

ORDINANCE NO. 1996-04

AN ORDINANCE PERTAINING TO SIGNS AND BILLBOARDS: ESTABLISHING CERTAIN SIZE AND LOCATION REQUIREMENTS; PROVIDING A PENALTY; AMENDING CERTAIN APPLICATION REQUIREMENTS AS SET FORTH ON ARTICLE II, SECTION IV, SECTION V, SECTION VI, SECTION VII OF THE INTERIM DESIGN AND DEVELOPMENT ORDINANCE AND SECTION VII-C - LIGHT INDUSTRIAL SECTION.

BE IT ENACTED BY THE GOVERNING BODY OF THE COUNTY OF RIO ARRIBA.

Section 1. SHORT TITLE. -- This Ordinance may be cited as the "Signs and Billboards Ordinance of the County of Rio Arriba".

Section 2. PURPOSES. -- The purpose of the Signs and Billboards Ordinance of the County of Rio Arriba is to promote the safety, comfort and well-being of street users; to reduce distractions and obstructions from signs; to preserve and enhance the natural scenic beauty and other aesthetic features of private drives; and to generally create and foster a more stable and attractive roadside environment.

Off-premises advertising signs of thirty-two (32) square feet or less will allow businesses to provide information to the public without having the destructive effects on the aesthetic assets of Rio Arriba County that larger off-premises advertising signs would have.

Control construction of off-premises advertising signs while the Board of County Commissioners is engaged in the process of planning for its future, developing a Comprehensive Plan, Comprehensive Zoning Ordinance and other land use regulations may cause the proliferation of uses which adversely affect the health, safety and general welfare of the citizens of Rio Arriba County.

This Ordinance will promote and comply with Electric Cooperative's Policies on attaching of signs, posters, or other materials to their poles or structures, which they manage, for the safety protection and welfare of Cooperative employees.

For the intent of this Ordinance - Cooperatives will be:

Jemez Mountain Electric Co-op
Northern Rio Arriba Electric Co-op
Kit Carson Electric Co-op

Section 3. DEFINITIONS. -- As used in the Signs and Billboards Ordinance of the County Rio Arriba:

- A. "Activity" means the specific use or uses to which a premises is put;
- B. "Billboard" means a structure on which is portrayed information not necessarily related to other uses permitted on the lot, but not including painted walls and/or any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale which is remote from said display;
- C. "Erect" includes to build, construct, assemble, affix, attach, create, paint or draw;
- D. "Ground sign" means a sign which is directly and permanently supported, and physically separated from any other structure;
- E. "Person" includes any individual, firm, association, organization, partnership, trust company or corporation, but does not include a governmental entity;
- F. "Premises" means one or more parcels of land which are in the same ownership and contiguous;
- G. "Projecting sign" means a sign which is attached to a wall and extends more than eighteen (18) inches at a ninety (90) degree angle from the wall and clears the ground or sidewalk by at least eight (8) feet;
- H. "Public way" means any way designated for vehicular use and maintained with public funds;
- I. "Roof sign" means a sign which is displayed above the eaves of a building;
- J. "Sign" means any letter, symbol, number or combination thereof which is visible from the traveled portion of a public way;
- K. "Sign area" means the area of the smallest square, rectangle, triangle, circle of combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders, but excluding the structural supports;
- L. "Visible" means capable of being seen without visual aid by a person of normal visual acuity; and
- M. "Wall sign" means a sign which is attached flat to, painted on or pinned away from the wall and does not project more than eighteen inches (18") from the wall;

Section 4. PERMITS REQUIRED. --If a sign and billboard requiring a permit under the provision of this ordinance is to be placed, constructed, erected,

or modified (where proposed change, repair, or maintenance would constitute an expense of more than 50% of the lesser of the original value or replacement value of the sign), on a lot, the occupant of the lot shall secure a sign permit prior to any work. No signs shall be erected in the public right-of-way except in accordance with Article II and Section I of the Interim Design and Development Regulation System. No sign permit of any kind shall be issued to any sign contractor or promoter for a proposed sign unless a current New Mexico or Rio Arriba Business License is provided and such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Signage Plan in effect for the property.

Section 5. GENERAL RESTRICTIONS. --

- A. Any sign, provided:
 - (1) It is located on private property and advertises, identifies, or directs to a use currently conducted on the same premises, and such Business must have a valid Business Permit for the advertisement.
- B. No sign shall be attached to any tree, fence or utility pole or be painted upon or otherwise directly affixed to any rock, ledge or other natural feature.
- C. No sign shall be erected:
 - (1) At any location where, by reason of position, shape, wording or color, it interferes with or obstructs the view of pedestrian or vehicular traffic; or
 - (2) Which may be confused with any authorized traffic sign, signal or device.
- D. All signs and their supporting structures shall be maintained to prevent rust, rot, peeling or similar deterioration.
- E. Any sign, which advertises, identifies or pertains to an activity no longer in existence shall be removed by its owner or the person otherwise responsible within thirty (30) days from the time the activity ceases existence. This provision does not apply to seasonal activities during the regular periods in which they are closed. Political or special use signs used during elections or special announcements will not be allowed on public road easements. Private property rights will be protected when permission is granted from the landowners. Such signs shall be removed within seven (7) days after the activity has occurred and no longer needed.
- F. No sign shall:
 - (1) Have visible moving parts;

- (2) Have blinding, moving or glaring illumination; or
 - (3) Consist of banners, pennants, ribbons, streamers or similar devices.
- G. No sign shall be erected:
- (1) Within any public right-of-way; or
 - (2) Closer than ten (10) feet to any lot line which is not a boundary with a public right-of-way.
- H. A premise may display an illuminated sign only during those hours, which the premise is open to the public.

Section 6. STANDARDS. --

- A. No more than three (3) signs shall be displayed on any premise.
- B. No individual sign shall:
 - (1) Contain more than thirty-two (32) square feet of sign area; or
 - (2) Have a height greater than twenty-five (25) feet above the ground level or, if the sign is a roof sign, be more than ten (10) feet above the roof of the building.
- C. No ground sign which contains more than twenty-five (25) square feet of sign area shall be closer than fifty (50) feet to any other ground sign on the same premises which contains more than twenty-five (25) square feet of sign area.
- D. Wall signs shall occupy no more than forty (40) percent of the wall to which they are attached or affixed.
- E. Roof signs shall only be displayed in place of wall signs, and are subject to the same space limitation.
- F. Projecting signs shall not extend above the second floor.
- G. Nonconforming Signs Existing on Effective Date:
 - (1) A permanent sign which 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, or construction is not in conformance with the requirements of this ordinance on the effective date, shall be allowed to remain in place. Such signs, which were made nonconforming by the adoption of this ordinance, shall be allowed to remain in place and be maintained provided that no action is taken which increases the degree or extent of the nonconformity. Such

signs are also subject to the provisions of Section VII, Sub-Section C-A of the Interim Design and Development Regulation System. A change in the information on the face of an existing nonconforming sign is allowed. However, any nonconforming sign shall either be eliminated or made to conform with the requirements of this Ordinance when any proposed change, repair, or maintenance would constitute an expense of more than 50% of the lesser of the original value or replacement value of the sign.

Section 7. PENALTY. -- Any person violating any provision of the Signs and Billboards Ordinance of the County of Rio Arriba shall be fined not more than one hundred dollars (\$100). Each day that a violation is permitted to exist after notification constitutes a separate offense.

Section 8. SAVINGS CLAUSE. -- The Signs and Billboards Ordinance of the County of Rio Arriba does not apply to any sign lawfully in existence at the time of its adoption, and the use of any such sign may continue. Normal maintenance and repairs are permitted, but the sign shall not be altered, enlarged or rebuilt except in conformance with the Signs and Billboards Ordinance of the County of Rio Arriba.

Section 9. SEVERABILITY. -- If any part or application of the Signs and Billboards Ordinance of the County of Rio Arriba is held invalid by a court of competent jurisdiction, the remainder, or its application to other situations or persons, shall not be affected.

Section 10. EFFECTIVE DATE. -- The Signs and Billboards Ordinance of the County of Rio Arriba shall become effective thirty (30) days after sign and publication as provided by law.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE COUNTY OF RIO ARRIBA that no permanent or movable off-premises advertising signs and billboards no greater than thirty-two (32) square feet in size, not including supports, may be constructed or granted building permits in Rio Arriba County with permission from Rio Arriba Planning and Zoning Department and Planning Committee.

This ordinance shall take effect thirty (30) days from passage affecting off-premises advertising signs/billboards and towers.

PASSED, ADOPTED, and SIGNED this 29th day of February, 1996.

COMMISSIONERS **BOARD OF COUNTY**

Ray Tafoya, Chairman

Alfredo Montoya, Member

Arthur Rodarte, Member

ATTEST:

David Chavez, County Clerk

THIS ORDINANCE IS EFFECTIVE (March 29, 1996).

**Recorded and filed in the County Clerks office at 12:45 o'clock p.m.
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