

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 819

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO LANDSCAPE CONTROL PERMITS; AMENDING CHAPTER 19, TITLE 40, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 40-1910B, IDAHO CODE, TO PROVIDE
3 FOR LANDSCAPE CONTROL PERMITS FOR THE MANAGEMENT OF VEGETATION AFFECT-
4 ING THE VISIBILITY OF OUTDOOR ADVERTISING SIGNS; AND DECLARING AN EMER-
5 GENCY AND PROVIDING AN EFFECTIVE DATE.
6

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

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

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

19 (2) As used in this section:

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

22 (i) A permit authorizing the owner of an outdoor advertising sign
23 to trim or remove seedlings, saplings, trees, or other vegetation
24 in a target view zone of an outdoor advertising sign within a pub-
25 lic right-of-way; and

26 (ii) A permit authorizing the owner of a business identification
27 sign to trim or remove seedlings, saplings, trees, or other veg-
28 etation taller than three (3) feet within a public right-of-way
29 where businesses are located, provided that the department may re-
30 quire a business identification sign owner to leave one (1) tree
31 every one hundred fifty (150) feet.

32 (b) "Outdoor advertising sign" means an outdoor advertising structure,
33 sign, or display.

34 (c) "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 (d) "Responsible entity" means each political subdivision of the state
39 of Idaho responsible for managing a public right-of-way along an in-
40 terstate, highway, road, or street, including, without limitation,
41 the Idaho transportation department, highway districts, counties, and
42 cities.

1 (e) "Target view zone" means a continuous horizontal distance parallel
 2 to the pavement edge beginning at a point along the pavement edge per-
 3 pendicular to the closest edge of the outdoor sign to the pavement and
 4 running towards the direction of oncoming traffic for each outdoor ad-
 5 vertising sign face as follows:

6	<u>Speed Limit</u>	<u>Target View Zone Distance</u>
7	Less than 35 miles per hour	250 feet
8	Between 35 and 55 miles per hour	400 feet
9	Over 55 miles per hour	500 feet

10 (3) Each responsible entity shall establish a landscape control permit
 11 process by January 1, 2023.

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

16 (5) An application for a landscape control permit relating to an out-
 17 door advertising sign or business identification sign pursuant to this sec-
 18 tion shall be on a form and in a manner specified by a responsible entity. The
 19 applicant shall clearly identify the proposed target view zone, if appli-
 20 cable, and shall identify what seedlings, saplings, trees, and vegetation
 21 would be trimmed or removed.

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

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

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

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

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

38 SECTION 2. An emergency existing therefor, which emergency is hereby
 39 declared to exist, this act shall be in full force and effect on and after
 40 July 1, 2022.