

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 271

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO HIGHWAYS; AMENDING CHAPTER 19, TITLE 40, IDAHO CODE, BY THE ADDI-
2 TION OF A NEW SECTION 40-1910B, IDAHO CODE, TO ESTABLISH PROVISIONS RE-
3 GARDING LANDSCAPE CONTROL PERMITS; AND DECLARING AN EMERGENCY AND PRO-
4 VIDING AN EFFECTIVE DATE.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 19, Title 40, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 40-1910B, Idaho Code, and to read as follows:

10 40-1910B. LANDSCAPE CONTROL PERMITS. (1) The legislature finds and
11 declares that legally erected outdoor advertising and business identifi-
12 cation signs provide a substantial service and benefit to Idaho and Idaho's
13 citizens as well as the traveling public. Therefore, it is in the public
14 interest that provisions be made for the visibility of outdoor advertis-
15 ing signs and business identification signs legally erected and maintained
16 along roadways in Idaho to increase safety and provide information regarding
17 services or products available to the general public.

18 (2) As used in this section:

19 (a) "Landscape control permit" means and includes the following two (2)
20 categories of permits:

21 (i) A permit authorizing the owner of an outdoor advertising sign
22 to trim or remove seedlings, saplings, trees, or other vegetation
23 taller than three (3) feet that are located within a public right-
24 of-way and that are also within a target view zone of an outdoor
25 advertising sign necessary to allow the outdoor advertising sign
26 to be visible across the target view zone while traveling at the
27 published speed limit; and

28 (ii) A permit authorizing the owner of a permitted business iden-
29 tification sign located outside of a residential zoning district
30 to trim or remove seedlings, saplings, trees, or other vegetation
31 taller than three (3) feet within a public right-of-way necessary
32 to allow the outdoor advertising sign to be visible across the tar-
33 get view zone while traveling at the published speed limit.

34 (b) "Owner" means an outdoor advertising sign or business identifi-
35 cation sign owner or a property owner with whom an outdoor advertising
36 sign or business identification sign owner has a contractual relation-
37 ship for the placement or maintenance of a sign.

38 (c) "Outdoor advertising sign" means an outdoor advertising structure,
39 sign, or display.

40 (d) "Responsible entity" means each agency or political subdivision
41 of the state of Idaho responsible for managing public right-of-way
42 along interstates, highways, roads, and streets, including, without

1 limitation, the Idaho transportation department, highway districts,
2 counties, and cities.

3 (e) "Target view zone" means a continuous horizontal distance paral-
4 lel to the pavement edge beginning at a point along the pavement edge
5 perpendicular to the closest edge of the outdoor sign to the pavement
6 and running towards the direction of oncoming traffic two hundred (200)
7 feet for each outdoor advertising sign face or business identification
8 sign.

9 (3) Each responsible entity is instructed to establish a landscape con-
10 trol permit process by December 31, 2023.

11 (4) An owner may apply to a responsible entity for a landscape control
12 permit to manage vegetation. The application shall be accompanied by an ap-
13 plication fee to cover the costs of evaluating and processing the applica-
14 tion.

15 (5) An application for a landscape control permit relating to an out-
16 door advertising sign or business identification sign under this section
17 shall be on a form and in a manner specified by a responsible entity. The ap-
18 plicant shall clearly identify the proposed target view zone, if applicable,
19 and shall identify what seedlings, saplings, trees, and vegetation would be
20 trimmed or removed. No application shall be granted that requests the abil-
21 ity to trim or remove more seedlings, saplings, trees, or other vegetation
22 taller than three (3) feet than necessary to allow the outdoor advertising
23 sign or business identification sign to be visible across the target view
24 zone while traveling at the published speed limit.

25 (6) Each responsible entity shall establish and collect a landscape
26 control permit fee in an amount not to exceed two hundred (\$200) dollars.

27 (7) In addition to a landscape control permit fee, a responsible entity
28 may require as a condition of granting a landscape control permit payment
29 of five hundred (\$500) dollars for each tree with a measurement at diameter
30 breast height that exceeds four (4) inches and two hundred (\$200) dollars for
31 each tree with a measurement at diameter breast height that exceeds two (2)
32 inches that will be removed. Dead or diseased trees shall not be measured or
33 valued.

34 (8) Upon receipt of the application and any required payment, a respon-
35 sible entity shall issue a landscape control permit within thirty (30) days.

36 (9) Except as provided in this section, a person, including an owner,
37 may not perform or cause landscape control to be performed within a public
38 right-of-way.

39 (10) Each responsible entity is authorized to promulgate rules consis-
40 tent with this section if necessary for the administration of this section.

41 SECTION 2. An emergency existing therefor, which emergency is hereby
42 declared to exist, this act shall be in full force and effect on and after
43 July 1, 2023.