

ARTICLE 27: SIGNS

Section 1. Statement of Purpose

This code regulates the installation, maintenance and placement of signs to ensure the health, safety, and welfare of motorists and pedestrians along local streets and highways while promoting an aesthetically pleasing landscape in which businesses can advertise their goods and services. Signs constructed or erected along any State or Federal Highway must apply and receive a Sign Permit from the New Mexico Department of Transportation per the State Statute.

Section 2. Authority to Continue

Any use that existed lawfully as to *Signs* prior to September 1, 2010 may continue to operate as that same use, as it did prior to becoming non-conforming, subject to the rules, regulations, and restrictions listed below.

Section 3. Prohibited Signs

It shall be unlawful for any person(s) to erect or place any of the following signs:

1. Signs located in a residential district advertising a Home Occupation.
2. Signs which resemble official government signs or which could conflict in any way with the proper functioning or line-of-sight of any official traffic control device.
3. Signs which obstruct access or pose a safety hazard to pedestrians or motorists.
4. Signs incorporating any noisy mechanical device (whistles, horns, noise makers, sirens or any other noisy audible devices).
5. Signs located within the Sight Triangle of any property.
6. Signs located in, on or over the public right-of-way.
7. Signs attached or otherwise affixed in any way to utility poles, light poles, rocks, trees or other natural features.
8. Any flashing and/or scrolling display sign.
9. Wall signs on residential structures.
10. Roof signs in residential districts.

Section 4. Exclusions

The following signs are allowed in all zoning districts without a building permit and shall be placed in accordance with the requirements noted for each sign listed, if any. These signs must comply with all remaining Sections of this Article, excepting Section 4. Display Surface Area –DSA.

1. Any sign placed by a governmental entity.
2. Construction signs. (Max. 20 Sq. Ft. DSA)
3. Directional/information signs. (Max. 10 Sq. Ft. DSA)
4. Temporary signs on private residential property. (Max. 6 Sq. Ft. DSA)
5. Any sign located within the confines of an enclosed building.
6. Holiday signs.
7. Special event signs. (Temporary signs placed no more than 45 days before the special event and removed 5 days after.)
8. Nameplates. (Not to exceed 6 Sq. Ft. DSA)
9. Political signs. (Not to exceed 10 Sq. Ft. DSA in residential districts and 32 Sq. Ft. DSA in commercial or industrial districts. To be removed 5 days after the election.)
10. Real Estate signs. (Not to exceed 10 Sq. Ft. DSA in residential district and 32 Sq. Ft. DSA in commercial or industrial districts. To be removed 5 days after transaction for real estate transpires.)
11. Window signs. (Illuminated Signs not to exceed 12 Sq. Ft. DSA)
12. Any hand-held sign, symbol or display on any person (Not to exceed 6 Sq. Ft. DSA)

Section 5. Permit Application Requirements

- A. *Signs constructed or erected along any State or Federal Highway must apply and receive a Sign Permit from the New Mexico Department of Transportation (NMDOT) per State Statute. This also includes adhering to all applicable regulations set forth by NMDOT.*
- B. A new sign, relocation of an existing sign, altering the height of a sign or varying the DSA of a sign, *excepting those signs indicated above in Section 3*, shall require a Building Permit with fees as determined by the latest Uniform Building Code fee schedule and the City Building Inspection Department.
- C. All electrical work shall be performed and/or overseen in the field by a State Licensed Electrician.
- D. Companies that install, erect, alter, relocate, dismantle or repair signs within Roswell City Limits must possess a current State Contractor's License and a City Business License.
- E. A Building Permit is not required for maintenance or repair of a sign; however, the Building Inspector may be informed before work begins on the sign.
- F. Signs shall be constructed, installed, and/or erected in accordance with the current City adopted International Building Code Standards.
- G. Upon request by the Building Inspector an applicant shall submit 3 sets of engineered plans for the sign to the Building Department. City staff will determine if the application is complete and will notify the applicant within 5 business days of their decision.
- H. It shall be unlawful to change, modify, or otherwise deviate from the terms and conditions set forth in the original Building Permit application without written approval by the Building Inspector and the Planning and Zoning Department.
- I. It shall be unlawful to alter or modify an on-premise sign into a billboard sign and/or alter or modify a billboard sign into an on-premise sign without complying with this Article.
- J. A request for a Variance must comply with Article 3 of this Ordinance.
- K. Inspections. A foundation, structural, and final inspection by the Building Inspector is required before any sign shall be issued a C-O from the Building Inspector. Requests for inspections shall be the responsibility of the contractor or sign owner.

Section 6. Maintenance of New and Legal Non-Conforming Signs

- A. Signs listing or leaning more than 15 degrees from their intended position shall be repaired or removed within 90 days of receiving written notification. Exception: Any sign deemed hazardous to the public by the Building Inspector may be removed by the City with reasonable notice to the owner. All costs incurred for deconstruction/removal of the sign shall be the responsibility of the owner.
- B. Signs shall not have any exposed electrical components. If a sign face is damaged or removed, the electricity to the sign must be turned "off" until the sign is repaired or replaced.
- C. Signs shall be maintained as required to prevent a weathered and/or neglected appearance and they shall be kept free of insect infestations, bird nests, rust, and/or rot.
- D. The general vicinity around all signs shall be kept free of debris at all times.

Section 7. Signs Allowed in Residential Districts

1. One subdivision identification sign per entrance. (Max. 32 Sq. Ft. DSA)
2. One apartment complex identification sign per entrance. (Max. 32 Sq. Ft. DSA)

Section 8. Signs Allowed in Residential Districts with a Special Use Permit

1. Three wall signs (Per International Building Code Standards).
2. One on-premise free standing or monument, non-digital, sign.

Section 9. Signs Allowed in Commercial/Industrial Districts

1. Off- premise outdoor advertising or “Billboard” signs. (C-2, C-4, I-1 & I-2 Districts)
2. On-premise free standing or monument sign.
3. One apartment complex identification sign per entrance. (Max 32 Sq. Ft. DSA)
4. Directional and/or Information signs. (Max. 24 Sq. Ft. DSA)
5. Canopy and/or Awning Signs
6. Wall Signs. (Per International Building Code Standards).
7. Projecting signs. (Per International Building Code Standards)
8. Marquee signs. (Per International Building Code Standards)
9. Digital or LED signs.
10. On-premise Roof Signs (Per International Building Code Standards)

Section 10. Sign Setback Requirements

Setbacks shall be measured from the nearest point of the sign to the property line. Location of all necessary property lines shall be shown to scale on the required site plan.

- A. All free-standing signs shall be a minimum of five feet from all property lines.
- B. Monument and Pole Covered signs shall be a minimum of ten feet from all property lines.

Section 11. General Requirements for Sign Placement & Operation

No sign shall be erected or maintained at any location where by reason of its position, working, illumination, shape, symbol, color, form or character, it may obstruct, impair, obscure, interfere with the view of or may be confused with any authorized traffic sign, signal or device or interfere with, mislead, confuse or disrupt traffic flow or traffic safety.

ON-PREMISE SIGNS:

- A. A free standing, on premise sign shall only be allowed if the principle structure is 25 feet from the front yard property line.
- B. Commercial and/or industrial businesses may display wall signs as long as they do not cover more than 35% of the entire surface area of that wall.
- C. Only one free-standing or monument sign is allowed per lot, except where the street frontage of the lot exceeds 500 linear feet. For those lots, a second free-standing sign shall be permitted, provided there is a minimum distance of 200 feet between the signs.
- D. Businesses in a strip mall, shopping center, or similar multi-tenant buildings are encouraged to construct one monument multi-face sign for all businesses. Such signs shall have a maximum DSA of 200 square feet.

- E. Free standing signs shall have a maximum DSA of 160 square feet and shall not exceed 35 feet in height from natural grade to the highest point of the sign.
- F. Free standing signs shall have a minimum clearance of 10 feet above ground from the bottom of the sign to ensure clearance and unobstructed visibility to motorists.
- G. Free-standing or monument signs shall be no closer than 10 feet from any structure or building.
- H. A separate changeable copy sign with a maximum DSA of 50 square feet may be installed on said free standing or monument sign with a minimum clearance of 10 feet above natural ground.

DIGITAL, LED, NEON, and/or MOTION DISPLAY SIGNS:

- A. No part of the sign shall be located closer than 10 feet from the street curb. Where curbs are not present, the measurement shall be taken from the nearest edge of pavement.
- B. Signs shall be at least 200 feet from the nearest boundary of a residentially zoned district. If the width or the depth of the property is less than 200 feet, the sign may be placed no closer to the residential district than ½ of the total dimension of the property in a direction perpendicular to the property line(s) which abut the residentially zoned district.
- C. No sign shall display an illuminative brightness exceeding 1000 NIT's during the night beginning ½ hour before sunset and 10,000 NIT's during daylight beginning ½ hour after sunrise as published by the U.S. Naval Observatory.
- D. No sign shall resemble or simulate any official traffic control device, sign, signal, or light.
- E. Signs shall be equipped with a default mechanism which freezes the sign to static mode if a malfunction occurs to prevent flashing.
- F. Signs shall be equipped with an automatic ambient light dimming mechanism to adjust the display intensity according to the natural ambient light conditions.
- G. Digital signs displaying multiple static messages shall have a minimum dwell time of eight seconds and a maximum frame effect time of two seconds between static messages.
- H. With consent from the sign owner, the City may request emergency information to be displayed on a digital billboard signs such as: Amber Alerts and/or any other information deemed an emergency by any governmental entity.
- I. Before a permit is finalized the owner shall provide written certification that all of the requirements of this Ordinance have been met.

BILLBOARD SIGNS:

- A. Non-digital billboard signs shall be separated a minimum of 1,300 feet from each other or a digital billboard sign, along the same side of the same street, measured center-to-center between signs.
- B. Digital billboard signs shall be separated a minimum of 2,400 feet from each other, along the same side of the same street, measured center-to-center between signs.
- C. Signs shall be at least 200 feet from the nearest boundary of a residential district.
- D. The maximum DSA for any Billboard sign shall not exceed 700 square feet with a maximum length of 60 feet and a maximum width of 25 feet. A maximum height of forty feet from the highest point of the sign to the ground and a minimum clearance of fifteen feet under the sign to the ground shall be required, to ensure clearance and unobstructed view for motorists.

- E. Each side of a double-faced sign can meet the DSA requirements as permitted in 'D' above, with both sides being of equal size and facing in opposite directions, where the interior angle between the two display surfaces forms a 'V' and that angle does not exceed thirty degrees.
- F. Billboard signs shall be no closer than 10 feet from any structure or building and shall not overhang any structure, building, or right-of-way.
- G. Cutouts or extensions are not permitted outside of or in excess of the DSA permitted.
- H. Digital billboards shall comply with requirements for both Digital, LED, Neon, and/or Motion Display Signs as well as Billboard Signs.

Effective Date: This Ordinance shall be effective 5 days after its adoption.

PASSED, ADOPTED, SIGNED, AND APPROVED on this ??nd day of August, 2010.

CITY SEAL

DEL JURNEY, Mayor

ATTEST:

DAVID KUNKO, City Clerk