

VILLAGE OF RUIDOSO

ORDINANCE 2022-06

AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO MUNICIPAL CODE OF ORDINANCE; CHAPTER 54 - LAND USE; ARTICLE II. – ZONING; DIVISION 5. – SIGNS; SECTIONS 54-181 THROUGH 186; SECTIONS 54-188 Through 192; AND SECTIONS 54-193 Through 196.

WHEREAS, the Governing Body of the Village of Ruidoso is updating the Sign ordinance within the Village of Ruidoso; and

WHEREAS, the Governing Body of the Village of Ruidoso has determined that these amendments are necessary; and

WHEREAS, the Governing Body of the Village of Ruidoso conducted a duly advertised public hearing to consider this ordinance on May 10, 2022.

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the Village of Ruidoso that Division 5-Signs is hereby amended by the addition of new text and modification or deletion of existing text as follows:

Bold Underline is text that is proposed for adoption. Strike out is language deleted.

Chapter 54 - LAND USE

ARTICLE II. – ZONING

DIVISION 5. - SIGNS

Sec. 54-181. - Purpose of division.

- (a) ~~The purpose of this division is to protect and promote the general welfare, health, safety and order within the village through standards, regulations and procedures governing the erection, use and/or display of devices, signs or symbols serving as visual communicative media to persons situated within or upon public rights of way or properties. The regulations set forth in this division are intended to preserve the special qualities inherent in the village that attract tourists and residents alike, and that are the basis of the village's economic stability and growth.~~
- (b) ~~The provisions of this division are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication and a sense of concern for the visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this division, while at the same time ensuring that the public is not endangered, annoyed or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative facilities.~~

The purpose of this division is to promote the public health, safety and general welfare through reasonable, consistent, and non-discriminatory sign standards. The sign regulations in this section are not content based, but rather regulate the adverse secondary effects of signs, particularly those that may adversely impact aesthetics and safety. In order to preserve and promote the Village of Ruidoso

as a desirable community in which to live, visit, play, and do business in a pleasing, visually attractive environment, safe for motorists and pedestrians, these regulations are intended to:

- A. Promote an attractive “built environment”, successful commercial districts, and a healthy local economy while working to incorporate contemporary products, technology and marketing practices and improve understanding, application, flexibility and enforcement of sign regulations and standards.
- B. Highlight the positive contribution signs can make to create a sense of place in the community and ensure that new sign design standards will allow commercial business to function efficiently and effectively.

(Code 1985, § 10-6-1; Ord. No. 97-07, § 1, 7-29-97)

Sec. 54-182. - Definitions.

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ABANDONED SIGN: Any sign that advertises a business, lessor, owner, product or service or activity that is no longer located on the premises where the sign is displayed or is in disrepair or structurally unsound with potential to cause health, safety, and welfare issues.

ANIMATED SIGN: A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that moves, changes, flashes, osculates or visibly alters the appearance in a manner that is not permitted by these regulations.

AWNING SIGN: A sign painted on, attached to, or supported by a shelter extending from the exterior wall of a building and composed of non-rigid materials except for the supporting framework (an awning).

BANNER: A temporary sign having character, letters, illustrations, or ornamentations applied to cloth, paper, fabric, or other lightweight non-rigid material, with only such material for a backing, which projects from, hangs from or is affixed to a building, private light pole, or a wire. The display surface shall not have blinking or flashing lights, nor be illuminated, animated, or constructed of reflective material. Banners include decals, painted imagery, cable-hung banners, and wave banners.

BILLBOARD: A sign which directs attention to a business, activity, commodity, service, entertainment, or communication which is not conducted, sold, or offered at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located.

BLADE/FLAG/CORPORATE FLAG/FEATHER SIGNAGE: A vertical portable sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand used for advertisement purposes. CORPORATE FLAG: Any flags other than national, state or City flags which have copy or logos.

BUILDING LENGTH: The number of linear feet of the exterior wall of the side of the building where the sign is placed.

BUILDING PLAQUE: A plaque designating names of buildings, occupants and/or date of erection and other items such as architect, contractor or others involved in the building creation cut into or attached to the building.

CANOPY: A permanent roof-like shelter either not attached to or requiring support from an adjacent structure.

CANOPY SIGN: A permanent sign attached to a canopy or affixed to the sides of a canopy structure. These signs may be below a projecting structure which extends over the pedestrian walkway.

CHANGEABLE COPY SIGN: A sign or portion of a sign on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system.

CIVIC OR COMMUNITY EVENTS: Any planned gathering on public property consisting of 50 or more people or any sized event which blocks/reserves access to public property/right-of-way.

CONSTRUCTION SIGN: A temporary sign erected on premises under construction, during the period of construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the construction project.

COORDINATED SIGN PLAN (CSP): A coordinated plan or program for all signs, including temporary signs for a business, or businesses located on a development site. The CSP shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.

DECORATIVE FLAG: Flags with no copy or logos.

DIRECTIONAL SIGN: A permanent sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

DIRECTOR (FREESTANDING): A sign directing users or patrons around a property or center. Examples include but not limited to office building directories, builder/developer directories and commercial center directories.

ELECTION SIGN: A sign designed for the purpose of supporting or opposing a candidate, issued, proposition or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business.

ELECTRONIC MESSAGE CENTER (EMS): A sign that is capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

EXTERNAL USAGE SIGN: Signs for goods or services normally provided outside of the principal structure. Examples include drive-through lanes, automated teller machines, carwash, and gas station vacuums.

FREESTANDING SIGN: A sign which is not attached to a building and is permanently affixed in or upon the ground on one or more structural supports. A freestanding sign shall include, but is not limited to, a pole, monument, or low-profile type sign.

FLASHING: A pattern of sudden alternation between a fully illuminated message and a message without illumination, or a message where the copy color and the background color alternate or reverse color schemes rapidly.

GAS ISLAND SIGN: Includes signs on the gas pump, pump topper and additional signage on the island.

GOVERNMENTAL SIGN: A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, or other governmental regulations.

HUMAN SIGN: Signs that are being carried by people and do not block vehicular or pedestrian traffic.

ILLEGAL SIGN: A sign without proper approval or permits as required by this code at the time of sign placement. "Illegal sign" shall also mean a sign placed contrary to the terms or time limits of a permit and a nonconforming sign which has not been brought into compliance with any applicable provisions by this code.

INFLATABLE DISPLAY: A sign consisting of a flexible material envelope of non-porous material inflated or shaped from inserted air or other gas and used to promote special events, grand openings, sales, and business transitions. Inflatable displays include air or gas blown devices that wave, lightly or rapidly, in an irregular manner and portable inflatable billboards. Inflatable displays shall not be permitted to have a sound system. Inflatable display do not include individual latex balloons under eighteen inches (18") in size.

INTERPRETIVE SIGN: A sign that demonstrates or interprets the natural or historical surroundings of a place (a preserve, a national park, a scenic view, or historic place/monument) to its visitors.

MENU BOARD/DRIVE-THROUGH: A sign, permanently mounted, which lists the products or services available at a drive-in or drive-thru facility. The sign is not legible from the right-of-way.

MESSAGE: A complete, static display message on an EMC.

MESSAGE HOLD TIME: The time interval a static message must remain on the display before transitioning to another message.

MODEL HOME SIGN: A sign on or in front of a residential structure that is used as an exhibit, not a private residence or a property that has been used as a private residence, to advertise or market it or other houses.

MONUMENT SIGN: A sign identifying a particular area or development. A subdivision monument can pertain to a residential, office, industrial or commercial subdivision.

MOTOR VEHICLE SIGN: A sign affixed to an operating motor vehicle that is used as a part of the business operation.

MURAL: A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business located on the premise.

NONCONFORMING SIGN: A sign which was validly placed under laws or ordinances in effect at the time of its placement, but which conflicts with the current provisions of this Zoning Code.

OFFICIAL LEGAL NOTICE: Signs that are erected or issued by any governmental agency, court, public body, person, or officer in performance of a public duty or in giving any legal notice, including signs that are required to be posted to give notice of pending action pursuant to the Village of Ruidoso Municipal Code, as amended.

OFF PREMISE SIGN: A sign used for promoting an interest of a business, individual, products, or services available on the premises where the sign is located. This excludes tenant signage within a commercial center or signage established through a CSP and advertising businesses within the CSP area.

ON PREMISE SIGN: A sign used for promoting a business, individual product, or service available on the premises where the sign is located or any sign promoting businesses within a coordinated sign plan.

PERMANENT SIGN: A sign permanently affixed or attached to the ground or a structure or which cannot be removed without special handling.

PORTABLE SIGN: A sign that is not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, including but not limited to “sandwich boards”, A-Frame, inflatables, signs mounted on wheels or stand as to be capable of being moved.

PRIVATE NOTIFICATION SIGN: A sign that regulates actions on private property. Examples include “No Trespassing”, “Beware of Dog”, etc.

PROJECTING SIGN: A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall.

REAL ESTATE SIGN: A nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, townhome, condominiums and similar units, or apartments. Signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

~~Sign~~ means **SIGN:** Any display to the public view of letters, numerals, emblems, logos or any parts or combination thereof, designed to inform, advertise, or promote merchandise, services, or activities. Sign content shall pertain only to the business, industry or pursuit conducted. **Signs are required to be printed on approved sign material excluding vinyl or banner materials. Plywood with or without spray paint is prohibited as sign material.**

Signage means the eligible area allowed.

SIGN STRUCTURE: Construction or framework of identifiable elements being of components, entities, factors, members, parts, steps, etc., which gives form and stability and resists stresses and strains.

SIGN AREA: An exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

TEMPORARY SIGN: Any sign or advertising display located outside of a building, in windows, or on public right-of-way constructed of cloth, wood, canvas, light fabric, paper or other light materials with or without frames intended to be displayed for a limited time only and are not permanently mounted advertising a special event, campaign, community or civic projects or other special events on a temporary basis.

TRANSITION DURATION: The time interval it takes the display to change from one complete static message to another complete static message.

TRANSITION METHOD: A visual effect applied to a message to transition from one message to the next. Transition methods include:

A) DISSOLVE: A frame effect accomplished by varying the light intensity or pattern, in which the first frame gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second frame.

B) FADE: A frame effect accomplished by varying the light intensity, where the first frame gradually reduces intensity to the point of not being legible (i.e., fading to black) and the subsequent frame gradually increases intensity to the point of legibility.

WALL SIGN: A sign mounted on or fastened an exterior wall of a building and projecting not more than fifteen (15) inches.

WINDOW SIGN: A sign or message affixed to a window visible to the public from the right-of-way promoting products or events of the business location.

WORK OF ART: Art which in no way identifies a product, business, or enterprise and which is not displayed in conjunction with the commercial enterprise on the property.

YARD SIGN: A sign displayed in a yard that communicates a non-commercial message.

Code 1985, § 10-6-2; Ord. No. 97-07, § 1, 7-29-97)

Cross reference— Definitions generally, § 1-2.

Sec. 54-183. - Permit required.

All signs **being permanent, temporary, banners, blade/flag/feathers and such similar signage** erected within the village must be reviewed and approved by the appropriate officer of the village **Community Development Department** prior to being placed on any building, pole, or other structure, except as otherwise provided in this division. Permits shall be issued for all approved signs and shall be maintained on the premises where the sign is displayed, except that permits for off-premises signs shall be maintained on the premises of the permittee. Failure to obtain a sign permit is a violation of this division.

(Code 1985, § 10-6-3; Ord. No. 97-07, § 1, 7-29-97)

Sec. 54-184. - Enforcement officers.

This division shall be enforced by ~~any employee designated by the village manager~~ **the Code Enforcement Officers.**

(Code 1985, § 10-6-4; Ord. No. 97-07, § 1, 7-29-97)

Sec. 54-185. - Application for permit.

The application form for a sign permit shall be obtained from the ~~enforcement officer~~ **Community Development Department** and shall require the following information:

- (1) The name and address of the owner of the sign **and sign installer.**
- (2) The name of the business and the location of the sign (address).
- (3) A drawing of the sign, indicating size, materials, texture and finish and illumination to be used.
- (4) A site plan showing where the sign will be located on the premises, as well as all other signs existing on the premises. **Sign plans will not be approved for new signs proposed on property where illegal signs exist.**
- (5) Indication on the site plan of the location of buildings on the site and the dimension and area of building frontages.
- (6) Written consent of the owner of the building, structure, or land on which the sign is to be erected.
- (7) Any electrical **or building** permit **shall be** required and issued **to be submitted by the licensed contractor** for such sign **prior to the installation or erection of sign.**
- (8) The contractor's name, address, and license number, where applicable.
- (9) **Sign Type.**

(Code 1985, § 10-6-5; Ord. No. 97-07, § 1, 7-29-97)

Sec. 54-186. - Responsibilities of the permittee.

- (a) It is the responsibility of the permittee to comply with all provisions of this division and sections 54-37 and 54-38, as may be applicable.
- (b) It is the responsibility of the permittee to be aware of and obtain any license, permit and/or inspection required under the Construction Industries Licensing Act, NMSA 1978, §§ 60-13-1 to 60-13-59, or the construction industries division rules and regulations of the state. Enforcement of any such rules or regulations shall be by the appropriate state inspectors.
- (c) **It is the responsibility of the permittee to comply will all provisions of the rules and regulations required by the New Mexico Department of Transportation regarding involving the placement of any sign within the Department of Transportation right-of-way.**

Ord. No. 97-07, § 1(10-6-6), 7-29-97)

Sec. 54-188. - Appeals.

- (a) Any sign permit application which is rejected, for any reason, by the ~~enforcement officer~~ **Community Development Department** may be appealed to the ~~P~~lanning ~~C~~ommission. The applicant shall submit, in writing, a request to be placed on the planning commission agenda within five working days of the rejection. The appeal will be scheduled for the next ~~P~~lanning ~~C~~ommission meeting, provided the ~~P~~lanning ~~C~~ommission agenda deadline has not passed, in which event the matter will be scheduled for the next regularly scheduled ~~P~~lanning ~~C~~ommission meeting.
- (b) Any denial by the ~~P~~lanning ~~C~~ommission may be appealed to the council by submitting a written request to the ~~V~~illage ~~C~~lerk within 15 days of the rejection.

(Code 1985, § 10-6-8; Ord. No. 97-07, § 1, 7-29-97)

Sec. 54-189. - Permit fee; invalid permits; inspection upon completion of construction.

- (a) The fee for a sign permit for permanent signage shall be set from time to time and is listed in the fee schedule in appendix A to this Code.
- (b) The fee is due at the time the application is approved.
- (c) A sign permit shall be issued at the time the fee is paid.
- (d) The fee shall be waived where only change of copy is being made for an existing business.
- (e) A sign permit ~~shall~~ **may** become null and void:
 - (1) If the sign for which the permit was issued has not been completed and erected within a period of six months after the date of the permit.
 - (2) Thirty days after a business closes or ceases to operate if no new business is established at that location. It shall be the responsibility of the owner of the building to see that any sign is removed which pertains to a business which has closed.

If the owner does not remove signs as provided under section 54-193, the ~~Code Enforcement Officer~~ will follow the procedures outlined in section 54-195 to effect removal.

- (f) Subject to the provisions of section 54-187, final inspection is required on completion and installation of all signs to determine that the sign conforms to the permit issued pursuant to the provisions of this division. The sign permit applicant is responsible for obtaining final inspection, and failure to do so will constitute a violation with penalties as prescribed under section 54-38(d).

(Code 1985, § 10-6-9; Ord. No. 97-07, § 1, 7-29-97)

Sec. 54-190. - General regulations.

- (a) *Moving of signs; changing copy.* Moving an approved sign to a new location or changing copy on an existing sign shall require a new permit, except for signs with movable letters as described in section 54-191(a)(7). The ~~appropriate enforcement officer~~ **Community Development Department** shall be notified prior to the move or change in order to:
 - (1) Ascertain that the sign meets the conditions of this division.
 - (2) Update records.
- (b) *Permit not required for painting, cleaning, or repair.* Maintenance consisting of painting, cleaning or repair of an existing sign does not require a new permit unless a structural or copy change is made.

- (c) *Maintenance required.* Maintenance of signs consisting of painting, cleaning or repair is required to maintain signs in the same condition and appearance as when originally installed.
- (d) *Erection of signs on or over public property.* No sign shall be erected or maintained on or over public property, unless licensed by the council, subject to approved criteria. However, wall signs may project over a front property line when the building wall is less than one foot from the property line, provided that such sign shall not impede or endanger pedestrians or vehicular traffic and shall project no more than one foot from the wall.
- (e) ~~*Special encroachments.* Special encroachments on Highways 48 and 70 by the state highway and transportation department such as decorations and banners advertising special events when erected by governmental authorities. Encroachments may be allowed for a limited time provided they provide minimum 18 foot clearance and do not interfere with traffic control devices and signs.~~
Encroachment of Department of Transportation Right-of-Way. No sign permits will be granted without documentation from the New Mexico Department of Transportation authorizing the encroachment of signage.

(Code 1985, § 10-6-10; Ord. No. 97-07, § 1, 7-29-97; Ord. No. 98-12, 5-26-98)

Sec. 54-191. - Regulations for specific signs and uses; size limitations.

- (a) *Sign types.*
 - (1) *Freestanding signs.*
 - a. A freestanding sign shall not exceed 35 feet in height, and must have at least eight feet between the base of the sign and the ground, and may not restrict view of traffic. Freestanding signs shall not exceed 150 square feet in area except for shopping center signs as provided under subsection (b)(5) of this section, or as approved by the planning commission.
 - b. An area directly under the freestanding sign shall be landscaped at the base of the sign.
 - c. The premises around the freestanding sign shall be maintained by the sign owner in a clean, sanitary and inoffensive condition and shall be free and clear of obnoxious substances, rubbish and weeds.
 - d. A minimum sight line triangle measured 20 feet along the right-of-way line from the base of the sign and ten feet in depth at a right angle to the right-of-way line 20 feet in distance from the base of the sign shall be maintained.
 - (2) *Projecting signs.* The bottom of projecting signs shall be at least eight feet above the ground or sidewalk and shall not project more than four feet from the supporting wall. No projecting sign may rise above the roofline or parapet, and signs may not project into the public right-of-way.
 - (3) *Hanging signs.* The minimum height to the bottom of a hanging sign shall not be less than eight feet above the ground or sidewalk, and signs shall be not more than six inches thick. Hanging signs shall be secured, fastened to support beams and supported by heavy chain or material of like strength.
 - (4) *Wall signs.* Maximum projection of a wall-mounted sign shall be six inches, unless the bottom of the sign is at least eight feet above the ground or sidewalk, in which case the maximum projection shall be 12 inches.
 - (5) *Window signs.* Permanent signs ~~painted~~ **affixed** in a window shall be measured by the area enclosed within a sign border, or if no border exists, the area of the minimum imaginary

rectangle enclosing the words and symbols and spaces between them. Neon or similar sign devices mounted in a window area shall be measured on the same basis. **Window signage visible from public right-of-way will be calculated in the allowable signage for the commercial premises.**

- (6) *Marquees.* Maximum projection of marquees shall be eight feet from the supporting wall, and there must be not less than ten feet from the bottom of the marquee to the ground or sidewalk. The marquee may not be erected or maintained on or above the public right-of-way.
- (7) *Signs with movable letters.* The movable letter portion of any one sign shall not exceed 70 percent of the total area of that particular sign, except for electronic **message center** signs which are allowed full movement of the sign message.
- (8) *Ground signs.* Ground or low-profile signs shall only be permitted when set back a minimum distance of ten feet from the property line. Signs may be installed at or above grade level. Ground signs shall not be installed within the sight line triangle of streets or driveways and shall not restrict view of traffic. Ground level signs shall not exceed 100 square feet in area, except for shopping center signs as provided under subsection (b)(5) of this section or as approved by the planning commission. Ground sign installation shall conform to the provisions of subsections (a)(1)b and c of this section.
- (9) *Canopy and awning signs.* Signs on canopies and awnings shall be measured by the area enclosed by a border or imaginary triangle enclosing the words, symbols, or spaces between them. Awnings may be constructed of canvas, plastic, or similar materials.
- (10) *Banner signs.* A banner sign is a sign printed on lightweight, flexible material such as cloth, canvas, or plastic. Each business shall be allowed a banner four times per calendar year in increments up to 14 consecutive days, not to exceed a total of 56 days per year. A permit fee set from time to time and listed in the fee schedule in appendix A to this Code will be required per each 14-day period. Banners shall not exceed a total of 32 square feet. Banners shall be attached flat against a wall or structure of the business, which is permitted for such banner, or between the supports of a permitted freestanding sign. Banner area does not count against allowable sign area.
- (11) *Neon signs.* Neon signs or similar tube signs are permitted sign types. Sign area shall be measured by the area enclosed within a sign border, or if no border exists, the area of a minimum imaginary rectangle enclosing the words, symbols, and spaces between them.
- (12) **Blade/Flag/Feather signage shall be limited to 2 per business located out of the C-3 Midtown Commercial District; permitted as a temporary basis for a maximum of 2 week allowed 4 times per year.**
- (13) **HUMAN SIGN: Signs that are being carried by people and do not block vehicular or pedestrian traffic; permitted as a temporary basis for a maximum of 2 week allowed 4 times per year.**
- (b) *Sign sizes; regulations for specific uses.* Seventy percent of the total allowable signage must be permanent signs. The remaining 30 percent may be devoted to signs of a temporary nature if not otherwise prohibited by this division. Sign permits shall be obtained for both permanent and temporary signs.
- (1) *Commercial businesses, all categories.* The amount of signage shall be computed using the formula 0.076 times the square footage of the front of the building as designated by the owner or leaseholder. This amount of sign footage may be used as wall mounted, freestanding or a combination of both. ~~The amount of signage for a business conducted on a property which has~~

~~no permanent business structure or structures of less than 250 square feet shall be allowed one freestanding sign based on the linear feet of lot frontage, as follows:~~

Lot frontage (linear feet)	Sign area (square feet)
—0—150	—32
150—300	—64
301—600	100

~~Lots in excess of 600 linear feet shall be allowed two freestanding signs, provided that signs are separated by a minimum distance of 300 linear feet.~~

- (2) *Corner lots.* In addition to signs allowed on the front of buildings, wall-mounted signs only shall be allowed on the side of a building which fronts on a side street. Square footage shall be determined by using the formula of 0.076 times the square footage of the designated side of the building. This sign area may not be transferred to any other area of the premises.
- (3) *Churches.* Churches shall apply for approval of their signs, and shall be allowed square footage as determined by using the formula of 0.076 times the square footage of the designated front of the building.
- (4) *Buildings with multiple tenants.* In cases of more than one business located within one building (but less than four businesses), the owner of the building shall determine the percentage of the total allowable sign size which each business within the building is allowed. The total amount of square footage of signs erected, for all businesses within the building, shall not exceed the total amount allowed as determined by the formula.
- (5) *Shopping centers.*
 - a. To be designated a center, four or more shops or businesses must be on the premises. Shopping centers may be comprised of one or more tracts or ownerships maintaining a center identity under written agreement.
 - b. A center is allowed one freestanding sign for the purpose of identification of the center and of the businesses therein.
 1. The size of the freestanding sign shall be computed from the formula of one square foot of sign space per each linear foot of the designated front of the property, with a maximum of 200 square feet allowed.
 2. At least 50 percent of the center sign shall designate the shopping center, and the remaining 50 percent shall or may be used for riders to advertise the individual businesses within the center.

- c. A center is also allowed wall-mounted signs using the formula of 0.076 times the square footage of the designated front of each building, as in provided in subsection (b)(1) of this section.
- d. Individual businesses within shopping centers in the C-3 business district may have one projecting sign pursuant to subsection (a)(2) of this section, provided that such sign shall not exceed ten square feet and shall not project into the traveled roadway.
- e. A temporary freestanding on-site sign may be allowed for a business within a center prior to erection of a center sign. Such temporary sign shall be removed within 30 days following construction of a center sign. Temporary signs must be joint signs with other businesses within the center wherever possible.

(6) *Across-street banners.*

- a. The maximum size allowed shall be three (3) feet by thirty (30) feet on street banners advertising a community or civic event as defined in subsections 54-194(11)b and (11)c and at a location approved by the council and the state highway and transportation department district office in the village.
- b. There shall be one approved location ~~on Mechem~~ and one approved on Sudderth Drive for across-street banners. ~~The council shall approve the poles used to support such banners.~~
- c. A banner may be displayed up to 14 days prior to an event and must be removed within three days after the event.
- d. Applications shall be submitted to the Vvillage ~~M~~anager at least 90 days prior to the event. The village manager shall develop policies, and the manager (or designee) shall resolve conflicting requests in a fair and equitable manner.

(7) *Civic and quasi-public off-premises signs.* Community or civic events advertised at the above locations shall be those which are either sponsored by non-profit organizations, approved for expenditures of Lodgers' Tax funds, or approved by the Village Council according to the lodgers' tax criteria of chapter 2, article IV, division 3. The Village Council may authorize additional locations for banner display within the areas approved for community or civic events to facilitate crowd control. Banners provided to sponsor of community or civic events may contain a logo or other donor identification of not more than ten percent of the banner area. Only community or civic events being advertised will be allowed to be displayed upon portable A-Frame signs

- a. Off-premises name, directional and information signs of service clubs, places of worship, civic organizations and quasi-public uses shall not be more than four square feet in area. Sign height shall not exceed 16 feet.
- b. If a need exists for more than one such sign at one location, all such signs must be consolidated and confined within a single frame. Banners advertising community or civic events maintained for a temporary period of not in excess of one month prior to the event and not more than seven days after the close of the event are allowed. Banner shall not exceed 32 square feet and shall be limited to the following locations:
 - a. School House Park, tennis court area.
 - b. Two Rivers Park, Chamber office.

- c. Free parking lot, Midtown area.

(8) *Commercial, off premises directional signs.*

- a. No off-premises sign shall be nearer than 200 feet to any other off-premises sign. There shall be no more than one off-premises sign per location. Commercial off-premises signs shall not be placed on any residential zoned property.
- b. No directional advertising sign of the same commercial enterprise shall be nearer than one mile to any other off-premises sign advertising the same commercial enterprise. The one-mile distance shall be determined from point to point on any single highway, street or other public thoroughfare. This provision shall not be construed as prohibiting off-premises signs within one mile of each other advertising the same commercial enterprise, where off-premises signs are located on different highways, streets or public thoroughfares.
- c. Off-premises sign areas shall not exceed 32 square feet.
- d. Off-premises directional advertisement signs shall pertain only to a business conducted on a site within the village limits or within two miles extraterritorial of the village if approved by the planning commission. The area of any off-site sign, when added to the area of any existing business sign, shall not exceed the allowable sign area for the business being directionally advertised. Off-premises signs are allowed only for businesses without frontage on Highway 48, Mechem Drive, Sudderth Drive or Highway 70. Signage shall not count against allowable sign area of the property where the off-premises sign is located.
- e. Off-premises signs may be placed on vacant property but shall be limited as to size based on allowable signage for property with no permanent structure as set forth in subsection (b)(1) of this section but in no event to exceed 32 square feet.
- f. Businesses with allowable square footage for off-premises signage shall be limited to two signs per business.

(9) *Residential signs:*

- a. Multifamily premises or mobile home parks with up to 24 dwelling units may have wall signs identifying the development or apartments, provided the signs are mounted flush to the perimeter wall or fence and the total sign area does not exceed 32 square feet. ~~There shall be no more than five words which contain any character equal to or exceeding six inches in height. However, words with characters of less than six inches in height may be used without limit as to number.~~
- b. Multifamily premises or mobile home parks with more than 24 dwelling units may have signs identifying the premises as follows: Multifamily premises may have wall- or fence-mounted signs, provided the signs do not exceed 40 square feet. Mobile home parks may have wall- or fence-mounted signs, provided the signs do not exceed 100 square feet. ~~Multifamily premises or mobile home park wall-mounted signs may have no more than five words which contain characters equal to or exceeding six inches in height. However, there shall be no limit to words containing characters of less than six inches in height, except as limited under subsection (b)(1) of this section.~~

(10) *Service station canopy signs.* The area of signs allowable for freestanding canopies over service station service islands or like installations shall be calculated based on 1.5 times the horizontal

plane of the canopy structure times 0.076. Not less than 25 percent of the allowable sign area shall be on the canopy facade. The allowable area for canopy signs shall be in addition to allowable sign area for other structures on the premises.

- (11) *Resort signs*. Resorts shall be permitted, as *conditional uses*, signs in addition to those otherwise identified herein according to the following provisions:

a. *Definition*.

1. *Resort*. A *resort* is a hotel, under one roof or consisting of detached buildings, containing at least 200 guest rooms, together with at least seven of the following additional amenities:

Dining facilities: at least two restaurants which, together or separately, provide

full meal service;

Lounge;

~~Gold~~Golf course—18-hole championship;

Casino licensed by the State of New Mexico or qualifying as an Indian casino recognized by the State of New Mexico;

Horse or dog race track;

Tennis court(s);

Swimming pool;

Day spa;

Retail shopping—minimum two separate shops;

Theater; performing arts or film;

Horseback riding;

Outfitting for hunting, fishing, camping, eco-tours and the alike

2. *Location*. A *resort* is a facility located within the municipal limits of the Village of Ruidoso or the City of Ruidoso Downs, or in the unincorporated areas of Lincoln County within two (2) miles of the village limits of the Village of Ruidoso, or within the Mescalero Apache Reservation within two miles of the Lincoln County line.
 3. *Ownership*. All aspects of a resort shall be under unified ownership, except to the extent that condominium units may be separately owned.
- b. *Sign size*. Sign size shall be constrained by the structure upon which it is mounted. The structure on which the sign is mounted shall not exceed 20 feet in height nor 20 feet in width, except upon approval by the planning commission as a conditional use.

- c. *Sign location.* Resort signs may be located both on-premises and off-premises, according to other provisions of this code, provided that the square footage of the off-premise location(s) shall not count against the on-premise size limitations, and provided further that no resort sign shall be located in the C-3 (midtown commercial) district.
- d. *Sign features.* Resort signs may incorporate all features otherwise included in this code, together with industry additions such as LED signs, and the like, provided, that plastic back-lit signs and marquee signs with manually changeable letters are prohibited.
- e. *Sign structure.* All signs shall be ground-mounted or building-mounted. Pole signs are prohibited.
- f. *Landscaping.* The area immediately adjacent to the sign shall be professionally landscaped in a minimum area not less than the total size of one face of the sign structure.

(Code 1985, § 10-6-11; Ord. No. 97-07, § 1, 7-29-97; Ord. No. 98-12, 5-26-98; Ord. No. 99-22, 10-26-99; Ord. No. 2004-14, 7-27-04)

Sec. 54-192- Illumination.

(a) ~~Light from any source intended to illuminate a sign shall be shaded, shielded or directed in such a way so that the light intensity or brightness shall not adversely affect the safe vision of pedestrians or vehicle operators on public and private streets, driveways or parking areas and shall not adversely affect any surrounding premises. Illumination from any sign shall not interfere with the effectiveness of any official traffic sign, signal or device.~~ **All illuminated signs shall follow the Night Sky Protection Act [74-12-1 to 74-12-10 NMSA 1978]; its purpose is to regulate outdoor night lighting fixtures to preserve and enhance the state's dark sky while promoting safety, conserving energy and preserving the environment for astronomy.**

(b) Signs involving the use of revolving lights, beacons, strobe lights or spotlights are specifically prohibited.

(Code 1985, § 10-6-12; Ord. No. 97-07, § 1, 7-29-97)

Sec. 54-193. - Prohibited signs.

The following signs are prohibited:

- (1) Signs contributing to confusion of traffic control lighting, unauthorized signs, signals, markings or devices which purport to be or are imitations of official traffic control devices or railroad signs or signals, or signs which hide or interfere with the effectiveness of any official traffic control devices.
- (2) Unauthorized signs which attempt to control traffic on the public right-of-way.
- (3) Signs with audible devices.
- (4) Freestanding signs with overhead wiring to supply electricity. However, off-premises signs are excluded unless underground power lines supply the site.
- (5) Banners, except as otherwise allowed by this division, and portable signs of any type, including signs placed in or carried on vehicles.
- (6) Canopy signs, if the bottom of the sign is less than eight feet above grade.
- (7) Building-mounted signs which extend above the roofline of the building, except on approval by

the planning commission. Angle irons or similar supports shall not be visible from public rights-of-way; guy wires or cables may be visible.

- (8) Signs with missing letters (including approved signs with movable letters) or signs which are in a state of disrepair.
- (9) No sign, ~~except an approved banner,~~ may hang over, or in, any public right-of-way, unless ~~licensed by the council~~ **permitted by the Community Development Department**, subject to approved criteria.

~~(10) Billboards or other off-premises signs relating to a business not located within the village limits or within two miles extraterritorial.~~

~~(11)~~**(10)** Signs of temporary construction shall not be used as permanent exterior signs.

~~(11) Flag signs with the name of a business, name of products, words, or numbers, except as provided in subsections 54-194(10) and (17).~~

~~(12)~~ **(11)** Inflatable signs and tethered balloons.

(12) Portable signs. Only community or civic events being advertised will be allowed to be displayed upon portable A Frame signs. Portable signs may not be used for any incidental signage.

(Code 1985, § 10-6-13; Ord. No. 97-07, § 1, 7-29-97)

Sec. 54-194. - Signs not requiring permit.

Provided they conform to all other portions of this division as provided, the following types of signs do not require a permit:

- (1) Nonilluminated names of buildings, dates of erection, monuments, citations, commemorative tablets, and the like are allowed when carved into stone, concrete, metal, or any other permanent type of construction and made an integral part of an approved structure or made flush to the ground (but not obstructing view of traffic).
- (2) Signs required by law or signs of a duly constituted governmental body, traffic signs or directional signs which are approved by the Village Council, are allowed.
- (3) Signs placed by a public utility for the safety, welfare or convenience of the public are allowed, such as signs identifying high voltage, public telephones, or underground cable.
- (4) ~~Signs upon a vehicle are allowed, provided that any such vehicle with a sign face of more than two square feet is not conspicuously parked so as to constitute a sign. Nothing in this subsection prevents such a vehicle from being used for bona fide delivery and other vehicular purposes.~~ **Motor Vehicle Signs may be placed on motor vehicles provided:**
 1. **Each sign must be permanently painted or affixed to the vehicle.**
 2. **No sign shall project more than one foot (1') above the roof line of the vehicle to which it is attached.**
 3. **The vehicle upon which the sign is affixed must be used for the normal operation of the business and not primarily used to display signage.**
 4. **The vehicle must be moved at least once every seventy-two (72) hours.**
 5. **When not in use, the vehicle must be parked on the premises of the business that it advertises.**
 6. **The vehicle must be parked in a legal parking space.**
 7. **The vehicle may not block any other legally permitted signs.**
 8. **Special event vehicles are exempt from this subsection.**
- (5) Holiday decorations.
- (6) Special political signs on private property shall be allowed up to a total area of six square feet in area for each premises in a residential zone and up to 32 square feet for each sign in a nonresidential zone. Special political signs may be erected no earlier than 45 days prior to any primary election, general election or municipal election, and they shall be removed within ten days after the election to which the sign pertains or after the termination of a candidacy, whichever occurs first. Signs shall be maintained as specified under subsection 54-190(c).
- (7) One construction sign shall be allowed for all building contractors, one for all professional firms, and one for all lending institutions on premises under construction. Each sign's area shall not exceed 32 square feet, and not more than a total of three such signs are allowed on the premises. Such sign shall be confined to the site of construction, construction shed or

construction trailer and shall be removed within 14 days of the beginning of the intended use of the project.

- (8) Real estate signs are allowed as follows when located on property for sale, rent or lease (not to be confused with the business sign on the real estate office):
- a. One temporary real estate sign located on the property it refers to shall be allowed for each street frontage of developed premises or undeveloped lot of less than two acres. Signs shall be removed within 14 days after sale or complete leasing.
 1. In residential zones, the signs shall not exceed six square feet in area, including name identification riders. An additional add-on sign area of one-half square foot indicating that the property has been sold or leased is allowed.
 2. In nonresidential zones, the signs shall not exceed eight square feet in area on improved lots and 16 square feet in area on unimproved lots.
 - b. One temporary real estate sign not exceeding 16 square feet in area and located on the property it refers to shall be allowed for each lot of two acres or more. If the lot has multiple frontage, one additional sign not exceeding 16 square feet in area shall be allowed on the property, to be placed facing the additional frontage. Under no circumstances shall more than two sign units be allowed on the lot. Signs shall be removed within 14 days of sale or complete leasing.
 - c. Temporary real estate directional signs not exceeding four square feet in area, three feet in height, and four in number, showing a directional arrow and placed on private property, may be allowed on approach routes to an open house.
 - d. Up to two temporary subdivision identification signs located on the vacant residential property shall be allowed for each subdivision or builder's development of ten lots or more. Such signs shall not exceed 32 square feet in area, and sign height shall not exceed 35 feet. Signs shall not be displayed prior to the date of the recording of the plat and shall be removed upon completion of the project.
 - e. The height of real estate signs shall not exceed five feet when located in a residential zone.
- (9) Signs located inside a building or structure for temporary sale notices or play bills, and so located as to be conspicuously visible and readable from outside the building or structure, are allowed.
- (10) Signs designating "open" or "closed" are allowed, provided that they are limited to one per business and 15 square feet or less in area. **May not be displayed on portable sign structures.**
- (11) ~~Banners advertising community or civic events maintained for a temporary period of not in excess of one month prior to the event and not more than seven days after the close of the event are allowed. Banner shall not exceed 32 square feet and shall be limited to the following locations:~~
- a. ~~School House Park, tennis court area.~~
 - b. ~~Two Rivers Park, Chamber office.~~
 - c. ~~Free parking lot, Midtown area.~~

~~Community or civic events advertised at the above locations shall be those which are either sponsored by non-profit organizations, approved for expenditures of Lodgers' Tax funds, or approved by the Village Council according to the lodgers' tax criteria of chapter 2, article IV, division 3. The Village Council may authorize additional locations for banner display within the areas approved for community or civic events to facilitate crowd control. Banners provided to sponsor of community or civic events may contain a logo or other donor identification of not more than ten percent of the banner area.~~

~~(12)~~**(10)** Official national, state or village flags are allowed for any period of time.

(13) **(11)** Residential name and street address signs are allowed. A resident's name sign not exceeding three square feet in area per face shall be allowed for each house or townhome. Street address signs shall not exceed three square feet. Premises may have one freestanding sign at any location on the site; provided, however, premises with more than 750 linear feet of public street frontage may have one additional freestanding sign for each 500 feet of additional frontage or fraction thereof. However, no sign shall exceed 16 feet in height or 32 square feet per sign face.

(14) **(12)** Parking or directional signs in a private parking lot are allowed, not to exceed four square feet.

(15) **(13)** Business identification on vehicles used for company or business use is allowed where the sign is permanently painted on a vehicle or where the sign is magnetically attached to the side of the vehicle. Advertisement place cards may also be placed on vehicles classified as common carriers.

(16) **(14)** Incidental signs. A sign, generally informational, that has a purpose secondary to the business on the lot on which it is located, such as entrance, exit, parking, loading, telephone, no smoking, user directions or instructions and other similar directions. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental. **May not be displayed on portable sign structures.**

(17) **(15)** Flags containing logos or emblems.

(18) **(16)** Signs located within an enclosed sports complex for view by sports event participants and spectators only and under the following conditions:

- a. Signs may be banners or signs of permanent materials attached to or placed within 18 inches of fenced, enclosed play areas and directed for viewing from the field of play. Sign shall not be directed toward public right-of-way or adjoining properties. Banner or sign placement is regulated by the facility manager.
- b. Area of banner or sign shall not exceed 32 square feet. Banners shall have wind slits to reduce wind resistance.
- c. Signs shall be displayed only during sports events and shall be removed immediately thereafter. Permanent signage is not allowed.
- d. Type of sign, placement and manner of attachment or installation must be approved by the village park and recreation director when displayed on village property or property under village control.
- e. Signage shall not count against allowable sign area for business or pursuit being advertised nor property where signage is located.

- f. For purposes of this section the following are designated as sports complexes; and are exempt from the provisions of subsection 54-191(b)(8):
 - 1. White Mountain Recreational Complex.
 - 2. Eagle Creek Ball Fields.
 - 3. School House Park Tennis Courts.
 - 4. North Park Complex.
 - 5. Ruidoso High School Playing Fields.
 - 6. Middle School Football Field.
- g. Other properties may be designated as a sports complex by the planning and zoning commission subject to conditions a. through f. above.

(Code 1985, § 10-6-14; Ord. No. 97-07, § 1, 7-29-97; Ord. No. 98-19, § 1, 12-8-98; Ord. No. 99-03, 3-9-99; Ord. No. 2000-18, 12-12-00)

Sec. 54-195. - Violations; removal of unlawful signs.

- (a) A sign permit shall be issued for all signs regulated by this division and shall be maintained on the premises where the sign is located, except that all off-premises sign permits shall be maintained on the premises of the permittee.
- (b) Any sign existing prior to the effective date of this article for which the necessary approval and sign permit was not obtained pursuant to the provisions of any previous code shall continue to be illegal and shall be removed or brought into conformance with this division, and, further, the owner thereof shall continue to be liable for the penalties described in this section.
- (c) The code enforcement officer shall give seven days' notice, in writing, by certified mail, to the owner of any sign erected without approval or otherwise in violation of this division, informing the owner that the sign must be brought into conformance with this division or must be removed.
- (d) Upon failure to remove the sign or to comply with this notice, the code enforcement officer shall have the sign removed. Any cost of removal incurred by the village shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes, and such charge shall be a lien upon the property and may be filed with the county clerk in the manner that municipal liens are filed.
- (e) In addition, any person who violates any provision of this division shall be punished by a fine as provided in section 54-38;

(f) ~~Nonconforming or illegal signs required to be removed shall be deemed to be amortized after the expiration of the time period specified under section 54-193(b). The amortization period shall equal just compensation for constitutional and statutory purposes.~~

(g) ~~(f)~~ Signs placed in the public right-of-way in violation of this division may be removed by the ~~C~~code Enforcement ~~O~~fficer. Such signs shall be disposed of or destroyed if not claimed within 15 days of removal.

(g) Non-conforming signs, a legally established sign in existence at the time of the enactment of this part is considered non-conforming and may remain in existence and function provided the sign is maintained and in good condition. A non-conforming sign may continue so long as it is not enlarged, replaced or abandoned. If a non-conforming sign is removed for any reason, it may not be replaced. If fifty percent (50%) or more of the sign area of a non-conforming sign is destroyed, the non-conforming sign may not be repaired or replaced and shall be removed.

(h) An abandoned sign that is deemed to be in disrepair or structurally unsound with the potential to cause health, safety and welfare concerns must be removed and will lose its non-conforming designation.

(Code 1985, § 10-6-15; Ord. No. 97-07, § 1, 7-29-97)

Sec. 54-196. - Advertisement on public property.

(a) It shall be unlawful to tack or place any sign, bill, banner, poster or advertisement of any nature in the public right-of-way except as provided under this division.

(b) Political signs **pertaining to candidate or ballot initiatives of upcoming election** may be located in the public right-of-way for periods specified under subsection 54-194(6). Applications for such sign permits shall be submitted to the ~~village clerk~~ **Community Development Department and shall be applied for by the running candidate or by the recognized political party officer**. The size of the sign is limited as to size under section 54-194(6). Signs shall be maintained as specified under subsection 54-190(c). Signs for the same candidate shall be spaced a minimum of 300 feet apart and shall be no closer than ten feet from signs for another candidate. No political sign shall be place on or adjacent to public parks, buildings or facilities. Signs placed in any sight line triangle shall not exceed 30 inches in height nor be closer than ten feet from edge of pavement. Signs shall not distract or interfere with traffic control signs. Special political signs on private property shall be allowed up to a total area of six square feet in area for each premises in a residential zone and up to 32 square feet for each sign in a nonresidential zone. Special political signs may be erected no earlier than 45 days prior to any primary election, general election or municipal election, and they shall be removed within ten days after the election to which the sign pertains or after the termination of a candidacy, whichever occurs first. Signs shall be maintained as specified under subsection 54-190(c).

(c) No such permit shall be issued unless a permit fee is paid and there is deposited with the ~~V~~village ~~C~~lerk the sum as set from time to time and listed in the fee schedule in appendix A to this Code. The deposit sum shall be returned to the applicant if the applicant causes all such signs, posters or advertisements to be removed within the time prescribed by this division. If such applicant does not cause the removal of such signs, posters or advertisements within such time, then the deposit shall be forfeited to the ~~V~~village. The permit fee is not refundable.

(d) The provisions of this division shall not apply to notices posted by order of court or notices to the public required by law to be posted in a public place.

(Code 1985, § 6-2-14; Ord. No. 97-07, § 1(10-6-15), 7-29-97; Ord. No. 98-19, § 2, 12-8-98) Secs. 54-197—54-220. - Reserved.

Passed, Approved and Adopted this day of , 2022.

Lynn D. Crawford, Mayor

(SEAL)

ATTEST:

Ronald L. Sena, Village Clerk