreme Court also pointed to the billboard's use of the roadway [General Outdoor Advertising Co. v. Department of Public Works, 193 N.E. 799 (Mass. Sup. Jud. Ct. 1935) App. dismissed 296 U.S. 542 (1935) and 297 U.S. 725 (1936)]:

> [The outdoor advertising business] depends entirely for its success upon the occupation of places along the sides of highways and near parks and similar public places. Billboards are designed to compel attention. The advertising matter displayed upon them in words, pictures, or devices is conspicuous, obtrusive and ostentatious, being designed to intrude forcefully and persistently upon the observation and attention of all who come within the range of clear normal vision. The only real value of a sign or billboard lies in its proximity to the public thoroughfares within public view. In this respect the plaintiffs are not exercising a natural right; they are seizing for private benefit an opportunity created for quite a different purpose by the expenditure of public money in the construction public ways and the acquisition and improvement of public parks and reservations.

Similarly, the United States Supreme Court observed [Packer Corp. v. Utah, 285 U.S. 105, 110, 52 S.Ct. 273, 274]: Billboards, . . . placards and such are a class by themselves . . . Other forms of advertising are ordinarily seen as a matter of choice on the part of the observer. The young people as well as the adults have the message of the billboard thrust upon them by all the arts and devices that skill can produce. In the case of newspapers and magazines, there must be some seeking by the one who is to see and read the advertisement. The radio can be turned off, but not so the billboard.

This intrusiveness of billboard advertising is acknowledged by the outdoor advertising industry, which regards it as a marketing advantage. For example, Chris Carr, a vice-president of Gannet Outdoor Group, was recently quoted [The Boston Globe, August 9, 1994, p. 41]:

> People can't shut off a billboard. TV and radio ads can be turned off or tuned out; billboards are the last unavoidable medium.

The fact that billboards are an intrusion on privacy and a use of the roadway was repeated by the Massachusetts court in upholding Brookline's billboard ban [John Donnelly & Sons, Inc.v Outdoor Advertising Board, 339 N.E.2d 709 (1975)].

The important of use of the road to outdoor advertising also was emphasized by New York's highest court in a case which involved the removal of a billboard along the Thruway for safety reasons [New York State Thruway Authority v. Ashley Motor Court, 176 N.E. 2d 566, 1961]:

> [I]t is to be borne in mind that it was the very construction of the Thruway which created the element of value in the land abutting the road. Billboards and other advertising signs are obviously of no use unless there is a highway to bring the traveler within view of them.

This view of billboards as a use of the roadway was reiterated in a California case [Metromedia, Inc., et al., v. City of Pasadena, 216 Cal. App. 2d 370, 30 Cal. Rptr. 731, 1963]:

> Most of respondents' arguments relating to their "use" of the land upon which their signs are located are mere exercises in sophistry, for in no real sense are the signs "used" upon the land on which they are located . . .
> [T]he signs are used in a realistic sense only where the light reflected therefrom strikes the eyes of the users of the public streets or adjoining private property.

In a more recent case, Modjeska Sign Studios, Inc. v. Berle, the court stated [373 N.E.2d 255, (Court of Appeals of New York, 1977)]:

> Billboards and advertising signs are of little value and small use unless great highways bring the traveling public within view of them, and their enhanced value when they are seen by a large number of people was created by the State in the construction of the roads and not by the signs' owners.

Billboards As An "Appurtenant" Use

The recognition that billboards are a direct use of the road led to a holding by the Vermont Supreme Court that the right to view from the roadway was "appurtenant" to the adjacent property and included only the right to display an on premise sign advertising the business conducted on the property. In this decision, Kelbro, Inc. v. Myrick, the court upheld a state billboard control ordinance, concluding [30 A.2d 527, (Supreme Court of Vermont, 1943)]:

> The plaintiff is . . . seeking to use the highway for commercial purposes analogous to the use made of it by common carriers. Such use, this Court has held, the Legislature in the exercise of its police powers may wholly deny, or may permit to some and deny to others as will best promote the general good of the public. There is no inherent right to use the highways for commercial purposes.

This logic was reaffirmed by a 1967 decision which held that the state had the constitutional power to force the removal of nonconforming billboards [Micralite Sign Corporation v. State Highway Department, 120 Vt. 498, 236 A.2d 680]. It was also relied on by a Kentucky court in upholding "Bonus Act" billboard control legislation in that state [Moore v. Ward, 377 SW2d 881 (1964)].

In a case which upheld Maine's total ban of commercial billboards, the court held that because billboards were a use of the road they were afforded less free speech protection [John Donnelly & Sons v. Campbell, 639 F.2d 6 (1980)]:

> The use of land adjoining the highway for commercial advertising is really use of the highway itself.

The Right to Be Seen From The Road

Having reached the inescapable conclusion that billboard advertising is a use of the roadway rather than of private property, we next must address questions regarding the right to be seen from the road. Do outdoor advertising companies have an inherent right to the clear view from the roadway that is essential for their business? If they are unable to secure this clear view because trees and other vegetation have grown up on the public right-of-way and the highway authority refuses to cut the trees to provide an unobstructed view, does this give rise to valid compensable "taking" claims for billboard owners?

While the general case law regarding the right to be seen from the roadway is not extensive, there appears to be no support for the proposition that one property owners must destroy his property in order to provide a clear view of an adjoining road for another property owner [Compensability of Loss of View From Property – State Cases, 25 ALR4th 671]. The courts have also consistently refused to agree with the outdoor advertising industry that they have a right of visibility for their signs.

About sixty years ago, Perlmutter leased land next to an approach to the mid-Hudson bridge at Poughkeepsie, New York, on which he erected a fifty-three foot long and ten-foot high billboard advertising his furniture store. Greene, the State Superintendent of Public Words, concerned about the distraction cause by the billboard on the narrow and curvy bridge approach, erected a screen to block the view of the billboard. Perlmutter sued, contending he had a right to be seen from the roadway and that the screen was an illegal interference with that right. The lower courts accept this argument, ruling that (1) the state could not erect the screen so as to obscure the billboard, (2) the state could not prevent Perlmutter from using the property for advertising purposes, and (3) the erection of the screen to obscure the billboard did not safeguard the traveler or serve any highway purpose. The state's highest court disagreed [Perlmutter v. Greene, 182 N.E. 5 (1932)]:

> [The Superintendent] may plant shade trees along the road to give comfort to motorists and incidentally to improve the appearance of highway. By so doing he aims to make a better highway than a mere scar across the land would be. If trees interfere with the view of the adjacent property from the road, no right is interfered with . . . No contract exists between the State and the owner that the latter may forever use his property to erect billboards anywhere along the highway; no right in rem exists, for the adjacent owner has no title to the highway

> . . . No adjacent owner has the vested right to be seen from the street in his backyard privacy.

In a judicial period when aesthetics generally were not recognized as a valid basis for use of the police power, this landmark opinion by Chief Justice Pound also advanced the cause of aesthetic regulation:

> Beauty may not be queen but she is not an outcast beyond the pale of protection or respect. She may at least shelter herself under the wing of safety, morality, or decency.

[The Superintendent] may act reasonably in his discretion for the benefit of public travel in screening a billboard at a dangerous curve when by its enormity such a structure may divert the attention of the motorist from the road. He then interferes with no property right of the adjacent owner, and he should not be interfered with by the courts. If incidentally the outlook from the road is improved by shutting off the view of the billboard, so much the better.

In the late 1970's there was considerable debate concerning illegal tree cutting on Tennessee highways. When the state refused to destroy trees blocking a clear view of billboards, the Outdoor Advertising Association of Tennessee sued, contending that plant or permitting vegetation on highway rights-of-way obstructing licensed billboard was unlawful and unconstitutional. In particular, the outdoor advertising company argued that because they had obtained permits from the state costing five dollars each, planting or maintaining vegetation "in such a way as to obstruct state inspected licensed and approved sign structures and render them non-productive constitutes a constructive condemnation of those structures without just compensation in violation of [the Highway Beautification Act]." The Court disagreed, holding the outdoor advertising companies had no basic right to be seen from the highway and that the State's refusal to cut the trees did not constitute a taking of the affected billboards [Outdoor Advertising Association of Tennessee v. Shaw, 598 S.W. 2d 783 (1980)]:

> This Court has concluded the plaintiffs' complaint shows no common law, constitutional or statutory right to compensation for the impairment of the visibility of their signs on any theory of "constructive taking." This Court is unaware of any statutory or common law which requires an adjoining land owner to refrain from planting or to actively trim vegetation on his own property to avoid obscuring the view from or to his neighbor's property.
>
> Plaintiffs seem to insist that the licensing of a billboard confers some special right of visibility and imposes some special duty upon the State to maintain visibility of the licensed billboard. No authority has been cited or found to sustain this novel theory which this Court is unwilling to incorporate for the first time into the law.

Encouraged by recent favorable Supreme Court "takings" decisions, the outdoor advertising industry again contended in a North Carolina case that the planting of trees

and other vegetation within the right-of-way of highways in front of billboards constitutes a taking of property requiring compensation. Again they lost [Adams Outdoor Advertising of Charlotte v. North Carolina Department of Transportation, 434 S.E.2d 666 (1993 N.C. App.)]:

In its brief, the outdoor advertising company acknowledged that the outdoor advertising business is dependent upon its use of the roadway, but claimed this use of the roadway created a right of visibility:

> The economic viability of a billboard is dependent entirely upon the ability to see it from an adjacent roadway, and whether its visibility is obliterated by a screen of trees, a screen of concrete or the billboard is simply cut down, the complete loss a billboard's economic value is no less.

The court disagreed. Noting that the planting of trees in its right-of-way was clearly within the powers of the Department of Transportation, the court observed that the outdoor advertising company had notice when it entered into the lease of the property that the State might plant trees or shrubs on the right-of-way in front of its signs. It ruled that this loss of view did not constitute a "taking:"

> Plaintiff fails to present any compelling reason why we should find a basis or authority for a taking based upon the "right to be seen," and we refuse to do so.

"Vegetation Control" Programs

Failing to prevail in the courts, the outdoor advertising industry has sought to achieve its goal of unimpeded visibility from the roadway through administrative procedures or favorable legislation. In this effort they have been much more successful.

Eighteen states (Alabama, California, Connecticut, Florida, Georgia, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, New Jersey, North Carolina, North Dakota, Pennsylvania, South Carolina, Tennessee, Virginia, Tennessee, and Wisconsin) now permit or require that trees be cut on the public right-of-way to provide a clear view of billboards.

For example, after losing their legal challenge in Tennessee, the outdoor advertising industry was successful in securing legislation requiring that vegetation be cut to permit a clear view for 500 feet on each side of a billboard. [Tenn. Code Ann. 54-21-119(a)]. In Florida, the Department of Transportation formulated a rule which provides a 1,000 foot billboard viewing zone on each side of a billboard, a clear zone of over one/third of a mile for each billboard [Florida DOT Rules, Chapter 14-13.006, Vegetation Management at Advertising Display]. In 1993, New York Governor Cuomo vetoed a billboard that would have mandated that a billboard be visible for five seconds from a passing vehicle traveling at the speed limit [The Buffalo News, August 5, 1993].

These "vegetation control" programs give rise to other legal questions. If vegetation on the public right-of-way is destroyed to provide better visibility for billboards, does this practice violate laws and regulations relating to highway maintenance or relinquishment of right-of-way? Does it constitute an illegal gift of public property for a non-public purpose?

Policies of the Federal Highway Administration

As trees on Interstate highways, many of which were planted with funds provided by the 1965 Highway Beautification Act, gained some size, a number of those located near billboards began to die from poisons or be cut down in the middle of the night. For example, in 1972 the Florida Department of Transportation presented testimony to the Commission on Highway Beautification showing that more than 1,500 trees had been destroyed along I-75, all in front of billboards. This vandalism was addressed by the Federal Highway Administration in their Federal-Aid Program Manual Transmittal 156, dated September 26, 1975 which urged the states to "take all legal and administrative actions at its disposal to abate these practices."

In 1976, the outdoor advertising industry proposed to eliminate the problem of illegal tree cuttings by making this practice legal. Their "environmental consultant" proposed to the FHWA what he euphemistically referred to as a "vegetation control" policy that would permit the billboard companies to destroy the public's trees in front of billboards. The industry was successful, securing a policy change in March 1977 which permitted the states to enter into "maintenance agreements" with outdoor advertising companies to cut trees and other vegetation on the right-of-way for the purpose of providing a clear view of billboards.

The Federal Highway Administration's tree destruction policy supposedly permits such cutting only "if it is consistent with State maintenance policies, good landscaping practices, and the guidance provided by the American Association of State Highway and Transportation Officials Maintenance Manual." Section 5.160 of that manual, Trees and Brush, encourages natural growth of trees on the edge of the right-of-way. There are no provisions encouraging, recommending, or even permitting the destruction of trees to make billboards more visible.

The Inspector General and General Accounting Office Reports

In August 1984, the U.S. Department of Transportation's Office of Inspector General completed its report on audit of the Highway Beautification Act in Federal Highway Administration Region 4 (the Southeast). The report specifically criticized the tree cutting policy, particularly because it prolonged the life of billboard that were supposed to be removed under the Highway Beautification Act:

> FHWA and state policies permit sign owners to clear vegetation and trees on highway right-of-way to make their signs more visible to motorists. If this practice was not permitted, more nonconforming signs would be abandoned, or

> removed with no compensation, since highway advertising media has no economic value when obscured by vegetation growth.

The General Accounting office's report of January 1985, The Outdoor Advertising Control Program Needs to Be Reassessed, also criticized the vegetation destruction program. Even so, the Federal Highway Administration refused to take any action to rescind the policy.

The Federal Highway Administration finally modified its position in 1990:

> To clear vegetation solely to improve the visibility of signs subject to removal under the Highway Beautification Program is not environmentally responsive. It is Federal Highway Administration policy to be sensitive to environmental concerns, therefore such vegetation clearance can no longer be endorsed. Direction should be provided the Division offices to assist the States in rescinding their existing vegetation clearance agreement and/or permit programs.

As might be expected, this change drew a furious response from the outdoor advertising industry and their friends in Congress, and the Federal Highway Administration quickly "unrescinded" their directive, saying that their memorandum twas only a "statement of policy" which the states could ignore.

FHWA's Obligations and Powers of Enforcement

Two basic questions arise regarding the Federal Highway Administration's policy of allowing the public's trees to be destroyed to provide a better view of billboards: What obligation does the FHWA have to insure that highways constructed under the federal-aid program are maintained in a manner consistent with public highway purposes? What powers does the FHWA have to force the states to conform with regulations and policies regarding maintenance of these highways?

Obligation to Maintain Federal-Aid Highways

The obligation to properly maintain highways built with federal aid is not optional, either with the states or the Federal Highway Administration. The United States Code (23 U.S.C. 116) requires that any highway that is built with Federal aid must be maintained by the state as long as it is part of the federal-aid system. "Maintenance" specifically includes the roadside. Further, the Code of Federal Regulations (23 CFR 1.23) requires that "All real property within the right-of-way boundaries of a project **shall be devoted exclusively to public highway purposes."** (Emphasis added.)

It is difficult to visualize how destruction of trees and other vegetation on the highway right-of-way for the sole purpose of making billboards more visible could qualify as "maintenance" or be characterized as "consistent with sound landscape practice." To the contrary, allowing the outdoor advertising companies to cut down the public's trees on

the right-of-way appears to constitute destruction of public property for a non-public, non-highway purpose.

Where the highway project specifically contained landscaping elements, the Federal Highway Administration's obligation seems to be even clearer. In 1979, the FHWA's Assistant Chief Counsel for Right-of-Way and Environmental Law determined that:

> The FHWA's concurrence is required before the State can be relieved of its obligation to maintain a federally funded landscape project . . . The removal would be governed by 23 CFR, Part 520 [Relinquishment of Highway Facilities], since such removal of vegetation would essentially amount to a relinquishment of a federally funded highway facility.

Despite this clear directive, and the authorities it cites, the Federal Highway Administration has not followed the law or its own regulations. No state that wished to destroy landscaping elements to benefit the billboard companies has ever been required to comply.

Powers of Enforcement

The powers of the Federal Highway Administration to require that the states maintain the highways in conformance with applicable laws and regulations are quite clear.

As the Assistant Chief Counsel's memorandum explained:

> If the State were to remove vegetation in violation of the above conditions, it would be in violation of 23 U.S.C. section 116. Under that section sanctions would include withholding further project approvals until maintenance is restored.

Illegal Gift of Public Property

There is also the question of whether the cutting of trees on the right-of-way to provide a clear view of billboards is an illegal gratuity under the constitutions of some states. For example, the Georgia Attorney General ruled [April 17, 1991] that this action would "possibly constitute a gratuity in violation of Art. III, Section 6, Par. 6 of the Georgia Constitution."

Conclusions

From the above discussion it seems apparent:

1. The billboard business is a use of the road, not a use of private property.

2. Outdoor advertising companies have no inherent right to be seen from the roadway.

3. The refusal of public authorities to destroy trees and other vegetation on the right-of-way to provide a clear view of billboards does not constitute a "taking."

4. There is considerable question whether "vegetation control" programs which permit such cuttings comply with federal laws and regulations dealing with maintenance of highway facilities, and whether the practice constitutes an illegal gratuity under some state constitutions.

Stock photo, Alamy.com

Just Compensation

Compensating for Sign Removal

When a billboard must be removed (or simply moved) for a highway project, its owner often seeks compensation far in excess of the worth of the billboard structure itself, creating a significant cost for taxpayers.

Amortization

Through a policy tool called amortization, local officials can allow a sign to remain in place for a set length of time before it is removed. It can continue to generate revenue during the amortization period. Once it is removed, the sign or materials can be used or reused in other locations where signs are legally permitted.

When Congress passed the Highway Beautification Act in 1965, amortization was recognized as an available method of providing billboard companies with just compensation for billboard removal, and it continues to be a federally constitutional method of compensation today. In addition, amortization for billboard removal is still permitted in many places at the state or local level.



However, in 1978, due to intense pressure from the billboard industry, Congress amended the HBA to mandate cash as the only legal payment for billboard removal along HBA-regulated highways. This congressional mandate prohibits cities, states, and other governmental entities from using amortization as a legal method of billboard removal for signs erected along HBA-regulated highways. After Congress acted for the billboard companies, many state legislatures extended this cash payment to non-HBA-regulated roads.

Under current compensation laws, states pay billboard companies fees to recover the use and enjoyment of their own publicly owned roads when a billboard is removed. Plus, when billboards must be removed for highway projects, depending on the states' eminent domain and evidentiary laws, owners often seek and receive compensation for lost future revenues far beyond the cost of the sign structure itself. This practice unjustly enriches billboard companies and effectively eliminates cash payments as an affordable option in most states, counties, and municipalities.

We believe that taxpayers should be able to control what their publicly funded highways look like, and that means that people should be able to remove signs that clutter their views, threaten their safety, and devalue their communities.

Ultimately, the dollar amount of compensation for a removed sign is a matter of state law, and lawmakers have the power and responsibility to ensure that just compensation remains fair and equitable, not only to the landowner and sign company involved but also to the taxpayers who foot the bill.



We're Here to Help

Contact us for support on signage matters in your community.

CONTACT US ⟶

Related News



About the Billboard Industry

Get the facts about the billboard business.



Billboard Facts by State

Learn about advertising standards in your state.



Safety, Economic & Environmental Concerns

Explore our growing body of research supporting concerns with the impact of billboards.



Billboard Toolkit

Read our advice and tips for tackling signage issues in your community.

SEE ALSO

White Paper: The Takings Issue in Billboard Control

White Paper: Billboard Legislation and the Takings Issue

↑ Back to top

SCENIC AMERICA

EXPLORE

Why Scenic Conservation?

Our Chapters & Affiliates

Get Involved

About Us

Contact Us

STAY INFORMED

Stay informed and up to date.
Sign up for our mailing list.

SIGN UP →

FOLLOW US

1012 14th St NW, Suite 1108
Washington, DC 20005

© 2023 Scenic America | Privacy Policy

DIV. 19-4.10. SIGNS

4.10.1. GENERAL

A. Intent

To promote public safety and welfare by regulating signs in a manner that provides reasonable protection to the visual environment and provides equal opportunity for messages to be displayed.

B. Applicability

All signs erected, installed, structural altered, or otherwise modified after the effective date of this Code. Nonconforming signs are subject to the provisions of *Sec. 6.3.4.*

C. Permit Required

Unless specifically exempted in *Sec. 4.10.3*, a sign permit must be obtained prior to erection, installation, display, structural alteration, or change of any sign.

D. Standards

1. Setbacks and Encroachments

a. District building setback requirements do not apply to signs.

b. Awning, canopy, pedestrian or projecting signs can encroach 42 inches over a public right-of-way provided that:

i. The sign cannot encroach within a vertical plane measured 2 feet from the back of the curb;

ii. The bottom edge of the sign must maintain a clearance of at least 8 feet from the finish grade level below the sign; and

iii. An air rights encroachment permit is obtained pursuant to *subsection 19-2.1.1(A)(5)* or *19-2.1.5(C)(3).*

2. Maintenance

All signs must meet the following provisions for maintenance. Signs that do not meet these provisions must be repaired or removed within 30 days after receipt of notification from the Administrator. Nonconforming signs are subject to the provisions of *Sec. 6.3.4.*

a. The area around a sign must be properly maintained so as to make the sign readily visible.

b. All non-functioning bulbs or damaged sign faces or panels must be replaced or repaired.

c. All sign copy must be maintained securely on the sign face or panel and all missing copy must be replaced.

d. All sign structures, framework, and poles must be structurally sound.

e. Prohibited cabinet signs may only provide maintenance to internal lighting.

3. Compliance with Building and Electrical Codes

All signs in their installation, maintenance, and removal must comply with the provisions of the building and electrical codes adopted by the City.

4. Display of Noncommercial Messages

Any sign authorized in this section may display a noncommercial message in lieu of other copy.

4.10.2. PROHIBITED SIGNS

Unless specifically permitted elsewhere in this section, the following signs are prohibited:

A. Rotating or animated signs involving motion or sound.

B. Flashing, blinking, or varying light intensity signs, including scrolling messages and video.

C. Signs intended to flutter in the wind to attract attention.

D. Any reflective or mirrored sign.

E. Signs that contain or are an imitation of an official traffic sign or signal.

F. Roof signs.

G. Inflatable signs.

H. Vehicle signs.

I. Pennants.

J. Snipe signs.

K. Off-premises signs.

L. Type I outdoor advertising signs, except as provided for in *Sec. 4.10.6.*

M. Flat panel, cabinet or box signs.

N. Pylon Signs

4.10.3. SIGNS NOT REQUIRING A PERMIT

A. General

1. A permit is not required for the following types of signs, provided all applicable provisions of this section are met.

2. Such signs are not considered in determining the allowable number or size of signs on a lot.

3. Signs cannot be internally illuminated.

B. Public Interest Signs

Signs of public interest, erected by or on the order of a public officer in the performance of their duty, such as public notices, safety sign, danger signs, trespassing signs, traffic and street signs, wayfinding signs, memorial plaques and signs of historical interest.

C. Signs Not Visible

Any sign internal to a development not visible from the right-of-way or neighboring property.

D. Flags

Flags are any fabric or other flexible material designed to be flown from a flagpole. Flags must meet the following standards:

1. A maximum of 3 flags are permitted per lot;
2. The flag area cannot exceed 1.5 times the height of the pole. For example, a 40-foot tall flag pole yields a maximum 60 square foot flag;
3. The maximum height of a flagpole is 40 feet, measured from the highest point of the flagpole to average adjacent grade; and
4. A freestanding flagpole must be set back from a lot line a distance equal to the height of the pole. For example, a flagpole 40 feet in height must be set back at least 40 feet from a lot line.

E. Sidewalk Signs

A sidewalk sign is a movable sign wholly independent of a building for support but not permanently secured or attached to the ground. Sidewalk signs must meet the following standards:

1. The sign cannot exceed 6 square feet in area, 3 feet in height and 2 feet width;
2. The sign must be placed along a building facade with a customer entrance to a tenant space;
3. The sign cannot be placed more than 12 feet from the building facade;
4. One sidewalk sign is permitted for each street facing entrance, and no more than one may be placed per business on the same street face;
5. The sign must be removed and placed indoors at the close of each business day; and
6. The sign cannot be illuminated.
7. The sign cannot impair the ability of pedestrians or cyclist to use the sidewalk. There must be a minimum of 6 feet of clear distance of sidewalk at all times.

F. Small Temporary Signs

A small temporary sign is any sign with a sign area of 12 square feet or less, which is placed to advertise, announce, or pertains to a specific event or occurrence, which is not designed or intended to be placed permanently. Any temporary sign with a sign area larger than 12 square feet is considered a large temporary sign and must meet the standards of *Sec. 4.10.4*.

1. **House-Scale and Neighborhood-Scale Districts**

   In a House-Scale and Neighborhood-Scale District, small temporary must meet the following standards:

   a. Maximum total sign area of 12 square feet per lot.

   b. Maximum area of an individual sign is 6 feet.

   c. Maximum of 2 small temporary signs are allowed per lot.

   d. Small temporary signs may be installed for a period not exceeding 60 consecutive calendar days, up to 2 times per 12 month period.

   e. No internal or external illumination of small temporary signs is permitted.

2. **All Other Districts**

   In a Community-Scale, Mixed Use, Shopfront Mixed Use, Business, Industrial or Special District, small temporary must meet the following standards:

   a. Lots are granted up to 32 square feet of small temporary sign area per street frontage without a permit.

   b. The number of small temporary signs allowed on a lot is unrestricted.

   c. Small temporary signs may be used for a period not exceeding 60 consecutive calendar days, up to 2 times per any 12 month period. Additional posting time may be allowed by the Administrator, provided a temporary activity on the site is continuing or an emergency circumstance warrants the additional signage duration for a public purpose.

G. Home Occupation Signs

One non-illuminated sign is permitted for each home occupation provided the sign face does not exceed 2 square feet in area and that such sign is mounted flat against the wall of the principal structure.

H. Public Art

Works of art that do not constitute advertising, including murals or other works of art that include an allowed sign within the work of art.

I. Other Signs

1. Wall signs located at a service entrance provided there is not more than 1 per business and the sign does not exceed 4 square feet in area.

2. Window signs not exceeding 2 square feet.

3. Signs under 10 square feet associated with community wayfinding and amenities within RH- and RN- districts are permitted.

4.10.4. PERMANENT AND LARGE TEMPORARY SIGNS

A. District Permissions

1. The following signs are allowed by district category. Signs in the Downtown Design (-DD) overlay district require a Major Urban Design Certificate of Appropriateness. Signs in a Preservation (-P) overlay district require a Major Historic Certificate of Appropriateness, see *Div. 19-6.2.*

PERMANENT SIGNS	House-Scale	Neighborhood-Scale	Community-Scale	Mixed Use	Shopfront Mixed Use	Business	Industrial	Special	Definition and Standards
Building Signs									
Window	--	◘	◘	■	■	■	■	■	*Sec 4.10.4.C.*
Wall	◘	◘	◘	■	■	■	■	■	*Sec 4.10.4.D.*
Awning	◘	◘	◘	■	■	■	■	■	*Sec 4.10.4.E.*
Canopy	◘	◘	◘	■	■	■	■	■	*Sec 4.10.4.F.*
Crown	--	--	--	■	■	■	■	■	*Sec 4.10.4.G.*
Painted Wall	◘	◘	◘	■	■	■	■	■	*Sec 4.10.4.H.*
Pedestrian	--	--	--	■	■	■	■	■	*Sec 4.10.4.I.*
Projecting	--	--	--	■	■	■	--	--	*Sec 4.10.4.J.*
Freestanding Signs									
Entrance	■	■	■	■	■	■	■	■	*Sec 4.10.4.K.*
Monument	--	--	■	■	■	■	■	■	*Sec 4.10.4.L.*
Post	--	--	■	■	■	■	■	■	*Sec 4.10.4.M.*
Suspended	--	--	■	■	■	■	■	■	*Sec 4.10.4.N.*

■ = Sign type allowed ◘ = Sign type allowed for nonresidential uses only -- = Sign type not allowed

B. Sign Categories

1. Building Signs

Building signs include window, wall, awning, canopy, crown, painted wall, pedestrian and projecting sign types.

2. Freestanding Signs

Freestanding Signs include entrance, monument, post, and suspended sign types.

C. WINDOW SIGN



1. DESCRIPTION

A sign which is painted on, applied to, attached to or projected upon the glass area of a building facade, including doors, or located within 12 inches of the interior of a window.

2. GENERAL STANDARDS

a. Window signs may be displayed in ground floor windows only.

b. No combination of temporary and permanent window signs may cover more than 20% of any window panel.

3. NUMBER OF SIGNS

Maximum of 2 per lot or per 30' of building frontage, whichever is greater.

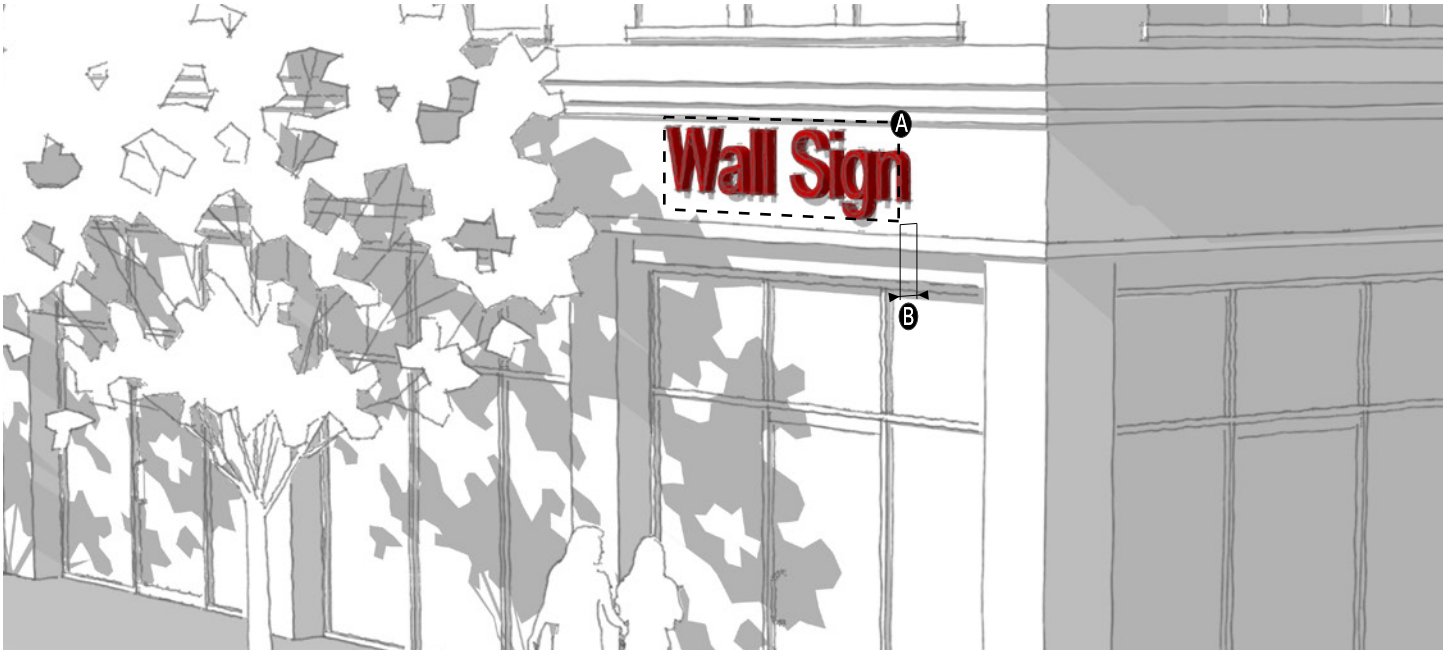
4. TOTAL SIGN AREA

Combined area of all window, wall, painted wall, awning, canopy and projecting signs (max)	1.5 SF per linear foot of building frontage or 32 sf, whichever is greater.

5. SIGN DIMENSIONS

A	Area per sign with an opaque background (max)	10 SF
B	Area per sign with no background (max)	None
	Area per internally illuminated or exposed neon sign (max)	4 SF

D. WALL SIGN



1. DESCRIPTION

A sign attached flat and parallel to the exterior wall of a building or structure, extending no more than 12 inches from the wall.

2. GENERAL STANDARDS

a. Not allowed above roof line or parapet.

b. May only be displayed on facades that include a customer entrance or the appearance of display windows.

c. Must contain dimensional copy that projects at least 0.5 inches through either sandblasting or projecting letters.

3. NUMBER OF SIGNS

Maximum of 1 per lot or 30' of building frontage, whichever is greater.

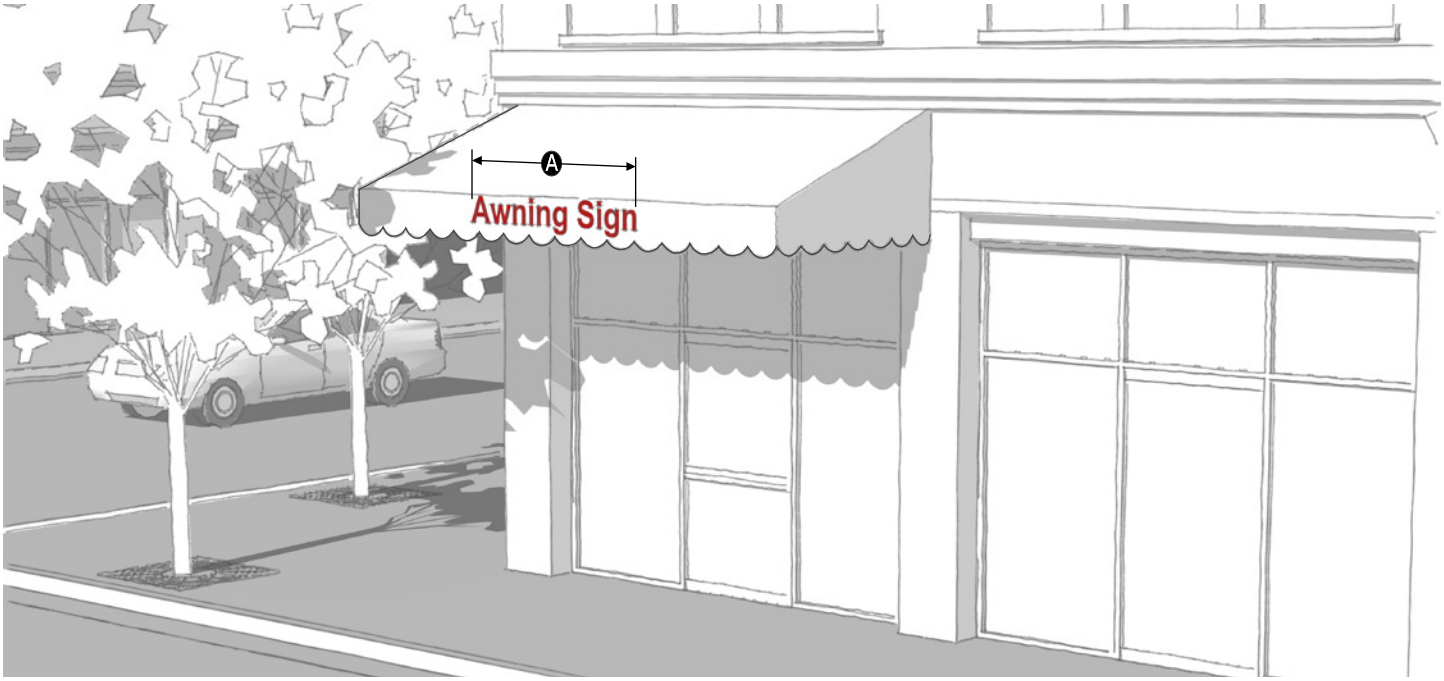
4. TOTAL SIGN AREA

Combined area of all window, wall, painted wall, awning, canopy and projecting signs (max)	1.5 SF per linear foot of building frontage or 32 sf, whichever is greater.

5. INDIVIDUAL SIGN DIMENSIONS

A	Area (max)	50 SF
B	Projection width (max)	1 foot

E. AWNING SIGN



1. DESCRIPTION
A sign where graphics or symbols are painted, sewn, or otherwise adhered to the material of an awning as an integrated part of the awning itself.

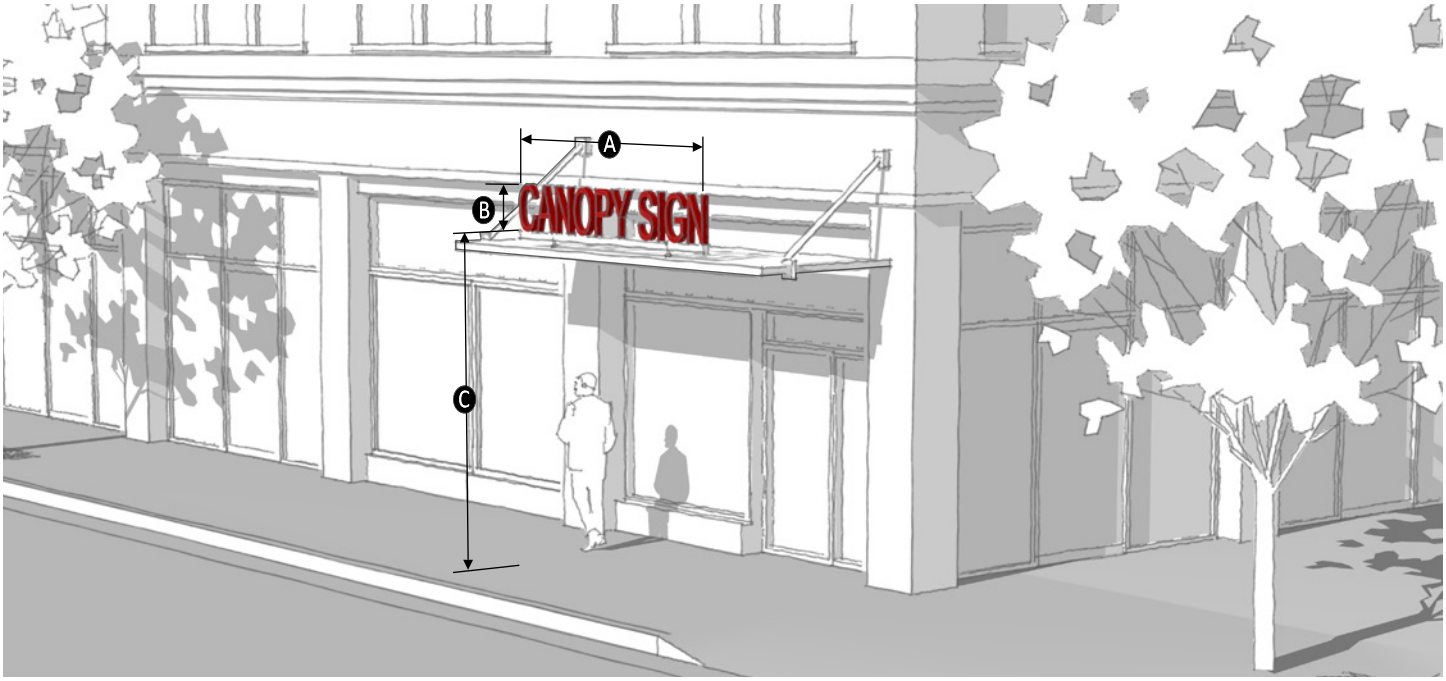
2. GENERAL STANDARDS
a. Must be placed on the face or the valance of the awning that are parallel to the building face.
b. Cannot be illuminated.
c. Only awnings over ground-story doors or windows may contain signs.

3. QUANTITY
Maximum of 1 per awning.

4. TOTAL SIGN AREA	
Combined area of all window, wall, painted wall, awning, canopy and projecting signs (max)	1.5 SF per linear foot of building frontage or 32 sf, whichever is greater.

5. INDIVIDUAL SIGN DIMENSIONS	
A Width (max)	60% of the awning width

F. CANOPY SIGN



1. DESCRIPTION

A sign attached to a canopy with a display surface parallel to the plane of the building facade.

2. GENERAL STANDARDS

a. Only canopies over ground-story doors or windows may contain a sign.

b. A canopy sign may be externally and internally illuminated ~~in accordance with Sec. XX, Lighting.~~

3. QUANTITY

Maximum of 1 per canopy.

4. TOTAL SIGN AREA

Combined area of all window, wall, painted wall, awning, canopy and projecting signs (max.)	1.5 SF per linear foot of building frontage or 32 sf, whichever is greater.

5. INDIVIDUAL SIGN DIMENSIONS

A	Width (max)	60% of the canopy width
B	Height (max)	3 feet
C	Clear height above sidewalk (min)	9 feet
	Clear height above parking area or driveway (min)	14 feet

G. CROWN SIGN



1. DESCRIPTION

A sign painted on, or attached flat and parallel to, the exterior wall of a building or structure that is located at the top of a building facade. The display surface of which does not extend more than 2 feet from the outside wall of the building or structure.

2. GENERAL STANDARDS

a. Must be 30 feet above grade.

b. A crown sign must be hand-painted, consist of channel letters, or have lettering and details which extend a minimum of 2 inches from the surface of the building facade.

3. NUMBER OF SIGNS

2 per lot and 1 per building facade

4. INDIVIDUAL SIGN DIMENSIONS

A	Area (max)	350 SF

H. PAINTED WALL SIGN



1. DESCRIPTION

A sign painted on the exterior wall of a building or structure.

2. GENERAL STANDARDS

a. If a painted wall sign is located within a mural, only areas including text count toward the sign area.

b. Painted wall signs located within a mural must be approved by Arts in Public Places.

3. NUMBER OF SIGNS

Maximum of 1 per lot or 30' of building frontage, whichever is greater.

4. TOTAL SIGN AREA

Combined area of all window, wall, painted wall, awning, canopy and projecting signs (max)	1.5 SF per linear foot of building frontage or 32 sf, whichever is greater.

5. INDIVIDUAL SIGN DIMENSIONS

A	Area (max)	
	Ground story	50 SF
	Upper story	100 SF

I. PEDESTRIAN SIGN



1. DESCRIPTION

A sign that is attached approximately perpendicular to the exterior wall of a building or structure, typically extending 12 inches or more from the wall.

2. GENERAL STANDARDS

a. Must be located below the window sills of the 2nd story on a multi-story building or below the roof line on a single story building.

b. Must be located within 5 feet of a ground story tenant entrance.

c. Must be located at least 15 feet from any other shingle sign or projecting sign.

d. Must contain dimensional copy that projects at least 0.5 inches through either sandblasting or projecting letters.

e. Cannot not be internally illuminated.

3. NUMBER OF SIGNS

Maximum of 1 per building entrance

4. INDIVIDUAL SIGN DIMENSIONS

A	Area (max)	10 square feet
B	Clear height above sidewalk (min)	9 feet
	Clear height above parking area or driveway (min)	14 feet

J. PROJECTING SIGN



1. DESCRIPTION

A sign that is attached approximately perpendicular to the exterior wall of a building or structure, typically extending 12 inches or more from the wall that does not meet the standards for a pedestrian sign.

2. GENERAL STANDARDS

a. Not allowed above roof line or parapet.

b. Must contain dimensional copy that projects at least 0.5 inches through either sandblasting or projecting letters.

3. NUMBER OF SIGNS

Maximum of 1 per building entrance

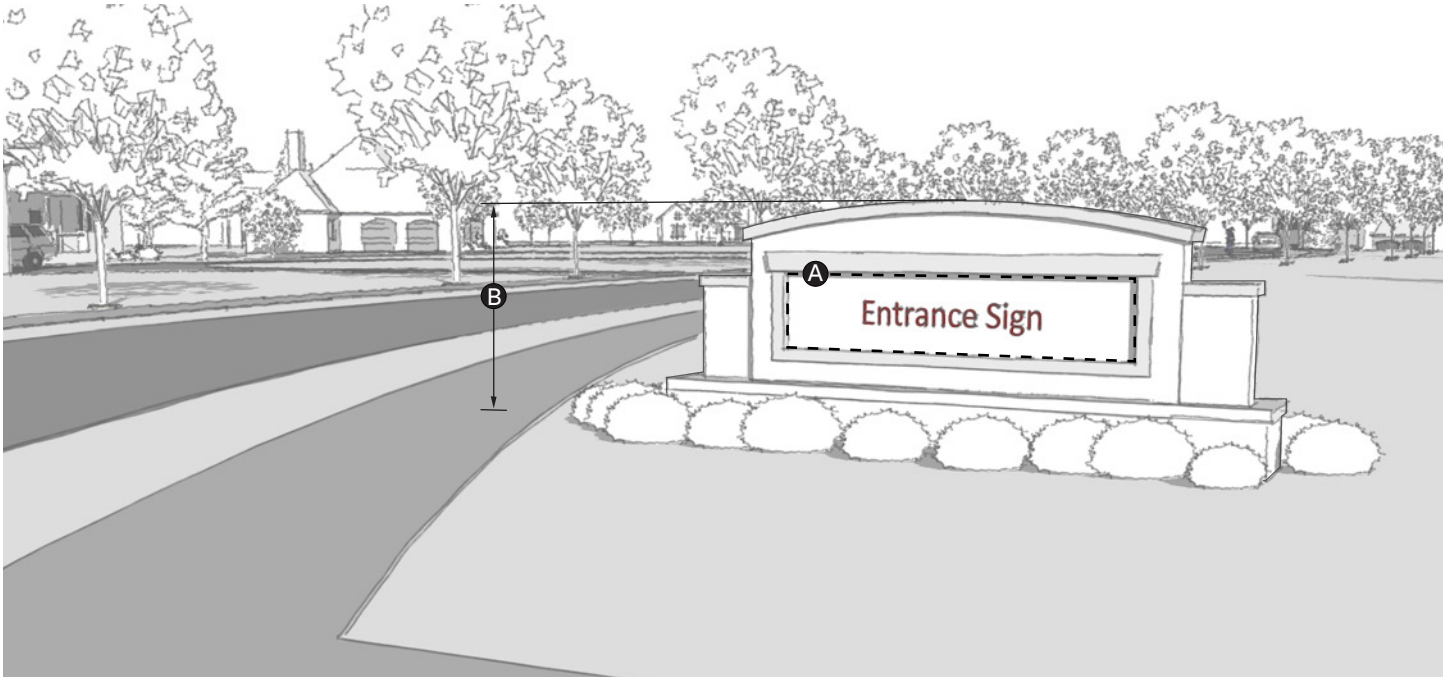
4. TOTAL SIGN AREA

Combined area of all window, wall, painted wall, awning, canopy and projecting signs (max)	1.5 SF per linear foot of building frontage or 32 sf, whichever is greater.

5. INDIVIDUAL SIGN DIMENSIONS

A	Area (max)	50 square feet
B	Clear height above sidewalk (min)	9 feet
	Clear height above parking area or driveway (min)	14 feet

K. ENTRANCE SIGN



1. DESCRIPTION

A freestanding sign which has a solid base and is attached to the ground along its entire length that is placed near a driveway or pedestrian accessway into a development from a public right-of-way.

2. GENERAL STANDARDS

a. Cannot extend within 2 feet of a street right-of-way.

b. Cannot obstruct vision between a height of 3 feet and 9 feet, measured from street grade closest to the sign, within the sight triangle.

c. Signs may be illuminated internally, provided the background is opaque allowing only the letters and logo to light, or with a shielded spot light located at the base of the sign.

d. Not permitted with a single unit living use except at the entrance to a subdivision.

e. Must contain dimensional copy that projects at least 0.5 inches through either sandblasting or projecting letters.

f. Letters must have a minimum height of 9 inches.

g. Landscaping is required around the base of the sign.

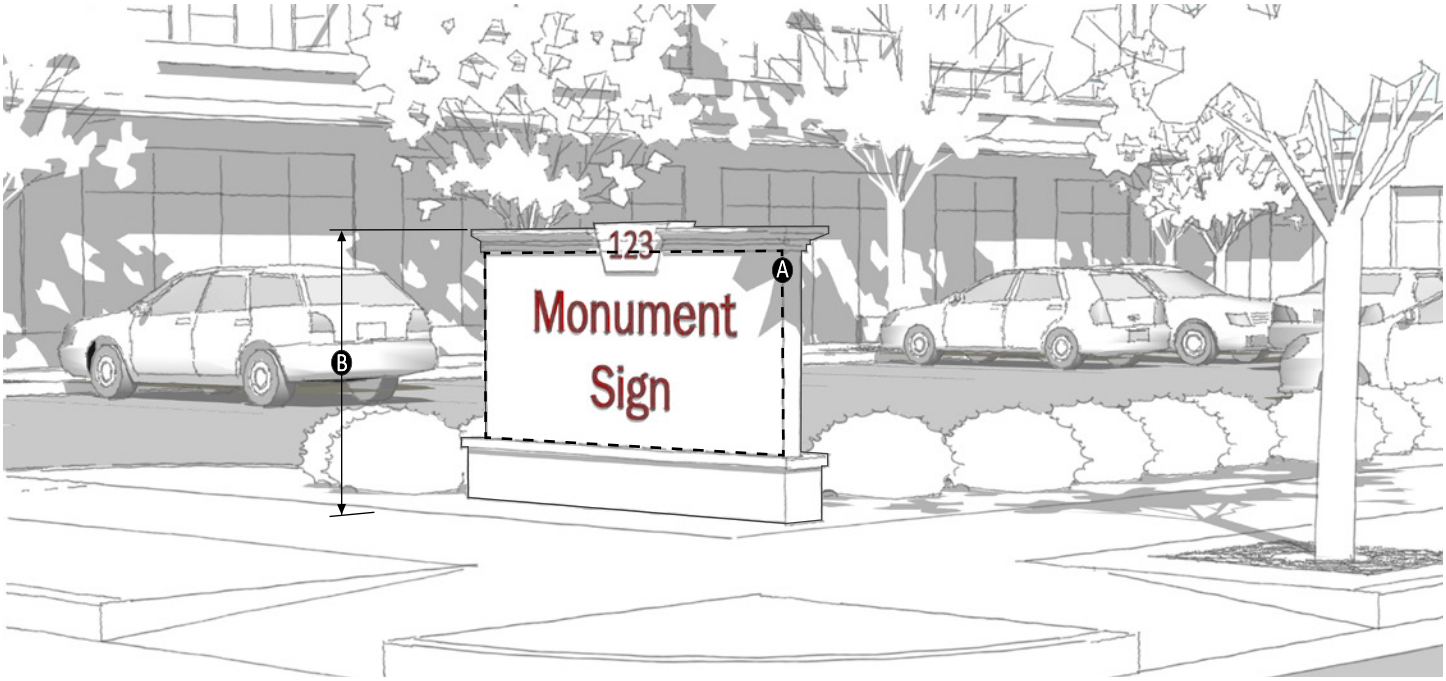
3. NUMBER OF SIGNS

Combined number of freestanding signs (max.)	2 per street front for a multi-tenant development or 1 per street front for a freestanding business or use.

4. INDIVIDUAL SIGN DIMENSIONS

A	Area (max)	25 SF
B	Height (max)	6 feet

L. MONUMENT SIGN



1. DESCRIPTION

A freestanding sign which has a solid base and is attached to the ground along its entire length and that does not meet the description of a entrance sign.

2. GENERAL STANDARDS

a. Cannot extend within 2 feet of a street right-of-way.

b. Cannot obstruct vision between a height of 3 feet and 9 feet, measured from street grade closest to the sign, within the sight triangle.

c. Signs may be illuminated internally, provided the background is opaque allowing only the letters and logo to light, or with a shielded spot light located at the base of the sign.

d. Must contain dimensional copy that projects at least 0.5 inches through either sandblasting or projecting letters.

e. Letters must have a minimum height of 9 inches.

f. Sign must include street address.

3. NUMBER OF SIGNS

Combined number of freestanding signs (max)	2 per street front for a multi-tenant development or 1 per street front for a freestanding business or use.

4. INDIVIDUAL SIGN DIMENSIONS

Ⓐ Area (max)	
Community-Scale, Mixed Use, and Shopfront Mixed Use Districts	25 SF
Business, Industrial, and Special Districts	64 SF
Ⓑ Height (max)	
Community-Scale, Mixed Use, and Shopfront Mixed Use Districts	6 feet
Business, Industrial, and Special Districts	16 feet

M. POST SIGN



1. DESCRIPTION

A low profile freestanding sign mounted on 2 poles placed at the outermost sides of the sign face. A post sign is similar to a monument sign except that the base is not solid.

2. GENERAL STANDARDS

a. Cannot extend within 2 feet of a street right-of-way.

b. Cannot obstruct vision between a height of 3 feet and 9 feet, measured from street grade closest to the sign, within the sight triangle.

c. Signs may be illuminated with a shielded spot light located at the base of the sign.

d. Must contain dimensional copy that projects at least 0.5 inches through either sandblasting or projecting letters.

e. Letters must have a minimum height of 9 inches.

f. Sign must include street address.

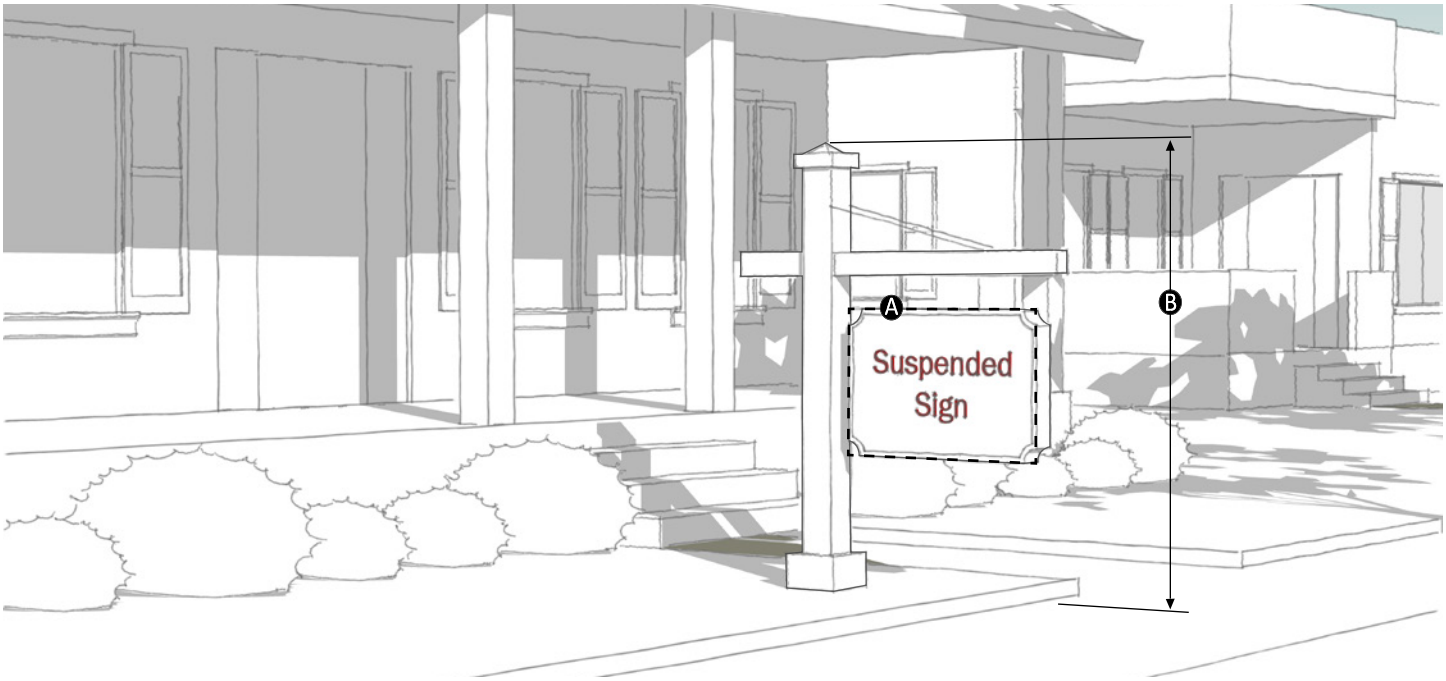
3. NUMBER OF SIGNS

Combined number of freestanding signs (max)	2 per street front for a multi-tenant development or 1 per street front for a freestanding business or use.

4. INDIVIDUAL SIGN DIMENSIONS

A	Area (max)	25 square feet
B	Height (max)	6 feet

N. SUSPENDED SIGN



1. DESCRIPTION

A freestanding sign comprised of a vertical pole, a horizontal decorative sign support, and a suspended sign face.

2. GENERAL STANDARDS

a. Cannot extend within 2 feet of a street right-of-way.

b. Cannot obstruct vision between a height of 3 feet and 9 feet, measured from street grade closest to the sign, within the sight triangle.

c. Signs may be illuminated with a shielded spot light located at the base of the sign.

d. Must contain dimensional copy that projects at least 0.5 inches through either sandblasting or projecting letters.

3. NUMBER OF SIGNS

Combined number of freestanding signs (max)	2 per street front for a multi-tenant development or 1 per street front for a freestanding business or use.

4. INDIVIDUAL SIGN DIMENSIONS

A	Area (max)	16 square feet
B	Height (max)	8 feet

O. Large Temporary Signs

1. Large temporary signs must comply with all standards of the associated permanent sign type.
2. Large temporary signs may be used for a period not exceeding 30 consecutive calendar days, up to 4 times per any 12 month period. Additional posting time may be allowed by the Administrator, provided a temporary activity on the site is continuing or an emergency circumstance warrants the additional signage duration for a public purpose.
3. Any temporary sign with a total area of less than 32 square feet is considered a small temporary sign and does not require a sign permit.
4. Large temporary signs must be a window, wall, entrance, monument, post, or suspended sign. No temporary awning, canopy, painted wall, pedestrian, or projecting sign is permitted.
5. To determine which types of large temporary signs are permitted in a district, see the District Permissions table.

P. Landmark Signs

A sign that exhibits unique characteristics that enhance the streetscape or identity of a neighborhood and as such contributes to the historical or cultural character of the area or the community at large.

1. In order the be designated a landmark sign, a sign must meet at least 1 of the following criteria:
   a. It was expressly designed for the business, institution or other establishment at that location;
   b. It bears a national emblem, logo or other graphic that is no longer used by the company; or
   c. It is a remnant of an advertising program that is no longer used by the parent company.
2. The sign must be approved by the Historic Review Board as a landmark sign.
3. The sign must have been erected 50 years prior to the current calendar year.
4. The sign must comply with all provisions of *Sec. 4.10.1.D.*
5. The sign does not count toward total sign area or number of signs on a lot.

Q. Alternative Design Signs

In Mixed Use (MX-) and Shopfront Mixed Use (MXS-) districts, an alternative signage design that does not readily adhere to the sign types in the Section may be considered by the Administrator. The design must meet the following criteria:

1. The sign must serve to enhance the streetscape or the cultural character of a neighborhood or the community at large.
2. The sign must comply with all provisions of *Sec. 4.10.1.D.*

R. Electronic Message Boards and Pre-Menu and Menu Boards

Electronic message boards and pre-menu and menu boards must incorporate a photo cell, or similar technology, that adjusts brightness of the sign relative to outdoor ambient light, and may be included on monument and post signs, subject to the following conditions.

1. Electronic Message Boards

a. When such signs are to be located within a MX-, MXS-, BG, BH, IX, IG, CV, CM, or PK District, the area of the electronic sign face must not exceed 30 percent of the overall sign face, and the electronic message must maintain a static message for at least 6 seconds, and must not employ ~~utilize~~ any of the techniques prohibited by *Sec. 4.10.2.*

b. When such signs are to be located in the RH-, RN-, RC- District, such signs may be approved only as a special exception by the Board of Zoning Appeals provided that the sign conforms to the following standards:

i. The area of the electronic sign face must not exceed 30 percent of the overall sign face area;

ii. The electronic message must maintain a static message for at least 12 seconds;

iii. The sign must not display a message between 9:00 p.m. and 6:00 a.m.;

iv. The sign must not utilize any of the techniques prohibited by *Sec. 4.10.2.*

v. The size of such signs may not exceed the limits provided in subsection 19-6.6.4(C)(6)(d), unless an exception to the sign standards is granted pursuant to subsection 19-6.6.4(C)(7).

2. Pre-Menu and Menu Boards

a. One pre-menu board and one menu board in conjunction with each drive-thru lane count toward the maximum signage for a property, subject to the following standards:

i. Maximum sign area is 48 square feet.

ii. Maximum sign height is 8 feet.

iii. Pre-menu and menu boards are be set back a minimum of 15 feet from the street right-of-way line and from lot lines of abutting property improved with non-residential uses.

iv. At any time when the drive-thru use is closed to the public, the pre-menu and menu board are turned off and remain off until the drive-thru use is open to the public.

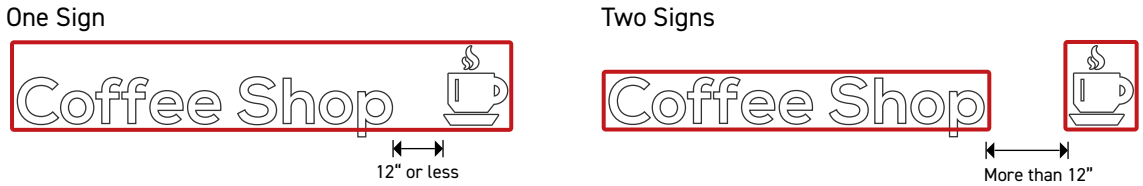
v. Speakers are directed away from adjacent residential dwellings and noise is subject to provisions of Chapter 16, Article II, Division 3, Noise of the Municipal Code.

vi. Pre-menu and menu boards must be ~~are~~ skirted to the ground with permitted materials.

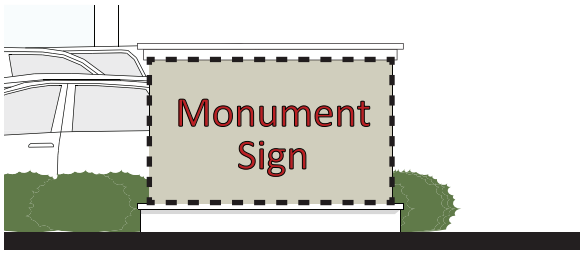
4.10.5. MEASUREMENT

A. Sign Area

1. For window signs, wall signs, painted wall signs, canopy signs and awning signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses the letters or images as shown below. Images, logos or text greater than 12 inches apart are calculated as separate signs for the purposes of calculating individual sign area.



2. For signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure on which it is mounted. Includes the face of the structure that the message is affixed to, not including any supports, bracing or street number.



3. For a sign that is 2-sided, back-to-back or V-type, only the area of the largest sign face is computed as part of the sign area. If the sign face angle on a V-type sign is more than a 60 degrees, sign area is computed by adding together the area of all sign faces.

B. Sign Height

1. The height of an freestanding sign is measured from the highest point of the sign or supporting structure to the top of the nearest sidewalk or crown of the road when no sidewalk exists.



C. Relief

D. A sign standard may be modified by up to 10% in accordance with *Sec. 6.2.14.*

E. A change beyond 10% may be requested in accordance with *Sec. 6.2.15.*

4.10.6. OUTDOOR ADVERTISING SIGNS

A. Type I Signs

1. Spacing: Minimum Distance from Certain Uses

Type I outdoor advertising signs must not be located closer than 1,000 feet to another Type I outdoor advertising sign or an historic property listed on the national register, a Preservation (-P) overlay district, or a public park; or closer than 500 feet to a residential district or cemetery, the Downtown Design (-DD) overlay district, or the right-of-way of I-385, I-185, Pleasantburg Drive, Pete Hollis Highway, Mills Avenue, Haywood Road, Woodruff Road, Verdae Boulevard, Church Street or Roper Mountain Road. These distances are computed whether the existing sign or protected use is within the City limits or not.

2. Districts Where Permitted

Type I outdoor advertising signs are permitted in BG, IX and IG districts.

3. Maximum Area

No single sign face shall exceed 378 square feet in area. Extended advertising area must not exceed 50 square feet in area.

4. Maximum Height

Type I outdoor advertising signs must not exceed 35 feet in height.

5. Setback

All parts of a Type I outdoor advertising sign must be located no closer than 15 feet from a public right-of-way.

6. Number of Faces

Two faces are allowed per Type I outdoor advertising sign structure. These faces must be parallel to each other or at an interior angle to one another not greater than 60 degrees. There must be no double-decker or side-by-side Type I outdoor advertising signs.

7. Signs Not to be Counted as Part of Total Number of Allowed On-Premises Signs

Type I outdoor advertising signs do not count toward the total number of permanent signs allowed on the premises on which they are located.

8. Maximum Number

The maximum number of Type I outdoor advertising signs permitted within the City must not exceed the maximum number of legally-established conforming Type I outdoor advertising signs existing on June 11, 2001. However, in the event that unincorporated areas are annexed into the City, the total number of allowable Type I outdoor advertising signs must be increased by the number of legally-established conforming Type I outdoor advertising signs existing in the territories annexed on the effective date of annexation.

9. **Determination of Maximum**

   a. All conforming Type I outdoor advertising signs existing on June 11, 2001, must be re-permitted for purposes of determining the maximum number of allowed signs. By August 31, 2001, the sign owners must submit to the City the following information for each existing Type I outdoor advertising sign:

      i. Location (e.g., address and/or tax map number of parcel);

      ii. Size of each sign face, excluding extended advertising space;

      iii. Height of each sign;

      iv. Name, address and telephone number of the owner of each sign, and the same information of any person having a security interest in each sign;

      v. If the parcel on which a sign is located is not owned by the owner of the sign, the remaining term of the lease;

      vi. Digital or professionally processed color photographs of each sign face and sign structure that has such quality and clarity as to make identification reliable; and

      vii. Date of erection of sign.

   b. Any existing Type I outdoor advertising sign that is not re-permitted will be classified as a prohibited and illegal sign and must be completely removed within 60 days of notification to the sign owner.

10. **New Signs as Replacements**

   a. A sign permit is required for the construction and erection of Type I outdoor advertising signs. No permit to construct or erect a Type I sign will be issued until the City has verified that at least one existing Type I outdoor advertising sign has been completely removed.

   b. The maximum area allowed for sign faces of new Type I signs as replacements must not exceed the sign face area of the sign being replaced or the maximum area allowed in subsection 19-6.6.5(A)(5) whichever is less.

   c. The construction or erection of a Type I outdoor advertising sign must be completed within the time frame of the sign permit.

11. **Zoning Amendments for Type I Sign Locations**

   a. The owner of a Type I sign may apply to City Council for authorization to remove the sign and to replace it with another Type I sign at the same or different location when the site of the replacement sign would not otherwise permit the use under this section, provided the application is submitted in accordance with the process for zoning amendments under this Code.

   b. The owner of a Type I sign may apply to City Council for authorization to remove the sign and replace it with another Type I sign at the same location or at a comparable location without the necessity of treating the matter as a zoning amendment for action by City Council, which may be taken by resolution. The City Council in its discretion may also authorize the use of LED lighting, or comparable digital luminance, for the face of the sign in such instances with due regard to nearby land uses and the compatibility of the proposed luminance with those uses. If the application for the replacement of Type I signs results in a reduction in the total number of sign faces in the City, then City Council may allow an increase in the height and face size of individual replacement signs beyond what is otherwise permitted under this section.

c. No approval will be granted for a proposed new location of the replacement sign unless the sign owner first makes an affirmative showing that the replacement sign will be "aesthetically compatible" with the area where it is to be located and that the sign will not adversely impact public safety as a consequence of its design, construction, or placement. Approval for a replacement sign at the same location will consider factors similar to those provided in this section for a new location, but also take into consideration the benefits arising from the improved appearance of a nonconforming sign at the same location or the removal of signs at other locations.

d. For purposes of determining whether the proposed sign will be "aesthetically compatible", City Council must consider the following:

   i. The height of the sign in relation to the height of surrounding structures and vegetation;

   ii. The vertical elevation of the sign site in relation to the elevation of nearby properties;

   iii. The sight distance from nearby properties to the sign's site;

   iv. The sign's potential for blocking views otherwise available to occupants of nearby properties;

   v. The sign's potential for blocking views otherwise available to motorists and pedestrians on nearby streets and sidewalks;

   vi. The extent of the sign's reasonably anticipated impact on the values of nearby properties;

   vii. The suitability of the sign's proportions and structural design for the character of nearby uses authorized under existing zoning and the City's land use plan; and

   viii. Other comparable and reasonable considerations relevant to the proposed sign site and the uses and designs of nearby properties and nearby rights-of-way.

e. The City Council's approval may establish conditions on the appearance, location, and positioning of the replacement sign needed to ensure compliance with the purposes of this subsection.

12. **Federal Aid Highways**

Implementation of this section are subject to federal and state statutes otherwise applicable to Type I signs.

B. Type II Signs

Type II outdoor advertising signs are permitted on City-approved public transportation shelters only.

233.04 Permits Required

Sign permits are required for all signs, unless expressly exempted under Section 233.08 or otherwise provided by this Code. A building permit application for a new sign or change in sign panel/face shall be approved by the Planning Division prior to installation and issuance of a building permit by the Building and Safety Department.

A. **Sign Permit**. A complete sign application shall include the following information:

1. Two sets of fully-dimensioned plans drawn to scale. The plans shall include the following:

a. Site plan indicating the location of all proposed signs, as well as the size and location of existing signs on the site. Photographs should be submitted if available.

b. Sign elevations, indicating overall square footage and letter/figure dimensions, letter style, color (indicate standard color number if applicable), materials, proposed copy and illumination method.

c. Dimensioned building elevations with existing and proposed signs depicted.

2. Property owner approval in the form of a letter or signature on the plans, approving the proposed signs and authorizing submission of the sign application.

3. For wall signs, method of attachment; for freestanding signs, foundation plan, sign support and attachment plan.

4. Type and method of electrical insulation devices, where applicable.

5. Any design modifications from the requirements of this chapter that have been approved shall be noted, and compliance with the Planned Sign Program, limited sign permit, or sign code exception shall be demonstrated.

B. **Planned Sign Program**. Review and approval of a Planned Sign Program pursuant to Section 233.20 is required for a sign permit for the following requests:

1. A site with five or more nonresidential businesses or uses.

2. A site with two or more freestanding identification signs where there is a request for a new freestanding sign.

3. Commercial properties with 1,300 feet or more on one street frontage requesting more freestanding signs than allowed pursuant to Section 233.06.

4. Consolidated subdivision directional signs identifying multiple projects on multiple sign panels.

5. Service stations.

6. Wall signs for second floor businesses with exterior access.

7. Wall signs installed on a building wall not adjacent to the business suite.

C. **Sign Code Exception**. The Director may grant approval for a sign code exception of not more than 20% in sign height or sign area. Ten working days prior to submittal for a building permit, applicant shall notice adjacent property owners and tenants by first class mail. Notice of application shall include the following:

1. Name of applicant.

2. Location of planned development or use, including address.

3. Nature of the proposed development shall be fully disclosed in the notice.

4. Planning department phone number and address of City Hall shall be provided in the notice to call for viewing plans.

5. The date by which any comments must be received in writing by the Planning Department.

6. Planning Director shall receive entire list including name and address of those receiving the mailing.

7. The Design Review Board shall review and render a recommendation to the Director for sign code exception requests of more than 20% in sign height or sign area supergraphics, three-dimensional signs, and relief from the strict application of Section 233.06. Neighborhood notification required pursuant to Chapter 241. The following findings shall be made prior to approval of any sign code exception:

a. The sign is compatible with the character of the area and is needed due to special circumstances defined by the applicant and applicable to the property.

b. The sign will not adversely affect other signs in the area.

c. The sign will not be detrimental to properties located in the vicinity.

d. The sign will not obstruct vehicular or pedestrian traffic visibility and will not be a hazardous distraction.

D. **Limited Sign Permit**. The owner of a sign which does not conform to the provisions of Section 233.06 may file an application for a limited sign permit to the Director for permission to change the face or copy of such sign. A limited sign permit cannot be processed for an illegal sign or a prohibited sign listed in Section 233.10. The Director may approve the face change and extend a sign's use for a time period deemed appropriate, not to exceed two years. A sign permit shall be obtained pursuant to Section 233.04(A) prior to installation of the new sign panel/face.

A cash bond in an amount determined by the Director to reflect the cost of removal based on information provided by a sign company shall be required to guarantee the sign's removal upon expiration of the limited sign permit. Approval shall be subject to the following findings:

1. Due to unique circumstances, the sign's immediate removal will result in a substantial hardship for the applicant.

2. The sign will not adversely affect other lawfully erected signs in the area.

3. The sign will not be detrimental to properties located in the vicinity.

4. The sign will be in keeping with the character of the surrounding area.

5. The sign will not obstruct vehicular or pedestrian traffic visibility and will not be a hazardous distraction.

E. **Design Review Board**. The Design Review Board (DRB) shall review and render a recommendation to the appropriate decision maker (Zoning Administrator, Director, Planning Commission, etc.) on the following items prior to issuance of a permit by the Planning and/or Building and Safety Departments for the following:

1. Electronic readerboard signs.

2. Signs on properties within the following areas:

   a. Areas subject to specific plans which do not include specific guidelines for signs;

   b. OS-PR (Open Space-Parks and Recreation) and OS-S (Open Space-Shoreline districts); and

   c. Any other area designated by the City Council.

3. DRB review or approval shall not be required for signs in Redevelopment Agency project areas.

F. **Temporary Sign Permits**. The Director may issue a temporary sign permit valid for up to 30 days, if it is found that the temporary sign is necessary to establish or maintain identity until a permanent sign can be erected. Extensions of the 30-day permit may be granted at the discretion of the Director. The Director may also approve a temporary sign permit for the following temporary signs provided the signs conform with the standards defined in Section 233.06:

1. Signs necessary to avoid a dangerous condition, including directional signs during construction.

2. Signs pertaining to a use permitted by a temporary use permit.

3. Promotional activity signs that comply with Section 233.18 are permitted up to a maximum of 90 days per calendar year. (3334-6/97, 3360-12/97, 3527-2/02, 3711-6/05, 3826-4/09, 3872-3/10, 4097-10/16)

Contact:

City Clerk: 714-536-5227

Published by Quality Code Publishing, Seattle, WA. By using this site, you agree to the terms of use.

Missoula:

20.75.160 Billboards

A. Purpose

The billboards regulations of this section chapter are intended to protect the health, safety, and general welfare of the people residing in and visiting the city and to protect property values, enhance the appearance of the city and promote the tourist industry by limiting the locations at which billboard signs may be allowed to exist within Missoula.

B. Prohibited Locations

Billboards may not be installed or enlarged after February 14, 1985 within any zoning district in the City of Missoula.

C. Nonconforming Billboards in R, OP, B and CBD Districts

1. All billboards in place within any OP, B, CBD or any R zoning district must be removed by February 14, 1985.

2. Whenever a parcel containing any lawfully established billboard is rezoned or annexed and zoned to an R, OP, B or CBD zoning classification the billboard must be removed.

D. Nonconforming Billboards in C and M Districts

All lawfully established billboards in place within any C or M zoning districts may remain in place.

E. Enforcement Adjacent to Highways

Unless the City Council directs otherwise, the provisions of 20.75.160C may not be enforced within 660 feet of federal-aid primary or interstate highways in the city if, as of the date at which enforcement is begun, federal law provides for the automatic imposition of penalties against the city or the state upon the uncompensated abatement of billboards and off-premises signs located within the 660-foot strip of land on either side of such highways.

F. Time Extensions for Removal

The Board of Adjustment is authorized to grant an extension of required timeframe for removal of nonconforming billboards referred to in 20.75.160C to any owner or lessee of a billboard. The maximum extension the Board may grant is three years. In determining whether to grant an extension, and the duration of any extension granted, the Board of

Adjustment must consider:

1. The number of billboards belonging to the applicant that are affected by the removal requirement;

2. The ability and cost to the applicant of relocating affected billboards;

3. Depreciation of billboards for tax purposes;

4. The nature of the applicant’s business and the impact thereon of loss of affected

billboards;

5. The character of the neighborhood in which affected billboards are situated; and

6. The monopoly or advantage, if any, occurring to the applicant as a result of the imposition of nonconforming use status on the land in which affected billboards are situated.

Bozeman:

Sec. 38.560.150. - *Billboards* and other off-premises advertising.

A. Off-premises commercial advertising signs are not permitted within the city limits except as permitted by state or federal law.

1. Exception:

a. Transit shelters: Off-premises signs may be placed on the interior of transit shelters reviewed and approved by the city and served by an active fixed route transit service. Signage within a transit shelter may not distract drivers of vehicles nor be legible from the driving lanes.

b. Ghost signs: Ghost signs are not considered to be off-premises signage.

Billings:

Sec. 27-1409. - Off-premises/*billboard* signs.

A. Purpose and intent. The purpose of this section is to regulate the impact of *billboards* on the community; to improve the appearance of major corridors and gateways; to enhance the urban design of the greater downtown area and the west end; to ensure compatibility between *billboards* and adjacent land uses; and to limit the impact that *billboards* have on sign clutter in the community. The city recognizes that *billboards* are a necessary and appropriate advertising medium, and that there are acceptable and viable locations for *billboards* within the community.

It is the intent of this subsection to address the following specific concerns regarding the impact of *billboards* upon the community:

1. The citizens of Billings, and others visiting or traveling through the city are very concerned about the urban design and visual integrity of the city.

2. *Billboards* may be often incongruous with the city's natural setting and features due to their large-scale figures, numbers, letters, and colors.

3. A *billboard* may dominate the view from vehicles and interfere with the occupants' enjoyment of the city's natural setting and features.

4. A high concentration of *billboards* may create traffic safety problems and distract attention away from public safety signs.

5. *Billboards* of excessive size or height should be downsized within a reasonable period of time.

6. *Billboards* are incompatible with residential uses.

7. The I-90, Highway 3, Main Street, 27th Street, other gateways, and Shiloh Road are major entryways to the city which are of particular importance in terms of urban design and public perception to citizens, visitors, and tourists.

8. The downtown area defined in the Downtown Strategic Plan is an area in which urban design significantly influences the health and vitality of the total community.

B. No new off-premises/*billboard* signage pending removal of non-conforming signs.

1. New *billboards* prohibited. No off-premises/*billboard* sign shall be constructed or erected in any district after the date of the enactment of this subsection 27-1409.B. [previous code subsection 27-706(b), adopted by Ord. No. 99-5107, enacted Nov. 22, 1999].

2. *Billboard* replacement provisions.

(a) For each nonconforming off-premises/*billboard* sign face removed a replacement conforming off-premises/*billboard* sign face may be erected. Replacement off-premises/*billboard* sign face(s) shall comply with all of the applicable regulations contained herein.

(b) When all nonconforming off-premises/*billboard* signs within the city have been removed pursuant to this section, then additional off-premises/*billboard* signs may be constructed in accordance with the regulations contained herein.

C. Location standards following compliance with subsection 27-1409.B. All replacement *billboards* shall be located in accordance with the following standards:

1. Zoning districts.

(a) Replacement *billboards* shall be permitted as an allowed use in heavy commercial (CX), light industrial (I1), and heavy industrial (I2) zoning districts and on boulevard street types in EBURD zone districts.

(b) *Billboards* shall be permitted as an allowed use in corridor mixed use 2 (CMU2) zoning district provided that the structure is two hundred (200) feet or more from a residential zoning district. This distance shall be measured as a radius from the proposed location of the off-premise sign. A residential zone district includes any planned development zone that allows residential uses, and any county zone district that allows residential uses.

(c) A special review shall be required for all *billboards* to be located in a CMU2 zone if the structure is less than two hundred (200) feet but greater than one hundred fifty (150) feet from a residential zoning district.

(d) *Billboards* may be permitted in the CBD through section 27-1623, Special review uses.

(e) No new *billboards* shall be permitted on, directed to, or within two hundred (200) feet of the following corridors regardless of the applicable zoning:

(1) 27th Street from I-90 to Airport Road (excluding 27th Street North from Montana Avenue to 6th Avenue North).

(2) Highway 3 (Airport Road) from Alkali Creek Road west to the city limits.

(3) Shiloh Road from I-90 to Rimrock Road.

(4) Yellowstone River.

(5) Any historic district registered on the National Register of Historic Places.

2. Locations standards.

(a) *Billboards* shall be set back twenty (20) feet from the front property line.

(b) No *billboard* shall be placed on the roof of any building or structure.

3. Spacing standards. *Billboards* shall be required to have the following spacing requirements:

(a) *Billboards* located in CMU2 shall have a minimum spacing of a 1,000-foot radius from any other *billboard*.

(b) *Billboards* located in CX, I1, I2, and EBURD shall have a minimum spacing of six hundred (600) linear feet from any other *billboard*.

(c) No *billboard* shall be placed within one hundred fifty (150) feet of any neighborhood residential zone.

4. Area, height, face, and pole standards. All replacement *billboards* (and new *billboards* when permitted) shall conform to the following standards:

(a) Sign area: New and replacement *billboards* faces and supporting framework shall not exceed the following sign areas:

(1) Generally: Two hundred fifty (250) square feet.

(2) Located within the interstate corridor: Four hundred eighty (480) square feet.

(b) Height, maximum:

(1) Thirty-five (35) feet above the road grade to which the *billboard* reads.

(2) The minimum distance between grade and the bottom of the *billboard* shall be fifteen (15) feet.

(c) Faces:

(1) There shall be no more than a total of two (2) faces per supporting structure.

(2) All structures must be single face, back-to-back, or "v" type of construction. Stacked faces are prohibited.

(d) Pole construction: All structures must be of single pole construction.

5. Special review requirements for off-premises/*billboard* signs in CMU2 and CBD. The following criteria will be used in reviewing the proposed structure:

(a) The location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections.

(b) The signs will not cover or blanket any prominent view of a structure or facade of historical or architectural significance.

(c) The sign will not obstruct views of users of adjacent buildings to side yards. This requirement does not include views of distant vistas.

(d) The sign cannot be seen from religious assemblies, schools, the Yellowstone River or any city, county, or state park; or, if it can be seen it must be located at two hundred fifty (250) feet from the boundaries of such places.

(e) The height of signs located in undeveloped areas (no buildings within 300-foot radius) shall not exceed twenty-six (26) feet above grade. The minimum clearance of a sign shall be at least fifteen (15) feet.

(f) The sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.

6. Lighting and display.

(a) Static lighting shall comply with subsection 27-1406.A or the EMD provisions in this section.

(b) Electronic message display (EMD) lighting shall comply with subsection 27-1405.C and the following:

(1) A *billboard* EMD may be allowed on any off-premises/*billboard* sign face provided it conforms to all of the standards and requirements of the city sign code including the limitation on replacement of nonconforming off-premises *billboard* signs in subsection 27-1409(b) and the maintenance and repair requirements of section 27-1410.

(2) A *billboard* EMD does not need to be incorporated in a freestanding or wall sign pursuant to subection 27-1405.C, the EMD may be used as the only sign area on the *billboard* sign face.

7. Landscaping. The provisions of subsection 27-1406.B, Landscaping, apply to new and replacement *billboards*.

8. Discontinuance. The city may order the removal of any *billboard*, without compensation, upon which the advertising or other message has been discontinued for more than sixty (60) continuous days. The owner shall either advertise upon or remove the *billboard* within thirty (30) days of written notification by the city.

(Ord. No. 21-5748 , § 3(Exh. A), 1-25-21; Ord. No. 23-5838 , § 7, 6-12-23)

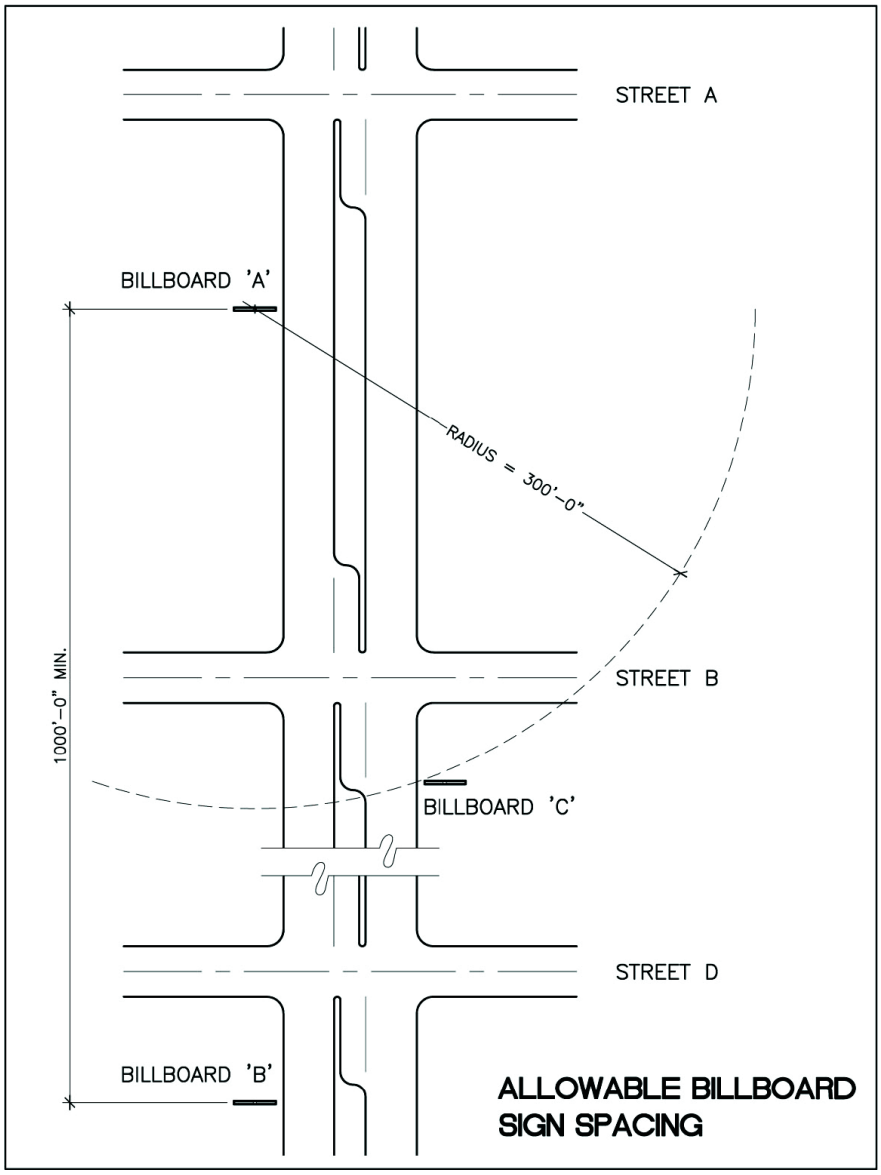
Great Falls:

17.60.5.020- Billboards signs.

A. Purpose. The intent of this section is to regulate the visual impact of billboard signs; to improve the appearance of designated entryways and scenic corridors; and to encourage compatibility between billboard signs and neighboring property, e.g. parks, schools, places of worship, and residential areas.

B. Prohibited locations. A billboard is an off-premise sign and may not be located on the same premise as that of the business advertised by the billboard. Billboard signs erected after the effective date of this ordinance shall comply with the following location limitations:

Exhibit 60-14. Allowable Billboard Sign Spacing



1. Billboard signs may only be erected in C-2, C-3, I-1 and I-2 zoning districts.
2. Billboard signs may not be erected within two hundred (200) feet of the edge of a roadway surface along the following entry and scenic corridors known as Billboard-free Areas:
    a. 10th Avenue South from I-15 Exit #278 to the intersection of 10th Avenue South and 2nd Street South
    b. Along 10th Avenue South from 54th Street to the eastern limit of the City
    c. River Drive from the southernmost City limits to 38th Street North
    d. Central Avenue West from 6th Street to the east bank of the Missouri River
    e. Along the Old Havre Highway from the intersection of 15th Street to Smelter Avenue
3. Billboard signs are prohibited in the following areas:
    a. All zoning districts other than C-2, C-3, I-1 and I-2.
    b. Within three hundred (300) feet in any direction of a public park, public or private school, college or university, church, cemetery, courthouse, Civic Center, or public museum.
    c. Within one hundred and fifty (150) feet in any direction of any lot or parcel that is zoned residential or used as a primary residential use of any kind.
    d. Within one thousand (1,000) feet of any other billboard sign, measured on the same side of the street. (See Exhibit 60-14.)
    e. Within three hundred (300) feet of any other billboard sign on a crossing street located on the same side of the street. (See Exhibit 60-14.)
4. Minimum spacing requirement shall not apply to two (2) faces that share a support structure and face different directions.

C. Billboard standards. Billboards established after the effective dates of this Code shall conform to the following standards:

1. The maximum sign display area for any one (1) billboard face shall be two hundred fifty (250) square feet. Billboards located within the interstate corridor are exempt from this standard.
2. In the Interstate Corridor within the City of Great Falls, the maximum display area for any billboard face shall be four hundred thirty-two (432) square feet.
3. Billboards may be single-faced or double-faced, but no billboard shall contain more than one (1) face on each side of the display. The surface display area may not exceed a total area of five hundred (500) square feet per structure.
4. Billboard sign face limitations exclude border, trim, base or apron supports or other structural members, but include cut-outs, extensions or protrusions. Size limits apply to each sign face of a structure. Sign faces may be placed back-to-back with no more than one (1) display per face.

5. The maximum overall height of a billboard sign shall not exceed thirty (30) feet above the grade of the roadway to which the sign is oriented. However, if the sign is located in the Riverfront Corridor, it is limited to twenty (20) feet above the grade of the roadway to which the sign is oriented.
6. Billboard structures must be located entirely on private property. No portion of any structure or sign face may overhang the public right-of-way.

D. Installation, appearance and maintenance. All billboards must be kept in good repair and maintained according to the following standards:

1. During periods of repair, alteration or copy change the facing may be removed for a maximum of forty-eight (48) consecutive hours.
2. All billboard signs must have the owner's name firmly attached to the sign structure.
3. Billboard structures must be single pole.
4. Billboard structures may not be placed on the roof or wall of a building or structure.
5. Sign structures must be painted, anodized or otherwise finished in earth tones of brown and green, including beige, mocha, forest and hunter green; but not teal or any fluorescent color. The paint or finish must not be peeling or obviously worn.

E. Maintenance and repair requirements.

1. If the Director of Planning and Community Development finds that any billboard, except one (1) that is nonconforming, is not maintained in good repair and has not deteriorated more than fifty (50) percent of its replacement value, the Director of Planning and Community Development will notify the owner and order him to repair the billboard within a specified time allowing at least ten (10) calendar days.
2. If the Director of Planning and Community Development finds that the billboard has deteriorated more than fifty (50) percent of its replacement value, or is not repaired within the time specified in the repair notice, the Director will notify the owner of the billboard and the owner of the real property that the billboard is to be removed from the property within a specified time.

(Ord. No. 3056, § 1, 8-17-2010)

OFF-PREMISE: A sign that advertises goods, products, facilities, events or services not on the premises where the sign is located, or directs persons to a different location from where the sign is located.

Excerpts of EMC related sign code across Montana

Missoula

20.75.030 - Prohibited Signs and Sign Characteristics

The following signs are expressly prohibited in all zoning districts unless expressly allowed by other provisions of this zoning ordinance:

C. Animated, flashing, blinking or scintillating signs,

F. Dynamic display billboards

Flashing is defined:

A pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign.

Additionally there is a section allowing dynamic signs with a lot of additional guidance, and actually seems more relevant to what we've been discussing:

20.75.070 - Regulations of Specific Types of Signs:

F. Dynamic Displays

Dynamic displays on signs are allowed subject to the following regulations:

1. Where Allowed

Dynamic displays are permitted for all allowed uses in B1, B2, B3, C1, C2, M1 and M2 zoning districts. Signs must be located on parcels with frontage on principal arterials not in an historic district, and are subject to the dynamic display regulations of this subsection.

2. Maximum Dynamic Display Area

The dynamic display portion of the sign may not exceed 40 square feet or 50% of the total area of the sign, whichever is less, and must be computed as part of the sign's total area. The remainder of the sign may not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face.

3. Orientation

The sign face must be oriented away from adjacent residential uses and zoning districts.

4. Hold Time

Dynamic displays may not change or move more often than once every second.

5. Transitions

The transition from one image or display to the next must be accomplished in one second or less. Fading, scaling, scrolling, and dissolving effects may be used as part of the transition.

6. Display Malfunctions

The sign owner must stop the dynamic display within 24 hours of receiving notice

from the city that it is malfunctioning or otherwise not complying with the standards of this zoning ordinance.

7. Brightness
   Dynamic displays may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours or more than 500 nits during nighttime hours (between dusk and dawn), as measured from the sign's face at maximum brightness. Dynamic displays must be equipped with automatic dimming technology that automatically adjusts the display's brightness based on ambient light conditions.
8. Prohibited Display Types
   Dynamic displays may not use blinking, bursting, distorting, flashing , oscillating, rotating, shimmering, sparkling, streaming, tracing, traveling text or twinkling effects. Audio or pyrotechnic elements are also prohibited.
9. Nonconformities
   Dynamic displays existing on November 4, 2009 must comply with all the operational standards of this subsection. An existing dynamic display that does not meet the structural requirements of 20.75.070.F.2 may continue as a nonconforming sign subject to the nonconforming sign regulations of 20.75.120.

Bozeman

Sec. 38.560.030. Prohibited signs.

A. All signs not expressly permitted under this division 38.560, or exempt from the provisions of this division 38.560, are prohibited in the city. Such signs include, but are not limited to:

5. Flashing, blinking, or animated signs

6. LED or other electronic messaging signs except for incidental signs as defined in section 38.700.100 of this chapter;

Kalispell

§ 27.22.030

Signs Prohibited.

The following types of signs are prohibited in all districts: No permit shall be issued for the erection of any signs prohibited by this section.

(9) Mechanically animated and/or flashing signs. See also Section 27.22.060(1).

§ 27.22.060

General Standards for All Signs.

(1) Signs shall not rotate, move, flash, change or blink, except if utilized by a government agency for public safety or information.

Dillon

Mostly word for word from Missoula.
https://static1.squarespace.com/static/64a82dcb4a2f1d2ee0bd65c6/t/64d10649bc57ff1fdfe75c9b/1691420234095/CHAPTER-17-52.pdf

Belgrade

10-5-3: PROHIBITED SIGNS:

A. The following signs shall not be erected within the City of Belgrade:

13. Animated signs;

B. General Sign Illumination Standards:

3. No illuminated sign shall be permitted if any part of the sign flashes on or off, has lighting that moves or illustrates movement, or displays changing degrees of intensity in illumination. This regulation applies to signs located outside buildings and to window signs inside buildings that can be seen from the outside. This prohibition on flashing, moving, or intermittent lighting shall not apply to permitted electronic message centers as specified in 10-5-7; and

10-5-7: ELECTRONIC MESSAGE CENTER (EMC) OR CHANGEABLE COPY SIGN:

A. EMCs are permitted only for gas stations and institutional uses;

B. An EMC or Changeable Copy Sign may not comprise more than 50% of the permitted sign area for a given sign;

C. Only light emitting diodes (LED) technology or similar quality signs shall be permitted for EMCs;

D. Any electronic message center that is located within 300 feet of any residential use must automatically turn off between the hours of 11:00 p.m. and 6:00 a.m. daily;

E. An electronic message sequence must be accomplished by means of fading or dissolving but shall not scroll, travel or flash. A transition sequence must be completed in no more than two (2) seconds;

F. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion, other than fading or dissolving, or pictorial imagery or depicts action or a special effect to imitate movement, or the presentation of pictorials or

graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns, bands of light, or expanding or contracting shapes;

G. EMCs shall be designed to display a full black screen, or turn off in the event of a malfunction;

H. Portable electronic message signs are prohibited except for instances of construction or road projects;

I. The EMC shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions;

J. No EMC shall be permitted to be included as part of any limited duration sign;

K. The brightness level shall not increase by more than 0.3 foot candles over ambient levels (or 3.23 lumens per square meter or lux) as measured using a foot candle meter at a pre-set distance; and

L. The procedure and distances for measurement of brightness shall be as established by the International Sign Association's Recommend Nighttime Brightness Levels for On-Premise EMCs. (Ord. 2023-7, 7-17-2023)

Livingston

Sec. 30.50. - Signs.

B. **Definitions:**

2. "Animated sign" means a sign with action or motion, flashing or intermittent lights and/or color changes requiring electrical energy, electronic or manufactured sources of activation, but not including wind-activated elements such as flags and banners.

D. Prohibited Signs.

1. No animated signs shall be erected in any zoning district, except time and temperature signs which may be erected in the Central Business District only and existing lighted signs in the Downtown Historic Preservation District which flash, chase, move, revolve, rotate, blink, flicker or vary in intensity or color; however, such lights must be turned off when the business is closed. Only time and temperature shall be animated.

Billings

D. PROHIBITED SIGNS

The following types of signs and sign structures are prohibited in all districts, except as otherwise provided by this article.

1. Distracting, Interfering, or Confusing Signs

(a) Non-electronic message displays signs that are animated by means of flashing, scintillating, blinking, traveling lights, displaying video, or any other means not providing constant illumination. Electronic message displays may be allowed provided they comply with the standards in Section 27-1405.C.

SECTION 27-1405 GENERAL REGULATIONS FOR PERMANENT, ON-PREMISES SIGNS

The purpose of this section is to provide generally applicable sign regulations by sign type. The section is organized by sign category – freestanding, attached, and electronic message displays (EMDs). The amount of signage permitted by zone district is identified in Section 27-1406.

C. ELECTRONIC MESSAGE DISPLAY (EMD) SIGNS

1. EMD Signs Prohibited

EMD signs are prohibited in the following districts:

(a) All residential neighborhood districts: N1-3, NX1-3 and RMH

(b) Neighborhood Office

(c) Neighborhood Mixed-Use

(d) Public 1

(e) Historic districts

2. Display Technology

The technology currently being deployed for EMDs is LED (light emitting diode), but there may be alternate, preferred, and superior technology available in the future. Any other technology that operates pursuant to the display brightness limits above shall not require an ordinance change for approval.

3. Incorporation in Wall or Freestanding Sign

(a) An EMD may only be used in conjunction with an adjacent wall sign or as part of a freestanding sign and shall not be displayed on its own.

(1) The EMD shall not be larger than 40 percent of the total square footage of the permanent graphic portion of the sign when compared as separate components.

(2) For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the EMD shall be included in the same perimeter and measured as a single sign, inclusive of any physical separation between the two components.

(b) Only one EMD sign, either wall or freestanding is permitted per developed parcel. EMD sign(s) shall be counted in the total number of signs allowed on the parcel.

4. Generally Applicable Display Standards

(a) All EMD signs shall comply with the following display standards:

(1) EMDs must be equipped with an automatic image dimming capability (ambient light monitors). This feature must be enabled at all times, allowing the display to automatically adjust brightness based on ambient light conditions. The sign must be operated at a brightness level no greater than the manufacturer's recommended levels

(2) The sign shall not include audio, pyrotechnic, bluecasting (bluetoothadvertising), or other similar components.

5. Static Display EMD

Where a static display EMD is permitted by this article, the following standards shall apply:

(a) A static display EMD may display a series of static messages and may not flash, scintillate, blink, show motion borders or traveling lights, employ any other aspect of animation, or display video.

(b) Messages on static display EMDs shall not include flashing, the varying of light intensity, or scrolling.

(c) Each static message on the sign shall be displayed for a minimum of three seconds in duration.

(d) Message change shall be completed instantaneously.

(e) There shall be a direct change from one message to the next. All transition effects, such as motion, animation, fading, scrolling, or dissolving are prohibited.

6. Animated Display EMD

Where an animated display EMD is permitted by this article, the following standards shall apply:
(a) The sign shall be on-premises;

(b) A freestanding animated display EMD sign shall be separated by at least 35 linear feet in any direction from any other freestanding animated display EMD;

(c) The sign shall be located at least 100 feet from any residential neighborhood zone (N1- 3, NX1-3, or RMH); and (d) Video display is prohibited.

7. Sign Permit Conditions The following conditions apply to all EMD sign permits. Failure to comply shall result in the sign ceasing operation until compliance occurs.

(a) That the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance within 24-hours of a request by the City;

(b) That a City inspector may access the property upon 24 hours' notice to the owner, operator or permittee so that the City may verify that the EMD has the automatic image dimming capability engaged. In the event of a citizen complaint regarding the EMD brightness, the owner, operator or permittee may be required by the City inspector to manually reduce the brightness to a lower setting;

(c) That whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign and the sign's operation manual shall be available to City staff upon 24 hours' notice to the owner, operator or permittee.

(d) Sign permit applications to install an EMD must include a certification from the owner or operator that the sign shall at all times be operated in compliance with the conditions set out in City code. The owner, operator or permittee shall immediately provide proof of such conformance upon request of the City.

Great Falls

17.60.2.010 Prohibited signs and exceptions. The following signs are prohibited within the City of Great Falls:

Signs that flash, spin, rotate or have similar motion-based devices. This includes signs with moving parts, flashing lights of any kind and/or sound, but does not prohibit permanent electronic message boards or permanent electronic changeable copy signs as long as they do

not flash. The display on electronic message boards must be synchronized so that any flashing or alternating text must remain for a minimum of three (3) seconds.

Title 4 Original Art Murals

(Title added by Ordinance 182962, effective July 31, 2009.)

Chapter 4.10 Purpose

4.10.010 Purpose of This Title.

The purpose of this Title and the policy of the City of Portland is to permit and encourage original art murals on a content-neutral basis on certain terms and conditions. Original art murals comprise a unique medium of expression which serves the public interest. Original art murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime. Murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion.

Chapter 4.11 Where These Regulations Apply

(Chapter added by Ordinance 189656, effective September 20, 2019.)

4.11.010 Where These Regulations Apply.

The regulations of this title apply to all Original Art Murals installed on sites within the City of Portland. It does not apply to installations that are in the right-of-way, unless the installation is part of a building or structure that extends from the site over a right-of-way.

Chapter 4.12 Definitions

4.12.010 General.

Words used in this Title have their normal dictionary meaning unless they are listed in Section 4.12.020 or unless this Title specifically refers to another Title. Words listed in Section 4.12.020 have the specific meaning stated or referenced unless the context clearly indicates another meaning.

4.12.020 Definitions.

(Amended by Ordinance 189656, effective September 20, 2019.)

A. Alteration. Any change to the Permitted Original Art Mural, including but not limited to any change to the image(s), materials, colors or size of the Permitted Original Art Mural. "Alteration" does not include naturally occurring changes to the Permitted Original Art Mural caused by exposure to the elements or the passage of time. Minor changes to the Permitted Original Art Mural which result from the maintenance or repair of the Permitted Original Art Mural shall not constitute "alteration" of the Permitted Original Art Mural within the meaning of this Title. This can include slight and unintended deviations from the original image, colors or materials that occur

when the Permitted Original Art Mural is repaired due to the passage of time, or as a result of vandalism such as graffiti.

B. Changing Image Mural. A mural that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of mural image or message. Changing image murals do not include otherwise static murals where illumination is turned off and back on not more than once every 24 hours.

C. Compensation. The exchange of something of value. It includes, without limitation, money, securities, real property interest, barter of goods or services, promise of future payment, or forbearance of debt. "Compensation" does not include:

1. goodwill; or

2. an exchange of value that a property owner (or leaseholder with a right to possession of the wall upon which the mural is to be placed) provides to an artist, muralist or other entity where the compensation is only for the creation and/or maintenance of the mural on behalf of the property owner or leaseholder, and the property owner or leaseholder fully controls the content of the mural.

D. Conservation District. A collection of individual resources that is of historic or cultural significance at the local or neighborhood level, as identified through an inventory and designation process and mapped as such in Title 33, Planning and Zoning.

E. Conservation Landmark. A structure, site, tree, landscape, or other object that is of historic or cultural interest at the local or neighborhood level, as identified through an inventory and designation process and mapped as such in Title 33, Planning and Zoning.

F. Design Overlay Zones. These are areas where design and neighborhood character are of special concern. They are identified by having a "d" (Design Overlay) designation on the City's official Zoning Maps, as regulated by Title 33, Planning and Zoning.

G. Grade Plane. A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1,829 mm) from the building, between the building and a point 6 feet (1,829 mm) from the building. This definition is adopted from the Oregon Structural Specialty Code.

H. Historic District. A collection of individual resources that is of historic or cultural significance at the local, state, or national level, as identified through an inventory and designation process and mapped as such in Title 33, Planning and Zoning.

I. Historic Landmark. A structure, site, tree, landscape, or other object that is of historic or cultural significance, as identified through a historic landmark designation process and mapped as such on the City's inventory of Historic Landmarks. Historic Landmarks are regulated by Title 33, Planning and Zoning.

J. Original Art Mural. A hand-produced work of visual art which is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building or structure. Original Art Mural does not include:

1. mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl;

2. murals containing electrical or mechanical components; or

3. changing image murals.

K. Permitted Original Art Mural. An Original Art Mural for which a permit has been issued by the City of Portland pursuant to this Title.

L. Public Right-of-Way. An area that allows for the passage of people or goods, that has been dedicated or deeded to the public for public use. Public Rights-of-Way include passageways such as freeways, pedestrian connections, alleys, and all streets.

Chapter 4.20 Allowed and Prohibited Original Art Murals

4.20.010 Allowed Original Art Murals.

(Amended by Ordinances 185915 and 189656, effective September 20, 2019.)

Original Art Murals that meet all of the following criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements:

A. No part of the mural shall exceed 30 feet in height measured from the grade plane.

B. The mural shall remain in place, without alterations, for a period of 2 years, except in limited circumstances to be specified in the Bureau of Development Services Administrative Rules. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of 2 years without alteration.

C. The mural shall not extend more than 6 inches from the plane of the surface upon which it is tiled or painted or to which it is affixed.

D. In Design Overlay Zones, the mural shall meet all of the additional, objective Design Standards for Original Art Murals, as established in the Bureau of Development Services Administrative Rules.

E. In the Historic Resource Overlay Zone, murals may be allowed on buildings or structures that have been identified as non-contributing structures within Historic and Conservation Districts. These murals shall meet all of the additional, objective Design Standards for Original Art Murals, as established in the Bureau of Development Services Administrative Rules.

4.20.020 Prohibited Murals.

(Amended by Ordinance 189656, effective September 20, 2019.)

The following are prohibited:

A. Murals on sites developed with residential buildings with fewer than five dwelling units on the site.

B. Murals on sites with historic or conservation landmarks.

C. Murals on sites containing buildings that have been identified as contributing structures to a historic or conservation district.

D. Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.

E. Murals which would result in a property becoming out of compliance with the provisions of Title 33, Planning and Zoning, or land use conditions of approval for the development on which the mural is to be located.

F. Murals on stormwater facilities.

4.20.030 Relationship of Permitted Original Art Mural to other Regulations.

The exemption of PCC Subsection 32.12.020 J. applies only to Original Art Murals for which a permit has been obtained under this Title and any adopted Administrative Rules. Issuance of an Original Art Mural Permit does not exempt the permittee from complying with any other applicable requirements of the Portland City Code, including but not limited to Titles 24 and 33.

4.20.040 Exceptions to this Title.

Exceptions to the regulations of this Title are prohibited.

Chapter 4.30 Neighborhood Involvement Process

4.30.010 Establishment of Neighborhood Involvement Process for Permits.

The Bureau of Development Services shall adopt through Administrative Rule a community involvement process requiring an applicant for an Original Art Mural permit to provide notice of and to hold a community meeting on the mural proposal at which interested members of the public may review and comment upon the proposed mural. No Original Art Mural permit shall be issued until the applicant certifies that he or she has completed the required Neighborhood Involvement Process. This is a process requirement only and in no event will an Original Art Mural permit be granted or denied based upon the content of the mural.

Chapter 4.40 Administrative Rules

4.40.010 Administrative Rules to Be Adopted

The Bureau of Development Services is authorized and directed to adopt and administer Administrative Rules implementing this Title, and setting forth the substantive and procedural requirements and fees for an Original Art Mural Permit. Such fees shall in no event exceed the actual costs of administration.

Chapter 4.50 Violations and Enforcement

4.50.010 Violations.

It is unlawful to violate any provision of this Title, any Administrative Rules adopted by the Bureau of Development Services pursuant to this Title, or any representations made or conditions or criteria agreed to in an Original Art Mural permit application. This applies to any applicant for an Original Art Mural permit, to the proprietor of a use or development on which a permitted Original Art Mural is located, or to the owner of the land on which the permitted Original Art Mural is located. For the ease of reference in this Title, all of these persons are referred to by the term "operator."

4.50.020 Notice of Violations.

The Bureau of Development Services must give written notice of any violation to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

4.50.030 Responsibility for Enforcement.

The regulations of this Title, and the conditions of Original Art Mural permit approvals, shall be enforced by the Director of the Bureau of Development Services pursuant to Chapter 3.30 and Title 22 of the City Code.

7A.7. SIGN DESIGN OPTIONS

7A.7.1. MASTER SIGN PROGRAM - PERMANENT SIGNS

A. **Purpose**

The purpose of this section is to respond to special permanent sign needs of a premise as well as provide flexibility, encourage development in accordance with adopted plans and policies, and promote superior sign design to implement the purpose of this article.

B. **Applicability**

The master sign program includes all exterior permanent signs at a premise and provides a process where the provisions of Article 7A may be varied subject to the standards and findings listed below. Billboard signs may not be proposed as part of the Master Sign Program.

C. A master sign program may be submitted before, after, or concurrently with a rezoning, special exception, planned area development , development package or site plan . Signs regulated by the program require individual permits prior to construction. A sign may be ground or wall mounted or designed into and constructed as part of an integrated architectural feature of a building . In a case where the sign has mixed elements of ground or wall mounted or architectural integration into the building , the zoning administrator will determine what are the most applicable standards.

D. **Decision**

The Sign Design Review Committee shall review design options and make a recommendation to the planning and development services director for a final decision. The director's decision may be to approve, approve with conditions, or deny the application. The director shall base the decision on compliance with the purpose statement, findings, and applicable design standards.

1. An applicant may appeal the director's decision first to the Board of Adjustment in accordance with Section 3.10.2 and may then appeal to the Mayor and Council in accordance with Section 3.9.2 (*Mayor and Council Appeal Procedure*).

2. An applicant may apply for an amendment to an approved Master Sign Program in accordance with the standards set forth in this Article 7A.7.

E. **Design Standards**

1. **All Signs**

a. Illumination shall reduce light trespass and offer protection to dark skies in compliance with the City's outdoor lighting standards.

b. A sign with lists of categories, tenants or organizations, or similar listed items within panels or separately mounted sign copy , shall have a unifying and proportional outlining background color behind the copy, i.e. words, names, numbers or symbols using a specific logo or federally registered trademark colors.

c. For a sign with lists, the sign panels and/or the separately mounted sign copy , i.e., sign copy mounted without panels on a structure or wall , shall be mounted or placed so as to be reasonably proportional in size.

2. **Ground-Mounted Signs**

a. **Sign Copy**

(1) Signs shall contain legible sign copy . A sign intended to be seen from a right of way shall contain no more than sixteen items of information. An equivalent alternative is an eight panel sign .

(2) Sign copy shall be applied to the sign structure in the following manner: Panels of the same size with a unifying background color as noted in Section 7A.7.1.E.1.b. Proportional letters, numbers or logos as noted in Section 7A.7.1.E.1.c. Up to fifty (50) percent of the panels may be larger than other panels or names.

b. **Sign Height**

(1) The sign height and sign structure setback for a freestanding sign should be at a height and distance from the right-of-way to be easily detectable and give a vehicle a reasonable time to adjust to traffic conditions.

(2) The sign height shall be compatible with the surrounding height profile of the buildings , freestanding signs , and structures on the property and in the surrounding area. The sign structure shall not obstruct significant scenic views from the right of way .

(3) The height of the sign copy shall be set so as not to be obstructed by landscaping or a parked vehicle.

c. **Sign Design Elements**

(1) **Structural Components**

(i) A freestanding sign should be comprised of a design such as two or more components unified by similar materials. A sign blending wall and ground mounted components may use Section 7A.7.1.F *Best Practice Option*.

(ii) The design of the components shall use the architectural style of the development being identified. Features to be used in designing the components include colors, materials, textures and shapes of the development's architecture. The bottom component shall be designed with a monument-style base or similar wide-base design.

(2) **Wayfinding and Identification**

(i) Freestanding signs shall provide high quality wayfinding and identification with a common and unifying design theme.

(ii) Ground-mounted wayfinding signs that are 20 square feet or less in sign area are not required to have three components but are required to be coordinated in architectural style, colors, materials, and textures with the other larger signs .

(3) **Visual Environment**

In all cases, to protect the unique visual environment of Tucson, all flexible standards or use of design guidelines in Section 7A.7.1.F *Best Practice Option*, must address a consistent and compatible treatment of the height profile of the buildings and signs in the surrounding area, preserving scenic vistas and vegetation, and dark skies compatible sign illumination.

(4) **Landscaping**

Ground-mounted signs shall be incorporated into existing or proposed landscaping at the site. The materials shall consist of non-obstructing live and/or inert landscaping materials .

d. **Freeway Signs**

A freeway sign that is part of the master sign program shall, in addition to the standards of the master sign program, be constructed in accordance with the Article 7A freeway sign standards and adhere to the items of information legibility standard noted in this section.

3. **Wall -Mounted Signs**

a. Wall -mounted signs intended to be viewed from the right of way or that exceed twelve square feet in sign area shall be designed to be proportional to the building frontage of the tenant space.

b. If the sign is intended to provide wayfinding it shall be located at key identification points.

c. Sign copy may include the font, logo, symbol and color of the business but shall be constructed or mounted to be consistent with the master sign program.

d. For all wall -mounted signs , an organized, proportional appearance is required among the signs of a building or tenant space. Disorganized sizes and color arrangements in the signs ' appearance on a specific building or tenant space are to be avoided.

4. **Integrated Architecture Sign**

a. Signs that are not classified as either wall or ground mounted shall be constructed in a manner to abide by the overall design context of the architecture of the building and be consistent with the design standards used to develop the master sign program.

F. **Best Practice Option**

A variation from the design standards must show a best practice is being used as an alternative. A best practice may be based on one of the following sources:

1. An already approved permanent sign , master sign program within the City;

2. An award-winning sign design from a national or state sign organization;

3. A document, book, or example endorsed by the American Planning Association, American Sign Association or American Institute of Architects or similar organizations, and approved by the PDSD Director ;

4. A design guideline based in technical standards including, the Manual on Uniform Traffic Control Devices (MUTCD), the American Association of State Highway and Transportation Officials' Guide for the Development of Bicycle Facilities (AASHTO), the National Association of City Transportation Officials' Urban Bikeway Design Guide (NACTO), United States Sign Council Model On-Premise Sign Code, Street Graphics and the Law, the Scenic America recommended handbook for on-premise signs or a similar document recommended by the Design Professional and approved by the PDSD Director ; and,

5. A master sign program, sign design, or document recommended by the Design Professional as being appropriate for the surrounding context of the affected City streetscape.

G. **Findings**

1. The decision shall show the sign program's compliance with the following findings applicable to the site :

a. Meets the purpose of Article 7A, Section 7A.7.A, the master sign program's purpose, and Section 7A.7.1.E, the master sign program's design standards;

b. Creates a clear connection with the shapes, textures, colors and materials used in the appearance of the buildings of the premise ;

c. Creates proportional sizes of signs placed on or integrated into a building's architecture;

d. Improves the legibility of signs ;

e. Enhances driver reaction time to the signs ;

f. Creates an organized wayfinding and identification, or messaging program;

g. Protects significant scenic views;

h. Promotes a well-organized visual environment through appropriate sizes, number, setbacks , and spacing; and,

i. Represents a best practice of the design of dark sky sign illumination.

(Am. Ord. 11803, 12/8/2020)

7A.7.2. MASTER SIGN PROGRAM - PORTABLE SIGNS

A. **Purpose**

1. The purpose is to respond to special portable sign needs of a business, organization or user that has either a special need or has historically required a larger amount of portable signage than permitted by Article 7A, *Sign Standards*.

2. In exchange for greater flexibility with dimensions and the amount of signs , the master sign program for portable signs must show that clutter management is achieved by ensuring a coordinated design appearance and using the least amount of signage needed to achieve message display, identification, and wayfinding objectives.

B. **Applicability**

1. The master sign program for portable signs allows a design option for all portable signs and applies to all portable signs intended to be viewed from the right of way . The program provides a process where the provisions of Article 7A may be varied subject to the standards and findings listed below. It applies to on-site signs that are intended to be viewed from the right-of-way . If off-site signs are used they must be approved and coordinated with the Department of Transportation.

C. **Design Standards**

1. The number of signs shall be located and spaced or grouped together to reduce a disorganized appearance at the front of a development .

2. Spacing, sign area, height and setback shall be adjusted to ensure a legible and well-organized appearance along the right of way . Grouping of signs of different sizes may be used if the visual impact is to improve the overall appearance of an affected street frontage .

3. Materials should be similar for all or most signs to reduce the likelihood of a disorganized appearance along the street frontage .

4. In no case may a sign exceed in sign area or sign height a sign that has been used in previous standards within the City.

5. The program may include signs with sign areas exceeding 32 square feet with multiple messages to reduce the overall number of portable signs along the public right of way .

6. Items of information per sign shall not exceed sixteen items of information or six equal size panels or similar arrangement.

D. The Decision, Findings, and Best Practices of the Master Sign Program for Permanent Signs applies to the Master Sign Program for Portable Signs .

E. **Additional Findings Master Sign Program - Portable Signs**

1. Promotes a well-organized visual environment through appropriate sizes, number, setbacks , and spacing;

2. Legibility is required of all signs ; and,

3. Signs are coordinated in materials, color, and design.

7A.7.3. SINGULAR SIGN DESIGN OPTION

A. The purpose of this section is to implement Section 7A.7.1.A *Purpose*, by promoting a harmonious relationship between buildings , signs , and streetscapes through improved legibility and sight lines for moving vehicles and encouraging best design practices by reducing a disorganized and confusing visual environment along the City's streetscapes. Billboard signs may not be proposed as part of the Singular Sign Design Option.

B. The section applies to a new sign or modification or replacement of an existing sign .

C. The proposed design option for an individual ground-mounted or wall -mounted signs and signs integrated into the architecture of the building shall follow the decision making, review process, design standards, findings for permanent signs in Section 7A.7.1 *Master Sign Program - Permanent Signs*.

D. A sign with lists of categories, tenants or organizations or similar listed items within panels or separately mounted sign copy , shall have a unifying and proportional outlining background color behind the copy, i.e. words, names, numbers or symbols using a specific logo or federally registered trademark colors.

E. For a sign with lists, the sign panels and/or the separately mounted sign copy , i.e., sign copy mounted without panels on a structure or wall , shall be mounted or placed so as to be reasonably proportional in size.

7A.7.4. NOTIFICATION

A. Notification for Sign Design Option shall be in accordance with PDSD departmental policy.

(Ord. 11508, 12/5/2017)

ORDINANCES OF THE CITY OF HELENA, MONTANA

AN ORDINANCE REVISING THE REGULATION OF SIGNS BY AMENDING CHAPTER 23 OF TITLE 11 OF THE HELENA CITY CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

That Title 11 of the Helena City Code is hereby amended by repealing Chapter 23, General Sign Regulations, in its entirety and adopting this new Chapter 23, Sign Regulations, in lieu thereof:

CHAPTER 23

SIGN REGULATIONS

SECTION:

11-23-1: Intent
11-23-2: Definitions
11-23-3: Prohibited Signs
11-23-4: Exempt Signs
11-23-5: Permitted Signs for Specified Districts
11-23-6: General Signs Standards
11-23-7: Nonconforming Signs
11-23-8: Removal of Signs

11-23-1: INTENT: This chapter is intended to provide standards for the erection, design, and placement of signage. The standards established by this chapter are intended to achieve proper relationship of signs to their environment, enhance the outward appearance of the community as a whole, secure pedestrian and vehicular safety, and preserve the historic aspects of the city.

11-23-2: DEFINITIONS: For purposes of this chapter, the following terms and their derivations shall have the meanings given herein.

AWNING SIGN:	A sign that is affixed to a roof-like structure; generally composed of a skeletal frame covered in a fabric or other skin-type material typically open on the bottom side, that extends along and projects beyond the wall of the building and is generally designed and constructed to provide protection from the weather.
BILLBOARD SIGN:	A sign that is larger than two hundred fifty (250) square feet in area which is designed to advertise products, services, or businesses not located on the premises on which the sign is located by temporary poster panels or painted bulletin panels.
BUILDING FAÇADE:	The portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves for the entire width of the building elevation, or that portion comprising the exterior elevation of one business located in a multiple-tenant structure.
BUILDING FRONTAGE:	The side of a building which faces a public street right of way.

DIRECTIONAL SIGN:	A permanently erected and incidental sign designed to guide or direct pedestrian or vehicular traffic to and within the property.
ELECTRONIC MESSAGE DISPLAY:	A sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.
FREESTANDING SIGN:	A sign supported by structures or supports that are placed on, or anchored in, the ground, and that are independent from any building or any other structure.
HEIGHT OF SIGN:	The vertical distance measured from the highest point of the sign to the highest adjacent street grade or surface beneath the sign, whichever is less.
MARQUEE SIGN:	A sign attached to or constructed on a canopy structure which is attached to and projecting horizontally beyond the wall of a building that generally is designed and constructed to provide protection from the weather.
PORTABLE MESSAGE CENTER:	A freestanding sign that is not permanently affixed or attached to the ground.
PROJECTING SIGN:	A sign affixed to the exterior wall of a structure and extends perpendicular to the facade of the building or structure.

ROOF SIGN:	A sign erected upon or above any portion of a roof or parapet wall of a building that is wholly or partially supported by the building.
SIGN:	Any identification, description, graphics, illustration, or device that is visible from any public place and exposed to the public which directs attention to a product, service, place, activity, person, institution, business, or solicitation, designed to advertise, identify, or convey information.
SIGN AREA:	The entire area within any type of perimeter or border which encloses the outer limits of writing, representation, emblem, figure, or character. The area of the sign having no such perimeter or border is computed by enclosing the entire area with parallelograms, triangles, or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles, or circles. The area for double-faced or multiple-faced signs is the aggregate area of all the sign faces visible from any one direction at any one time.
WALL SIGN:	A sign affixed in any manner to the exterior wall of a building or

	structure with its face parallel to the building façade, including signs affixed to awnings.
WINDOW:	A sign installed inside or upon the window surgace for the purpose of viewin from outside the premises.

11-23-3: PROHIBITED SIGNS:

A. Signs that are not listed as permitted within a district are prohibited except as may be separately approved by variance granted by the Board of Adjustment.

B. No blade banners, pennants, flags, balloons, portable message centers, or air activated devices for the purposes of drawing attention to services or sales offered on the property may be erected, placed, or maintained.

B. Signs may not be erected in such a manner that they obstruct or create a hazard by blocking the clear view of vehicular, bicycle, or pedestrian traffic as set forth in section 7-3-7 of this code; or where they may obstruct the view of any traffic control device. No sign or its illumination may interfere with traffic safety or simulate emergency services.

C. Signs may not be placed on or extend into any public rights-of-way, nor be affixed to any post, tree, or pole located in any public right-of-way or upon any city owned property, including signs held by a person, except for signs placed by authorized agents of the city or except as permitted by Title 7, Chapter 13 of this code. Signs on vehicles parked on public rights-of-way for the express purpose of displaying signage is prohibited.

D. No sign may be constructed or erected that resembles any official marker erected by the city, state, or any governmental agency, or that by reason of position, shape,

or color would conflict with the proper functioning of any traffic sign or signal.

E. Signs that are flashed or projected on walls or other structures by means of a slide projector or other device are prohibited.

11-23-4: EXEMPT SIGNS: The following signs are allowed by right in all zoning districts without a permit, but must adhere to the specific size restrictions in this chapter.

A. House numbers and street names, for purposes of identifying the property for emergency services and mail delivery.

B. Legal notices that are required by law posted by a lawful officer or agent.

C. Signs required by state, federal, or local law to designate accessible parking and accessible routes of travel.

11-23-5: REGULATIONS FOR SPECIFICIED DISTRICTS: In addition to the above regulations relating to prohibited and permit exempt signs the regulations govern the specific sign standards for each zoning district within the city. Any type of sign that is not specifically listed in this section as permitted is prohibited.

A. R-1, R-2, and R-3 Districts:

1. Each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership in the R-1, R-2, and R-3 zoning districts may have one freestanding sign that may be placed and maintained on the property indefinitely and without a permit. The freestanding sign may be a maximum of _____ feet tall and not larger than ____ square feet/inches in sign area. The freestanding sign may not be permanently affixed or attached to the ground.

2. In addition to the one permit exempt freestanding sign, each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership may have up to _____ temporary freestanding signs without a permit. These temporary freestanding signs cannot be placed or maintained on the property for more than ____ days each calendar year and may not be permanently affixed or attached to the property in any way. Each individual temporary frees maye maximum of up _____inches/feet tall and not larger than ____ square feet/inches in individual sign area.

3. _____ wall or window sign up to ___ in sign area may be maintained on the property.

B. R-4, R-O, and B-1 Districts:

1. For residential uses:

a. Each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership in the R-1, R-2, and R-3 zoning districts may have one freestanding sign that may be placed and maintained on the property indefinitely and without a permit. The freestanding sign may be a maximum of _____ feet tall and not larger than ____ square feet/inches in sign area. The freestanding sign may not be permanently affixed or attached to the ground.

b. In addition to the one permit exempt freestanding sign, each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership may have up to _____ temporary freestanding signs without a permit. These temporary freestanding signs cannot be placed or maintained on the property for more than ____ consecutive or total days each calendar year and may not be permanently affixed or attached to the property in any way. Each individual temporary freestanding sign may be a maximum of up to_____inches/feet tall and not larger than ____ square feet/inches in individual sign area.

c. _____ wall or window sign up to ___ in sign area may be maintained on the property.

2. For non-residential uses:
a. Each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership may have ____ freestanding sign/signs that may be placed and maintained on the property indefinitely after obtaining a sign permit from the city. Freestanding sign/signs may be a maximum of _____ feet tall and not larger than ____ square feet/inches in sign area.

b. In addition to the permit approved freestanding sign/signs, each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership may have up to _____ temporary permit exempt freestanding signs without a permit. These temporary freestanding signs cannot be placed or maintained on the property for more than ____ consecutive or total days each calendar year and may not be permanently affixed or attached to the property in any way. Each individual temporary freestanding sign maybe maximum of up _____inches/feet tall and not larger than ____ square feet/inches in individual sign area.

c. _____ wall and/or _____window/awning/marquee sign up to ___ in sign area may be maintained and displayed on the property.

C. B-2 District:

1. One freestanding sign no more than thirty four feet (34') in overall height and one hundred and fifty (150) square feet per lot, tract, or parcel that is affixed or attached to the ground.

2. In addition to the permit approved freestanding sign, each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership may have up to _____ temporary permit exempt freestanding signs without a permit. These temporary freestanding signs cannot be placed or maintained on the property for more than ____ consecutive or total days each calendar year and may not be permanently affixed or attached to the property in any way. Each individual temporary freestanding sign maybe maximum

of up _____inches/feet tall and not larger than ____ square feet/inches in individual sign area.

3. Wall, awning, or marquee signs up to thirty percent (30%) of the building facade to which they are attached or two hundred (200) square feet in aggregate sign area, whichever is less.

4. Signs on windows may not exceed twenty five percent (25%) of the total window area. If the sign on a window exceeds that limitation, the sign is considered a wall sign and subject to the wall sign limitation above.

5. One projecting sign that is no more than forty (40) square feet in size.

6. One roof sign that is no more than one hundred fifty (150) square feet in size.

7. One electronic message displays subject to the specific size and luminance regulations in this chapter. No electronic message display sign may be erected or maintained closer than one hundred feet (100') from any OSR, R-1, R-2, R-3, R-4, R-O, or Airport zoning districts unless the sign is constructed and oriented in such a manner that the sign cannot be seen from said districts.

8. Directional signs that do not exceed six (6) square feet in area and four feet (4’) in height. Logo identification on directional signs may not be more than twenty five percent (25%) of the sign area. If the logo identification is more than 25% then the sign is not a directional sign and is considered a freestanding sign.

E. B-3 District:

1. A wall, awning, or marquee signs up to thirty percent (30%) of the building facade to which they are attached or two hundred (200) square feet in aggregate sign area, whichever is less.

2. Sandwich board sign that is no taller than ___ feet and ___ in area is permitted on the adjacent public right-of-way subject to encroachment permit approval pursuant to Title 7, Chapter 13 of this code.

3. Signs on windows may not exceed twenty five percent (25%) of the total window area. If the sign on a window exceeds that limitation, the sign is considered a wall sign and subject to the wall sign limitation above.

4. One projecting sign that is no more than forty (40) square feet in size.

F. M-I and CLM Districts:

1. 1. One freestanding sign no more than thirty four feet (34') in overall height and three hundred (300) square feet per lot, tract, or parcel that is affixed or attached to the ground.

2. In addition to the permit approved freestanding sign/signs, each lot, tract, or parcel, or group of lots, tracts, or parcels held in common ownership may have up to _____ temporary permit exempt freestanding signs without a permit. These temporary freestanding signs cannot be placed or maintained on the property for more than ____ consecutive or total days each calendar year and may not be permanently affixed or attached to the property in any way. Each individual temporary freestanding sign maybe maximum of up _____inches/feet tall and not larger than ____ square feet/inches in individual sign area.

3. Wall, awning, or marquee signs up to thirty percent (30%) of the building facade to which they are attached or three hundred and ten (300) square feet in aggregate sign area, whichever is less.

3. Signs lettered on the exterior or interior of a window may not exceed twenty five percent (25%) of the window on which they are lettered or a maximum of four (4) square feet, whichever is more. If the sign on a window exceeds

those limitations, the sign is considered a wall sign and subject to the wall sign limitation above.

4. One roof sign that is no more than three hundred (300) square feet in aggregate sign area.

5. One projecting sign that is no more than two hundred (200) square feet in aggregate sign area.

6. One electronic message display subject to the specific size and luminance regulations in this chapter. No electronic message display sign may be erected or maintained closer than one hundred feet (100') from any OSR, R-1, R-2, R-3, R-4, R-O, or Airport zoning districts unless the sign is constructed and oriented in such a manner that the sign cannot be seen from said districts.

7. Directional signs that do not exceed six (6) square feet in area and four feet (4’) in height. Logo identification on directional signs may not be more than twenty five percent (25%) of the sign area. If the logo identification is more than 25%, then the sign is not a directional sign and is considered a freestanding sign.

G. PLI District:

1. Freestanding, wall, awning, or marquee signs whose aggregate sign area may not exceed more than one hundred (100) square feet per per lot, tract, or parcel that is held in common ownership. Freestanding signs may not exceed eighteen feet (18’) in overall height.

2. Signs lettered on the exterior or interior of a window may not exceed twenty five percent (25%) of the window on which it is lettered or a maximum of four (4) square feet, whichever is more. If the sign on a window exceeds those limitations, the sign is considered a wall sign and subject to the wall sign limitation above.

3. One electronic message display subject to the specific size and luminance regulations in this chapter. No

electronic message display sign may be erected or maintained closer than one hundred feet (100') from any OSR, R-1, R-2, R-3, R-4, R-O, or Airport zoning districts unless the sign is constructed and oriented in such a manner that the sign cannot be seen from said districts.

4. Directional signs that do not exceed than six (6) square feet in area and four feet (4') in height. Logo identification on directional signs may not be more than twenty five percent (25%) of the sign area. If the logo identification is more than 25%, then the sign is not a directional sign and is considered a freestanding sign.

H. Airport District:

1. One freestanding sign no more than twenty four feet (24') in overall height and one hundred (100) square feet of sign area per lot, tract, or parcel that is held in common ownership.

2. Wall, awning, or marquee signs up to thirty percent (30%) of the building facade to which they are attached or two hundred and ten (200) square feet in aggregate sign area, whichever is less.

3. Signs lettered on the exterior or interior of a window may not exceed twenty five percent (25%) of the window on which it is lettered or a maximum of four (4) square feet, whichever is more. If the sign on a window exceeds those limitations, the sign is considered a wall sign and subject to the wall sign limitation above.

6. One roof sign that is no more than three hundred (300) square feet in aggregate sign area.

7. One electronic message display subject to the specific size and luminance regulations in this chapter. No electronic message display sign may be erected or maintained closer than one hundred feet (100') from any OSR, R-1, R-2, R-3, R-4, R-O, or Airport zoning districts unless the sign is constructed and oriented in such a manner that the sign cannot be seen from said districts.

8. Directional signs that are no larger than six (6) square feet in area and four feet (4') in height. Logo identification on directional signs may not be more than twenty five percent (25%) of the sign area. If the logo identification is more than 25%, then the sign is not a directional sign and is considered a freestanding sign.

9. All signs must be installed and designed in accordance with the rules regulations promulgated by the United States federal aviation administration.

11-23-6: GENERAL SIGN STANDARDS:

A. Wall signs may not project more than eighteen inches (18") from the wall and may not extend more than six inches (6") above the parapet, eaves, or facade of the building upon which they are located.

B. A roof sign must appear to be free of any extra bracing, angle iron, guywires, cables, etc. The supports must be an architectural feature and integral part of the building. Supporting columns of round, square, or shaped steel members may be erected if the required bracing that is visible to the public is minimized or covered. The roof sign height may not exceed eight feet (8') measured from the lowest point of attachment to the roof nor exceed the allowable height of a structure for the underlying zoning.

C. Projecting signs may not extend more than ten feet (10') measured at a right angle between the outer extremity of the sign and the wall or structure to which it is attached. The sign must appear to be free of any extra bracing, angle iron, guy wires, cables, etc., and sign supports must appear to be an architectural feature and integral part of the building. A projecting sign may not extend more than six inches (6") above the parapet, eave, or facade of the building to which it is attached.

D. Signs that are permitted to be lighted may only be lighted in such a manner that the light therefrom may shine only on

the sign or on the property on which it is located and may not shine onto any other property, in any direction, except by indirect reflection. No lighting arrangement is permitted which, by reason of brilliance or reflected light, is a detriment to surrounding properties or prevents the reasonable enjoyment of residential uses.

E. Electronic message display luminance must have ambient light monitors and automatic controls so that the electronic message display does not exceed 7650 nits between sunrise and sunset and 1350 nits between sunset and sunrise. Electronic message displays may not exceed fifty percent (50%) of the total allowable sign area allowed in the district or a maximum of seventy-five (75) square feet, whichever is less, and must be computed as part of the sign's total area.

11-23-7: NONCONFORMING SIGNS: Nonconforming signs are permitted to remain, subject to the following exceptions and restrictions:

A. The abandonment of a nonconforming sign terminates the right to maintain such sign.

B. A nonconforming sign may be continuously maintained or repaired in its original form with materials compatible with the existing construction until damaged or destroyed from any cause in excess of seventy percent (70%) of replacement costs or until the sign becomes substandard structurally, materially, or electrically from obsolescence or other cause, so as to pose a hazard or endangerment to the public, and is not promptly repaired as ordered by the sign administrator.

C. When a nonconforming sign is replaced or relocated, a sign permit must be obtained and the sign must then comply with this chapter.

D. A nonconforming sign may be altered only when the proposed alterations bring the sign fully into conformance with the restrictions for the district in which the sign is located.

E. A nonconforming sign shall cease to be used when the business, activity or use on, or to which the property is put, is enlarged in excess of fifty percent (50%) of either the original lot area or the building area lot coverage in place at the time the sign was installed.

G. Billboard signs must be removed after ten (10) years of the effective date of this ordinance.

11-23-8: REMOVAL OF SIGNS: The city may remove unauthorized signs from public rights-of-way and city property without notice to the owner. The city shall make all reasonable efforts to ascertain the owner of the sign and inform the owner where the signs can be retrieved.

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS ___ DAY OF _____, 2016.

_____
MAYOR

ATTEST:

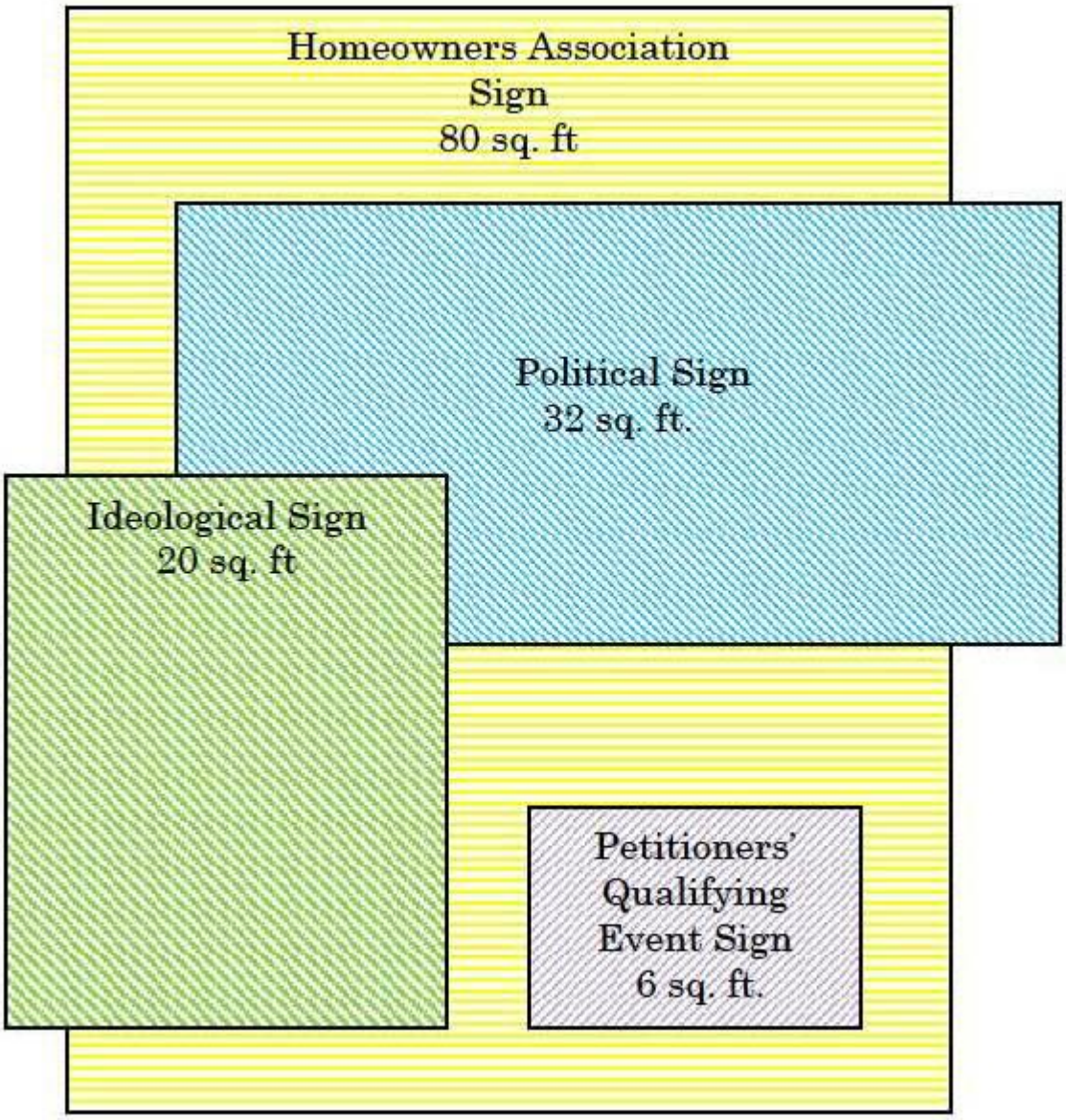
_____
CITY CLERK

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS _____ DAY OF _____, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK


Homeowners Association
Sign
80 sq. ft
Political Sign
32 sq. ft.
Ideological Sign
20 sq. ft
Petitioners'
Qualifying
Event Sign
6 sq. ft.



Existing Sign area 90 Sq. ft. (based on rectangle around entire sign) - Building front area approximately 720 Sq. Ft.
Sign area as percentage of storefront area = 12.5%.



Sign area as percentage of storefront area shown at 30%.



Sign area as percentage of storefront area shown at 10%.



Sign area as percentage of storefront area shown at 3%.



SITE PLAN



SITE ID

REF 17-A2.1

Commercial Sign Permit

ADDRESS: 2750 PROSPECT AVENUE
Walmart

CONTRACTOR:

City of Helena, Building Division
316 N. Park Ave.
Helena, MT 59623
(406) 447-8437 or (406) 447-8438

WALL SIGN REQUIRED INSPECTIONS

ELECTRICAL_____

FRAMING_____

FINAL_____

OTHER_____

NOTE: Plans and specs shall not be changed, modified or altered without authorization from The City of Building Division.

This permit shall be null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work has commenced.

The holder of this permit will be required to comply with all applicable provisions of the building code and city ordinances in effect even if the necessity for compliance is discovered after issuance of the permit.

APPROVED
City of Helena Building Division

Approval of this document does not authorize the violation of any state, county, or city law or regulation.

Permit Number: SIGN23-00017
By: CRN
Date: 7/13/23
Remarks: To illuminate signs will require electrical permits. Subject to field inspection
IT IS UNLAWFUL TO OCCUPY THIS BUILDING PRIOR TO THE FINAL INSPECTION

CITY OF HELENA
Building Division
447-8437 or 447-8438
REFER TO RECORD CARD FOR REQUIRED INSPECTIONS

Call for Final inspection once Signs are installed
406-447-8438

OFFICE COPY

NOTE:
-The final connection of the sign requires a licensed electrician. A separate electrical permit will be required for final connection.
-Electrical warning labels shall comply with Section 110.21 (B) of the 2017 NEC.

DEMOLITION NOTES

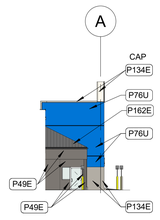
1. NOT USED.
2. REMOVAL OF BUILDING MOUNTED ITEMS, SHOWN OR NOTED TO BE DEMOLISHED OR AS REQUIRED BY SCOPE OF WORK, SHALL OCCUR PRIOR TO PAINTING BUILDING. COORDINATE DEMOLITION WORK SO EXTERIOR PAINTING WILL OCCUR PRIOR TO INSTALLATION OF BUILDING MOUNTED ITEMS.

COLOR LEGEND

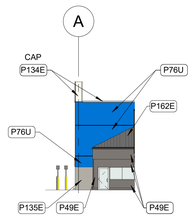
P#	COLOR NAME
P5E	SAFETY YELLOW OSHA STANDARD
P33E	CREAM
P36E	BLACK
P49E	DARK GRAY
P76U	WALMART BLUE (URETHANE-LIKE)
P134E	LIGHT GRAY
P135E	MEDIUM GRAY
P162E	BLACK GRAY

SHEET NOTES

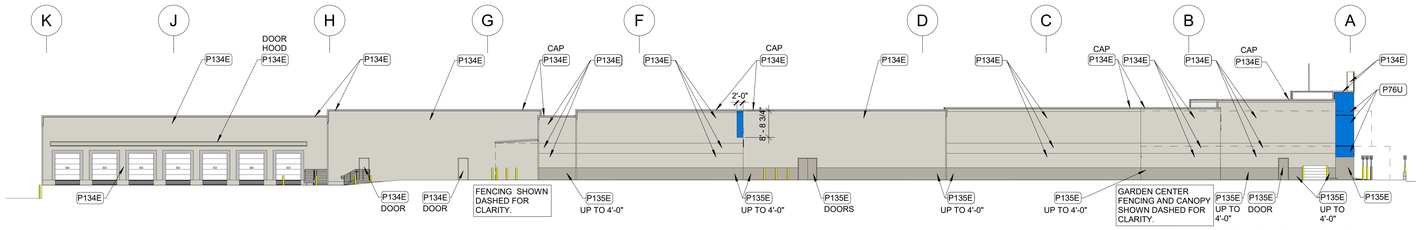
1. POWER WASH 100% OF EXTERIOR WALLS NOTED TO RECEIVE PAINT PRIOR TO PAINTING.
2. PATCH AND REPAIR EXTERIOR WALL SURFACES AS DIRECTED IN PAINT EVALUATION REPORTS.
3. NOT USED.
4. PAINT DOOR HOODS, HOLLOW METAL STEEL DOORS AND FRAMES, GUTTERS AND DOWNSPOUTS, EXPOSED METAL FLASHING, HANDRAILS AND EXPOSED MISCELLANEOUS STEEL TO MATCH ADJAC BUILDING COLOR UNO.
5. PAINT STRUCTURAL STEEL AND FLASHING TO MATCH ADJACENT WALL UNO.
6. WHERE CANOPIES ARE VISIBLE TO AND ACCESSED BY CUSTOMERS, PAINT UNDERSIDE OF CANOPY DECK P33E. DO NOT PAINT CANOPY DECK IF NOT PREVIOUSLY PAINTED.
7. PAINT JIB CRANE - P36E ON JIB BOOM, P5E ON HANDRAILS.
8. PAINT ALL GAS PIPE ON SIDE WALLS TO MATCH ADJACENT WALL COLOR. DO NOT PAINT METER OR VALVES.
9. PAINT SPRINKLER VALVES P21E. DO NOT PAINT OVER SIGHT GLASS OR FIRE ALARM BELL.
10. PAINT SECURITY WALL PACK HOUSINGS TO MATCH ADJACENT WALL. REMOVE PAINT OVERSPRAY FROM LENSES.
11. DO NOT PAINT LED WALL PACK HOUSINGS.
12. PAINT GARDEN CENTER STEEL DOORS AND FRAMES TO MATCH ADJACENT BUILDING WALL. IF THERE ARE TWO COLORS AT ADJACENT WALL, USE BOTTOM COLOR FOR ENTIRE DOOR AND FRAME.
13. NOT USED
14. FIELD REVIEW CONDITION OF EXISTING GARDEN CENTER ORNAMENTAL FENCING PAINT. COORDINATE WITH FM TO DETERMINE IF PAINTING WILL BE REQUIRED.
15. REMOVE ANY BANNERS OR TEMPORARY SIGNS PRIOR TO PAINTING.
16. PAINT ALL REMOTE BUILDING, FENCES, OR STRUCTURES NOT SHOWN ON A2, THAT WERE PREVIOUSLY PAINTED, P134E.
17. DO NOT PAINT STONE VENEER, FACE BRICK, QUIK BRIK, AND UNPAINTED PRECAST PANELS.
18. NOT USED.
19. NOT USED.
20. PICKUP PARKING STALL SIGNAGE: REPLACE EXISTING PARKING STALL SIGNS ON EXISTING POSTS WITH NEW OWNER FURNISHED SIGNS TO MATCH P76U. FIELD VERIFY QUANTITY PRIOR TO ODERING. PAINT SIGN POST BOLLARDS WHERE EXISTING P5E IF NOT CURRENTLY PAINTED SAFETY YELLOW.
21. PICKUP WAYFINDING SIGNAGE: REPLACE EXISTING WAYFINDING SITE SIGNS ON EXISTING POSTS WIT NEW OWNER FURNISHED SIGNS TO MATCH P76U. FIELD VERIFY QUANTITY PRIOR TO ORDERING. PAINT SIGN POST BOLLARDS WHERE EXISTING P5E IF NOT CURRENTLY PAINTED SAFETY YELLOW.
22. APPLY WATER REPELLANT BRICK/MORTAR SEALER AT UNPAINTED BRICK UNO.
23. EXISTING FENCE SLATS TO REMAIN. WILL BE UPDATED IN SEPARATE FUTURE PROJECT.
24. INSTALL GRAY BOLLARD SLEEVES AT ALL ENTRANCE BOLLARDS. PAINT ALL SAFETY BOLLARDS P5E. PAINT ALL OTHER BOLLARDS P134E.



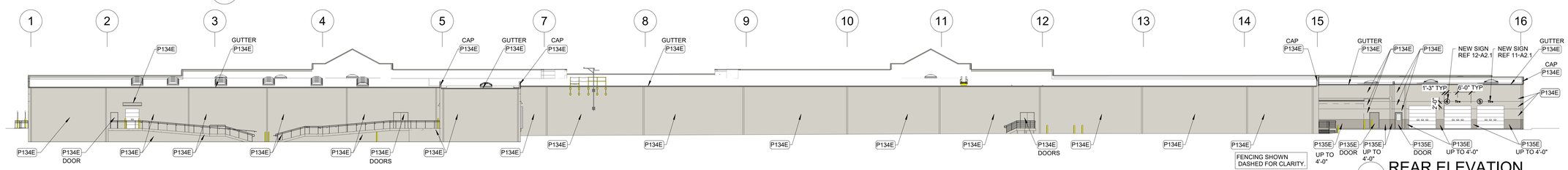
8 VESTIBULE SIDE ELEVATION
1" = 20'-0"



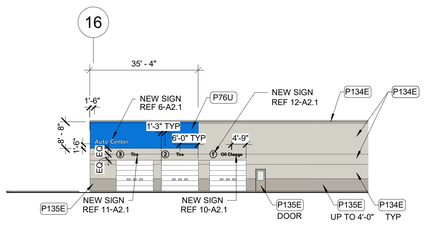
7 VESTIBULE SIDE ELEVATION
1" = 20'-0"



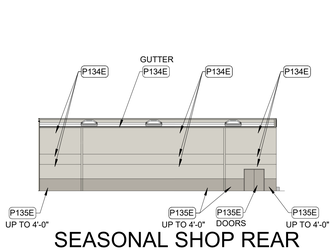
6 LEFT ELEVATION
1" = 20'-0"



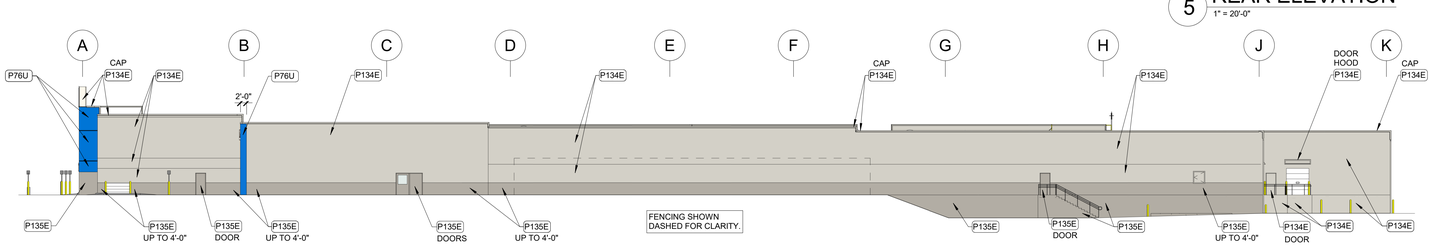
5 REAR ELEVATION
1" = 20'-0"



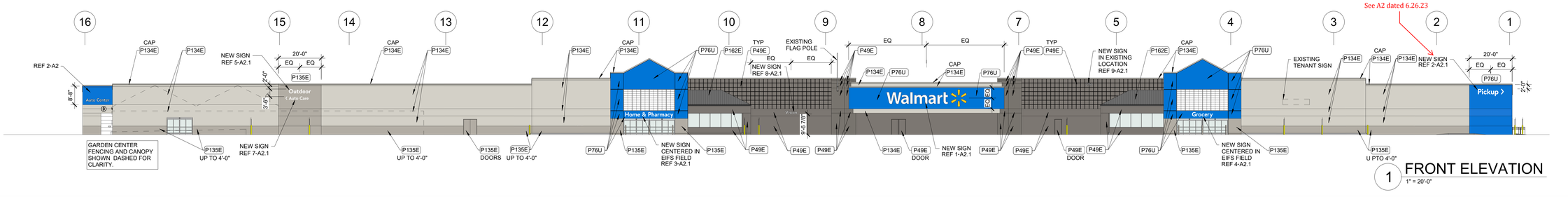
4 AUTO CARE FRONT ELEVATION
1" = 20'-0"



3 SEASONAL SHOP REAR ELEVATION
1" = 20'-0"



2 RIGHT ELEVATION
1" = 20'-0"



1 FRONT ELEVATION
1" = 20'-0"

pb2 architecture +engineering
2809 Ajax Avenue Suite 100
Rogers Arkansas 72758
Phone: 479.636.3545
Fax: 479.636.1209
Architect of Record
William Douglas Hurley
Montana License No. 2592

STIPULATION FOR REUSE

THIS DRAWING WAS PREPARED FOR USE ON A SPECIFIC SITE AT THE TIME OF ITS ISSUE. DATA ON DRAWINGS AND IN THE SPECIFICATIONS ARE NOT SUITABLE FOR REUSE ON ANOTHER PROJECT. PB2 ASSUMES NO LIABILITY FOR REUSE OF ITS DRAWINGS AND SPECIFICATIONS BY LICENSED ARCHITECTS AND ENGINEERS FOR ANOTHER PROJECT. ANY ATTEMPT TO REUSE ON ANOTHER PROJECT IS NOT PERMITTED AND IS A VIOLATION OF THE LAW.

Walmart
HELENA, MONTANA
2750 PROSPECT AVE.
STORE NO. 1872.276
2023.0053 PROTO
JOB NUMBER:
192

ISSUE BLOCK

CHECKED BY:	TB
DRAWN BY:	AP
PROTO:	192
PROTO CYCLE:	02/24/23
DOCUMENT DATE:	03/20/23

DOCUMENTS THAT DO NOT HAVE THE ARCHITECT OR ENGINEER OF RECORD SEAL AND SIGNATURE SHALL BE CONSIDERED NOT FOR CONSTRUCTION

EXTERIOR ELEVATIONS

SHEET:
A2

C:\Users\arielpelayo\Documents\1872_Helena_MT_192_L_ARCH_FM_V22_ariel.pelayo.rvt



SITE PLAN

RECEIVED
07/10/2023
BUILDING DIVISION
CITY OF HELENA

DEMOLITION NOTES

1. NOT USED.
2. REMOVAL OF BUILDING MOUNTED ITEMS, SHOWN OR NOTED TO BE DEMOLISHED OR AS REQUIRED BY SCOPE OF WORK, SHALL OCCUR PRIOR TO PAINTING BUILDING. COORDINATE DEMOLITION WORK SO EXTERIOR PAINTING WILL OCCUR PRIOR TO INSTALLATION OF BUILDING MOUNTED ITEMS.

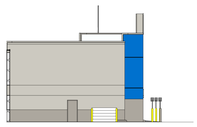
COLOR LEGEND

	P#	COLOR NAME
	P5E	SAFETY YELLOW OSHA STANDARD
	P49E	DARK GRAY
	P76U	WALMART BLUE (URETHANE-LIKE)
	P134E	LIGHT GRAY
	P135E	MEDIUM GRAY
	P162E	BLACK GRAY

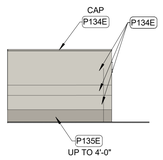
SHEET NOTES

1. PATCH AND REPAIR EXTERIOR WALL SURFACES, DAMAGED OR EXPOSED DUE TO REMOVAL OF BUILDING MOUNTED ITEMS, TO MATCH ADJACENT AS REQUIRED
2. REFER TO DETAILS ON SHEET A2.1 FOR SUBSTRATE AND FINISH REQUIREMENTS AT LOCATIONS OF BUILDING MOUNTED SIGNS
3. NOT USED.
4. NOT USED.
5. PRIOR TO PAINTING WALL AT LOCATION(S) OF LIT ID/LOGO SIGN(S), COORDINATE SCOPE OF WORK WITH WALMART CM
6. IF PAINTING ADJACENT WALLS PAINT HOLLOW METAL STEEL DOORS, FRAMES, AND DOWNSPOUTS, EXPOSED METAL FLASHING, HANDRAILS, AND EXPOSED MISCELLANEOUS STEEL TO MATCH PRIMARY ADJACENT BUILDING COLOR UNO.
7. PAINT ANY ROOFTOP GAS PIPING P5E
   - WHERE EXTERIOR WALL IS BEING PAINTED, GAS PIPE ALONG SIDE WALL TO GRADE SHALL MATCH ADJACENT BUILDING
   - DO NOT PAINT METER OR VALVES
8. NOT USED.
9. NOT USED.
10. NOT USED.
11. NOT USED.
12. DO NOT PAINT LED WALL PACK HOUSINGS
13. NOT USED.
14. NOT USED.
15. DO NOT PAINT QUIK-BRIK, STONE VENEER, FACE BRICK, UNPAINTED TILT-WALL OR PRECAST PANELS
16. AT MASONRY LOCATIONS WHERE SIGNS ARE BEING REPLACED, REMOVE AND PAINT AREA BEHIND SIGN TO MATCH EXISTING COLOR, REF SPEC 09900.
17. NOT USED.
18. NOT USED.

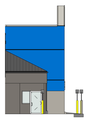
EXISTING PAINT AND SIGNAGE TO REMAIN UNO



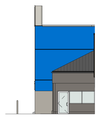
10 VESTIBULE SIDE ELEVATION
1" = 20'-0"



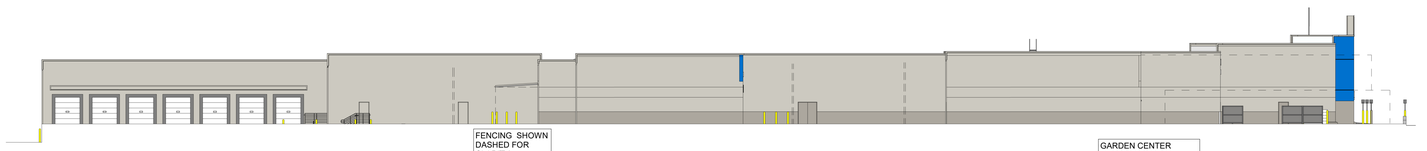
9 PICKUP SIDE ELEVATION
1" = 20'-0"



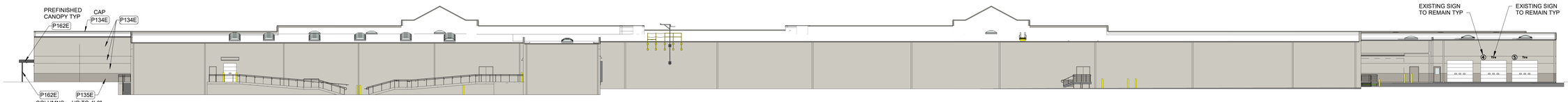
8 VESTIBULE SIDE ELEVATION
1" = 20'-0"



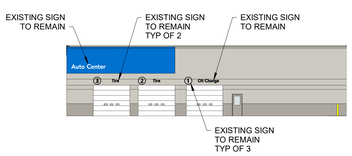
7 VESTIBULE SIDE ELEVATION
1" = 20'-0"



6 LEFT ELEVATION
1" = 20'-0"



5 REAR ELEVATION
1" = 20'-0"



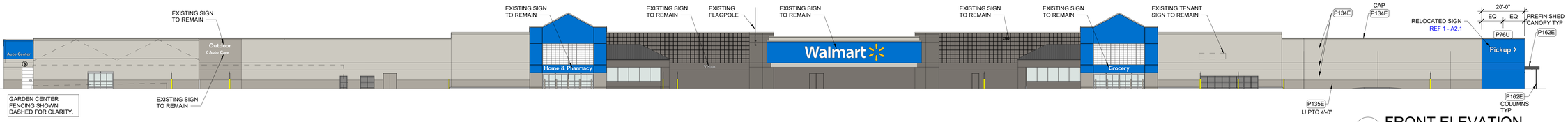
4 AUTO CARE FRONT ELEVATION
1" = 20'-0"



3 SEASONALSHOP REAR ELEVATION
1" = 20'-0"



2 RIGHT ELEVATION
1" = 20'-0"



1 FRONT ELEVATION
1" = 20'-0"

pb2 architecture +engineering
2809 Ajax Avenue Suite 100
Rogers Arkansas 72758
Phone: 479.636.3545
Fax: 479.636.1209
Architect of Record
William Douglas Hurley
Montana License No. 2592

STIPULATION FOR REUSE
THIS DRAWING WAS PREPARED FOR USE ON A SPECIFIC SITE AT THE TIME INDICATED. ANY USE OTHER THAN AS DESIGNED IT IN SUCH DATE, OR DESIGNED IT IN SUCH PROJECT SITE, OR AT A LATER TIME, USE BY OTHERS SHALL BE AT THEIR SOLE RISK AND WITHOUT LIABILITY TO THE ARCHITECT. EXAMPLE ON ANOTHER PROJECT OR ADDITIONS TO THIS PROJECT. ALL LICENSED ARCHITECTS AND ENGINEERS HAVE A LEGAL RESPONSIBILITY NOT TO REUSE OR ANOTHER PROJECT IS NOT TO BE USED WITHOUT PERMISSION TO THE LAW!

Walmart
HELENA, MONTANA
2750 PROSPECT AVE,
STORE NO.1872-276
SUPERCENTER REMODEL
JOB NUMBER: 2023.0053 | PROTO | 192

ISSUE BLOCK

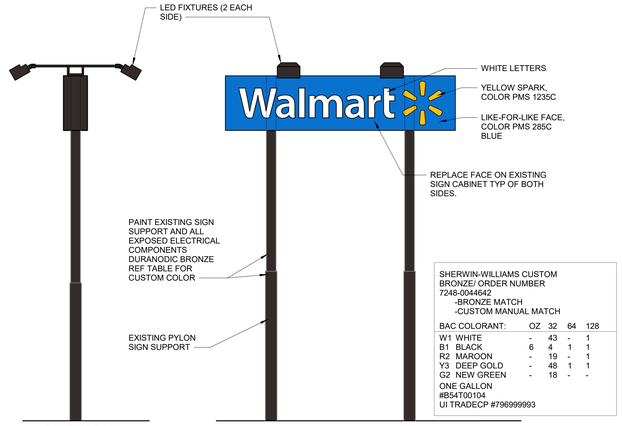
CHECKED BY:	CB
DRAWN BY:	DR
PROTO:	192
PROTO CYCLE:	03.31.2023
DOCUMENT DATE:	06.26.2023

DOCUMENTS THAT DO NOT HAVE THE ARCHITECT OR ENGINEER OF RECORD SEAL AND SIGNATURE SHALL BE CONSIDERED NOT FOR CONSTRUCTION

EXTERIOR ELEVATIONS

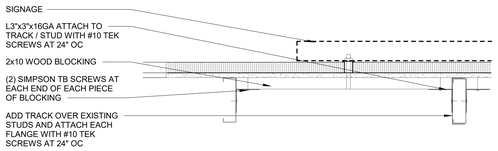
SHEET: A2 R1

C:\Users\dustin.reed\OneDrive - PB2 Architecture and Engineering\Documents\01872_Helena_MT_192_A_V22_dustin.reed3FCFB.rvt



SECTION

17 PYLON SIGN
3/16" = 1'-0"



PLAN VIEW

SIGNAGE GENERAL NOTES

1. SIGNAGE FURNISHED BY WAL-MART AND INSTALLED BY GC.
2. ALL EXISTING WALMART EXTERIOR SIGNAGE IS TO REMAIN IN PLACE ON THE BUILDING UNTIL THE GC SIGN COMPANY IS ONSITE. THE EXISTING SIGNAGE WILL THEN BE REMOVED. PATCH AND REPAIR WORK WILL BE COMPLETED AT SIGN LOCATIONS, AND SIGNAGE WILL BE INSTALLED PER PLANS.
   A. A TEMPORARY BANNER WILL BE INSTALLED PRIOR TO REMOVAL OF EXISTING EXTERIOR SIGNAGE. BANNER WILL REMAIN IN PLACE UNTIL ALL MODIFICATIONS AND/OR REPAIRS HAVE BEEN COMPLETED AND SIGNAGE IS INSTALLED.
   B. TEMPORARY BANNER WILL BE APPROXIMATELY 125 SF (5'X25').
   C. EXTERIOR SIGN WORK NEEDS TO BE SCHEDULED, COORDINATED, AND COMPLETED DURING WEEK 6 OF THE CONSTRUCTION SCHEDULE.
3. GENERAL CONTRACTOR RESPONSIBILITIES
   A. BY END OF FIRST WEEK OF CONSTRUCTION, REVIEW EXISTING CONSTRUCTION WHERE SIGN(S) WILL BE INSTALLED. IF EXISTING CONDITIONS DO NOT MATCH SIGN ATTACHMENT DETAILS SHOWN, REQUEST APPROVAL FROM CONSTRUCTION MANAGER TO SUBMIT RFI IN ACCORDANCE WITH SECTION 01255. NOTE DIFFERENCES IN CONSTRUCTION, INCLUDING DIMENSIONS, AND INCLUDE PHOTOGRAPHS FOR CLARIFICATION.
   B. PROVIDE SUBSTRATE SUITABLE FOR INSTALLATION OF SIGNAGE. REFER TO SIGN DETAILS FOR LIGHTED ID/LOGO SIGNS.
   C. PROVIDE JUNCTION BOXES AND CIRCUITRY TO "Walmart" and "spark" SIGNAGE. EXISTING (8) BOXES FROM "WAL«MART" SIGNAGE MAY BE REUSED.
   D. NOT USED.
   E. NOT USED.
   F. VERIFY VOLTAGE AT CIRCUITS FEEDING LIGHTED SIGNAGE. REFER TO ELECTRICAL
   G. MAKE FINAL TERMINATIONS ON LIGHTED SIGNAGE.
   H. REMOVE ALL LIT ID/LOGO SIGNS AND UNLIT EXTERIOR STUD MOUNTED BUILDING SIGNS. UNLESS NOTED OTHERWISE.
   I. MAKE REQUIRED EXTERIOR WALL PENETRATIONS, INSTALL CONDUIT, AND SEAL PENETRATIONS PER SPECIFICATION SECTION 07900.
   J. INSTALL SIGNAGE PER DETAILS.

EXISTING SIGNAGE SCHEDULE

SIGNAGE LOCATION	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA		TOTAL AREA	
FRONT SIGNAGE								
Walmart	1	LED	WHITE	5'-6"	157.88	SF	157.88	SF
* (Spark)	1	LED	YELLOW	8'-0"	57.41	SF	57.41	SF
*Pickup	1	LED	WHITE	2'-6"	66.76	SF	66.76	SF
Grocery	1	N/A	WHITE	2'-0"	19.69	SF	19.69	SF
Home & Pharmacy	1	N/A	WHITE	2'-0"	62.49	SF	62.49	SF
Lawn & Garden	1	N/A	WHITE	2'-0"	49.48	SF	41.55	SF
Address Sign (2750)	1	N/A	WHITE	1'-0"	N/A	SF	N/A	SF
TOTAL FRONT SIGNAGE							405.78	SF
AUTO CENTER SIGNAGE								
Auto Center	1	N/A	WHITE	1'-6"	17.75	SF	17.75	SF
Tire	2	N/A	WHITE	1'-0"	2.38	SF	4.76	SF
Lube	1	N/A	WHITE	1'-0"	3.13	SF	3.13	SF
TOTAL AUTO CENTER SIGNAGE							25.64	SF
TOTAL BUILDING SIGNAGE							431.42	SF

NEW SIGNAGE SCHEDULE

SIGNAGE LOCATION	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA		TOTAL AREA	
FRONT SIGNAGE								
Walmart	1	LED	WHITE	5'-6"	158.39	SF	158.39	SF
* (Spark)	1	LED	YELLOW	8'-0"	57.00	SF	57.00	SF
Pickup >	1	LED	WHITE	2'-6"	40.83	SF	40.83	SF
Grocery	1	N/A	WHITE	2'-0"	26.27	SF	26.27	SF
Home & Pharmacy	1	N/A	WHITE	2'-0"	60.74	SF	60.74	SF
Outdoor	1	N/A	WHITE	2'-0"	20.67	SF	20.67	SF
< Auto Care	1	N/A	WHITE	1'-6"	16.25	SF	16.25	SF
Vision	1	N/A	WHITE	1'-6"	8.19	SF	8.19	SF
Address Sign (2750)	1	N/A	WHITE	1'-0"	N/A	SF	N/A	SF
TOTAL FRONT SIGNAGE							388.34	SF
AUTO CARE SIGNAGE								
Auto Care	1	N/A	WHITE	2'-0"	24.75	SF	24.75	SF
Tire	4	N/A	BLACK	1'-0"	2.33	SF	9.32	SF
Oil Change	1	N/A	BLACK	1'-0"	9.33	SF	9.33	SF
"1","2","3","4","5"	5	N/A	BLACK	2'-6"	4.91	SF	24.55	SF
TOTAL AUTO CARE SIGNAGE							67.95	SF
TOTAL BUILDING SIGNAGE							456.29	SF

Number signs considered to be directional signs. Area does not count towards total wall sign area.

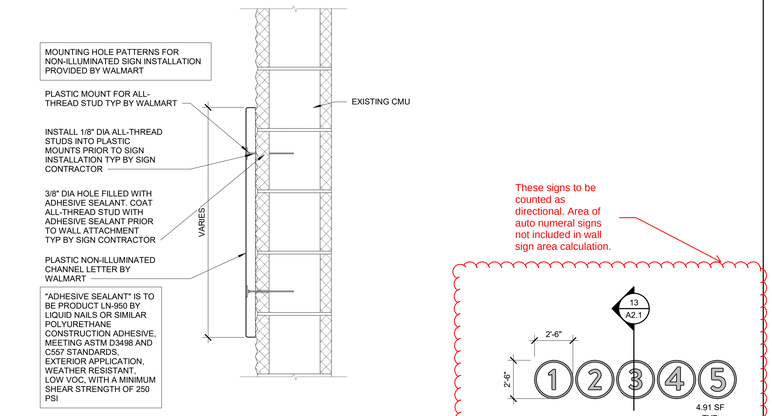
New revised area to be 431.74 SF.

NOTE TO SIGN INSTALLER:
ALL PRIMARY MOUNTING HOLES MUST BE UTILIZED. IF MOUNTING THROUGH PRIMARY HOLE IS OBSTRUCTED BY REBAR, METAL STUDS, CHANNELS, OR OTHER MISC METAL, SEAL PRIMARY HOLE IN SIGN CAN AND MOUNT THROUGH THE NEAREST ALTERNATE MOUNTING HOLE. PRIMARY HOLES ARE INDICATED WITH PREDRILLED HOLES THROUGH WASHERS. ALTERNATE HOLES ARE INDICATED WITH WASHERS ONLY OR ARE OTHERWISE MARKED.

NOTE:
ALL SIGN PENETRATIONS ABOVE ROOF LEVEL MUST BE A CLEAR MINIMUM OF 8" ABOVE DECK



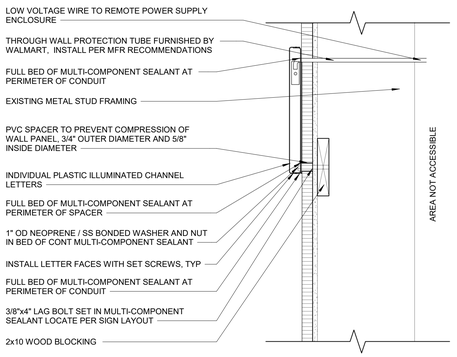
1A 5'-6" WALMART SIGN MOUNTING DIAGRAM
1/4" = 1'-0"



These signs to be counted as directional. Area of auto numeral signs not included in wall sign area calculation.

12 2'-6" AUTO NUMERALS
1/4" = 1'-0"

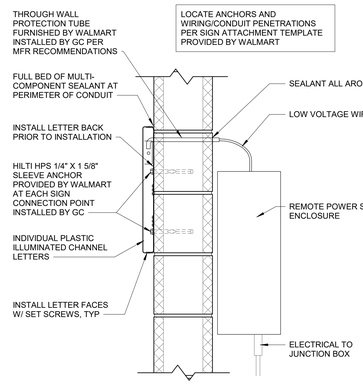
13 SIGN ATTACHMENT AT CMU WALL
1 1/2" = 1'-0"



SECTION VIEW

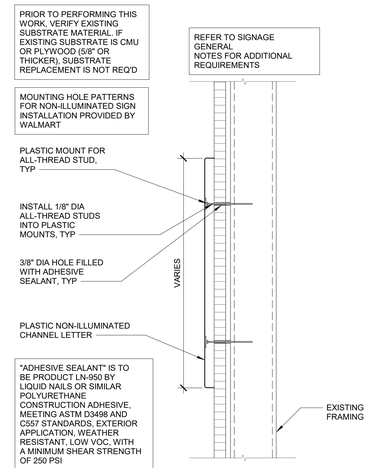
Electrical
-Electrical disconnect per NEC 600.6(A)(1). Provide grounding as required. TYPICAL

16 ATTACHMENT AT STUDS AND EIFS
1 1/2" = 1'-0"

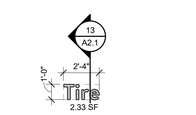


15 PICKUP SIGN ATTACHMENT BELOW ROOF LINE
1 1/2" = 1'-0"

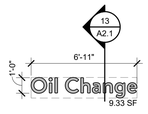
SEE A2.1 R1 for revised detail.



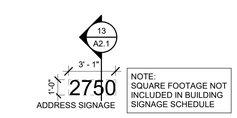
14 SIGN ATTACHMENT AT EIFS AND METAL STUD WALL
1 1/2" = 1'-0"



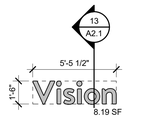
11 1'-0" TIRE
1/4" = 1'-0"



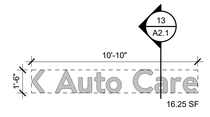
10 1'-0" OIL CHANGE
1/4" = 1'-0"



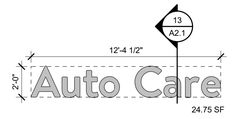
9 1'-0" ADDRESS
1/4" = 1'-0"



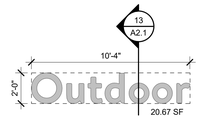
8 1'-6" VISION
1/4" = 1'-0"



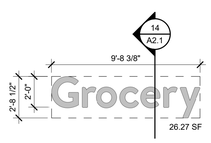
7 1'-6" AUTO CARE
1/4" = 1'-0"



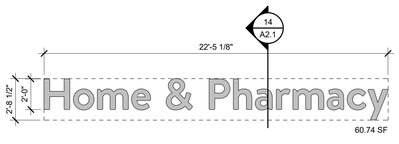
6 2'-0" AUTO CARE
1/4" = 1'-0"



5 2'-0" OUTDOOR
1/4" = 1'-0"



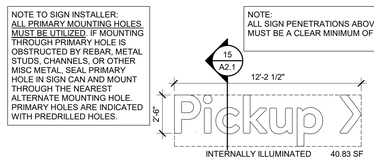
4 2'-0" GROCERY
1/4" = 1'-0"



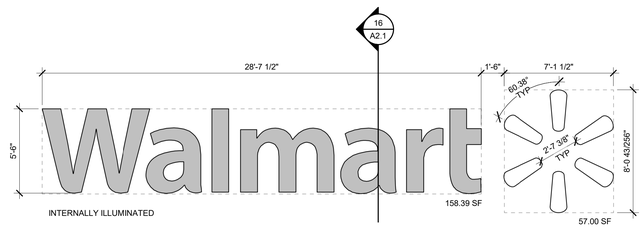
3 2'-0" HOME & PHARMACY
1/4" = 1'-0"

NOTE TO SIGN INSTALLER:
ALL PRIMARY MOUNTING HOLES MUST BE UTILIZED. IF MOUNTING THROUGH PRIMARY HOLE IS OBSTRUCTED BY REBAR, METAL STUDS, CHANNELS, OR OTHER MISC METAL, SEAL PRIMARY HOLE IN SIGN CAN AND MOUNT THROUGH THE NEAREST ALTERNATE MOUNTING HOLE. PRIMARY HOLES ARE INDICATED WITH PREDRILLED HOLES.

NOTE:
ALL SIGN PENETRATIONS ABOVE ROOF LEVEL MUST BE A CLEAR MINIMUM OF 8" ABOVE DECK



2 2'-6" PICKUP
1/4" = 1'-0"



1 5'-6" - WALMART SIGN
1/4" = 1'-0"

pb2 architecture +engineering
2809 Ajax Avenue Suite 100
Rogers Arkansas 72758
Phone: 479.636.3545
Fax: 479.636.1209
Architect of Record
William Douglas Hurley
Montana License No. 2592

STIPULATION FOR REUSE
THIS DRAWING WAS PREPARED FOR USE ON A SPECIFIC SITE AT THE TIME INDICATED. IT IS NOT SUITABLE FOR REUSE ON ANOTHER PROJECT OR AT ANOTHER SITE. ANY REUSE ON THIS PROJECT OR AT ANOTHER SITE WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE LICENSED ARCHITECTS AND ENGINEERS WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE LICENSED ARCHITECTS AND ENGINEERS. ANY REUSE ON ANOTHER PROJECT IS NOT AUTHORIZED UNLESS AGREED TO IN WRITING BY THE LICENSED ARCHITECTS AND ENGINEERS. ANY REUSE ON ANOTHER PROJECT IS NOT AUTHORIZED UNLESS AGREED TO IN WRITING BY THE LICENSED ARCHITECTS AND ENGINEERS. ANY REUSE ON ANOTHER PROJECT IS NOT AUTHORIZED UNLESS AGREED TO IN WRITING BY THE LAW.

Walmart
HELENA, MONTANA
2750 PROSPECT AVE,
STORE NO.1872.276
2023.0053 PROTO
192
JOB NUMBER:
SUPERBUNDLE 2022

ISSUE BLOCK

CHECKED BY:	TB
DRAWN BY:	Author
PROTO:	192
PROTO CYCLE:	02/24/23
DOCUMENT DATE:	03/20/23

DOCUMENTS THAT DO NOT HAVE THE ARCHITECT OR ENGINEER OF RECORD SEAL AND SIGNATURE SHALL BE CONSIDERED NOT FOR CONSTRUCTION

EXTERIOR SIGNAGE

SHEET:
A2.1

C:\Users\arielpelayo\Documents\1872_Helena_MT_192_L_ARCH_FM_V22_ariel.pelayo.rvt

RECEIVED
07/10/2023
BUILDING DIVISION
CITY OF HELENA

SIGNAGE GENERAL NOTES

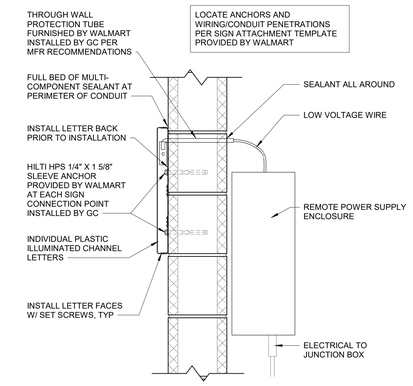
1. SIGNAGE FURNISHED BY WAL-MART AND INSTALLED BY GC.
2. ALL EXISTING WALMART EXTERIOR SIGNAGE IS TO REMAIN IN PLACE ON THE BUILDING UNTIL THE GC SIGN COMPANY IS ONSITE. THE EXISTING SIGNAGE WILL THEN BE REMOVED, PATCH AND REPAIR WORK WILL BE COMPLETED AT SIGN LOCATIONS, AND SIGNAGE WILL BE INSTALLED PER PLANS.
   A. A TEMPORARY BANNER WILL BE INSTALLED PRIOR TO REMOVAL OF EXISTING EXTERIOR SIGNAGE. BANNER WILL REMAIN IN PLACE UNTIL ALL MODIFICATIONS AND/OR REPAIRS HAVE BEEN COMPLETED AND SIGNAGE IS INSTALLED.
   B. TEMPORARY BANNER WILL BE APPROXIMATELY 125 SF (5'X25').
   C. EXTERIOR SIGN WORK NEEDS TO BE SCHEDULED, COORDINATED, AND COMPLETED DURING WEEK 6 OF THE CONSTRUCTION SCHEDULE.
3. GENERAL CONTRACTOR RESPONSIBILITIES
   A. BY END OF FIRST WEEK OF CONSTRUCTION, REVIEW EXISTING CONSTRUCTION WHERE SIGN(S) WILL BE INSTALLED. IF EXISTING CONDITIONS DO NOT MATCH SIGN ATTACHMENT DETAILS SHOWN, REQUEST APPROVAL FROM CONSTRUCTION MANAGER TO SUBMIT RFI IN ACCORDANCE WITH SECTION 01255. NOTE DIFFERENCES IN CONSTRUCTION, INCLUDING DIMENSIONS, AND INCLUDE PHOTOGRAPHS FOR CLARIFICATION.
   B. PROVIDE SUBSTRATE SUITABLE FOR INSTALLATION OF SIGNAGE. REFER TO SIGN DETAILS FOR LIGHTED ID/LOGO SIGNS.
   C. NOT USED.
   D. NOT USED.
   E. NOT USED.
   F. VERIFY VOLTAGE AT CIRCUITS FEEDING LIGHTED SIGNAGE. REFER TO ELECTRICAL
   G. MAKE FINAL TERMINATIONS ON LIGHTED SIGNAGE.
   H. NOT USED.
   I. MAKE REQUIRED EXTERIOR WALL PENETRATIONS, INSTALL CONDUIT, AND SEAL PENETRATIONS PER SPECIFICATION SECTION 07900.
   J. INSTALL SIGNAGE PER DETAILS.

EXISTING SIGNAGE SCHEDULE

SIGNAGE LOCATION	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA		TOTAL AREA	
FRONT SIGNAGE								
Walmart	1	LED	WHITE	5'-6"	158.39	SF	158.39	SF
* (Spark)	1	LED	YELLOW	8'-0"	57.00	SF	57.00	SF
Pickup >	1	LED	WHITE	2'-6"	40.83	SF	40.83	SF
Grocery	1	N/A	WHITE	2'-0"	26.27	SF	26.27	SF
Home & Pharmacy	1	N/A	WHITE	2'-0"	60.74	SF	60.74	SF
Outdoor	1	N/A	WHITE	2'-0"	20.67	SF	20.67	SF
< Auto Care	1	N/A	WHITE	1'-6"	16.25	SF	16.25	SF
Vision	1	N/A	WHITE	1'-6"	8.19	SF	8.19	SF
Address Sign (2750)	1	N/A	WHITE	1'-0"	N/A	SF	N/A	SF
TOTAL FRONT SIGNAGE							388.34	SF
AUTO CARE SIGNAGE								
Auto Care	1	N/A	WHITE	2'-0"	24.75	SF	24.75	SF
Tire	4	N/A	BLACK	1'-0"	2.33	SF	9.32	SF
Oil Change	1	N/A	BLACK	1'-0"	9.33	SF	9.33	SF
"1","2","3","4","5"	5	N/A	BLACK	2'-6"	4.91	SF	24.55	SF
TOTAL AUTO CARE SIGNAGE							67.95	SF
TOTAL BUILDING SIGNAGE							456.29	SF

NEW SIGNAGE SCHEDULE

SIGNAGE LOCATION	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA		TOTAL AREA	
FRONT SIGNAGE								
Walmart (ETR)	1	LED	WHITE	5'-6"	158.39	SF	158.39	SF
* (Spark) (ETR)	1	LED	YELLOW	8'-0"	57.00	SF	57.00	SF
Pickup > (RELOCATED)	1	LED	WHITE	2'-6"	40.83	SF	40.83	SF
Grocery (ETR)	1	N/A	WHITE	2'-0"	26.27	SF	26.27	SF
Home & Pharmacy (ETR)	1	N/A	WHITE	2'-0"	60.74	SF	60.74	SF
Outdoor (ETR)	1	N/A	WHITE	2'-0"	20.67	SF	20.67	SF
< Auto Care (ETR)	1	N/A	WHITE	1'-6"	16.25	SF	16.25	SF
Vision (ETR)	1	N/A	WHITE	1'-6"	8.19	SF	8.19	SF
Address Sign (2750) (ETR)	1	N/A	WHITE	1'-0"	N/A	SF	N/A	SF
TOTAL FRONT SIGNAGE							388.34	SF
AUTO CARE SIGNAGE								
Auto Care (ETR)	1	N/A	WHITE	2'-0"	24.75	SF	24.75	SF
Tire (ETR)	4	N/A	BLACK	1'-0"	2.33	SF	9.32	SF
Oil Change (ETR)	1	N/A	BLACK	1'-0"	9.33	SF	9.33	SF
"1","2","3","4","5" (ETR)	5	N/A	BLACK	2'-6"	4.91	SF	24.55	SF
TOTAL AUTO CARE SIGNAGE							67.95	SF
TOTAL BUILDING SIGNAGE							456.29	SF



1 PICKUP SIGN ATTACHMENT ABOVE ROOF LINE
1 1/2" = 1'-0"

pb2 architecture +engineering
2809 Ajax Avenue Suite 100
Rogers Arkansas 72758
Phone: 479.636.3545
Fax: 479.636.1209
Architect of Record
William Douglas Hurley
Montana License No. 2592

STIPULATION FOR REUSE
THIS DRAWING WAS PREPARED FOR USE ON A SPECIFIC SITE AT THE LOCATION SHOWN. IT IS NOT INTENDED OR REASONABLE FOR USE ON ANY OTHER SITE OR PROJECT SITE OR AT A LATER TIME. USE OF THIS DRAWING ON ANY OTHER SITE, EXAMPLE ON ANOTHER PROJECT, OR REUSE AT A LATER TIME, WITHOUT EXPRESS, WRITTEN VERIFICATION BY LICENSED ARCHITECTS AND ENGINEERS THAT THE CONDITIONS ARE SUITABLE FOR REUSE OR ANOTHER PROJECT IS NOT TO BE CONSIDERED AS AN INFRINGEMENT OF THE LAW!

Walmart
HELENA, MONTANA
2750 PROSPECT AVE.
STORE NO. 1872-276
JOB NUMBER: 2023.0053 | PROTO: 192
REMODEL

ISSUE BLOCK

CHECKED BY:	CB
DRAWN BY:	DR
PROTO:	192
PROTO CYCLE:	03.31.2023
DOCUMENT DATE:	06.26.2023

DOCUMENTS THAT DO NOT HAVE THE ARCHITECT OR ENGINEER OF RECORD SEAL AND SIGNATURE SHALL BE CONSIDERED NOT FOR CONSTRUCTION

EXTERIOR SIGNAGE

SHEET: A2.1R1

C:\Users\dustin.reed\OneDrive - PB2 Architecture and Engineering\Documents\01872_Helena_MT_192_A_V22_dustin.reedSFCFB.rvt

Commercial Sign Permit

ADDRESS: 420 DOROTHY STREET
Crash Champions

CONTRACTOR: QRS Signs

City of Helena, Building Division
316 N. Park Ave.
Helena, MT 59623
(406) 447-8437 or (406) 447-8438

WALL SIGN REQUIRED INSPECTIONS

ELECTRICAL_____

FRAMING_____

FINAL_____

OTHER_____

NOTE: Plans and specs shall not be changed, modified or altered without authorization from The City of Building Division.

This permit shall be null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work has commenced.

The holder of this permit will be required to comply with all applicable provisions of the building code and city ordinances in effect even if the necessity for compliance is discovered after issuance of the permit.

APPROVED

City of Helena Building Division

Approval of this document does not authorize the violation of any state, county, or city law or regulation.

Permit Number: SIGN23-00033
By: CRN
Date: 9/21/23
Remarks: To illuminate signs will require electrical permits. Subject to field inspection
IT IS UNLAWFUL TO OCCUPY THIS BUILDING PRIOR TO THE FINAL INSPECTION

CITY OF HELENA
Building Division
447-8437 or 447-8438
REFER TO RECORD CARD
FOR REQUIRED INSPECTIONS

Call for Final inspection once Signs are installed

406-447-8438

OFFICE COPY

NOTE:
-The final connection of the sign requires a licensed electrician. A separate electrical permit will be required for final connection.
-Electrical warning labels shall comply with Section 110.21 (B) of the 2017 NEC.



N

AERIAL SITE PLAN | NTS

SIGN SCHEDULE

- **A** CCWS-4'-0" INT. ILLUM. WALL SIGN | QTY: ONE (1) 67.00 SQ. FT.
- **B** AWNING RE-PAINT | QTY: ONE (1)
- **C** CCLC-4'-6" NON-ILLUM. LOGO WALL SIGN | ONE (1) REQ | 20.25 SQ FT
- **D** CCWS-4'-0" INT. ILLUM. WALL SIGN | QTY: ONE (1) 67.00 SQ. FT.
- **E** DOOR VINYLS (STORE HOURS)
- **F** INTERIOR SIGN

SIGN CODE:
THE AREA OF WALL SIGNS SHALL NOT EXCEED THIRTY PERCENT (30%)
OF THE BUILDING FACADE OR ELEVATION UPON
WHICH THEY ARE PLACED OR TWO HUNDRED (200) SQUARE FEET, WHICHEVER IS LESS.
AGGREGATE OF ALL SIGNAGE ON ALL WALLS IS 170.46 SF.

GENERAL NOTES

- INSTALLER SHALL VERIFY WALL CONDITIONS IN THE FIELD
- TYPE, SIZE & QTY. OF FASTENERS TBD
- ALL BOLT HOLES TO BE DRILLED OR PUNCHED
- ISOLATE ALL ALUMINUM FROM STEEL

NEW & REMODEL CONSTRUCTION
ADEQUATE BEHIND THE WALL BACKING AND ACCESS IS REQUIRED FOR THE INSTALLATION OF NEW SIGNAGE. CUSTOMER TO FORWARD APPROVED SIGNAGE DRAWINGS TO THE ON SITE CONTACT TO INSURE THAT THE REQUIRED PROVISIONS ARE MADE DURING CONSTRUCTION, PRIOR TO THE SIGN INSTALLATION.

INSTALLER REQUIREMENTS FOR EIFS WALLS
IT IS THE RESPONSIBILITY OF THE INSTALLATION CONTRACTOR TO PROVIDE ANY WALL SPACERS REQUIRED TO KEEP EIFS WALL MATERIAL FROM BEING COMPACTED DURING INSTALLATION OF ANY MOUNTING BOLTS REQUIRED FOR SIGNAGE.

INSTALLER REQUIREMENTS
ALL INSTALLATION (MOUNTING) HARDWARE AND SECONDARY WIRING COMPONENTS, CONDUIT & CONNECTORS, ETC ARE TO BE PROVIDED BY THE INSTALLATION CONTRACTOR

ALL WALL PENETRATIONS TO BE SEALED WITH SILICONE TO HELP PREVENT MOISTURE PENETRATION @ EXTERIOR LOCATIONS.

ANY DEVIATION FROM FEDERAL HEATH REQUIREMENTS MAY RESULT IN DAMAGE TO OR IMPROPER OPERATION OF SIGNAGE, CAUSING DELAYS AND ADDITIONAL COSTS.

CUSTOMER TO PROVIDE DEDICATED BRANCH CIRCUITS FOR SIGNS ONLY PER NEC CODE 600.5
ALL BRANCH CIRCUITS FOR SIGNS MUST BE TOTALLY DEDICATED TO SIGNS (INCLUDING DEDICATED GROUND & NEUTRAL, PER CIRCUIT) AND SHALL NOT BE SHARED WITH OTHER LOADS (SUCH AS LIGHTING, A/C and OTHER EQUIPMENT). PROPERLY SIZED GROUND WIRE THAT CAN BE TRACED BACK TO THE BREAKER PANEL IS REQUIRED.

NUMBER AND SIZE OF CIRCUITS FOR EACH SIGN MUST MEET FEDERAL HEATH SIGN REQUIREMENTS.

ALL ELECTRICAL SIGNS SHALL CONFORM TO THE REQUIREMENTS OF ARTICLE 600 OF THE N.E.C. AND U.L. 48 ALONG WITH OTHER APPLICABLE STATE & LOCAL CODE REQUIREMENTS. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

120V - 20 AMP (PRIMARY ELECTRICAL SERVICE) CIRCUITS AND FINAL CONNECTION TO EACH SIGN, TO WITHIN 6 FT TO BE BY THE CUSTOMER'S CERTIFIED ELECTRICIAN. NUMBER AND SIZE OF CIRCUITS FOR EACH SIGN TO MEET FEDERAL HEATH SIGN COMPANY REQUIREMENTS

WARRANTY NOTICE
CERTAIN ELECTRICAL COMPONENTS OF SIGNS WILL FAIL PREMATURELY IF NOT SHUT OFF FOR A PERIOD OF TIME, ONCE EACH DAY. FOR BEST PERFORMANCE WE RECOMMEND THAT SIGNS BE CONNECTED TO AN AUTOMATIC CONTROLLING DEVICE SUCH AS AN EMERGENCY MANAGEMENT SYSTEM, TIME CLOCK OR PHOTO CELL TO CONTROL THE DAILY SHUT-OFF PERIOD. FAILURE TO FOLLOW THESE RECOMMENDATIONS CAN CAUSE DAMAGE TO ELECTRICAL COMPONENTS OF THE SIGN AND VOID THE WARRANTY. SOME DIMMING DEVISES WILL ADVERSELY AFFECT THE ELECTRICAL COMPONENTS OF THE SIGN IT IS ATTACHED TO, CAUSING FAILURE. ANY DIMMING OF THE SIGN WITHOUT CONSULTATION WITH FEDERAL HEATH SIGN CO. WILL VOID THE WARRANTY.

FEDERAL HEATH
VISUAL COMMUNICATIONS
www.FederalHeath.com
2300 North Highway 121 Euless, Texas 76039
(817) 685-9077 (800) 527-9495 Fax (817) 685-9103

Manufacturing Facilities:
Delaware, OH - Euless, TX - Jacksonville, TX
Racine, WI - Rochester Hills, MI
Office Locations:
Atlanta, GA - Brandon,FL - Indianapolis, IN
Tunica, MS - Daytona Beach, FL - Delaware, OH
Euless, TX - Grafton, WI- Houston, TX
Idaho Falls, ID - Louisville, KY - Ocean Ranch, CA
Racine, WI - Rochester Hills, MI - San Antonio, TX
Tampa, FL - Willowbrook, IL - Orlando, FL

Building Quality Signage Since 1901

Revisions:
R6 08.21.23 CHC Remove opt 2 customer wants awnings painted
R1 07.06.23 JP/JK update all signs to current standard. revise sign A,C&D to be a non lit pan panel sign.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0"
R3 07.31.23 GB Reduce A & C, Rev C to Non-Illum; Rev Door Vinyl Hrs.
R4 07.31.23 JK Revise Interior Plaque (F) to Custom Size.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".

Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match.

Client Approval/Date: Joel Ritch 8-21-23

Landlord Approval/Date:

Account Rep: JOHN BROWN
Project Manager: DENA LUTHER
Drawn By: CHRIS H CANTRELL

Underwriters Laboratories Inc. ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS
ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 48 AND ARTICLE 600 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

Project / Location:
CRASH CHAMPIONS COLLISION REPAIR TEAM
STORE #: 309
420 DOROTHY STREET
HELENA, MT 59601

Job Number: 23-80418-10
Date: 12.15.22
Sheet Number: 1 Of 9
Design Number: 23-80418-10 R6

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company, LLC or its authorized agent. ©FHSC



EXISTING | APPROXIMATE SCALE: 1/8"=1'



PROPOSED | APPROXIMATE SCALE: 1/8"=1'

FEDERAL HEATH
VISUAL COMMUNICATIONS
www.FederalHeath.com
2300 North Highway 121 Euless, Texas 76039
(817) 685-9077 (800) 527-9495 Fax (817) 685-9103

Manufacturing Facilities:
Delaware, OH - Euless, TX - Jacksonville, TX
Racine, WI - Rochester Hills, MI
Office Locations:
Atlanta, GA - Brandon,FL - Indianapolis, IN
Tunica, MS - Daytona Beach, FL - Delaware, OH
Euless, TX - Grafton, WI- Houston, TX
Idaho Falls, ID - Louisville, KY - Ocean Ranch, CA
Racine, WI - Rochester Hills, MI - San Antonio, TX
Tampa, FL - Willowbrook, IL - Orlando, FL

Building Quality Signage Since 1901

Revisions:
R6 08.21.23 CHC Remove opt 2 customer wants awnings painted
R1 07.06.23 JP/JK update all signs to current standard. revise sign A,C&D to be a non lit pan panel sign.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".
R3 07.31.23 GB Reduce A & C; Rev C to Non-Illum; Rev Door Vinyl Hrs.
R4 07.31.23 JK Revise Interior Plaque (F) to Custom Size.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".

Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match.

Client Approval/Date:

Landlord Approval/Date:

Account Rep: JOHN BROWN
Project Manager: DENA LUTHER
Drawn By: CHRIS H CANTRELL

Underwriters Laboratories Inc. ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS

ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 48 AND ARTICLE 600 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

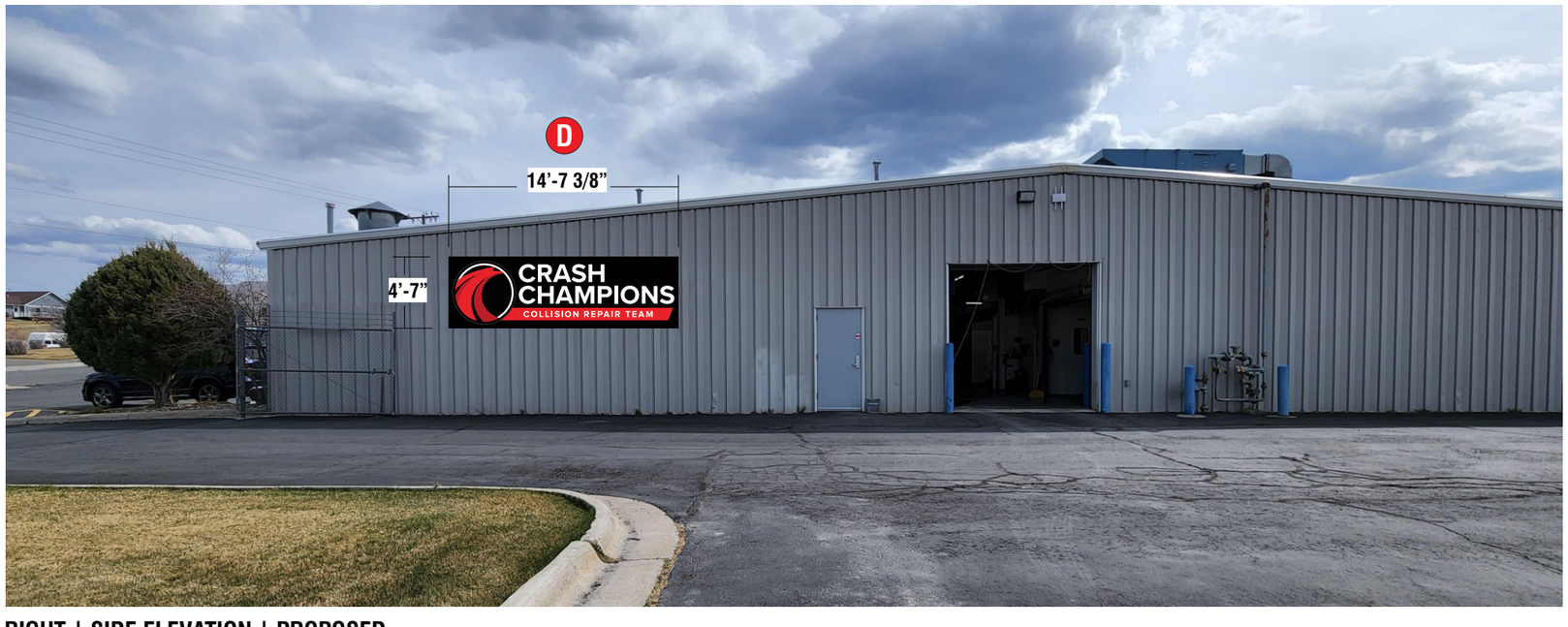
Project / Location:
CRASH CHAMPIONS COLLISION REPAIR TEAM
STORE #: 309
420 DOROTHY STREET
HELENA, MT 59601

Job Number: 23-80418-10
Date: 12.15.22
Sheet Number: 2 Of 9
Design Number: 23-80418-10 R6

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company, LLC or its authorized agent. ©FHSC



RIGHT | SIDE ELEVATION | EXISTING



RIGHT | SIDE ELEVATION | PROPOSED

FEDERAL HEATH
VISUAL COMMUNICATIONS
www.FederalHeath.com
2300 North Highway 121 Euless, Texas 76039
(817) 685-9077 (800) 527-9495 Fax (817) 685-9103

Manufacturing Facilities:
Delaware, OH - Euless, TX - Jacksonville, TX
Racine, WI - Rochester Hills, MI
Office Locations:
Atlanta, GA - Brandon,FL - Indianapolis, IN
Tunica, MS - Daytona Beach, FL - Delaware, OH
Euless, TX - Grafton, WI- Houston, TX
Idaho Falls, ID - Louisville, KY - Ocean Ranch, CA
Racine, WI - Rochester Hills, MI - San Antonio, TX
Tampa, FL - Willowbrook, IL - Orlando, FL

Building Quality Signage Since 1901

Revisions:
R6 08.21.23 CHC Remove opt 2 customer wants awnings painted
R1 07.06.23 JP/JK update all signs to current standard. revise sign A,C&D to be a non lit pan panel sign.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".
R3 07.31.23 GB Reduce A & C; Rev C to Non-Illum; Rev Door Vinyl Hrs.
R4 07.31.23 JK Revise Interior Plaque (F) to Custom Size.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".

Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match.

Client Approval/Date:

Landlord Approval/Date:

Account Rep: JOHN BROWN
Project Manager: DENA LUTHER
Drawn By: CHRIS H CANTRELL

Underwriters Laboratories Inc. ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS

ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 48 AND ARTICLE 600 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

Project / Location:

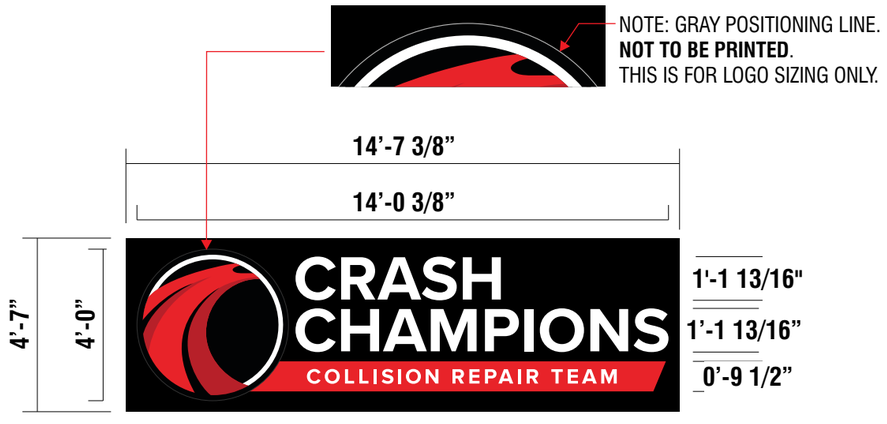
CRASH CHAMPIONS COLLISION REPAIR TEAM

STORE #: 309
420 DOROTHY STREET
HELENA, MT 59601

Job Number: 23-80418-10
Date: 12.15.22
Sheet Number: 3 Of 9
Design Number: 23-80418-10 R6

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company, LLC or its authorized agent. ©FHSC

CCWS-4'-0"



NOTE: BACKGROUND PANEL WILL BE SEAMED DUE TO SIZE



END VIEW

Electrical
-Electrical disconnect per NEC 600.6(A)(1). Provide grounding as required. TYPICAL

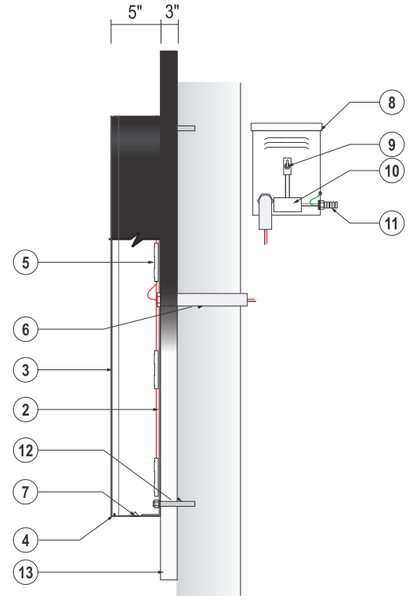
FABRICATION TO BE AS NOTED TO MATCH CUSTOMER SIGN PROGRAM AND EXISTING SITES

2. ACM BACKS / LETTER LOCKED TO RETURNS

4. TRIM CAP TO BE 1" PRE-FINISHED JEWELITE CHEMICALLY BONDED TO FACES
(SEAMS AT THE TOP)
LOGO: BLACK TRIM CAP
CRASH: BLACK TRIM CAP
CHAMPIONS:BLACK TRIM CAP
COLLISION REPAIR TEAM CABINET: RED TRIM CAP

5. WHITE LED MODULES
6. RIGID PASS-THRU FOR LOW VOLTAGE LED WIRING
7. 1/4" WEEP HOLES WITH LIGHT BAFFLES (EXTERIOR APPLICATIONS ONLY)
8. ETL COMPLIANT ENCLOSURE FOR LED POWER SUPPLIES +/- 18"L X 7"H, REMOTE LOCATED
9. DISCONNECT SWITCH
10. LED POWER SUPPLIES
11. PRIMARY ELECTRICAL
12. CORROSION RESISTANT FASTENERS PER CONDITIONS
13. ALUM. BACKGROUND PANEL/WIREWAY

INSTALLER NOTE:
INSTALLER RESPONSIBLE TO CHOOSE THE APPROPRIATE FASTENERS PER THE WALL TYPE



CROSS SECTION VIEW
SCALE: NTS

A **INTERNALLY ILLUMINATED LOGO & LETTERSET ON BACKGROUND PANEL | ONE (1) REQ**
SCALE: 1/4" = 1'-0" **67.0 SQ FT**

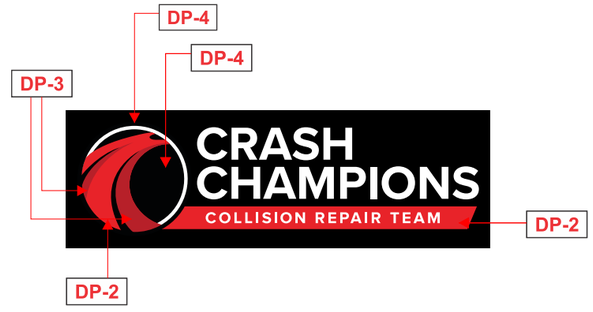
SCOPE OF WORK:

CHANNEL LOGO: 5" DEEP .040 PRE-FINISHED ALUMINUM LOGO CABINET.
SATIN BLACK RETURNS & TRIMCAP. 3/16" WHITE ACRYLIC FACE.
DIGITAL PRINT OVERLAY. BLACK DIGITAL PRINT BORDER TO RUN UNDER TRIMCAP.
WHITE LEDS. INSTALL FLUSH TO BACKER.

CRASH CHAMPIONS CHANNEL LETTERS: 5" DEEP .040 PRE-FINISHED ALUMINUM CHANNEL LETTERS. SATIN BLACK RETURNS AND TRIM CAP.
3/16" WHITE ACRYLIC FACE.WHITE LEDS. INSTALL FLUSH TO BACKER.

COLLISION REPAIR TEAM TAG LINE CABINET: 5" DEEP .040 PRE-FINISHED ALUMINUM CHANNEL TAG LINE. SATIN RED RETURNS AND TRIM CAP.
3/16" WHITE ACRYLIC FACE WITH DIGITAL PRINT OVERLAY
PMS 1788C. COPY WILL REVERSE OUT WHITE.
INTERNAL WHITE LEDS. CABINET INSTALL FLUSH TO BACKER.

ALUMINUM BACKER: 3" DEEP ALUMINUM BACKER PANEL/WIREWAY TO BE PAINTED BLACK PC AND INSTALLS FLUSH TO WALL



DIGITALLY PRINTED COLORS

DP-2	PRINT TO MATCH PMS 1788C ON 3M WHITE TRANSLUCENT VINYL
DP-3	PRINT TO MATCH PMS 1805C ON 3M WHITE TRANSLUCENT VINYL
DP-4	PRINT TO MATCH BLACK PC ON 3M WHITE TRANSLUCENT VINYL

ELECTRICAL REQUIREMENTS	
Total: T.B.D. Amps	
# of 120V, 20A Circuits Req'd T.B.D.	ALL BRANCH CIRCUITS SHALL BE DEDICATED TO SIGNS (INCLUDING GROUND AND NEUTRAL) AND SHALL NOT BE SHARED WITH OTHER LOADS.

REFER TO PAGE 1 FOR ADDITIONAL ELECTRICAL AND INSTALLATION INFORMATION & REQUIREMENTS

INSTALLATION OF THIS SIGN SHALL CONFORM TO ARTICLE 600 OF THE NEC, UL 48 AND OR OTHER APPLICABLE LOCAL CODES, INCLUDING THE PROPER GROUNDING AND BONDING OF THE SIGN.

THE LOCATION OF THE DISCONNECT SWITCH, AFTER INSTALLATION SHALL COMPLY WITH ARTICLE 600.6(A) OF THE NEC.

FEDERAL HEATH
VISUAL COMMUNICATIONS
www.FederalHeath.com
2300 North Highway 121 Euless, Texas 76039
(817) 685-9077 (800) 527-9495 Fax (817) 685-9103

Manufacturing Facilities:
Delaware, OH - Euless, TX - Jacksonville, TX
Racine, WI - Rochester Hills, MI
Office Locations:
Atlanta, GA - Brandon,FL - Indianapolis, IN
Tunica, MS - Daytona Beach, FL - Delaware, OH
Euless, TX - Grafton, WI- Houston, TX
Idaho Falls, ID - Louisville, KY - Ocean Ranch, CA
Racine, WI - Rochester Hills, MI - San Antonio, TX
Tampa, FL - Willowbrook, IL - Orlando, FL

Building Quality Signage Since 1901

Revisions:
R1 07.06.23 JP/JK update all signs to current standard. revise sign A,C&D to be a non lit pan panel sign.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".
R3 07.31.23 GB Reduce A & C; Rev C to Non-Illum; Rev Door Vinyl Hrs.
R4 07.31.23 JK Revise Interior Plaque (F) to Custom Size.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".
R6 08.21.23 CHC Remove opt 2 customer wants awnings painted

Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match.

Client Approval/Date:

Landlord Approval/Date:

Account Rep: JOHN BROWN
Project Manager: DENA LUTHER
Drawn By: CHRIS H CANTRELL

Underwriters Laboratories Inc. ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS
ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 48 AND ARTICLE 600 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

Project / Location:
CRASH CHAMPIONS COLLISION REPAIR TEAM
STORE #: 309
420 DOROTHY STREET
HELENA, MT 59601

Job Number: 23-80418-10
Date: 12.15.22
Sheet Number: 4 Of 9
Design Number: 23-80418-10 R6

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company, LLC or its authorized agent. ©FHSC

B RE-PAINT EXISTING AWNING | QTY: ONE (1)

SCOPE OF WORK:
RE-PAINT EXISTING 2' DEEP X 3' HIGH X 24' WIDE FABRIC AWNING BLACK.



EXISTING



PROPOSED

FEDERAL HEATH
VISUAL COMMUNICATIONS
www.FederalHeath.com
2300 North Highway 121 Euless, Texas 76039
(817) 685-9077 (800) 527-9495 Fax (817) 685-9103

Manufacturing Facilities:
Delaware, OH - Euless, TX - Jacksonville, TX
Racine, WI - Rochester Hills, MI
Office Locations:
Atlanta, GA - Brandon,FL - Indianapolis, IN
Tunica, MS - Daytona Beach, FL - Delaware, OH
Euless, TX - Grafton, WI- Houston, TX
Idaho Falls, ID - Louisville, KY - Ocean Ranch, CA
Racine, WI - Rochester Hills, MI - San Antonio, TX
Tampa, FL - Willowbrook, IL - Orlando, FL

Building Quality Signage Since 1901

Revisions:
R6 08.21.23 CHC Remove opt 2 customer wants awnings painted
R1 07.06.23 JP/JK update all signs to current standard. revise sign A,C&D to be a non lit pan panel sign.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".
R3 07.31.23 GB Reduce A & C; Rev L to Non-Illum; Rev Door Vinyl Hrs.
R4 07.31.23 JK Revise Interior Plaque (F) to Custom Size.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".

Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match.

Client Approval/Date:

Landlord Approval/Date:

Account Rep: JOHN BROWN
Project Manager: DENA LUTHER
Drawn By: CHRIS H CANTRELL

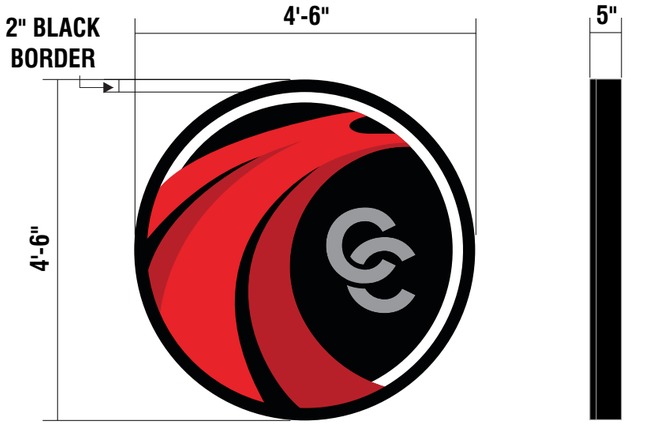
Underwriters Laboratories Inc. ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS
ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 48 AND ARTICLE 600 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

Project / Location:
CRASH CHAMPIONS COLLISION REPAIR TEAM
STORE #: 309
420 DOROTHY STREET
HELENA, MT 59601

Job Number: 23-80418-10
Date: 12.15.22
Sheet Number: 5 Of 9
Design Number: 23-80418-10 R6

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company, LLC or its authorized agent. ©FHSC

CCLC-4'-6" *CUSTOM*



END VIEW

C **NON-ILLUMINATED LOGO| ONE (1) REQ**
SCALE: 1/2" = 1'-0" 20.25 SQ FT

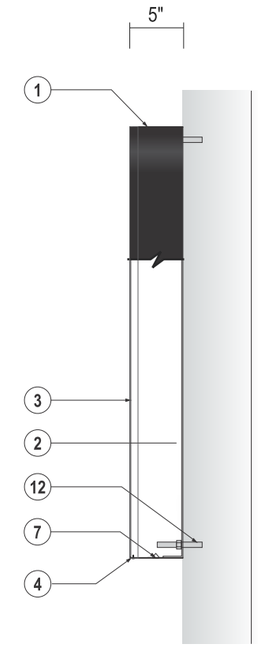
SCOPE OF WORK:

CHANNEL LOGO: 5" DEEP .040 PRE-FINISHED ALUMINUM LOGO CABINET. SATIN BLACK RETURNS & METAL RETAINER. 3/16" WHITE ACRYLIC FACE. DIGITAL PRINT OVERLAY. BLACK DIGITALLY PRINTED BORDER TO RUN UNDER METAL RETAINER. INSTALL FLUSH TO WALL.

FABRICATION TO BE AS NOTED TO MATCH CUSTOMER SIGN PROGRAM AND EXISTING SITES

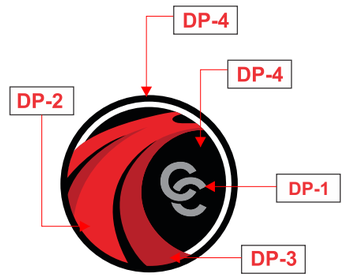
SPECIFICATIONS:

1.**RETURNS TO BE .040" PRE-FINISHED ALUMINUM**
LOGO: BLACK SATIN RETURNS
2. ACM BACKS/LOGO LOCKED TO RETURNS
3. FACE TO BE 3/16" WHITE ACRYLIC WITH DIGITALLY PRINTED TRANSLUCENT VINYL GRAPHICS APPLIED TO FACE
4.TRIM CAP TO BE 1" PRE-FINISHED JEWELITE CHEMICALLY BONDED TO FACES [SEAMS AT TOP}
LOGO: BLACK TRIM CAP
NOTE: ANY LOGO/LETTER OVER 4'-0" TO RECEIVE 1" METAL RETAINERS PAINTED T/M RETURN COLOR
7. 1/4" WEEP HOLE SWITCH LIGHT BAFFLES (EXTERIOR APPLICATION ONLY)
12. CORROSION RESISTANT FASTENERS PER WALL CONDITIONS



CROSS SECTION VIEW
SCALE: NTS

INSTALLER NOTE:
INSTALLER RESPONSIBLE TO CHOOSE THE APPROPRIATE FASTENERS PER THE WALL TYPE



DIGITALLY PRINTED COLORS

DP-1 PRINT TO MATCH CMYK C45 M36 Y35 K1 ON 3M WHITE TRANSLUCENT VINYL
DP-2 PRINT TO PMS 1788C ON 3M WHITE TRANSLUCENT VINYL
DP-3 PRINT TO PMS 1805C ON 3M WHITE TRANSLUCENT VINYL
DP-4 PRINT TO BLACK PC ON 3M WHITE TRANSLUCENT VINYL

FEDERAL HEATH
VISUAL COMMUNICATIONS
www.FederalHeath.com
2300 North Highway 121 Euless, Texas 76039
(817) 685-9077 (800) 527-9495 Fax (817) 685-9103

Building Quality Signage Since 1901

Manufacturing Facilities:
Delaware, OH - Euless, TX - Jacksonville, TX
Racine, WI - Rochester Hills, MI
Office Locations:
Atlanta, GA - Brandon,FL - Indianapolis, IN
Tunica, MS - Daytona Beach, FL - Delaware, OH
Euless, TX - Grafton, WI- Houston, TX
Idaho Falls, ID - Louisville, KY - Ocean Ranch, CA
Racine, WI - Rochester Hills, MI - San Antonio, TX
Tampa, FL - Willowbrook, IL - Orlando, FL

Revisions:
R1 07.06.23 JP/JK update all signs to current standard. revise sign A,C&D to be a non lit pan panel sign.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".
R3 07.31.23 GB Reduce A & C; Rev L to Non-Illum; Rev Door Vinyl Hrs.
R4 07.31.23 JK Revise Interior Plaque (F) to Custom Size.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".
R6 08.21.23 CHC Remove opt 2 customer wants awnings painted

Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match.

Client Approval/Date:

Landlord Approval/Date:

Account Rep: JOHN BROWN
Project Manager: DENA LUTHER
Drawn By: CHRIS H CANTRELL

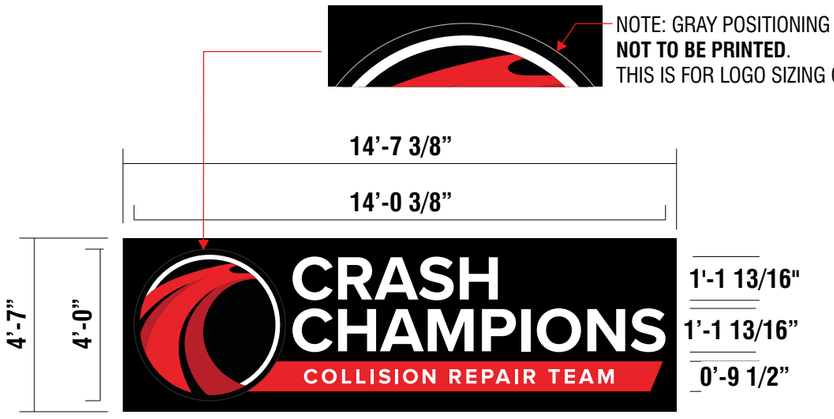
Underwriters Laboratories Inc. ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS
ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 48 AND ARTICLE 600 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

Project / Location:
CRASH CHAMPIONS COLLISION REPAIR TEAM
STORE #: 309
420 DOROTHY STREET
HELENA, MT 59601

Job Number: 23-80418-10
Date: 12.15.22
Sheet Number: 6 Of 9
Design Number: 23-80418-10 R6

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company, LLC or its authorized agent. ©FHSC

CCWS-4'-0"



NOTE: BACKGROUND PANEL WILL BE SEAMED DUE TO SIZE



END VIEW

D INTERNALLY ILLUMINATED LOGO & LETTERSET ON BACKGROUND PANEL | ONE (1) REQ

SCALE: 1/4" = 1'-0" — 67.0 SQ FT

SCOPE OF WORK:

CHANNEL LOGO: 5" DEEP .040 PRE-FINISHED ALUMINUM LOGO CABINET.
SATIN BLACK RETURNS & TRIMCAP. 3/16" WHITE ACRYLIC FACE.
DIGITAL PRINT OVERLAY. BLACK DIGITAL PRINT BORDER TO RUN UNDER TRIMCAP.
WHITE LEDS. INSTALL FLUSH TO BACKER.

CRASH CHAMPIONS CHANNEL LETTERS: 5" DEEP .040 PRE-FINISHED ALUMINUM
CHANNEL LETTERS. SATIN BLACK RETURNS AND TRIM CAP.
3/16" WHITE ACRYLIC FACE.WHITE LEDS. INSTALL FLUSH TO BACKER.

COLLISION REPAIR TEAM TAG LINE CABINET: 5" DEEP .040 PRE-FINISHED ALUMINUM
CHANNEL TAG LINE. SATIN RED RETURNS AND TRIM CAP.
3/16" WHITE ACRYLIC FACE WITH DIGITAL PRINT OVERLAY
PMS 1788C. COPY WILL REVERSE OUT WHITE.
INTERNAL WHITE LEDS. CABINET INSTALL FLUSH TO BACKER.

ALUMINUM BACKER: 3" DEEP ALUMINUM BACKER PANEL/WIREWAY
TO BE PAINTED BLACK PC AND INSTALLS FLUSH TO WALL

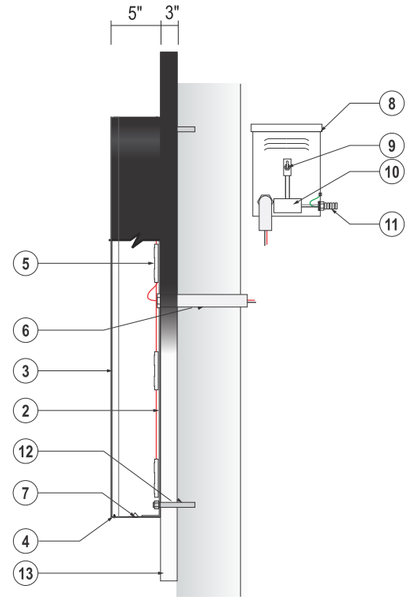
FABRICATION TO BE AS NOTED TO MATCH CUSTOMER SIGN PROGRAM AND EXISTING SITES

2. ACM BACKS / LETTER LOCKED TO RETURNS

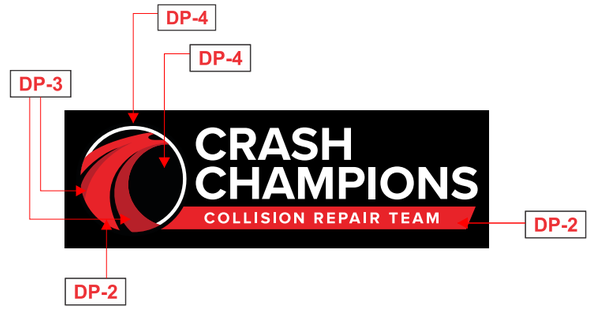
4. TRIM CAP TO BE 1" PRE-FINISHED JEWELITE CHEMICALLY BONDED TO FACES
(SEAMS AT THE TOP)
LOGO: BLACK TRIM CAP
CRASH: BLACK TRIM CAP
CHAMPIONS:BLACK TRIM CAP
COLLISION REPAIR TEAM CABINET: RED TRIM CAP

5. WHITE LED MODULES
6. RIGID PASS-THRU FOR LOW VOLTAGE LED WIRING
7. 1/4" WEEP HOLES WITH LIGHT BAFFLES (EXTERIOR APPLICATIONS ONLY)
8. ETL COMPLIANT ENCLOSURE FOR LED POWER SUPPLIES +/- 18"L X 7"H, REMOTE LOCATED
9. DISCONNECT SWITCH
10. LED POWER SUPPLIES
11. PRIMARY ELECTRICAL
12. CORROSION RESISTANT FASTENERS PER CONDITIONS
13. ALUM. BACKGROUND PANEL/WIREWAY

INSTALLER NOTE:
INSTALLER RESPONSIBLE TO CHOOSE THE APPROPRIATE FASTENERS PER THE WALL TYPE



CROSS SECTION VIEW
SCALE: NTS



DIGITALLY PRINTED COLORS

DP-2	PRINT TO MATCH PMS 1788C ON 3M WHITE TRANSLUCENT VINYL
DP-3	PRINT TO MATCH PMS 1805C ON 3M WHITE TRANSLUCENT VINYL
DP-4	PRINT TO MATCH BLACK PC ON 3M WHITE TRANSLUCENT VINYL

ELECTRICAL REQUIREMENTS

Total: T.B.D. Amps

# of 120V, 20A Circuits Req'd T.B.D.

ALL BRANCH CIRCUITS SHALL BE DEDICATED TO SIGNS (INCLUDING GROUND AND NEUTRAL) AND SHALL NOT BE SHARED WITH OTHER LOADS.

REFER TO PAGE 1 FOR ADDITIONAL ELECTRICAL AND INSTALLATION INFORMATION & REQUIREMENTS

INSTALLATION OF THIS SIGN SHALL CONFORM TO ARTICLE 600 OF THE NEC, UL 48 AND OR OTHER APPLICABLE LOCAL CODES, INCLUDING THE PROPER GROUNDING AND BONDING OF THE SIGN.

THE LOCATION OF THE DISCONNECT SWITCH, AFTER INSTALLATION SHALL COMPLY WITH ARTICLE 600.6(A) OF THE NEC.

FEDERAL HEATH
VISUAL COMMUNICATIONS
www.FederalHeath.com
2300 North Highway 121 Euless, Texas 76039
(817) 685-9077 (800) 527-9495 Fax (817) 685-9103

Manufacturing Facilities:
Delaware, OH - Euless, TX - Jacksonville, TX
Racine, WI - Rochester Hills, MI
Office Locations:
Atlanta, GA - Brandon,FL - Indianapolis, IN
Tunica, MS - Daytona Beach, FL - Delaware, OH
Euless, TX - Grafton, WI- Houston, TX
Idaho Falls, ID - Louisville, KY - Ocean Ranch, CA
Racine, WI - Rochester Hills, MI - San Antonio, TX
Tampa, FL - Willowbrook, IL - Orlando, FL

Building Quality Signage Since 1901

Revisions:
R1 07.06.23 JP/JK update all signs to current standard. revise sign A,C&D to be a non lit pan panel sign.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".
R3 07.31.23 GB Reduce A & C; Rev C to Non-Illum; Rev Door Vinyl Hrs.
R4 07.31.23 JK Revise Interior Plaque (F) to Custom Size.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".
R6 08.21.23 CHC Remove opt 2 customer wants awnings painted

Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match.

Client Approval/Date:

Landlord Approval/Date:

Account Rep: JOHN BROWN
Project Manager: DENA LUTHER
Drawn By: CHRIS H CANTRELL

Underwriters Laboratories Inc. — ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS
ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 48 AND ARTICLE 600 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

Project / Location:
CRASH CHAMPIONS COLLISION REPAIR TEAM
STORE #: 309
420 DOROTHY STREET
HELENA, MT 59601

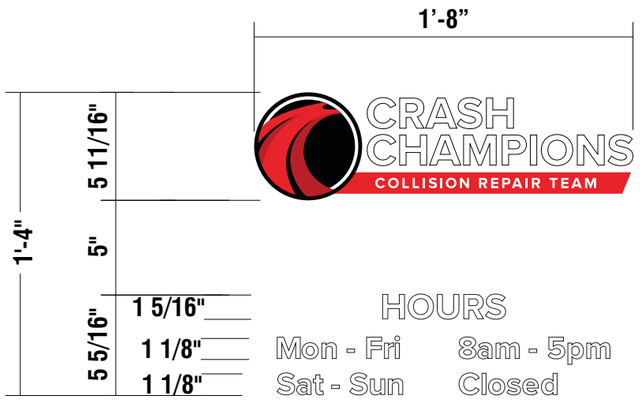
Job Number: 23-80418-10
Date: 12.15.22
Sheet Number: 7 Of 9
Design Number: 23-80418-10 R6

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company, LLC or its authorized agent. ©FHSC

VI.2 DOOR VINYL

NON-STANDARD

CUSTOM DOOR GLASS WIDTH





EXISTING | NTS

E DOOR VINYLS — 2.22 SQ. FT.

ONE(1) SET REQ'D — scale 1 1/2"=1'-0"

REMOVE & DISCARD EXISTING DOOR VINYL GRAPHICS.
UNLESS OTHERWISE INSTRUCTED.

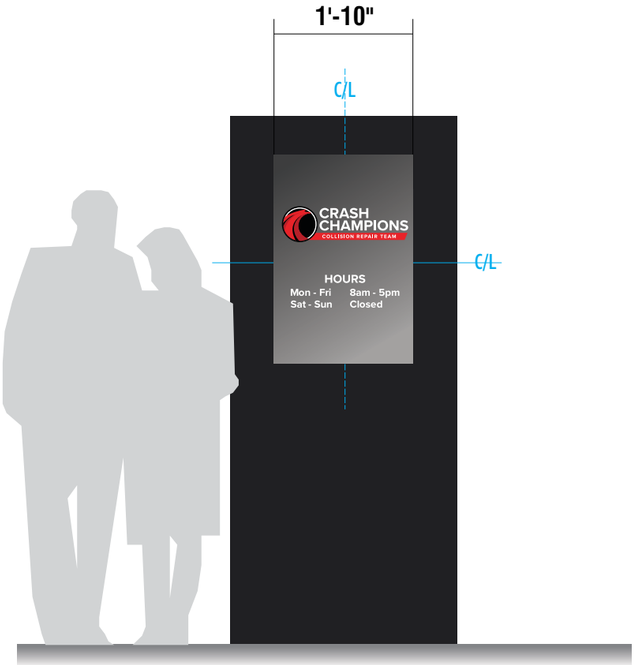
THOROUGHLY CLEAN SURFACE OF DOOR (GLASS)
PRIOR TO INSTALLATION OF NEW VINYL.

MANUFACTURE & INSTALL NEW VINYL DOOR GRAPHICS.
VINYL APPLIED TO FIRST SURFACE (TO GLASS).

FONT: PROXIMA NOVA BOLD

COLORS / FINISHES

- V-1 3M 7725-10 OPAQUE WHITE VINYL
- DP-1 DIGITALLY PRINTED VINYL
  PRINT COLORS TO MATCH:
  - PMS 1788C RED
  - PMS 1805C DARK RED
  - BLACK PC



GLASS ENTRY DOOR ELEVATION — scale 1/2"=1'-0"

FEDERAL HEATH
VISUAL COMMUNICATIONS
www.FederalHeath.com
2300 North Highway 121 Euless, Texas 76039
(817) 685-9077 (800) 527-9495 Fax (817) 685-9103

Manufacturing Facilities:
Delaware, OH - Euless, TX - Jacksonville, TX
Racine, WI - Rochester Hills, MI
Office Locations:
Atlanta, GA - Brandon,FL - Indianapolis, IN
Tunica, MS - Daytona Beach, FL - Delaware, OH
Euless, TX - Grafton, WI- Houston, TX
Idaho Falls, ID - Louisville, KY - Ocean Ranch, CA
Racine, WI - Rochester Hills, MI - San Antonio, TX
Tampa, FL - Willowbrook, IL - Orlando, FL
Building Quality Signage Since 1901

Revisions:
R6 08.21.23 CHC Remove opt 2 customer wants awnings painted
R1 07.06.23 JP/JK update all signs to current standard. revise sign A,C&D to be a non lit pan panel sign.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".
R3 07.31.23 GB Reduce A & C; Rev C to Non-Illum; Rev Door Vinyl Hrs.
R4 07.31.23 JK Revise Interior Plaque (F) to Custom Size.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".

Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match.

Client Approval/Date:

Landlord Approval/Date:

Account Rep: JOHN BROWN
Project Manager: DENA LUTHER
Drawn By: CHRIS H CANTRELL

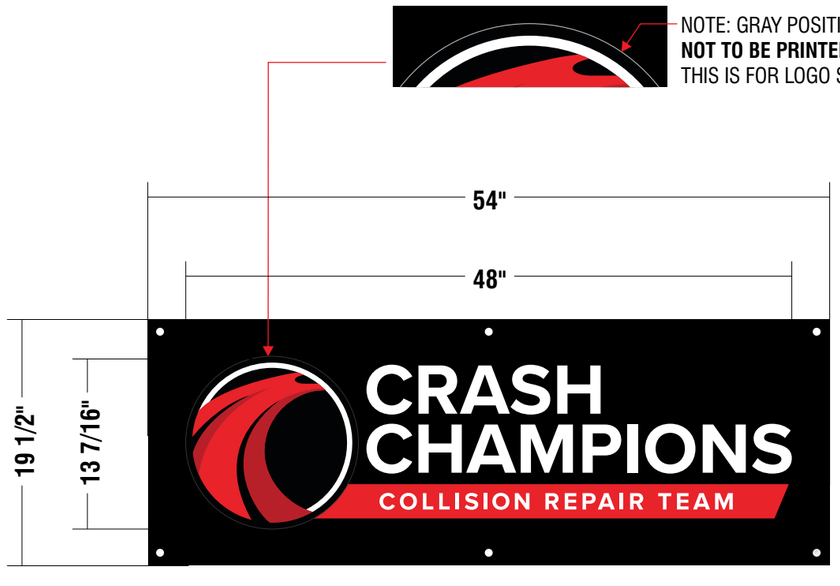
Underwriters Laboratories Inc. — ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS
ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 48 AND ARTICLE 600 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

Project / Location:
CRASH CHAMPIONS COLLISION REPAIR TEAM
STORE #: 309
420 DOROTHY STREET
HELENA, MT 59601

Job Number: 23-80418-10
Date: 12.15.22
Sheet Number: 8 Of 9
Design Number: 23-80418-10 R6

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company, LLC or its authorized agent. ©FHSC

CCIWS-Custom



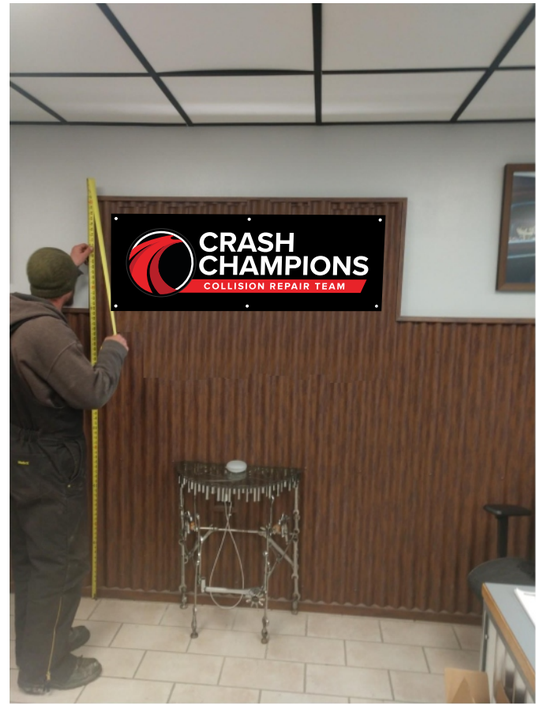
F NON-ILLUMINATED S/F INTERIOR WALL SIGN | ONE (1) REQ'D — 7.3 SQ.FT.
SCALE: 1" = 1'-0"



SIDE VIEW



EXISTING



PROPOSED

SPECIFICATIONS:

BACKER PANEL: 1/4" THICK BLACK ACRYLIC (2025)

CRASH CHAMPIONS LETTERS: 1/4" WHITE FCO ACRYLIC (7328). INSTALL FLUSH TO BACKER.

COLLISION REPAIR TEAM TAGLINE BAR: 1/4" RED FCO ACRYLIC (2793) TAGLINE BAR.
3M 7725-10 WHITE OPAQUE VINYL COPY APPLIED FIRST SURFACE TO THE TAGLINE BAR.

ROUND LOGO: 1/4" BLACK FCO ACRYLIC (2025). DIGITALLY PRINTED LOGO OVERLAY APPLIED FIRST SURFACE T/M PMS 1788C (RED), PMS 1805C (DK RED) and BLACK PC ON WHITE OPAQUE VINYL. LOGO TO HAVE BLACK BORDER.

NOTE: 1/4" FCO ACRYLICS TO BE ATTACHED TO THE ACRYLIC BACKER WITH ADHESIVE.

THE BACKER PANEL IS TO BE INSTALLED TO THE WALL SURFACE WITH BRUSHED CLEAR ANODIZED STANDOFFS;

5/8" DIAMETER CAPS, 5/8" DIA. x 1" LONG BARRELS.



5/8" Diameter x 1" Long Barrels
with Satin Clear Anodized Finish



5/8" Diameter Caps
with Satin Clear Anodized Finish



DIGITALLY PRINTED COLORS

DP-2 PRINT TO MATCH PMS 1788C ON 3M WHITE TRANSLUCENT VINYL

DP-3 PRINT TO MATCH PMS 1805C ON 3M WHITE TRANSLUCENT VINYL

DP-4 PRINT TO MATCH BLACK PC ON 3M WHITE TRANSLUCENT VINYL

FEDERAL HEATH
VISUAL COMMUNICATIONS
www.FederalHeath.com
2300 North Highway 121 Euless, Texas 76039
(817) 685-9077 (800) 527-9495 Fax (817) 685-9103

Manufacturing Facilities:
Delaware, OH - Euless, TX - Jacksonville, TX
Racine, WI - Rochester Hills, MI
Office Locations:
Atlanta, GA - Brandon,FL - Indianapolis, IN
Tunica, MS - Daytona Beach, FL - Delaware, OH
Euless, TX - Grafton, WI- Houston, TX
Idaho Falls, ID - Louisville, KY - Ocean Ranch, CA
Racine, WI - Rochester Hills, MI - San Antonio, TX
Tampa, FL - Willowbrook, IL - Orlando, FL

Building Quality Signage Since 1901

Revisions:
R1 07.06.23 JP/JK update all signs to current standard. revise sign A,C&D to be a non lit pan panel sign.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".
R3 07.31.23 GB Reduce A & C; Rev C to Non-Illum; Rev Door Vinyl Hrs.
R4 07.31.23 JK Revise Interior Plaque (F) to Custom Size.
R5 08.03.23 CA Reduce size of SignD fm CCWS-4'-6" to 4'-0".
R6 08.21.23 CHC Remove opt 2 customer wants awnings painted

Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match.

Client Approval/Date:

Landlord Approval/Date:

Account Rep: JOHN BROWN
Project Manager: DENA LUTHER
Drawn By: CHRIS H CANTRELL

Underwriters Laboratories Inc. ELECTRICAL TO USE U.L. LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS

ALL ELECTRICAL SIGNS ARE TO COMPLY WITH U.L. 48 AND ARTICLE 600 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER GROUNDING AND BONDING OF ALL SIGNS.

Project / Location:
CRASH CHAMPIONS COLLISION REPAIR TEAM
STORE #: 309
420 DOROTHY STREET
HELENA, MT 59601

Job Number: 23-80418-10
Date: 12.15.22
Sheet Number: 9 Of 9
Design Number: 23-80418-10 R6

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company, LLC or its authorized agent. ©FHSC

Stratus™

stratusunlimited.com

888.503.1569

LOCATION NUMBER:

0181

SITE ADDRESS:

2885 N Sanders Street
Helena, MT 59601

RESUBMITTAL

02/15/2023

BUILDING DIVISION
CITY OF HELENA

IMPORTANT NOTICE

No Building Shall Be Occupied Prior To Final Inspection

No building or structure shall be used or occupied until the Building Official has issued a certificate of occupancy. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of The City of Helena Montana.

Final Inspections shall be called into the Building Division 10 days prior to inspection.

CITY OF HELENA
Building Division
447-8437 or 447-8438
REFER TO RECORD CARD
FOR REQUIRED INSPECTIONS

City of Helena, Building Division
316 N. Park Ave.
Helena, MT 59623
(406) 447-8437 OR (406) 447-8438

ELECTRICAL
REQUIRED INSPECTIONS

UNDERGROUND_____
ROUGH-IN_____
POWER CLEARANCE_____
TEMPORARY POWER_____
OTHER_____
FINAL_____

Wall Attachment

APPROVED

City of Helena Building Division

Approval of this document does not authorize the violation of any state, county, or city law or regulation.

Permit Number: SIGN22-00030
By: E. Johnson
Date: 02/17/2023
Remarks: Subject To Inspection

IT IS UNLAWFUL TO OCCUPY THIS BUILDING PRIOR TO THE FINAL INSPECTION

OFFICE COPY

NOTE: Plans and specs shall not be changed, modified or altered without authorization from The City of Building Division.

This permit shall be null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work has commenced.

The holder of this permit will be required to comply with all applicable provisions of the building code and city ordinances in effect even if the necessity for compliance is discovered after issuance of the permit.

US FOODS® | CHEF'STORE®
GREAT FOOD. WHOLESALE PRICES.™

PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. T
Infinite possibilities, ideal solutions.

SIGN CODE

Zoning Classification: b2

Ground Signs:
Max Sq Ft per face: not specified, total allowed area is 150 sq ft
Max Sq Ft per sign: Total area of a freestanding sign shall not exceed one hundred fifty (150) square feet
Overall height limit: 34 ft
Number of ground signs allowed: 1
Can ground sign illuminate? Yes
Is the cladding allowed? Yes
If pylon is not allowed can we have a monument? Yes
Setback restrictions: n/a
Clearance restrictions: All signs shall have a minimum vertical clearance of eight feet (8') where there is pedestrian traffic beneath them and all signs shall have a minimum vertical clearance of fourteen feet (14') where they extend over any vehicular driveway or parking area.
Visibility restrictions: n/a
Vision Triangle: n/a
Can sign project over walkways? Yes

Directional Signage:
Illumination Allowed? yes
Permit Required? yes
Maximum Sq Ft allowed? 6 sq ft
Maximum Height? 4ft
Logo Allowed? Logo identification shall be limited to not more than twenty five percent (25%) of the sign area.

Wall Signs:
Wall signs (Qty): n/a
Sq Ft Calculation: The area of wall signs shall not exceed thirty percent (30%) of the building facade or elevation upon which they are placed. In no case shall the number of signs comprising the sign area, or the sign area itself, exceed individually or in aggregate, the number of signs or area permitted for the underlying zoning in which they are located unless having first obtained approval from the board of adjustment or through other appropriate administrative action.
Total Sq Ft allowed: 200 sq ft or 30 ft
Can wall signs be illuminated? yes

Window Signage:
Are there window signs restrictions: must be under 25% of the window covered
Do we need to permit small signs not on street facing exterior walls? yes

Options for Refacing:
Do refaces require a permit? no

Banners / Temporary Signs:
Are banners allowed? yes
Is a permit required? yes
How long can they be left up? 30 days
Material Restriction: not specified

Permit contact: planning division
Permit contact phone: (406) 447-8490
Permit contact email: citycommunitydevelopment@helenamt.gov
Is a variance allowed? yes
Does application require a special review (Architect / Inspector / Historic)? If so, is there a standard schedule: no
How many copies of the design are required? one
Can we submit the documents via mail? email
Does the filing requirements need to be submitted via local expeditor or installer? no
Can an authorized agent provide landlord / owner approval? yes
What applications need to be signed by owner? none
List items that need to be notarized? none
Is the contractor's license or insurance required? yes

Is this a Planned Unit Development? no
Is this a special district? no
Is there any color restriction? No sign shall be constructed which resembles any official marker erected by the city, state or any governmental agency, or which by reason of position, shape or color would conflict with the proper functioning of any traffic sign or sign
Is a Certificate of Occupancy Required Prior to Obtaining Permits? yes
Are there any planned changes to code? no
Are Business Tax Receipt Required with application? no

Stratus™
stratusunlimited.com
8959 Tyler Boulevard
Mentor, Ohio 44060
888.503.1569

CLIENT: US FOODS CHEF'STORE GREAT FOOD. WHOLESALE PRICES.

ADDRESS: 2885 N SANDERS STREET HELENA, MT 59601

PAGE NO.: 2

ORDER NUMBER: 1162486

PROJECT NUMBER: 4345

SITE NUMBER: 181

PROJECT MANAGER: JOE DURAN

ELECTRONIC FILE NAME: K:\ACCOUNTS\U\US Foods\Locations\2023\MT\0181_Helena_Permit

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	417456	02/13/23 Z-RA					

PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.

SITE PLAN

Scale: Not To Scale





Stratus™

stratusunlimited.com

8959 Tyler Boulevard
Mentor, Ohio 44060

888.503.1569

CLIENT: US. FOODS | CHEF'STORE GREAT FOOD. WHOLESALE PRICES.

ADDRESS: 2885 N SANDERS STREET HELENA, MT 59601

PAGE NO.: 3

ORDER NUMBER: 1162486

PROJECT NUMBER: 4345

SITE NUMBER: 181

PROJECT MANAGER: JOE DURAN

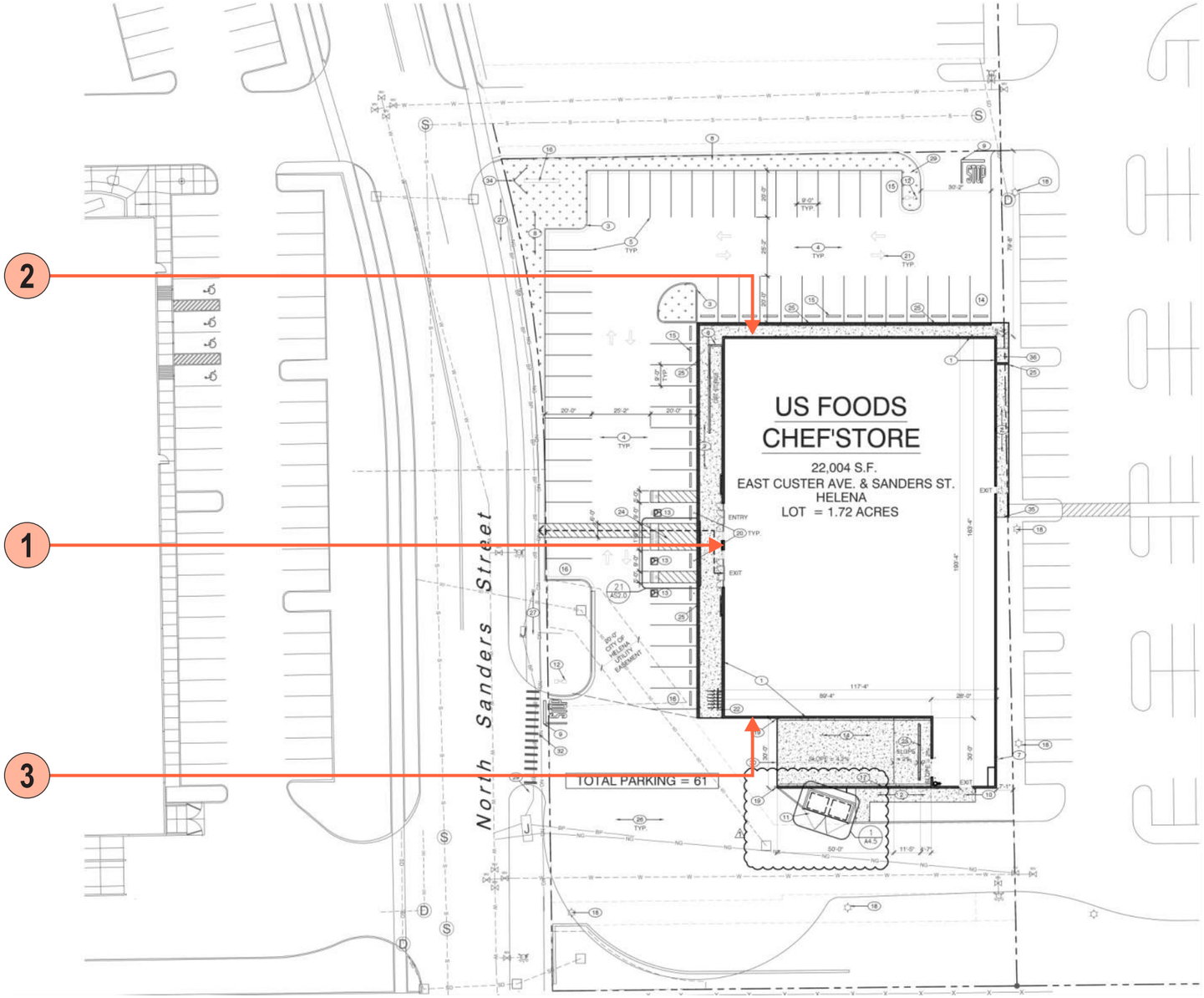
ELECTRONIC FILE NAME: K:\ACCOUNTS\U\US Foods\Locations\2023\MT\0181_Helena_Permit

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	417456	02/13/23 Z-RA					

PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.

SITE PLAN

Scale: Not To Scale



Stratus™

stratusunlimited.com

8959 Tyler Boulevard
Mentor, Ohio 44060

888.503.1569

CLIENT: US FOODS CHEF'STORE — GREAT FOOD. WHOLESALE PRICES.

ADDRESS: 2885 N SANDERS STREET HELENA, MT 59601

PAGE NO.: 4

ORDER NUMBER: 1162486

PROJECT NUMBER: 4345

SITE NUMBER: 181

PROJECT MANAGER: JOE DURAN

ELECTRONIC FILE NAME: K:\ACCOUNTS\U\US Foods\Locations\2023\MT\0181_Helena_Permit

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	417456	02/13/23 Z-RA					

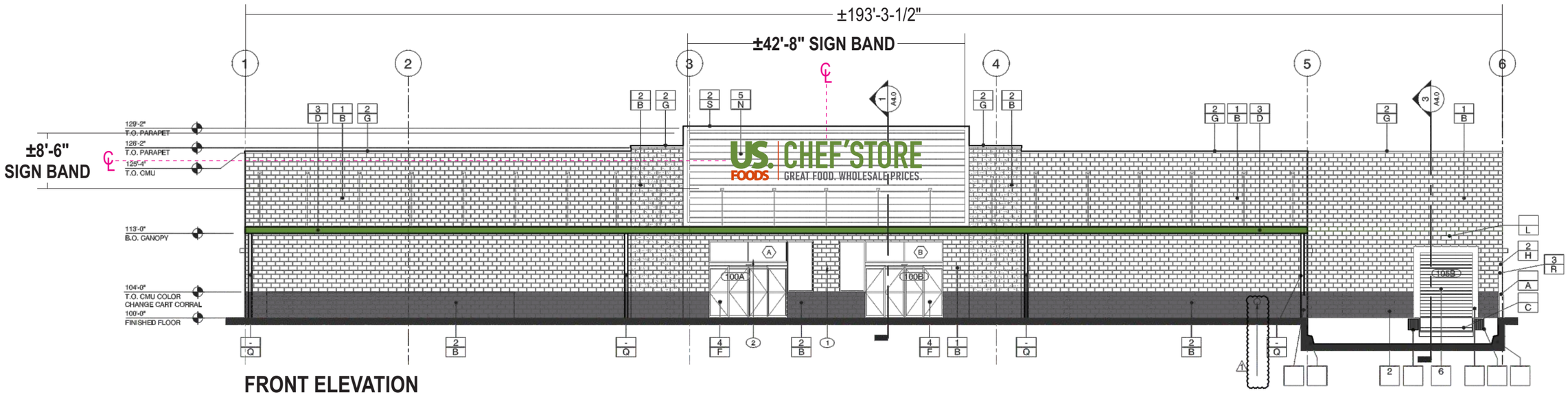
PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.

1 PROPOSED ELEVATIONS

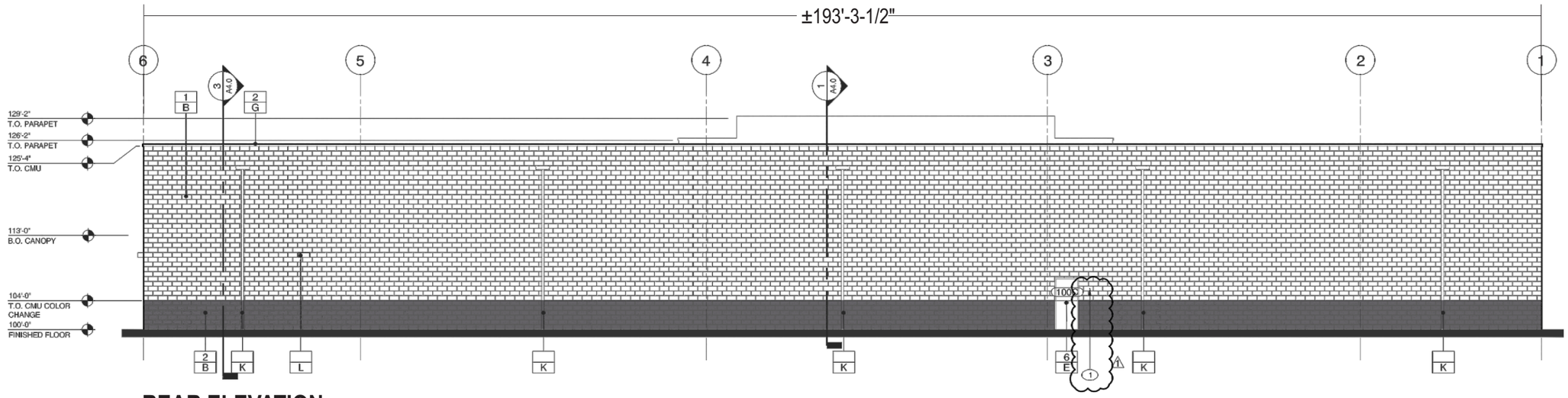
Scale: 1/16"=1'-0"

25'-4" x 193'-3-1/2" = 4896.7 sq ft facade
4896.7 x 0.3 = 1469.0 sq ft allowed

ALL SIGN SIZES HAVE BEEN CALCULATED OFF ARCHITECTURAL PRINTS AS SHOWN



FRONT ELEVATION



REAR ELEVATION

Stratus™
stratusunlimited.com
8959 Tyler Boulevard
Mentor, Ohio 44060
888.503.1569

CLIENT: US FOODS CHEF'STORE GREAT FOOD. WHOLESALE PRICES.

ADDRESS: 2885 N SANDERS STREET HELENA, MT 59601

PAGE NO.: 5

ORDER NUMBER: 1162486

PROJECT NUMBER: 4345

SITE NUMBER: 181

PROJECT MANAGER: JOE DURAN

ELECTRONIC FILE NAME: K:\ACCOUNTS\U\US Foods\Locations\2023\MT\0181_Helena_Permit

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	417456	02/13/23 Z-RA					

PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.

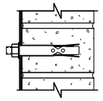
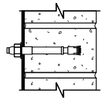
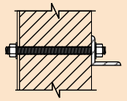
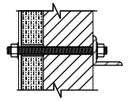
1 FACE LIT CHANNEL LETTERS - FLUSH MOUNT — FLCL-6

Scale: 1/4"=1'-0" — 176.3 Square Feet



Simulated Night Time View



WALL TYPE	CMU, BRICK	PRE-CAST CONCRETE, CONCRETE	PREFERRED FOR ALL WALL TYPES WHEN POSSIBLE	EIFS WALL W/ FOAM INSULATION
SECTION				
ANCHOR TYPE	ø1/2" SLEEV ANCHOR (ø3/8" BOLT), 2" MIN. EMBEDMENT	ø3/8" EXPANSION ANCHOR, 2 1/2" MIN. EMBEDMENT	ø1/4"-3/8" THREADED ROD	ø1/4"-3/8" THREADED ROD W/ ALUMINUM OR PVC COMPRESSION SLEEVE

COLOR PALETTE

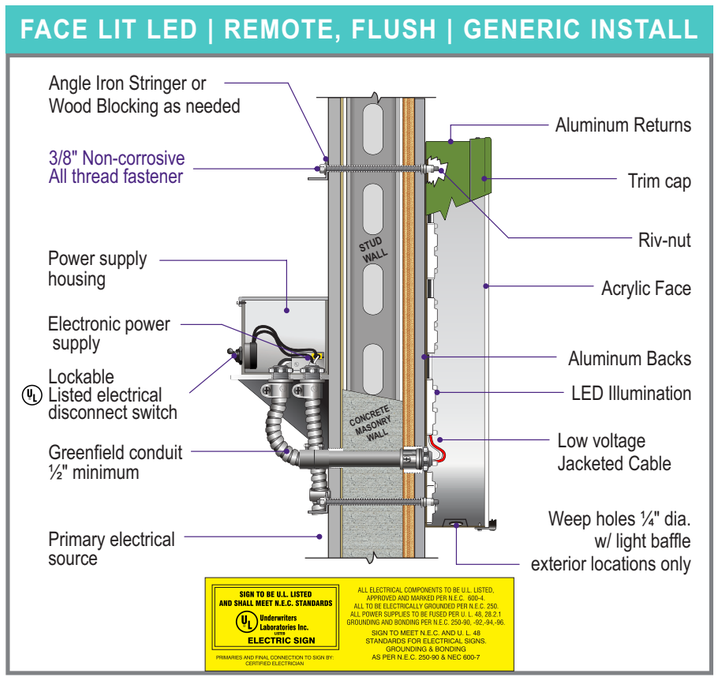
LOGO / COPY:
PMS 576 C Green
Digital Print to Match

TAGLINE:
PMS Cool Gray 11 C
printed Dual Color film

LOGO:
PMS 173 C Orange
Digital Print to Match

ALL PAINTS TO HAVE GLOSS FINISH

FACE LIT LED | REMOTE, FLUSH | GENERIC INSTALL



FACES: .177 #2447 White acrylic w/ surface applied translucent Green & Orange vinyl overlays
Tagline to have digitally printed dual color film to match Cool Gray11 - to illuminate whte at night

TRIMCAP: 1" Standard jewelite trimcap, paintd Green, Orange & Grey to match faces
US copy to have Blow-Out clips added.

RETURNS: 5" deep .063 alum. painted to match faces.
Insides painted starbrite white.

BACKS: .063 alum. backs - Insides pre-finished white.

ILLUM.: White LED illumination as required by manufacturer.
Intermatic fixed position photo cell & disconnect switch
Remote power supplies

WALL MATERIAL: Sign 1: Metal Siding
Sign 2 & 3: CMU block

INSTALL: Preferred install is thru bolted to wall surface using min 3/8" all thread fasteners; blocking as required.
Stratus to include Nutserts in Channel Letters for threaded rod.

QUANTITY: **(1) ONE Letterset req. for Front Elevation**

Stratus™
stratusunlimited.com
8959 Tyler Boulevard
Mentor, Ohio 44060
888.503.1569

CLIENT: US. FOODS CHEF'STORE GREAT FOOD. WHOLESALE PRICES.

ADDRESS: 2885 N SANDERS STREET HELENA, MT 59601

PAGE NO.: 6

ORDER NUMBER: 1162486

PROJECT NUMBER: 4345

SITE NUMBER: 181

PROJECT MANAGER: JOE DURAN

ELECTRONIC FILE NAME: K:\ACCOUNTS\U\US Foods\Locations\2023\MT\0181_Helena_Permit

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	417456	02/13/23 Z-RA					

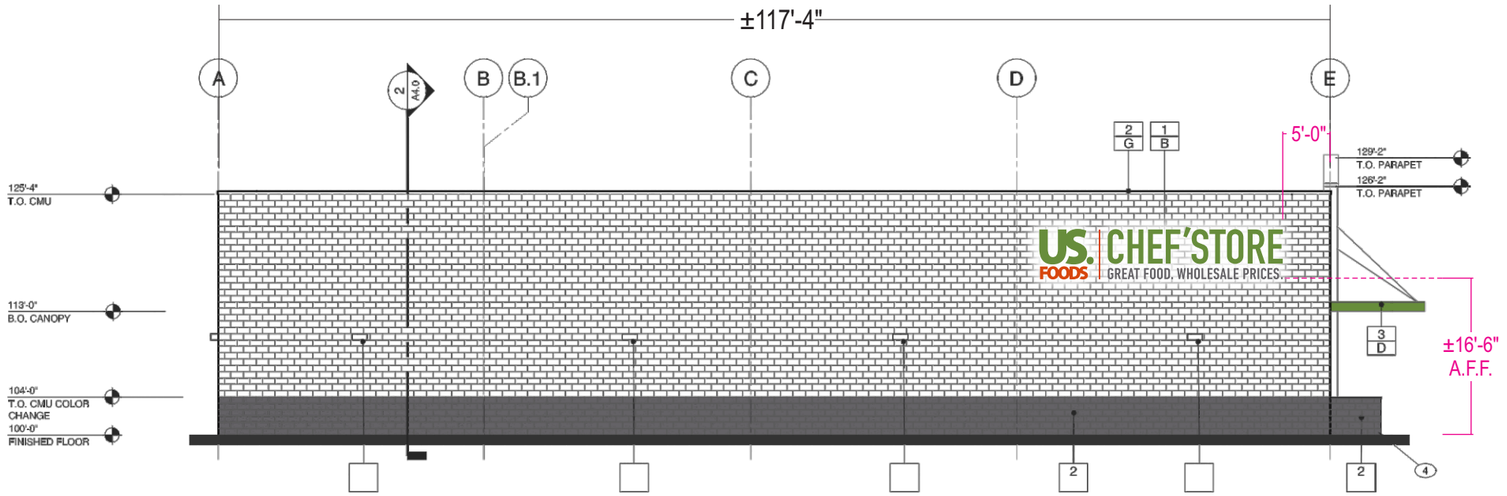
PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.

2 3 PROPOSED ELEVATIONS

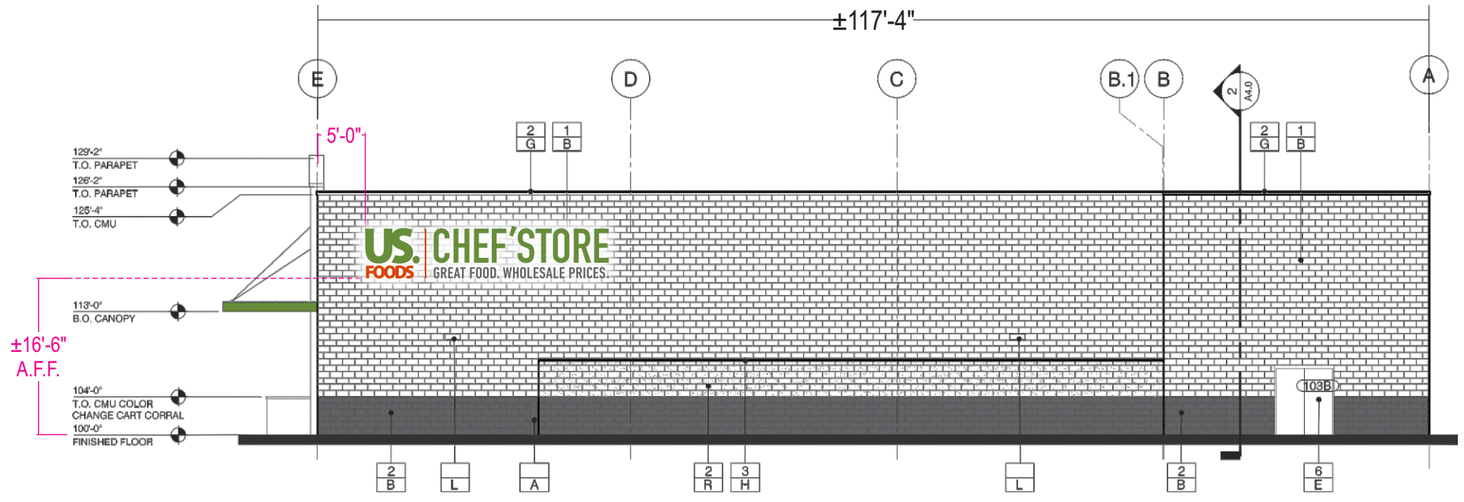
Scale: 1/16"=1'-0"

25'-4" x 117'-4" = 2972.4 sq ft facade
2972.4 x 0.3 = 891.7 sq ft allowed

ALL SIGN SIZES HAVE BEEN CALCULATED OFF ARCHITECTURAL PRINTS AS SHOWN



LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION

Stratus™
stratusunlimited.com
8959 Tyler Boulevard
Mentor, Ohio 44060
888.503.1569

CLIENT: US. FOODS CHEF'STORE GREAT FOOD. WHOLESALE PRICES.

ADDRESS: 2885 N SANDERS STREET HELENA, MT 59601

PAGE NO.: 7

ORDER NUMBER: 1162486

PROJECT NUMBER: 4345

SITE NUMBER: 181

PROJECT MANAGER: JOE DURAN

ELECTRONIC FILE NAME: K:\ACCOUNTS\U\US Foods\Locations\2023\MT\0181_Helena_Permit

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	417456	02/13/23 Z-RA					

PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.

2
3

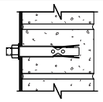
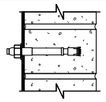
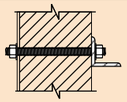
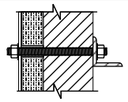
FACE LIT CHANNEL LETTERS - FLUSH MOUNT — CUSTOM

Scale: 1/4"=1'-0" — 135 Square Feet



Simulated Night Time View



WALL TYPE	CMU, BRICK	PRE-CAST CONCRETE, CONCRETE	PREFERRED FOR ALL WALL TYPES WHEN POSSIBLE	EIFS WALL W/ FOAM INSULATION
SECTION				
ANCHOR TYPE	ø1/2" SLEEV ANCHOR (ø3/8" BOLT), 2" MIN. EMBEDMENT	ø3/8" EXPANSION ANCHOR, 2 1/2" MIN. EMBEDMENT	ø1/4"-3/8" THREADED ROD	ø1/4"-3/8" THREADED ROD W/ ALUMINUM OR PVC COMPRESSION SLEEVE

COLOR PALETTE

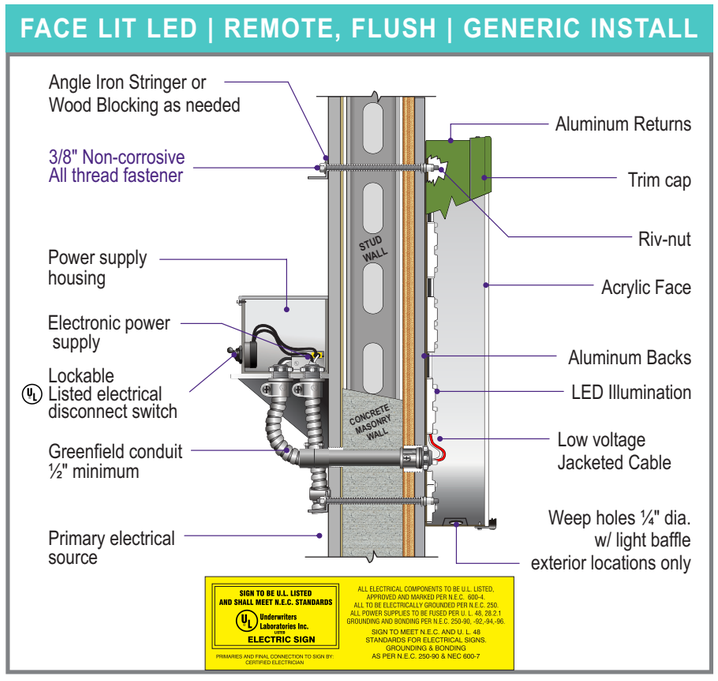
LOGO / COPY:
PMS 576 C Green
Digital Print to Match

TAGLINE:
PMS Cool Gray 11 C
printed Dual Color film

LOGO:
PMS 173 C Orange
Digital Print to Match

ALL PAINTS TO HAVE GLOSS FINISH

FACE LIT LED | REMOTE, FLUSH | GENERIC INSTALL



FACES: .177 #2447 White acrylic w/ surface applied translucent Green & Orange vinyl overlays
Tagline to have digitally printed dual color film to match Cool Gray11 - to illuminate whte at night

TRIMCAP: 1" Standard jewelite trimcap, paintd Green, Orange & Grey to match faces
US copy to have Blow-Out clips added

RETURNS: 5" deep .063 alum. painted to match faces.
Insides painted starbrite white.

BACKS: .063 alum. backs - Insides pre-finished white.

ILLUM.: White LED illumination as required by manufacturer.
Intermatic fixed position photo cell & disconnect switch
Remote power supplies

WALL MATERIAL: Sign 1: Metal Siding
Sign 2 & 3: CMU block

INSTALL: Preferred install is thru bolted to wall surface using min 3/8" all thread fasteners; blocking as required.
Stratus to include Nutserts in Channel Letters for threaded rod.

QUANTITY: **(2) TWO Lettersets req. for North & South Elevations**

Stratus™
stratusunlimited.com
8959 Tyler Boulevard
Mentor, Ohio 44060
888.503.1569

CLIENT: US. FOODS CHEF'STORE GREAT FOOD. WHOLESALE PRICES.

ADDRESS: 2885 N SANDERS STREET HELENA, MT 59601

PAGE NO.: 8

ORDER NUMBER: 1162486

PROJECT NUMBER: 4345

SITE NUMBER: 181

PROJECT MANAGER: JOE DURAN

ELECTRONIC FILE NAME: K:\ACCOUNTS\U\US Foods\Locations\2023\MT\0181_Helena_Permit

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	417456	02/13/23 Z-RA					

PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.

Commercial Sign Permit

ADDRESS: 1645 VANDELAY AVENUE
Benefis Healthcare

CONTRACTOR: Yesco Signs and Lighting

City of Helena, Building Division
316 N. Park Ave.
Helena, MT 59623
(406) 447-8437 or (406) 447-8438

WALL SIGN REQUIRED INSPECTIONS

ELECTRICAL_____

FRAMING_____

FINAL_____

OTHER_____

NOTE: Plans and specs shall not be changed, modified or altered without authorization from The City of Building Division.

This permit shall be null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work has commenced.

The holder of this permit will be required to comply with all applicable provisions of the building code and city ordinances in effect even if the necessity for compliance is discovered after issuance of the permit.

APPROVED

City of Helena Building Division

Approval of this document does not authorize the violation of any state, county, or city law or regulation.

Permit Number: SIGN23-00020
By: CRN
Date: 5/31/23
Remarks: To illuminate signs will require electrical permits.
Subject to field inspection

IT IS UNLAWFUL TO OCCUPY THIS BUILDING PRIOR TO THE FINAL INSPECTION

CITY OF HELENA
Building Division
447-8437 or 447-8438
REFER TO RECORD CARD
FOR REQUIRED INSPECTIONS

Call for Final inspection once Signs are installed

406-447-8438

OFFICE COPY

City of Helena, Building Division
316 N. Park Ave.
Helena, MT 59623
(406) 447-8437 or (406) 447-8438

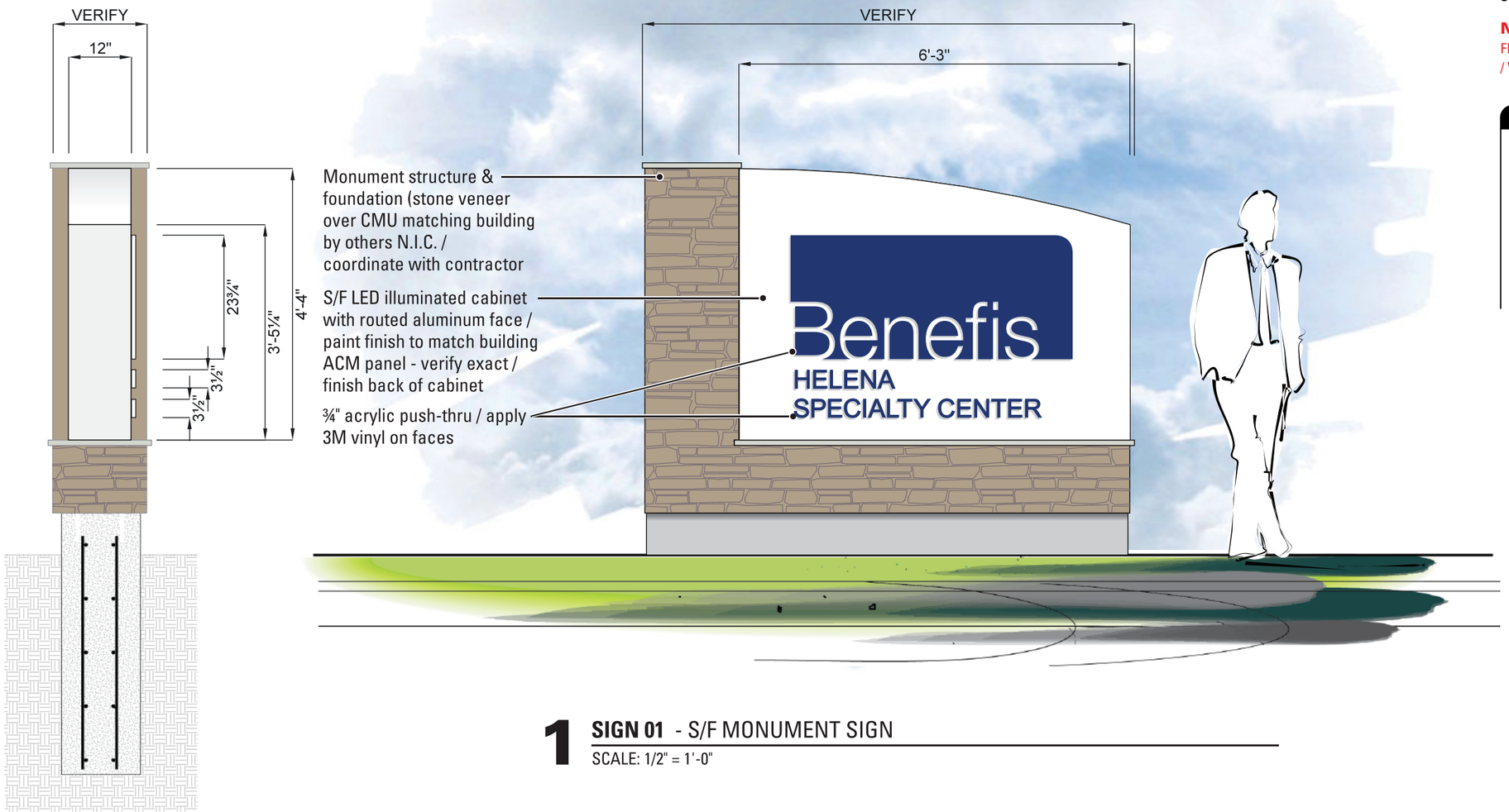
FREE STANDING SIGN REQUIRED INSPECTIONS

FOUNDATION_____

ELECTRICAL_____

OTHER_____

NOTE:
-The final connection of the sign requires a licensed electrician. A separate electrical permit will be required for final connection.
-Electrical warning labels shall comply with Section 110.21 (B) of the 2017 NEC.



1 **SIGN 01** - S/F MONUMENT SIGN

SCALE: 1/2" = 1'-0"

SCOPE OF WORK

MANUFACTURE & INSTALL ***ONE[1]*** S/FILLUMINATED CABINETS WITH PUSH-THRU GRAPHICS / MONUMENT STRUCTURES BY OTHERS - NOT IN CONTRACT

PERMITTING SIGN AREA: **26 FT²**

FINAL ELECTRICAL CONNECTION:
CUSTOMER TO PROVIDE POWER TO SIGN LOCATION. YESCO TO CONNECT.

NOTES

FIELD VERIFY ALL MEASUREMENTS & DETAILS / VERIFY SIGN TYPE & GRAPHICS LAYOUT

COLOR KEY

P1	Match Building ACM panel color -verify
P2	
P3	
V1	3M 3630-36 Blue
V1	
V2	

Note: Unless otherwise noted, the colors depicted on this rendering may not match actual colors on finished display. Please refer to color-callouts and their appropriate vendor specified samples for approved color specifications.

Electrical
-Electrical disconnect per NEC 600.6(A)(1)
Provide grounding as required.
TYPICAL

YESCO

DESIGN

2996 Bozeman Ave.
Helena, MT, 59601
406.443.4172

www.yesco.com

© 2022 YESCO LLC. All right reserved

This drawing was created to assist you in visualizing our proposal. The original ideas herein are the property of YESCO LLC. Permission to copy or revise this drawing can only be obtained through a written agreement with YESCO.
The colors shown are only approximated on any computer monitor, inkjet or laser print. The final product may vary slightly in color from your computer monitor or print.

This sign is installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.

Revisions

No.	Date / Description
Org.	08.29.2022
1	02.06.2023
2	05.30.2023

JO #

Approval

A/E Sign / Date

Client Sign / Date

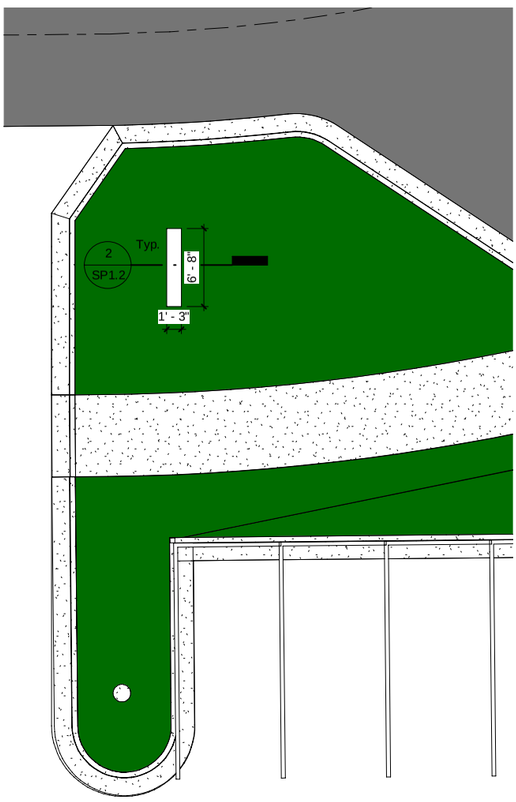
Benefis Helena

1645 Vandelay Ave.
Helena, MT, 59601-9999

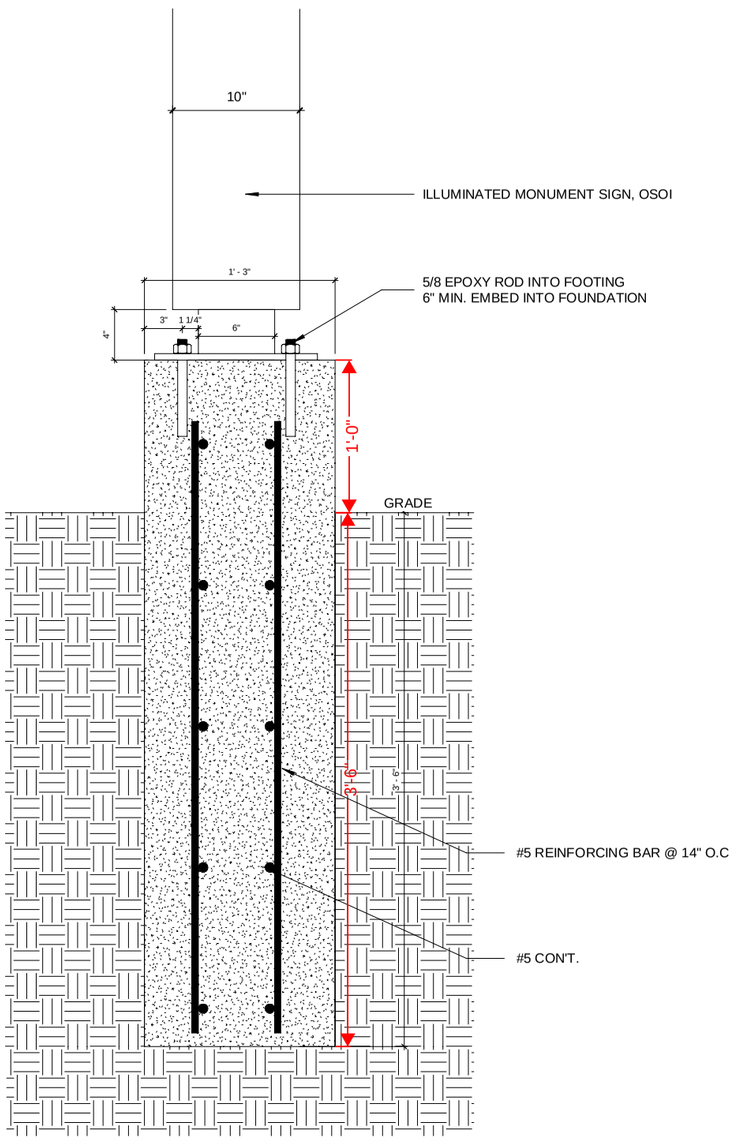
Acct. Exec: Ben Toney
Designer: JS

OPY-50118 R2

ART 1.0

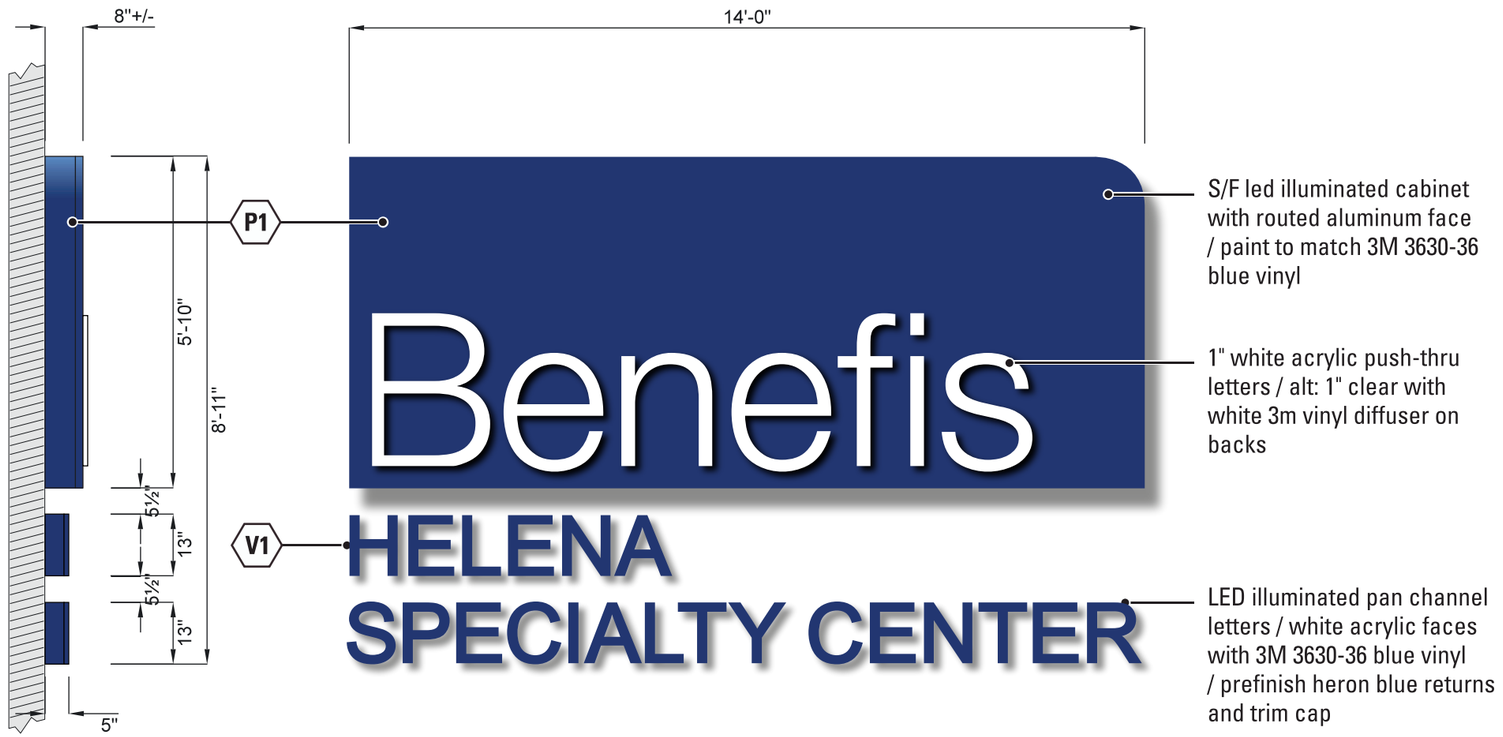


1 MONUMENT SIGN, TYP.
1/8" = 1'-0"



2 MONUMENT SIGN DETAIL
1 1/2" = 1'-0"

PER PERMIT #BCOM22-00085



2 **SIGN 02** - S/F ILLUMINATED WALL DISPLAYS - QUANTITY: 3

SCALE: 3/8" = 1'-0"

SCOPE OF WORK

--MANUFACTURE & INSTALL ***THREE [3]*** S/F LED ILLUMINATED CABINETS WITH PUSH-THRU LETTERS & ***THREE [3]*** SETS OF LED ILLUMINATED PAN CHANNEL LETTERS

PERMITTING SIGN AREA: **124.83 FT² (EACH ID SIGN)**

FINAL ELECTRICAL CONNECTION:
CUSTOMER TO PROVIDE POWER TO SIGN LOCATION. YESCO TO CONNECT.

NOTES

FIELD VERIFY ALL MEASUREMENTS & DETAILS / VERIFY SIGN TYPE & GRAPHICS LAYOUT

COLOR KEY

P1	Match 3M 3630-36 Blue
P2	
P3	
V1	3M 3630-36 Blue
V1	
V2	

Note: Unless otherwise noted, the colors depicted on this rendering may not match actual colors on finished display. Please refer to color-callouts and their appropriate vendor specified samples for approved color specifications.

YESCO

DESIGN

2996 Bozeman Ave.
Helena, MT, 59601
406.443.4172

www.yesco.com

© 2022 YESCO LLC. All right reserved

This drawing was created to assist you in visualizing our proposal. The original ideas herein are the property of YESCO LLC. Permission to copy or revise this drawing can only be obtained through a written agreement with YESCO.
The colors shown are only approximated on any computer monitor, inkjet or laser print. The final product may vary slightly in color from your computer monitor or print.

This sign is installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.

Revisions

No.	Date / Description
Org.	08.29.2022
1	02.20.2023
2	05.30.2023

JO #

Approval

A/E Sign / Date

Client Sign / Date

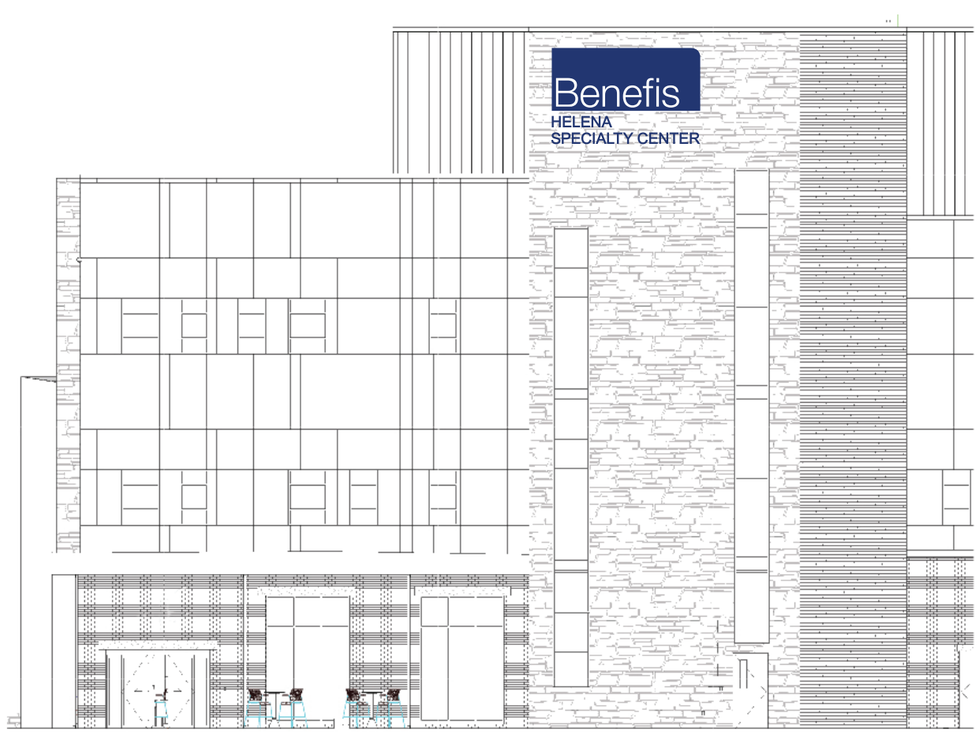
Benefis Helena

1645 Vandelay Ave.
Helena, MT, 59601-9999

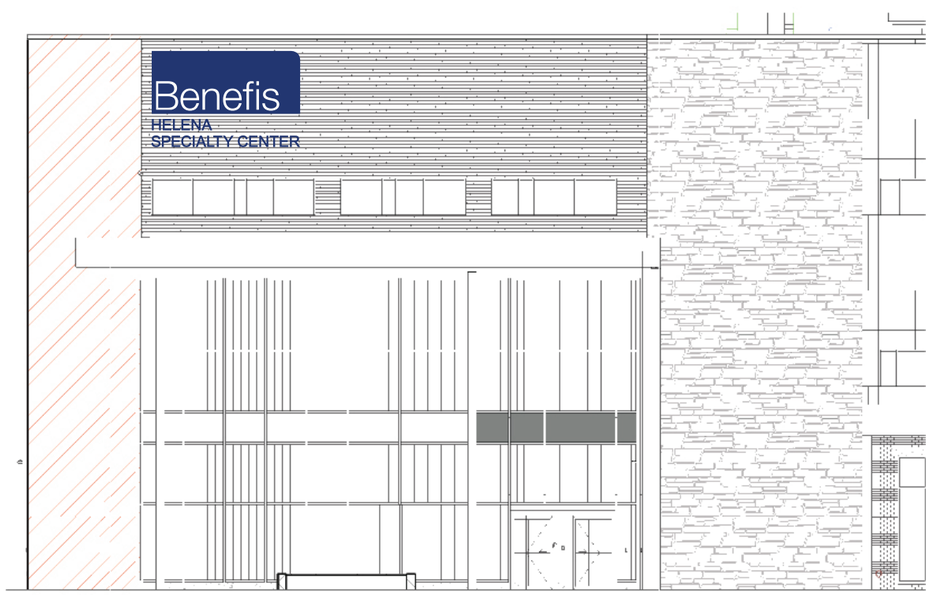
Acct. Exec: Ben Toney
Designer: JS

OPY-50118 R2

ART 2.0



2 EAST ELEVATION
NO SCALE



2 SOUTH ELEVATION
NO SCALE

SCOPE OF WORK

--MANUFACTURE & INSTALL ***THREE [3]*** S/F LED ILLUMINATED CABINETS WITH PUSH-THRU LETTERS & ***THREE [3]*** SETS OF LED ILLUMINATED PAN CHANNEL LETTERS

PERMITTING SIGN AREA: **124.83 FT²**
(EACH ID SIGN)

FINAL ELECTRICAL CONNECTION:
CUSTOMER TO PROVIDE POWER TO SIGN LOCATION. YESCO TO CONNECT.

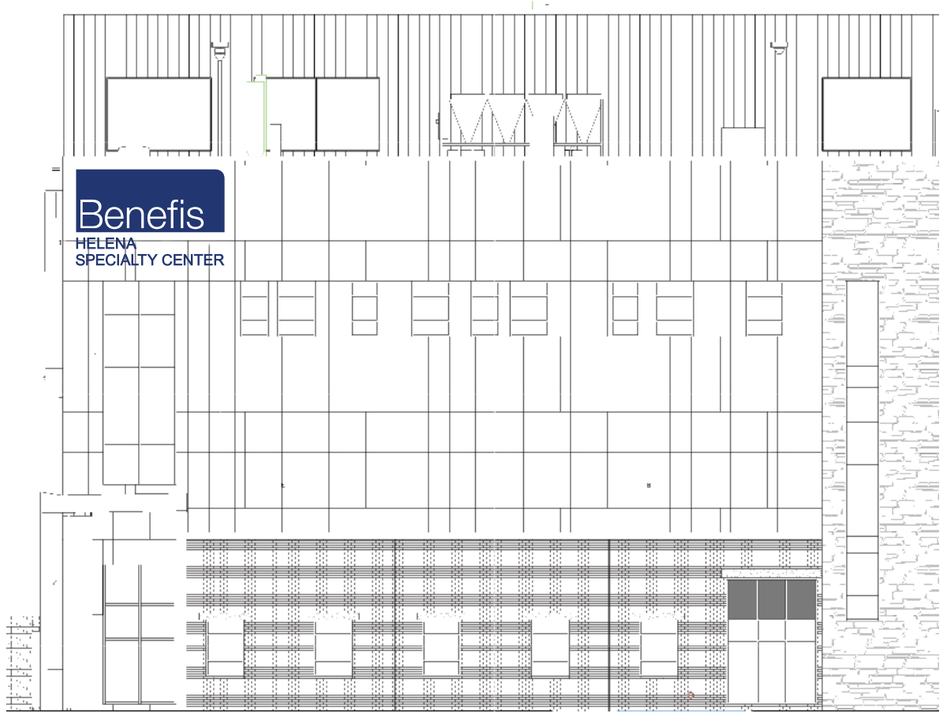
NOTES

FIELD VERIFY ALL MEASUREMENTS & DETAILS / VERIFY SIGN TYPE & GRAPHICS LAYOUT

COLOR KEY

P1	Match 3M 3630-36 Blue
P2	
P3	
V1	3M 3630-36 Blue
V1	
V2	

Note: Unless otherwise noted, the colors depicted on this rendering may not match actual colors on finished display. Please refer to color-callouts and their appropriate vendor specified samples for approved color specifications.



2 WEST ELEVATION
NO SCALE

YESCO

DESIGN

2996 Bozeman Ave.
Helena, MT, 59601
406.443.4172

www.yesco.com

© 2022 YESCO LLC. All right reserved

This drawing was created to assist you in visualizing our proposal. The original ideas herein are the property of YESCO LLC. Permission to copy or revise this drawing can only be obtained through a written agreement with YESCO.
The colors shown are only approximated on any computer monitor, inkjet or laser print. The final product may vary slightly in color from your computer monitor or print.

This sign is installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.

Revisions

No.	Date / Description
Org.	08.29.2022
1	02.20.2023
2	05.30.2023

JO #

Approval

A/E Sign / Date

Client Sign / Date

Benefis Helena

1645 Vandelay Ave.
Helena, MT, 59601-9999

Acct. Exec: Ben Toney
Designer: JS

OPY-50118 R2

ART 3.0