

**Chapter 20  
SIGNS**

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## Chapter 20 SIGNS

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### ARTICLE I. IN GENERAL

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#### Sec. 20-1 Purpose and Intent.

The purpose of these sign regulations is to prescribe standards for the location, design, color, illumination, height and size of all types of signs within the City of Aztec in order to protect the unique natural beauty and small town character of the City, our primary asset. This article also intends to promote the following:

1. To encourage the effective use of signs as a means of communication for the convenience of the public by preventing their over concentration, improper placement, and excessive size.
2. To maintain and enhance the aesthetic environment while promoting creativity and the City's ability to attract sources of economic development and growth.
3. To minimize the possible adverse effect of signs on nearby public and private property.
4. To protect and enhance the small town character of the City by requiring existing, new and replacement signage which is:
  - Creative and distinctive;
  - Compatible with its surroundings;
  - An integral component of the style and character of the building to which it relates;
  - Appropriate to the type of activity to which it pertains;
  - Expressive of the identity of individual proprietors or of the community as a whole, and;
  - Appropriately sized for its context.
5. To enable the fair and consistent enforcement of these sign restrictions.
6. To preserve and protect the public health, safety and general welfare.  
(Code 2007, 20-1)

#### Sec. 20-2. Applicability.

1. A sign may be erected, placed, established, painted, created or maintained in the city only in conformance with the standards, procedures, exemptions and other requirements of this chapter.
2. The effect of this chapter as more specifically set forth is to:
  - (1) Establish a permit system to allow a variety of signs in commercial and industrial districts and a limited variety of signs in other districts, subject to the standards and the permit procedures of this chapter;

- (2) Allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter, but without a requirement for permits;
- (3) Provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;
- (4) Prohibit all signs not expressly permitted by this chapter; and
- (5) Provide for the enforcement of the provisions of this chapter.  
(Code 2007, 20-2)

### **Sec. 20-3. Enforcement.**

1. Authority. The "code enforcement officer" is hereby authorized and directed to enforce all the provisions of this chapter. For such purposes the code enforcement officer shall have the powers of a law enforcement officer.
2. Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter or whenever the code enforcement officer or authorized representative(s) has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the code enforcement officer or their authorized representative(s) may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by this chapter, provided that, if such building or premises be occupied, shall first present proper credentials and request entry; and if such building or premises be unoccupied, shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the code enforcement officer or authorized representative shall have recourse to every remedy provided by law to secure entry.
3. Appeals. The ability to appeal is through the variance process as established in Chapter 26 Land Use Regulations.
4. Violations. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any sign or sign structure in this jurisdiction or cause or permit the same to be done contrary to or in violation of any of the provisions of this chapter.
5. Penalty. Any person, firm or corporation violating any provision of this chapter shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during on or which a violation occurs or continues.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 20-3)

### **Sec. 20-4. Exemptions.**

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

1. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;

2. 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 lot line of the lot or parcel on which the sign is located.
3. Traffic control signs on private or public property, such as "Stop," "Yield" and similar signs, the face of which meet Department of Transportation standards, are required by law, and which contain no commercial message of any sort.  
(Code 2007, 20-4)

#### **Sec. 20-5. Violations.**

Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this chapter and by state law:

1. To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit regulating the sign or the lot on which the sign is located;
2. To install, create, erect or maintain any sign requiring a permit without a permit;
3. Failure 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
4. To continue any violation. Each day of a continued violation of this chapter shall be considered a separate violation when applying the penalty portions (Section 20-4-5) of this chapter.  
(Code 2007, 20-5)

#### **Sec. 20-6. Conflict.**

If any portion of this chapter is found to be in conflict with any other provision of any zoning, building, fire safety or health provision of this Code, the provision which establishes the higher standard shall prevail.

(Code 2007, 20-6)

#### **Sec. 20-7. Definitions.**

For the purpose of this Division, all words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.

(Code 2007, 20-7)

##### **Abandoned Sign, Off-Premises**

A sign which advertises goods, products, services or facilities which are no longer available to the public or which sign directs persons to a former location where such goods, products, services or facilities are no longer available.

##### **Abandoned Sign, On-Premises**

A sign which no longer advertises a bona fide business, leaser, owner, product or activity conducted or product available on the premises where such sign is displayed.

**Animated Sign**

Any sign that uses movement or change of lighting to depict action or creates a special effect or scene.

**Awning Sign**

A sign that is attached, mounted or painted on an awning or window/door canopy (Figure 1).

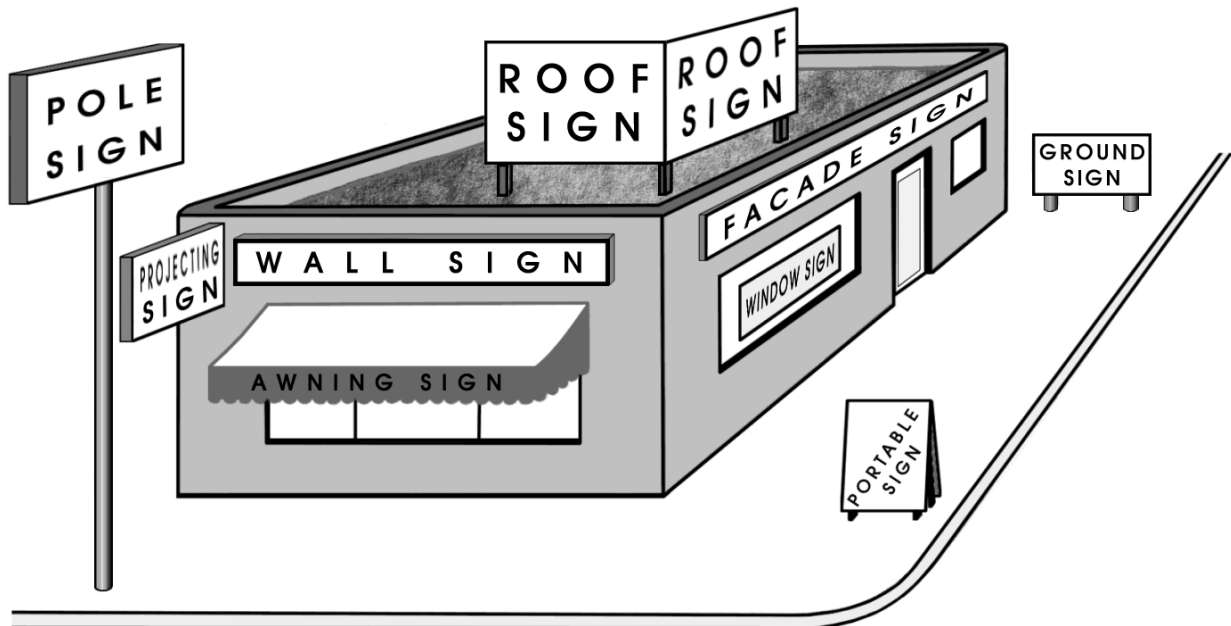


Figure 1. Standard Sign Types.

**Banner**

A temporary sign of lightweight fabric or similar material that celebrates an event, season, community, neighborhood, or district and is sponsored by a recognized community agency or organization. Flags of national, state, municipal, or official institutions or business shall not be considered as banners.

**Billboard**

Also known as "off-premise" or "off-site" it is any sign which directs attention to a business, activity, commodity, service, entertainment or communication which 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 Code**

The Uniform Building Code, promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

**Building Marker**

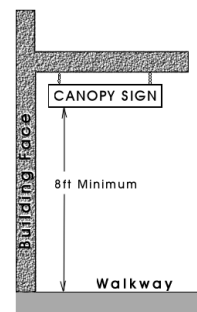
Any sign indicating the name of a building and date and incidental information about its construction and whereby the sign is cut into a masonry surface or made of bronze or other permanent material.

**Building Sign**

Any sign attached to any part of a building as contrasted to a freestanding sign. Known also as wall or façade signs (Figure 1).

**Canopy Sign**

Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy sign. The minimum distance from ground or walk way to the bottom of the canopy sign is eight (8) feet.

**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.

**Construction Sign**

Any sign that posts information regarding a new construction project. Signage is to be limited to one (1) sign per development, shall not exceed thirty-two (32) square feet in total display area, provided that such signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed five (5) days after completion and prior to occupancy. The sign may include on it all firms involved in the project who wish to be advertised (to include licensing numbers where appropriate).

**Code Enforcement Official**

The officer or duly authorized representative charged with the administration and enforcement of these regulations.

**Combination Sign**

Any sign incorporating any combination of the features of pole, projecting and roof signs.

**Curb Line**

The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the edge of roadway.

**Development Sign**

Any sign that identifies a community, subdivision development, apartment complex, town home development, mobile home park complex, or any other residential or commercial complex.

**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.

**Display Surface**

The area made available by the sign structure for the purpose of displaying the advertising message.

**Electric Sign**

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

**Facade Sign**

Any sign attached to or erected against the front wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of such wall (Figure 1).

**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-Mounted Sign**

A sign which projects from the roof or wall of a building perpendicular to a wall surface.

**Freestanding Sign**

Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure. Types of freestanding signs include pole, pedestal, ground, and monument (Figure 1).

**Fin Sign**

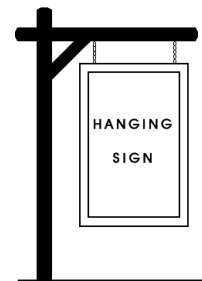
A sign which is supported wholly by a one-story building of an open-air business or by poles placed in the ground or partly by such a pole or poles and partly by a building or structure.

**Ground Sign**

A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground (Figure 1).

**Hanging Sign**

A freestanding sign where by the sign hangs or is supported from an extended arm from the single post.

**Holiday Decoration**

Temporary signs, in the nature of decorations, and associated with any national, local, or religious holiday.

**Home Occupation Sign**

A sign containing only the name and occupation of a permitted home occupation. Requires that the home occupation has a valid and current business license with the City.

**Identification**

Any sign of an identification or of informational nature bearing no advertising.

**Illuminated, Direct**

Illumination which is so arranged that the light is directed into the eyes of the viewer from the light source.

**Illuminated, Indirect**

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

**Illuminated Sign**

Any sign which is illuminated by electric lights or luminous tube located within the interior of the sign.

**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" and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered an incidental sign.

**Landmark Sign**

Any sign of artistic or historic merit, uniqueness, or of extraordinary significance to the community and has been approved by the state or city government.

**Marquee**

A permanent roofed structure attached to and supported by the building and projecting over public property.

**Marquee Sign**

Any sign attached to, in any manner, or made a part of a marquee and is designed to have changeable copy, either manually or electronically.

**Memorial Sign**

A sign, tablet, or plaque memorializing a person, event, structure, or site.

**Monument Sign**

Any freestanding sign which announces the name of a commercial activity but does not exceed seven feet in height. The non-message area of a monument may not exceed the message area by more than 25%.

**Mural**

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

**Nameplate**

A sign located on the premise which gives the name and/or address of the owner or occupant of a building or premises.

**Noncombustible**

A material which, in the form in which it is used, is either one of the following:

- Material of which no part will ignite and burn when subjected to fire. Any material conforming to U.B.C. Standard No. 4-1 shall be considered noncombustible within the meaning of this section.
- Materials having a structural base of noncombustible material as defined in subsection (1) above, with a surfacing material not over one-eighth (1/8) inch thick which has a flame-spread rating of fifty (50) or less.

Noncombustible does not apply to surface finish materials. Materials required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of

high temperature shall refer to material conforming to subsection (1) above. No material shall be classified as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established through the effects of age, moisture or other atmospheric condition. "Flame-spread rating" as used herein refers to a rating obtained according to tests conducted as specified in U.B.C. Standard No. 42-1.

**Nonconforming Sign**

Any sign existing at the effective date of this chapter which does not conform to the requirements of the chapter.

**Off-Premises Or Off-Site Sign**

Any sign which directs attention to a business, commodity, service, sold, offered or existing elsewhere than upon the same lot where the sign is displayed (includes billboards).

**On-Site Sign**

Any sign which directs attention to a business, commodity, service, sold, offered or existing on the same lot where the sign is displayed, provided that an on-site sign may also display a noncommercial message.

**Pedestal Sign**

Any freestanding sign which exceeds seven feet in height and shall not be lower than seven (7) feet from the bottom of the sign to the ground.

**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.

**Plastic Materials, Approved**

Those materials having a self-ignition temperature of six hundred fifty (650) degrees Fahrenheit or greater when tested in accordance with U.B.C. Standard No. 52-3 and a smoke density rating not greater than four hundred fifty (450) when tested in accordance with U.B.C. Standard No. 42-1 in the way intended for use, or a smoke-density rating no greater than seventy-five (75) when tested in the thickness intended for use by U.B.C. Standard No. 52-2. Approved plastics shall be classified as either CC1 or CC2, in accordance with U.B.C. Standard No. 52-4.

**Pole Sign**

A sign wholly supported by a pole in the ground (Figure 1).

**Political Campaign Sign**

A temporary sign announcing or supporting a political candidate(s) or issue(s) in connection with any national, state, or local election.

**Portable Sign**

Any sign not permanently attached to the ground or other permanent structure, or a sign design 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 (Figure 1).

**Private Sale Or Event Sign**

A temporary sign advertising private sales of personal property, such as a "house sales," "garage sales," "rummage sales," "yard sales," and the like, or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows, and Christmas tree sales.

**Projecting Sign**

Any sign affixed to a building or wall in a manner that its leading edge extends more than six (6) inches beyond the surface of the building or wall (Figure 1).

**Projection**

The distance by which a sign extends over public property or beyond the building line.

**Real Estate Sign**

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

**Residential Sign**

A sign or nameplate indicating the name and/or address of the occupants of a residential property.

**Roof Sign**

A sign erected upon or above a roof or parapet of a building or structure (Figure 1).

**Setback**

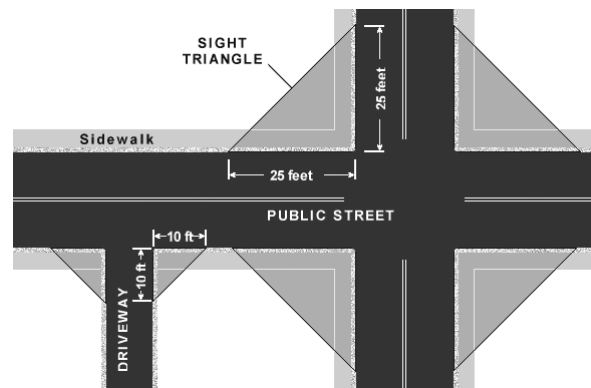
The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

**Shopping Center**

A commercial development on a zone lot which has two or more businesses or tenants.

**Sight Triangle**

A triangular area of unobstructed vision formed by measuring 25 feet from point of street intersection and the vertical elevation between thirty (30) inches and seven (7) feet above the gutter line is not impeded by any objects. For areas where a private road or driveway intersects a public road, the sight triangle is measured at ten (10) feet from the intersection.

**Sign**

Any medium, including its structure and component parts, which is used or intended to be used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location.

**Sign Structure**

Any structure which supports or is capable of supporting any sign as defined in this section. A sign structure may be a single pole and may or may not be an integral part of the building.

**Special Event**

Any event that is authorized and permitted as set forth in city ordinances.

**Structure**

An object which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Subdivision Sign**

Any permanent ground or monument sign placed on private property, in a private easement at the entrance of residential or commercial subdivisions for the purpose of identification of the subdivision, or the occupants, tenants or businesses located within a commercial subdivision.

**Suspended Sign**

Any sign that is suspended from the underside of a porch, awning, or marquee. A canopy sign is a type of suspended sign.

**Temporary Sign**

Any sign that is used only temporarily, is constructed from cloth, canvas, fabric, plywood, or metal, and is not permanently mounted. Portable signs are considered temporary signs.

**U.B.C. Standards**

The Uniform Building Code Standards, promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

**Vehicle Sign**

Any sign placed or painted on any motor vehicle, recreational vehicle, trailer or other moveable device that reasonably indicates the use of the vehicle, trailer or device as a sign. Except where an activity is legally offered, this includes the parking of a vehicle, trailer or device in a manner to constitute a sign, or when vehicles and equipment are used as static displays to advertise a product, service or business.

**Wall Sign**

Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of such wall (Figure 1).

**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 window panes or glass and is visible from the exterior of the window (Figure 1).

**Secs. 20-8 to 20-10. Reserved.**

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**ARTICLE II. RESTRICTIONS AND REQUIREMENTS**

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**Sec. 20-11. Prohibited Signs.**

The following signs are prohibited unless specifically permitted in this chapter or have been permitted through the application permit process or granted through the variance process.

1. All signs constituting a hazard to safety, health or public welfare are prohibited.
2. All signs in districts designated as "Open Space and Recreation" or Federal/State lands are prohibited, except as otherwise provided.
3. Balloons and banners. Balloons or other gas-filled figures or characters and banners are prohibited on the public right-of-way, except as otherwise provided.
4. Flag-mounted signs. Flag-mounted signs are prohibited except as otherwise provided.
5. Miscellaneous signs and posters. The tacking, pasting or otherwise affixing of miscellaneous signs, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences, landscaping, or other structures is prohibited, except as otherwise provided.
6. Moving signs. No sign or any portion thereof shall be permitted which moves or assumes any motion constituting a non-stationary or non-fixed condition except for the rotation of barber poles, changing signs or multi-prism units.
7. Signs which obstruct. Any sign which obstructs:
  - (1) The view of motor vehicle operators, bicyclists and pedestrians entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare; or
  - (2) The free ingress to or egress from a door way, window, fire escape or other required exit.
8. Signs on vehicles. No person shall drive on the public streets any vehicle with a sign that interferes with the vision of the driver of that vehicle or of any other vehicle. Signs painted on or attached to vehicles, trailers, semi-trailers, or cargo containers which are parked conspicuously on the public right-of-way or on private premises for the purpose of circumventing the intention of these regulations shall be considered portable signs and will require permits.
9. Signs on private property. Any sign placed on private property without the property owner's written approval is prohibited.
10. Signs on public property. Any sign placed on City, State, or Federal property is prohibited, except as otherwise provided.
11. Portable signs. Portable or wheeled signs are prohibited except for new business openings. These signs are limited to a use of not more than fourteen (14) days before and fourteen

- (14) days after the opening of the business. Specific display dates shall be established on the required sign permit, available in the Planning Department.
12. Search lights. Whether stationary or revolving, beacons or other devices used for the purpose of advertising or attracting attention are prohibited.
  13. Sandwich board signs. Also known as "A" frame signs, sidewalk or curb signs are prohibited.
  14. Walking signs. Walking signs which include costumed characters used for commercial advertising purposes, which are visible from any public right-of-way or any public area are prohibited, except as otherwise provided.
  15. Other Signs. Are prohibited if they exhibit the following:
    - (1) Bear or contain statements, words or pictures of an obscene or pornographic character.
    - (2) Signs which emit audible sound, odor or visible matter.
    - (3) Signs which operate or employ any stereopticon or motion picture projection or media or have visible moving parts or give the illusion of motion except as expressly permitted in this chapter.
    - (4) Signs which purport to be, or are an imitation of, or resemble an official traffic sign or signal or may be confused with or construed as a traffic control sign, signal or device by reason of their size, location, movement, content, coloring or manner of illumination.  
(Code 2007, 20-11)

### **Sec. 20-12. Computations of Area, Height, and Setbacks.**

The following principles shall control the computation of sign display area, sign height, and sign setbacks:

1. Computation of area of individual signs. The display area for a sign face shall be computed by means of the square, circle, rectangle, triangle or combination that encompasses writing, decoration, representation, emblem or other display. The display area does not include any supporting framework, bracing or decorative fence or wall when the fence or wall otherwise meets land use regulations and is clearly incidental to the display itself.
2. Computation of area of multi-faced signs. The display area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when the sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of only one of the faces.
3. 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, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot be reasonably 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 on a public street.
- (3) In the case of sloping topography, the normal grade shall be the average of the lowest and highest grade elevations.
4. Computation of setbacks. For field purposes the setback measurement is taken from back edge of side walk which is the edge furthest away from curb, gutter and street. If a sidewalk is not present, back of curb, or street edge will be used for the point of reference. All freestanding signs (pole, ground, monument signs) located near the intersection of two or more streets shall be located in such a way as to not interfere with the sight triangle. Additional setback distance may be required if physical circumstances warrant such requirements.  
(Code 2007, 20-12)

### **Sec. 20-13. Sign Area Restrictions.**

Sign area is restricted based upon the land use district in which the sign is to be located.

1. A-1: Agricultural/Rural. Maximum of twenty (20) square feet of sign and limited to one (1) sign per five (5) acres of land. Signs which are appropriate for such lots are signs related to agricultural or horticultural businesses or uses associated with the land. For example, a sign advertising a fresh produce stand. Any other form of signage not listed under Section 20-21 will require a variance.
2. R-1: Single-family Residence.
  - (1) *Home Occupation Signs:* Maximum of two (2) square feet, attached to the building, and limited to one (1) per building.
  - (2) *Development Sign:* A maximum of twenty (20) square feet and one sign unit per entrance of development. A sign which is placed on both sides of an entrance will be considered one sign unit and will have the same sign area restriction of twenty (20) square feet.
  - (3) *Other Sign:* Any other form of signage not listed under Section 20-21 will require a variance.
3. R-2: Multiple-family Residence.
  - (1) *Home Occupation Signs:* Maximum of two (2) square feet, attached to the building, and limited to one (1) per residential unit.
  - (2) *Development Sign:* A maximum of twenty (20) square feet and one (1) per entrance of development. A sign which is placed on both sides of an entrance will be considered one sign unit and will have the same sign area restriction of twenty (20) square feet.

- (3) *Other Sign*: Any other form of signage not listed under Section 20-21 will require a variance.
4. MH: Mobile Home.
- (1) *Home Occupation Signs*: Maximum of two (2) square feet, attached to the building, and limited to one (1) per residential unit.
- (2) *Development Sign*: A maximum of twenty (20) square feet and one (1) per entrance of development. A sign which is placed on both sides of an entrance will be considered one sign unit and will have the same sign area restriction of twenty (20) square feet.
- (3) *Other Sign*: Any other form of signage not listed under Section 20-21 will require a variance.
5. O-1: Office and Institutional. A maximum total of twenty (20) square feet of sign area for signs related to the business(es) of the office or institution. Wall signs must occupy no more than thirty (30) percent of the wall to which they are attached or affixed.
6. C-1: Light Commercial. A maximum total of one hundred (100) square feet of sign area for signs related to the business(es) and not to exceed two (2) signs per building. Wall signs must occupy no more than thirty (30) percent of the wall to which they are attached or affixed.
7. C-2: General Commercial. A maximum total of one hundred-twenty (120) square feet of sign area for signs related to the business(es) and not to exceed two (2) signs per building. Wall signs must occupy no more than thirty (30) percent of the wall to which they are attached or affixed.
8. M-1: Manufacturing. A maximum total of one hundred-twenty (120) square feet of sign area for signs related to the business(es) and not to exceed two (2) signs per building. Wall signs must occupy no more than thirty (30) percent of the wall to which they are attached or affixed.
9. M-2: Manufacturing. A maximum total of one hundred-twenty (120) square feet of sign area for signs related to the business(es) and not to exceed two (2) signs per building. Wall signs must occupy no more than thirty (30) percent of the wall to which they are attached or affixed.
10. PUD: Planned Unit Development. Total sign area will be contingent upon the type of development proposed. Sign applications and permits will be incorporated in the PUD development review process.  
(Code 2007, 20-13)

#### **Sec. 20-14. Sign Height Restrictions.**

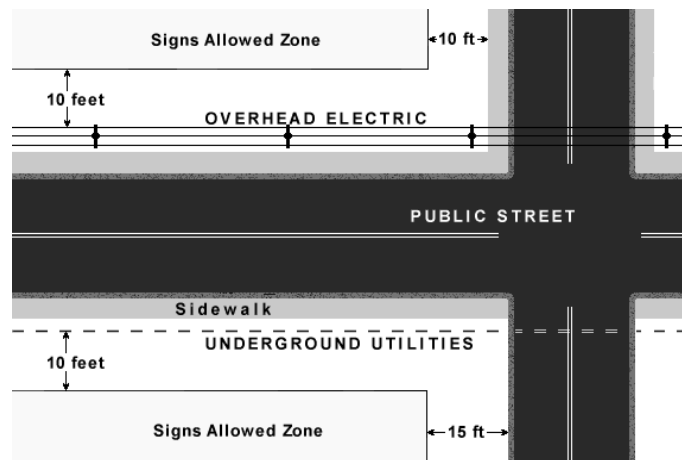
Sign height is restricted based upon the land use district in which the sign is to be located.

1. A-1: Agricultural/Rural. Maximum sign height of sixteen (16) feet. Roof signs are not permissible.

2. R-1: Single-family Residence. Maximum sign height of eight (8) feet. Roof signs are not permissible.
3. R-2: Multiple-family Residence. Maximum sign height of eight (8) feet. Roof signs are not permissible.
4. MH: Mobile Home. Maximum sign height of eight (8) feet. Roof signs are not permitted.
5. O-1: Office and Institutional. Maximum sign height of eight (8) feet. Roof signs are not permissible.
6. C-1: Light Commercial. Maximum height of thirty (30) feet. Roof signs are permissible but may not extend more than ten (10) feet above the roof crest of the building.
7. C-2: General Commercial. Maximum height of thirty (30) feet. Roof signs are permissible but may not extend more than ten (10) feet above the roof crest of the building.
8. M-1: Manufacturing. Maximum height of thirty (30) feet. Roof signs are permissible but may not extend more than ten (10) feet above the roof crest of the building.
9. M-2: Manufacturing. Maximum height of thirty (30) feet. Roof signs are permissible but may not extend more than ten (10) feet above the roof crest of the building.
10. PUD: Planned Unit Development. Maximum sign height will be contingent upon the type of development proposed.  
(Code 2007, 20-14)

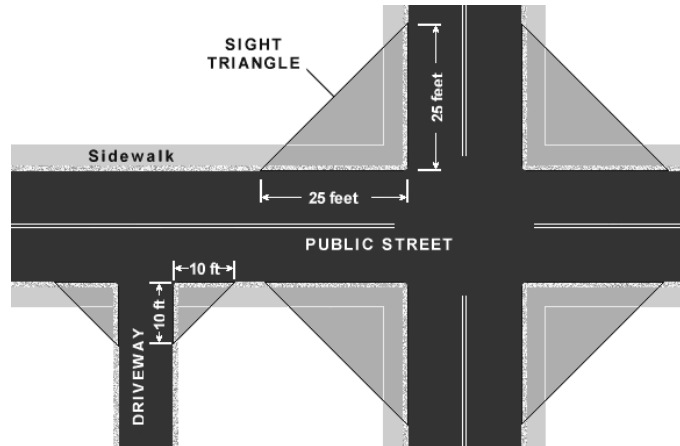
### Sec. 20-15. Sign Setback Restrictions.

1. All permanent signs (free standing, ground, monumental, or pole) shall be located a minimum of ten (10) feet from back of sidewalk or when sidewalk is absent fifteen feet (15) from back of curb or street edge. Excluded from this setback restriction is Main Avenue within the Historic Downtown District, that part of Main Avenue which is between Llano Street and Blanco Street.



- (1) In situations where overhead, electric utilities are present, permanent signs are to be located a minimum of ten (10) feet horizontally and twelve (12) feet vertically from the outer extent of electrical lines.
- (2) For underground utilities, permanent signs will be located a minimum of ten (10) feet from centerline.
- (3) For traffic safety, all permanent and temporary signs located near the intersections of public streets and/or private roads or driveways shall be located in such a way as to not interfere with the sight triangle area. The sight triangular area is formed by measuring

twenty-five (25) feet along both curb or street edge lines from their intersection or ten (10) feet from the intersection of a public street and private street or driveway with a vertical distance between thirty (30) inches and seven (7) feet remaining unobstructed.  
(Code 2007, 20-15)



### Sec. 20-16. Sign Design, Construction and Maintenance.

The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this chapter. All signs shall be designed, constructed and maintained in accordance with the following standards:

1. All signs shall comply with the applicable provisions of the Adopted Building and Electrical Code of the City at all times.
2. All signs shall be maintained in good structural and visual condition, in compliance with all building and electrical codes, and in conformance with this chapter, at all times.
3. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this chapter, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
4. The numerical address of the business/development should be placed upon freestanding signage.
5. All free standing signs which incorporate lighting will be served with underground utility service.

(Code 2007, 20-16)

### Sec. 20-17. Signs on Public Property or in Public Right-of-Ways.

1. No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on public property except as expressly authorized by these regulations.
2. No sign shall be placed over or across any street or public thoroughfare except:
  - (1) *Projecting Signs*. Projecting signs may project no farther than two (2) feet from the curb line.
  - (2) As expressly authorized by these regulations.

3. No sign shall be allowed in the public right-of-way or state highway medians, except for the following:
  - (1) *Permanent signs.* Permanent signs that include: public signs erected by or on behalf of a governmental body to post legal notices, governmental approved community signs (Adopt-A-Highway), 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; informational signs of a public utility regarding its poles, lines, pipes or facilities; and signs posting warnings or hazards such as pipelines.
  - (2) *Temporary signs.* Temporary signs for which a variance has been obtained in accordance with these regulations.
  - (3) *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.  
(Code 2007, 20-17)

#### **Sec. 20-18. Abandoned Signs.**

1. On-Premises Signs. Except as otherwise provided in these regulations, any on-premises sign which is located on property which becomes vacant and unoccupied for a period of two (2) months or more, or any sign which pertains to a time event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of two (2) months or more.
2. Permanent Off-Premise Signs. Any off-premise permanent sign (such as billboards) which no longer advertises goods, products, services or facilities available to the public or which directs persons to a different location where such goods, products, services or facilities are not for a period of two (2) consecutive months available shall be deemed to have been abandoned. An abandoned sign shall be removed by the owner of the property on which the sign is located and may be subject to fines.
3. Temporary Signs. Any temporary sign (such as garage sale, yard sale, rummage sale, event advertisement, etc.) which no longer advertises a sale or event that is occurring shall be deemed to have been abandoned. The temporary sign can be removed by the City and the sign maker, owner and/or property owner may be subject to fines.  
(Code 2007, 20-18)

#### **Sec. 20-19. Maintenance.**

All signs and sign support structures, together with all of their supports, braces, and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Failure to maintain signs and allow for disrepair is considered a violation and subject to citation and or request for removal by the City.  
(Code 2007, 20-19)

**Sec. 20-20. Inspections.**

All signs for which a permit is required shall be subject to inspection. All signs containing electrical wiring shall be subject to the provisions of the governing electrical code, and the electrical components used shall bear the label of an approved testing agency. The City shall order the removal of any sign that is not maintained in accordance with the provisions of this chapter. All signs may be re-inspected at the discretion of the Planning Department.

(Code 2007, 20-20)

**Sec. 20-21. Removal of Signs.****1. Permanent Signs.**

- (1) The City shall cause to be removed any permanent sign that endangers the public safety, such as an abandoned, dangerous, electrically or structurally defective sign, or a sign for which no permit has been issued. The City shall prepare a notice describing the violation. The property owner on which the sign is located on shall have ten (10) work days to repair or remove the sign.
- (2) All notices mailed by the City shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the mailing of the certified mail. The notice shall be mailed to the owner of the property on which the sign is located. If any of such persons are unknown or cannot be found, notice shall be mailed to such persons' last known addresses, if any, and posted on the sign or on the premises.
- (3) Any person having an interest in the sign or the property may appeal the determination of the City in removing or ordering compliance by filing a written notice of appeal with the Planning Department within the seven (7) day period after receipt of the notice. Notwithstanding the above, in cases of emergency, the City may cause the immediate removal of a dangerous or defective sign without notice.

**2. Temporary Signs.**

- (1) The City shall have the authority to remove, without notice, any temporary sign within the public right-of-way or state highway median that is not permitted and that violates this chapter. Such signs include, but are not limited to: private or commercial for sale signs, yard/garage/rummage sale signs, advertisement signs, etc.

(Code 2007, 20-21)

**Sec. 20-22. Disposal of Signs; Costs.**

Any sign removed by the City pursuant to the provisions of this article shall be considered refuse and become the property of the City. The City shall dispose of the sign as it deems appropriate. The cost of removal, storage and/or disposal of the sign by the City shall be considered a debt owed to the City by the owner of the sign and/or the owner of the property and may be recovered in appropriate court action by the City. The cost of removal shall include any and all incidental expenses, including legal fees, incurred by the City in connection with the sign's removal, storage and/or disposal.

(Code 2007, 20-22)

**Sec. 20-23. Legal Nonconforming Signs.**

1. Notification of nonconformity. After the enactment of this chapter, the Planning Department shall, as soon as practicable, survey the city for signs which do not conform to the requirements of this chapter. Upon determination that a sign is nonconforming, the Planning Department shall use reasonable efforts to so notify, either personally or in writing, the user or owner of the property on which the sign is located of the following: the sign's non conformity and whether the sign is eligible for characterization either as legal nonconforming or unlawful. If the sign owner, user or owner of the property cannot be located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.
2. Signs eligible for characterization as legal nonconforming. Any sign located within the city limits on the date of adoption of this chapter, or located in an area annexed to the city thereafter, which does not conform with the provisions of this chapter, is eligible for characterization as a "legal nonconforming" sign if the sign was in compliance with applicable law on the date of adoption of this chapter.
3. Loss of legal nonconforming status. A legal nonconforming sign shall immediately lose its legal nonconforming designation if:
  - (1) The sign is altered in any way in structure, which tends to or makes the sign less in compliance with the requirement of this chapter than it was before the alteration; or
  - (2) The sign structure is relocated to a position making it less in compliance with the requirements of this chapter; or
  - (3) The sign (except for copy on a changeable copy sign) is replaced; or
  - (4) Twelve (12) months from the date of adoption of this ordinance, or twelve (12) months after an area has been annexed to the city.

On the happening of any one (1) of subsections (1), (2), (3) or (4) above, the sign shall be immediately brought into compliance with this chapter with a new permit secured therefor, or shall be removed.

4. Maintenance and repair. Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way which makes it more nonconforming.

(Code 2007, 20-23)

**Secs. 20-24 to 20-30. Reserved.**

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**ARTICLE III. PERMIT AND APPLICATION REQUIREMENTS**

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**Sec. 20-31. Permits Required.**

A sign shall not hereafter be erected, re-erected, constructed, altered or maintained except as provided by this chapter and after a permit for the same has been issued by the Planning Department. A permit shall be required for each business entity or a group of signs with multiple businesses if part of a single supporting structure. In addition, electrical permits shall be obtained from the Electric Department for all signs requiring electricity.

(Code 2007, 20-31)

**Sec. 20-32. Application Required.**

Application for a sign permit shall be made in writing upon forms furnished by the Planning Department. Such application shall contain the name and address of the property owner, the business or individual requesting the sign, sign contractor information, and the application must be signed by the owner of the property. The Planning Department shall also require a signage plan with the completed application.

(Code 2007, 20-32)

**Sec. 20-33. Signage Plan.**

1. Plan required. No permit shall be issued for a sign requiring a permit until a signage plan has been submitted to the Planning Department for review and approval. A signage plan shall 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 shall be processed simultaneously with other applications and plans. The signage plan shall minimally include the following:
  - (1) An accurate plot plan of the lot showing the location of all buildings, parking lots, driveways and landscaped areas on the lot;
  - (2) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, including approximate location and type of incidental signs;
  - (3) Details regarding the materials being used in the construction of the sign and if electricity is required that an electrical permit be acquired;
  - (4) An elevation diagram of the proposed signage showing its artistic design, wording, lighting, size, shape, colors, supporting structure, and general measurements;
  - (5) Computation of the maximum total sign display area, the maximum display area for individual signs, the height of signs and the number of freestanding signs allowed on the lot included in the plan under this chapter; and
  - (6) A specific maintenance plan which addresses maintenance schedule and responsible parties.
2. Amendment. A signage plan may be amended by filing a new plan that conforms with all requirements of the chapter then in effect. If any new or amended signage plan is filed for a

property on which existing signs are located, it shall include a schedule for bringing into conformance, within one (1) year, all signs not conforming to this chapter in effect on the date of submission.

3. **Binding Effect.** After approval of a master or common signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with the plan, and the plan may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of a plan and any provision of this chapter, the chapter shall control.  
(Code 2007, 20-33)

### **Sec. 20-34. Exemptions.**

The following signs shall not require a sign permit and are permitted in all districts, providing that they are not prohibited in Section 20-11. These exemptions shall not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance regulating the same. Conflict with any other restriction or requirement in this chapter. In the event of conflict, the more stringent regulation will take precedence.

1. The changing of the advertising copy or message on a painted or printed sign only.
2. Painting, repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.
3. **Banner signs.** Refers to temporary (Ten (10) days or less), cloth or similar material made signs that celebrates an event, season, community, or neighborhood and is sponsored by a recognized community agency or organization (chamber of commerce, school district, municipality, etc). Installation of over-street and light pole banner signs will be completed by City Staff. Display of banners will be limited to the following:
  - (1) Hanging banners on the light poles located on the medians along Aztec Boulevard and Main Avenue.
  - (2) Over street banner across the public right-of-way shall be limited to three (3) feet in height and thirty (30) feet long and shall meet the criteria set forth in the *Over Street Banner Policy*. This policy establishes a guideline for scheduling, banner dimensions, material, reinforcement, wind relief, and installation. A copy of the policy can be obtained from either the Planning Department or the Electric Department.
4. **Bumper Stickers.** Bumper stickers or similar expressions of speech affixed to motor vehicles.
5. **Civic Events Posters and Announcements.** Posters, flyers and announcements promoting civic events may be displayed, but shall not contain advertisements for products or services not associated with the civic event. Displays of civic events announcements shall not be placed on the exterior of a building or structure.
6. **Construction signs.** Two (2) construction sign per new construction project not exceeding thirty-two (32) square feet in display area, provided that such signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has

been issued, shall be confined to the site of construction, and shall be removed five (5) days after completion and prior to occupancy.

7. Directional or instructional signs. Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed four (4) square feet in display area. Signs identifying restrooms, public telephones, walkways; or signs providing direction such as parking lot entrance and exit signs and those of similar nature are included and do not require permits.
8. Flags. Flags with pennant or insignia of any nation, organization of nations, state, province, county, city, any religious, civic or fraternal organization, or educational institution are permitted; provided, that a temporary sign permit shall be required when such flags are used in connection with a commercial promotion or as an advertising device. Flag poles shall not exceed maximum height regulations set forth in the City Code, Chapter 26 - Land Use Regulations.
9. Governmental signs. Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of a public officer in the performance of their public duty.
10. Holiday/Seasonal Decorations or Displays. Holiday or seasonal decorations or displays that are temporary and non-commercial and are clearly incidental or customary and commonly associated with any national or local holiday or season event are permissible; provided, that such decorations or displays are maintained in an attractive condition and do not constitute a fire hazard. Such displays may be of any type, area, height, illumination or animation; so long as it does not interfere with public safety and meets the height and setback restrictions as stipulated in these regulations.
11. House numbers and nameplates. House numbers shall be three (3) inches or larger and nameplates shall not exceed two (2) square feet in display area for each residential building. The sign shall not contain any advertisement.
12. Incidental signs. Up to four (4) incidental signs, as defined in this regulation, may be attached to a freestanding sign structure or to a building wall. The area of each sign shall not exceed two (2) square feet in display area; the combined total area of all such signs may not exceed eight (8) square feet in display area.
13. Interior signs. Signs located within the interior of any building, shopping center, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theatre, that are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications as set out in this chapter.
14. Kiosks. Kiosks are permissible in all districts provided that the owner of the kiosk and property has gone through the Planning Department, submitted an application, been approved, and received a permit.
15. Lead-In signs. Temporary off-premise signs used to direct vehicular traffic for the purpose of announcing a garage/yard/rummage sale or an open house announcing the sale of a

specific home or residential unit within the City limits, may be located in any zoning district subject to the following regulations:

- (1) Such signs shall not be displayed for more than three (3) consecutive days. Any sign displayed in excess of three (3) consecutive days shall be deemed as refuse and subject to removal by the City.
  - (2) Such signs shall be posted only when a sales person is on duty for each specific sale or event.
  - (3) Signs shall not exceed three (3) square feet in area and thirty (30) inches in height and shall not be illuminated.
  - (4) Such signs shall be placed so as not to create a traffic hazard, as determined by the City. Such signs shall not be placed in State or City right-of-way, traffic medians, public sidewalks or bicycle paths.
  - (5) Such signs shall not be attached to any trees, fences, utility poles, light posts, street signs, or any other public facility located within City or State right-of-way.
  - (6) Signs placed on private property must have permission of the property owner.
  - (7) No more than four (4) signs shall be displayed for each sale or event specified.
  - (8) Located on a bulletin board or area specifically designed and provided by the City of Aztec.
  - (9) All Lead-In Signs must have the name, address and phone # of the owner of the sign.
16. Memorial signs. Memorial signs or tablets, cornerstones, historic plaques, names of buildings and dates of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material and mounted in such a way as to not cause any physical impedance to public traffic or visibility are permissible.
17. Notice bulletin boards. Notice bulletin boards not over sixteen (16) square feet in display area for medical, public, charitable or religious institutions where the same are located on the building face of such institutions.
18. No trespassing or no dumping signs. No trespassing or no dumping signs not to exceed one and one-half (1-1/2) square feet in display area per sign and not to exceed four (4) in number per lot, except that special permission may be obtained from the Planning Department for additional signs under special circumstances.
19. Occupant signs. One (1) sign for each dwelling unit not to exceed two (2) square feet in display area indicating the name of the occupant, or identification of a home professional office.
20. Plaques. Plaques or nameplate signs not more than two (2) square feet in display area which are fastened directly to the building.

21. Political and campaign signs. Political or campaign signs on behalf of candidates for public office or measures on election ballots, provided that such signs are subject to the following restrictions:
- (1) Such signs may be erected not earlier than forty-five (45) days prior to the election and shall be removed within seven (7) days following the election. Failure to do so will be considered a violation and subject to fines.
  - (2) No sign shall be located within or over the public right-of-way.
  - (3) The signs shall not exceed eight (8) square feet (i.e. 2 ft by 4 ft) in display area.
22. Public notices. Official notices posted by public officers or employees in the performance of their duties.
23. Public signs. Signs required or specifically authorized for a public purpose by any federal, state, or local law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination or animation required by the law, statute or ordinance under which the signs are erected.
24. Real estate signs. Real estate for sale signs (single or double face) are permitted on any lot or parcel, provided such sign is:
- (1) Located entirely within the property to which the sign applies;
  - (2) Is not illuminated;
  - (3) Does not exceed six (6) square feet in display area per side;
  - (4) Limited to no more than two (2) signs per single lot and parcel; and
  - (5) Removed within seven (7) days after the sale, rental or lease has been consummated.
- Presence of a real estate sign within the public right-of-way will result in the removal of the sign without notification.
25. Signs in the display window. Signs in the display window for a business use which are incorporated with a display relating to services offered or products sold.
26. Special use signs. Signs which identify the following operation or use within a residential district and are limited to a maximum of sixteen (16) square feet in display area and not to exceed eight (8) feet in height:
- (1) Church
  - (2) Nursing or Rest Home
  - (3) Public or Private School
  - (4) Public Park
27. Symbols of insignia. Religious symbols, commemorative plaques of historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque or identification emblem shall exceed four (4) square feet in display area,

and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.

28. Temporary signs. Temporary signs not exceeding six (6) square feet in display area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that such signs:

- (1) Are posted only during such event and no more than ten (10) days before the start of the event and are removed within three (3) days after the end of the event;
- (2) Do not interfere with public safety and meets the height and setback restrictions as stipulated in these regulations; and
- (3) Have written permission from the land owner.

29. Warning signs. Temporary or permanent signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.

(Code 2007, 20-34)

**Sec. 20-35. Fees.**

Excluding those signs specifically stated in Section 20-4, a non-refundable sign permit fee shall be paid in accordance with the following fee table.

Overstreet Banner	C-1, C-2, M-1	\$ 130.00*
Permanent - Commercial	C-1, C-2, M-1, PUD	\$ 25.00
Permanent - Office/Institutional	O-1	\$ 25.00
Permanent - Non-Commercial	A-1, R-1, R-2, MH	\$ 25.00
Temporary	All Districts	\$ 50.00

\* Sign Permit Fee includes the costs of labor and/or material to install and/or remove provided banner.

(Code 2007, 20-35)