

CITY OF MERIDIAN ORDINANCE NO. 23-2030

BY THE CITY COUNCIL:

**BORTON, CAVENER, HOAGLUN,
OVERTON, PERREAULT, STRADER**

AN ORDINANCE AMENDING MERIDIAN UNIFIED DEVELOPMENT CODE SECTION 11-3D-4, REGARDING SIGNS; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

WHEREAS, on July 6, 2023, the Meridian Planning and Zoning Commission of the City of Meridian recommended that the City Council adopt these proposed amendments to the Meridian Unified Development Code; and

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

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

Section 1. That Meridian Unified Development Code section 11-3D-4 shall be amended as follows:

11-3D-4. - Prohibited signs.

The following types of signs are prohibited in all districts:

- A. Any sign not specifically allowed by this article as determined by the Director.
- B. Any private signs on publicly owned property, including the public right-of-way, except as otherwise specifically permitted, in writing, by the authorized public agency.
- C. Any signs which because of color, wording, design, size, movement, location or illumination resemble or conflict with any traffic control device or with the safe and efficient flow of traffic.
- D. Any sign displaying red, blue or blinking intermittent light likely to be mistaken for a warning or danger signal.
- E. Any signs that emit any sound, odor or visible matter.
- F. Any abandoned nonconforming signs (see section 11-1B-6 of this title and section 11-3D-8 of this article).
- G. Any benches with commercially available space for advertising, except that the transportation authority may place such benches at a designated bus stop.
- H. Any sign that includes strobing, revolving or flashing lights.
- I. Any sign using a prohibited light source as set forth in section 11-3A-11 of this chapter.
- J. Any signs within the clear vision triangle as set forth in section 11-3A-3, "access to streets", of this chapter.
- K. Any signs ~~for illegal uses~~ advertising illegal activity.
- L. Any signs that block the visibility of any other sign due to their location, size, and/or height within a fifty-foot radius.
- M. Any roof signs.
- N. Any sign within any stream or drainage canal or within a floodway.
- O. Any sign not maintained in a safe condition.
- P. Any sign advertising an establishment that sells a controlled substance or drug paraphernalia, as such terms are defined in Idaho Code section 37-2701.

Section 2. That all City of Meridian ordinances, or parts thereof, that are in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall be effective immediately upon its passage and publication.

PASSED by the City Council of the City of Meridian, Idaho, this 22nd day of August, 2023.

APPROVED by the Mayor of the City of Meridian, Idaho, this 22nd day of August, 2023.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

CERTIFICATION OF SUMMARY:

William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

William L. M. Nary, City Attorney

SUMMARY OF CITY OF MERIDIAN ORDINANCE NO. 23 -2030

Amending Meridian Unified Development Code section 11-3D-4, regarding signs; repealing conflicting ordinances; and providing an effective date. The full text of this ordinance is available at Meridian City Hall, City Clerk's Office, 33 E. Broadway Avenue, Meridian, Idaho.