

City of Elephant Butte Sign Review Guidelines



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Elephant Butte Sign Review Guidelines

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Introduction

The City's original sign ordinance (Ordinance Number 64) was adopted on July 23, 2003.

The City's revised Sign Ordinance was adopted by City Council (Ordinance Number 132) on February 22, 2012. These *Sign Review Guidelines* were adopted by City Council Resolution 11-12-272 on February 22, 2012, as an addendum to the Sign Ordinance.

In 2010 and 2011, the Planning and Zoning Commission held several workshops to revise the City's original Sign Ordinance. In order to shorten the revised Sign Ordinance, the Planning and Zoning Commission decided to place the details of the City's signage and street graphics program into the *Sign Review Guidelines*. Sign users comply with the standards established in the guidelines. The City's Code Enforcement Officer, Planning and Zoning Commission, and City Council utilize and refer to these guidelines to administer and enforce the Sign Ordinance.

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Chapter 1: Administration of Signs and Sign Structures

The procedures established in the Sign Ordinance and these guidelines are intended to expedite the City's permitting process for signs that meet the guideline criteria. In the event an establishment seeks to post signage that does not meet the guideline's basic standards, the sign user may submit a Comprehensive Signage Plan for review by the Planning and Zoning Commission.

Sign Permit Application Procedures and Permit Fee

The Sign Ordinance establishes the requirement for sign users of specified signs to obtain a City permit to install a sign. The application procedure to obtain a sign is provided below. The Sign Permit Application is located in Appendix A.

Application

The sign applicant is required to:

- 1) Pay a permit fee;
- 2) Fill out and sign the City's "General Land Use Application;" and
- 3) Complete the City's "Sign Permit Application" with the following items for approval:
 - a) Applicant's name, address and phone number;
 - b) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or installed;
 - c) A surface map of the area showing the exact location of the sign and the relationship of that sign to other signs on the property or nearby buildings and/or structures;
 - d) Two blueprints or scaled drawings of the plans, design including text, graphics, colors, textures, specifications, materials, illumination, designation of sign as permanent or temporary, method of construction, and method of attachment to the building, structure, or to the ground;
 - e) Name of person installing sign structure;
 - f) If different from applicant, written consent of the property owner of record to which or on which the structure is to be installed;
 - g) Written proof of ownership of property on which the sign will be placed if different from the sign owner;
 - h) Any state required permits or approvals; and
 - i) All other information required by the City to show full compliance with the provisions of this section and all other City laws and ordinances.

Application Review

The sign application will then be submitted to the Code Enforcement Officer to be reviewed for completeness. If approved as to form, the Code Enforcement Officer will either sign and issue a preliminary permit to install the sign, or submit the application to the Planning and Zoning Commission for review through public hearing.

If the application is not approved, a written notification of denial will be sent to the applicant within 1 (one) week of the review. If the application is denied, the applicant may file an appeal. The appeal process is outlined in the next sub-section of this chapter. Upon installation of the sign, the Code Enforcement Officer will conduct final inspection of the sign and finalize the permit by a second signature.

Appeal

Disagreement with the Code Enforcement Officer's permit or enforcement determination may be appealed to the City Planning and Zoning Commission. Disagreement with a decision of the Planning and Zoning Commission may be appealed to the City Council.

The applicant has 15 (fifteen) calendar days following receipt of a written decision by the Code Enforcement Officer or by the Planning and Zoning Commission to file an appeal application.

Following the Code Enforcement Officer's written denial of any request, an applicant may appeal, apply to the City Planning and Zoning Commission for a variance, conditional use permit, or submit a Comprehensive Signage Plan if appropriate.

Signs Requiring a Permit

The following signs require a valid sign permit issued by the City.

On-Premise Signs

Awnings with Graphics

Canopy Signs on Freestanding Canopies (example: gas station)

Changeable Electronic Variable Message Signs

Existing Non-Conforming Signs (extension to maintain non-conformance)

Fascia Signs on Roof-Like Projections (marquee, mansard mount, pent eave mount)

Hanging Signs

Home Occupation Signs

Illuminated (externally and internally illuminated)

Non-Conforming Signs with Changes to the Sign Face

Non-Conforming Signs that Change Ownership

Permanent Freestanding Signs (monument or blade, pylon, pole, ground or low profile)

Permanent Wall or Fascia Signs

Projecting Signs

Roof Signs (flat roof mount, sloping roof mount)

Temporary New Business Signs

Temporary Portable Sidewalk Signs with Illumination

Temporary Signs that become Permanent

Temporary Special Event Signs (grand opening, going out of business, street banners)

Off-Premise Signs

Billboards and Billboard Structures

Other Off-Premise Signs

Non-Conforming Signs and Sign Structures

A non-conforming sign is any sign that was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, structure, or construction is not in conformance with the requirements of this Chapter or any amendment thereto.

The following guidelines are in addition to the paragraphs found in the City's Sign Ordinance.

Burden of Proof

When seeking protection for a lawful non-conforming sign, the property owner(s), sign owner(s), sign user, or other person will bear the burden of proof and must provide legally recognized documentation stating:

- 1) A photograph of the sign;
- 2) The signs' installation date;
- 3) Proof that the sign fully conformed to the sign ordinance in effect at the time of installation;
- 4) That the person installing the sign obtained all necessary permits for the installation of the sign; and
- 5) That any changes to the sign have been made in accordance with the requirements of the City Sign Ordinance, *Sign Review Guidelines*, and amendments thereto, and is in compliance with all applicable permit requirements.

Continuance of Non-Conformity, Grandfathering Not Permitted

Subject to the remaining restrictions of this section, all non-conforming signs lawfully in existence or legally permitted by the City and in production on the date this chapter becomes effective, may be continued with a new permit. Non-conforming signs may not be grandfathered under new sign ownership or property ownership. Existing owners and new owners should apply for a continuance of the non-conforming sign.

Removal, Replacement, and Alteration of Non-Conforming Signs **Deteriorated Non-Conforming Signs**

Non-conforming signs or sign structures, which become deteriorated or dilapidated, other than by vandalism, to the extent that 50% (fifty percent) or more is lost, must be removed within 30 (thirty) calendar days or brought into compliance with the provisions of this chapter within 30 (thirty) calendar days from the date of City notification. Repairs begun within 30 (thirty) calendar days must be completed within 60 (sixty) calendar days or the sign may be removed at owner's expense. Whenever a damaged non-conforming sign or sign structure is permanently removed, the replacement sign and sign structure must comply with current standards.

Abandoned Non-Conforming Signs

Non-conforming signs abandoned or discontinued for a period of 60 (sixty) days are to be removed at the owner's expense. At the end of 60 (sixty) days, the right to maintain a non-conforming sign is lost and a non-conforming sign may not be re-established. A sign is considered abandoned or discontinued if the services or products advertised are no longer available at the destination, or by the directions indicated on the sign, or if the sign no longer has an advertising message other than the name of the sign owner on any part of the sign.

Alteration of Non-Conforming Signs

Non-conforming signs may not be moved, changed or altered in any manner that would modify the nonconformity, enlarged, expanded, increased in height, or altered by adding illumination. Non-conforming signs that are modified, enlarged, increased in height and found in violation of this chapter should be removed immediately at owner's expense.

Alteration of Sign Face of Non-Conforming Signs

Upon obtaining a City permit, the sign face of a non-conforming sign may be altered if the sign face is not thereby modified or altered by adding illumination. Signs may be temporarily removed for maintenance or the sign face changed if re-installed within 30 (thirty) days.

Nonconforming Sign Cannot be Re-established

Whenever a nonconforming sign or sign structure is replaced or altered to become a conforming sign or sign structure, the nonconforming sign or sign structure may not be re-established.

Comprehensive Signage Plans (CSP)

Purpose

A Comprehensive Signage Plan is a coordinated program of all signs, including exempt and temporary signs for a business, or businesses, located on a development site. A CSP is intended to:

- 1) Integrate the design of the signs proposed for a development project with the design of the structures into a unified architectural statement;
- 2) Provide a means for defining common sign regulations for multi-tenant projects; and
- 3) Encourage maximum incentive and latitude in the design and display of multiple signs, and to achieve, not circumvent, the intent of this chapter.

Comprehensive Signage Plans Required

Planning and Zoning Commission review of a Comprehensive Signage Plan is required whenever any of the following circumstances exist:

- 1) An applicant submits a Comprehensive Signage Plan for review;
- 2) Two or more separate tenant spaces are to be created on the same parcel;
- 3) Commercial signage on a lot less than 2,200 (two thousand two-hundred) square feet with a permanent or temporary single business and total combined

signage requiring a City permit that exceeds 10 (ten) percent of the square footage of the entire lot;

- 4) A property owner or sign owner wishes to install a Changeable Electronic Variable Message Sign (CEVMS);
- 5) A restaurant menu sign will be used to display the published menu and the corresponding prices. A menu sign may indicate if the restaurant is open and list the hours of operation. The maximum number of such signs for each restaurant will be determined by a Comprehensive Signage Plan for the property. The plan will include the dimensions of each sign. The recommended maximum area of such sign is 16 (sixteen) square feet. It is recommended that a menu sign attached to the building will be enclosed in a casing and extend in depth from the wall not more than 2 (two) inches. Illumination will be indirect only. When the purpose for which the sign is completed, owner will remove the sign;
- 6) Any sign or logo incorporated into a structure's architectural feature;
- 7) Neighborhood Identification Signs for a detached sign, masonry wall, and landscaping or similar material or features which, when combined, forms a display for neighborhood or tract identification consisting of the neighborhood, subdivision, or tract; and
- 8) The Code Enforcement Officer or other designated City official determines that a Comprehensive Signage Plan is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes).

Approval Authority

The Planning and Zoning Commission may approve a Comprehensive Signage Plan through the granting of a sign permit for a Comprehensive Signage Plan.

Application Requirements

A sign permit application for a Comprehensive Signage Plan will include all information and materials required by the City, and a permit fee adopted by the City. Applications are required to include, but are not limited to: to scale site plans and drawings for the locations, dimensions, height, shapes, materials, colors, letter styles, sign types, illumination, permanent or temporary time period designations, time period or phases of installation, maintenance, character to the sign function, and architectural character of all signs to be installed on a site.

Standards

A Comprehensive Signage Plan will comply with the following standards:

- 1) CSP must comply with the Sign Ordinance, the *Sign Review Guidelines*, and the overall intent of this Chapter;
- 2) The signs should enhance the overall development, be in harmony with and relate visually to other signs included in the Comprehensive Signage Plan, relate to the structures or developments they identify, and relate to surrounding development;
- 3) CSP should accommodate future revisions that may be required because of changes in use or tenants; and

- 4) CSP shows compliance with the standards of this chapter, except that flexibility is allowed with regard to sign area, number, location, or height to the extent that the Comprehensive Signage Plan will enhance the overall development and will more fully accomplish the purposes of this chapter.

Revisions to Comprehensive Signage Plans

Businesses must submit major revisions to approved Comprehensive Signage Plans including the number of signs, size, shapes, color, and height of signs, sign structures and mounting devices, architectural character, illumination, and location of signs on the property to the Planning and Zoning Commission for review. The City Code Enforcement Officer will review minor revisions.

Chapter 2: Sign Standards

Exempt Signs

The following signs do not require the issuance of a sign permit, but must conform to other City codes. These signs are allowed in addition to all other signs allowed in this chapter.

Address Numbers

Each commercial, industrial, and public establishment is required to have at least one street number at the main entrance not to exceed 12 (twelve) inches by 6 (six) inches wide per digit that is highly contrasting or reflective and readable from the public right-of-way. Street numbers displayed on the building should be a minimum 12 (twelve) inches per digit and a maximum of 36 (thirty-six) square inches per digit.

Residential address numbers must be a minimum of 3 (three) inches by 2 (two) inches per digit, highly contrasting or reflective, and placed so they can be easily read at night by headlight from a public right-of-way.

Balloons

Balloons and/or other gas-filled objects located in any zoning district. Balloon and/or gas filled object should not exceed 20 (twenty) feet in height and may contain text and graphics.

Building Memorial Signs

Building memorial signs or tablets reflecting building names, construction dates, and other relevant information when cut into any masonry surface, cast in metal, or constructed of other non-combustible materials.

Bulletin Boards

On premise attached bulletin boards no more than 34 (thirty-four) square feet in area, non-illuminated nor internally illuminated, for public, not for profit, or religious institutions.

Decals

Small decals affixed to windows or door glass panels, such as those indicating membership in a business group or identifying accepted credit cards.

Equipment, Gas Pumps, Vending Machines

Signs located on machinery or equipment which are necessary and customary to a business, such as gasoline pumps or vending machines.

Farm Products Signs

Only 1 (one) sign is permitted per lot/tract on the premises where the products are grown and sold in conjunction with an allowable agricultural product or produce excluding animals. Signs may not exceed 32 (thirty-two) square feet in area and are required to be removed within 7 (seven) days of termination of sale activities.

Flags

Flags or emblems of any nation, state, county, city or other government unit, civic, philanthropic, educational, or religious organizations.

Government Signs

Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance; traffic control signs installed by city, state, or federal agencies on public property or rights-of-way such as "Stop," "Yield," and similar signs; or any sign installed or maintained by or for any agency of government pursuant to and in discharge of any government function or required or authorized by law, ordinance, or governmental regulations.

Hand-held Signs

Any hand-held sign, symbol or display on any person not to exceed 6 (six) square feet.

Holiday and Temporary Displays

Non-commercial signs, flags, banners, or other materials temporarily displayed in conjunction with traditionally accepted patriotic, religious, seasonal celebrations, holidays, family events such as birth announcements, community events, or charitable drive.

Incidental Signs in Public Places

Signs on facilities located in public places that provide information that is incidental to a sponsored activity, such as a scoreboard or time clock that comply with City Code and the Outdoor Lighting and Night Sky Protection Ordinance.

Internal Signs

Any on-premise sign, the copy of which cannot be viewed from a public right-of-way or adjoining property.

Private Parking

Private parking signs not to exceed 3 (three) square feet in effective area.

Private Traffic Direction Signs

Signs which are necessary for and function only to direct traffic movement onto, off of, or within a premises are allowed without limit as to number. The maximum size of each sign is limited to 3 (three) square feet. These signs may not contain commercial advertising and will not be counted toward the signage allowance. Only indirect illumination is allowed. Horizontal directional signs on and flush with paved areas are exempt from the limitations of this chapter.

Security and Maintenance Signs

Landscape maintenance, home security, remodeling, and construction-related signs not to exceed 1 (one) square foot and limited to 1 (one) per property.

Strings of Light or Rope Lights

Any illumination devices including lights or strings of lights that outline property lines, sales areas, or any portion of a structure and are intended to advertise or draw attention to a business or commercial activity as long as the illumination complies with the City's Outdoor Lighting and Night Sky Protection Ordinance.

Temporary Signs

Some Temporary Signs do not require a City permit. See Chapter 5: Temporary Signs and Banners for specifications.

Warning Signs

Private warning signs such as "No Soliciting," "No trespassing," "Beware of Dog" or similar signs not exceeding 2 (two) square feet in area per sign.

Works of Art

On-premise non-illuminated works of art with no commercial message.

General Sign Provisions

All signs established within the City limits must conform to applicable building codes, City codes, electrical codes if applicable, and to the following general requirements.

Addresses

In accordance with the City Code, and with the exception of off-premise signs, each parcel is required to have prominently displayed the street address of the parcel with reflective numerals that are visible at night with headlights. See Chapter 2 (Exempt Signs) for address sign requirements.

Architectural Feature

Any sign or logo incorporated into a structure's architectural feature is to be included in a Comprehensive Signage Plan and presented for a decision by the Planning and Zoning Commission.

Business Closure and Sign Removal

If within 180 (one-hundred eighty) days after a business closes and no new business is established, the responsible owner or person in possession of the real estate is required to see that all signage is removed. If there is need for an extension of time because an identifiable business is planned for the property, an extension permit may be requested from the Planning and Zoning Commission. Should the owner fail to comply with this provision, the signage is subject to removal by the City at the owner's expense.

Change of Ownership

When a business changes ownership or the property on which a business is located changes ownership, the new business owner or property owner must apply for a sign permit in the new owner's name. Non-conforming signs may not be grandfathered under new ownership. Owners of non-conforming signs must submit an application for review by the Planning and Zoning Commission.

Neighborhood Identification Sign

Detached signs, masonry walls, and landscaping or similar material or features which, when combined, form a display for neighborhood or tract identification consisting of the neighborhood, subdivision, or tract must submit a Comprehensive Signage Plan for Planning and Zoning Commission review and approval.

New Business Requirements

New businesses on vacant or developed property may be required to submit a Comprehensive Signage Plan (CSP) for Planning and Zoning Commission review and approval. To attain flexibility under the revised sign code, existing business may submit a CSP for Planning and Zoning Commission review. See Comprehensive Signage Plan in Chapter 1 for requirements.

Property Line Encroachment

No sign, sign structure, or sign support may project over any property line.

Roof Signs

Roof signs may not exceed the zone's building height requirement, may not exceed sign allowance square footage, and must comply with the City's Outdoor Lighting and Night Sky Protection Ordinance.

Street Rights-of-Way

No sign, advertising device, sign structure, or sign support, including projecting signs, may be located in or project over any road right-of-way nor be located within the clear sight triangle of any intersection. A clear sight triangle is measured vertically from 3 (three) feet above grade level to 8 (eight) feet above grade and measured horizontally 25 (twenty-five) feet along each roadway edge from the intersection corner and completed by an imaginary line connecting the ends of those two points. A corner includes street intersections as well as where driveways enter the street right-of-way. Exceptions include signs installed by a governmental agency.

Upkeep and Maintenance of Signs

All signs, together with their supports, braces, connections, or anchors, must be kept in good repair; must be maintained in good structural condition; must be free from fading, peeling, chipping, insect infestations, bird nests, rust, rot, weathered and/or neglected appearance and other states of general deterioration.

Area Around Signs

The general vicinity around all signs must be kept free of debris and weeds at all times.

Electrical Components

Signs may not have any exposed electrical components. If a sign face is damaged or removed, the electricity to the sign must be turned "off" until the sign is repaired or replaced.

Unsafe Signs

Unsafe signs, damaged, or deteriorated signs, signs listing or leaning more than 15 (fifteen) degrees from their intended position, or signs in danger of breaking apart or falling must be removed or repaired by their owner within 30 (thirty) days from the date of written notice by the City. Signs not removed or repaired by the property owner are subject to removal by the City at the Property Owner's expense.

City Notification

When the Zoning Enforcement Officer determines that a sign is in an unsafe condition, the City will immediately notify the property owner in writing. Within 48 (forty-eight) hours of receipt of such notification, the property owner must respond to the City with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after 30 (thirty) days, the unsafe condition has not been corrected through repair or removal, the City may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in full within 30 (thirty) days of the repairs or removal by the City, the amount owed may be certified as an assessment against the property owner, and lien applied to that property, together with an additional percent penalty for collection as prescribed for unpaid real estate taxes.

Immediate Danger Sign Removal

In cases of immediate danger to the public due to the defective nature of a sign, the City may cause the immediate removal of the sign and may assess the costs of the removal against the property owner.

Chapter 3: Requirements for Design, Construction, Color, Size, and Lighting

This section contains the standards for signs and street graphics. These standards are intended for use by the public, Code Enforcement Officer, Planning and Zoning Commission, and City Council in evaluating how a sign user will display signage and street graphics on a property, to ensure that the sign and sign structure are safe and secure, and to uphold professional standards.

Design and Construction Standards

Design

The design of each sign, street graphic, or advertising structure should be a product of professional quality and be compatible with similar type business signs and advertising structures.

Construction Standards

Supports for signs or sign structures should be placed in or upon private property, should be securely built and constructed of weather resistant materials, and be able to withstand high winds that are prevalent in this area. The construction, installation, safety and maintenance of all signs must comply with the State Building Code and all of the following:

- 1) Signs and sign structures must be structurally sound, located, and secured so as to pose no reasonable threat to pedestrian or vehicular traffic.
- 2) All permanent freestanding signs must have self-supporting structures installed on, or permanently attached to, concrete foundations.
- 3) If possible, signs should not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.
- 4) The signs should not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
- 5) No signs may be installed, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
- 6) Signs on buildings should be permanently mounted to a building façade or roof.
- 7) All signs that require a construction permit under applicable codes must be installed by a qualified contractor licensed in the State of New Mexico.

Sign Location on Property

Signs may be located on and parallel with the building face. Projecting signs, marquees, canopies, hanging signs, and two-panel V-shaped signs are allowed on commercial building façades. Roof signs, freestanding signs, and temporary signs are allowed in commercial zones. With the exception of road signs and signs placed by a government entity, no sign or portion thereof may be located or extended into any road right-of-way. Signs should be positioned so that no maintenance has to be performed from the road right-of-way. No sign may be placed so as to block the view of motorists or interfere with traffic or pedestrians in any way. Signs are prohibited from hanging over any property line.

Setbacks

Side and Rear Setbacks

It is recommended that signs have a minimum side and rear setback of 10 (ten) feet from the property line. However, sign owners may apply for a zero to 10 (ten) foot side or rear setback through review and public hearing before the Planning and Zoning Commission. Through the review process, the Planning and Zoning Commission will determine whether a shorter setback will negatively impact adjacent property. Illuminated signs (which must go before the Planning and Zoning Commission for review) must be setback sufficiently to prevent light from infringing on neighboring property and may require a setback greater than 10 (ten) feet.

Front Setback

Signs (except ground signs which require a 10 (ten) foot minimum setback) are allowed to have zero front setback from the right-of-way or easement.

Reflective Signs

On-premise and off-premise reflective signs are permitted.

Illuminated Signs

Illuminated signs should be designed, located and constructed to reduce glare and must not be placed to permit focused light to be directed or beamed upon a public right-of-way so as to cause a traffic hazard, or adjacent premises not under the same ownership and control, so as to create a nuisance. Illuminated signs must be shielded so that no light is emitted directly upward. Illuminated signs must comply with the City's Outdoor Lighting and Night Sky Protection Ordinance.

Electrical Standards

- 1) All electrical and service lines to freestanding permanent outdoor advertising devices are required to be located underground.
- 2) Illuminated signs must comply with standards set forth in the State Building Code, City Code, and are subject to City inspection and enforcement.

Methods of Illumination

Signs may be either internally or externally illuminated. Signs should be well designed with the proper amount of luminance or brightness to give motorist sufficient Viewer Reaction Time to safely respond to the sign. A sign that is hard to read due to dim external contrast (difference in sign brightness from its surroundings) or not enough internal contrast (difference between the sign copy and the background on the sign face) can pose a safety hazard to passing motorists. Abnormally high levels of brightness can make a sign more detectable but may result in loss of legibility. When reviewing signage plans, take into consideration light pollution in the forms of sky glow, light trespass, and glare and conform with standards established in the City's Outdoor Lighting and Night Sky Protection Ordinance.

Internally Illuminated Signs

Internally illuminated signs are lit from the inside, with light sources mounted within the sign cabinet itself back-projecting light onto the sign face.

Externally Illuminated Signs

In order to avoid light trespass, externally lit signs must be shielded and directed sufficiently to focus light on the sign face and avoid spilling over the edges of the sign.

- 1) Down Lighting: Externally illuminated signs are lit from outside the sign, usually by flood lamps mounted above the sign face. Down Lighting is preferred over up lit signs. Down Lighting is required to be shielded to reduce ambient light dispersal. The amount of lighting in lumens allowed must conform to the City's Outdoor Lighting and Night Sky Protection Ordinance.
- 2) Up Lighting: Uplighting is allowed on low profile ground signs and wall signs. The light is required to be shielded and directed on the sign face to reduce ambient light dispersal in a skyward direction and away from the sign face in any direction. The unit of measurement and intensity of lighting allowed must conform to the City's Outdoor Lighting and Night Sky Protection Ordinance.

Prohibited in Residential Zones and Off-Premise

Illuminated signs are prohibited in residential zones, are allowed as on-premise signs, and are prohibited as off-premise signs.

Illumination Hours

Electrical illumination of on-premise signs during nighttime hours is permitted subject to approval by the Planning and Zoning Commission in compliance with the City's Outdoor Lighting and Night Sky Protection Ordinance. The City's Outdoor Lighting and Night Sky Protection Ordinance is subject to revision and may at any time require night-time lighting of signage to be restricted between the hours of 11:00 p.m., and sunrise.

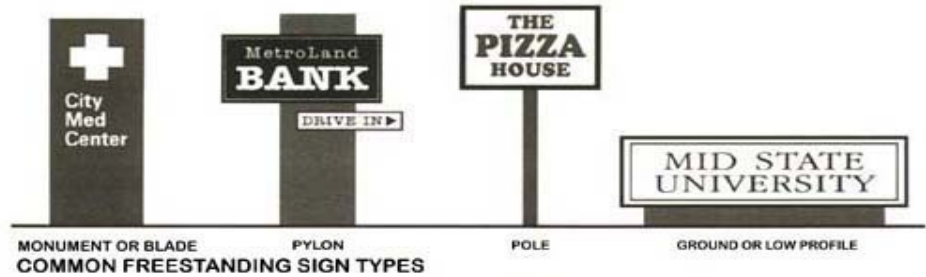
General Sign Classifications

The following depictions of types or classifications of signs are from the United States Sign Council, Inc., *Guideline Code for Regulation of On-Premise Signs* written by Andrew D. Bertucci in 2006.

<http://www.comptonduling.com/images/pdfs/USSCGuidelineSignCode.pdf>

Freestanding Sign Types

- 1) Monument or Blade
- 2) Pylon
- 3) Pole
- 4) Ground or Low Profile



Wall or Fascia Signs on Storefronts

Roof Signs

- 1) Sloping Roof Mount
- 2) Flat Roof Mount

Canopy Sign on Freestanding Canopy

Projecting Sign

Fascia Signs on Roof-Like Projections

- 1) Canopy Mount
- 2) Mansard Mount
- 3) Pent Eave Mount

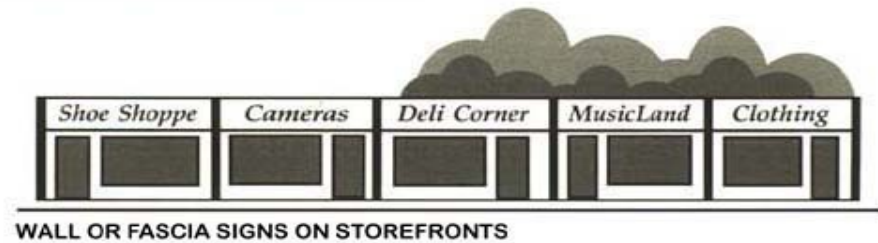
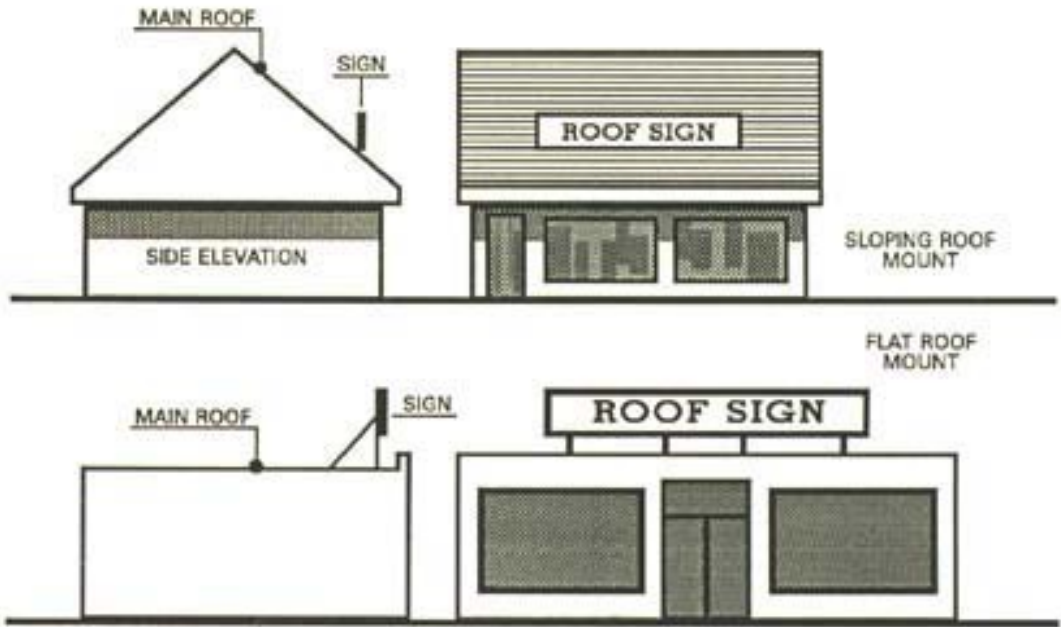
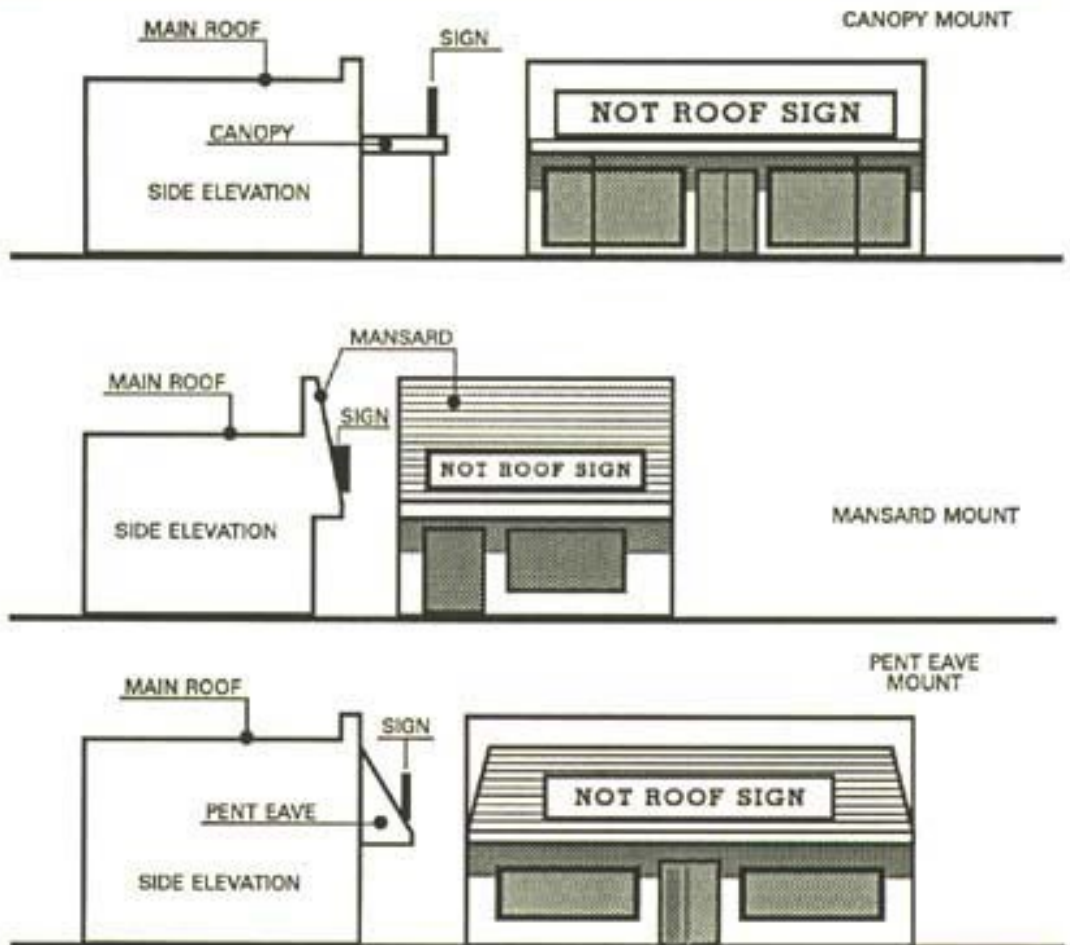


Figure 1003.1
General Sign Types

ROOF SIGNS



FASCIA SIGNS ON ROOF-LIKE PROJECTIONS



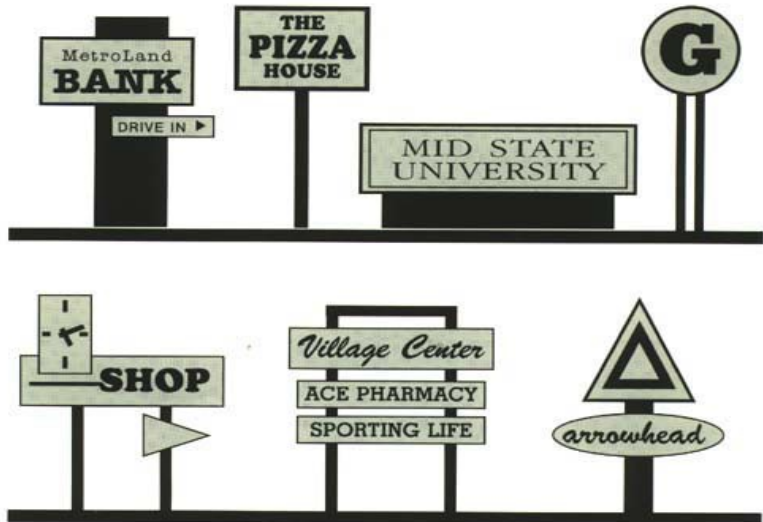
Size and Sign Area Allowances

Sign Area Allowance Standards

The total surface area of all on-premise and off-premise signs on a parcel will be counted in determining the maximum total surface area allowance. Signage is determined by parcel, unless the businesses on a parcel are detached, in which case, signage may be calculated according to the individual lot upon which the business is located.

Free Standing Signs

The height of a free-standing sign may not exceed 1-1/2 (one and one-half) times the building height should block visibility of any intersection or roadway. The largest sign face of any two-sided free-standing sign with identical faces will be counted in the total allowable sign area designated for the property. The other side will be counted only if the sign face is different.



Pole Signs

The maximum area of the sign face of a pole sign may be 48 (forty-eight) square feet. Pole signs may be located at the front property line but must observe side and rear setbacks. No part of the sign structure or sign face should encroach on adjacent property or obstruct view of traffic. A minimum 8 (eight) foot clearance from the ground to the bottom of the sign face or any projecting equipment or elements on the sign structure or pole is required.

Sign structures

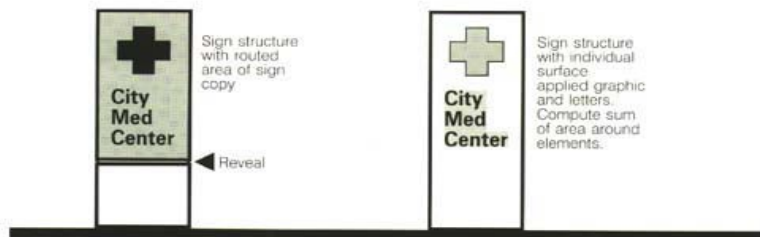


Figure 1003.3
SIGN AREA - COMPUTATION METHODOLOGY
Sum of Shaded Areas Only Represent Sign Area
Signs constructed with panels or cabinets

Monument, Blade, and Pylon Signs

The maximum sign face area of monument, blade, and pylon signs may be 220 (two-hundred twenty) square feet. These signs must be located outside of the clear site line triangle of streets and driveways and must not restrict view of traffic. These signs may be located at the front property line but must observe side and rear setbacks. No part of the sign structure or sign face should encroach on adjacent property.

Ground Signs

Ground or low profile signs may only be permitted when set back a minimum distance of 10 (ten) feet from the front and side property lines. Ground signs may not exceed 3 (three) feet in height above ground level, may not exceed 220 (two-hundred twenty) square feet in area, and will be included in the allowable sign area for the property. Ground signs must not be installed within the clear sight line triangle of streets or driveways and must not restrict view of traffic.

Wall or Fascia Signs

Wall or fascia signs in commercial zones must be permanently mounted to the building façade and designed to be complimentary to the building's architectural features, fenestration, color, texture, and orientation to the public right-of-way. The length of wall signs may not exceed 80 (eighty) percent of the length of the tenant space or the building frontage for single tenant buildings. The total area of wall signs may not exceed the total allowable sign area designated for properties. Wall signs should project no more than 2 (two) feet perpendicular from the wall and should not project outside or above the building façade.

Hanging Signs

The distance from the ground or sidewalk to the bottom of a hanging sign should be a minimum of 8 (eight) feet, and the sign area will be included in the total allowable signage for the property. One sign face of a two-sided sign with identical faces will be counted in the total allowable sign area designated for the property.

Roof Signs

All roof signs must be permanently affixed to the roof of a structure. The supporting design should be structurally sound and the roof must be sound. Roof signs may not exceed 220 (two-hundred twenty) square feet in area, and the sign area will be included in the total allowable signage for the property. Roof signs should stand no higher than the building height specified by zone in the City Zoning Ordinance. Roof signs are allowed on flat roofs and sloping roofs.

Canopy Sign on Freestanding Canopy

All freestanding canopy signs should identify the business and not advertise products or services, may not exceed 220 (two-hundred twenty) square feet in area, and will be included in the total allowable signage for the property. Signs may not project from the canopy wall a distance greater than 12 (twelve) inches. Any canopy sign should be centered a minimum of 6 (six) inches from the top and 6 (six) inches from the bottom of the canopy face.

Projecting Signs

The minimum height to the bottom of a projecting sign should be not less than 8 (eight) feet above the ground or sidewalk. Projecting signs should be no greater than 32 (thirty-two) square feet in area, and the sign area will be included in the total allowable signage for the property. One sign face of a two-sided sign with identical faces will be counted in the total allowable sign area designated for the property.

Fascia Signs on Roof-Like Projections

Marquee Signs

Marquees are roof-like structures that project beyond the building face and are permanently attached to and supported by the building. Marquees may not project over the public right-of-way and should be a minimum height of 8 (eight) feet above the ground or sidewalk. Flat signs and v-shaped signs may be mounted on a marquee and may not exceed the total allowable sign area for the property.

Business Property with a Permanent Single Business

A commercial lot in a commercial zone that is 2,200 (two thousand two-hundred) square feet or larger with a permanent or temporary single business is allowed an unlimited number of permanent combined signs requiring a City permit totaling 220 (two-hundred twenty) square feet.

A commercial lot in a commercial zone that is less than 2,200 (two thousand two-hundred) square feet with a permanent or temporary single business is allowed an unlimited number of permanent signs requiring a City permit totaling 10 (ten) percent of the square footage of the entire lot.

The total sign area allowance does not include exempt signs such as on-site directional signs, window signs, banners, or temporary special event signs which must comply to the provisions of this code. Permanent awnings with signs, logos, words, product and service information will be included in the total square foot sign allowance. Businesses may submit a comprehensive signage plan for Planning and Zoning Commission review to request design and sign allowance flexibility.

Business Property with Multiple Businesses

Lots with 2 (two) or more businesses must submit a Comprehensive Signage Plan for Planning and Zoning Commission review.

Home-Based Businesses in Residential Zones

Home-based businesses in residential zones are allowed to display 1 (one) permanent façade sign or ground sign not to exceed 2 (two) square feet in area. Signs must be professionally produced and constructed of durable materials. Home occupation signs may contain only the name of the business and/or business owner.

Sign Measurement Standards

Determining Sign Area and Dimensions

In order to be effective, sign elements must be visible and large enough for passing motorists to see, read, and comprehend from the public roadway. In order to encourage sign user artistic creativity to enhance the city's visual environment and "sense of place," this section employs the following standards to calculate permissible sign areas.

Sign Height

Sign height is measured as the vertical distance from the base of the sign or support structure at its point of attachment to the ground to the top of the highest component of the sign or sign structure. When located on a man-made base, including a graded earth mound, berm, or fill, a freestanding sign height should be measured from the grade at the edge of the adjacent right-of-way.

Architectural Element

Except as otherwise provided in this Section, the area of a sign face does not include any supporting framework, bracing, architectural detail or decorative fence or wall which is clearly incidental to the sign. Where the supports or structural elements constitute a commercial symbol, logo, or text, those elements will be computed as part of the sign area.

Corner Frontage

Street frontage on a corner parcel is measured linearly as the total frontage on all streets.

Freestanding Signs

Freestanding signs should be constructed of materials and utilize architectural features, elements, colors, finishes or textures that are similar or complementary to the materials used on the façade of the principal building on the same site. The sign area of a freestanding sign will include the frame, if any, but should not include:

- 1) A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
- 2) Architectural features that are either part of the building or a freestanding structure and are not an integral part of the sign. Such features may consist of landscaping, building or structural forms complementing the site in general that would be developed on the site even if a sign were not present.

Sign Cabinets

The area of a sign enclosed in a frame or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face.

Double-Sided Signs

When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area will be computed as the measurement of 1 (one) of the 2 (two) faces. If the faces are different, each face will be measured as a separate sign.

Three-Sided Signs

The total area of signs with 3 (three) identical faces will be the sum total area of the 2 (two) largest faces. If sign faces are not identical, each sign face will be measured as a separate sign.

Four-Sided Signs

The total area of signs with four identical sign faces arranged in a square, rectangle, or diamond will be the sum total area of the 2 (two) largest opposing faces. If the faces are equal in size, the total area of the sign will be the sum of 2 (two) of the intersecting faces. If sign faces are not identical, each sign face will be measured as a separate sign.

Cylindrical or Spherical Signs

The area of a cylindrical sign will be the diameter multiplied by the height of the cylinder. The area of a spherical sign will be the radius of the sphere squared multiplied by 3.14.

Measuring Sign Area Elements

The area(s) of sign elements will be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that encompasses the smallest perimeter of the sign's message.

Awnings and Marquees

When signs are incorporated into awnings, the sign area is determined by computing the area of an imaginary rectangle or appropriate geometric shape drawn around the sign elements. When the ends of awnings or marquees are parallel or within sixty degrees of parallel and contain sign faces, only one side is counted in addition to the sign face area on the front.

Wall or Façia Signs

The area and dimensions of a wall sign that is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display on a building façade will be measured to include the entire portion within such background or frame.

The area and dimensions of a wall sign comprised of channel letter words, individual letters, figures or elements painted or mounted on a building façade or similar surface may be measured using regular geometric shape outlines (rectangle, circle, trapezoid, triangle, parallelogram, etc.), or a combination of regular geometric shapes.

When elements are measured separately, open space or air space between the elements is excluded from the dimensions and measurements. Minor appendages such as commas, apostrophes, or lower case letters with descenders should not be included in the total area of a sign.



Wall Sign Areas calculated using multiple geometric shapes

Chapter 4: Changeable Electronic Variable Message Signs (CEVMS)

Permit Applications

Permit applications for Changeable Electronic Variable Message Signs are to be submitted to the Planning and Zoning Commission as part of a Comprehensive Sign Plan.

Guidelines and Standards

Changeable Electronic Variable Message Signs may be attached to a freestanding pole, monument, blade, pylon, or ground sign; canopy sign; or marquee.

Standards for CEVMS in View of Passing Motorists on Public Streets

The following are standards for CEVMS located in view of passing motorists on the public right-of-way.

Operational Limitations

- 1) Electronic Message Display Signs may contain static messages, movement or the appearance or optical illusion of movement, animation, or videos.
- 2) There should be no appearance of flashing or sudden bursts of light, or scintillating light. Illumination intensity or contrast of light level must remain constant.
- 3) The time interval used to change from one complete message/display to the next complete message/display should be a maximum of 1 (one) second.
- 4) Display Time. The entire message cycle of CEVMS viewed by motorists should be readable at least twice by drivers traveling the posted speed limit.
Guidelines: typically, signs displaying one word can be comfortably read and comprehended in approximately 1.0 (one) second, signs with two to three words can be read in 2.5 (two and one-half) seconds, and signs with 4 (four) to 8 (eight) words can be read in 4.0 seconds. Time and temperature CEVMS may change every second.
- 5) There may be an appearance of a visual dissolve or fading, in which any part of one electronic message/display appears simultaneously with any part of a second electronic message/display. Paging, scrolling, and continuous streaming CEVMS are allowed.
- 6) Paging means that the information is static, but a number of pages of information are shown sequentially to convey the entire message. A display time of 1.6 (one point six) seconds is recommended when a single line CEVMS displays multiple pages of information.

- a) Scrolling typically denotes that the text is moving down the sign from the top to the bottom. It is recommended that the duration of message displays be from 10 (ten) to 20 (twenty) seconds.
 - b) Streaming refers to text that moves across the sign from the right to the left. A streaming rate of 2.75 (two and three-fourths) seconds is optimal for single word CEVMS messages.
- 7) Messages should be as brief as possible.
Guidelines: typically, text is limited to 3 (three) lines with not more than 20 (twenty) characters per line.
 - 8) Avoid abbreviations when possible on CEVMS.
 - 9) Letter height should be large enough for messages to be legible and easily read by passing motorists.
 - 10) For greater legibility, it is recommended but not required that text be mixed case.
 - 11) CEVMS should use energy efficient lighting such as, but not limited to, LED and compact fluorescents.
 - 12) Audio speakers are not allowed with the exception that the sign serves a governmental purpose.
 - 13) CEVMS should be designed so that the height, dimensions, angle, and design features are compatible with the site and surrounding area.
 - 14) A maximum of 1 (one) primary sign per premise with a single entrance may contain a CEVMS that can be viewed from the public right-of-way. A CEVMS may have two sign faces and may be installed back to back or in a V shape not to exceed a 30 (thirty) degree angle.
 - 15) Additional CEVMS viewed from the right-of-way may be approved as part of a Comprehensive Signage Plan for large scale developments and properties with one than one entrance.

Standards of CEVMS Viewed from Public Right-of-Way and on Site

- 1) CEVMS should be located at least 200 (two-hundred) feet from the nearest boundary of a residential district.
- 2) CEVMS must have a minimum side setback of 10 (ten) feet. For signs taller than 10 (ten) feet, the side setback must equal or exceed the height of the sign at its tallest point. CEVMS are allowed to have zero front setback from the right-of-way or easement.

- 3) CEVMS must be equipped with a default mechanism that shuts off or freezes the sign to static mode to prevent flashing if a malfunction occurs.
- 4) CEVMS must be equipped with an automatic ambient light dimming mechanism to adjust the display intensity according to the natural ambient light conditions.
- 5) Light levels should not exceed 0.1 foot-candles 20 (twenty) feet from the abutting property line, and no lamp can create disability glare on adjacent properties or the public right-of-way. Disability glare is defined as any source producing greater than 2,500 nits.
- 6) As measured from the sign's face at maximum brightness, no sign may display an illuminative brightness exceeding 500 nits (candelas per square meter) during the night beginning ½ (one-half) hour before sunset and 2,000 nits during daylight beginning ½ (one-half) hour after sunrise as published by the National Weather Service for the City.
- 7) CEVMS must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between ½ (one-half) hour before sunset and ½ (one-half) hour after sunrise.
- 8) With consent from the sign owner, the City may request emergency information to be displayed on a CEVMS such as: Amber Alerts and/or any other information deemed an emergency by any governmental entity.

Prohibited CEVMS

Electronic message display signs are prohibited in the following:

- 1) Residential zones.
- 2) Roof mounted.

Chapter 5: TEMPORARY SIGNS AND BANNERS

Temporary Sign Standards

All Temporary Signs, Banners, Umbrellas, and Displays, referred to as “temporary displays” or “signs” in this section, must comply with the following standards:

- 1) Temporary displays should be of professional quality and constructed of durable materials.
- 2) Temporary displays should pertain to the business name, business products and services provided on the premises and should not advertise products or services off-site with the exception of temporary noncommercial signs.
- 3) Temporary displays should not be counted as part of the total signage allowed on a property.
- 4) No temporary display may be placed in or encroach on the public right-of-way or utility easement.
- 5) No temporary display may be placed on municipal or public property without a valid City permit.
- 6) No temporary display may be constructed or placed so as to block traffic or pedestrian visibility at corners or driveways.
- 7) Temporary displays should be placed so as not to impede pedestrian use of sidewalks, entrances, or exits.
- 8) Temporary displays should be weighted or attached to the ground or to a solid structure in a secure manner to withstand winds and ensure they will not tip over.
- 9) Temporary displays may not project above the roofline.
- 10) Temporary displays may not encroach on an adjacent property.
- 11) Temporary displays may never be placed near power lines.
- 12) Some temporary displays as specified in this section require City permits. The City Code Enforcement Officer retains the authority to regulate, issue citations, and remove any and all temporary displays that are not in compliance with the City Code.
- 13) Temporary displays must comply with the sign code and City Code.

Temporary Signs that Become Permanent

- 1) With the exception of “Open” or “Closed” Signs, Real Estate, Lessee, or Construction Signs, temporary displays that are displayed continuously longer than 90 (ninety) days should be considered permanent.
- 2) Temporary displays that become permanent require a City sign permit within 30 (thirty) calendar days of becoming permanent or will be considered in violation of the Code and may be removed at owner's expense.
- 3) Temporary displays that become permanent signs may not exceed and will be included in the total sign area allowed for the property.

Temporary New Business Signs

- 1) Temporary New Business Signs require a valid City permit.
- 2) Temporary New Business Signs must be constructed of durable materials or vinyl for the purpose of advertising a newly opened establishment.
- 3) Temporary New Business Signs will be allowed on building facades not to exceed 90 (ninety) days.
- 4) Temporary New Business Signs will be allowed as ground signs not to exceed 3 (three) feet in height for a period not to exceed 90 (ninety) days.
- 5) Temporary New Business Signs must comply with the measurement standards set forth in Chapter 3.
- 6) Within the first 90 (ninety) days, the temporary sign must be replaced with a permanent sign that has a valid city permit.

Temporary Displays

Balloons, Gas Filled Objects, and Windsocks

Balloons, gas filled objects, and windsocks with text and graphics are allowed as temporary displays without a permit in all zoning districts and should not exceed 20 (twenty) feet in height.

Banners, Flags, Flagging, Streamers

- 1) Businesses in commercial zones may display banners, flags, flagging, and streamers without obtaining a permit.
- 2) Banners, flags, flagging, and streamers must be maintained in good repair and must be removed immediately when faded, tattered, torn, or unsightly.
- 3) Banners, flags, flagging, and streamers may become permanent signage or displays as part of an overall Comprehensive Signage Plan approved by the Planning and Zoning Commission.
- 4) When placed overhead, banners, flags, flagging, and streamers must have a minimum clearance of 8 (eight) feet above the sidewalk or above grade.

"Open" and "Closed" Signs

Businesses are allowed to display an "Open" sign or banner on a door, window, and/or on the property during business hours without obtaining a city permit. "Open" signs must be removed during non-business hours. A "Closed" sign may be displayed in the window or door during non-business hours. "Open" and "Closed" signs should not be counted as part of the total signage allowed on a property.

Portable Sidewalk Signs

Sidewalk displays include any portable banner or sign including but not limited to "A" frame, pedestal, and wheeled signs with or without illumination and without an electronic message board. Such signs must comply with the following guidelines.

- 1) Businesses are limited to one sidewalk sign per business.
- 2) Signs may have no more than 2 (two) sign faces.
- 3) Sidewalk signs may be displayed only during business hours and must be removed during non-business hours.

- 4) Illuminated sidewalk signs must have no exposed electrical wires or electrical cords, must comply with the Outdoor Lighting and Night Sky Protection Ordinance, and should be internally illuminated with internal electrical power or a buried underground electrical cord. Externally illuminated temporary signs are prohibited.
- 5) Temporary Signs with illumination are required to obtain a city permit.
- 6) Temporary Signs with no illumination are exempt from obtaining a city permit.

Umbrellas

- 1) Table umbrellas that display the business name or products or services offered on site are allowed as temporary signage and do not require a City permit.
- 2) Umbrellas must be maintained in good repair and must be removed immediately when faded, tattered, torn, or unsightly

Temporary Special Event Signage and Displays

Permits Required

All special event signage requires a City permit with the exception of city-sponsored special events.

Residential Prohibited

Home-based businesses in residential zones are prohibited from displaying Special Event Signs and Displays.

Grand Opening

Each commercially-zoned business is allowed a grand opening display of no more than 50 (fifty) square feet. The display may consist of banners, posters, pennants, ribbons, streamers, string flags, spinners, balloons, tube man, or other similar moving, fluttering or revolving devices for a period of 30 (thirty) consecutive days within its first 6 (six) months of operation.

Going Out of Business

Each commercially-zoned business will be allowed one *bona fide* going out of business display. The permit for this display will be for 90 (ninety) consecutive days.

Street Banners

- 1) Organizations wishing to display street banners advertising a public entertainment or event are required to attain a City permit. Street Banners may be displayed for 90 (ninety) consecutive days.
- 2) The City is exempt from this provision and may place street banners along municipal rights-of-way without a permit.



Temporary Signs and Street Graphics

Charitable, Educational, Religious Signs

Temporary attached or detached on-premise signs or banners not exceeding 32 (thirty-two) square feet in total permitted sign area are allowed without a City permit to advertise drives or events of a charitable, educational, or religious nature, provided that the sign will be posted only during the drive or event for no more than 30 (thirty) days per year.

Garage Sale Signs

Temporary on-premise and off-premise directional residential garage, estate, or public auction sale signs are allowed without a city permit and may be displayed 3 (three) days prior to the sale and must be removed within 24 (twenty-four) hours after the sale.

Non-Commercial Speech Signs

- 1) Temporary noncommercial signs are permitted in residential and non-residential zones on any legal sign surface at any time for a period not to exceed 90 (ninety) consecutive days.
- 2) Temporary noncommercial signs are signs that do not advertise products, goods, businesses, or services and include, but are not limited to, signs that express an opinion or point of view such as community-oriented or charitable event; a political, religious, or other ideological sentiment; or support or opposition of a candidate or proposition for a public election.
- 3) Temporary noncommercial signs are restricted to 6 (six) square feet in area or less and should be no more than 3 (three) feet in height.
- 4) No more than 3 (three) temporary noncommercial signs may be displayed on a property at the same time.
- 5) Temporary noncommercial signs may not be illuminated nor utilize fluorescent or iridescent colors.
- 6) Temporary noncommercial signs may not be displayed on any fence or structure other than on a sign structure.
- 7) Temporary noncommercial signs do not require a permit, but are subject to regulation and enforcement by the City's Code Enforcement Officer.

Real Estate Sale, Lessee and Construction Signs

Up to 2 (two) detached or attached non-illuminated temporary on-premise signs pertaining to the construction, sale, or lease of that premise, may not exceed 32 (thirty-two) square feet in total permitted sign area, and will be allowed on commercial and residential properties without a city permit. Signs should be of commercial grade or professionally constructed. Signs must be removed within 14 (fourteen) days of sale or leasing, completion of construction, or issuance of Certificate of Occupancy.

Window Signs

Temporary lettering painted on a window or door of a business and window signs located inside a building that do not cover more than 30 (thirty) percent of the window area to allow emergency responders to view inside the building from the outside are allowed without a city permit.

Chapter 6: Regulation of Billboards and Off-Premise Signs

Purpose

By regulating off-premise signs and billboards, the City seeks to enhance its scenic qualities, promote a safe and calming visual environment for residents and tourists by preventing clutter and blight, and support local businesses. In accordance with the State of New Mexico Highway Beautification Act of 1978 [67-12-1 and 3 NMSA 1978] the City regulates the construction and maintenance of outdoor advertising in order to promote public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways.

State Highway 195 Designated as a Scenic Byway

State HWY 195 is a portion of the Geronimo Trail National Scenic Byway. The 2008 Corridor Management Plan states the following regarding outdoor advertising on scenic byways. "Erecting new billboards on a designated scenic byway is prohibited except in legitimate commercial and industrial areas. Areas identified as lacking the unusual or distinctive features (intrinsic values), included in the New Mexico State Scenic and Historic Byways program criteria, may be excluded or segmented from existing or future Byways designation, in accordance with the intent of Public Law 102-240 (ISTEA), section 1046 and 1047. These segmented areas of the Byway would not be eligible for Scenic Byway funds."

Specific Definitions for this Chapter

BILLBOARD. A permanent, free-standing, changeable copy sign greater than 48 (forty-eight) square feet and not to exceed 200 (two-hundred) square feet visible from the public right-of-way, that is available for rent by various advertisers and directs attention to a business, activity, commodity, service, entertainment, or communication conducted, sold, or offered either on the premise on which the sign is located or at a location other than the premise on which the sign is located. A billboard is anchored to the ground by permanent posts.

BILLBOARD, BACK-TO-BACK. A billboard structure supporting 2 (two) board faces parallel with ends aligned.

BILLBOARD CAP. The maximum number of billboard faces and billboard structures allowed within the City. The total number of billboard structures and faces within the City may be increased by the number located within an area that is annexed, provided that the billboards were in existence on the effective date of this ordinance.

BILLBOARD, DIGITAL. A billboard greater than 48 (forty-eight) square feet and not to exceed 200 (two-hundred) square feet visible from the public right-of-way, that creates digital images that are changed by a computer every few seconds for purposes of advertising and public service announcements.
(from: <http://www.answers.com/topic/digital-billboards>)

BILLBOARD FACE. The flat portion or portions of a billboard containing advertising and molding which is visible from any public place. The calculation of the area of the face of the billboard excludes the structure and safety devices, but includes cut-out extensions. Molding size may be increased to no more than 5 (five) percent of the total billboard face size to provide a permanently blank frame around the edge of the billboard face. Each billboard face attached to one billboard structure may not exceed 200 (two-hundred) square feet in area as legible from any one place.

BILLBOARD, SIDE-BY-SIDE. A billboard structure supporting two parallel billboard faces, which face in the same direction, or two billboard structures located side by side.

BILLBOARDS, SIDE-BY-SIDE, BACK-TO-BACK. A billboard structure with 4 (four) billboard faces, 2 (two) of which face in the opposition direction of the other 2 (two) and are immediately adjacent to or actually adjoining each other.

BILLBOARD, SINGLE-FACED. A billboard structure with one billboard face.

BILLBOARD STRUCTURE. The foundation and framework which supports billboard faces. A billboard structure is a single, independent unit.

BILLBOARD, "V". Back-to-Back Billboards which are attached at one end of the structure but are separate at the other end, forming a widening gap between the back of the billboard faces.

HEIGHT. The height of a Billboard is defined as the vertical distance measured from ground where the Billboard is anchored to the highest point of the billboard.

HIGHWAY. A public road, street, footpath, bridle path, and byway maintained by the federal, state or local authority over which the public has a right to pass per the governing authority's rules, regulations, and restrictions.

OFF-PREMISES SIGN, PERMANENT. "Outdoor advertising" sign, graphics, or display constructed of durable materials excluding banners and not to exceed 48 (forty-eight) square feet for commercial, industrial, institutional, public, or entertainment purposes to sell, promote, or identify a product, service, or activity conducted, sold, or offered somewhere other than upon the same premises where the sign is located. In the context of this section the word premises should be interpreted as being a separate tract or parcel of land that has been or may be conveyed by deed or has otherwise been specified as a separate lot on an approved land development plan.

OUTDOOR ADVERTISING. "Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard or other object that is designed, intended or used to advertise or inform, any part of which is located within 660 (six-hundred sixty) feet of the nearest edge of the right-of-way and is visible from the main-traveled way of the interstate or primary systems or those located beyond 660 (six-hundred sixty) feet of the right-of-way, located outside of urban areas, visible from the main-traveled way of the system and erected with the purpose of their message being read from such main-traveled way." (New Mexico State Statute §67.12.2)

ROAD GRADE. The level and gradient of a road, measured along its center way. http://www.globalspec.com/definition/civil_engineering/road_grade

Billboards

Size

Billboards and billboard structures must be constructed of durable materials. The total sign area of a single billboard face should be a minimum of 48 (forty-eight) square feet and may not exceed 200 (two-hundred) square feet. Cutouts or extensions are not permitted outside of or in excess of the permitted sign area.

Sign Faces

Billboards may have no more than 2 (two) sign faces attached to the same support structure with both sides being of equal size and facing in opposite directions, where the backs are parallel or the interior angle between the 2 (two) display surfaces forms a touching 'V' with an angle that does not exceed 30 (thirty) degrees.

Height

Billboards may be no greater than 25 (twenty-five) feet in height. The height of a sign should be computed as the distance from the base of the sign at ground level to the top of the highest attached component of the sign (including the sign face, sign structure, or any other accessory object).

Permitted Zones

Billboards are permitted only in the City's agricultural, commercial, and industrial zones and must adhere to all the sign standards adopted in the City's Sign Ordinance.

Billboard Caps

Billboards and Billboard Structures must be constructed only in compliance with the City Sign Ordinance and this Chapter, to meet the Billboard Cap allowed within the city limits, or to replace a legally existing Billboard or Billboard Structure in compliance with the Billboard and Billboard Structure Cap. Twenty (20) Billboards are permitted and 10 (ten) Billboard Structures are permitted within the city limits to meet the Billboard Cap or to replace legally permitted Billboards or Billboard Structures existing on the effective date of this ordinance and to add additional billboard space. Each Billboard Structure may be allowed 2 (two) faces.

Inventory of Existing Billboards

At the time of adoption of the revised City Sign Ordinance and Sign Review Guidelines, the City's Existing Billboards Inventory of 5 (five) billboards or billboard structures was as follows:

- 1) Cyber Big Food (approximately 8 feet X 10 feet)
- 2) Elephant Butte Inn Ivory Tusk (approximately 12 feet X16 feet)
- 3) Sonic (approximately 20 feet X 10 feet)
- 4) Elephant Butte General Store/Conoco (approximately 8 feet X 10 feet)
- 5) Billboard Structure by Cuchillo Creek Frame (Sign face is down)

Setback Requirements

All Billboards and Billboard Structures must be located at least 25 (twenty-five) feet from any property line and be placed so as not to pose a visibility or other hazard to vehicular traffic in the vicinity of the sign. Billboards must be setback a minimum of 25 (twenty-five) feet outside the right-of-way.

Location Requirements

Billboards must be no closer than 25 (twenty-five) feet from any structure or building and may not overhang any structure, building, or right-of-way.

Spacing Requirements

Billboards must be spaced a minimum of 200 (two-hundred) linear feet on the same side of the road from any other sign on commercially zoned property. Billboards may be no closer than 200 (two-hundred) linear feet from a residential zone.

Changeable Electronic Variable Message Billboards

Digital Billboards, Billboards with a changing sign face, multi-prism Billboards, and tri-vision Billboards are permitted within the city limits and must comply with the City's Outdoor Lighting and Night Sky Protection Ordinance.

Prohibited Billboards

The following Billboards are prohibited within the city limits:

- 1) The installation of Billboards over and above the Billboard Cap;
- 2) Billboards on Highway 195 which is a designated portion of the Geronimo Trails Scenic Byway;
- 3) Billboards with movable parts;
- 4) Horizontal side-by-side Billboards;
- 5) Vertical stacking Billboards;
- 6) Additional signs attached to a Billboard or Billboard Structure and cutouts exceeding the permitted sign face area;
- 7) Illuminated Billboards except for Changeable Electronic Variable Message Billboards;
- 8) Billboards in residential zones; and
- 9) Roof Billboards;

The City's Sign Ordinance standards in §152.07 "Prohibited Signs" apply to Billboards.

Debris

Billboards and Billboard Structures must be maintained and remain clear of weeds, brush, and debris.

Consent

A notarized letter of consent from both the property owner and tenant of the premises on which the off-premise Billboard is to be placed must accompany the sign permit application submitted to the City.

Building Code and Zoning Permit Compliance

Billboards must be anchored to the ground by permanent posts and be constructed in compliance with the State Building Code.

Inspection

Existing and new Billboards and Billboard Structures are subject to inspection by the City Code Enforcement Officer. If the Code Enforcement Officer finds a Billboard or Billboard Structure out of compliance with the code, the violation must be corrected within 30 (thirty) days of a code violation citation. If a code violation is not corrected within 30 (thirty) days of notification, the City may take action to remove the Billboard and Billboard Structure at the owner's expense and deny issuance of a new permit and eliminate that sign from the Billboard Cap and Billboard Structure Cap.

Destroyed Billboards

If more than 50 (fifty) percent of a Billboard or Billboard Structure is destroyed, the property owner must remove the remaining pieces and apply for a new sign permit within 30 (thirty) days. Otherwise, the billboard is considered abandoned.

Blank Billboards

Billboards that remain blank for a period of 90 (ninety) consecutive days may be determined abandoned and must be altered to comply with this chapter or removed by the sign owner, property owner, or other party having control of such sign. For purposes of this chapter, a sign is blank if:

- 1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise that is no longer operating, being offered, or conducted;
- 2) The advertising message becomes fifty percent or more illegible; or
- 3) The advertising copy has been removed.

Current Zoning Permit

Existing Billboards and Billboard Structures must obtain a current zoning permit within 30 (thirty) days of the effective date of this ordinance. All Billboards are required to have a current City permit and an approval sticker placed on the sign by the Code Enforcement Officer. Replacement Billboards must apply for a new permit.

Planning and Zoning Commission Review

All Billboard permit applications must be reviewed by the Planning and Zoning Commission and be subject to a public hearing.

Off-Premise Signs

Size and Design

Off-premise signs must be constructed of durable materials, must be maintained in good repair and condition, and are allowed no more than 2 (two) sign faces. Permanent free-standing off-premise signs that are not located on building walls or poles must be framed with either a metal or aluminum frame or treated wood frame. Free-standing off-premise signs are encouraged to use natural materials that reflect the City's rural and rustic desert character such as treated wood, rock, stone, or dull metal finishes. Free-standing Off-Premise Signs should utilize high contrast between background and copy to improve readability. Backgrounds should use muted colors that blend with the desert environment. Text and graphics on off-premise sign faces should be designed to be large enough and legible by passing motorists. The sign-face of off-premise signs may not exceed 48 (forty-eight) square feet per sign face. Cutouts or extensions are not permitted outside of or in excess of the permitted sign area.

Permitted Zones

Off-premise signs are permitted only in agricultural, commercial, and industrial zones and must be installed only in compliance with all regulations for signs in this code.

Businesses without Road Frontage

Businesses located in the City's agricultural, commercial, or industrial zones that do not have immediate road frontage may install one off-premise one-sided or double-sided pole sign or locate a sign on an existing sign pole or building wall on an adjacent or nearby commercial or industrial property with road frontage. This type of off-premise sign may not exceed 48 (forty-eight) square feet per sign face. Legally permitted non-conforming off-premise signs installed and inventoried by the City prior to the effective date of this ordinance are considered legal and are required to apply for a sign permit and an extension to continue the non-conformance. The addition of an off-premise sign for another business entity does not count against the total permitted sign area for the on-premise business.

Setback Requirements

Off-Premise Signs must be setback a minimum of 25 (twenty-five) feet from all property lines and placed so as not to pose a visibility or other hazard to vehicular traffic in the vicinity of the sign. Off-Premise Signs must be setback a minimum of 25 (twenty-five) feet outside the right-of-way.

Sign Area Allowances

Business establishments located in the City are allowed no more than 4 (four) signs totaling 96 (ninety-six) square feet of off-premise signs. Business establishments located outside the city limits are allowed no more than 2 (two) signs totaling 48 (forty-eight) square feet of off-premise signs. Business establishments located in the City's Agricultural and Residential Zones are permitted 1 (one) off-premise sign to be located in an agricultural, commercial, or industrial zone not to exceed 48 (forty-eight) square feet.

Sign Faces

Off-Premise Signs may be single facing or double facing. Both sides of double facing signs must be of equal size and facing in opposite directions, where the backs are parallel or the interior angle between the two display surfaces forms a touching 'V' with an angle that does not exceed 30 (thirty) degrees.

Distance Requirements

All freestanding off-premise signs must be located a minimum of 300 (three-hundred) feet from of any other off-premise sign or on-premise sign on the same side of the road.

Height

Off-Premise Signs in undeveloped corridors may not exceed 12 (twelve) feet in height from the highest component of the sign measured from the ground under the sign. Signs in developed areas cannot exceed the height of any building façade adjacent to it. The lowest point of a freestanding off-premise sign face(s) must not obstruct intersection clear site triangles.

Multiple Advertisers

Off-Premise Signs advertising multiple businesses on one sign face are allowed. The total sign face may not exceed 48 (forty-eight) square feet.

Prohibitions

The following Off-Premise Signs are prohibited within the city limits.

- 1) Digital Off-Premise Signs with a changing sign face, multi-prism signs, tri-vision signs, movable parts, side-by-side signs, and vertical stacked signs are prohibited within the city limits.
- 2) Additional signs attached to an Off-Premise Sign or Sign Structure and cutouts exceeding the permitted sign face area are prohibited.
- 3) Off-Premise Signs may not be illuminated by any means.
- 4) Off-Premise Signs are prohibited in residential zones. Off-Premise Signs are not permitted within 300 (three-hundred) feet of a residential zone.
- 5) Off-Premise Signs are prohibited on fences.
- 6) The City sign code standards in §152.07 "Prohibited Signs" apply to all Off-Premise Signs.

Debris

Off-Premise Signs and Sign Structures must be maintained, and remain clear of weeds, brush, and debris.

Consent

A notarized letter of consent from both the property owner and tenant of the premises on which the Off-Premise Sign is to be placed must accompany the sign permit application submitted to the City.

Destroyed Off-Premise Signs

If more than 50 (fifty percent) of an Off-Premise Sign or Sign Structure is destroyed, the property owner must remove the remaining pieces and apply for a new sign permit within 30 (thirty days). Otherwise, the off-premise sign is considered abandoned.

Blank Off-Premise Signs

Off-Premise Signs that remain blank for a period of 90 (ninety) consecutive days may be determined abandoned and must be altered to comply with this chapter or removed by the property owner. For purposes of this chapter, a sign is blank if:

- 1) It advertises a business, service, commodity, accommodation, attraction, or other enterprise that is no longer operating, being offered, or conducted;
- 2) The advertising message becomes 50 (fifty) percent or more illegible; or
- 3) The advertising copy has been removed.

Current Zoning Permit

Existing Off-Premise Signs and Sign Structures must obtain a current zoning permit within 30 (thirty) days of the effective date of this ordinance. All Off-Premise Signs are required to have a current City permit and an approval sticker placed on the sign by the Code Enforcement Officer.

Building Code Compliance

Permanent freestanding Off-Premise Signs must be anchored to the ground by permanent posts and be constructed in compliance with the State Building Code.

Inspection

Existing and new Off-Premise Signs and Sign Structures are subject to inspection by the City Code Enforcement Officer. If the Code Enforcement Officer finds an Off-Premise Sign or Sign Structure out of compliance with the code, the violation must be corrected within 30 (thirty) days of a code violation citation. If a code violation is not corrected within 30 (thirty) days of notification, the City may take action to remove the Off-Premise Sign and Sign Structure at the owner's expense and deny issuance of a new permit.

Chapter 7: Definitions

ABANDONED SIGN. A sign which for a period of a specified number of consecutive days or longer as defined by the Sign Code or Sign Review Guidelines no longer advertises or identifies a legal business establishment, product or activity; a sign which is damaged, in disrepair, or vandalized and not repaired within a specified number of consecutive days; a sign which contains an outdated message for a period exceeding a specified number of consecutive days.

ALTERATION. Any change in copy, color, size or shape, which changes appearance of a sign; or a change in position, location, construction or supporting structure of a sign.

ANIMATION OR ANIMATED. The movement or the optical illusion of movement of any part of the street graphic structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a street graphic.

ARCHITECTURAL DETAIL. Any projection, relief, cornice, column, change of building material, window, or door opening on any building.

AREA OF SIGN. The entire face of the sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure. For wall signs without a frame, the sum of the area(s) of the smallest rectangle(s) or other geometrical figure(s) encompassing the signs letters and graphics.

AWNING. A shelter extending from the exterior wall of a building and composed of non-rigid materials except for the supporting framework that is either permanently attached to the exterior wall of a building or can be raised or retracted to a position against the building when not in use.

AWNING SIGN. Any sign adhered to, painted on to, attached to, or supported by an awning.

BALLOON SIGN. A lighter-than-air gas-filled balloon or device, tethered in a fixed location, that has a sign with a message or graphics on its surface.

BANDIT SIGNS. See Snipe or Bandit Signs definition.

BANNER. A graphic composed of a logo or design on a lightweight material that deforms under light pressure that is either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.

BANNER, STREET. A banner located beside a right-of-way that is attached to a pole or fixture that is designed by a governmental entity to display street banners.

BILLBOARD. A permanent, free-standing, changeable copy sign greater than 48 (forty-eight) square feet and not to exceed 200 (two-hundred) square feet, visible from the public right-of-way, that is available for rent by various advertisers and directs attention to a business, activity, commodity, service, entertainment, or communication conducted, sold, or offered either on the premise on which the sign is located or at a location other than the premise on which the sign is located. A billboard is anchored to the ground by permanent posts.

BUILDING. A structure having a roof supported by columns or walls.

BUILDING IDENTIFICATION SIGN. Any sign containing the name or address of a building and may include hours of operation and emergency information, such sign being located on the same site as the structure.

BULLETIN BOARD. A particular type of changeable copy sign that displays copy in a casement made of glass, Plexiglas® or other materials.

BUS STOP SHELTER ADVERTISEMENT. Any approved advertisement, placard, or sign placed on or within a permitted bus stop shelter.

CANOPY, FREESTANDING. A freestanding multi-sided permanent roof-like shelter covering an outdoor service area such as a gas station not requiring support from an adjacent structure.

CANOPY. A detachable overhead roof-like cover, including an awning, that projects from a wall of a building over a door, entrance, or window. Canopies are typically comprised of lightweight materials covering a frame. Canopies may or may not be supported by poles or support columns attached to the ground.

CANOPY SIGN. A sign on a rigid multi-sided structure attached to a building or on any other freestanding structure that may have a roof with support but no walls.

CHANGEABLE COPY SIGN. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the permanent physical face or surface of the sign. This includes manual, electrical, electronic, or other variable message signs.

CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN (CEVMS). A self-luminous advertising sign that depicts any kind of light, color, or message change which ranges from static images to image sequences to full motion video. The CEVMS may also be referred to as an Electronic Billboard (EBB) or a Digital Billboard (DBB).

COMMERCIAL MESSAGE. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMPREHENSIVE SIGNAGE PLAN (CSP). A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program must include, but not be limited to, indications of the locations, dimensions, colors, letter styles, sign types, illumination, and maintenance plan of all signs to be installed on a site.

CONSTRUCTION SIGN. A temporary sign placed on the premises where a construction project is underway identifying the persons or companies involved in the design, landscaping, construction, wrecking, financing, or development of the project.

COPY. Any word, letter, number, emblem, or graphic affixed to the sign surface, either permanently or in removable form.

DIRECTIONAL SIGN. An on-premises sign for the convenience of the public giving directions, facility information, and assistance around a site such as the location of exits, entrances, parking, amenities, and to encourage proper circulation.

DIRECTORY SIGN. An on-premises sign that displays the names, uses, or locations of the various tenants on the site.

DISABILITY GLARE. The effect of stray light in the eye whereby visibility and visual performance are reduced. For purposes of the Sign Ordinance and *Sign Review Guidelines*, glare exceeding 2,500 nits is considered to be disability glare.

DOUBLE-FACED SIGN. A sign with two faces either set parallel or up to a forty-five degree (45°) angle. Any two sign faces set at an angle greater than forty-five degrees (45°) will be considered two separate signs.

EASEMENT. The portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on, or above said lot or lots for specified uses including but not limited to construction of utilities, drainage ways, transportation facilities, access, storm water drainage, solar exposure, and restrictions on development.

EAVES. The projecting lower edges of a roof overhanging the wall of a building.

ELECTRIC SIGN. Any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

FAÇADE. The side of a building below the eaves.

FLAG. Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

FLASHING SIGN. A sign that contains either a random intermittent or sequential blinking or flickering light source or light sequence. An animated sign, Changeable Electronic Variable Message Sign, or digital billboard will not be considered a flashing sign unless it is programmed with sudden short outbursts of light, blinking lights, flickering lights, or lights varying in intensity.

FREE-STANDING SIGN. The general term for any sign which is permanently anchored into the ground or on a foundation. It is supported by one or more upright poles, columns, or braces, and is not attached to a building or any other structure.

FOOT-CANDLE. (Abbreviation: fc or ft-c). A unit of measure of the intensity of light from a uniform point source of light equal to one lumen uniformly distributed over a one square foot surface. Foot-candle was originally defined with reference to a standardized candle burning at one foot from a given surface.

GOVERNMENTAL SIGN. A sign installed and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance or other governmental regulation.

GRADE. The average level of the finished surface of the ground, paving, or sidewalk at the property line located at the closest distance to the sign unless otherwise specified.

HEIGHT. The vertical distance measured from the highest point of the sign, including the frame and any embellishments and the established grade.

HOLIDAY DECORATIONS. Signs or displays, including lighting, which are a non-permanent installation celebrating national, state, and local holidays or holiday seasons.

ILLEGAL SIGN. Any sign placed without proper approval or permits as required by the City Sign Ordinance at the time of sign placement. Illegal sign will also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this Code. Any sign not removed after notification from the code enforcement officer to remove the sign. A registered nonconforming sign that is otherwise maintained in compliance with the sign code is not considered an illegal sign.

ILLUMINATED SIGN. Any sign for which an artificial source of light is used in order to make readable the sign's message, including internally lighted signs, externally lighted signs, glowing signs, or radiating signs.

ILLUMINATION, EXTERNAL. An artificial light source outside the sign face that illuminates the sign and may be attached to or contained within the sign structure.

ILLUMINATION, INDIRECT. A source of external illumination located outside the sign face that lights the sign.

ILLUMINATION, INTERNAL. A light source that is concealed or contained within the street graphic and becomes visible in darkness through a translucent surface.

INFORMATIONAL SIGN. Public or private directional signs, street or traffic signs, address numbers, names of buildings, suites or rooms, and other signs of a similar nature.

INSTRUCTIONAL SIGN. A sign which provides direction or instruction to guide persons to facilities intended to serve the public (e.g., restrooms, public telephones, public walkways, parking areas, and commercial resort-community amenities, maps, housing units, or transportation schedules).

LENGTH OF FRONTAGE.

1. For measurement purposes, the length of any primary or secondary frontage is the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Code Enforcement Officer or Planning Commission as clearly unrelated to the frontage criteria.
2. For buildings with two or more frontages, the length and allowable sign area is calculated separately for each such frontage.
3. The building frontage for a building unit is measured from the center line of the party walls defining the building unit.

LIGHT TRESPASS. The Illuminating Engineering Society (IESNA) defines light trespass as "light that strays from the intended purpose and becomes an annoyance, a nuisance, or a detriment to visual performance." Light trespass can result in glare.

LOGO, LOGOGRAM, OR LOGOTYPE. An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

LUMEN. A quantitative unit measuring the amount of light emitted by a light source.

MANSARD ROOF. Four-sided roof with each side having two slopes; the lower slope is almost vertical to allow extra roof space for the attic rooms.

MANSARD SIGN. A sign permanently affixed to a wall or surface designed to protect the edge of a room, such surface being no more than 30 degrees from vertical.

MARQUEE. A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from the elements.

MARQUEE SIGN. Signs or message areas on a permanent roof-like structure projecting from and supported by a building over a building entrance.

MECHANICAL MOVEMENT. An animated sign that physically revolves, moves up and down, or moves sideways.

MONUMENT SIGN. A ground graphic permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole.

MURAL. A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

NEON SIGN. A street graphic comprised of tubing bent to form letters, symbols, or shapes that is internally illuminated by neon or other electrically charged gas.

NONCOMMERCIAL SIGN. Any sign designed for a noncommercial expression not related to the advertisement of any product or service or the identification of any business.

NONCONFORMING SIGN. A sign which was lawfully installed prior to the adoption or amendment of the most recently adopted sign ordinance and was in compliance with all the provisions of the ordinance in effect at the time of its installation, but which does not presently comply with the current Sign Ordinance and City Code.

OFF-PREMISE SIGNS. Display messages about a business, individual, goods, products, services, and activities available at a different location than where the sign is located.

ON-PREMISE SIGN. Sign, graphics or a display for commercial, industrial, institutional, service or entertainment purposes promoting products, uses or services conducted, sold or offered upon the same premises where the sign is located, and the purpose of which is to sell or identify a product, service or activity.

OWNER, PROPERTY. The individual, firm, association, organization, partnership, trust, company, corporation, government, or any other legal entity who is recorded on the County's tax role as holding the title to a parcel of land; or An entity in a long-term lease who has been given the right to develop the land through a signed, notarized contractual document.

OWNER, SIGN. The owner, occupant, or agent of a property who is in possession of and/or installs the sign, with or without a permit.

PARAPET. A part of a wall which extends past the roofline.

PENT EAVE. A narrow roof cantilevered or extending perpendicular or at an angle out from a smooth vertical wall surface – often between a building’s first and second stories.

POLE SIGN. A sign which is permanently affixed in or upon the ground, supported by one or more structural poles, with air space between the ground and the sign face.

POLITICAL SIGN. Any sign designed for the purpose of identifying, either singly or combined, a political candidate, slate of candidates, issue, party, proposition or other measure during an election.

PORTABLE SIGN. Any street graphic that is not permanently attached to any structure, building, or the ground; and is designed and constructed to be movable from one location to another.

PRIVATE STREET. Primary access ways that are intended to provide vehicular access to multiple commercial businesses and/or ownerships and are not dedicated as a public thoroughfare.

PROJECTING SIGN. A sign which is supported by an exterior wall of a building or other structure and which is constructed and displayed perpendicular to the face of the building or other structure so that both sides of the sign are visible.

READER BOARD. Any sign having changeable copy for the purpose of advertising events, sales, services or products provided on the site.

REAL ESTATE SIGN. Any temporary sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name, address, telephone number, price, amenities, identity of seller or broker, and similar information.

RIGHT-OF-WAY. A public or privately held area of land taken or dedicated for the passage of goods or people including roadways, streets, paths, alleys, walkways, sidewalks, curbs, lighting, planting strips, utility infrastructure, and drainage facilities.

ROOF. The structural covering over any part of a building or structure including projections beyond the supports or walls.

ROOF SIGN. Any sign installed, constructed, and maintained upon a roof, parapet, or roof-mounted equipment structure.

SIGN. A sign is any device designed to attract attention outdoors and includes all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign is also considered to be a name, words, lettering, parts of letters, figures, character, outline, display, announcement, numerals, phrases, sentences, emblems, designs, trade names, or trade marks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are legible from any public street or adjacent property and used to attract attention. This definition includes the structure or the face on which a sign message is displayed, but does not include "trade dress," i.e., architectural features identified with a product or business, as a sign.

SIGN CLEARANCE. The least vertical distance between the lowest point of any sign, including the framework, and the established grade at the sign.

SIGN FACE. An exterior display surface of a sign on which copy is placed.

SIGN STRUCTURE. Any structure that supports or is capable of supporting a sign or street graphic display.

SITE. All the contiguous ground area legally assembled into one development location which is a zoning lot. A zoning lot is defined as a permanent parcel (lot of record), multiple lots of record, or a portion of a lot of record.

SNIFE OR BANDIT SIGNS. Signs placed on or affixed to public property, utility poles, street furniture, trees, natural vegetation, rocks, or placed on or in a right-of-way without a city permit. Examples include but are not limited to handbills, posters, announcements, fliers.

SPECIAL EVENT SIGN. Any temporary or non-permanent sign advertising or pertaining to any civic, patriotic or special event of general public interest.

STREET FRONTAGE. The distance along which a property line of a lot adjoins a public or private street.

STRUCTURE. That which is built or constructed and requires location on the ground, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

STREET GRAPHIC. A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right-of-way. The term "street graphic" includes signs, banners, pennants, streamers, moving mechanisms, and lights.

TEMPORARY SIGNS. Short-term, impermanent communication devices considered personal property and do not possess a real property interest. Temporary signs include political, real estate, construction, special event, or special activity signs which may be off-premise or on-premise. Temporary signs are intended to be removed after the temporary purpose has been served.

VEHICLE SIGN. Any sign permanently or temporarily attached to or placed on a vehicle, trailer, or boat which relates to a business, activity, use, service or product.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

WALL SIGN. Any sign attached to, installed on, or painted on an exterior wall of a building or structure, with the exposed face of the sign in a plane parallel or approximately parallel to the plane of the wall including V-shaped signs.

WARNING SIGN. A sign containing no advertising material but which warns the public of the existence of danger.

WINDOW SIGN. Any temporary or permanent sign painted or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the outside.