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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2016-40

INTRODUCED BY:

Mayor Javier M. Gonzales

AN ORDINANCE

AMENDING SUBSECTION 14-8.10 OF THE LAND DEVELOPMENT CODE TO PERMIT PLACEMENT AND CONSTRUCTION OF ELECTRONIC READER BOARD SIGNS TO FACILITATE WAYFINDING AND THE DISSEMINATION OF INFORMATION IN REAL TIME ON LOCAL SERVICES, PROGRAMS, ACTIVITIES AND EVENTS IN ACCORDANCE WITH A CITY PROGRAM; AND ESTABLISHING CERTAIN GUIDELINES ON ELECTRONIC READER BOARD SIGNS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Subsection 14-8.10 of the Land Development Code (being Ord. #2008-56 (as amended)) is amended to read:

14-8.10 SIGNS

(A) Purpose; Applicability

(1) Purpose

Section 14-8.10 is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe and

1 attractive environment within the *city*, and the need for effective communications
2 including *business* identification. It is the intent of this section to promote the
3 health, safety, general welfare, and aesthetics of the *city* by regulating signs that
4 are intended to provide reasonable communication to the public to achieve the
5 following specific purposes:

- 6 (a) To eliminate potential hazards to motorists and pedestrians using the
7 public streets, sidewalks, and rights-of-way;
- 8 (b) To safeguard and enhance private investment and *property* values;
- 9 (c) To control public nuisances;
- 10 (d) To protect government investments in public *buildings*, streets,
11 sidewalks, traffic control and utility devices, parks, and *open spaces*;
- 12 (e) To preserve and improve the appearance of the *city* through adherence to
13 reasonable aesthetic principles, in order to create an environment that is
14 attractive to residents and to nonresidents who come to live, visit, work,
15 or trade;
- 16 (f) To facilitate wayfinding and provide real time information on local
17 businesses, services, programs, activities, and events and public access
18 to the internet through wireless technology in accordance with a city
19 wide program.
- 20 ([f]g) To eliminate excessive and confusing sign displays; and
- 21 ([g]h) To encourage signs which by their design are integrated with and
22 harmonious to the surrounding environment and the *buildings* and sites
23 they occupy.

24 (2) Applicability

- 25 (a) No signs intended to be read from off ~~the~~ a *premises* shall be erected or

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constructed without a *building permit*, except as otherwise provided in this section. Except as set forth in paragraph (b) below, all signs in all zoning districts shall conform to the requirements set forth in this section.

(b) Section 14-8.10 shall not apply to *city* banners erected by the *city* or its designee for the purpose of commemorating the four hundred year anniversary of the founding of La Villa Real de la Santa Fe de San Francisco de Asis. The *governing body* shall adopt a resolution regarding the banners providing for such specifics as dates, location, number, design approval process, installation and maintenance.

(B) General Provisions

(1) Sign Illumination

Sign illumination shall be either indirect with the source of light concealed from direct view or shall be through translucent light diffusing materials. There shall be no exposed electrical conduits. ~~[However, outside historic districts and except for landmarks structures, e]~~ Electronic [messaging] reader board signs as set forth in Subsection 14-8.10(C)(5)(b), other electronic messaging signs as set forth in Subsection 14-8.10(C)(5)(c) and electricity activated gas tubing, including neon, [is] are allowed.

(2) Building Permits Required

Building permits shall be secured for all signs, including signs in the historic districts, except where stated otherwise. Electronic reader board signs in the historic districts shall be reviewed and approved by the Historic Districts Review Board in accordance with Subsection 14-8.10(B)(7) prior to issuance of a building permit.

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(3) Setback Requirements Apply

The *setback* requirement for each district shall apply to the *placement* of all signs in that district, except for electronic reader board signs, which shall comply with the setback requirements set forth in Subsection 14-8.10(C)(5)(b).

(4) Maximum Number of Colors and Lettering Styles

For any one sign, including frame and poles, there shall be no more than three colors and no more than two lettering styles, except for electronic reader board signs, which shall comply with the requirements set forth in Subsection 14-8.10(C)(5)(b). At least one of the colors shall match one of the predominant colors in the *building*.

(5) Sign Surface Area

- (a) The net geometric area shall be the area enclosed by the sign, including all elements such as borders or frames, perforated or solid background;
- (b) The area of double-faced *signs* shall be computed for one face only;
- (c) The supports, uprights or structure on which any *sign* is supported shall not be included in determining the *sign* area unless such supports, uprights or structure area is designed in such a manner as to form an integral part of the background of the display, except for electronic reader board signs, which shall comply with the sign surface area requirements set forth in Subsection 14-8.10(C)(5); and
- (d) The area of artificial illumination on a wall of any structure is to be counted as part of the total allowable *sign* area.

(6) Sign Removal

- (a) Any *sign* now or hereafter existing which no longer advertises a bona fide *business* conducted or a product sold shall be taken down and

1 removed by the *owner*, agent or *person* having the beneficial use of the
2 *building, lot* or structure upon which *sign* may be found;

3 (b) Whenever a *sign* is removed from a *building* or structure, the *building* or
4 structure shall be cleaned, painted or otherwise altered, and all *sign*
5 supports, brackets, mounts, utilities or other connecting devices shall be
6 removed so that there is no visible trace of the removed *sign* or the
7 supports, brackets, mounts, utilities or other connecting devices; and

8 (c) Upon failure to comply with the *sign* regulations as set forth in this
9 section, the *city zoning administrator's office* is authorized to cause
10 immediate removal of such *sign*, as follows:

11 (i) For temporary or portable *signs* on the public right-of-way,
12 verbal notification of the *owner* shall be given requesting
13 removal within forty-eight hours. If after this time, the *sign* is
14 not removed, then the *city* shall remove the *sign* at the *owner's*
15 expense;

16 (ii) For noncomplying temporary or portable *signs* on private
17 *property*, written notification of the *owner* shall be given
18 requesting compliance or removal within forty-eight hours. If
19 after this time the *sign* is not removed, then the *city* shall remove
20 the *sign* at the *owner's* expense in an amount to be determined by
21 the zoning administrator;

22 (iii) For noncomplying temporary or portable *signs* creating a threat
23 to health, safety, and welfare, in a visibility triangle, on a
24 sidewalk or for other reasons, the *city* shall immediately remove
25 the *sign* at the *owner's* expense. Once the *sign* is removed, the

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city shall notify the owner;

(iv) For noncomplying temporary or portable signs for which no permit is required as set forth in Subsection 14-8.10(F), the city shall immediately remove the sign at the owner's expense. Once the sign is removed, the city shall notify the owner; and

(v) For noncomplying permanent signs, the regular procedure for noncompliance with the provisions of this chapter shall be followed.

(7) ~~[Reserved]~~ Permit Required

Electronic reader board signs that are part of a city wide program shall require a building permit for their placement and construction, but may be approved under a single permit for signs approved as a group. The placement and basic design of electronic reader board signs located in the historic districts or on or immediately adjacent to a landmark building shall be reviewed and approved by the historic districts review board before issuance of a building permit.

(8) Fines for Violations

(a) Except as set forth in paragraph (b) below, the following are mandatory minimum fines to be imposed by the municipal court for violation of Section 14-8.10 SFCC 1987 upon issuance of a citation by the land use department. The effective date of this paragraph (8) is July 25, 2011.

First violation	\$100
Second violation	\$200
Third and subsequent violations	\$300

(b) The following are mandatory minimum fines to be imposed by the municipal court upon the holder of a business license for violation of

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Subsection 14-8.10(H)(28)(f) or (29) upon issuance of a citation by the land use department. The fines shall be imposed for each day or part of a day that the violation exists. The effective date of this paragraph is October 30, 2012.

First violation	\$250
Second violation	\$500
Third and subsequent violations	\$500 and up to ninety days in jail

(C) Prohibited Signs

(1) ~~[No]~~ Except for electronic reader board signs approved as part of a city-wide wayfinding and information program providing real time access to information about city businesses, activities, events and programs and wireless internet service and as set forth in Subsection 14-8.10(F), no off-site advertising is allowed ~~[except as set forth in Subsection 14-8.10(F)(1)]~~. ~~[The]~~ Unless otherwise allowed under this Section 14-8.10, advertising on any *sign* shall pertain only to a *business*, industry, or pursuit conducted on or within the *premises* on which such *sign* is erected or maintained. For the purposes of determining the number, size, location, or types of *signs* allowed under these *sign* regulations, "*premises*" shall include *contiguous lots* that comprise a unified complex of *buildings* or uses, such as shopping centers; or common access through easements or *rights-of-way*, regardless of whether the *lots* are under common ownership. Where *contiguous lots* exist that do not comprise a unified complex, but where one or more of the *lots* does not have vehicular access to any *street* except via an access easement across a *parcel* which does have direct access to a *street*, the indirect-access *lot(s)* may place a separate freestanding *sign*

1 on the direct-access *lot* in accordance with the restrictions of this chapter subject
2 to the limitations below:

3 (a) No more than two freestanding *signs* shall be permitted on any *lot*,
4 regardless of the number of individual *lots* served by common access;

5 (b) The right to individual *signs* shall be limited to a situation where one or
6 more of the individual *lots* is two hundred (200) feet or more from the
7 primary access road where the *sign* for such *lot* is to be located to such
8 *lot*; and

9 (c) The *lot* or *lots* in excess of two hundred (200) feet from a primary access
10 road are comprised of not less than ten thousand (10,000) square feet.

11 (d) No *lot* or access easement shall be created for the sole or primary
12 purpose of establishing an entitlement for a separate freestanding *sign*.

13 (2) No *signs* shall be erected, relocated or maintained so as to prevent free ingress to
14 or egress from any door, window or fire escape; no *sign* of any kind shall be
15 attached to a standpipe or fire escape.

16 (3) No *sign* or other advertising regulated by this section or Section 14-8.7 of this
17 chapter shall be erected at the intersection of any *street* in a manner which
18 obstructs free and clear vision; at any location where by reason of position, shape
19 or color it may interfere with, obstruct the view of, or be confused with any
20 authorized traffic *sign*, signal or device; or which make use of the words "STOP,"
21 "LOOK," "DANGER," or any other word, phrase, symbol or character in such
22 manner as to interfere with, mislead or confuse traffic.

23 (4) It is unlawful for any *person* to display on any *sign* or *other advertising structure*
24 any obscene, indecent or immoral matter.

25 (5) No *sign* shall be erected or maintained which contains, includes, or is illuminated

1 by any flashing light, electronic change in messages, electronic change in
2 background colors, electronic change in light *intensity*, or electronic video
3 display, except:

4 (a) Those giving public service traffic information such as lane closures,
5 road closures, and detours; ~~and~~

6 (b) Electronic reader board signs that are part of a city-wide program to
7 provide real-time wayfinding and information relating to City services,
8 programs, activities and events, to provide wireless internet services free
9 of charge and to enhance public safety, subject to the following:

10 (i) The number, size and location of each sign shall be approved as
11 part of a city wide program, provided that no one sign shall
12 exceed seven feet in height, three feet in width or two feet in
13 depth, including structural supports, with an active sign surface
14 not to exceed 8 square feet, and that signs in the public right of
15 way or visible from the public right of way are separated by no
16 less than seventy five feet. No sign shall be located so as to
17 interfere with pedestrian traffic or in the visibility triangle at any
18 intersection. Electronic reader board signs shall be ADA
19 accessible.

20 (ii) The structure supporting the active screen and enclosing the
21 mechanical elements necessary for its operation shall not include
22 more than two colors and no more than two images, which may
23 include lettering, one identifying the City of Santa Fe and the
24 other identifying the system. There is no limit on the number of
25 colors used in the active screen messages.

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(iii) The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the electronic message or display is changed to another message or display in response to a query and after the response to a query is complete.

(iv) The message or display shall be changed only in response to a query and after the response to a query is complete. Emergency alerts may be displayed at any time and may be accompanied by audio signal or broadcast message. A change of message shall occur simultaneously for the entire sign face. The time to complete a change from one message to the next shall be no less than 3 seconds.

(v) Electronic reader board signs shall not exceed a maximum illumination of two thousand nits (candelas per square meter) during daylight hours and a maximum illumination of five hundred nits (candelas per square meter) between one-half hour before sunset and one-half hour after sunrise as measured from the sign's face at maximum brightness.

(vi) Electronic reader board signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one-half hour after sunrise.

(vii) Audio speakers may be used only for emergency alerts or to

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accommodate a disability.

(viii) Electronic messaging signs shall use energy efficient lighting such as, but not limited to, LED and compact fluorescents.

(ix) The sign shall contain a default design that will freeze the device in one position if a malfunction occurs.

([b]c) ~~Electronic~~ All other electronic messaging signs subject to the following:

(i) The number, size and location of the sign shall be consistent with all other requirements of Section 14-8.10.

(ii) The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other electronic graphic or video display shall not blink, flash, rotate, scroll, change in illumination *intensity*, or otherwise change in outward appearance, except when the electronic message or display is changed to another message or display.

(iii) The message or display shall be changed no more frequently than once per twenty-four hour period except for clocks and thermometers. This frequency may be exceeded by the public schools for *emergency* and special circumstances.

(iv) Electronic messaging signs shall not exceed a maximum illumination of two thousand nits (candelas per square meter) during daylight hours and a maximum illumination of five hundred nits (candelas per square meter) between one-half hour before sunset and one-half hour after sunrise as measured from the sign's face at maximum brightness.

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(v) Electronic messaging *signs* shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half hour before sunset and one-half hour after sunrise.

(vi) Audio speakers are not allowed with any electronic messaging *sign*.

(vii) Electronic messaging *signs* shall use energy efficient lighting such as, but not limited to, LED and compact fluorescents.

(6) No *sign* shall have movable parts; except that those *signs* or *marquees* having design and construction features for changing of legend or inscription may be approved. The message shall be changed no more frequently than once per twenty-four hour period.

(7) No *sign*, except approved electronic reader board signs approved as part of a city-wide program, shall be erected or maintained on or over public *property*. However, wall *signs* may *project* over a front *property* line where the *building* wall is less than one (1) foot from the *property* line, providing that such a *sign* shall not impede or endanger pedestrian or vehicular traffic and *sign* projects no more than one (1) foot from the *building* wall.

(D) Signs Permitted in All Districts Without a Building Permit

The following *signs* are permitted in any use districts without a *permit*, if the number or area of the *signs* does not exceed that which is allowed:

(1) *Signs* denoting the name and address of the occupants of the *premises*, the number of which shall not exceed three per *premises* and the area of each shall not exceed one (1) square foot.

(2) Professional name plates that shall not exceed three in number per *premises* and

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the area of each shall not exceed one (1) square foot.

(3) *Signs* advertising the sale, lease, or rental of the *premises* upon which the *sign* is located, with a combined total surface area not exceeding four (4) square feet, and in addition, for each one hundred fifty (150) feet of *lot* line adjacent to a public street an additional four (4) square foot *sign* is permitted. If such *signs* are found to be in violation of this chapter, the *city* shall immediately remove the *sign* at the *owner's* expense. Larger *signs* are allowed as set forth in Subsection 14-8.10(F), with a *building permit*.

(4) *Signs* for *home occupation*, the number of which shall not exceed one and the area of which shall not exceed one (1) square foot.

(5) *Signs* for private day-care facilities and kindergartens, the number of which shall not exceed one and the area of which shall not exceed one square foot.

(6) *Signs* denoting the *architect*, engineer, or contractor placed on the *premises* where construction, repair, or renovation is in progress, with a combined total surface area not exceeding four square feet. A larger *sign* is allowed as set forth in Subsection 14-8.10(F), with a *building permit*.

(7) *Signs* for a temporary *garage* or yard sale that shall be located on the *premises* where the sale is conducted, the number of which shall not exceed one and the area of which shall not exceed two square feet.

(E) Permanent Signs: Specific Requirements According to Class of Sign

- (1) Directional or Information Signs or Historic Markers
 - (a) Except for electronic reader board signs, [N]no directional or information *sign* or historic marker shall exceed four (4) square feet
 - (b) Electronic reader board signs shall not exceed size dimensions set forth in Subsection 14-8.10 (C)(5)(b)(i).

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(2) Building- and Wall-Mounted Signs

For *building-* and wall-mounted *signs* where the *sign* bracing is above the level of the roof, the *sign* bracing shall be below parapet walls or screened.

(3) Canopy, Marquee, and Projecting Signs

(a) The area of a *canopy* or *marquee sign* shall be counted as a part of the total allowable *sign* area;

(b) All *canopy, marquee* and projecting *signs* shall be at least seven (7) feet above *grade*. However, when such *signs* are erected over a driveway, the minimum height above *grade* shall be fifteen (15) feet.

(4) Freestanding Signs

(a) *Sign* support structure for freestanding *signs* shall not exceed fifty percent of the allowable *sign* surface area for one *sign*, except that electronic reader board signs shall be exempt from this requirement to allow for the necessary support and electrical wiring necessary for the sign;

(b) The *premises* around the freestanding *sign* shall be maintained by the *owner* of the *sign* in a clean, sanitary and inoffensive condition, and shall be free and clear of obnoxious substances, rubbish and weeds; and

(c) An area equal to the *sign* area shall be landscaped at the base of the *sign*. *Landscaping* shall be with five-gallon shrubs with a minimum mature height of thirty (30) inches with one shrub planted for every ten (10) square feet. Electronic reader board signs shall be exempt from this requirement due to access requirements, but shall incorporate landscaping as approved by the historic districts review board or other decision-making body, as applicable.

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(5) Roof Signs

- (a) All *sign* bracing for roof *signs* shall be behind or below the parapet walls or screened; and
- (b) In no event shall a *sign* extend above the height limit established for the zoning district in which a *sign* is located.

(6) Wall Signs

- (a) Shall not *project* more than one (1) foot from the wall on which they are displayed. Wall *signs* shall not *project* over public *property* except where the *building* wall is less than one (1) foot from the *property* line. In this case, the *sign* may *project* up to one (1) foot from the *building* wall, provided that it does not impede or endanger pedestrian or vehicular traffic;
- (b) Shall, in no case, exceed twenty percent of the area of the wall on which they are displayed or eighty (80) square feet in *sign* area, whichever is less, even if the district permits a larger total *sign* area.

(7) Clocks and Thermometers

Clocks and thermometers, when constructed within or as a part of a *sign* or when displayed as a separate *sign*, shall, in addition to other regulations herein for *signs*, conform to the following special regulations and exceptions:

- (a) The hands of the clock and the motive mechanism shall not be classed as moving parts;
- (b) Illuminated numerals will not be classed as blinking or flashing lights; however, the electronic messaging *sign* requirements set forth in Subsection 14-8.10(C)(5) shall be met;
- (c) Clocks and thermometers shall not exceed forty (40) inches in either

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vertical or horizontal dimension; and

(d) All clock *signs* shall keep accurate time and all thermometer *signs* shall accurately record the temperature. If these conditions are not complied with, the instruments shall be promptly repaired.

(8) Identification of Development

One *sign* for the permanent identification of a *development* shall be permitted, provided, it is mounted on a permanent masonry structure and the *sign* does not exceed thirty-two (32) square feet. If a *development* has an additional entrance on another street, a second *sign* not to exceed thirty-two (32) square feet is permitted.

(F) Temporary ~~and~~ Portable, and Electronic Reader Board Signs

(1) Temporary and portable *signs* are allowed off-*premises* only for the following:

- (a) Advertising an event, function, or activity of a civic, political or religious nature; or
- (b) Advertising the sale of holiday trees by an itinerant vendor upon permission of the *property owner* on whose *property* the *sign* is located.

(2) *Building* and *building* permits shall be required to authorize the erection and maintenance of such *signs* for a period not exceeding thirty days or the duration of the event plus one week, whichever is shorter.

(3) No portable or temporary *sign* shall exceed four (4) feet in any one of its dimensions except as otherwise set forth in this section.

(4) Advertising for one-time special events or unusual advertising media meeting the definition of a *sign* shall be reviewed for size, design and other characteristics on a case by case basis by the zoning administrator.

(5) Temporary *signs* advertising the sale, lease, or rent of commercial or multi-

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family *residential property* shall not exceed thirty-two (32) square feet.

(6) Except as otherwise approved herein, no portable *sign* shall extend over or into any street, alley, sidewalk or other public thoroughfare, and shall not be placed to *project* over any wall opening. Cloth *signs* may extend over public *property* only by permission of the *governing body* and shall be subject to related laws and ordinances. Such *signs* when extended over a public street shall maintain a minimum clearance of twenty (20) feet from the surface of the roadway.

(7) For temporary ~~[political]~~ *signs* advertising activities or events the following requirements shall apply:

- (a) No *building permit* is required;
- (b) The *owner* of *property* on which the *sign* is erected must give written permission prior to erecting the *sign*;
- (c) The *sign* shall be removed within five days after the election, activity or event it advertises ends;
- (d) No *sign* shall exceed thirty-two (32) square feet; and
- (e) The requirements for ~~[political]~~ temporary signs advertising activities or events apply to all districts including the historic districts.

(8) Pennants, tinsel, or fringe are not allowed.

(9) One *sign* for the temporary identification of a *project* during the active stages of construction or *development*, beginning with the demolition or *grading permit* shall be permitted. This *sign* shall not exceed thirty-two (32) square feet.

(10) One *sign* for the temporary identification of the *architect*, engineer, or contractor for a *project* is allowed not to exceed sixteen (16) square feet.

(11) Electronic reader board signs may include off-site advertising.

(G) General Requirements for Signs According to District

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- (1) In *residential*, RAC and AC districts not more than two *signs* are allowed per *building*, with combined surface area not exceeding twenty (20) square feet. In addition, an entrance *sign* is allowed as set forth in Subsection 14-8.10(E).
- (2) For C-1, C-4 and HZ districts not more than two *signs* are allowed per *building*, the combined surface area of which shall not exceed thirty-two (32) square feet. In addition, an entrance *sign* is allowed as set forth in Subsection 14-8.10(E).
- (3) In RAC, AC, C-1, C-4 and HZ districts not more than two bulletin or notice boards are allowed with combined surface area not exceeding twenty (20) square feet and not exceeding ten (10) square feet for one such board;
- (4) No *sign* shall exceed ten (10) feet in height in *residential* districts. No *sign* shall exceed fifteen (15) feet in height in RAC, AC, C-1, C-4 and HZ districts.
- (5) All *signs* in "H" districts shall be governed by "H" zone *sign* regulations. However, *building* permits are required for *signs* in the "H" districts unless otherwise provided.
- (6) The BCD district shall be governed by "H" zone *sign* regulations for that part of the BCD district included in the "H" districts.
- (7) For those portions of SC, C-2, I-1, I-2 and *business* and industrial park districts that are not located within the Cerrillos Road highway corridor protection district, and that portion of the BCD district not located within the "H" districts, the following standards shall apply:
 - (a) For one *business* establishment on the *premises*, not more than three *signs* are allowed, no one of which shall exceed eighty (80) square feet and all three of which shall not exceed one hundred fifty (150) square feet;
 - (b) For two *business* establishments on the *premises*, no more than four *signs*

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total are allowed, no one of which shall exceed eighty (80) square feet in area and all of which, for any one *business* establishment, shall not exceed eighty (80) square feet;

(c) For three or more *business* establishments on the *premises*, one *sign* for the purpose of general identification of the entire *premises*, not to exceed one hundred fifty (150) square feet is allowed. In addition, one *sign* is allowed with one (1) square foot of surface area for each one (1) lineal foot of *building frontage* not to exceed eighty (80) square feet per *business* establishment;

(d) No such *sign* shall exceed twenty-five (25) feet in height;

(e) For SC and *business* and industrial park districts, in addition to one identification *sign* not to exceed one hundred fifty (150) square feet, one *sign* for each full line department store, junior department store and supermarket with one (1) square foot of surface area for each one (1) lineal foot of *building frontage* is permitted, providing it does not exceed eighty (80) square feet;

(f) Only one freestanding *sign* is allowed per *premises* in the SC, C-2, I-1, I-2 and *business* and industrial park districts; and

(g) For *buildings* with two front facades an additional *sign* is allowed. The maximum *sign* size for one facade is one hundred percent of the allowed *sign* size and for the second facade the maximum *sign* size is fifty percent of the allowed *sign* size.

(8) For C-2, SC, and I properties located within the Cerrillos Road highway corridor protection district, the following standards shall apply:

(a) For one *business* establishment on a *legal lot of record*, not more than

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three *signs* are allowed, no one of which shall exceed fifty (50) square feet in area in corridor zone one, sixty (60) square feet in corridor zone two, seventy (70) square feet in corridor zone three, and eighty (80) square feet in corridor zone four. The total allowable *sign* area for all three *signs* shall not exceed one hundred fifty (150) square feet;

(b) For two *business* establishments on a *legal lot of record*, no more than four *signs* are allowed, no one of which shall exceed fifty (50) square feet in area in corridor zone one, sixty (60) square feet in corridor zone two, seventy (70) square feet in corridor zone three, and eighty (80) square feet in corridor zone four. The total allowable *sign* area for any one *business* establishment shall not exceed eighty (80) square feet;

(c) For three or more *business* establishments on a *legal lot of record*, one *sign* is allowed for the purpose of general identification of the entire *premises* not to exceed ninety (90) square feet in area in corridor zone one, one hundred ten (110) square feet in corridor zone two, one hundred thirty (130) square feet in corridor zone three, and one hundred fifty (150) square feet in corridor zone four. In addition, one wall mounted *sign* per *business* establishment is allowed having one (1) square foot of surface area for each one (1) lineal foot of *building* or lease space frontage, but in no case exceeding eighty (80) square feet per *business* establishment;

(d) All free-standing *signs* along Cerrillos Road shall meet the *building setback* requirements set forth in Section 14-5.5(B)(4)(a). However, in the case of properties flanked on one or both sides by existing *buildings* that encroach into the required *setback* distance, the freestanding *sign*

1 *setback* may be reduced to correspond to either the average of the
2 adjacent *building setbacks*, or to the average of an adjacent *building*
3 *setback* and the required *building setback*. Only one freestanding *sign*,
4 meeting the area requirements in subsections (a) through (c) above, is
5 allowed per *legal lot of record*;

6 (e) No freestanding *sign* shall exceed fourteen (14) feet in height in corridor
7 zone one, sixteen (16) feet in corridor zone two, eighteen (18) feet in
8 corridor zone three, and twenty (20) feet in corridor zone four. No wall
9 mounted *sign* shall exceed twenty-five (25) feet in height, or the height
10 of the wall on which it is mounted, whichever is less;

11 (f) Roof top, *marquee* type, and projecting *signs* mounted perpendicular to a
12 wall plane, are prohibited; and

13 (g) *Signs* existing prior to the adoption of the Cerrillos Road highway
14 corridor protection district ordinance shall have five years from the
15 effective date of the Cerrillos Road highway corridor protection district
16 ordinance to comply with the provisions of this section.

17 (9) Freestanding, monument style signage in MU districts shall not exceed six (6)
18 feet in height and shall be limited to one *sign* per street frontage of *development*.

19 (10) The requirements set forth in this Subsection 14-8.10(G)(1) through (9) do not
20 apply to electronic reader board signs.

21 **(H) Special Sign Regulations in the Historic Districts**

22 (1) Purpose

23 (a) The purpose of the *sign* regulations in this section is to establish and
24 carry into effect regulatory procedures governing *signs* in historic
25 districts of the *city*. These regulations pertain to permits, colors, texture

1 and finish, materials and design, location and size. They are set forth to
2 preserve the special qualities inherent in the *city* that attract tourists and
3 residents alike and that are the basis of the *city's* economic stability and
4 growth. *Signs* excessive in size, illumination and of commonplace
5 design will defeat the purpose of the *preservation* of characteristic areas
6 in this, the oldest capitol in the United States.

7 (b) In addition to the prohibition contained in this section, approval of the
8 display of a *sign* in the historic district shall be granted by the division
9 only when the *signs* and the plans conform to the unique and distinctive
10 character of the *city*, do not injuriously affect the same and do not impair
11 the value to the community of those *buildings* having architectural worth.

12 (2) Applicability

13 Except for electronic reader board signs, [S]signs in the following areas and
14 districts shall comply with the additional *sign* regulations of this Subsection 14-
15 8.10(H), in addition to the general *sign* regulations of Section 14-8.10 above:

- 16 (a) All *signs* in the historic districts;
17 (b) All *signs* in RC districts;
18 (c) All *signs* in the RAC district; and
19 (d) All *signs* in the AC district.

20 (3) Number of Signs

21 [The] Except for electronic reader board signs approved as part of a city wide program,
22 the total number of *signs* allowed is as follows:

- 23 (a) For up to two *business* establishments on one *premises*, no more than
24 three *signs* per *business*, the total area of which for any one *business*
25 shall meet the size limitations for specific types of *signs* as set forth in

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this section, or eighty-five (85) square feet, whichever is less, exclusive of freestanding *signs*; and

(b) For three or more *business* establishments on one *premises*, no more than two *signs* per *business*, the total area of which for any one *business* shall meet the size limitations for specific types of *signs* as set forth in this section or eighty-five (85) square feet, whichever is less, exclusive of freestanding *signs*.

(4) Prohibited Locations

(a) No permanent *signs* shall be placed on a balcony, gallery, shed, roof, door or window or placed so as to disfigure or conceal any architectural features or details of any *building*, or painted on walls. No *sign* shall be displayed from any fence or wall or open *lot* unless it is deemed necessary to the conduct of a *business* by the division, in which event a waiver of regulations can be allowed.

(b) Occupants may place notices of articles or services for sale, necessary to the conduct of their *business*, behind the glass of windows or doors; provided, that the *signs* are not more than one-third of the glass area on which they are exhibited or ten (10) square feet, whichever is greater.

(5) Obstructing Ingress and Egress

No *sign* shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No *sign* of any kind shall be attached to a standpipe or fire escape.

(6) Signs Not to Constitute Traffic Hazard

No *sign* or other advertising structure as regulated by this section shall be erected at the intersection of any street so as to obstruct free and clear vision; at

1 any location where by reason of the position, shape or color it may interfere with,
2 obstruct the view of or be confused with any authorized traffic *sign*, signal or
3 device; or which makes use of the words "stop", "*drive-in*", "danger" or any other
4 word, phrase, symbol or character in such manner as to interfere with, mislead or
5 confuse traffic.

6 (7) Goose Neck Reflectors

7 Goose neck reflectors and lights shall be permitted on projecting *signs*; provided,
8 that the reflectors are provided with proper glass lenses concentrating the
9 illumination on the area of the *sign* to prevent *glare* on the street or adjacent
10 *property*.

11 (8) Spotlights and Floodlights Prohibited

12 It is unlawful for any *person* to maintain any *sign* that extends over public
13 *property* that is wholly or partially illuminated by floodlights or spotlights.

14 (9) Advertising Permitted

15 No *sign* of any character shall be displayed in the historic district unless it
16 advertises a bona fide *business* conducted in or on the *premises* and the
17 advertising of products shall not exceed twenty-five percent of the area of the
18 *sign*.

19 (10) Illumination Restrictions

20 (a) No *signs* shall be permitted that are animated by any means, including
21 flashing, scintillating, blinking, or traveling lights or any other means not
22 providing constant illumination.

23 (b) Illumination for each side of a projecting *sign*, if lighted by goose neck
24 lights, shall be evenly distributed.

25 (c) Wall *signs* to be illuminated shall be so constructed as to have all

1 illumination from behind each letter. No visible bulbs, neon tubing or
2 other lighting shall be allowed.

3 (d) Electric *signs* may be placed inside windows and glass doors; provided,
4 that their proportions are not in excess of the window area so allowed
5 under Subsection (4) above.

6 (e) No electric outdoor lights placed in trees, shrubs, or other types of
7 vegetation shall be allowed when *publicly visible* except during the
8 traditional holidays.

9 (11) Color and Design

10 The effort of design of *signs* in the historic district is to keep a moderate,
11 attractive and compatible styling so as not to cause erratic or disturbing
12 distractions from the architectural beauties of the *city*; therefore, color and design
13 are left to the discretion of the *applicant*.

14 (12) Signs; Awnings, Flags, Banners

15 *Awnings* shall be of *cloth* or of other material acceptable to the division. There
16 shall be no advertising on *awnings*. Flags, banners, *awnings*, and such trappings
17 shall not be permitted as advertising within the H-district. However, the name of
18 a *business* may appear along the lower edge or fringe of the *awning*. In such
19 cases, the *awning* shall count as one *sign* as allowed under Subsection 14-
20 8.10(H)(3). The color of the *awning* shall be compatible with Santa Fe
21 architectural style and shall not be obtrusive.

22 (13) Sign Plans for New Construction of Buildings

23 *Applicants* submitting plans for *new construction of buildings* containing three or
24 more *businesses* on the *premises* shall in addition to other information, submit
25 coordinated plan for *signs*. The plan shall be drawn to *scale* showing the

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proposed locations, sizes, and types of *signs* for the *businesses*. All *signs* shall comply with the standards set forth in this section.

(14) Street Clocks

Street clocks shall be in harmony with the old Santa Fe style or recent Santa Fe style or both.

(15) Conflicts with Zoning Regulations

In any case where there is a conflict between the specific provisions of this Subsection 14-8.10(H) and the general *sign* requirements and restrictions of the remainder of this Section 14-8.10, this section shall prevail and shall be controlling for all purposes.

(16) Inspection of Signs

The division shall inspect, as it deems necessary, each *sign* regulated by this section to ascertain whether the same is secure or insecure or in need of repair.

(17) Procedure When Unsafe or Unlawful Signs Found

If the division finds that any *sign* or *other advertising structure* regulated herein is unsafe or insecure; is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this section, it shall give written notice to the permittee. If the permittee fails to remove or alter the structure to comply with the standards of these sections within ten days after such notice, the *sign* or *other advertising structure* may be removed or altered to comply by the division at the expense of the permittee or *owner* of the *property* on which it is located. The division shall refuse to issue a *permit* to any permittee or *owner* who refuses to pay costs so assessed. The division may cause any *sign* or *other advertising structure* that is an immediate peril to persons or *property* to be removed summarily and without notice.

1 (18) Exempted Signs

2 The provisions and regulations of this Subsection 14-8.10(H) shall not apply to
3 the following *signs*; provided, that the *signs* meet the provisions of Subsection
4 14-8.10(H)(3):

5 (a) Real estate *signs* not exceeding six (6) square feet in area that advertise
6 the sale, rental or lease of the *premises* on which such *signs* are located;

7 (b) One professional name plate not exceeding one (1) square foot in area;

8 (c) One bulletin board not over eight (8) feet in area for public, charitable or
9 religious institutions when the same is located on the *premises* of such
10 institutions;

11 (d) *Signs* denoting the *architect*, engineer or contractor when placed on work
12 under construction and not exceeding twelve (12) square feet in area;

13 (e) An occupational *sign* denoting only the name and profession of an
14 occupant in a commercial *building*, public institution *building* or
15 dwelling house and not exceeding two (2) square feet in area;

16 (f) Memorial *signs* or tablets, names of *buildings* and date of erection when
17 *cut* into any masonry surface or when constructed of bronze or other
18 *incombustible materials*; and

19 (g) Traffic or other municipal *signs*, legal notices, railroad crossing *signs*,
20 danger *signs* and such temporary, *emergency* or nonadvertising *signs* as
21 may be approved by the *governing body*; ~~and~~

22 (h) *Signs* denoting whether a *business* is open or closed and traffic *signs* for
23 private *businesses*, none of which exceed two (2) square feet in area; and

24 (i) Electronic reader board signs approved as part of a city wide program
25 that comply with the standards and requirements of Subsection 14-

1 8.10(C)(5)(b). In addition, such signs are exempt from the requirements
2 of Subsection 14-8.10(H)(3).

3 (19) Permits Required

4 (a) It is unlawful for any *person* to *erect*, repair, alter, relocate or maintain
5 within the historic district of the *city* any *sign* or *other advertising*
6 *structure* as defined in this section without first obtaining an erection
7 *permit* from the inspections and enforcement *office* and making payment
8 of the fee required. All illuminated *signs* shall, in addition, be subject to
9 the provisions of the electrical code and the *permit* fees required
10 thereunder.

11 (b) The text of advertising matter on *signs* that already conform to this
12 section may be changed without any *permit*, provided all changes also
13 conform.

14 (20) Permit Application; Contents

15 *Application* for permits shall be made on blanks provided by the division and
16 shall contain or have attached thereto the following information:

17 (a) Name, address and telephone number of *applicant*;

18 (b) Location of the *building*, structure or *lot* to which or on which the *sign* is
19 to be attached or erected;

20 (c) Position of the *sign* or *other advertising structure* on a *building* or in
21 relation to nearby *buildings* or structures;

22 (d) One scaled drawing with full description of material, texture and finish to
23 be used;

24 (e) Name of *person* erecting structure;

25 (f) Written consent of the *owner* of the *building*, the structure, or land to

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which or on which the structure is to be erected;

- (g) Any electrical *permit* required and issued for such *sign*; and
- (h) Such other information as the division shall require to show full compliance with the provisions of this section and all other laws and ordinances of the *city*.

(21) *Permit Application; Approval; Period of Validity*

It is the duty of the division upon the filing of an *application* for a *permit*, to examine plans, specifications and other data and the *premises* upon which it is proposed to *erect* the *sign* or *other advertising structure*; and if it appears that the proposed structure is in compliance with all the requirements of the provisions of this section and all other laws and ordinances of the *city*, the division shall then recommend approval. If the work authorized under an erection *permit* has not been completed within six months after date of issuance, the *permit* shall become null and void.

(22) *Certain Signs to Be Approved by Electrical Inspector*

The *application* for a *permit* for erection of a *sign* or *other advertising structure* in which electrical wiring and connections are to be used shall be submitted to the electrical inspector. The electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine if they comply with the electrical code of the *city*, and he shall approve such *permit* if the plans and specifications comply with the code or disapprove the *application* if noncompliance with the code is found.

(23) *Sandwich Signs; Prohibition*

Sandwich signs as defined in this section are prohibited.

(24) *Freestanding Signs*

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(a) When Permitted

Freestanding electronic reader board signs approved as part of a city wide program are permitted in every zoning district. ~~[Freestanding]~~ Other freestanding signs shall be permitted at the discretion of the division where a *business* establishment is set back from a street alignment of *building* façades more than two (2) feet. A *business* establishment thus set back, in addition to the *signs* permitted on the *building* itself, may maintain a freestanding *sign* of not more than sixteen (16) square feet in area, and the *sign* shall relate to the conduct of the *business* within. If a *building* is on at least one acre of *property* and has an unencumbered front *setback* of at least fifty (50) feet, a two-faced freestanding *sign* with a maximum of fifty (50) square feet area on each face, with *sign* dimensions no greater than ten (10) feet in length and five (5) feet in height, and with the top of the *sign* not more than fourteen (14) feet from the ground will be permitted; provided, that it relates to the *business* conducted on the *premises*. Lighting on freestanding *signs* shall conform with this section.

(b) Location

- (i) It is unlawful to *erect* any freestanding *sign* whose total height is greater than fourteen (14) feet above the level of the street on which the *sign* faces or above the adjoining ground level if the ground level is above the street level.
- (ii) Except for electronic reader board signs, ~~[F]~~freestanding *signs* shall have an *open space* not less than ten (10) feet between the base line of the *sign* and the ground level, unless the freestanding

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sign is placed on the ground and does not exceed sixteen (16) square feet in area nor six (6) feet in any dimension.

(iii) ~~[The]~~ Except for electronic reader board signs, the setback of freestanding *signs* from the *city* right-of-way is regulated by the underlying zoning.

(c) Characters, Letters

All letters, figures, characters or representations in cut-out or irregular form maintained in conjunction with, attached to or superimposed on any *sign* shall be safely and securely built or attached to the *sign* structure.

(d) Construction, Condition of Premises

(i) All freestanding *signs* shall be securely built, constructed and erected on posts sunk at least three (3) feet below the natural surface of the ground.

(ii) All wood posts shall be treated to protect them from moisture by creosoting or other approved methods when they enter into the ground.

(iii) *Premises* shall be kept free of weeds and be maintained by the *owner* in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds.

(25) Hanging Signs

(a) General Limitations

All hanging *signs* shall be at least six (6) feet eight (8) inches above the sidewalk or ground level, and shall be located within the central one-third of the *façade* length so as not to obstruct neighboring *signs*.

(b) Area Limitations

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Hanging *signs* shall be limited in area as follows:

- (i) A maximum of twelve (12) square feet, except in the AC and RAC districts where the maximum limit is six (6) square feet;
- (ii) The maximum size of letters shall be eight (8) inches in height;
- (iii) There shall be no restriction on the number of letters, words or lines of any *sign* as long as the overall area of the *sign* is within the maximum allowed square feet; and
- (iv) Maximum thickness of six (6) inches.

(c) Supports and Attachments

All hanging *signs* shall be safely and securely attached to the *building* by not less than two metal chains, metal brackets or wrought iron brackets firmly secured in the roof support beams by metal anchors, bolts, or expansion screws. No excess chain shall be allowed. In no case shall any hanging *sign* be attached with wire, string, rope, wood, or secured by nails.

(26) Wall Signs

(a) Area Limitations

- (i) A wall *sign* is subject to the following limitations:
 - A. The maximum allowable size is fifteen percent of the *façade* on which the *sign* is to be placed. In no case shall the *sign* area exceed twenty (20) square feet except in the AC and RAC districts where the maximum allowable size is six (6) square feet;
 - B. Maximum size of letters shall be twenty (20) inches in height, except in the AC and RAC districts where the

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maximum size shall be eight (8) inches in height;

C. There shall be no restriction on the number of letters, words or lines of any *sign* as long as its overall area is within the maximum allowable square feet; and

D. No *sign* shall be permitted fifteen (15) feet or more above street *grade* measured in front of the *façade* where the *sign* is to appear.

(ii) Where two or more *businesses* are conducted on the *premises* of a single ownership, having a front footage of twenty-five (25) feet or less, the allowable *sign* area shall be increased by fifty percent. Where *buildings* have frontage on more than one public way and entrances thereon, the maximum footage shall govern *signs* at each entrance, and it shall be construed to mean on any given public way.

(b) Projection Wall; Height from Ground

No wall *sign* shall *project* more than three inches beyond the *building* line. However, if the *sign* is attached to the wall at a height of not less than six (6) feet eight inches measured from the sidewalk or ground to the bottom of the *sign*, it may *project* a maximum of ten (10) inches, except in AC and RAC districts where the maximum projection is three (3) inches.

(c) Supports and Attachments

All wall *signs* shall be safely and securely attached to the *building* wall by means of metal anchors, bolts or expansion screws of not less than three-eighths (3/8) inch in diameter embedded in the wall at least five (5)

1 inches; provided, that such *signs* may rest in or be bolted to strong heavy
2 metal brackets or saddles set not over six (6) feet apart, each of which
3 shall be securely fixed to the wall as herein provided. In no case shall
4 any wall *sign* be secured with wire, strips of wood or nails.

5 (27) Projecting Signs

6 (a) General Limitations

7 No projecting *sign* shall angle in "Y", "L" or "V" fashion over the
8 sidewalk or ground. No projecting *sign* may rise above the level of the
9 roof line, fire wall or first story, whichever is construed by the historic
10 districts review board as a roof line. All projecting *signs* shall be at least
11 ten (10) feet above the sidewalk or ground level, and shall be located
12 within the central one-third of the *façade* length so as not to obstruct
13 neighboring signs. A total of two signs may be allowed to each store,
14 shop or bona fide place of *business* if one is projecting and the other
15 considered a wall sign; in which case, the wall sign shall be reduced in
16 allowable size by one-half the area consumed by a projecting sign. No
17 projecting sign shall have letters exceeding eight (8) inches in height.

18 (b) Area Limitations

19 Projecting signs shall be limited in areas as follows:

- 20 (i) A maximum of four (4) feet projection from the wall of the
21 *building*, except for *marquees* that may *project* eight (8) feet;
- 22 (ii) A maximum of sixteen (16) square feet, except in an AC or RAC
23 district where the maximum sign space is six (6) square feet, and
24 except for *marquees* where the maximum sign space is one
25 hundred fifteen (115) square feet per face of the *marquee*;

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- (iii) A maximum thickness of not over twelve (12) inches except for *marquees* to which this section does not apply;
- (iv) Projecting signs erected over public driveways or alleys shall be placed not less than fifteen (15) feet above the level of same; and
- (v) *Marquees* are allowed only for theaters showing motion pictures, or dramatic, musical, or live performances and having permanent seating except in an AC or RAC district where *marquees* are prohibited.

(c) Construction

Projecting signs exceeding ten (10) square feet in area or fifty pounds in weight shall not be attached to nor supported by frame *buildings* or the wooden framework of a *building*. Such signs shall be attached to masonry walls as stated in this section. The framework of any projecting sign shall be of adequate strength so as to have no need for guy wires or wire reinforcement.

(d) Illumination

Every projecting sign larger than ten (10) square feet in area shall be illuminated between sunset and daybreak on each side, by at least 5 watts per square foot of sign surface. The illumination shall be restricted as provided by this section.

(28) Temporary Signs

(a) Duration of Permit; Advertising

- (i) Except as set forth in paragraph (e) below, permits for temporary signs shall authorize the erection of such signs and their maintenance for a period not exceeding thirty days, in the

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discretion of the historical style committee.

(ii) The advertising contained on any temporary sign shall pertain only to the *business*, industry, or pursuit conducted on or within the *premises* on which such sign is erected or maintained. This provision shall not apply to signs of a civic, political, or religious nature.

(b) Construction Requirements

Except as set forth in paragraph (e) below, no temporary sign shall exceed four (4) feet in one of its dimensions or fifty (50) square feet in area. Every temporary sign weighing in excess of fifty pounds shall be approved by the inspections and enforcement office as conforming to the safety requirements of the Building Code.

(c) Prohibited Locations

No temporary sign shall extend over or into any street, alley, sidewalk or other public thoroughfare nor shall it be erected so as to prevent free ingress to or egress from any door, window or fire escape.

(d) Anchors and Supports

Every temporary sign shall be attached to the wall with wire or steel cables; no strings, ropes, or wood slats for anchorage or support purposes shall be permitted.

(e) Price Reduction Signs

(i) ~~Signs~~ Except for electronic reader board signs approved as part of a city wide program, signs expressing a price reduction stated in terms of either a percentage reduction or a dollar amount reduction are prohibited unless the following conditions are met:

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A. A sign permit shall be obtained from the city. Each permit shall allow a business to place a sign for a permit period of up to one week. A business may obtain one additional permit within a calendar year. A minimum of twelve weeks must pass between the commencements of any two permit periods.

B. A sign shall not exceed twelve (12) inches by twenty-four (24) inches.

C. A sign must bear an official city of Santa Fe sticker, tag, or other device at all times during the permit period indicating the approved dates of the permit period.

D. A sign shall be removed by the permit holder immediately after the *permit* period.

(ii) The *city* may remove a sign if the above conditions are not met.

(f) Distress Merchandise Sale Signs

(i) A *sign* advertising a distress merchandise sale is prohibited unless the following conditions are met:

A. A *sign permit* shall be obtained from the *city*. Each *permit* shall allow a *business* to place a *sign* for a *permit* period corresponding to the licensed duration of the distress merchandise sale.

B. A *sign* shall not exceed twelve (12) inches by twenty-four (24) inches.

C. A *sign* must bear an official *city* of Santa Fe sticker, tag, or other device at all times during the *permit* period

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indicating the approved dates of the *permit* period.

D. A *sign* shall be removed by the *permit* holder immediately after the *permit* period.

(ii) The *city* may remove a *sign* if the above conditions are not met.

(29) Price Reduction Signs

(a) A sign located inside or outside a structure within an historic district that is readable by the general public from the public sidewalk or street, shall not list an express price reduction stated in terms of either a percentage reduction or a dollar amount reduction except as permitted in §14-8.10(H)(28)(e).

(b) A sign located inside a structure within an historic district that is not readable by the general public from the public sidewalk or street, may list an express price reduction stated in terms of either a percentage reduction or a dollar amount reduction.

Section 2. Subsection 14-12 of the Land Development Code (being Ord. #2011-37 (as amended)) is amended to read:

14-12 DEFINITIONS

ELECTRONIC READER BOARD SIGN

An electronic reader board sign is a sign approved by the city as part of a city wide program to provide real time wayfinding and information about city programs, services, activities and events and similar information, together with wireless internet services to the public.

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APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

WITHDRAWN