

ATTACHMENT A
To Town of Taos Ordinance 10-17
TAOS SIGN CODE (FIRST AMENDED)

Table of Contents

15.08.100: SHORT TITLE, PURPOSE & SCOPE OF THIS ORDINANCE

15.08.200: SIGN PERMITS & REGULATORY OVERSIGHT

- 15.08.210** Application Form for Permanent Signage
- 15.08.220** Statutory Fees and Penalties Applicable to Permanent Signs
- 15.08.230** Issuance and Display of Permit for Permanent Signs
- 15.08.240** Oversight, Inspection and Revocation of Sign Permit
- 15.08.250** Regulation of Signs
- 15.08.260** Specifically Prohibited Types of Signs
- 15.08.270** Non-Compliant, Unsafe, Obsolete Signs
- 15.08.280** Traditional Neighborhood Development District: Applicable Sections

15.08.300: GENERAL REGULATION OF PERMITTED SIGNS

- 15.08.310** Number of Signs Permissible on Premises or Lot
- 15.08.320** Basic Design, Dimensions and Manufacture of Permanent Signs
- 15.08.330** The Central Business District and The Historic Overlay Zone – Special Rules, Regulations, and Restrictions
- 15.08.340** Temporary Signs and Portable Signs – Special Rules
- 15.08.350** Mobile Signs – Special Rules
- 15.08.360** Construction Signs – Special Rules
- 15.08.370** Multi-Tenant Centers – Special Rules
- 15.08.380** Real Estate Signs – Special Rules

15.08.400: PRE-EXISTING PERMANENT SIGNS

15.08.410 EXEMPT SIGNS

15.08.500: RELIEF FROM THE REQUIREMENTS OF THIS SIGN CODE

- 15.08.510** Basis for Requesting Relief
- 15.08.520** Appeal of the Decision of the Planning and Zoning Commission of Code Administrator

15.08.600: DEFINITIONS & ILLUSTRATIONS OF TERMS USED IN THIS ORDINANCE

15.08.700: SEVERABILITY OF THE PROVISIONS

15.08.710: EFFECTIVE DATE OF THIS ORDINANCE

15.08.720: PENALTY

15.08.100: SHORT TITLE, PURPOSE AND SCOPE OF THIS ORDINANCE

This Ordinance shall be known and cited as the Town of Taos Sign Code or alternatively The Sign Code; and is referred to herein as “this Sign Code.”

This Sign Code regulates and governs the size, appearance, construction and placement of all informational, industrial, commercial, trade, or other signage within the jurisdiction of the Town of Taos; by permitting and empowering the municipal oversight of same.

This Sign Code furthers substantial municipal government interests in traffic and pedestrian safety, avoiding or reducing visual clutter, and maintaining visual harmony with the outdoor aesthetics of the Taos community while protecting the First Amendment expressive rights of the people. This Sign Code imposes no restriction on, or regulation of, the content of messages on signs.

This Sign Code strives to provide a fair and reasonable treatment of all signage within the Town by permitting of permanent signage, regulation of permanent and temporary signage, regular oversight, accurate record-keeping, consistent enforcement, and the imposition of fines and penalties for violation of its provisions. It recognizes and assists in the visual communication requirements of the business and civic sectors of the Town of Taos and the accompanying financial investment therein. It encourages the innovative use of contemporary sign design and construction. It seeks to promote a consciousness of basic standards, regular maintenance, and a necessary concern for the esthetics of our unique community and the safety and security of the public.

This Sign Code acknowledges and recognizes the most attractive history, traditions and character of both the Central Business District of the Town of Taos and the Historic Overlay Zone of the Town of Taos.

Wherever this Sign Code grants discretion to the Code Administrator or any other Town official to issue, deny or condition any permit, or to take any other official act under this Code, such discretion shall be exercised only in order to promote the health, safety, welfare (including aesthetic interests) of the community and its residents, and the particular manner in which the discretionary act furthers such municipal interests shall be stated.

With the exception of specific sign regulations listed in the Traditional Neighborhood Development (TND) District, this Sign Code supersedes all references to signage in all other Ordinances of the Town of Taos. Any signage that violates the requirements and restrictions of this Sign Code is prohibited within this jurisdiction.

15.08.200: SIGN PERMITS FOR PERMANENT SIGNS; REGULATORY OVERSIGHT

Immediately upon adoption of this Sign Code it shall be a requirement that any person, corporation, or other entity, shall first obtain from the appropriate agency of the Town of Taos a permit prior to the erection, alteration, or relocation of any permanent signage within the jurisdiction of the Town of Taos.

Immediately upon adoption of this Sign Code the, Office of the Code Administrator or the Code Administrator's designee of the Town of Taos shall be the regulatory agency overseeing, permitting and inspecting all signage within the jurisdiction of the Town of Taos.

15.08.210: APPLICATION FORM FOR PERMANENT SIGNAGE

Every application for a Town of Taos Sign Permit for a permanent sign pursuant to this Sign Code shall be made on the designated form supplied by the Code Administrator of the Town of Taos, and must include the following:

1. The name, mailing address, and business telephone number of the applicant;
2. The physical address of the building, structure, or lot, to which or upon which the proposed signage will be attached or erected;
3. The name, mailing address, and business telephone number of owner of the building, structure, or lot, to which or upon which the proposed signage is to be attached or erected, if not the same as the applicant; together with that owner's written consent to the erection of the signage;
4. A copy of the applicant's Town of Taos Business License for applicants required to hold business licenses;
5. A description or a sketch of the proposed site of the proposed signage, showing its position upon the lot, building or structure in relation to identified adjacent lots, buildings or structures, and public rights-of-way, and any existing signage at that location;
6. A sketch, digital rendering, or a digital photo of the proposed signage itself, clearly displaying its graphic and lettering content, its overall dimensions, the manner and materials of its construction, and the proposed method of attachment to the building or structure, or the ground, where it will be situated;
7. The name, mailing address, and business telephone of the person(s) or entity(s) charged with creating, erecting and attaching the proposed signage;

8. Such other information as may, from time to time, be deemed necessary by the Code Administrator of the Town of Taos to ensure compliance with this Sign Code and other Ordinances of the Town of Taos;

15.08.220: FEES AND PENALTIES APPLICABLE TO PERMANENT SIGNS

The basic statutory fee imposed upon all permanent signage permitted pursuant to this Sign Code shall be a non-refundable payment of two (2) dollars per square foot of the entire signage area proposed. Square footage shall be calculated by the Code Administrator or the Code Administrator's designee, as length multiplied by width, in inches, from furthest edge to furthest edge of each face of the signage.

The basic fee imposed upon all signage permitted pursuant to this Sign Code may, from time to time, be adjusted by a resolution of the Town Council of the Town of Taos; and that body may likewise, in the interest of public order, public safety or aesthetics, impose other or additional requirements or surcharges for particular types of signage.

In conjunction with the oversight and enforcement of this Sign Code the Code Administrator of the Town of Taos is further empowered to assess, impose, and apply those interest-bearing penalties and costs as are set forth herein for Non-Compliant, Unsafe, or Obsolete signage.

15.08.230: ISSUANCE AND DISPLAY OF PERMIT FOR PERMANENT SIGN

It shall be the duty of the Code Administrator of the Town of Taos, or the Code Administrator's designee, to examine all Permanent Sign Permit applications for compliance with the provisions of this Sign Code; to physically examine the premises at which the signage is proposed; to determine if any interest, penalties or costs may be due; and to issue said Sign Permit, or an explanatory denial thereof, within ten (10) business days of the filing of the application. Any explanatory denial of an application must include a statement concerning why the application is denied, citing the specific health, safety, welfare or aesthetic reasons for the denial.

Collection of the basic statutory fee and any and all fees and penalties shall be the duty of the Code Administrator of the Town of Taos, or the Code Administrator's designee; in exchange for which a numerically sequenced, dated, Town of Taos Sign Permit shall be issued.

A current Town of Taos Sign Permit shall be prima facie evidence of compliance with this Sign Code, as well as of the payment in full of all required fees, surcharges, penalties, interest thereon, and costs assessed; and it grants the holder thereof a non-transferable permit to display the approved signage for the specific location indicated on the permit application and resulting sign permit.

Every recipient of a Town of Taos Sign Permit shall be responsible for retaining said permit and to provide evidence of the permit when requested by the Code Administrator of the Town of Taos, or the Code Administrator's designee.

15.08.240: OVERSIGHT, INSPECTION AND REVOCATION OF SIGN PERMIT

The Code Administrator of the Town of Taos or the Code Administrator's designee shall conduct regular inspections of all signage within the jurisdiction of the Town of Taos in order to verify compliance with the provisions of this Sign Code.

The Code Administrator of the Town of Taos or the Code Administrator's designee shall have the authority to enter upon any lot, property, or premises, at any reasonable time and with reasonable notice to the property owner, to inspect the signage thereon or within.

The Code Administrator of the Town of Taos or the Code Administrator's designee shall ascertain that all signage upon a premises or property has been properly permitted and in compliance with the provisions of this Sign Code. Any non-compliance shall be subject to the Penalty clause of this chapter.

15.08.250: REGULATION OF SIGNS

This Sign Code shall be interpreted in a manner that balances First Amendment expressive rights with the interests of businesses and the public safety and aesthetics of the community. It is intended to preserve and advance the unique character of the Town of Taos and its Central Business District, to accommodate the aesthetics of the Historic Overlay Zone of the Town of Taos, and to comply with the import of the Town of Taos Land Use Development Title. To accomplish these purposes, some forms of signage within the jurisdiction of the Town of Taos must be prohibited.

Notwithstanding any prohibition or constraint imposed by this Sign Code, an applicant whose request for a Sign Permit has been denied, or an individual or entity upon whom a fine, penalty, or costs has been imposed, may apply for relief from same as herein set forth.

15.08.260: SPECIFICALLY PROHIBITED TYPES OF SIGNS

1. Signage that flashes, blinks, rotates, or varies its degree of internal illumination is specifically prohibited;
2. Signage with mechanically moving parts is specifically prohibited;
3. Signage utilizing or incorporating audio devices is specifically prohibited;
4. Billboards are specifically prohibited;

5. Commercial off-site signage is specifically prohibited except as permitted elsewhere in this Code.
6. Signage which obstructs the view of an operator of any motor vehicle upon any right-of-way, as determined by the Clear Sight Triangle as defined within the Town of Taos Land Use Development Title, or as may hereafter be defined therein, or as defined by the Town of Taos Access Management Manual or its successor documents, or as may hereafter be defined therein, is specifically prohibited;
7. Signage erected or placed on the ground within, or suspended or projecting above, a right-of-way is specifically prohibited. This prohibition is for the purposes of traffic and pedestrian safety and avoidance of visual clutter. Directional, safety and construction-related signs or other signs placed within or above a right-of-way by or with the permission of a governmental entity with jurisdiction is excepted from this prohibition, provided there is a valid and substantial public health, safety, welfare or aesthetic reason for such signage.
8. Signage bearing a similarity in style or design with commonly seen traffic signs or signals, and making use of such words as “stop,” “look,” “danger,” or similar phrase or symbol, which tend to mislead, confuse, or impede the orderly flow of either pedestrian or vehicular traffic, is specifically prohibited;
9. Signage illuminated by floodlights or spotlights not complying with the Dark Skies Ordinance of the Town of Taos is specifically prohibited;
10. Signage that restricts the free ingress or egress of any sidewalk, window, door, or fire exit, is specifically prohibited;
11. Signage projecting above a roof line, eave, or parapet is specifically prohibited;
12. Signage spanning any public walkway or public access area whose lower edge is less than seven (7) feet above the average grade below, is specifically prohibited;
13. Signage that is hazardous, or in dilapidated and dangerous physical condition, or from which nails, tacks, screws, wires, or sharp objects of any nature may protrude is specifically prohibited;
14. Commercial signage constructed of cardboard, paper, cloth, or other non-durable material, is specifically prohibited;

15. Signage attached to a tree, fence, utility pole, transit facility enclosure, or street seating, within any public right-of-way, is specifically prohibited;
16. Inflatable signs are prohibited within the Town of Taos.
17. Commercial monopole signs are prohibited within the Town of Taos.
18. The use of neon or LED or similar device to graphically outline any building, exterior walls, fence or other structure is prohibited.
19. Commercial signage placed on or affixed to a sidewalk or stairs unless specifically permitted by this Sign Code.
20. Signs shall not be affixed to public property except for banners and other signs placed with permission of the Town or other governmental entity that owns the property at locations where rental of space for such banners or signs is permitted, and except for signs affixed by the governmental entity that owns the public property.

15.08.270: NONCOMPLIANT, UNSAFE, OBSOLETE SIGNS

Upon the determination of the Code Administrator of the Town of Taos that any signage within this jurisdiction does not comply with the provisions of this Sign Code, a written order shall be issued to the holder of the Sign Permit, or to the owner, agent, entity or individual enjoying the beneficial use of the premises, structure, or lot upon which the non-compliant signage is situated, or both, to take down and remove same within ten (10) days; after which the non-compliant signage may be removed by the Town of Taos with the costs of removal assessed against the holder of the Sign Permit, or the non-compliant owner, agent, entity or individual, or both and the property owner or other person who has violated the Sign Code will be subject to the penalty clause of this chapter.

Upon the determination of the Code Administrator of the Town of Taos that any signage within this jurisdiction is in violation of this Sign Code by reason of being situated or intruding upon a public right-of-way, or creating an immediate danger or peril to public safety, a verbal notification shall be issued to the holder of the Sign Permit, or to the owner, agent, entity or individual enjoying the beneficial use of the non-compliant signage, or both, to take down and remove same within twenty-four (24) hours or such shorter period as public safety may require in the circumstances; after which the non-compliant signage may be removed by the Town of Taos with the costs of removal assessed against the holder of the Sign Permit, or the non-compliant owner, agent, entity or individual, or both and the property owner will be subject to the penalty clause of this chapter.

Upon the determination of the Code Administrator of the Town of Taos that any signage within this jurisdiction is obsolete or abandoned and no longer advertises or informs of a bona fide, existing business or trade, or a product or service being offered at any premises, structure, or lot, or advertises or promotes a person and/or place and/or event for a fixed date that has passed, a written or verbal notice shall be issued to the holder of the Sign Permit, or to the owner, agent, entity or individual enjoying the beneficial use of the premises, structure, or lot upon which the non-compliant signage is situated, or both, to take down and remove same within seventy-two (72) hours; after which the non-compliant signage may be removed by the Town of Taos with the costs of removal assessed against the holder of the Sign Permit, or the non-compliant owner, agent, entity or individual, or both and the property owner will be subject to the penalty clause of this chapter.

Upon the removal of any non-compliant, unsafe, obsolete or abandoned signage, the building, structure, or lot from which the signage is removed shall, within ten (10) days thereafter, be cleaned, patched, painted, or otherwise remediated by the owner, agent, entity or individual responsible for the premises. All supports, stanchions, brackets, mounts, attachments, or other sign-connecting devices shall be removed, leaving no visible evidence. The Code Administrator of the Town of Taos or the Code Administrator's designee shall thereafter inspect and certify compliance; or alternatively, issue written notice for further remediation within a specified time, after which the non-compliant remnants may be removed or remediated by the Town of Taos, and the costs of same assessed against the non-compliant owner, agent, entity, or individual responsible and the property owner will be subject to the penalty clause of this chapter.

15.08.280: TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT – APPLICABLE SECTIONS

The Traditional Neighborhood Development (TND) District contains specific regulations for signage and sections 15.08.310, 15.08.320, and 15.08.370 of this chapter do not apply to signage but are subject to the applicable regulations and restrictions listed in under the TND District however all signage within the TND District are subject to all other provisions of this Sign Code.

15.08.300: GENERAL REGULATION OF PERMITTED SIGNS

All permanent, commercial signage within the jurisdiction of the Town of Taos, whether informational or for identification purposes, shall relate to the purpose of the specific business entity displaying same; shall be consistent, upon any premises, in basic design, style, color and manufacture; and shall comply with the provisions of this Sign Code in all respects.

15.08.310: NUMBER OF PERMANENT SIGNS PERMISSIBLE ON PREMISES OR LOT

- A. All signage within the jurisdiction of the Town of Taos advertising the business conducted upon a parcel is limited to the following
 - a. Three (3) permanent signs per premises, building or location; whether they be freestanding, monument, window or wall signs;
 - b. Each business may elect to use a banner or portable sign instead of any of the three permanent signs.
 - c. Properties located outside of the Historic Overlay Zone of the Town of Taos may place up to three informational wall signs per façade on the exterior of the building. Informational signs shall not exceed three square feet in area and are not calculated in the total sign area permitted.
- B. In the case of a motel or hotel having an on-premises assembly or meeting room, or an on-premises performance or motion picture theater, an additional, one (1), double faced marquee sign may be permitted and is not included in the calculation of the total sign area permitted.
- C. See section 15.8.370 for the number of signs permitted for multi-tenant centers.

15.08.320: BASIC DESIGN, DIMENSIONS AND MANUFACTURE OF PERMANENT SIGNS

All signage within the jurisdiction of the Town of Taos must adhere to the following minimum standards:

- a. Whenever possible and practical, the street address of the premises upon which the signage is located shall be prominently incorporated and clearly visible to the public provided it is not greater than three square feet in area. The area used to identify the street address shall not be calculated in the sign area permitted;
- b. If a decorative trim, whether of wood, simulated wood, metal, or other material surrounds the signage it may be excluded in determining the permissible area of the signage as follows:
 - i. For a sixty (60) square foot sign, trim width shall not exceed six (6) inches;
 - ii. For a forty (40) square foot sign, trim width shall not exceed five (5) inches;
 - iii. For a twenty (20) square foot sign, trim width shall not exceed four (4) inches;

- c. Freestanding, projecting, and monument signage may display two (2) faces, and shall be engineered to withstand a gusting wind velocity of seventy-five (75) miles per hour; and bear a dead-weight load as set forth in the Building Code of the Town of Taos. Only one sign face of a double faced sign shall be calculated in the sign area permitted;
- d. All projecting and hanging signs shall provide a minimum of seven (7) feet of vertical clearance from the average grade below the sign.
- e. Window signage shall not exceed twenty percent (20%) of the window area.
 - i. Display windows are not restricted in the number of items placed within the display area and are not considered signage.
 - ii. The total window area provided on the first floor of a façade may be totaled together to arrive at the permitted area of a window sign or signs.
- f. No signage may be constructed of, or incorporate, any reflective material or internal illumination that will constitute a visual hazard to drivers along public rights-of-way; nor may they be painted, in whole or in part, with fluorescent colors.
- g. Each premise shall be allowed up to a maximum of sixty (60) square feet of sign area. See section 15.8.370 for the allowable sign area for multi-tenant properties.
- h. Free-Standing and monument signs within the central business district and/or the Historic Overlay Zone shall not exceed twelve feet (12') in height and signs located in other districts shall not exceed twenty feet (20') in height or the height limit of the zoning district in which the property is located, whichever is lower.
- i. Wall signs are limited to ten percent (10 %) of the area of the façade to which it is affixed.
- j. The area of a wall sign consisting of cutout lettering and logo, with no borders or background defined on the building wall, or signs constructed of carved wood or similar material that provides articulation and depth to the sign, will be calculated at one-half ($\frac{1}{2}$) of the area of the smallest rectangle that will wholly contain all the letters and logo.

15.08.330: THE CENTRAL BUSINESS DISTRICT AND THE HISTORIC OVERLAY ZONE – SPECIAL RULES, REGULATIONS, AND RESTRICTIONS.

1. The Central Business District and the Historic Overlay Zone of the Town of Taos are those areas so defined by the Land Use Development Title of the Town of Taos Code, or by any officially adopted map of the Town of Taos, and any amended description as may hereafter be enacted by the Town of Taos.
2. All signage within the Central Business District of the Town of Taos and the Historic Overlay Zone of the Town of Taos shall comply with the special regulations, particular restrictions, or prohibitions of this section in addition to the general provisions of this sign code.
 - a. External signage that is internally lit is prohibited within the Historic Overlay Zone and the Central Business District of the Town of Taos unless said has been found to be of historic significance and contributes to the property’s listing on the local, state, or national register of historic places;
 - b. Internally lit static signage may be placed in a window or windows provided that the total signage placed in the window or windows does not exceed twenty percent (20%) of the window area. The total window area provided on the first floor of a facade may be totaled together to arrive at the permitted area of a window sign or signs.

15.08.340: TEMPORARY SIGNS AND PORTABLE SIGNS – SPECIAL RULES

1. Temporary signage is any poster, banner, or other advertising or informational device not constructed, displayed or intended for long term purposes. It includes signage which directs attention to a business, product, service, or entertainment conducted, sold or offered at a location other than the premises or lot on which the signage is located. A temporary sign includes decorative displays for holidays or public demonstrations.
2. Portable signage is any poster, banner, or other advertising or informational device which is self supporting and is easily relocated by its owner. Portable signs shall not exceed an overall area of six (6) square feet per sign face and shall not exceed two sign faces. A portable sign may also be temporary signage. See section 15.8.350 for special rules for mobile signs.
3. All temporary and portable signage within the Town of Taos must comply with the provisions of this Sign Code subject to the exceptions set forth in Section 15.08.410

below. Special regulations, and particular restrictions or prohibitions, may apply pursuant to the provisions of this Sign Code and in the judgment of the Code Administrator of the Town of Taos, which judgment shall be exercised to promote public health, safety or welfare, including aesthetic interests, along with a statement of the particular public interest served by a particular judgment.

4. All temporary signage which shall be suspended and anchored to a device other than a wall, portal or other structure, must receive prior approval from the Code Administrator or the Code Administrator's designee prior to being suspended, based upon applicable public health, safety or welfare (including aesthetic) considerations, which shall be stated.

5. Temporary Event announcement signs:

- a. A single temporary on-site announcement sign advertising the occurrence of a specific community, civic, commercial or other event upon the premises is allowed, provided said sign does not exceed sixteen (16) square feet in over-all dimension, nor exceed eight (8) feet in height.
- b. Up to six (6) temporary announcement signs may be placed off-site, provided each does not exceed eighteen (18) inches by twenty-four (24) inches in over-all dimension and is no greater than three (3) feet in height and said signs are placed with the permission of the property owner.
- c. All temporary announcement or attention-attracting signage for community events, occurrences or performances constructed of fabric or other non-rigid material, designed to be displayed by suspension off-site is subject to the prior approval, as to public safety and community standards, by the Code Administrator of the Town of Taos or the Code Administrator's designee.
- d. Any such commercial signage may be erected no earlier than fourteen (14) days prior to the event announced; and all such commercial and noncommercial signage must be removed by the responsible entity or individual, within three (3) days of the event's conclusion.

15.08.350: MOBILE SIGNS – SPECIAL RULES

Vehicles are permitted to have permanent or temporary commercial or noncommercial signage affixed to the body of the vehicle however said signage shall not be affixed to the glazing of a vehicle in a manner that obstructs a driver's vision.

15.08.360: CONSTRUCTION SIGNS – SPECIAL RULES

Construction signage is that which identifies an architect, builder, contractor, subcontractor, material supplier, financing entity or others participating in any construction, design or alteration on the property on which the signage is located. It may also include a picture or representation of the structure under construction. By its nature, construction signage is temporary signage.

All construction signage within the Town of Taos shall be no larger than twenty-four square feet in area and no greater than six feet (6') in height.

15.08.370: MULTI-TENANT CENTERS – SPECIAL RULES

The following special rules apply to multi-tenant centers in addition to all general rules for signs. Each business within a multi-tenant center is permitted the number signs as listed under §15.08.310 A and is subject to the limitations set forth in §15.08.320. Each business in the multi-tenant center may have up to sixty (60) square feet of signage, however all such signs must also comply with the special rules contained within this section.

Multi-tenant centers are those premises where two (2) or more businesses share a common building or location. Multi-tenant centers are required to submit a Master Sign Program to the Code Administrator for approval. The submitted Master Sign Program should encourage design compatibility for all businesses within the multi-tenant centers and to foster integration of signage with the architectural style of the building or complex of buildings.

The Master Sign Program establishes additional standards and criteria for all signage within and about the building or complex of buildings of the multi-tenant center. It anticipates uniformity in signage materials and design; it sets requirements for all signage locations and their illumination; it differentiates between those signs situated out of view of the public roadways and those signs specifically intended for attracting or informing the passing public on public highways and roadways.

The owner, builder, manager or promoter of the multi-tenant center shall submit a Master Sign Program to the Code Administrator of the Town of Taos prior to the issuance of any Sign Permit for the over-all premises or for any unit thereof. All permanent signage at or upon the multi-tenant center shall be fully described in the Master Sign Program and approved by the Code Administrator of the Town of Taos. That approval shall thereupon become binding upon present or future tenants or occupants of that multi-tenant center, notwithstanding that each must obtain their own Sign Permit in accordance with the provisions of this Sign Code and said Master Sign Program

The owner, builder, manager or promoter of the multi-tenant center must submit subsequent amendments to any Master Sign Plan, together with an affidavit of necessity, to the Code Administrator of the Town of Taos for approval.

Multi-tenant centers are permitted the following forms of signage:

1. Free standing or monument sign or signs are permitted along each street frontage advertising the name and street address of the center and the names of the tenants of the center.
 - a. The street address of the center shall be no greater than three (3) square feet and shall be excluded from the calculation of the sign area.
 - b. The name of the center shall be no greater than ten percent (10%) of the sign surface and shall not be included in the calculation of the sign area.
 - c. The face of a multi-tenant monument or free standing sign listing the tenants located therein shall not exceed one hundred (100) square feet.
 - d. Multi-tenant center free standing and monument signs may be double sided and only one face of the sign shall be included in the calculation of the sign area.
 - e. Individual multi-tenant free standing and monument signs may not be closer than one hundred (100) feet to one another.
2. Wall signs:
 - a. A multi-tenant center may erect, or apply, one (1) wall sign with the name of the center on a plane parallel with the exposed face of the main building's wall.
 - i. A multi-tenant center name wall sign shall not extend above the roofline or parapet of the front façade of the structure.
 - ii. The multi-tenant center name wall sign shall not exceed ten percent of the total building façade to which is it affixed.
 - b. Each tenant space within a multi-tenant center is permitted one wall sign.
 - i. Tenant wall signs are limited to ten percent (10%) of the façade of the tenant space to which the sign is affixed however a minimum of twelve square feet of wall sign area is permitted per tenant space.

- ii. Tenant wall signs may be located at the tenant space or at a common location that functions as a directory or both provided the total square footage does not exceed the permitted sign area.
- 3. Window signs:
 - a. Window signage shall not exceed twenty percent (20%) of the window area.
 - b. Display windows are not restricted in the number of items placed within the display area and are not considered signage.
 - c. The total window area provided on the first floor of a façade may be totaled together to arrive at the permitted area of a window sign or signs.
- 4. Portable signs and banners:
 - a. All portable signs must be placed a minimum of twelve feet (12') apart.
 - b. All banners must be attached to the façade of the tenant space.
- 5. Directional signage:
 - a. Multi-tenant center directional signage visible from public roadways, specifying "entrance," "exit," or displaying the premise's logo or street address, shall not exceed four (4) square feet in overall area nor exceed three (3) feet in height, and may be double-faced.
 - b. Directional signage located within the multi-tenant center and not adjacent to a public right-of-way may be applied as approved by the Code Administrator within the Master Sign Program for the multi-tenant center.

15.08.380: REAL ESTATE SIGNS – SPECIAL RULES

All real estate signage within the Town of Taos must comply with the provisions of this Sign Code applicable to temporary signs. Special regulations, and particular restrictions or prohibitions, apply pursuant to this section of this Sign Code.

1. Improved residential properties:

- a. Real estate signage advertising the sale, rental or lease of an improved residential premises or lot upon which it is located is limited to one (1) such sign, which may be double-faced, and which shall not exceed six (6) square feet in overall dimension per sign face, nor exceed five (5) feet in height above the average grade below. Such signage shall be removed within three (3) days of the rental, leasing or sale closing of the property.

2. Improved commercial, industrial, or agricultural properties:

- a. Real estate signage advertising the sale, rental or lease of an improved commercial, industrial or agricultural premises or lot upon which it is located is limited to one (1) such sign, which may be double-faced, and which may not exceed twelve (12) square feet in overall dimension per sign face, nor exceed eight (8) feet in height above the average grade below. Such signage shall be removed within three (3) days of the rental, leasing or sale closing of the property.

3. Unimproved properties:

- a. Real estate signage advertising the sale, rental or lease of any unimproved lot is limited to one (1) such sign per street frontage, each of which may be double-faced. In the case of such lot(s) being less than ten (10) acres in size, a single sign may not exceed eight (8) square feet in overall dimension per sign face, nor exceed eight (8) feet in height above the average grade below, nor may the aggregate square footage of all such signage exceed thirty-two (32) square feet in combined dimension (each sign area being calculated as the area of a single face to arrive at the combined dimension). In the case of such lot(s) being greater than ten (10) acres in size, a single sign may not exceed sixteen (16) square feet in overall dimension (each sign area being calculated as the area of a single face to arrive at the combined dimension), nor exceed sixty-four (64) square feet in combined dimension.

15.08.400: PRE-EXISTING PERMANENT SIGNS

Immediately upon adoption of this Sign Code no permanent informational, industrial, commercial, trade, or other signage shall be permitted within the jurisdiction of the Town of Taos except as specifically permitted by, and in compliance with, this Sign Code; however, all presently existing permanent signs shall be deemed allowable to the following extent:

1. PRE-EXISTING PERMANENT SIGNS:

- a. Existing permanent signage within this jurisdiction, as well as existing permanent signage in any other jurisdiction subsequently annexed into the Town of Taos, that is not in compliance with this Sign Code shall be allowed to continue to be used as legal non-conforming signage until such time as signage is replaced.
- b. Alteration, improvement, or replacement of any one legal non-conforming sign located on the premises shall require all permanent signage upon the property to conform to this Sign Code.
- c. Re-facing of a faded or similarly compromised sign that continues to advertise the same business upon the property shall not cause said sign to lose its legal non-conforming status.

15.08.410: EXEMPT SIGNS

The following classes of signs are exempt from the requirements of the Sign Code except to the extent stated in this section or as determined by the Code Administrator based upon particular, specified public health, safety, welfare or aesthetic considerations.

1. BULLETIN BOARDS: A single on-site exterior bulletin board, upon which public notices are temporarily affixed without charge therefore, is exempt from the provisions of this Sign Code provided it does not exceed eight (8) square feet per each sign face, nor exceed seven (7) feet in overall height.

2. CIVIC, CHURCH, SERVICE CLUB, POLITICAL, ELECTION CAMPAIGN, AND OTHER NON-COMMERCIAL SIGNS:

- a. Permanent, on-site civic, church, service club, political, election campaign, or other non-commercial signs or emblems, whether for a charitable purpose, a religion, a candidate, a cause, an idea, an ideology, or any other non-commercial purpose, are exempt from this Sign Code except that they are subject to the same number per property, dimensional and height requirements applicable to permanent commercial signs as set forth above, including in Sections 15.08.310 and 15.08.320. Such signage is in addition to allowable temporary signage.
- b. A reasonable number of off-site civic, church, service club, political, election campaign or other noncommercial signs or emblems are exempt from the provisions of this Sign Code, provided they are not illuminated and each does not exceed six (6) square feet in over-all dimension, nor exceed five (5) feet in height. Such signs may be

double faced. In addition, up to one banner, not to exceed twenty-four (24) square feet in size, will be permitted per property.

c. Additionally, noncommercial entities may place a sign upon up to two off-site sign structures which hold the signs of multiple civic, church, service club and/or other noncommercial entities provided said sign structure is no greater than sixteen (16) square feet in over-all dimension per face, and does not exceed eight (8) feet in height. Said sign structure may be double faced.

d. If noncommercial signage pertains to a particular election or other time-specific event, it shall be removed within three (3) days after the conclusion of event to which it pertains.

e. Noncommercial signs are subject to the applicable prohibitions set forth in Section 15.08.260 above, including but not limited to Paragraph 7 thereof, prohibiting the placement of signs in public rights-of-way.

f. Regardless of any other provision of this Sign Code, non-commercial signs shall not be restricted more severely than commercial signs or prohibited where commercial signs are permitted, and any particular type of non-commercial sign shall not be restricted more severely than another type of non-commercial sign, or prohibited where another type of non-commercial sign is permitted.

3. DIRECTIONAL SIGNS:

a. On-site informational or directional signs bearing arrows or legends such as "self-service," "drive-through," "parking," "closed," "open," "exit," "entrance," "office," "restrooms," or food establishment menu displays, are exempt from the provisions of this Sign Code, provided they do not exceed two (2) in number per premises, nor six (6) square feet per each sign face.

b. Directional signs shall not exceed three (3) feet in height above the average grade below.

c. The name or logo of the business, which may appear on such signage, may not exceed twenty-five (25) percent of the sign's overall dimension.

d. There shall be no restrictions on similar informational or directional signs which are both wholly within the confines of the premises and not visible from any public right-of-way.

4. DIRECTORY SIGNS:

On-site exterior directory signs advising of the occupants or tenants within a structure or premises that are not visible from any public right-of-way do not require a sign permit and are wholly exempt from the provisions of this Sign Code.

5. GARAGE SALE AND YARD SALE SIGNS:

a. One (1) on-site temporary sign announcing a garage or yard sale event shall be wholly exempt from the provisions of this Sign Code provided it is located on the premises where the sale is to be held.

b. No more than three (3) off-site temporary signs announcing a garage or yard sale event shall likewise be wholly exempt from the provisions of this Sign Code provided they are posted with the consent of the owner of the premises.

c. Such signage shall not be displayed for a period of more than five (5) consecutive days prior to the event and must be removed by the entity or individual who posted them within three (3) days of the conclusion of the event.

6. GASOLINE STATION PRICE SIGNS:

a. One on-site single or double faced gasoline price sign is wholly exempt from the provisions of this Sign Code provided they do not exceed twelve (12) square feet per each sign face and do not bear any advertising other than a gasoline brand name.

b. No more than one (1) double-faced price sign is permissible at any one location, and the same may be mounted atop an otherwise lawfully permitted free-standing sign.

7. GOVERNMENTAL, SCHOOL, AND HOSPITAL SIGNS: Signage erected, posted, or displayed by federal, state or local governmental authorities or a hospital are wholly exempt from the provisions of this Sign Code however no internally lit signs are permitted within the Historic Overlay Zone.

8. GOVERNMENTALLY SPONSORED WAY FINDING: Way-finding sign sanctioned by the Town of Taos and/or the State of New Mexico are wholly exempt from the provisions of this Sign Code however no internally lit signs are permitted within the Historic Overlay Zone.

9. MEMORIAL AND COMMEMORATIVE TABLETS: On-site memorial signage or commemorative tablets are wholly exempt from the provisions of this Sign Code provided they are permanently attached to the building or structure to which they refer and do not exceed three (3) square feet in overall size.

10. LED OR NEON WINDOW SIGNS:

a. Interior static neon, LED, or otherwise illuminated window signs displaying messages such as “open” or advertisements are wholly exempt from the provisions of this Chapter provided they do not exceed, cumulatively, three (3) square feet in total signage area.

b. LED or similarly lit changeable message signs shall be considered static provided that the message is not animated and the message that is displayed does not change on a cycle of less than five (5) minute intervals.

11. FLAGS: The display of national, state, municipal or other noncommercial flags is wholly exempt from the provisions of this Chapter provided the flags are suitably maintained, securely mounted, their display creating no impediment to traffic, no danger or peril to public safety. Commercial flags, banners or bunting are subject to the provisions of this Sign Code in all respects. The national flag must be flown in accordance with applicable federal regulations.

12. RESIDENTIAL AND STREET ADDRESS SIGNS: On-site exterior residential identification signs and private street address signs are wholly exempt from the provisions of this Sign Code provided they do not exceed three (3) square feet per each sign face.

13. SALES SIGNS:

a. On-site business signage announcing temporary sales events, or other notices to the public, is wholly exempt from the provisions of this Sign Code provided the sale sign is no greater than three (3) square feet.

b. It may be posted only on the interior of the window(s) of the business and may be displayed for a period of no more than thirty (30) consecutive days.

c. An exterior banner may be used as a sale sign but shall be considered one of the three permitted permanent signs for the business and shall comply with the provisions of this Sign Code.

14. TIME AND TEMPERATURE SIGNS: On-site displays or signs informing of the time and/or temperature, whether free-standing or attached to a structure, may not exceed

twelve (12) square feet per each face, nor exceed an overall height of six (6) feet, and are subject to the prior approval, as to public placement and community standards, by the Code Administrator of the Town of Taos or the Code Administrator's designee.

a. Time and temperature signs are not permitted within the Town of Taos Historic Overlay Zone.

15. Signs required by law to conduct business for approved uses within any Town of Taos zoning district are wholly exempt from the provisions of this Sign Code.

16. Residential subdivision signs that are no larger than twelve square feet in area and no greater than six feet in height and located at the main intersection or intersections entering into the subdivision are exempt from the provisions of this sign Code.

17. Hand held signs that contain a non-commercial message, including picketing, boycott, and protest signs, that remains in a person's control at all times are wholly exempt from this sign code.

15.08.500: RELIEF FROM THE REQUIREMENTS OF THIS SIGN CODE

The Planning and Zoning Commission shall have the power to grant variances of this chapter by following the town's land use development title, title 16 of the Taos Town Code, procedures and requirements for notice, hearing and grounds for granting variances. The commission shall also have the power to recommend extensions of time to comply with this chapter if they are satisfied that the person seeking the extension has put forth good faith effort to comply.

Nevertheless, no variance from the provisions of this Sign Code may allow more than a twenty (20) percent increase in the size, surface area, height or other signage dimension set forth in this Sign Code.

Further, the granting of any variance from the provisions of this Sign Code may provide singular relief from a real economic hardship or business-related constraint, and does not over-ride, rescind, negate, nor permanently amend, any portion of the provisions of this Sign Code.

15.08.510: BASIS FOR GRANTING RELIEF

The Planning and Zoning Commission of the Town of Taos, in hearing and deciding upon any application for a variance from the provisions of this Sign Code, may properly consider a balance between the following:

1. That a literal application of the provisions of this Sign Code would cause undue financial or other hardship to the applicant because of conditions that are unique to the building, structure, premises, or lot, upon which the proposed signage is to be situate;

2. That the granting of applicant's request for a variance from the provisions of this Sign Code would not be materially detrimental to the public, or to property owners, or existing businesses, in the immediate vicinity of the proposed signage;

3. That the granting of applicant's request for a variance from the provisions of this Sign Code would not be contradictory to the intent, general purposes and objectives of this Sign Code, the Town of Taos Land Use Development Title, nor any other Ordinance of the Town of Taos;

4. That, in the case of multi-tenant centers, the requested variance nevertheless substantially meets the goals of the Town of Taos Vision 2020 Master Plan or its successor Master Plan, Comprehensive Plan or similar document approved by the Taos Town Council;

5. That, in the case of multi-tenant centers, the requested variance assures that signage visible from public rights-of-way do not exceed the design and dimension requirements set forth elsewhere in this Sign Code.

15.08.520: APPEAL OF THE DECISION PLANNING AND ZONING COMMISSION OR THE CODE ADMINISTRATOR

In regard to appeals of the decision of the Planning and Zoning Commission or of the Code Administrator, all such appeals shall be conducted as provided in §16.12.080 of the Taos Town Code.

15.08.600: DEFINITIONS AND ILLUSTRATIONS OF TERMS USED IN THIS ORDINANCE

For the purpose of interpreting the intent of any portion of this Sign Code, all language used shall be interpreted in accord with common English usage, definitions, and meanings and as may be defined in the most recent edition of Webster's Collegiate Dictionary, except that the following words, terms and phrases shall have these more specific meanings ascribed to them, respectively:

Abandoned Sign: Any sign that is in a state of disrepair or is located upon a vacant premise.

A-Frame Sign: A self supporting sign consisting of two equal faces that is easily relocated.

Animated Sign: A sign whose face changes to simulate motion or changes messages in intervals of less than five (5) minutes.

Area of a Sign: The product of the width multiplied by height of the sign face that identifies a business, product, or provides other information place on the sign face. For signs using cutout

lettering it is the product of the area of the smallest rectangle that will wholly contain all of the letters and logo.

Audio Device: Any device which emits a sound that is audible to the general public.

Banner: A temporary sign constructed of cloth, paper, plastic or other non-rigid material that is affixed to a structure through grommets by rope, hooks, or similar anchors.

Billboard: Free-standing, rigidly supported signs advertising goods, products, or services of dimensions larger than those permitted by this Code for the location involved.

Bulletin Boards: Cork backed boards or boards surfaced with similar material that allow for temporary signs to be affixed to said surface with a tack, staple, or similar anchor.

Business License: A license issued by the Town of Taos to conduct business with the Town of Taos and to collect taxes due to the Town of Taos.

Central Business District: The area as depicted as the Central Business District upon the most recently approved zoning map of the Town of Taos.

Civic, Church, Service Club Political, Election Campaign and Other Non-commercial Signs: signs identifying a religious, civic, philanthropic or other noncommercial organization or containing any noncommercial message that such an organization or an individual wishes to convey.

Code Administrator: The Code Administrator of the Town of Taos, appointed and having authority as set forth in § 16.12 of the Taos Town Code.

Commercial sign walker: Any person who carries a sign in any manner that displays a commercial message. Commercial sign walkers are prohibited within the Town of Taos.

Construction Sign: Construction signage is that which identifies an architect, builder, contractor, subcontractor, material supplier, financing entity or others participating in any construction, design or alteration on the property on which the signage is located.

Civic, Community, Commercial or Other Event: An event that is open to the general public, usually conducted on public property or within a public building, and is otherwise unusual. A "Sales Event", "Sale", or other standard commercial promotion does not constitute a Civic, Community, or Commercial or other Event.

Dark Skies Ordinance: Town of Taos Ordinance 99-2.

Directional Signs: Signs that guide a pedestrian or vehicle to an entrance, exit, or similar function on a property.

Directory Sign: A sign listing multiple tenants that are located on the premises and may or may not include a map depicting the location of tenants.

Drive-Through Menu Sign: A sign located at the entrance to a drive-thru that provides a menu of items that may be purchased from a vehicle at a pick-up window.

Externally Illuminated Sign: A sign which is illuminated by a light source external to the sign structure that complies with the Town of Taos Dark Skies Ordinance. Said external illumination may be placed in front of or behind the sign provided it is external to the sign structure.

Façade: The exterior surface of a wall of a building or other structure such as a retaining wall or landscape wall.

Flag: A rectangular piece of cloth depicting the symbols associated with a nation, state, city, town, or corporation or other organization.

Flashing Signs: Any sign which rapidly changes its illumination.

Free Standing Sign: A permanent sign supported by two (2) pole structures with the sign face or faces affixed between the supporting poles.

Garage Sale & Yard Sale Signs: Temporary signs used to advertise sales at residential properties.

Governmental Sign: Any sign identifying the location of a public building, street, or activity.

Hanging Sign: A sign affixed to the ceiling of a portal or similar structure over a sidewalk or a walkway.

Height of a Sign: The distance measured from the average grade of the foundation of the sign structure to the highest portion of the sign structure.

Historic or Commemorative Marker: A marker placed upon a building, structure, property, or embedded in a sidewalk listing its inclusion on the local, state, or national register of historic places or in commemoration of a person place or event as approved by the Taos Town Council.

Inflatable Sign: Any sign which use a gas to inflate in order to be deployed.

Illegal Sign: Any sign altered, erected, refurbished, repaired, or placed that does not comply with this Sign Code after its enactment.

Internally illuminated Sign: Any sign whose light source originates within the sign structure.

Land Use Development Title: Chapter 16 of the Taos Town Code.

Light Emitting Diode Sign: A sign which uses light emitting diodes for illumination.

Logo: A graphic or artistic symbol, picture, stylized lettering and other images used to identify a particular business or product.

Marquee Sign: A sign with changeable letters displaying entertainment or event offerings within an area of public assembly such as a theater, motion picture theater, or convention center.

Menu Sign: A sign in a display case or similar sign provided on the exterior of a restaurant or eatery listing food and drink offerings and their prices provided on the premises.

Mobile Sign: Signage on wheels or on portable structures such as trailers, tents, or motor vehicles designed specifically as a mobile billboard.

Monopole Sign: A sign supported by a single pole structure that is less than the width of the sign face affixed to it.

Monument Sign: A sign affixed to a solid free-standing structure that is equal to or greater than the width of the sign and the thickness of the supporting base is at least six (6) inches.

Multi-tenant Center: A building or group of buildings with more than one tenant and have the same address, located on the same parcel or share adjoining walls.

Off-Site Sign: Any sign which displays a product, good, or service not offered at the location of the sign.

Permanent Sign: A sign permanently affixed to the ground, wall, window, or other structure.

Portable Sign: A sign which is easily relocated.

Portal: A covered entrance, porch, or walkway adjacent to or affixed to a building.

Pre-Existing Non-Conforming Sign: A permanent sign constructed prior to the latest amendment to this Sign Code that does not conform to the requirements of this chapter.

Projecting Sign: A sign supported by a cross member above the sign face and affixed to a pole, wall, or other structure and hangs

Real Estate Sign: A real estate sign is any signage advertising the sale, lease or rental of real property, whether improved or unimproved, single occupancy or multi-tenancy. Real estate signs, by their nature, are temporary signs.

Regulatory or Safety Sign: A sign required by law.

Right-of-way or Public Right-of-way: Any street, road, highway, trail, bicycle path, alley or sidewalk open to and used by the public within the municipal limits of the Town of Taos.

Roof Sign: Any sign place above a parapet or eave.

Sale Sign: Temporary commercial sign informing the general public of a discount of a product, good or service.

Sandwich Sign: See A-Frame Sign.

Sign: Any displayed poster, banner, or other surface lettering and/or graphics or pictures, or any similar device used to identify or advance a particular business, product, good, or service, or to advance a person, group, organization, candidate, idea, ideology, cause or other message.

Sign Permit: A permit issued by the Code Administrator of the Town of Taos approving the use of a sign or signs.

Subdivision Sign: A sign identify a residential or commercial subdivision.

Temporary Sign: Any poster, banner, or other advertising device not constructed, displayed or intended for long term purposes.

Trailer Sign: See mobile sign.

Under Canopy Sign: See hanging sign.

Vehicle Sign: A sign for a business located within the Town of Taos affixed to an automobile or truck.

Wall Sign: Any sign affixed to an exterior wall.

Window Sign: Any sign placed within, painted on, or otherwise affixed to the glazing of a window.

15.08.700: SEVERABILITY OF THE PROVISIONS OF THIS SIGN CODE

The provisions of this Sign Code are severable; and if any section, subsection, paragraph or part of this Ordinance is held to be invalid, unenforceable, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect, impair, or render void, the remainder of this Sign Code.

15.08.710: EFFECTIVE DATE OF THIS ORDINANCE

The provisions of this Sign Code Ordinance shall become effective five (5) days after its publication unless otherwise provided by law.

15.08.720: PENALTY

Any person violating any provisions of this chapter shall be deemed guilty of a petty misdemeanor and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.