



## **VILLAGE OF LOS LUNAS ORDINANCE 452**

**An Ordinance Repealing Ordinance 302, which Established the Village of Los Lunas Sign Code Regulations, and Repealing §17.56.130, Temporary Signs and §17.56.170, Sign Regulations in TOD-MU Zone of Ordinance 356, and Replacing Chapter 17.56 – Sign Code, of the Los Lunas Zoning Code, in Order to Modify the Village of Los Lunas Requirements for the Regulation of Signs.**

**WHEREAS,** The Village of Los Lunas is a legally and regularly created, established, organized and existing municipal corporation under the general laws of the State of New Mexico;

**WHEREAS,** The Village of Los Lunas wishes to promote the community, health, safety, morals and general welfare of the community;

**WHEREAS,** The Village of Los Lunas has provided a manner in its Zoning Regulations, Ordinance No. 276 §17.64.010 for amending its regulations;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF LOS LUNAS, COUNTY OF VALENCIA, STATE OF NEW MEXICO THAT,**

**ORDINANCES 302 AND SECTIONS 17.56.130 AND 17.56.170 OF ORDINANCE 356 ARE HEREBY REPEALED AND TITLE 17 – ZONING, OF THE MUNICIPAL CODE, CHAPTER 17.56 – SIGN CODE, IS HEREBY REPLACED IN ITS ENTIRETY AS FOLLOWS:**

**17.56.010 – Purpose**

- a. Signs constitute a separate and distinct use of the property upon which they are placed and affect the use of adjacent roads, streets, walkways, and other properties. The provisions of this chapter are made to establish reasonable and objective regulations for all signs that are visible to the public, in order to protect the general public health, safety, welfare, convenience and aesthetics. This chapter is intended to promote and protect the small-town atmosphere and historic character of the village while enhancing current commercial development and encouraging new commercial development; encouraging safe pedestrian and vehicle activity throughout; and improving the appearance of the village. All signs in the village shall be subject to this chapter except for those signs deemed exempt in Section 17.56.030.

- b. All signs shall be installed and maintained in conformance with the standards, procedures, and other requirements of this chapter.
  - 1. Where there is conflict, the strictest interpretation shall apply unless otherwise determined by the community development department.
- c. The effect of this chapter as more specifically set forth herein is:
  - 1. To establish a permit system to allow a variety of types of signs in commercial and industrial areas of the city and a limited variety of signs in residential areas of the city, subject to the standards and the permit procedures of this chapter;
  - 2. To allow certain signs that are unobtrusive and incidental to the primary use of the property on which they are located, subject to the requirements of this chapter;
  - 3. To provide for temporary signs in limited circumstances in the public right-of-way;
  - 4. To prohibit all signs not expressly permitted by this chapter; and
  - 5. To provide for the enforcement of the provisions of this chapter.

### **17.56.020 - Definitions**

For the purpose of this chapter, the definitions contained within shall apply unless the context clearly indicates or requires a different meaning. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

**A-FRAME SIGN.** Any freestanding, temporary, and/or movable sign usually constructed of two separate wood or metal sign faces attached at the top.

**ABANDONED SIGN.** Any sign that describes, directs attention to, gives directions for locating any business or establishment no longer in operation, or advertises a product no longer being marketed or any sign structure lacking a sign face or sign copy for a period that exceeds 90 days.

**ANIMATED SIGN.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**ARCADE SIGN.** Any sign that is suspended (hanging) from, and located entirely under, a covered porch and/or covered walkway.

**ATTACHED SIGN.** Any sign that is fastened, attached, connected, or supported in whole or in part by a building.

**AWNING SIGN.** Any sign that is painted, stamped, perforated, stitched, or otherwise applied on an awning.

**BANNER.** Any sign of lightweight fabric or similar material that is not permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institutions or business shall not be considered BANNERS.

**BEACON.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move; which is intended to attract or divert attention. This term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

**BILLBOARD.** Any sign which directs attention to a business, activity, commodity, service, entertainment or communication that is not conducted, sold or offered at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located.

**BUILDING FACADE.** Any exterior wall of a building including windows, doors, and mansard, but not including a pitched roof.

**BUILDING IDENTIFICATION SIGN.** Any sign that serves to identify only the name, address, and lawful use of the premises upon which it is located and provides no other advertisements or product identification.

**BUILDING MARKER.** Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

**BULLETIN BOARD.** Any sign installed by a charitable, educational or religious institution or a public body, which is installed upon the same property as the institution, for purposes announcing events which are held on the premises.

**BUILDING SIGN.** Any sign attached to any part of a building as contrasted to a freestanding sign.

**CABINET SIGN.** Any sign that contains all the text and/or logo symbols within a single enclosed case.

**CANOPY SIGN.** A sign that is mounted, painted, or otherwise applied on or attached to the perpendicular face of a freestanding canopy or structural protective cover over an outdoor entry or doorway. **CANOPY SIGNS** are frequently supported by poles and extend over a sidewalk or entry. An awning or a marquee is not a **CANOPY SIGN**.

**CHANGEABLE COPY.** Any sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted on or on a track system.

**CLEAR SIGHT TRIANGLE.** An area of unobstructed vision at street intersections between 30 inches and seven feet above the gutter line and is a triangular area at the street corner. Three points and the corresponding lines that connect those three points shall define the area of the **CLEAR SIGHT TRIANGLE** for any given street corner. Point A shall be the corner of the curb of two intersecting streets, or if no curb exists, the corner of the two intersecting streets at the edge of the pavement. Points B and C shall be the appropriate distance along the curb line or street edges. Appropriate distance is determined by street classification as follows: local street, 25 feet; collector, 50 feet; and arterial street, 100 feet. When extraordinary conditions exist as determined by the Public Works Department, the Public Works Director has the authority to determine the **CLEAR SIGHT TRIANGLE** area.

**COLLECTION BOX.** A receptacle located on private property, used for the collection of goods for a charitable or non-profit organization.

**COLLECTION BOX SIGN.** Any sign copy on one or more faces of a collection box that pertains directly to the charitable or non-profit organization for which the goods collected are intended to benefit.

**COLLECTION BOX SIGNS** shall contain no commercial advertising.

**COMMERCIAL DIRECTIONAL KIOSK SIGN.** A privately-owned freestanding and multiple-sided structure located on nonresidential property that displays directional information pertaining to local businesses.

**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.

**COMMERCIAL VEHICLE.** A vehicle used for business purposes that is clearly identified as such by signs applied, placed or painted on the vehicle.

**COMMERCIAL VEHICLE SIGN.** A sign applied, placed or painted onto an operable COMMERCIAL VEHICLE, currently registered and licensed to operate on public streets, and actively used in the daily function of the business to which the sign relates.

**COMMON SIGNAGE PLAN.** A plan set forth by two or more owners of contiguous parcels for installing signage for shared usage by the plan participants.

**CONTROLLED ACCESS HIGHWAY.** Any state or federal numbered highway designed as a controlled access highway.

**DEVELOPMENT SIGN.** Any sign used to announce the name of a development being, or to be, constructed. A DEVELOPMENT SIGN also referred to as a construction sign may include on it all firms involved in the project who wish to advertise (to include licensing numbers where appropriate).

**DIRECTIONAL SIGN.** Any sign limited to directional messages such as "enter" or "exit." Logos and business names are permitted as needed to complete the directional message.

**DIRECTOR.** The Director of the Community Development Department or his or her designee.

**DISPLAY SURFACE AREA.** The net geometric enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations; provided, however, that display surface shall not include the structural supports for a freestanding sign.

**ELECTRONIC MESSAGE SIGN.** Any sign containing a display consisting of any array of light sources, panels, or disks that are electronically activated, designed to contain commercial copy that is static for at least eight seconds and contains no animation.

**EMBELLISHMENT.** Structural or decorative elements of a sign incorporating representations of significant architectural features of the associated building or development. Embellishment does not include letters, numerals, figures, emblems, logos, colored bands or other features conveying a commercial advertising message.

**FIXED BALLOON.** Any lighter-than-air or gas-filled inflatable object attached by a tether to a fixed place.

**FLAG.** Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

**FLAG, DECORATIVE.** Any sheet of fabric, square, rectangular or triangular shape which is mounted on a pole, cable, or rope at one end, which may or may not contain text or graphics.

**FLASHING SIGN.** An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

**FLEX-POLE SIGN.** A temporary sign that consists of a flag that includes an advertising message that is attached to a flexible pole that attracts attention by the flag and pole moving by the wind.

**FOOT CANDLE.** A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

**FREESTANDING SIGN.** Any sign that is attached to or a part of a completely self-supporting structure, that is anchored firmly in or below the ground, and that is independent from any building or other structure. Types of FREESTANDING SIGNS include pole/pylon and monument.

**GARAGE SALE SIGN.** A sign used to announce a garage sale, also known as a yard sale, rummage sale and moving sale, for the sale of used personal goods. For the purposes of this chapter, this definition also pertains to community sales, which may involve several individuals at the same location.

**GOVERNMENT SIGN.** A sign erected and maintained pursuant to and in discharge of any government functions, or required by law, ordinance or other regulation, including legal notices, advertisements, traffic, identification, direction, and information signs on government property. Such signs are exempt from regulation.

**GRADE.** The height of the plane of the pavement of the adjacent street to which the sign has frontage, or, in the case of an intersection, the height of the plane of the pavement of the highest road at the intersection.

**HANGING SIGN.** Any sign that is suspended from, and located entirely under, a covered porch, covered walkway, or an awning.

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

**HOME OCCUPATION SIGN.** Any sign located on a lot zoned for residential uses that contains no commercial message except advertising for goods and services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of the zoning ordinance.

**IDENTIFICATION SIGN.** Any sign of an identification nature bearing no advertising.

**ILLEGAL SIGN.** Any sign installed in violation of this chapter.

**ILLUMINATED SIGN.** Any sign that is illuminated by electric lights or luminous tube located within the interior of the sign.

**ILLUMINATION, DIRECT.** Illumination which is arranged so the light is directed into the eyes of the viewer from the light source.

**ILLUMINATION, INDIRECT.** Illumination which is arranged so that the light is reflected from the sign to the eyes of the viewer.

**INCIDENTAL SIGN.** Any sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone", "beware of dog" and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered an INCIDENTAL SIGN.

**INFORMATIONAL SIGN.** Any sign of an informational nature bearing no advertising.

**JOINT IDENTIFICATION SIGN.** A sign which serves as common or collective identification for a group of persons or businesses operating on the same zone lot (e.g., shopping center, office complex, etc.). Such sign may name the persons or businesses included but carry no other advertising matter.

**KIOSK SIGN.** A freestanding and multiple-sided structure owned by the city and located in public rights-of-way that displays directional information.

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

**LOT.** A parcel of land, the boundaries of which have been established by a legal instrument of record, that is recognized and intended for the purposes of transfer of ownership, that is of sufficient size to meet minimum zoning requirements for area coverage and use, and that can provide yards and other open spaces as required by the zoning regulations.

**MARQUEE.** Any permanent horizontal roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**MARQUEE SIGN.** Any sign attached to, in any manner, or made a part of the perpendicular face of a marquee. A MARQUEE SIGN is not a canopy or awning sign.

**MASTER SIGN PLAN.** A plan set forth for the purpose of unifying a variety of signs associated with a multi-tenant or multi-use building, complex of buildings, shopping center, business park, or planned unit developments which identifies the placement, construction, size, materials, colors, method of lighting and other related requirements for those signs that are subject to the plan.

**MOBILE SIGN.** Any sign placed upon, applied to the surface of, or attached to a motorized vehicle or towed trailer that is driven on public streets primarily for the purpose of displaying the signage on them; signs commonly referred to as "mobile billboards."

**MODEL HOME SIGN.** Any sign which is located on a lot with an approved model home.

**MONUMENT SIGN.** A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles, pylons, or an attached building.

**MURAL.** Any picture or graphic illustration applied directly to a wall of a building that does not advertise or promote a particular business, service, or product. 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.

**NONCONFORMING SIGN.** A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this code.

**OFF-SITE SIGN.** Any sign which directs attention to a business, commodity, or service sold, offered, or existing elsewhere than upon the same lot where such sign is displayed.

**ON-SITE SIGN.** Any sign which directs attention to a business, commodity, or service sold, offered, or existing on the same lot where such sign is displayed.

**OPEN HOUSE SIGN.** A sign used to announce a house held open for sale/tour by potential buyers. This applies to new and existing homes.

**PAD SITES.** Leased units or separate lots within a shopping center.

**PARAPET WALL.** The portion of a building exterior wall projecting vertically above the roofline of the building.

**PENNANT.** Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

**PERMANENT SIGN.** Any sign permanently affixed to the ground or wall.

**PERSON.** Any individual, association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

**PLATE LINE.** The point at which any part of the roof structure first touches or bears upon an external wall.

**POLITICAL SIGN.** A temporary sign intended to advance a political statement, cause, or candidate for office. **POLITICAL SIGNS** shall be considered a type of **INCIDENTAL SIGN**.

**PORTABLE SIGN.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business (see definition of **COMMERCIAL VEHICLE**).

**PRINCIPAL BUILDING.** The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple **PRINCIPAL BUILDINGS**, but accessory structures shall not be considered **PRINCIPAL BUILDINGS**.

**PROJECTING SIGN.** A sign attached to and projecting out from a building face or wall, generally at right angles to the building, which may include neon or other types of light in keeping with the village's historic Route 66 heritage. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property. There must be a minimum of eight feet from the bottom of the **PROJECTING SIGN** to the ground.

**PROMOTIONAL EVENT.** An event such as but not limited to a grand opening or year-end clearance sale, etc., that promotes a business or group of businesses.

**PYLON/POLE SIGN.** A freestanding sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to a building or structure. There must be a minimum of eight feet from the bottom of the sign to the ground.

**REAL ESTATE SIGN.** Any temporary sign placed upon property for the purpose of advertising to the public the sale or lease of the property.

**REVOLVING SIGN.** A sign that revolves on, around, or about a structural support. A structural support includes, but is not limited to, a pole, building or other type of support.

**RIGHT-OF-WAY.** The public property adjacent to a roadway, excluding medians, which is under the jurisdiction of the village.

**ROOF SIGN.** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. This includes painting, tile patterns, or any incorporation of lettering or design into the building structure. ROOF SIGNS are prohibited in all districts. A sign attached to an exterior wall of a building but whose face extends above the roofline or plate line by less than 10% of the face of a sign shall not be considered a roof sign.

**SHOPPING CENTER.** A group of two or more retail or other commercial establishments, having any or all of the following characteristics:

- (1) The establishments are connected by one or more common walls, partitions, canopies, or similar features;
- (2) Some or all of the establishments are located in separate buildings which are designed as a single commercial group sharing common parking areas and vehicular ways and which are connected by walkways or other access ways;
- (3) The establishments are under the same management or association for enforcing reciprocal agreements controlling management or parking.

**SIGN.** Any device, fixture, placard, structure, or surface that uses any colors, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public, when the same is placed out of doors in view of the general public.

**SIGN DISTRICT.** The classification of a geographical area based on the zoning district and/or land use of the lots contained within, assigned for calculating the signage allowed for a particular lot.

**STREET.** A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails or other thoroughfares.

**STREET FRONTAGE.** The lot line or lines of any given lot that adjoin a STREET, as defined above.

**SUBDIVISION DIRECTIONAL SIGN.** A temporary sign that is designed and erected for the purpose of directing the public to a recorded residential subdivision for the sale of homes or lots thereon. These signs may be placed on property other than property located within the subdivision.

**SUBDIVISION SIGN.** Any permanent sign placed on private property, in a private easement or on public property with an approved encroachment agreement, at the entrance of residential subdivisions for the purpose of identification of the subdivision.

**SUSPENDED SIGN.** Any sign that is suspended from the underside of a plane surface and is supported by the surface.

**TEMPORARY SIGN.** A sign that is intended for a temporary period of posting on public or private property; is typically constructed from semi-durable materials; and does not constitute a permanent structure.

VEHICLE SIGN. A sign applied, placed or painted onto a vehicle, when such vehicle is used in its typical operations as a vehicle and not as a stationary display for the VEHICLE SIGN. VEHICLE SIGNS include COMMERCIAL VEHICLE SIGNS.

VILLAGE. The Village of Los Lunas, NM.

WALL SIGN. Any sign attached parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by the wall or building, and which displays only one sign surface. Any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a WALL SIGN. A WALL SIGN shall not project above the top of the wall or beyond the end of the end of the building, nor shall a WALL SIGN extend outward from the wall on which it is mounted more than one foot.

WINDOW SIGN. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

ZONING DISTRICT. A section or sections of the city for which the then-effective zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein.

#### **17.56.030 - Exemptions**

The following signs shall be exempt from regulation under this chapter:

- a. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;
- b. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the property line of the lot or parcel on which the sign is located;
- c. Works of art that do not include a commercial message, place name, or logo;
- d. Holiday lights and decorations with no commercial message, except that the decorations may contain sponsor names that are uniform in design with no other advertising, logos or any other words or graphics that are unique to a sponsor; and
- e. Traffic control signs on private property, such as "Stop," "Yield" and similar signs, the faces of which meet Department of Transportation standards and which contain no commercial message of any sort.

#### **17.56.040 – Prohibited signs**

- a. The following signs are prohibited in all sign districts unless otherwise expressly permitted in this code:
  1. Abandoned signs as defined in this code.
  2. Animated signs; signs with visible moving, revolving or rotating parts, noise making, flashing or fluttering lights or other illuminating devices that have a changing brightness or intensity of color.
  3. Billboards.
  4. Roof signs.
  5. Signs that exceed two square feet in area on vehicles or trailers that are parked or located for the primary purpose of displaying the sign.

6. Signs with exposed incandescent, metal halide, or fluorescent light bulbs.
7. Signs with direct illumination by incandescent light bulbs rated at above 375 lumens.
8. Signs that contain a beacon of any type and/or contain a spotlight providing direct illumination to the public.
9. Signs displayed in such a manner as to create a traffic hazard, whether by a location within fifteen feet of the pavement edge in either direction of an intersection that are greater than three feet in height, or otherwise obstructing the clear sight triangle; designed in a manner as to be confused with an authorized traffic sign, signal or device; or utilizing the words "stop," "look," "drive-in," "danger," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.
10. Signs on trees, rocks or other natural objects; or on any human-constructed object not intended to support a sign, such as a utility pole, light pole, or fire escape; whether attached or painted onto such object.
11. All signs not expressly permitted under this chapter or exempt from regulation in accordance with the previous section are prohibited in the village.

**17.56.050 – Types of signs allowed on private property**

- a. Signs shall be in accordance with Section 17.56.200 and all regulations set forth in this code.
- b. Primary signs are considered permanent and identify an establishment or premises while the establishment is operative or the premises are occupied. Primary signs require a sign permit. The following are the different types of primary signs:
  1. Wall signs.
  2. Marquee.
  3. Awning signs.
  4. Projecting.
  5. Hanging signs.
  6. Freestanding signs (pedestal/pylon, monument).
- c. Secondary signs provide information that is secondary to identifying the major activities occurring on the premises. Secondary signs may be permanent or temporary. Secondary signs do not require a sign permit. The following are categories of permanent and temporary secondary signs:
  1. Building/establishment identification wall signs.
  2. Memorial signs or tablets.
  3. Incidental signs.
  4. Home occupation signs.
  5. Directional signs.
  6. Bulletin boards.
  7. Window signs.
  8. Collection box signs.
  9. Public utility signs.
  10. Time and temperature signs.
  11. Signs required by law.
- d. Temporary secondary signs are used for a specific reason for a specific period. Temporary signs on private property do not require a sign permit if in accordance with Section 17.56.200 and all

the regulations set forth herein. Temporary signs located in the public right-of-way may require a sign permit. The following are types of temporary signs:

1. Development/construction signs.
  2. Real estate signs.
  3. Banner signs.
  4. Pennants, flags, streamers and other similar devices.
  5. Open house directional signs.
  6. Subdivision directional signs.
  7. Garage sale signs.
  8. Inflatable displays.
  9. Window signs.
  10. Portable signs.
- e. The following are signs permitted by a public hearing process. Sign permits are required pursuant to approval of the applicable process.
1. Master sign plans.
  2. Off-premises advertising signs.
  3. Special exception signs.

#### **17.56.060 – Signs in the public right-of-way**

No signs shall be allowed in the public right-of-way, except for the following:

- a. Permanent signs. Permanent signs, including: public signs erected by or on behalf of a governmental body to post legal notices, governmental approved community signs (Adopt-A-Spot), governmental approved directional kiosk signs, signs to identify public property, convey public information and direct or regulate pedestrian and vehicular traffic; bus stop signs erected by a public transit company; and informational signs of a public utility regarding its poles, lines, pipes or facilities.
- b. Temporary signs. Temporary signs posted in accordance with Section 17.56.080.
- c. Warning signs. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.
- d. Other signs forfeited.
  1. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation.
  2. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing a sign the full costs of removal and disposal of the sign.
- e. For the purpose of this chapter, right-of-way excludes State of New Mexico right-of-way (e.g., NM HWY 6, NM HWY 314, NM HWY 47).

#### **17.56.070 – Temporary signs**

- a. Temporary signs are allowed only so long as they do not violate the intent of this chapter and the goals of the village's comprehensive plan.
- b. Temporary signs may be posted on property in all zones of the village, subject to the following requirements and those applicable provisions stated elsewhere in this chapter:
  1. A temporary sign may be posted only with the consent of the property owner or occupant.

2. All temporary signs must be constructed and designed of materials durable enough to withstand the elements to which the sign is to be subjected. No temporary sign shall be illuminated or painted with light-reflecting paint.
  3. No additions, tag sign streamers, attention-getting devices or other appurtenances shall be attached to any temporary sign.
  4. No temporary sign shall be located in the clear sight triangle, obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.
  5. Signs in the right-of-way may not be located or posted on medians, trees, utility poles, or other utility structures located in the right-of-way.
  6. Nuisances. If any temporary sign becomes a nuisance as defined elsewhere in the code, such signs may be subject to removal, relocation, or other actions to eliminate the nuisance.
- c. Temporary signs in residential zones (private property).
1. The total square footage for temporary signs posted on a lot in a residential sign district, in the aggregate, shall not exceed 32 square feet.
  2. No individual sign shall exceed eight square feet and six feet in height if freestanding.
  3. One development/construction sign not to exceed 32 square feet and six feet in height may be placed at the entrance of a subdivision or model home village until the subdivision is complete.
  4. No temporary sign in a residential zone shall advertise or promote any commercial enterprise not conducted on the same lot.
  5. See Section 17.56.200 for additional stipulations as to type, size and number of signs permitted.
- d. Temporary signs in commercial zones (private property).
1. Temporary signs shall be located on the same lot as to which the signs pertain, not in the public right-of-way.
  2. The total square footage for all temporary signs posted on a lot in all commercial (nonresidential) sign districts, in the aggregate, shall not exceed 64 square feet.
  3. Development located on a single lot which is 20 or more acres in size may post signage that does not in the aggregate exceed 128 square feet.
  4. No individual sign shall exceed 32 square feet.
  5. A temporary sign shall not advertise or promote any commercial enterprise or event not conducted on the same lot except as otherwise stipulated herein.
  6. See Section 17.56.200 for additional stipulations as to type, size, and number of signs permitted.

**17.56.080 – Temporary signs in the public right-of-way**

- a. The following types of temporary signs are allowed. A permit is required for subdivision directional, kiosk, political, and special event signs.
  1. Subdivision directional signs. Permits for temporary signs in the public right-of-way are allowed on a limited basis during periods of new construction activity which require the need for subdivision directional signs. Directional signs may only be used to direct traffic

to subdivisions that are less than 90% completed. The purpose of such signs is to minimize confusion among prospective purchasers who wish to inspect development projects, while promoting traffic safety and reducing the visual blight of sign proliferation. This type of sign is allowed as follows:

- i. Signs, which do not exceed eight square feet, may be posted on the weekends from Friday at 12:00 noon through Monday at 12:00 noon.
  - ii. The maximum number of signs that may be posted with a permit is six signs per builder, per subdivision.
  - iii. A permit is valid for one calendar month; however, permits may be purchased in advance for a period not to exceed 12 months.
  - iv. The sign message on signs of this type is limited to the builder's name, subdivision identification, and an arrow.
2. Directional kiosk signs. The purpose of a kiosk sign is to provide a uniform, coordinated method of offering developers and retail businesses a means of providing directional signs to their projects and businesses. Village-owned directional kiosk signs in the public right-of-way may be erected at sites approved by and as per policies and procedures set forth by the Village Administrator.
  3. Directional, noncommercial and single event signs. The purpose of directional, noncommercial, or single event signs is to provide a method of providing the public with directions to events of a limited duration with changing locations. These signs include, but are not limited to, signs that provide direction to garage sales, open house events, special events, voting or polling locations (restricted to government agencies), and public community meetings such as neighborhood association meetings.
    - i. These signs may be placed in the right-of-way no sooner than one week before the event and must be removed no later than 24 hours after the conclusion of the event, except for garage sale signs which may be placed in the right-of-way on Fridays and remain until Sunday after the conclusion of the garage sale.
    - ii. The maximum number of signs that may be posted is 4 per event.
    - iii. Due to the limited duration of these types of events, no permit is required for this type of sign.
    - iv. The maximum size allowed for this type of sign is 3 square feet, up to 3 feet in height.

#### **17.56.090 – Common Signage Plan**

- a. Common signage plan allowed.
  1. Owners of a shopping center, which may be located on a single lot but with more two or more independent retail or other commercial establishments, may enter into a common signage plan to ensure that all signage for individual establishments contained within conforms to one another in size and visual impact, and to allow for the shared use of a common freestanding sign for the premises.
  2. Owners of two or more contiguous lots disregarding intervening streets may enter into a common signage plan for the purpose of allowing shared use of freestanding signage and to specify consistent standards for all lots regulated by the plan. Generally,

participation in a common signage plan is permitted for businesses located a maximum of 600 feet from a major thoroughfare.

- i. The owners may file with the Director a common signage plan for all the lots included in the plan conforming to the provisions of this section, and if approved, a 25% increase in the square footage of the freestanding signs shall be allowed for each lot included in the plan.
- b. Provisions of common signage plan. The common signage plan shall contain all of the following information and shall specify standards for consistency among common signs on the lots affected by the plan with regard to color scheme, lettering or graphic style, and lighting and sign proportions.
- c. Limit on number of freestanding signs under common signage plan. The common signage plan shall limit the number of freestanding signs to a total of one for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of the signs.
- d. Other provisions. The common signage plan may contain restrictions as the owners of the lots may reasonably determine.
- e. Consent. All owners shall sign the common signage plan or their authorized agents in such form as the Director shall require.
- f. Procedures. A common signage plan may be included in any development plan, site plan, planned unit development plan or other official plan required by the city for the proposed development and may be processed simultaneously with the other plan.
- g. Amendment. Filing a new common signage plan that conforms to all requirements of the chapter then in effect may amend a common signage plan.
- h. Existing signs not conforming to common signage plan. If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or to the requirements of this chapter in effect on the date of submission.
- i. Binding effect.
  1. After approval of a common signage plan, no sign shall be erected, placed or maintained, except in conformance with the plan, and the plan may be enforced in the same way as any provision of this chapter.
  2. In case of any conflict between the provisions of a plan and any provision of this chapter, this chapter shall control.

#### **17.56.100 – Master Sign Plans**

- a. A master sign plan shall be used to establish criteria for and govern the construction of all signs associated with a use for which a master sign plan has been approved. A permit shall be required for individual signs following or in conjunction with the approval of a master sign plan. Signs constructed in violation of an approved master sign plan shall be considered in violation of this sign code.
- b. A master sign plan shall be required of an applicant for a new development in the following circumstances:
  1. Any portion, tenant or use of a nonresidential development seeking sign permit approval for any or all of a development, campus, shopping center or business park greater than five acres in size;

- c. Submission requirements. An application for master sign plan approval shall be submitted to the Department and shall include:
  - 1. An accurate site plan of the entire lot(s) on which the use(s) will be located at a scale of not less than one inch to 100 feet;
  - 2. Location of buildings, parking lots, driveways and landscaped areas on the lot;
  - 3. A table or tables containing:
    - i. Computation of the maximum total sign area;
    - ii. Maximum area for individual signs;
    - iii. Height and number of freestanding signs; and
    - iv. Statement of the maximum total sign area and maximum number of signs permitted on the site(s) by this sign code;
  - 4. An accurate indication on the site plan of the location and orientation of each sign for which a permit is currently being requested, the anticipated location of future signs requiring a permit, and the location of all reasonably anticipated limited permit signs;
  - 5. A description and illustration of the following shall be required:
    - i. Sign elevations for all signs;
    - ii. Location of each sign on the building(s) with building elevations if necessary;
    - iii. All sign proportions; and
    - iv. Types of illumination.
- d. Procedures. The Planning and Zoning Commission shall approve master sign plans.
- e. Flexible criteria. The master sign plan may be approved by the Planning and Zoning Commission with elements that exceed the permitted height, area, and or number of signs specified in the sign code if the Director recommends that:
  - 1. The development contains unique or unusual physical conditions such as topography, proportion, size or relation to a public street that would limit or restrict normal sign visibility;
  - 2. The proposed or existing development exhibits unique characteristics of land use, architectural style, site location, physical scale, historical interest or other distinguishing features that represent clear variation from conventional development; or
  - 3. The proposed signage incorporates special design features such as logos, emblems, murals or statuary that are integrated with building architecture.
- f. Amendment. A master sign plan may be amended by filing a new master sign plan to be approved by the Planning and Zoning Commission.
- g. Binding effect. After approval, no permanent sign shall be erected, placed or maintained except in conformance with such plan and without obtaining a sign permit pursuant to this chapter and in conformance with the master sign plan. The Director or his designee is authorized to approve, through the standard permit process, sign applications in conformance with the approved master plan even though such applications may conflict with the terms of this sign code, but only to the extent that the application is in conformance with the master sign plan.
- h. A master sign plan shall be enforced in the same manner as any other provisions of this sign code.
- i. The master sign plan shall be included in the application for final approval of any master plan, planned unit development, office/business/industrial park development or building permit

application for approvals. If the master sign plan has not been approved prior to the submission of such documents, it may be processed simultaneously.

- j. Longevity. An approved master sign plan shall have longevity of two years from the approval date to commence the first sign. If a sign associated with the master sign plan has not been approved within two years from the approval date, approval of a new master sign plan shall be required.

#### **17.56.110 – Special Exceptions**

- a. An application for special exception may be applied for by submittal of an application to the Director or his or her designee, to be processed and submitted for review by the Planning and Zoning Board. A special exception may be requested to deviate from certain requirements herein specified for signage including but not limited to area, dimensions, height, location and any other sign characteristics.
- b. A special exception may be granted by the Planning and Zoning Commission if the Commission deems a special circumstance exists which warrants the signage requested. The following criteria shall be used in the review and approval of requests:
  - 1. A literal application of the code would not allow the property to be used at its highest and best use as zoned;
  - 2. The granting of the requested exception would not be materially detrimental to the property owners in the vicinity;
  - 3. Conditions exist which are unique to the property or type and size of development that would cause hardship under a literal interpretation of the sign code;
  - 4. The granting of the special exception is in the best interests of the public at large and would not be contrary to the general objectives of the sign code and adopted land use plans.
- c. The Planning and Zoning Commission may attach any additional requirements necessary to maintain the intent and purpose of this chapter, in the interest of the public.
- d. An application for special exception shall be scheduled for review by the Planning and Zoning Commission within 30 working days of receipt of the application and payment of the applicable fee.
- e. Notice shall be given to all property owners within 300 feet of the proposed sign location via first class mail no less than 15 days prior to the scheduled hearing date.
- f. Longevity. An approved special exception shall have longevity of two years from the approval date to commence the first sign. If a sign associated with the master sign plan has not been approved within two years from the approval date, approval of a new master sign plan shall be required.

#### **17.56.120 – Off-premises advertising signs**

- a. Off-premises advertising signs, digital and commercial directional kiosk signs are each considered a distinct land use and shall be approved via the conditional use permit process or administratively as set forth herein.
  - 1. A conditional use permit is required for an off-premises sign and shall be valid for 10 years. A new application shall be required thereafter.
  - 2. Criteria to deny approval of a conditional use permit may include but are not limited to the following:

- i. The conditional use permit for the sign is in conflict with the safety and general welfare of the city.
  - ii. The conditional use is not in conformance with the comprehensive plan or other approved master plans.
  - iii. A change in community conditions directly related to off-premises advertising.
- b. Off-premises signs permitted in this section shall be in accordance with the following criteria:
  - 1. Signs shall be a maximum of thirty-two square feet.
  - 2. Both sides of a sign shall have copy. Embellishments and animation are prohibited.
  - 3. When within 100 feet of an elevated roadway, the height measured from the bottom of the sign may be a maximum of 10 feet above the elevated roadway.
  - 4. Electronic video display signs shall have an automated dimming feature (photocell) to adjust for lower light and night conditions.
  - 5. Signs shall be located in a nonvehicular area or within a landscape planter.
  - 6. A minimum distance of six hundred sixty feet must be maintained between off-premises signs and any controlled-access road facility.
  - 7. A minimum separation of 10,560 feet is required between off-premises signs located on the same side of a street and a separation of 5,280 feet is required from another off-premises sign located on the opposite side of a street. A minimum separation of 300 feet (including rights-of-way) from single-family residential development shall be maintained. No off-premises advertising sign shall be located within 100 feet of an on-premises sign located on another parcel. The off-premises advertising company shall provide a survey stamped by a registered surveyor or engineer verifying the aforementioned distance separations.
  - 8. Off-premises advertising signs shall be maintained and shall be administratively reviewed on an annual basis to ensure sign maintenance.
  - 9. Failure to maintain signs shall result in a public hearing if applicable before the Planning and Zoning Board to determine the appropriateness of continuing the use.
  - 10. The support structure shall be skirted with a decorative base.
- c. Off-premises commercial directional kiosk signs are permitted in accordance with the following:
  - 1. Signs are in accordance with the policies and procedures to be set forth administratively by the Village Administrator.
  - 2. Generally, one sign per quadrant is permissible at intersections of streets classified as a collector or an arterial.
  - 3. Commercial kiosk signs will be subject to annual review and an annual renewal fee.

**17.56.130 – Limitations on electronic message signs**

Programmable electronic signs are prohibited within residential districts and permitted elsewhere in accordance with Section 17.56.200 and shall conform to the following:

- a. No sign shall display animated messages, including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement.
- b. No sign shall contain any audio message.
- c. No sign shall be displayed for a period of less than eight seconds.
- d. Transition from one message to the other shall appear instantaneous as perceived by the human eye.

- e. Each sign message shall be complete in itself and shall not continue on a subsequent sign message.
- f. Signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of three-tenths foot candles above ambient lights, as measured using a foot candle meter and in conformance with the following process:
  - 1. Light measurements shall be taken with the meter aimed directly at the sign message face, or at the area of the sign emitting the brightest light if that area is not the sign message face. Measurements shall be taken as follows:

Table 5: Digital Sign Luminance

Sign Area	Distance of Measurement
200 – 249 sq. ft.	150 feet
150 – 199 sq. ft.	136 feet
125 – 149 sq. ft.	118 feet
100 – 124 sq. ft.	107 feet
75 – 99 sq. ft.	96 feet
50 – 74 sq. ft.	83 feet
35 – 49 sq. ft.	67 feet
24 – 34 sq. ft.	56 feet
15 – 24 sq. ft.	47 feet
1 – 14 sq. ft.	36 feet

- g. An ambient light measurement shall be taken using a foot candle meter at some point between the period between 30 minutes past sunset and 30 minutes before sunrise with the sign turned off to a black screen. Immediately following the ambient light measurement, an operating sign light measurement shall be taken with the sign turned on to full white copy. The brightness of a sign conforms to the brightness requirements of this subsection if the differences between the ambient light measurement and the operating sign light measurement is three-tenths foot candles or less.
- h. All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

#### **17.56.140 – Permits required**

- a. If a sign requiring a permit under the provisions of this chapter is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection or modification of a sign in accordance with the requirements of this chapter.
  1. The following modifications to a legally installed and maintained sign shall be considered maintenance and shall not require a sign permit:
    - i. Updating phone number, street address, and other contact information in order to ensure that such information is current.
    - ii. Adding, changing or removing changeable content on a sign designed to accommodate such changeable content.
    - iii. Any and all maintenance as required in §17.56.170 (b) of this chapter.
- b. No signs shall be erected in the public right-of-way except in accordance with Sections 17.56.060 and 17.56.080.
- c. No sign permit of any kind shall be issued for an existing or proposed sign unless the sign is consistent with the requirements of this chapter (including those protecting existing signs) in every respect and/or any other approvals in effect for the property such as a common signage plan, master plan, or master sign plan.
- d. Placement of a sign in a public utility easement is subject to an approved encroachment agreement providing for the installation, maintenance, and removal of the sign.

#### **17.56.150 – General permit procedures**

The following procedures shall govern the application for, and issuance of, all sign permits under this chapter, and the submission and review of common signage plans and master sign plans:

- a. Applications. All applications for sign permits of any kind and for approval of a common signage plan shall be submitted to the community development department on an application form provided by the department, and shall contain or have attached thereto the following information:
  1. Name, address and telephone number and/or email address of the applicant;
  2. Name of person, firm, corporation or association installing sign;
  3. Written consent of the owner of the building, structure or lot to which or on which the sign is to be installed;
  4. A copy of the lease for property on which the sign is to be installed.
  5. Two copies of the sign plans and specifications, which shall be submitted as either original or printed ink drawings or photocopies, or digitally as pdf, or both, and shall include:
    - i. Location of building, structure, or lot to which or upon which the sign is to be attached or installed;
    - ii. Position of the sign or other advertising structure in relation to nearby buildings or structures; and
    - iii. Method of construction and attachment to the building or in the ground.
  6. Any electrical permit required and issued for the sign. The application requesting the electrical permit for the proposed sign must accompany sign permit application; and

- b. Fees. A sign permit is not valid until such time that the applicable fees set forth by Section 17.56.240 have been paid.
- c. Completeness. Within five working days of receiving an application for a sign permit, the Director shall review it for completeness. If the Director finds that it is incomplete, the Director shall notify the applicant within five days of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this chapter.
- d. Action. Within 10 working days of the submission of a complete application for a sign permit, the Director shall either:
  - 1. Issue the sign permit, if the sign conforms in every respect with the requirements of this chapter and of the applicable common signage plan; or
  - 2. Reject the sign permit if the sign fails in any way to conform to the requirements of this chapter. In case of a notice of rejection, the Director shall specify in the rejection the section or sections of the chapter or applicable plan with which the sign is inconsistent.
- e. Action on common signage plan. On any application for approval of a common signage plan, the Director shall take action on the applicable one of the following dates:
  - 1. Fifteen working days after the submission of a complete application if the application is for signs for existing buildings; or
  - 2. On the date of final action on any related application for building permit, site plan or development plan for signs involving new construction.
  - 3. On or before the applicable date, the Director shall either:
    - i. Approve the proposed plan if the sign as shown on the plan and the plan itself conform in every respect with the requirements of this chapter; or
    - ii. Reject the proposed plan if the sign as shown on the plan or the plan itself fails in any way to conform to the requirements of this chapter. In case of a rejection, the Director shall specify in the rejection the section or sections of the chapter with which the plan is inconsistent.
    - iii. Action on master sign plans. On any application for approval of a master sign plan, the Planning and Zoning Board shall review the request at a regularly scheduled meeting within 30 working days of receipt of a complete application. The Board shall either approve or disapprove the request.
- f. If work authorized under a sign permit has not been completed within six months after the date of issuance, the permit shall become null and void.

#### **17.56.160 – Measurement Standards**

- a. For a wall sign that is framed, outlined, painted, or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.
- b. For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, etc.) or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which

comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape shall not be included in the total area of a sign.

1. The surface area of a mansard roof shall be included in total area of wall, if the mansard roof is to be utilized for the placement of wall signs.
- c. For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
1. A pole or other structural support unless such is intentionally illuminated or otherwise designed to constitute a display device, or a part of a display device.
  2. Architectural features that are either part of the building or freestanding structure and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.
- d. Computation of area of multi-faced signs:
1. For signs with two display faces back-to-back, on which both faces advertise the same business, the area of only one face shall be considered the sign face area.
  2. For signs with two display faces back-to-back, on which each face advertises a separate business, the area of both faces added together shall be considered the sign face area.
  3. For all signs other than freestanding signs, when the message is applied to a background which provides no border or frame for the sign content, the sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and other elements of the sign message.
- e. Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
1. Existing grade prior to construction; or
  2. The newly established grade after construction, exclusive of any filling, boring, mounding, or excavating solely for locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
- f. Determining building frontages and frontage lengths.
1. Building unit. The building unit is equivalent to the tenant space. The frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.
  2. Primary and secondary frontage. The frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.
    - i. The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
    - ii. The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or frontage or primary parking area that are not designated as the primary building frontage by subsection (f)(2)(i) of this section.
- g. Length of building frontage.

1. The length of any primary or secondary building frontage as defined herein shall be the sum of all lengths parallel, or nearly parallel, to such frontage, excluding any wall length determined by the Department as clearly unrelated to the frontage criteria.
2. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.
3. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

#### **17.56.170 – Design, construction and maintenance**

All signs shall be designed, constructed and maintained in accordance with the following standards:

- a. Construction. All signs, as defined in this chapter, shall be installed and constructed, placed and supported in such manner so they will not be or become dangerous to the general public or to surrounding property. It shall be the responsibility of the Zoning Enforcement Officer to determine, prior to the issuance of any certificate of acceptance, that any sign installed, constructed or structurally altered is of such construction and is so supported and installed as to be safe for the area in which it is placed.
- b. Maintenance. Complete maintenance is required for all signs, whether or not in existence prior to adoption of the ordinance codified in this chapter. Maintenance shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, rusting, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to conform to the requirements and contents of the sign permit issued for its installation and provisions of this chapter.
- c. Removal of unused sign support structures. Removal is required if a sign or sign structure meets any of the following conditions. Failure to remove such sign shall be considered a violation this chapter and shall be subject to the enforcement standards in Section 17.56.220:
  1. Vacant and/or unused sign support structures, angle irons, sign poles or other remnants of old signs, which are not currently in use, or proposed for reuse.
  2. Obsolete or abandoned signs which no longer advertise a currently existing business or product sold.
  3. Any sign or sign structure that has become so dilapidated as to be a menace to the public.
- d. The numerical address of the business/development shall be placed upon freestanding signage.
- e. No additions, tag sign streamers, attention-getting devices or other appurtenances shall be attached to any sign structure or sign panel.
- f. Illumination of signs may be direct or indirect; however, all lighting shall comply with the State of New Mexico Night Sky Protection Act or other applicable city regulations.

#### **17.56.180 – Nonconforming signs**

- a. Except as may be provided by the terms of this section, signs lawfully established before the effective date of new regulations may continue to be displayed without modifications to their dimensions, appearance or location, notwithstanding the effect of any more restrictive regulation. As used herein, “modification” shall not include maintenance as defined in 17.56.170(b) herein.

- b. The following signs shall be subject to all of the regulations contained in this chapter:
1. Any nonconforming sign established without complying with the sign code in effect at the time the sign is established;
  2. Any nonconforming sign that has been discontinued or abandoned for a period of at least 90 days, or which has been destroyed or damaged to an extent greater than 50% of its in-place replacement cost;
  3. Any nonconforming sign that is a part of a remodel or expansion that requires such sign to be relocated;
  4. Any temporary sign;
  5. Any sign which is unsafe or which is a hazard to the public.

**17.56.190: Sign districts established**

The various zoning districts within Chapter 17.36 have been grouped together and classified as sign districts. Sign districts therefore need not represent specific zoning districts and may represent unique geographical areas. The Community Development Director is responsible for determining which the most applicable sign district for any lot is. More than one sign district may apply to a lot if the lot has more than one street frontage. In that case, the most restrictive district policy shall apply. On the tables in 17.56.200 in this chapter, the headings have the following meanings:

SFR. This sign district includes the following zones: A-R, R-R, R-1, R-3, and M-H. This sign district additionally includes all residential uses in the S-U zone district and the TOD-R zone district, and any non-conforming residential use in any commercial zone.

MFR. This sign district includes the R-2 zone, as well as all multi-family residential uses in the TOD-R zone district and the S-U zone district, and any multi-family use, whether legally non-conforming or approved by a designated use permit, in any commercial zone.

COM/INS. This sign district includes all commercial or institutional uses in the C-1 and C-2 zones, and also includes all commercial or institutional uses in the S-U zone district.

IND. This sign district includes the M-1 zone and all industrial uses in the M-1 zone.

MU. This sign district is established for the TOD-MU zone.

**17.56.200: Signs by type and sign district  
(Refer to Table attached hereto)**

**17.56.210 – Violations**

Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies provided in Section 17.56.220:

- a. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing the sign or the lot on which the sign is located;
- b. To install, create, erect, or maintain any sign requiring a permit without a permit;
- c. To fail to remove any sign that is installed, created, erected or maintained in violation of this chapter, or for which the sign permit has lapsed; or

- d. To continue any violation. Each day of a continued violation of this chapter shall be considered a separate violation when applying the penalty portions of this chapter.

#### **17.56.220 – Enforcement, remedies**

- a. The Community Development Department shall have the authority to enforce the regulations of this chapter. Signs found to be in violation per Section 17.56.210 shall be subject to the following enforcement procedures:
  1. The property owner shall receive a written notice outlining a compliance limit of ten working days. Failure to remedy the violation or comply with the provisions of this chapter within ten working days shall constitute a misdemeanor.
  2. Conviction of such misdemeanor shall result in a fine of not less than fifty dollars or more than five hundred dollars.
  3. Should the property owner fail to remedy the violation in question within the ten-day compliance limit, the Community Development Department is authorized to enter upon the property and cause to be removed such sign and all expenses incident thereto shall be paid by the owner of the property, building or structure to which such sign is attached. A lien for the cost of the removal shall be assessed against the property from which it is removed. The reasonable cost of the removal shall constitute a lien against the sign and the real property on which it is located. The lien shall be foreclosed in the manner provided in sections 3-36-1 through 3-36-6 NMSA 1978.
  4. Should the violation require additional remedies, the following may additionally apply:
    - i. Issuing a stop-work order for all work on any signs on the same lot;
    - ii. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign or correction of the non-conformity;
  5. The city shall not be responsible for damages to confiscated signs.
- b. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in or maintains such violation may be found guilty of a separate offense and suffer the penalties provided in this section.
- c. The city shall have other remedies as are and as may from time to time be provided for or allowed by state law or municipal ordinances for the violation of this chapter.

#### **17.56.230 – Fees**

Sign permit fees for primary signs, as defined by 17.56.050, shall be assessed as follows:

- a. Minimum permit fee: Twenty-five dollars (\$25)
- b. Additional fee determined by square footage: For all signs exceeding thirty-two square feet in area, an additional ten cents (\$0.10) shall be charged per excess square foot. Area shall be calculated by standards described in 17.56.160.

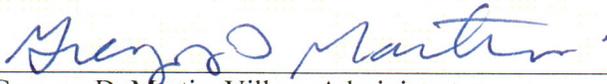
**PASSED, APPROVED, SIGNED, AND ADOPTED THIS 19<sup>th</sup> DAY OF DECEMBER, 2019.**



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Charles Griego, Mayor  
Village of Los Lunas

ATTEST:



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Gregory D. Martin, Village Administrator  
Village of Los Lunas

§17.56.200: Signs by type and district: Sign Table

SIGN TYPE	SFR	MFR	COM/INS	IND	MU (1) (2) (3)
<b>PERMANENT SIGNS ON PRIVATE PROPERTY</b>					
ARCADE/HANGING (4)	Not allowed	Not allowed	1 sign up to 12 ft <sup>2</sup> per tenant space	1 sign up to 12 ft <sup>2</sup> per tenant space	1 sign up to 4 ft <sup>2</sup> per street level business, situated between 7.5' and 11' above pedestrian walkway, made of wood or material simulating wood, oriented perpendicular to adjacent wall of business identified, attached in a manner so as to prevent swinging.
WALL	Not allowed	Not allowed	Shall not exceed 30% of wall area. 1 sign per front entrance and 1 sign per wall.	Shall not exceed 30% of wall area. 1 sign per front entrance and 1 sign per wall.	Shall not exceed 30% of wall area. 1 sign per front entrance and 1 sign per wall. Up to 1' projection into public right-of-way provided bottom edge of sign is 8' or more above curb or sidewalk grade.
AWNING (5)	Not allowed	20% of awning at leasing office building only	20% of awning for each tenant space or building	20% of awning for each tenant space or building	1 sign per street level business façade, up to 50% of awning valence area, centered on awning valence.
BUILDING IDENTIFICATION (6)	Not allowed	1 sign up to 4 ft <sup>2</sup> per building	1 sign up to 4 ft <sup>2</sup> per building	1 sign up to 4 ft <sup>2</sup> per building	1 sign up to 4 ft <sup>2</sup> per building
BUILDING MARKER (7)	1 sign up to 1 ft <sup>2</sup> per lot	1 sign up to 1 ft <sup>2</sup> per building	1 sign up to 3 ft <sup>2</sup> per building	1 sign up to 3 ft <sup>2</sup> per building	1 sign up to 3 ft <sup>2</sup> per building
HOME OCCUPATION WALL SIGN	1 sign up to 4 ft <sup>2</sup>	1 sign up to 4 ft <sup>2</sup>	N/A	N/A	N/A
CANOPY	Not allowed	Not allowed	Sign area on perpendicular face of building	Sign area on perpendicular face of building	Sign area on perpendicular face of building
DIGITAL/EMS (8)	Not allowed	Not allowed	Max 50 ft <sup>2</sup> message area, 8 seconds minimum per display. Max 1 EMS per development.	Max 50 ft <sup>2</sup> message area, 8 seconds minimum per display. Max 1 EMS per development.	Not allowed
DIGITAL OFF-PREMISES ADVERTISING SIGNS	Not allowed	Not allowed	Max 242 ft <sup>2</sup> sign area (11' x 22'), 24' max height. Distance per section 17.56.120	Max 242 ft <sup>2</sup> sign area (11' x 22'), 24' max height. Distance per section 17.56.120	Not allowed
OFF-PREMISES ADVERTISING SIGNS	Not allowed	Not allowed	1 sign up to 32 ft <sup>2</sup>	1 sign up to 32 ft <sup>2</sup>	Not allowed
BULLETIN BOARDS	Not allowed	Not allowed	1 sign up to 16 ft <sup>2</sup> , 6 ft in height	1 sign up to 16 ft <sup>2</sup> , 6 ft in height	1 sign up to 16 ft <sup>2</sup> , 6 ft in height
INCIDENTAL	Not allowed	Not allowed	1 sign up to 4 ft <sup>2</sup>	1 sign up to 4 ft <sup>2</sup>	1 sign up to 4 ft <sup>2</sup>

SIGN TYPE	SFR	MFR	COM/INS	IND	MU (1) (2) (3)
TIME AND TEMPERATURE	Not allowed	Not allowed	Permitted per 17.56.050	Permitted per 17.56.050	Permitted per 17.56.050
DIRECTIONAL/SAFETY	Permitted per 17.56.050	Permitted per 17.56.050	Permitted per 17.56.050	Permitted per 17.56.050	Permitted per 17.56.050, up to 20 ft <sup>2</sup> total aggregate sign area allowed per business.
MUNICIPAL/TRAFFIC	Permitted per 17.56.050	Permitted per 17.56.050	Permitted per 17.56.050	Permitted per 17.56.050	Permitted per 17.56.050
MARQUEE	Not allowed	Not allowed	Allowed on perpendicular face of marquee	Allowed on perpendicular face of marquee	Allowed on perpendicular face of marquee
FREESTANDING MONUMENT	1 sign up to 12 ft <sup>2</sup> , 10 ft in height	1 sign up to 12 ft <sup>2</sup> , 10 ft in height	1 sign per street frontage, not to exceed the smaller of (1) the linear width of the lot in square feet or (2) 200 ft <sup>2</sup> . Signs shall not exceed 20 ft in height. A minimum of 100 ft shall be maintained between freestanding signs on subject property and adjacent properties.	1 sign per street frontage, not to exceed the smaller of (1) the linear width of the lot in square feet or (2) 200 ft <sup>2</sup> . Signs shall not exceed 20 ft in height. A minimum of 100 ft shall be maintained between freestanding signs on subject property and adjacent properties.	1 sign up to 32 ft <sup>2</sup> , 10 ft in height, with enclosed base
SUBDIVISION MONUMENT	1 sign up to 64 ft <sup>2</sup>	1 sign up to 64 ft <sup>2</sup>	1 sign up to 64 ft <sup>2</sup>	1 sign up to 64 ft <sup>2</sup>	1 sign up to 32 ft <sup>2</sup>
FREESTANDING PEDESTAL/PYLON (9) (10) (11)	Not allowed	1 sign up to 12 ft <sup>2</sup> , 10 ft in height	1 sign per street frontage, not to exceed the smaller of (1) the linear width of the lot in square feet or (2) 200 ft <sup>2</sup> . Signs shall not exceed 20 ft in height. A minimum of 100 ft shall be maintained between freestanding signs on subject property and adjacent properties.	1 sign per street frontage, not to exceed the smaller of (1) the linear width of the lot in square feet or (2) 200 ft <sup>2</sup> . Signs shall not exceed 20 ft in height. A minimum of 100 ft shall be maintained between freestanding signs on subject property and adjacent properties.	Not allowed
FREESTANDING SIGNS ON PAD SITES	Not allowed	Not allowed	1 sign up to 32 ft <sup>2</sup> , 5 ft in height	1 sign up to 32 ft <sup>2</sup> , 5 ft in height	1 sign up to 32 ft <sup>2</sup> , 5 ft in height, when designed as a monument with an enclosed base.
PROJECTING (12)	Not allowed	Not allowed	1 sign per tenant space, or 1 per freestanding business, up to 12 ft <sup>2</sup> , max projection 5 ft.	1 sign per tenant space, or 1 per freestanding business, up to 12 ft <sup>2</sup> , max projection 5 ft.	1 sign per tenant space, or 1 per freestanding business, up to 12 ft <sup>2</sup> , max projection 5 ft.
REVOLVING	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
ROOF	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed

SIGN TYPE	SFR	MFR	COM/INS	IND	MU (1) (2) (3)
WINDOW (13)	Not allowed	Not allowed	Permitted per 17.56.050	Permitted per 17.56.050	Street level businesses: Max 2 signs, not to exceed the smaller of 15% of the window area or 9 ft <sup>2</sup> . Upper floor businesses: Max 1 sign, not to exceed 15 ft <sup>2</sup> , not directly illuminated.
ILLUMINATED	Not allowed	Permitted	Permitted	Permitted	Except for illuminated clocks and thermometers, illuminated signs shall be turned off at 11pm or closing, whichever is later. No illuminated sign shall be located as to shine directly into adjacent conforming residential property.
FLAGS (14)	Permitted	Permitted	Permitted	Permitted	Permitted
TEMPORARY SIGNS IN THE PUBLIC RIGHT-OF-WAY (Sections 17.56.060 and 17.56.080 are applicable to these signs)					
SUBDIVISION DIRECTIONAL	6 signs per builder, per subdivision; signs not to exceed 8 ft <sup>2</sup>	6 signs per builder, per subdivision; signs not to exceed 8 ft <sup>2</sup>	6 signs per builder, per subdivision; signs not to exceed 8 ft <sup>2</sup>	6 signs per builder, per subdivision; signs not to exceed 8 ft <sup>2</sup>	6 signs per builder, per subdivision; signs not to exceed 8 ft <sup>2</sup>
DIRECTIONAL KIOSK	Refer to Section 17.56.080				
OPEN HOUSE	4 signs up to 3 ft <sup>2</sup> , 3 ft in height within 1/2 mile of open house	4 signs up to 3 ft <sup>2</sup> , 3 ft in height within 1/2 mile of open house	4 signs up to 3 ft <sup>2</sup> , 3 ft in height within 1/2 mile of open house	4 signs up to 3 ft <sup>2</sup> , 3 ft in height within 1/2 mile of open house	4 signs up to 3 ft <sup>2</sup> , 3 ft in height within 1/2 mile of open house
GARAGE SALE (15)	4 signs up to 3 ft <sup>2</sup> , 3 ft in height within 1/2 mile of garage sale	4 signs up to 3 ft <sup>2</sup> , 3 ft in height within 1/2 mile of garage sale	4 signs up to 3 ft <sup>2</sup> , 3 ft in height within 1/2 mile of garage sale	4 signs up to 3 ft <sup>2</sup> , 3 ft in height within 1/2 mile of garage sale	4 signs up to 3 ft <sup>2</sup> , 3 ft in height within 1/2 mile of garage sale
ALL OTHER SINGLE EVENTS	4 signs up to 3 ft <sup>2</sup> , 3 ft in height per approved single event	4 signs up to 3 ft <sup>2</sup> , 3 ft in height per approved single event	4 signs up to 3 ft <sup>2</sup> , 3 ft in height per approved single event	4 signs up to 3 ft <sup>2</sup> , 3 ft in height per approved single event	4 signs up to 3 ft <sup>2</sup> , 3 ft in height per approved single event
TEMPORARY SIGNS ON PRIVATE PROPERTY (Sections 17.56.050 and 17.56.070 are applicable to these signs)					
SIGNS REQUIRED BY LAW	Permitted per 17.56.050				
OPEN HOUSE	3 signs up to 3 ft <sup>2</sup> , 3 ft in height, on approach routes to property	3 signs up to 3 ft <sup>2</sup> , 3 ft in height, on approach routes to property	3 signs up to 3 ft <sup>2</sup> , 3 ft in height, on approach routes to property	3 signs up to 3 ft <sup>2</sup> , 3 ft in height, on approach routes to property	3 signs up to 3 ft <sup>2</sup> , 3 ft in height, on approach routes to property
REAL ESTATE	1 sign not to exceed 12 ft <sup>2</sup> and 10 ft in height per street frontage for listed property	1 sign not to exceed 12 ft <sup>2</sup> and 10 ft in height per street frontage for listed property	1 sign not to exceed 32 ft <sup>2</sup> and 10 ft in height per street frontage for listed property	1 sign not to exceed 32 ft <sup>2</sup> and 10 ft in height per street frontage for listed property	1 sign not to exceed 32 ft <sup>2</sup> and 10 ft in height per street frontage for listed property
GARAGE SALE	Permitted on private property per Section 17.56.070				
DEVELOPMENT/CONSTRUCTION	1 sign, on site, up to 32 ft <sup>2</sup>	1 sign, on site, up to 32 ft <sup>2</sup>	1 sign, on site, up to 32 ft <sup>2</sup>	1 sign, on site, up to 32 ft <sup>2</sup>	1 sign, on site, up to 32 ft <sup>2</sup>

SIGN TYPE	SFR	MFR	COM/INS	IND	MU (1) (2) (3)
SUBDIVISION IDENTIFICATION	1 sign per principal entrance to a subdivision, not to exceed 64 ft <sup>2</sup> , and not to remain for more than 6 months within fifty feet of a residential dwelling.	1 sign per principal entrance to a subdivision, not to exceed 64 ft <sup>2</sup> , and not to remain for more than 6 months within fifty feet of a residential dwelling.	1 sign per principal entrance to a subdivision, not to exceed 64 ft <sup>2</sup> , and not to remain for more than 6 months within fifty feet of a residential dwelling.	1 sign per principal entrance to a subdivision, not to exceed 64 ft <sup>2</sup> , and not to remain for more than 6 months within fifty feet of a residential dwelling.	1 sign per principal entrance to a subdivision, not to exceed 64 ft <sup>2</sup> , and not to remain for more than 6 months within fifty feet of a residential dwelling.
VEHICLE SIGNS	Allowed when on licensed, operable vehicle, actively used in typical daily functions.	Allowed when on licensed, operable vehicle, actively used in typical daily functions.	Allowed when on licensed, operable vehicle, actively used in typical daily functions.	Allowed when on licensed, operable vehicle, actively used in typical daily functions.	Allowed when on licensed, operable vehicle, actively used in typical daily functions.
MOBILE BILLBOARDS	Not allowed	Not allowed	Mobile billboards may not be parked, except for lunch from 12:00 pm to 1:00 pm, on any property except where it may be legally parked for storage.	Mobile billboards may not be parked, except for lunch from 12:00 pm to 1:00 pm, on any property except where it may be legally parked for storage.	Mobile billboards may not be parked, except for lunch from 12:00 pm to 1:00 pm, on any property except where it may be legally parked for storage.
A-FRAME/PORTABLE	Not allowed	Not allowed	Individual signs not to exceed 2 ft wide and 4 ft high, so long as such signs do not block sidewalks or rights-of-way, and do not obstruct the vision of any driver who may be entering the roadway.	Individual signs not to exceed 2 ft wide and 4 ft high, so long as such signs do not block sidewalks or rights-of-way, and do not obstruct the vision of any driver who may be entering the roadway.	Not allowed
FLAGS (FLEX-POLE) - MODEL HOME	1 flag per model home.	3 flags per development below 5 acres, 6 flags per development above 5 acres.	N/A	N/A	Not allowed
FLAGS (FLEX-POLE) - SUBDIVISION PROJECT	4 flags per subdivision along the exterior boundary of the subdivision.	3 flags per development below 5 acres, 6 flags per development above 5 acres.	N/A	N/A	Not allowed
FLAGS (FLEX-POLE) ON NON-RESIDENTIAL LOTS	N/A	N/A	Up to 12 ft <sup>2</sup> sign area per business, shall be located on the lot in which the business is located	Up to 12 ft <sup>2</sup> sign area per business, shall be located on the lot in which the business is located	Not allowed
BALLOONS/AIR-FILLED	Not allowed	Maximum 1 balloon 50 ft <sup>2</sup> sign area, not to exceed a height of 100 ft provided placement is set back from the property line a minimum of 1 ft for every 1 ft of height	Maximum 1 balloon 50 ft <sup>2</sup> sign area, not to exceed a height of 100 ft provided placement is set back from the property line a minimum of 1 ft for every 1 ft of height	Maximum 1 balloon 50 ft <sup>2</sup> sign area, not to exceed a height of 100 ft provided placement is set back from the property line a minimum of 1 ft for every 1 ft of height	Not allowed
PENNANTS/STREAMERS	Not allowed	1 linear ft per linear ft of street frontage, 14 ft min verticle clearance	1 linear ft per linear ft of street frontage, 14 ft min verticle clearance	1 linear ft per linear ft of street frontage, 14 ft min verticle clearance	Not allowed

SIGN TYPE	SFR	MFR	COM/INS	IND	MU (1) (2) (3)
BANNERS - PUBLIC EVENTS	Not allowed	Permitted up to 1 week prior and 72 hours following event to which banner refers.	Permitted up to 1 week prior and 72 hours following event to which banner refers.	Permitted up to 1 week prior and 72 hours following event to which banner refers.	Permitted up to 1 week prior and 72 hours following event to which banner refers.
BANNERS - PRIVATE EVENTS (16)	Not allowed	Permitted up to 1 week prior and 72 hours following event to which banner refers. Allowed once per quarter in any year.	Permitted up to 1 week prior and 72 hours following event to which banner refers. Allowed once per quarter in any year.	Permitted up to 1 week prior and 72 hours following event to which banner refers. Allowed once per quarter in any year.	Permitted up to 1 week prior and 72 hours following event to which banner refers. Allowed once per quarter in any year.
BANNERS - GRAND OPENINGS	Not allowed	Permitted up to 30 days prior and 72 hours following grand opening event.	Permitted up to 30 days prior and 72 hours following grand opening event.	Permitted up to 30 days prior and 72 hours following grand opening event.	Permitted up to 30 days prior and 72 hours following grand opening event.
COLLECTION BOX SIGNS	Permitted per 17.56.050	Permitted per 17.56.050	Permitted per 17.56.050	Permitted per 17.56.050	Permitted per 17.56.050

1. Not more than one sign is permitted for any one premises with street frontage of fifty feet or less. A composite group of small signs integrated into one framed unit shall constitute one sign.
2. No 1 sign face shall exceed 32 ft<sup>2</sup>, and the total aggregate sign face area for all signs for one property shall not exceed 132 ft<sup>2</sup>.
3. Businesses with frontage on more than one street shall be allowed an additional 50% sign face area for the secondary frontage.
4. Arcade signs located within a plaza shall not count against wall signage and are permitted in addition to wall signage.
5. Awning signs shall not count against wall signage and are permitted in addition to wall signage.
6. Shall not count against wall signage and are permitted in addition to wall signage.
7. Shall not count against wall signage and are permitted in addition to wall signage.
8. Digital signs shall be limited to freestanding signs and in accordance with Section 17.56.130. All existing digital signs shall come into compliance with this chapter as it pertains to animation and brightness within 90 days of the effective date of the ordinance codified in this chapter. Digital signs shall not be located within 40 feet of a residential zone.
9. Any freestanding sign shall be set back a minimum of 3 ft from existing or planned sidewalks.
10. The highest point of a freestanding sign located on property which abuts both a controlled access highway and a state or federal numbered highway may not exceed 20 ft above the plane of pavement of the highest road at that intersection.
11. Regional shopping centers, industrial parks, or institutional uses such as government complexes, may install freestanding signs at major intersections of entrance and exits bordering their development.
12. Projecting signs shall be counted towards wall signage, shall not project beyond a pedestrian walkway, and shall not be permitted within 300 ft of a residence.
13. Window signs shall not count against wall signage and are permitted in addition to wall signage.
14. Must be installed in accordance with all applicable regulations including but not limited to building permits.
15. A maximum of six garage sales per year is permitted per individual or premises. Garage sale signs shall include an address.
16. Banners bearing advertising matter shall be considered a wall or freestanding sign, depending upon mounting, and shall meet all regulations pertaining thereto.