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#### SIGN CODE REGULATIONS

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## Chapter 19.04

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**19.04.010 Administrative provisions.**

Administrative provisions for this Chapter shall be as set forth in Sections 19.04.011 through 19.04.014. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

**19.04.011 Legislative intent.**

A. The purpose of this Chapter is to protect the health, safety and welfare of the residents of the Town by regulating the design, construction, size, location and installation of signs in the Town. The Town Council recognizes that signs are a necessary means of visual communication for the public convenience and that businesses, services and other activities have the right to identify themselves by using signs that are accessory and incidental to the uses on the premises where the signs are located. In this Chapter, the Town Council intends to provide a reasonable balance between the right of a business or individual to identify itself and its purpose, and the right of the public to be protected against the visual discord that results from the unrestricted proliferation of signs. The Town Council also intends by this Chapter to ensure that signs are compatible with adjacent land uses and with the total visual environment of the community. Another purpose of this Chapter is to protect the public from hazardous conditions by prohibiting signs that:

1. Are structurally unsafe;
2. Obscure or distract the vision of motorists; or
3. Compete or conflict with necessary traffic signs and warning signals.

B. In adopting this Chapter, the Town Council recognizes that the size of signs that provide adequate identification in pedestrian-oriented areas differs from that necessary in vehicular-oriented areas where traffic is heavy, travel speeds are greater and required setbacks are greater.

C. Repealed.

D. The Town Council recognizes that nonconforming signs exist in the Town and in other areas adjacent to the Town which may be subsequently annexed which may be nonconforming or do not comply with this Chapter. The Town Council recognizes that permitting the continuation of such nonconforming or noncomplying signs does not achieve the purposes of this Chapter and therefor the Town Council intends that such nonconforming or noncomplying signs shall be eliminated as expeditiously as practicable.

E. The Town Council also recognizes in adopting this Chapter that instances may occur where application of its provisions may deprive a business or individual of the use of a proposed or existing sign and that such business or individual should have a procedure to request a variance from the requirements of this Chapter.

F. The Town Council recognizes that the right of the citizenry to fully exercise the right of free speech by the use of signs containing noncommercial messages, subject to reasonable noncontent based regulation regarding placement, structural integrity, traffic safety and community aesthetics.

G. The Town Council finds that certain types of devices that might be considered to be signs shall not be further regulated under this Chapter if they:

1. Do not create a structural safety or traffic safety hazard;
2. Promote public safety or dissemination of public information;
3. Do not impede aesthetic concerns; and
4. Are accessory to the exercise of first amendment rights.

H. The Town Council further finds that certain other signs, because of their purpose and size, shall not require a permit and inspection under this Chapter. (Ord. 2007-24 §§1, 2, 2007; Ord. 2000-09 §1, 2000; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.012 Application of Chapter.**

A. No person shall display, construct, erect, alter, use or maintain any sign in the Town except in conformance with the provisions of this Chapter. No person shall alter, maintain, enlarge, use or display any sign erected or constructed prior to the effective date of this Chapter or any sign located in an area annexed to the Town since the effective date of this Chapter, except in conformity with the requirements herein.

B. No person shall perform or order the performance of any act contrary to the requirements of this Chapter or fail to perform any act required by the provisions of this Chapter.

C. The following signs are exempt from the provisions of this Chapter:

1. Signs that are not visible beyond the boundaries of the lot or parcel on which they are located or from any public thoroughfare or right-of-way, but such signs are not exempt from the safety regulations of the Town Uniform Building Code, Chapter 15.04, or National Electrical Code, Chapter 15.08;

2. Official government notices and notices posted by government officers in the performance of their duties, including notices of community events, meetings and elections, government signs controlling traffic, regulating public conduct, identifying streets or warning of danger, and notices posted by authorized representatives of neighborhood and community associations of association events and activities. However, those signs or sign structures that are not in good repair, together with bulletin boards and identification signs accessory to government buildings or other facilities, are subject to the provisions of this Chapter;

3. Works of art that in no way identify or advertise a product or business or impede traffic safety;

4. Temporary decoration or displays, if they are clearly incidental to and customarily and commonly associated with any national, local or religious celebration, but not including freestanding structures; the Town, in displaying its decorations in accordance herewith shall be entitled to utilize public thoroughfares and rights-of-way without obtaining a right-of-way

encroachment permit; the use and availability of the Town's banner poles on the Wilcox Street right-of-way may be made available through a permit.

5. Temporary or permanent signs erected by public utilities or construction companies to warn of danger or hazardous conditions in the public right-of-way or on private property, including without limitation, signs indicating the presence of underground cables, gas lines and similar devices;

6. Signs displayed on motor vehicles that are being operated or stored in the normal course of a business, such as signs indicating the name of the owner of the business, that are located on moving vans, delivery trucks, rental trucks and trailers; but only if such vehicles are parked or stored in areas appropriate to their use as commercial or delivery vehicles; and

7. Signs carried by a person and not set on or affixed to the ground. (Ord. 2000-09 §§2, 3, 2000; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.013 Interpretation.**

The following shall be used as methods of interpreting this Chapter:

1. The provisions of this Chapter shall be interpreted and applied so as to be the minimum requirements for promotion of the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the Town.

2. This Chapter is not intended to interfere with, abrogate or annul any other regulation, statute or other provision of law.

3. Where any provision of this Chapter imposes restrictions different from those imposed by any other provisions of this Chapter or any other regulation, ordinance, statute or provision of law, that provision which is most restrictive or imposes higher standards shall govern.

4. This Chapter is not intended to abrogate any covenant or any other private agreement or restriction, provided that where the provisions of this Chapter are more restrictive or impose higher standards or requirements than such covenant, or other private agreement or restriction, the provisions of this Chapter shall govern. It is not the responsibility of the Town to enforce private covenants or other private agreements. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.014 Severability.**

The Town Council finds that if any provision of this Chapter is ruled to be invalid by any court of competent jurisdiction, the effect of such ruling shall be confined to that specific provision held to be invalid as expressly stated in such ruling. Such ruling shall not affect, impair or nullify the validity or application of the remainder of this Chapter in whole or in part. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.020 Definitions; generally.**

Definitions for this Chapter shall be as set forth in Sections 19.04.021 through 19.04.022. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

**19.04.021 Rules.**

A. Words and phrases shall be read in context and construed according to the rules of grammar and common usage, and some meaning shall be given to every word used unless it be impossible to attribute a rational purpose of the word. Words and phrases that have acquired a technical or particular meaning, whether by legislative action or otherwise, shall be construed accordingly.

B. The particular controls the general.

C. In cases of any difference of meaning or implication between the text of this Chapter and the titles of sections, the text shall control.

D. *Shall* is always mandatory and not discretionary. *May* is permissive.

E. Words in the present tense include the future tense unless the context clearly indicates otherwise.

F. The singular includes the plural, and the plural includes the singular, unless the context clearly indicates otherwise.

G. Every word importing any specific gender may extend to and be applied to males, females and neuter.

H. If a requirement is ambiguous, it shall be appropriate to consider among other matters the following:

1. The object sought to be attained;
2. The circumstances under which the requirement was enacted;
3. The legislative history;
4. Former requirements upon same or similar subjects;
5. The consistency of the requirement under consideration with other current requirements in this Chapter where similar and dissimilar circumstances occur;
6. The consequence of a particular construction;
7. The administrative construction of the requirement; and
8. The legislative declaration or purpose.

I. All general provisions, terms, phrases and expressions, used in this Chapter, shall be liberally construed in order that the true legislative intent and meaning may be fully carried out.

J. If the language of the official copy of this Chapter conflicts with the language of any subsequent printing or reprinting of this Chapter, the language of the official copy prevails.

Definitions for this Chapter shall be as set forth in Sections 19.04.021 through 19.04.022. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

**19.04.022 Words and terms defined.**

For the purpose of this Chapter, the following terms, phrases and words shall have the meaning indicated:

*Abandonment* means whenever a property's use is discontinued for more than one hundred eighty (180) days.

*Accessory* means subordinate or incidental to and on the same lot or on a contiguous lot in the same ownership as the building or use being identified or advertised.

*Awning* means a shelter supported entirely from the exterior wall of a building with no posts or poles for support.

*Awning sign* means a sign mounted on an awning.

*Business area* means every zoning district in the Town not included in the residential area.

*Canopy* means a roof-like projection supported by posts or poles.

*Canopy sign* means a sign mounted on any part of the canopy's structure.

*Chapter* means Chapter 19.04 of this Code of the Town.

*Common sign plan* means a plan approved within a commercial planned development that allocates the available maximum allowable sign square footage for a commercial development among multiple lots, locations and/or tenants.

*Construction sign* means a temporary sign announcing subdivision, development, construction or other improvement of a property by a building contractor or other person furnishing services, materials or labor to the premises, but does not include a *real estate sign*.

*Corporate flag* means any flag, pennant or banner which includes the name, logo, insignia or any other identification of any type other than nation, state or town and is displayed along with governmental flags, provided that the corporate flag meets the siting requirements for a governmental flag, and provided that the corporate flag is no larger or taller than the governmental flag.

*Current value of a sign* means the commercial value of a sign based on the costs of purchasing or manufacturing a sign of similar design and construction plus the cost of installation at the time of the effective date of this Chapter or at the time of annexation to the Town.

*Downtown business area* means the business area inside the following described boundaries: south of the east-west centerline of 6th Street; west of the Denver, Rio Grande and Western Railroad right-of-way; north of Sellers Gulch; and east of the Interstate 25 right-of-way.

*Effective date* means the date that this Chapter becomes lawful following adoption by the Town Council and proper publication.

*Electric sign* means any sign containing an electrical energy source, but not including signs illuminated by an exterior light source which is not an integral part of the sign.

*Electronic message sign* means any sign where an electronic message or image is displayed on a screen or light display.

*Erected* means attached, altered, built, constructed, reconstructed, enlarged or moved and shall include the painting of wall signs.

*Freestanding sign* means a sign that is supported by one (1) or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building, structure or other sign. This term includes a *pole sign*, *pedestal sign*, *ground sign* and *monument sign*.

*Frontage, building. Building frontage* means the horizontal, linear dimension of that side of a building that abuts a street, a parking area, a mall or other circulation area open to the general public and that has either a main window display of the enterprise or a public entrance to the building; in industrial buildings, a building side with an entrance open to employees is a building frontage; where more than one (1) use occupies a building, each such use having a public entrance or main window display for its exclusive use shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use. When calculating total sign area, noncontiguous street frontages may be utilized.

*Frontage, street. Street frontage* means the linear frontage of a lot or parcel abutting a private or public street (other than an alley) that provides principal access to or visibility of the premises. When calculating total sign area, noncontiguous street frontages may be utilized.

*Governmental flag* means a flag or pennant of any educational institution, except such flags used in connection with a commercial promotion or as an advertising device and, except for governmental flags projecting from buildings, no portion of the flag or support structure shall extend beyond the property line.

*Height, sign. Sign height* means the vertical distance measured from the elevation of the nearest sidewalk, or, if there is no sidewalk within twenty-five (25) feet, from the highest point of the pre-existing grade at the location of the sign structure to the uppermost point on the sign or the sign structure.

*Identification sign* means any of the following: a name plate that establishes the identity of an occupant by listing name and business and/or professional title; a sign that establishes the identity of a building or a building complex by name or symbol only; a sign that combines name plate and street address; a sign that identifies an area in the Town that, by reason of development, natural features, historical occurrences or common reference, has or will become a landmark in the Town; and a commemorative sign, such as a cornerstone, memorial or plaque cut into a masonry surface or constructed of bronze or other incombustible material and made an integral part of the structure.

*Illuminated sign* means any sign which is directly lighted by an electrical light source, internal or external, not including signs which are illuminated by street lights or other light sources owned by any public agency or light sources which are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself.

*Joint identification sign* means a sign that serves as a common or collective identification for two (2) or more businesses or industrial uses on the same lot and that may contain a directory to the uses as an integral part thereof or may serve as a general identification only for such developments as shopping centers, industrial parks and similar uses, provided that no more than one (1) joint identification sign is allowed per lot frontage.

*Light source* means neon, fluorescent or similar tube lighting, an incandescent bulb, including the light-producing elements therein, and any reflecting surface that, by reason of its construction or placement, becomes the light source.

*Lot* means a portion or parcel of land, including a portion of a platted subdivision, which is an integral unit of land held under unified ownership in fee or cotenancy, or under legal control tantamount to such ownership.

*Maintenance* means the replacement, repair or repainting of any portion of a sign structure, periodic changing of bulletin board panels or renewing of copy that has been made unusable by ordinary wear and tear, weather or accident, but not including changes in copy due to change of business name or change in the nature of the business.

*Mobile sign* means any sign structure used, designed and/or constructed to be moved by means of wheels, skids or lifting.

*Neighborhood/village directional sign* means a sign displaying only the name of a neighborhood/village and the direction and distance to the closest entrance to the neighborhood or village.

*Neighborhood/village identification sign* means a sign used to identify a specific neighborhood or village within the Town. A neighborhood is the smallest community development increment which includes an elementary school, a neighborhood center and/or other public facilities. A village is an area planned and developed within natural or developed boundaries so as to be large enough to support a residential or commercial community, a village shopping center and other village needs but still remaining small enough to maintain a small community scale and identity. Within the Town, "Castle North" and "Plum Creek" are present examples of neighborhoods; "Founders Village" is a presently planned village.

*Neighborhood/village marketing sign* means a sign used to identify the location and nature of properties offered for sale in a specific neighborhood and/or village during the time that properties within the neighborhood and/or village are being marketed to the general public by the developer(s).

*Nonconforming sign, illegal. Illegal nonconforming sign* means a sign that was in violation of any of the laws of the Town governing the erection or construction of such sign at the time of its erection and that has never been erected or displayed in conformity with all such laws (including

those in this Chapter), including without limitation signs that are pasted, nailed or painted or are otherwise unlawfully displayed upon structures, utility poles, trees and fences.

*Nonconforming sign, legal. Legal nonconforming sign* means any advertising structure or sign which fails to conform to all applicable regulations and restrictions of this Chapter because it was lawfully erected and maintained prior to such time it came within the purview of this Chapter and any amendments thereto, or it has been granted a variance.

*Obscene sign* means a sign which an average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex, as more specifically defined in Part 1, Article 7, Title 18, C.R.S.

*Off-premises sign* means any sign which serves to communicate information about a business, product, service or activity not conducted, sold or offered on the premises on which the sign is located. A sign located in public or private rights-of-way adjacent to the premises where the business, product, service or activity is located is an off-premises sign.

*Owner* means a person who, alone, jointly or severally with others, or in a representative capacity (including without limitation an authorized agent, executor or trustee) has legal or equitable title to any business, property or building in question.

*Parapet/mansard sign* means a sign displayed upon or against a parapet wall or mansard; provided that the sign does not extend beyond any edge of the wall or mansard or does not exceed a height of twenty (20) feet. Mansard signs shall be erected in the vertical plane.

*Premises* means a tract of land, consisting of one (1) or more platted lots or irregular tracts, provided that such lots or tracts are under common ownership and are contiguous. Under appropriate circumstances, contiguous lots not under common ownership, but being developed under a common theme or design and sharing appurtenant needs such as access, parking or pedestrian ways, may be considered a single premises.

*Projecting sign* means a sign, other than a wall sign, attached to a building or extending in whole or in part fifteen (15) inches or more horizontally beyond the surface of the building to which the sign is attached, and projecting at a ninety-degree angle from the building to which the sign is attached. It is to be located no lower than eight (8) feet and no higher than thirteen (13) feet from the ground or adjacent sidewalk and shall not project above the roofline of the building.

*Real estate sign* means a sign indicating the availability for sale, rent or lease of a specific lot, building or portion of a building or a group of homes (as in models) upon which the sign is erected or displayed.

*Residential area* means the following residential zoning districts: MH, R-1, R-1A, R-2, R-3 or like uses in PD or open space.

*Revocable right-of-way encroachment permit* means a permit to erect, install or maintain an awning, canopy, suspended sign or projecting sign over or across a public right-of-way. Signs encroaching a public right-of-way may not project more than four (4) feet from the face of the building and may be located no lower than eight (8) feet and no higher than thirteen (13) feet from

the ground or adjacent sidewalk and shall not project above the roofline of the building. In no event may any awning, canopy, suspended or projecting sign encroach over any state highway right-of-way.

*Right-of-way* means any parcel of land that has been dedicated to the Town or the State, or any other political subdivision as right-of-way.

*Roof* means that portion of a structure covering internal areas of a building and not specifically including roof overhangs projecting less than ten (10) feet covering walkways or drive-throughs. A building may have several roofs, any number of which may be lower than other walls or roofs which are part of the same structure.

*Roof sign* means a sign displayed upon or against the roof of a building.

*Roofline* means the linear point of attachment between the roof and wall of a building adjacent to, closest to or upon which is located the sign under consideration.

*Sandwich board sign* shall mean an A-frame portable sign that is hinged or unhinged and is temporary in nature.

*Sign* means any writing, pictorial representation, decoration (including any material used to differentiate sign copy from its background), form, emblem, trademark, flag or banner, or any other figure of similar character that:

1. Is a structure or any part thereof (including the roof or wall of a building);
2. Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed in the building, board, plate, canopy, awning or vehicle or upon any material object or device whatsoever;
3. By reason of its form, color, wording, symbol, design, illumination or motion, attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement. For the purpose of determining the number of signs that may be subject to the provisions of this Chapter, a sign shall be considered to be a single display surface or display device containing elements clearly organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

*Sign face* means the surface of a sign upon, against or throughout which the message is displayed or illustrated.

*Sign owner* means the person who owns a business to which a sign relates, whether such sign is actually owned, rented, leased or otherwise placed on the business premises for his or her benefit or that of the business, including the owner of a franchise or other type of business with a similar type pyramid or exclusive structure.

*Sign plaza* means a sign, sign structure or area owned by the Town or the State of Colorado Highway Department, where off-premises signs are leased or space is made available to users. Use of the sign plaza requires a special permit from the Town Council.

*Sign structure* means any supports, uprights, braces or framework of a sign.

*Special permit* means a permit to erect and maintain either a temporary sign, an off-premises sign on the sign plaza, a subdivision identification sign in excess of thirty-two (32) square feet or a neighborhood/village identification sign in excess of sixty-four (64) square feet, subject to such conditions and regulations as imposed thereon by the Town Council.

*Subdivision identification sign* means a sign used to identify a specific subdivision within the Town. A subdivision is generally several acres and is zoned for similar uses throughout, developed by one (1) person or entity with a common theme or design, which, by itself, is insufficient to require separate community facilities. Within the Town, "Citadel Station," "Mountain Shadows" and "Oak Ridge" are representative examples of subdivisions.

*Suspended sign* means a sign suspended from the ceiling of an arcade, marquee, canopy or awning or anything else other than a sign structure.

*Temporary sign* means a sign which is not permanently affixed and including all devices such as banners, pennants, flags (excluding governmental flags and corporate flags) or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, which are not permanently affixed to a building or the ground.

*Time-temperature-date sign* means a sign that displays the current time, outdoor temperature, date, month or any combination of that information.

*Town* means the Town of Castle Rock, Colorado, a statutory town and municipal corporation.

*Town Council* means the Town Council of the Town.

*Town identification sign* means a sign that establishes the identity of the Town of Castle Rock.

*Town Manager* means the person appointed by the Town Council to hold the position of Town Manager or his or her designated representative.

*Vehicle-mounted sign* means a sign displayed upon a trailer, van, truck, automobile, bus, railroad car, tractor, semi-trailer or other vehicle, whether or not such vehicle is in operating condition.

*Wall sign* means a sign displayed upon or against the wall of an enclosed building; provided that no part of the face of the sign extends more than fifteen (15) inches (measured horizontally) from the face of the wall and the sign does not extend beyond any edge of the wall or the roofline. *Wall signs* do not include canopy, awning or freestanding signs.

*Wind sign* means a sign consisting of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to

move or be designed to move upon being subjected to pressure by wind or air movement. These signs are regulated as a banner.

*Window sign* means a sign that is painted on, applied or attached to, or located within three (3) feet of the interior of a window and that can be seen through the window from the exterior of the structure, but excludes merchandise and/or mannequins included in a window display.

*Work of art* means any construction that has no relationship or identification to the use on the lot. Such relationship or identification shall include trademarks; representation of people or things utilized in advertisements or promotions; or any references to or representations of, by name or image, the name of the business, activity or use on the lot. (Ord. 2010-10 §1, 2010; Ord. 2009-38 §1, 2009; Ord. 2007-24 §3, 2007; Ord. 2004-01 §1, 2004; Ord. 2000-09 §4, 2000; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.030 Permits, fees and inspections; generally.**

Provisions for permits, fees and inspections in this Chapter shall be set forth in Sections 19.04.031 through 19.04.037. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.031 Permits and applications.**

A. Except as provided in Section 19.04.041, no person shall display, erect, relocate or alter any sign without first applying to the Town Manager and obtaining a permit under this Chapter. Except as the same may be modified or revoked under the terms of this Chapter, such permit shall be good for the life of the sign.

B. The owner of property (or an agent for the owner) and the owner of the building (or an agent for the owner) and the owner of the business (or an agent for the business owner) shall apply for all sign permits for the property. It is the responsibility of the owner of the property to allocate sign area and types of signs for the lot. Private covenants or leasing agreements that are more strict than the requirements of this Chapter shall be enforced through the private agreements and not by the Town. The Town encourages the development of overall sign programs for all developments.

C. Routine maintenance is encouraged. No permit is required for routine maintenance but replacing or repairing a sign or sign structure that has been damaged to an extent exceeding fifty percent (50%) of its replacement cost, as determined by the Town Manager, is maintenance only when the sign conforms to all of the applicable provisions of this Chapter and only when the damage resulted from an act of God or accident. The change of name of a business, the change of color or any element of a sign, the change of a logo and/or the change of the use to which the sign pertains shall require a permit except as allowed in Subsection E of Section 19.04.032.

D. No person issued a sign permit under this Chapter shall change, modify, alter or otherwise deviate from the terms or conditions of the permit without first requesting and obtaining approval to do so from the Town Manager.

E. All applications for a sign permit shall be in writing on forms furnished by the Town Manager, shall be signed and shall include the proper fees.

F. The applicant shall submit the following information as part of the application:

1. The name, address and telephone number of the owner of the business to which the sign applies;
2. The name, address and telephone number of the person or company intending to install the sign.
3. The name, address, and telephone number of the owner or agent for the owner of the property and the name, address and telephone number of the owner or agent of the building upon which the sign is (to be) located.
4. The street address of the lot for the location of the proposed sign structure. If an address is not available then a legal description of the property is required.
5. A site plan and elevation drawings of the proposed sign, including the caption of the proposed sign.
6. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports, footings and materials to be used.
7. A statement of valuation of the sign and costs of installation. Such valuation shall be based on comparable costs for similar commercially constructed and installed signs.
8. If the sign is an electric sign or illumination of the sign is intended, then the application for an electrical permit shall accompany the sign permit application.
9. If the sign extends across the property line into a public right-of-way or public easement (such as in the case of a projecting sign or freestanding sign), then a request for a right-of-way encroachment permit shall accompany the sign permit application. The applicant shall provide evidence of adequate liability insurance as required by the Town.
10. Any other information reasonably required by the Town Manager.

G. A separate sign permit shall be required for each sign and for each sign of a group on a single supporting sign structure.

H. In reviewing the sign permit, the Town Manager shall calculate:

1. The total amount of signage allowed in the development, project or lot;
2. The amount of signage for the sign for which the permit is being applied;
3. The amount of signage consumed to date by other permits within the same development, project or lot;
4. The total amount of signage remaining for the development, project or lot.

I. No sign shall be lawful without a permit and without compliance with all building conditions placed thereon or until all necessary inspections are completed. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

**19.04.032 Special permit.**

Persons desiring to construct, erect, display or maintain a sign plaza sign, a subdivision identification sign in excess of thirty-two (32) square feet, or a neighborhood/village identification sign in excess of sixty-four (64) square feet, not meeting the criteria of Section 19.04.055 of this Chapter, or a freestanding sign within a common sign plan area pursuant to Section 19.04.056 of this Chapter with a proposed setback less than provided for in Subsection 19.04.056D or a proposed sign area in excess of fifty (50) square feet, must first apply for and receive from the Town Council a special permit in accordance with the following provisions:

A. The application for a special permit shall be in similar form and content as all other sign permit applications and shall provide the Town Council with all information necessary to render a decision. The applicant is encouraged to supplement his or her application with surveys, market data, renderings, photographs and such other information as may be deemed appropriate.

B. For an application for a special permit, the applicant shall submit with the application a sketch of the sign face, drawn to scale, indicating the exact lettering, colors and method and materials by which the sign will be constructed, and proposed landscaping plan.

C. Upon receipt of an application in proper form, the Town Manager shall cause the matter to be set for review by the Town Council at a regular or special meeting within forty-five (45) days, the applicant to be given timely notice thereof.

D. After receiving any testimony, evidence or other information presented by the applicant, together with any public input, the Town Council shall determine whether or not to issue a special permit to the applicant for a plaza sign, a subdivision identification sign in excess of thirty-two (32) square feet or a neighborhood/ village identification sign in excess of sixty-four (64) square feet per face, or a freestanding sign within a common sign plan area pursuant to Section 19.04.056 of this Chapter, a freestanding sign within a common sign plan area pursuant to Section 19.04.056 with a proposed sign setback less than ten (10) feet or a proposed sign area in excess of fifty (50) square feet. The Town Council may take into consideration any or all of the following factors, together with other pertinent facts:

1. Sign height.
2. Sign area.
3. Landscaping.
4. Sign location.
5. (Repealed).
6. Effect of sign upon neighboring businesses, other property owners or other signs.

7. (Repealed).

8. Lighting.

E. In addition, for freestanding signs within a common sign plan area pursuant to Section 19.04.056 with a proposed sign setback less than provided for in Subsection 19.04.056D or a proposed sign area in excess of fifty (50) square feet, the Town Council may grant such a special permit upon a finding that the general public will benefit either directly or indirectly from the approval of the special permit. The grant of a special permit shall be wholly at the discretion of the Town Council. In the event the Town Council desires to grant such a special permit, it may do so only upon the following finding: that the applicant's landscape plan for the site where the sign will be located provides landscaping in excess of the requirements of the Town's landscape regulations, and that the landscape plan with additional landscaping mitigates the overall visual impact on the site of the signage proposed. In addition, the Town Council may require the following as conditions of approval for any special permit under this Subsection E:

1. That the applicant has reduced the sign height for the proposed sign at least twenty percent (20%) below that permitted in Subsection 19.04.056.C.

2. That the applicant has increased the sign setback for the proposed sign at least twenty percent (20%) beyond that permitted in Subsection 19.04.056D.

In no event shall any freestanding sign be granted a special permit for a sign area in excess of sixty-two and one-half (62½) square feet.

F. The Town Council may place such conditions as it may deem necessary upon the issuance of any special permit which reasonably relate to the sign, the business to which it applies or the premises upon which it is located.

G. All special permits are personal to the applicant and may not be transferred, assigned, modified or altered without review by the Town Council. Modification for change of script or logo shall not be unreasonably withheld, and where such modification is deemed minor, it may be administratively approved by the Town Manager. (Ord. 2007-24 §4, 2007; Ord. 2004-01 §2, 2004; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.033 Revocable right-of-way encroachment permit.**

An owner of a business or property located in a business area shall be entitled to apply for a revocable right-of-way encroachment permit for the erection, installation or maintenance of an intended or existing awning, canopy, suspended sign or projecting sign which he or she desires to have extend over or across a public right-of-way excluding the State highway right-of-way. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.034 Revocation of permit.**

A. If the Town finds that work under any permit issued does not comply with the information supplied in the permit application or violates any provision of this Chapter, any special condition or regulation placed thereon, or any other ordinance of the Town, the Town Manager shall notify, in

writing, the owner of the business for which the sign applies by personal delivery or by first class mail to the address on the sign permit application of such lack of compliance and that if the violation is not corrected within thirty (30) days, the Town Manager will revoke the permit. At the time of transmittal of the above, the Town Manager shall also give similar notice to the owner or agent for the owner of the property and the owner of the building at the address supplied on the sign permit application. If the persons so notified fail to make or commence the required corrections, the Town Manager shall revoke the permit and cause the sign to be removed in accordance with Section 19.04.075.

B. If any person to whom a permit is granted under this Chapter has not commenced work on the sign within six (6) months from the date the permit was issued, the permit automatically expires.

C. If the construction contemplated under the application for any permit is suspended for sixty (60) days or more or, if after completion, the building or portion of the building for which the sign is permitted is vacant for more than sixty (60) consecutive days or the use on the premises for which the sign is permitted is abandoned for more than sixty (60) consecutive days, then the permit automatically expires and the sign shall be removed in accordance with Section 19.04.075.

D. Upon a written request, the Town Manager may grant an extension of the time limits provided in subsections B and C of this Section for construction delays, lease vacancies and other proper reasons that are not the result of willful acts or neglect by the permittee so long as the sign or sign structure continues to be properly maintained and does not pose a threat to the health, safety and welfare of the Town citizens and remains visually compatible with this Code.

E. The Town Manager shall not refund any permit fees paid under this Chapter if any permit is revoked or expires under this Section. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.035 Fees.**

Fees for all sign permits, including special permits and right-of-way encroachment permits, inspections, variances and appeals, and other requested administrative actions in connection herewith, shall be those fees as set forth and published in the Development Services' fee schedule, as amended from time to time. (Ord. 2002-21 §12, 2002; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.036 Identification and marking of signs.**

Every sign for which a permit is granted after the effective date of this Chapter shall bear thereon an identification plate, tag or marker prepared and provided by the Town. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.037 Inspections.**

A. In enforcing the provisions of this Chapter, the Town Manager may enter any building, structure or premises in the Town at reasonable times to perform any duty imposed by this Chapter.

B. In addition to other necessary and proper inspections, the Town Manager may require:

1. Footing inspections for all freestanding signs;

2. Electrical inspections of electrical signs;

C. The permit holder or agent thereof shall notify the Town Manager when signs are complete and ready for final inspection. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

**19.04.040 General regulations.**

General regulations for this Chapter shall be as set forth in Sections 19.04.041 through 19.94.047. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

**19.04.041 Sign permits not required.**

A. The following signs are permitted in all areas of the Town and shall comply with all applicable provisions of this Code; however, no sign permit or sign permit fee is required:

1. Identification signs that do not exceed two (2) square feet per face or four (4) square feet in total surface area, not to exceed six (6) feet in height. There shall be no more than one (1) such sign per use or per building, whichever is in the greater number;

2. Signs in the nature of cornerstones, commemorative tablets and historical signs that do not exceed four (4) square feet per face in area and six (6) feet in height;

3. Real estate signs in residential and business areas that do not exceed six (6) square feet per face and four (4) feet in height and no more than one (1) such sign per street frontage. Real estate signs must be removed within seven (7) days after sale or rental of the subject property. (Real estate signs in excess of the above may be installed with a permit in conformance with the district sign requirements.);

4. Construction signs that do not exceed six (6) square feet per face and four (4) feet in height and no more than one (1) such sign per street frontage. Construction signs must be removed upon completion of construction occurring on the premises. (Construction signs in excess of the above may be installed with a permit in conformance with the district sign requirements.);

5. Private traffic directional signs guiding or directing vehicular or pedestrian traffic onto or off of a lot or within a lot that do not exceed three (3) square feet per sign face and eight (8) feet in height and do not contain any advertising or trade name identification. Private traffic control signs that conform to the standards of the "Traffic Control Manual," Colorado Department of Highways, shall not exceed seven (7) square feet per face;

6. Signs required or specifically authorized for a public purpose by any law, statute or ordinance of any type, number, area, height above grade, location or illumination authorized by law, statute or ordinance under which such signs are required or authorized, but no such sign may be placed in the public right-of-way unless specifically authorized or required by law, statute or ordinance; and, except for warning signs or barricades of a temporary nature, all such signs shall be permanently affixed to the ground, a building or another structure;

7. Nonilluminated window signs that do not exceed four (4) square feet in total surface area per sign when the total area of such window signs:

a. Does not exceed twenty-five percent (25%) of the total window area in the same vertical plane at the ground floor level on the side of the building or business unit upon which the signs are displayed, and

b. Does not exceed twenty-five percent (25%) of the total allowable sign area for the premises;

8. Nonilluminated or indirectly illuminated signs that identify items as a courtesy to customers such as credit cards accepted, redemption stamps offered, menus or prices, but no more than one (1) sign for each use and no more than four (4) square feet in total sign area; such signs may be attached to the building, as projecting or wall signs, suspended from a canopy, or included as an integral part of a freestanding sign;

9. Signs commonly associated with and limited to information and directions related to the permitted use on the lot on which the sign is located, but only if each such sign does not exceed three (3) square feet including without limitation such signs as "rest room," "no solicitors," "no smoking" and "vacancy";

10. Governmental flags;

11. Signs on vending machines;

12. Street addresses for the business or use, provided that the letters or numbers do not exceed eighteen (18) inches in height;

13. Sandwich board signs.

B. No permit is required for copy changes on a conforming bulletin board, poster board, display case or marquee; or for maintenance where no structural changes are made; or for copy changes on signs using interchangeable letters.

C. The signs not requiring a permit in subsection A of this Section are allowed in addition to the signs permitted by other portions of this Chapter and are not counted against the total allowable sign area or total number of signs permitted for the premises.

D. Public Purposes:

1. Signs Designated. The public purposes referred to in subdivision 6 of subsection A of this Section for which signs are authorized with a permit without a fee are as follows:

a. Identification and direction to police and sheriff facilities;

b. Identification and direction to a fire station;

c. Identification and direction to federal, state, county and Town offices and facilities;

d. Identification and direction to school facilities;

e. Identification and direction to airports;

- f. Identification and direction to post offices;
- g. Identification and direction to libraries and museums;
- h. Identification and direction to parks and recreational facilities;
- i. Identification and direction to hospitals and emergency medical facilities.

2. Conformance. All public purpose signs authorized under this subsection must conform with the specific regulations of the district in which they are located, together with the following additional conditions:

- a. No commercial identification shall be present.
- b. No sign face shall be larger than forty (40) square feet, or the maximum allowed for the district, whichever is smaller.
- c. Public purposes signs may be located off premises; however, they shall not apply against the total signage allowed for the property upon which they are located. (Ord. 2010-10 §2, 2010; Ord. 87-62 §1, 2, 1987; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

**19.04.042 Prohibited signs.**

No person shall erect, install, contract for installation, cause to install or maintain the following signs in the Town:

A. Signs with visible moving, revolving or rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, or signs with optical illusion of movement by means of a design that presents a pattern capable of reversible perspective giving the illusion of motion or changing of copy, except for the following: traditional barber poles, and gauges and dials that may be animated to the extent necessary to display correct measurement.

B. Except for electronic message signs, signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electrical pulsations.

C. Strings of light bulbs used in connection with commercial premises for commercial purposes, other than traditional holiday decorations and other than the decorative lighting of landscaping (not including buildings).

D. Wind signs, except as permitted in Subsection 19.04.047D.

E. Signs that incorporate projected images, emit any sound that is intended to attract attention or is a sign structure where the sign no longer exists.

F. Any sign, together with its supporting structure, that, sixty (60) days or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located. If the sign or sign structure is covered or the identifying symbols or letters removed, the Town Manager may grant an extension of time

under this Subsection upon a showing of good cause. Nothing in this Subsection prohibits permanent signs accessory to businesses that are open only on a seasonal basis, if there is a clear intent to continue operation of the business.

G. Signs not permanently affixed or attached to the ground or to any structure except real estate signs and construction signs meeting the requirements of Paragraphs 19.04.041A3 and 4, window signs, temporary barriers, signs carried by persons and sandwich board signs meeting the requirements of Section 19.04.052.

H. Any sign or structure that is structurally unsafe, constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation, is not kept in good repair or is capable of causing electrical shock to persons likely to come into contact with it.

I. Any sign in a public right-of-way, except for signs exempted under this Chapter pursuant to Subsection 19.04.012C, and any sign specifically allowed in the right-of-way in this Chapter.

J. Any sign that obstructs the view of, may be confused with or purports to be an official traffic sign, signal or device or any other official sign.

K. Any sign that uses any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering of a motor vehicle, where the danger or need to stop does not exist.

L. Any sign that obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.

M. Any sign that obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.

N. Any sign on a vehicle, provided that such vehicle is not parked in a location normally associated with the location of that type of vehicle, such as near a loading dock or employee entrance and is not being used as a freestanding sign.

O. Illegal nonconforming signs.

P. Roof signs.

Q. Off-premises advertising signs or any other sign not appurtenant and clearly incidental to the permitted use on the property where located, except for signs located in a sign plaza or neighborhood/village directional signs; provided either that such signs are located within the same neighborhood or village identified on the sign, or that the neighborhood or village advertised in such sign is under common development and marketing with the neighborhood or village wherein the sign is situated, and except for neighborhood/village identification signs for which a special permit is granted in accordance with the provisions of Section 19.04.032 and Subsection 19.04.055I.

R. Any electric sign that does not have affixed to it the label of Underwriters Laboratories.

S. Any sign deemed obscene by the Town Manager. (Ord. 2010-10 §3, 2010; Ord. 2009-38 §2, 2009; Ord. 2000-09 §5, 2000; Ord. 87-42 §1, 1987; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.043 Computation of sign area.**

A. Computation of the area of a sign under this Chapter shall be made using standard mathematical formulas for common regular geometric shapes, including without limitation, triangles, parallelograms, circles, ellipses or combinations thereof.

B. In the case of an irregularly shaped sign or a sign with letters or symbols directly affixed to or painted on the wall of a building, the area of the sign is the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any material or color forming an integral part or background of the display or used to differentiate such sign from the backdrop or structure against which it is placed.

C. In computing the area of a sign face, the sign structure shall be included if the sign structure either exceeds fifty percent (50%) of the area of the display or is made an integral part of the background of the display.

D. Where a sign has two (2) or more display faces, the area of all faces is included in determining sign area. For corporate flags, the area of both sides of the flag shall be included in determining sign area.

E. The total surface area of multiple-unit signs includes the vertical and horizontal spacing between the letters that constitute the word or words that convey the sign's message.

F. Where three-dimensional figures are used as signs, the area is the total area, projected on a vertical plane, of each side of the figure that is visible beyond the boundaries of the lot upon which the figure is located. For purposes of this Chapter, a figure is considered to have no less than one (1) nor more than four (4) sides, and the number of sides to be measured shall be determined by the location and visibility of the figure. If a three-dimensional figure is used as a sign and no words or letters are included in the sign, then the computed area shall be divided in half for purposes of calculating the total amount of sign area consumed for the premises.

G. Street or building frontage used as the basis of determining permitted sign area for one (1) building or use may not be used again as the basis for determining the permitted sign area for another building or use on the same premises, but nothing in this Section shall be construed to prohibit the additional building or use from erecting a sign that would otherwise be authorized by the provisions of this Chapter.

H. All temporary and permanent riders or attachments to signs or sign structures are to be included as part of the total sign area for the sign to which they are attached.

I. Signs displayed on canopies, awnings and architectural projections that extend more than fifteen (15) inches beyond the face of the building and parapet and mansard signs shall not exceed seventy-five percent (75%) of the following described area: the width of the projections multiplied

by the vertical height of the projection or one hundred and fifty (150) square feet, whichever is less. Where the canopy or awning overhangs the public right-of-way more than four (4) feet, the owner of such canopy or awning must request and receive a revocable right-of-way encroachment permit in accordance with Section 19.04.033.

J. Nonilluminated window signs identified in Section 19.04.041A7 shall not be counted against total sign area.

K. Illuminated window signs shall be included in the total allowable sign area for the premises.

L. Time-temperature-date signs shall not be counted as part of the total sign area but the maximum size of the sign face shall not exceed that allowed in the area. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.044 Signs at street and driveway intersections.**

At every intersection of two (2) or more existing or proposed streets, a safety triangle shall be calculated by extending a line twenty-five (25) feet in length down the property lines of the corner property from the intersection corner and traversing across the property between the two (2) end points of such lines. Such a safety triangle shall be calculated for every corner of every intersection. Additionally, safety triangles shall be calculated at the intersections between all driveways or bikepaths with streets utilizing a similar method with fifteen-foot lengths on the sides. Within these safety triangles there shall be no signs or sign structures between two and one-half (2½) feet and ten (10) feet above street elevation. Wall signs and window signs on buildings within such safety triangles shall be exempt, as shall be a maximum of two (2) structural poles, not exceeding twelve (12) inches in diameter, which are supporting an authorized sign above the safety triangle area. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.045 Illumination.**

No person shall erect or maintain an illuminated sign except in conformity with the following requirements:

A. Any light used for the illumination of a sign must be shielded so that the beams or rays of light will not be directed off the premises.

B. Neither direct nor reflected light from any light source appurtenant to the sign shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.

C. All illuminated signs in residential areas shall be turned off between the hours of 11:00 p.m. and 7:00 a.m., or one-half (½) hour after the use to which it is appurtenant is closed, whichever is later, or unless illumination is required for safety purposes by the Town Manager. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.046 Signs on fences and walls used as fences.**

A. Signs displayed on fences or on walls that are not utilized for enclosing a part of a building or walls that are used as fences shall be erected or mounted in a plane parallel to the fence or wall and

shall not extend above the top of the fence or wall or project more than fifteen (15) inches from the face of the fence or wall.

B. Signs described in Subsection A of this subsection shall be subject to all requirements of this Chapter applicable to freestanding signs, including without limitation, maximum area per sign, maximum sign height and number of permitted signs. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

**19.04.047 Temporary signs.**

A. Temporary signs advertising subdivision, development, construction or other improvement of a property in any area are permitted only if they are:

1. Limited to freestanding, wall or window signs not exceeding thirty-two (32) square feet per face, sixty-four (64) square feet in total area and eight (8) feet in height, with no riders or attachments.

2. Displayed only on the property to which the sign pertains allowing one (1) such sign per street upon which the property either has frontage or has an entrance from a major arterial.

3. In the case of a subdivision, displayed on or after the date of official filing of the subdivision plat or P.U.D. final site plan and removed within two (2) years from the date of issuance of the first building permit in the project or within thirty (30) days from the time that seventy-five percent (75%) of the lots or dwellings in the subdivision or filing thereof have been sold, whichever time period is shorter. The Town Manager may give annual extensions to such sign permit.

4. In the case of construction other than a subdivision, displayed only for the duration of construction until issuance of a certificate of occupancy.

B. Political signs are not allowed in any public right-of-way and must be located on the property of the sign owner. No political sign shall be displayed for longer than sixty (60) days and, if pertaining to an election, must be removed within seven (7) days thereafter.

C. All temporary signs must meet the setback, construction and maintenance requirements of this Chapter.

D. Banners for a bona fide grand opening, change of business or other promotional purpose may be allowed upon application to the Town for a special temporary sign permit, subject to such conditions placed thereon by the Town after receiving testimony, evidence or other information presented by the applicant, and further taking into consideration the following factors:

1. Sign height;
2. Sign area;
3. Sign location;

4. The effect of the sign upon neighboring businesses, other property owners and other permanent signs;

5. Traffic safety;

6. Duration of use (the applicant must show special circumstances to justify a duration of time in excess of thirty (30) days); and

7. No applicant may apply for and receive more than two (2) special temporary sign permits for banners per year. Banners permitted hereunder shall not be counted against the applicant's maximum sign area as provided by this Code. An application fee of ten dollars (\$10.00) must be submitted with all requests except that no fee shall be required for banners for a grand opening or change of business.

E. Temporary signs advertising special functions for nonprofit organizations are allowed with a permit and may be displayed for a specified period of time only.

F. Other temporary signs may be allowed for a maximum of thirty (30) consecutive days at the time of a bona fide grand opening or change of business with the following limitations:

1. A sign permit upon application and payment of a fee of ten dollars (\$10.00) is obtained for their display;

2. The temporary signs are installed to meet the structural requirements of this Chapter, the building code and all other applicable Town regulations;

3. All such signs shall meet required setbacks;

4. Such temporary signs shall not be counted against the maximum sign area specified in this Chapter; and

5. Applicants shall comply with all further conditions placed upon such temporary signs by the Town pursuant to the application.

G. Temporary flags and flagpoles for bona fide model home sales sites are allowed subject to the following conditions:

1. The maximum flagpole height shall not exceed fifty (50) feet.

2. Only one (1) flagpole per cluster of model homes is permitted.

3. The flagpole must be removed within thirty (30) days following the permanent closure of the model home sales site.

4. A flag displayed twenty-four (24) hours per day must be illuminated between dusk and dawn.

5. Illumination of the flag is subject to the provisions of Chapter 17.69 of this Code.

6. The minimum setback from a property line abutting a street shall be five (5) feet for any flagpole.

7. One (1) United States flag and one (1) corporate flag shall be permitted per flagpole.

8. The United States flag shall be flown and maintained in compliance with established national regulations and etiquette. No flag shall be allowed to become visibly soiled, torn or faded.

9. The maximum size for a United States flag shall be ninety-six (96) square feet, and the maximum size for a corporate flag shall be fifteen (15) square feet. (Ord. 2009-11 §1, 2009; Ord. 87-55 §1(C), 1987; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.050 District sign regulations.**

A. No person shall be permitted to erect or maintain a sign except as provided in this Chapter and in the following regulations for the zoning district in which it is desired to be placed, nor shall any person use any sign for any purpose or in any manner except as allowed.

B. In addition to other requirements in this Chapter, the type of signs permitted, the regulation of the number, placement, area and use of signs in the districts is identified in Sections 19.04.051, 19.04.052, 19.04.053 and 19.04.054.

C. Signs accessory to legal nonconforming uses shall be permitted, subject to all regulations of this Chapter and of the district wherein such signs and uses are located.

D. Signs accessory to legal nonconforming uses shall be permitted, subject to all regulations of this Chapter and of the district wherein such signs and uses are located.

E. Signs accessory to planned unit developments shall conform to all requirements of this Chapter, including those of the district in which the use is to be located. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.051 Signs in residential areas.**

The following limitations shall apply to signs in residential areas:

A. The following types of signs are permitted:

1. Freestanding signs.
2. Wall signs.
3. Window signs.
4. Temporary signs for nonresidential uses in accordance with Section 19.04.047D.
5. Real estate signs in accordance with Section 19.04.041A3.

6. Construction signs in accordance with Section 19.04.041A4.

7. Time-temperature-date signs.

8. Awning signs.

9. Canopy signs.

10. Identification signs.

11. Flags and flagpoles.

12. Parapet signs.

13. Neighborhood/village directional signs, provided that signs shall be removed within thirty (30) days of the date that the on-site marketing office for the neighborhood/village identified on the sign is closed.

14. Neighborhood/village marketing signs in accordance with Section 19.04.055.

B. The maximum sign area per sign face permitted for nonresidential use shall be thirty-two (32) square feet.

C. In residential areas the following maximum sign areas shall be permitted, but in no event may such sign area exceed one hundred (100) square feet per lot:

1. For accessory uses to residential principal uses: no permitted signs are allowed. For multi-family residential principal uses: sixteen (16) square feet.

2. For nonresidential principal uses, the greater of the following:

a. Thirty-two (32) square feet;

b. One (1) square foot of sign area for each linear foot of total street frontage; or

c. Two (2) square feet of sign area for each linear foot of total building frontage of the unit occupied by a street level use.

3. For flags, a maximum of fifteen (15) square feet. Corporate flags shall be counted in the calculation for total site signage; government flags shall not be counted in total signage.

D. The maximum sign height for any freestanding sign shall be eight (8) feet and for any wall sign or flagpole shall be twenty (20) feet.

E. The minimum setback from a property line abutting a street for any freestanding sign shall be ten (10) feet and five (5) feet for any flagpole.

F. The minimum horizontal separation between freestanding signs on one (1) lot shall be three hundred (300) feet.

G. Subdivision identification signs up to thirty-two (32) square feet and neighborhood/village identification signs up to sixty-four (64) square feet are allowed at major entrances to subdivisions and neighborhood/villages, with a minimum separation of one thousand (1,000) feet between signs along the same side of any street, except as may be modified by the issuance of a special permit. All signs shall be set back at least twenty-five (25) feet from the nearest street or highway right-of-way, except that a neighborhood/village identification sign may be located in the median of a boulevard or split entrance to such neighborhood or village, provided, however, that the following additional conditions are met:

1. The maximum sign height shall be four (4) feet six (6) inches;
2. The sign shall be set back from the nearest edge of the intersecting right-of-way a minimum of twenty-five (25) feet;
3. The illumination of the sign shall be specifically reviewed by the Building Department for traffic hazard conditions.

Notwithstanding the above restrictions, neighborhood/village identification signs along or visible from Interstate 25, state highways and major arterials wide enough to accommodate six (6) lanes of traffic shall be subject only to the restrictions of Section 19.04.055.

H. Neighborhood/village directional signs up to thirty-two (32) square feet per face and eight (8) feet in height are allowed at major entrances to neighborhoods or villages and at major arterial intersections, with a minimum separation of one thousand (1,000) feet between signs. (Ord. 2002-41 §1, 2002; Ord. 87-42 §1, 1987; Ord. 87-24 §1(A), 1987; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.052 Signs in business areas.**

The following limitations shall apply to signs in business areas:

- A. The following sign classes are permitted:
1. Freestanding signs.
  2. Wall signs.
  3. Window signs.
  4. Temporary signs for nonresidential uses in accordance with Subsection 19.04.047D.
  5. Real estate signs.
  6. Construction signs.
  7. Time-temperature-date signs.
  8. Awning signs and canopy signs (excluding automotive service areas).

9. Identification signs.
  10. Flags and flagpoles.
  11. Joint identification signs.
  12. Projecting signs.
  13. Suspended signs.
  14. Parapet signs.
  15. Neighborhood/village directional signs, provided that signs shall be removed within thirty (30) days of the date that the neighborhood or village identified on the sign is closed.
  16. Neighborhood/village marketing signs in accordance with Section 19.04.055.
  17. Sandwich board signs.
- B. The maximum area per sign face shall be:
1. For freestanding signs, fifty (50) square feet.
  2. For joint identification signs, one hundred (100) square feet.
  3. For wall signs, twenty-five percent (25%) of the wall in accordance with Section 19.04.022.
  4. For projecting signs, sixteen (16) square feet in accordance with Section 19.04.022.
  5. For suspended signs, six (6) square feet in accordance with Section 19.04.022.
  6. For window signs, twenty-five percent (25%) of the window area in accordance with Section 19.04.022.
  7. For flags, sixty (60) square feet. Corporate flags shall be counted in the calculation for total site signage; government flags shall not be counted in total site signage.
  8. For sandwich board signs, eight (8) square feet.
- C. The following maximum sign areas are permitted per lot:
1. For multi-family residential uses: thirty-two (32) square feet.
  2. For nonresidential uses, the greater of the following:
    - a. Two and one-half (2½) square feet of sign for each linear foot of building frontage for the first two hundred (200) feet of building frontage of the unit occupied by a street level use and one-half (½) square foot for each additional linear foot; or

b. One and one-half (1½) square feet of sign for each linear foot of lot frontage for the first two hundred (200) feet of lot frontage and one-half (½) square foot for each additional linear foot.

D. The following maximum sign heights are permitted:

1. For freestanding signs, the lesser of twenty (20) feet or the height of the building to which the sign is appurtenant.

2. For wall signs, not to exceed the height of the wall upon which it is mounted.

3. For projecting signs, a minimum of eight (8) feet and a maximum of thirteen (13) feet in accordance with Section 19.04.022.

4. For suspended signs, a minimum of eight (8) feet and a maximum of thirteen (13) feet in accordance with Section 19.04.022.

5. For window signs, twenty (20) feet.

6. For flagpoles, thirty-five (35) feet.

7. For sandwich board signs, four (4) feet.

8. For all other signs, twenty (20) feet.

E. The following minimum setbacks are required:

1. Freestanding signs shall be set back from the property line abutting a street one (1) foot for every foot of sign height, but in no case shall the setback be less than ten (10) feet.

2. Freestanding signs shall be set back from interior lot lines other than a street twenty-five (25) feet.

3. Projecting signs and suspended signs shall be set back from interior lot lines other than a street twelve (12) feet.

4. The minimum setback for flagpoles shall be five (5) feet.

5. All signs must be set back twenty-five (25) feet from any residential area.

F. The minimum horizontal separation between signs on one (1) lot shall be:

1. (Repealed)

2. Between projecting signs, twenty-five (25) feet.

3. Between suspended signs, twenty-five (25) feet.

4. For all others, no separation.

G. Subdivision identification signs up to thirty-two (32) square feet and neighborhood/ village identification signs up to sixty-four (64) square feet are allowed at major entrances to subdivisions and neighborhood/villages, with a minimum separation of one thousand (1,000) feet between signs along the same side of any street, except as may be modified by the issuance of a special permit. Notwithstanding the above restrictions, neighborhood/village identification signs along Interstate 25, state highways and major arterials wide enough to accommodate six (6) lanes of traffic shall be subject only to the restrictions of Section 19.04.055.

H. Neighborhood/village directional signs up to thirty-two (32) square feet per face and eight (8) feet in height are allowed at major entrances to neighborhoods or villages and at major arterial intersections, provided that there is a minimum separation of one thousand (1,000) feet between signs.

I. One (1) sandwich board sign is allowed for each business within any platted lot that abuts a public right-of-way, provided that such sandwich board sign is located within that portion of the right-of-way adjacent to such lot. The sandwich board sign may only advertise a business located on such lot. Sandwich board signs shall not be placed so as to block building entrances or exits and may not be illuminated in any manner. Sandwich board signs may only be displayed during daylight hours. Sandwich board signs may be placed or maintained on public sidewalks or the area between the sidewalk and street within a right-of-way owned by the Town, provided that the sign as displayed:

1. Maintains not less than four (4) feet of continuous width of the sidewalk unobstructed so as to permit pedestrian use of the sidewalk, including disabled persons;
2. Does not unreasonably block the motoring public's view of pedestrian crossings or intersections; and
3. Does not otherwise create a safety hazard for pedestrians or motorists. (Ord. 2010-10 §4, 2010; Ord. 2002-41 §2, 2002; Ord. 87-42 §3, 1987; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.053 Signs in downtown business area.**

In addition to the requirements of Section 19.04.052 and this Chapter, freestanding signs located in the downtown business area may be set back zero (0) feet from a frontage property line but no part of the sign may project beyond the property line along a State highway. All other signs projecting beyond the property line into any other right-of-way requires a revocable right-of-way encroachment permit. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.054 Electronic message signs.**

In addition to any other applicable requirement or restriction imposed by this Title, the common sign plan or a sign program approved as part of a planned development, electronic message signs shall be subject to the following conditions:

A. New electronic message signs, or any electronic message sign that requires a structural permit, must be compatible with the site design and building architecture.

B. Commercial messages displayed on the electronic message signs shall not direct attention to a business, product or service or entertainment conducted, sold or offered off the premises that is not also conducted, sold or offered on the premises on which the electronic message sign is located. Noncommercial community event messaging shall be permitted on any electronic message sign.

C. Message screens or contents appearing on the electronic message sign shall remain on the screen and not change for a minimum of ten (10) seconds. The electronic message sign shall contain static messages only, changed only through dissolve or fade transitions, but which may otherwise not have movement, or the appearance or optical illusion of movement or varying light intensity, of any part of the sign structure, design or pictorial segment of the sign. The change of messages using a dissolve or fade transition shall not exceed three-tenths (0.3) seconds of time between each message displayed on the sign.

D. Electronic message signs shall not exceed a maximum illumination of five thousand (5,000) nits during daylight hours and a maximum illumination of five hundred (500) nits between one-half (½) hour before sunset and one-half (½) hour after sunrise.

E. Electronic message signs shall have automatic dimmer software or solar sensors to control brightness for nighttime viewings. The intensity of the light source shall not produce disability glare as defined by the illumination code (Section 17.69.040 of this Code), the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety and welfare. (Ord. 2009-38 §3, 2009)

#### **19.04.055 Neighborhood/village identification and marketing sign regulations.**

The following regulations shall apply to those signs directed to travelers on interstate highways, state highways and major arterials:

- A. Freestanding on-premises signs addressed to State or federal highways only permitted.
- B. The maximum area per sign face shall be one hundred fifty (150) square feet for identification signs and ninety-six (96) square feet for marketing signs.
- C. The maximum sign height shall be twenty (20) feet.
- D. All signs shall be set back at least twenty-five (25) feet from the nearest street or highway right-of-way.
- E. If applicable, the sign shall comply with an approved sign program for a planned unit development or final site plan.
- F. Signs shall be allowed only within six hundred sixty (660) feet of the nearest right-of-way of any State highway or within one hundred twenty-five (125) feet of any Town major arterial street having a right-of-way sufficient to accommodate six (6) lanes of traffic.
- G. If more than one (1) sign visible to traffic in any one (1) direction is allowed upon a particular premises under this Section, such signs shall be separated by a minimum of one thousand (1,000) feet.

In addition, signs shall be set a minimum of five hundred (500) feet from the boundaries of adjacent streets or shared interior lot lines.

H. Marketing signs shall be removed within thirty (30) days of the date that the on-site marketing office for the neighborhood or village identified on the sign is closed.

I. In accordance with the provisions of Section 19.04.032, the Town Council by issuance of a special permit may vary or waive any of the restrictions and limitations contained in this Section, as they apply to neighborhood/village identification signs. Provided that upon a finding that the general public will benefit either directly or indirectly from the approval of the special permit, and that entry to the neighborhood/village to be identified by such sign is within a reasonable distance of the location of such sign, the Town Council may grant an easement or lease over public rights-of-way or land for such identification signs, subject to such restrictions and limitations as the Town Council deems appropriate, for safety or aesthetic concerns, including but not limited to, required set-backs, sign height and size. (Ord. 87-42 §4, 1987)

#### **19.04.056 Common sign plans.**

A. An applicant may apply for a common sign plan by submitting an application in a form provided by the Town, paying the applicable fee set forth in the Development Service Department's fee schedule, and submitting the information identified in Section 19.04.056B. If, in addition to the common sign plan approval, the applicant seeks a sign setback for any individual sign lesser than the setback allowed under Section 19.04.056D, or if the common sign plan desires a maximum sign area for any individual freestanding sign greater than the maximum sign area allowed for an individual freestanding sign under Section 19.04.056E, the applicant shall also submit an application for a special permit for each such individual sign, pursuant to Section 19.04.056E, the applicant shall also submit an application for a special permit for each such individual sign, pursuant to Section 19.04.032, and pay the application fee for each such special permit requested.

B. A common sign plan application shall include the following:

1. An accurate plot plan of the area covered by the common sign plan.

2. Locations of buildings, driveways, lot lines, retaining walls and landscaped areas.

3. A calculation of maximum allowable sign area within the sign plan. The maximum allowable sign area shall be calculated by calculating the maximum allowable sign area per lot included in the common sign plan, in accordance with Sections 19.04.052C or 19.04.054C, whichever is applicable, and adding those totals per lot for one (1) total maximum allowable sign area for the proposed lots covered by the common sign plan.

4. A table allocating sign area to each tenant, lot or pad site.

5. Elevations and materials for any standard signs for the site.

6. Description and/or illustration of the materials to be used in wall signage.

C. The maximum freestanding sign height shall be twenty (20) feet, unless a lower height is otherwise specified within the common sign plan.

D. All freestanding signs shall be set back from the property line abutting a street one (1) foot for every foot of sign height but in no case shall the setback be less than ten (10) feet, unless a greater setback otherwise is specified within the common sign plan or unless a lesser setback is granted by special permit.

E. The maximum sign area for freestanding signs shall be fifty (50) square feet per face, unless a smaller maximum sign area otherwise is specified within the common sign plan, or unless a greater sign area not to exceed sixty-two and one half (62½) square feet is granted by special permit.

F. The common sign plan may allocate more sign area to an individual tenant, lot or pad site than otherwise would be permitted pursuant to Section 19.04.052C. or 19.04.054C. In no event, however, shall the total maximum sign areas for the combined lots exceed the maximum allowable sign area, as calculated pursuant to Section 19.04.056B3.

G. The minimum horizontal separation between freestanding signs in a common sign plan shall be one hundred fifty (150) feet.

H. Where a common sign plan applies stricter standards than this Title, the common sign plan shall supersede this Title.

I. Common sign plan applications shall be reviewed by the Director of Development Services, who may deny any application found not in conformance with the regulations set forth herein. If approved, the common sign plan shall be recorded in the records of the Clerk and Recorder for Douglas County, Colorado, at the expense of the applicant. Special permit requests pursuant to Section 19.04.032 shall be reviewed separately from common sign plan applications. (Ord. 2004-01 §3, 2004)

#### **19.04.060 Structural requirements; generally.**

Structural requirement for this Chapter shall be as set forth in Sections 19.04.061 through 19.04.062. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.061 Uniform Sign Code.**

All signs shall meet the design and construction chapter of the current Uniform Sign Code, Uniform Building Code and National Electrical Code, as adopted by the Town. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.062 Sign maintenance.**

Every owner of a business with an accessory sign, and every owner of property or a building with signs thereon, shall be responsible to maintain such signs, including signs exempt from the permit requirements by Section 19.04.041, in good structural condition at all times. All signs, including all metal parts and supports thereof that are not galvanized or of rust-resistant metals, shall be kept neatly painted. The Town Manager shall inspect and may order the painting, repair, alteration or removal of

a sign that constitutes a hazard to safety, health or public welfare because of inadequate maintenance, dilapidation or obsolescence, under the procedures prescribed in Section 19.04.075. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

**19.04.070 Nonconforming signs; generally.**

Provisions for nonconforming signs shall be as set forth in Sections 19.04.071 through 19.04.076. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

**19.04.071 Continuation of legal nonconforming signs.**

A legal nonconforming sign that is not required to be discontinued under the provisions of Section 19.04.072 or Section 19.04.073 may be continued and shall be maintained in good condition as required by Section 19.04.062, provided that a legal nonconforming sign may not:

A. Be structurally changed except to meet the safety requirements of this Chapter or, with a permit, changed or altered to become a lawful permitted sign;

B. Be altered so as to increase the degree of nonconformity of the sign;

C. Be expanded;

D. Be reestablished after its discontinuance for sixty (60) days;

E. Be continued in use after cessation or change of use or activity to which the sign pertains;

F. Be continued in use after a change in the business name; or

G. Be reestablished after damage or destruction if the estimated cost of reconstruction exceeds fifty percent (50%) of the replacement cost as determined by the Town Manager. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

**19.04.072 Discontinuance of prohibited signs.**

Any sign prohibited by Section 19.04.042 shall be removed or brought into conformity with the provisions of this Chapter according to the following schedule:

A. Within sixty (60) days after the effective date of this Code or the date of annexation to the Town of the property upon which the sign is located, any sign described in Subsections A, B or C of Section 19.04.042 shall either be removed or altered in such a manner that its movement or illumination is no longer prohibited. The provisions of Section 19.04.074 apply to all other nonconforming aspects of such sign.

B. Any sign described in Subsections D, E, F, G, H, I, J, P or R of Section 19.04.042 shall be brought into conformity with the requirements of this Chapter or be removed within sixty (60) days after the effective date of this Code or the date of annexation to the Town of the property upon which the sign is located.

C. Any sign described in Subsections K, L M, N, O or T of Section 19.04.042 shall be immediately removed or brought into conformity with the requirements of this Chapter upon the effective date of this Code.

D. Any sign described in Subsection Q or S of Section 19.04.042 shall be subject to the amortization provisions of Section 19.04.074.

E. Any abandoned sign or sign structure shall be brought into conformity with the requirements of this Chapter or removed within sixty (60) days after the effective date of this Code or the date of annexation to the Town of the property upon which the sign is located. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.073 Discontinuance of temporary signs.**

All lawful temporary signs erected, installed or maintained in accordance with Section 19.04.047 shall be promptly removed at the time of permit expiration or in accordance with the time limitations set forth in Section 19.04.047. Unlawful temporary signs shall be removed immediately upon the effective date of this Chapter. Any temporary sign not so removed may be removed by the Town Manager in accordance with Section 19.04.075. (Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.074 Amortization provisions.**

All signs, not otherwise governed by Sections 19.04.072 and 19.04.073, which were erected or constructed before the effective date of this Chapter, shall be governed by the provisions enumerated in this Section:

A. Any existing sign that conforms with the code requirements or exceeds the maximum area, the height limitations or setback requirements of this Chapter by ten percent (10%) or less may be considered to be a conforming sign and need not be removed or altered, but may be continued in conformity with all other provisions of this Chapter.

B. Any sign lawfully erected before the effective date of this Chapter, not otherwise covered by the provisions of Sections 19.04.072 and 19.04.073 and Subsections A and C of this Section, shall be deemed grandfathered and shall be governed by the provisions of Section 19.04.071.

C. Repealed. (Ord. 2007-24 §6, 2007; Ord. 86-13 §1(part), 1986)

#### **19.04.075 Signs not in compliance.**

A. If the Town Manager finds any sign maintained on private property is in violation of the provisions of this Chapter, the Town Manager may cause the owner of the sign or the owner of the building or property where the sign is located to remove or alter the sign to bring it into conformity with the requirements of this Chapter. The Town Manager shall notify the sign owner, the building owner and/or property owner of the duty that the required alteration or removal must be completed within thirty (30) days from the date of the notice, or such longer period as the Town Manager finds is reasonably necessary. Signs erected without permits must be removed within fifteen (15) days of notification. Notice under this Subsection shall be deemed sufficient if it is deposited in the mail

first-class to the addresses on the application for the sign permit under this Chapter or, if no permit is required, to the last known owner of the real property on which the sign is located as shown on the records of the Douglas County Assessor. The Town shall have no duty to locate or notify owners of signs placed in the right-of-way in violation of Subsection 19.04.042.J as further provided in Subsection B.

B. Any sign placed in a public right-of-way in violation of Subsection 19.04.042.J of this Chapter may be removed from the right-of-way and immediately destroyed or otherwise disposed of at the discretion of the Town. (Ord. 2010-15 §1, 2010; Ord. 2000-09 §6, 2000; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.076 Sign plaza.**

To further the purposes of this Code, the Town intends upon owning and maintaining certain signs and sign locations upon which private advertisements may be maintained. These may be in the form of sign plazas whereon businesses may acquire regulated advertising, public gazebos upon which churches, clubs and other civic organizations, as well as local businesses, can advertise or any such other type of sign plaza as may be deemed appropriate by the Town. Regulations for the use, rental, maintenance and other circumstances concerning each sign plaza shall be adopted by the Town Council and administered by the Town Manager when such sign plazas come into existence. (Ord. 2007-24 §7, 2007; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.077 Legal nonconforming freeway-oriented business signs.**

A freeway-oriented business sign may be continued and shall be maintained in good condition, provided that a freeway-oriented business sign meets the following criteria:

- A. The sign received a special permit from the Town Council,
- B. The sign exceeds permitted sign height and area requirements,
- C. The sign is accessory only to the following businesses: lodging, including hotels, motels and campgrounds; gas stations and convenience stores; and restaurants.
- D. The sign meets one (1) of the following two (2) criteria:
  - 1. The sign is in existence on or before September 27, 2007, and the sign is not subject to removal for abandonment as defined in Section 19.04.022 of this Chapter; or
  - 2. The sign received a special permit between June 1, 2006, and May 8, 2007, provided that:
    - a. Such special permits shall lapse, and be of not further force and effect on September 27, 2009, and
    - b. The sign is not subject to removal for abandonment as defined in Section 19.04.022 of this Chapter.

A freeway-oriented business sign face may be changed, provided that the sign cabinet is not altered or enlarged. The sign may be restored to its original condition after its accidental destruction or damage,

provided that it is not subject to removal for abandonment as defined in Section 19.04.022 of this Chapter. (Ord. 2007-24 §8, 2007)

**19.04.080 Appeals and variances.**

The Town determines that it is in the best interests of the public that persons who feel aggrieved by any administrative decision hereunder or who feel that due to special circumstances a hardship exists should be entitled to a fair and impartial hearing thereon.

A. All appeals and variances shall be directed to either the Board of Zoning Adjustment (Chapter 17.60) or the Board of Building Appeals (Uniform Building Code, Section 204, adopted through Chapter 15.04), whichever is appropriate.

B. The person filing the appeal or request for variance shall file the same in written form to the Town Manager and a hearing shall be held in accordance with the procedure found in Section 17.60.630. The applicant may file or petition for an appeal with an alternative request for a variance.

C. All appeals and variance requests concerning structural requirements, building or electrical code interpretations, or a violation of Section 19.04.061 shall be directed to the Board of Building Appeals.

D. All appeals and variance requests concerning matters other than those described in Section 19.04.080C, shall be directed to the Board of Zoning Adjustment.

E. An appeal may be made to review any order, requirement, decision or determination made by any administrative official enforcing any provision of this sign code; however, in order to be timely, such appeal must be made within thirty (30) days of the date of such decision or knowledge of the decision, actual or imputed. A timely appeal shall stay further proceedings under the administrative decision being appealed, unless, upon good cause shown, the stay is lifted by the board hearing the appeal.

F. In determining whether or not an appeal should be granted or denied, the reviewing board shall apply to the decision under appeal a presumption of validity and correctness and such decision shall only be reversed upon a showing of a preponderance of the evidence that the decision was in error. Actual written words and definitions in any documents in question shall prevail over common usage, and the intent and purpose of this Chapter together with current Town Council policies shall prevail over common practices.

G. In determining whether or not a variance should be granted or denied, the burden shall be upon the applicant to show practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board shall take into consideration the following:

1. The intent and purpose of this Chapter;
2. Current Town Council policies and interpretations of this Chapter;

3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;

4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;

5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and

6. The reasonableness of the request in comparison to the need shown.

H. A variance may be granted subject to such reasonable conditions applicable to the sign, landscaping, property use and development, or other appurtenant matters as may be deemed appropriate by the reviewing board, but in no event may a variance be granted which would increase the maximum height allowed for a freestanding sign which would allow an increase in the maximum permitted sign area without approval of the Town Council.

I. All decisions rendered in accordance with this Section shall be final, subject to judicial review in a court with proper jurisdiction.

J. Any person installing a sign without a proper permit after the enactment of this Code for which a permit is required, shall not be permitted to apply for a variance or appeal from the Board of Zoning Adjustment or Board of Building Appeals. (Ord. 2007-24 §9, 2007; Ord. 87-05 §1(part), 1987; Ord. 86-13 §1(part), 1986)

#### **19.04.090 Amendments.**

A. Technical Amendments. When the Town Council determines that an amendment to the sign code regulations is necessary to clarify a section, resolve conflicting provisions, conform to state statute or regulation, or is otherwise required to increase the effectiveness of the code without altering the substantive intent thereof, such amendment may be made by passage of an ordinance approved in a manner consistent with regular ordinance procedures; provided, however, that such ordinance must also include appropriate findings as set forth in this Section.

B. General Amendment Procedure. All amendments to the sign code regulations not otherwise adopted in accordance with Section 19.04.041 shall be accomplished by ordinance duly passed by the Town Council after a public hearing thereon. Notice of such public hearing shall be satisfactory upon the placement in a newspaper of general circulation in the Town no later than ten (10) days before such hearing of a notice setting forth the time, date, place and statement of general content of the ordinance to be considered. (Ord. 87-05 §3(part), 1987)

#### **19.04.100 Violations.**

A. Violations and Penalties. The erection, construction, enlargement, conversion, operation, ownership or maintenance of any sign or sign structure and the use of any land, building, vehicle or other structure contrary to any provision of this Chapter is declared to be unlawful. Any person charged with a violation of this Chapter, upon conviction thereof, shall be punished by a fine of not

more than three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment. Any person may be found guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed or continued. A summons and complaint may be issued by any officer or official of the Town and shall be served in accordance with the municipal rules of procedure. If the person accused of violating this Chapter is a partnership, corporation or business entity or other than a sole proprietorship, then every partner of a partnership, officer of a corporation and local manager or operator of the business shall be responsible party.

B. Other Remedies. No other provision of this Chapter shall preclude the Town from proceeding to enforce this Chapter through other actions, including, but not limited to, injunction, nuisance and abatement through a court of law, regulatory agency or other body with jurisdiction hereof. (Ord. 87-05 §3(part), 1987)