

Town of Red River

ORDINANCE NUMBER 2011 - 01

AN ORDINANCE AMENDING ORDINANCE 2000-5, ARTICLE 21 SIGNS SECTIONS A THROUGH P; PROVIDING FOR PENALTY FOR VIOLATION AND AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF RED RIVER, NEW MEXICO THAT:

SECTION 1. AMENDMENT

Article 21 is amended to read as follows:

ARTICLE 21. SIGNS

A. GENERAL PURPOSE

The purpose of ARTICLE 21 is to regulate non-commercial, commercial and event signage, with a comprehensive system of reasonable, effective, consistent and nondiscriminatory sign standards and requirements. ARTICLE 21 identifies sign regulations that detail specifics for signs identifying non-commercial and commercial establishments and events, while maintaining public safety and overall community welfare.

B. OBJECTIVES

These are the objectives of this section:

1. To preserve and enhance the Town as an aesthetically attractive environment that promotes residential, business and vacation activities.
2. To preserve the historically and architecturally unique character of Red River and maintain scenic views when possible.
3. To encourage signage that is compatible and appropriate with surrounding buildings, landscaping and other site features.
4. To establish signs that promote residential and business uses while not concealing or obstructing adjacent land uses or signs.
5. To establish sign size in relation to the scale of the lot and building frontage where the sign is to placed
6. To lessen the confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height and area of all signs that also compete for the attention of pedestrian and vehicular traffic.
7. To curtail the size and number of signs to the minimum reasonably necessary to convey the desired message or identify a commercial or non-commercial establishment or event.

8. To protect the public from the dangers of unsafe signs and require signs to be located, constructed, installed, and maintained in a safe and satisfactory manner.

C. EXEMPT SIGNS

The following signs are exempt from permit requirements, but shall otherwise be in conformance with all requirements contained in ARTICLE 21.

1. Construction signs not exceeding nine square feet in size located on a permitted construction site. Such signs shall be removed within 15 days of completion of all work.
2. Flags-governmental, (i.e., national, state & patriotic (i.e. POW-MIA etc.)
3. Flags-non-governmental, (i.e., sport team flags when obtained from an official licensed supplier) which are limited to no more than one per parcel and shall not contain any advertising. For purposes of this provision, flags containing “open” and “welcome” are considered advertising and are only exempt when displayed during business hours and are removed at the close of each business day.
4. Holiday decorations, which may be erected for no more then forty-five (45) consecutive days per holiday.
5. Non-profit signs
 - a. On-site signs ten (10) square feet or smaller may be displayed for up to thirty (30) days before the sponsored event, and must be removed no more then three (3) days following the event.
6. Political Signs
 - a. Signs six (6) square feet or smaller may be displayed for up to forty-five (45) days before the sponsored political event or election and must be removed no more than three (3) days following the event or election. Only one sign per candidate per lot is allowed and shall be placed on private property with permission of the property owner. Signage within any right -of-way is prohibited except where allowed by state laws.
7. Real Estate Signs
 - a. As allowed in Section M of this Ordinance
 - b. Temporary, Off-site “Open House” Signage
A sign identifying an attended “Open House” event for property that is listed for sale or lease must be removed at the end of each day. For new construction, “Open House” signs shall not be permitted until the building official has issued a certificate of occupancy.
8. Directional and traffic control signs such as VACANCY, PARKING, OPEN, not exceeding three (3) square feet per sign.
9. Short term event banners advertising an event that will last no more than four (4) days that are displayed no more then two (2) days prior to the event and removed by the day after the event ends.

D. PROHIBITED SIGNS

The following signs are prohibited within the Town of Red River:

1. Billboards.
2. Inflatable figures, shapes or mascots used for advertising purposes, unless otherwise permitted herein.
3. Flashing signs with lights or illumination that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations.
4. Non-governmental flags used for advertising purposes, unless otherwise permitted herein.
5. Off-site signs, unless otherwise permitted herein.
6. Search lights or beacons.
7. Signs in the public right-of-way, except authorized traffic control devices or any sign in the highway right-of-way permitted under state law or otherwise permitted herein.
8. Signs that are primarily composed of translucent plastic facing whether internally lit or not, or signs primarily composed of glass facing which are internally lit.

E. SIGN PERMIT REQUIRED

It shall be unlawful for any person to erect within the Town of Red River any sign or other advertising structure without first obtaining a sign permit from the Administrator and signing an affidavit stating the individual or business understands and will comply with the Sign Ordinance, except for those listed as exempt in section C above or any other section of this Article. All signs must comply with the State of New Mexico Sign Code.

Sign permit applications shall contain the following:

1. Name, address and phone number of applicant.
2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
3. Position of sign in relation to nearby building structures.
4. Two blue prints or drawings of the plans and specifications and method or construction and attachment to the building or on the ground.
5. Town and state building permit numbers when applicable.

F. DESIGN, SIZE, SHAPE & INSTALLATION

1. Design - Signs or advertising structures shall conform with the frontier or alpine architecture existing in Red River.
2. Size - The main sign shall not exceed fifty (50) square feet as measured on one side unless otherwise noted herein.
3. Size - Any additional signs shall be limited to a total square footage of one (1) square foot of sign for each linear front foot of business property or linear front footage of the building, whichever is smaller, not to exceed fifty (50) square feet on any one sign as measured on one side.
4. Shape – Signs may be single or double sided.
5. Installation – Shall be done in a professional manner with

supports installed plumb, parallel and square and in compliance with the provisions outlined in the state sign code.

G. LOCATION AND POSITION WITH RESPECT TO BUILDINGS AND PREMISES

1. When signs are located on buildings or on roofs, the sign must not exceed the maximum height of the building to which it is attached.
2. A free-standing sign shall not exceed the building height and no sign shall block visibility of any intersection, roadway or pedestrian walkway.
3. Projecting signs must have their free swing, measured at the lowest point, restricted to a maximum total swing of four (4) inches.
4. The lowest point of a projecting sign must be a minimum of seven (7) feet above any pedestrian accessible area (i.e., walkway, deck, balcony, etc.).

H. LIGHTING

1. All internally lit signs except those covered under number eight (8) of this section must be approved by the Commission.
2. Lighting shall be in conformance with Article 22, Night Sky Protection.
3. No sign shall have or contain blinking, flashing, fluttering, or intermittent lights or other devices, which create a change in color, brightness, direction or intensity of lighting.
4. No sign shall have moving letters or images.
5. Colored lights shall not be used at any location or in any manner so as to be confused with or construed as traffic control devices.
6. The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from an adjacent travel way or closest Municipal Street. The illumination of a sign shall not be noticeably brighter than other lighting in the vicinity.
7. All electrical service for sign lighting shall be as discrete as possible and no over head wiring shall be permitted when the sign is not attached to the building. All such devices, as well as signage using electrical devices, must comply with the New Mexico Electrical and Sign Codes.
8. Neon and LED signs shall be permitted but only up to twenty-five (25) percent of the total square footage of the allowable size for additional signage as in Section F. (not including “open” and “vacancy” signs).

I. MAINTENANCE

Signs will be kept in good repair and maintained in an appropriate and safe manner. Maintenance consisting of painting, cleaning or repairing is required to maintain signs in the same condition and appearance as when originally installed. Signs which are unsightly because they are in disrepair, faded, mutilated, peeling, or otherwise defaced, will be considered to be non-conforming. Non-conforming signs must be brought into conformance or removed within thirty (30) days after receipt of written notice from the Administrator or Commission.

J. OFF PREMISES SIGNS

No free-standing signs shall be erected or maintained off the premises of the advertised business unless approved by the commission, with the following exceptions:

1. A business that is located adjacent to Main Street may request a directional sign from the Town of Red River. The sign shall be ordered by the Town of Red River only, and sold to the business for a fee that is consistent with the actual cost to the Town. Under no circumstances shall a sign be placed on a stop sign post or any street marking post. The Town shall have the authority to remove any sign related to a business that is not currently licensed by the Town of Red River.
2. Open house signs as permitted in section C.

K. REMOVAL OF OBSOLETE BUSINESS SIGNS

Any sign now or hereafter existing which no longer advertise a bona fide business conducted or a product sold, on the premises, shall be taken down or removed by the owner, agent or person having the beneficial use of the building or structure or land upon which such sign may be found within thirty (30) days after written notice from the Administrator or Commission. If the person receiving such order fails to comply with such notice within the time specified in such order, the Administrator or Commission is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, property or structure to which such sign is attached or located. Sign frames may be left in place provided they comply with the maintenance provisions in section I.

L. BANNERS AND TEMPORARY SIGNS

1. Advertising banners, and signs of a temporary nature, shall be allowed for a period not to exceed 15 days per banner, per advertisement, per season. Only one advertisement banner can be up at a time.
 - a. A permit, documenting the days of use for each season, not to exceed fifteen (15) days, shall be submitted to the Administrator upon a form provided by the Administrator prior to use of the banner.
 - b. Advertising banners or signs of a temporary nature must comply with size, maintenance, and off premise signs provision contained within this article.
 - c. Advertising banners, or signs of a temporary nature may not be attached to or leaned against trees, utility poles, or street furniture, and may not obstruct the free flow of pedestrian or vehicular traffic.
 - d. Signs of a temporary nature located within, and interior to a window, are exempt from these regulations.
 - e. Banners may not be used as permanent signs with the exception that a new business may use one (1) for a period of ninety (90) days subject to the below conditions
 1. The banner must be attached securely and taut to a backing board.
 2. The banner then must be framed to conceal the edges.
 3. A sign permit must be filled out.

- f. Existing framed banners must be removed within ninety (90) days of the adoption of this ordinance.
2. Short term event banners advertising an event that will last no more than four (4) days that are placed no more than two (2) days prior to the event and removed by the day after the event, are exempt from the permit requirement.
3. Town wide event banners that generically advertise town-wide events may be displayed without permit. Event banners may be displayed fourteen (14) days before the event, the duration of the event and must be removed within three (3) days following the event.
4. All banners and temporary signs shall comply with maintenance provision as set forth within section I.

M. REAL ESTATE SIGNS

Any sign advertising the sale, rental or lease of the premises upon which they are located shall not require a sign permit however they must meet the following requirements:

1. Signs shall conform to the existing maintenance and off premise regulation as set forth with in this ARTICLE.
2. Signs shall not exceed six (6) square feet in size.
3. There shall be only one (1) sign per advertised property.
4. Signs shall not be attached to or leaned against trees, utilities, poles or street furniture.
5. For Sale signs and For Lease signs must be removed within seven (7) days after the sale or lease contract is completed.
6. For Lease/Rent signs may remain in place for the duration of time the premise is available for lease/ rent.
7. For Lease/Rent signs must be removed within three (3) days after the premise is removed from "For Lease/Rent" status.
8. Any other real estate signs will require approval by the Commission and Council.

N. EXCEPTIONS-APPROVAL BY COMMISSION AND COUNCIL

Any outdoor figure, display, painting, poster/billboard, or similar objects designed, intended or used to attract attention to an advertising structure or to the premises for which the advertising structure is designed and which is not specifically covered in other sections of ARTICLE 21 must be approved by the Commission and Council. Exceptions include:

1. Flags or governmental insignia, excepting when used in commercial display.
2. Illustration of names of occupants, post office box numbers and property numbers when smaller than *two (2)* square foot.
3. Posting legal notification, traffic and other directional signs erected or required to be erected by governmental bodies.

O. NON CONFORMING SIGNS

Any existing sign that is non conforming due to the adoption of these or previous regulations, except existing framed banners, will be required to be brought in to

compliance or removed within thirty (30) days after receipt of written notice from the Administrator or Commission if any of the following circumstances occur:

1. The sign falls into such disrepair that it requires replacement (this does not apply to the replacement of a damaged translucent panel provided it remains the same design).
2. The sign falls down due to disrepair, natural causes (i.e. high winds etc.) or being struck.
3. The sign already exists off premise on land owned by the same owner as the advertised property and either property is sold to a different owner.

Existing Framed Banners:

These signs will be required to be removed within ninety (90) days of the adoption of this Ordinance.

P. SIDEWALK SIGNS

1. Sidewalk Signs defined: A portable sign designed to be placed on a sidewalk or parking lot i.e.: Sandwich board or A-Frame sign.
2. Sidewalk signs will be removed daily, upon close of business.
3. Such signs will not exceed five (5) square feet of surface area per one-side of the sign and ten (10) square feet of surface area as a combination of both sides of the sign.
4. One (1) sidewalk sign is allowed per business.
5. Sidewalk signs shall not interfere with pedestrian or vehicle traffic and must remain off of streets and public sidewalks.
6. Sidewalk signs must comply with the maintenance provisions in Section I.

Q. PENALTY

Any person violating any provision of this Ordinance shall be punished by a fine not to exceed five hundred dollars (\$500.00) and or imprisonment not to exceed ninety (90) days. Each day this Ordinance is violated is a separate offense.

SECTION 2. SEVERABILITY

Should any section of subsection or clause of the Ordinance be found to be in violation of the State Statute or another law or otherwise unenforceable, that section, subsection, or clause shall be deemed severed and the remaining sections (s) shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after passage and publication as provided by law.

PASSED, APPROVED AND ADOPTED THIS 28TH DAY OF, June 2011.

ATTEST:

TOWN OF RED RIVER

GEORGIANA RAE
TOWN CLERK

LINDA CALHOUN
MAYOR