

ORDINANCE №. _____-2021

**AN ORDINANCE REPEALING THE EXISTING SIGN CODE
CONTAINED IN CODE SECTION 12.12 AND ESTABLISHING
A NEW SIGN CODE IN SECTION 17.45 OF THE UNIFIED
DEVELOPMENT ORDINANCE**

BE IT ORDAINED by the governing body, that is, the City Commission of the City of Clovis, New Mexico:

SECTION ONE. RECITALS: The City of Clovis adopted a comprehensive Unified Development Ordinance (UDO) on June 28, 2019. At the time, the City of Clovis recognized the need for a new sign code, both because of a recent change in law and because the current Sign Code is outdated. For this reason, the UDO reserved Chapter 17.45 for a new sign code. In order to adopt a new sign code, the City must repeal the current Sign Code and adopt a new sign code for incorporation in Section 17.45 of the Unified Development Ordinance.

SECTION TWO. AMENDMENT OF EXISTING CODE SECTION. The following chapter of City Code is hereby repealed in its entirety:

Chapter 12.12 Signs, Billboards and Overhanging Structures

SECTION THREE. ADDITION OF NEW CODE SECTION. The following code section is hereby created and shall be incorporated in Section 17.45 of the Unified Development Ordinance:

Chapter 17.45 – Sign Code

17.45.010 Purpose

The purpose of this Chapter, referred to hereafter as “this Chapter” or “this Code”, is to regulate the size, color, lighting, movement, materials, location, height and condition of all signs within the

City, thus ensuring the protection of property values, the character of the various neighborhoods, the aesthetic value of the City, while encouraging economic development. This Chapter allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This Chapter shall be interpreted in a manner consistent with the First Amendment to the United States Constitution's guarantee of free speech, including its prohibition of regulating signage based on content, viewpoint, or message. If any provision of this Chapter is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Chapter.

17.45.020 General Provisions

A. Signs not expressly permitted as being allowed by right or by special use permit under this chapter, by specific requirements in another portion of this Chapter, or otherwise expressly allowed by the City are prohibited.

B. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in Chapter 17.45.010.

C. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

D. These regulations distinguish between portions of the City designed for primarily vehicular access and portions of the City designed for primarily pedestrian access.

E. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

F. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample

channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

G. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by the State of New Mexico, the federal government, or the City.

17.45.030 Definitions

A. Words and terms expressly defined in this Chapter have the specific meanings assigned unless the context clearly indicates another meaning. Words that are not expressly defined in this Chapter have their common dictionary meaning.

“Abandoned Sign” a is abandoned when the business, event or purpose the sign advertises no longer applies or when the face of the sign no longer contains advertising material, and remains in such condition for a period of three (3) months.

“Athletic field” means a piece of land prepared and used for playing a game or sporting activity and regularly hosting sporting practices and events.

“Attached signage” means any sign which is fastened to, connected to, or painted on and wholly or partially supported by a building or other structure located on a property, including awnings signs, marquee signs, banners, roof signs, window signs and wall signs, but not including canopy signs.

“Arterial street” means a street with signals at important intersections and stop signs on side streets and which collects and distributes traffic to and from collector streets.

“Billboard” means an off-premises sign directing attention to a business, activity, commodity, service, entertainment, or communication, none of which may be conducted, sold or offered on the premises where the billboard is located.

“Building” means a roofed and walled structure built for permanent or semipermanent use.

“Business centers” means a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

“Canopy” means an open air permanent roofed shelter supported by columns, poles

or walls and not attached to another building or structure.

“Canopy sign” means a sign fastened to, connected to, or painted on and wholly or partially supported by a canopy.

“Collector street” means a street which collects traffic from residential streets and connects with arterials.

“Digital billboard” means a sign that is static and changes messages by any electronic process or remote control.

“Directional sign” means a sign indicating entrances and exits, including those for parking lots and garages.

“Electric” means any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

“Flag” means any rectangular or square display constructed of lightweight material and attachable by one edge to a pole or rope.

“Flat wall sign” means a sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

“Flashing sign” means any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, shall be considered a flashing sign.

“Freestanding sign” means a sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

“Government sign” means a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner’s rights.

“Ground mounted sign” means a sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

“Highway sign” means a freestanding sign, Integral Sign or Flat Mounted Sign that is erected and maintained within the view of motorists who are driving on a highway.

“Integral sign” means a sign that is embedded, extruded or carved into the material of a building façade and made of bronze, brushed stainless steel or aluminum, or similar material

and attached to the building façade.

“Marquee” means a covering structure bearing a signboard or copy projecting from and attached to a building.

“Original art display” means a hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

“Outdoor advertising sign” means a sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

“Pole sign” means a sign, including its supporting structure and flags not otherwise exempted, which is mounted on one or more free-standing poles or other support independent of a building and having its lowest edge eight feet or more above the elevation of the curb of the nearest roadway.

“Portable sign” means any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

“Projecting sign” means a sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

“Residential street” means a street designed to provide access to abutting property and lightly trafficked streets, and to discourage through traffic.

“Roof sign” means a sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.

“Sign” means a name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface, excluding vehicles used for regular transportation, which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign or

sign face shall be considered to be a sign.

“Sign area” means the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or, where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

“Sign face” means the entire display surface area of a sign upon, against or through which copy is placed.

“Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, and includes buildings, parking areas, walks, fences, canopies and out buildings.

“Substantially repaired” means any repair whereby the cost of restoring the sign to its before condition would equal or exceed 50% of the current market value of the sign, meaning 50% of the cost to construct a comparable sign.

“Temporary sign” means a banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time.

17.45.040 Prohibited Signs

A. The following signs or lights are prohibited in every district and zone of the City:

1. Signs that are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device, or emergency device, or which hide from view any traffic or street sign or signal.

2. Signs which contain or consist of banners, posters, pennants, ribbons, streamers, or other similarly moving devices or signs which are likely to fall or dismount due to unusual weather or unusually high wind. This Section does not include signs otherwise allowed under 17.45.090(H).

3. Signs which contain blinking, flashing or fluttering lights or other illuminating devices which exhibit movement and are positioned in such a manner that they significantly distract drivers and are a threat to public safety.

4. Signs that would be an Original Art Display but does not have the permission of the owner of the property on which it is located or is graffiti.

5. Signs that do not comply with the location, size or use restrictions of this Code.
6. Signs placed on property without the permission of the property owner or lessee and signs placed on government property or in the public right of way.
7. Abandoned signs as defined in this Code.

17.45.050 Authorized Signs

A. The following signs are authorized pursuant to this Code and in every district or zone of the City:

1. Although these regulations do not apply to signs erected, maintained or posted by the State, federal government or the City, these regulations clarify that Government signs are allowed in every zoning district which form the expression of this government when erected and maintained pursuant to law.

2. Traffic control devices on private or public property erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in New Mexico and/or with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.

4. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner shall comply with the federal, state or local law to exercise that authority by posting a sign on the property.

5. A flag that has been adopted by the federal government, New Mexico, Curry County or the City may be displayed as provided under the law that adopts or regulates its use, and other flags as are provided in this Code.

6. Signs not in an enclosed building and not exposed to view from a street or public right of way, public place or other property such as those not visible to a person from a public right of way, public place or other property.

7. Signs constructed pursuant to a valid building permit when required under this Code and authorized by this Code.

17.45.060 Lessees

For purposes of Section 17.45.050 and Section 17.45.060, the lessor of a property is considered the property owner as to the property the lessee holds a right to use exclusive of others, or the sole

right to occupy. If there are multiple lessees of a property then each lessor shall have the same rights and duties as the property owner as to the property the lessee leases and has the sole right to occupy. The size of the property shall be deemed to be the property that the lessee has the sole right to occupy under the lease.

17.45.070 Permit Required

A. A permit is required for all signs within the City, except as provided in this Section.

B. The following sections apply to applications for a sign permit:

1. An application for a sign permit shall be filed with the Department of Building Safety on forms furnished or approved by the Department. The applicant shall provide sufficient information to determine if the proposed sign is allowed under this Code and other applicable laws, regulations, and ordinances. An application for any sign shall state the date when the owner intends to erect it;

2. The Department of Building Safety shall process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within ten (10) days after receipt of the application. Any application that complies with all provisions of this Code, the Unified Development Ordinance (UDO), the building code, and other applicable laws, regulations, and ordinances shall be approved.

3. If the application is denied, the Department of Building Safety or City shall provide a list of the reasons for the denial in writing. An application may be denied for non-compliance with the terms of this code, the Unified Development Ordinance, building code, or other applicable law, regulation, or ordinance.

4. An applicant may appeal the denial of an application to Planning and Zoning Commission, and then to the City Commission, in accordance with this Section and the Unified Development Ordinance.

5. A nonrefundable application fee established by the City of Clovis shall be submitted with any initial application. A subsequent permitting fee, based upon the cost of construction of the sign and in accordance with the current Type II City of Clovis Permit Fee Schedule, shall be paid upon the issuance of a permit.

C. If a sign is not installed within six (6) months following the issuance of a sign permit, the permit shall be void.

- D.** The City may revoke a sign permit under any of the following circumstances:
1. The City determines that information in the application was materially false or misleading.
 2. The sign as installed does not conform to the sign permit application.
 3. The sign violates this Section, the Unified Development Ordinance, or other applicable law, regulation, or ordinance.
 4. The Department of Building Safety determines that the sign is not being properly maintained or is an abandoned sign as defined in Section 17.45.030.
- E.** A sign permit is not required for signs:
1. Described in Sections 17.45.050, 17.45.060 and 17.45.080.
 2. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.
- F.** When any sign, or a major part thereof, is blown down or otherwise destroyed or taken down or removed for any purpose other than maintenance operation or for changing letters, symbols or other matter on such sign and structure, it shall not be re-erected, reconstructed or rebuilt without first obtaining a permit and be in full conformance with this Chapter and all other applicable codes and ordinances.
- G.** An applicant may appeal the denial of an application to Planning and Zoning Commission, and then to the City Commission, in accordance with this Section and the Unified Development Ordinance.

17.45.080 Specific Sign Regulations for Residential Districts

- A.** The sub-sections contained herein apply to all residential districts, to include Residential Single Family-170 (RS-170), Residential Single Family-7 (RS-7) and Residential Multi-Family (RM) districts.
- B.** For residential developments (including subdivision identification) the maximum size and number of signs that the owner or owners of the residential development may erect, and shall maintain if erected, at the entrances to the development shall be controlled according to the following:
1. Residential developments four (4) acres or less in area may have a sign or signs

with a total area of no more than thirty-two (32) square feet;

2. Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than forty-eight (48) square feet;

3. Residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than one hundred twelve (112) square feet.

C. The following height restrictions apply to all signs within residential districts:

1. If ground-mounted, the top shall not be over six (6) feet above the ground; and

2. If building or fence mounted, shall be flush mounted and shall not project above the roof line.

D. Temporary Signs

1. A property owner may place three temporary (3) signs with a sign face no larger than six (6) square feet on the property at any time, so long as any such sign is no further than five (5) feet from the principal residential structure and no taller than three (3) feet.

2. A property owner may place one (1) temporary sign with a sign face no larger than six (6) square feet their property for a period of thirty (30) consecutive days, so long as the sign is no closer than five (5) feet from the curb or public right of way and no taller than three (3) feet.

3. A property owner may place a temporary sign no larger than 8.5 inches by 11 inches in one window on the property at any time.

4. One temporary sign per 0.25 acres of land may be located on the owner's property for a period of thirty (30) days prior the day of an election, and no more than ten (10) days following the election day, involving candidates for a federal, state or local office, or involves an issue on the ballot of an election within the district where the property is located per issue and per candidate. Any such sign shall be no larger than six (6) square feet and no closer than five (5) feet from the curb or public right of way. Where the size of the property is smaller than 0.25 acres these signs may be posted on the property for each principal building lawfully existing on the property.

5. One temporary sign may be located on a property when:

a. The owner consents and that property is being offered for sale by the owner(s) of the property or through a licensed real estate agent; and

b. For a period of ten (10) days following the date title to the property is actually transferred from seller to buyer, otherwise known as the final closing date.

c. All signs described in this subsection shall be no larger than six (6) square

feet, no closer than five (5) feet from the curb or public right of way, and twenty-five (25) feet from any intersection.

d. If a property is on a corner lot, meaning the property is abutted by two (2) public streets, the property may have two (2) temporary signs described in this subsection.

6. One temporary sign may be located on the owner's property on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign more than twelve (12) days in a year. For purposes of this Section, a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward. If a property is on a corner lot, meaning the property is abutted by two (2) public streets, the property may have two (2) temporary signs described in this subsection.

7. Between December 1 to January 10, a property owner may place additional temporary signs on the property and may use non-invasive lights or other decorations, subject to the residential and commercial lighting provisions contained in the Unified Development Ordinance

8. Temporary signs shall not be located within any right-of-way whether dedicated or owned in fee simple or as an easement.

9. Temporary signs shall not be placed on any utility pole, street light, similar object, or on public property.

10. Temporary signs shall not be illuminated, except as provided in Section 17.45.080(E).

E. Flags

1. Four flags and two flag poles shall be allowed for each residence. Each flag shall be a maximum of fifteen (15) square feet in area. The flag pole shall be a maximum of twenty-five (25) feet in height, or as tall as the highest point of the principal building's roof, whichever is higher. Flag poles shall be located no closer than ten (10) feet from the property boundary

F. Except as provided in this Chapter, all other signs are prohibited in residential districts.

17.45.090 Specific Sign Regulations for Commercial General, Industrial and Central Business Districts

A. The sub-sections contained herein apply to Commercial General (CG), Industrial (I) and Central Business Districts (CBD).

B. Attached Signs

1. The regulations in this subsection apply to attached signage, as defined in Section 17.45.030.

2. A business may have up to five (5) attached signs on each exterior wall of the primary building or structure.

3. Attached signs may break the vertical plane of the exterior wall which holds the sign.

4. Attached signs, regardless of the number, shall not take up more than fifteen percent (15%) of the exterior wall which holds the sign.

5. Attached signs are subject to the design standards of all applicable codes.

C. Canopy Signs

1. The regulations in this subsection apply to canopy signage, as defined in Section 17.45.030.

2. A canopy may contain up to three (3) signs on each side of a canopy.

3. A single canopy sign shall not exceed fifty (50) square feet.

4. Canopy signs may break the horizontal and vertical planes of the canopy.

5. Canopy signs are subject to the design standards of all applicable codes.

D. Freestanding Signs

1. The regulations in this subsection apply to freestanding signage, as defined in Section 17.45.030.

2. The number of freestanding signs is limited to one (1) per lot, except where the frontage of the lot exceeds 600 linear feet. For those lots, two (2) freestanding signs are permitted, provided there is a minimum distance of 200 feet between the signs.

3. Individual freestanding signs shall be limited to those businesses that own direct, unobstructed (on-site) access to the public street.

4. The minimum setback for freestanding signs is determined by street classification as designated in the table below:

Table 1: Minimum Setbacks by Street Classification (in feet)

Street Class	Front Setback	Side Setback
Residential	10 feet from property line	5 feet side yard
Collector	12 feet from property line	5 feet side yard
Arterial	15 feet from property line	5 feet side yard

5. The maximum height of freestanding signs is determined by street classification as outlined in the table below:

Table 2: Maximum Sign Height by Street Classification (in feet)

Street Class	CG, CBD & I
Residential	20
Collector & Arterial	30
US 60/84 and US 60/70/84 to Norris St.	40
US 60/70/84 from Norris St. East	60

6. The maximum size of freestanding signs is determined by street classification as outlined in the table below:

Table 3: Maximum Sign Size by Street Classification (in square feet)

Street Class	CG, CBD & I
Residential	120
Collector & Arterial	120
US 60/84 and US 60/70/84 to Norris St.	200
US 60/70/84 from Norris St. East	400

E. Temporary Signs

1. One (1) temporary sign may be located on a property containing a business so long as any such sign is located within ten (10) feet of the entrance to the principal building and is removed by the property owner when the business is not open to the public.

2. One (1) temporary sign per 0.25 acres of land may be located on the owner's property for a period of thirty (30) days prior to an election, and no more than ten (10) days

following an election, involving candidates for a federal, state or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located per issue and per candidate. Any such sign shall be no larger than thirty-two (32) square feet and no closer than five (5) feet from the curb or public right of way. Where the size of the property is smaller than 0.25 acres these signs may be posted on the property for each principal building lawfully existing on the property.

2. One temporary sign may be located on a property when:

a. The owner consents and that property is being offered for sale through a licensed real estate agent.

b. When the sign is owned by the property owner and that property is offered for sale by the owner through advertising in a local newspaper of general circulation; and

c. For a period of ten (10) days following the date on which a contract of sale has been executed by a person purchasing the property.

d. All signs described in this subsection shall be no larger than thirty-two (32) square feet, no closer than five (5) feet from the curb or public right of way, and twenty-five (25) feet from any intersection.

3. One temporary sign may be located on the owner's property on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign more than twelve (12) days in a year. For purposes of this Section, a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward.

4. Between December 1 to January 10, a property owner may place additional temporary signs on the property and may use non-invasive lights or other decorations, subject to the residential and commercial lighting provisions contained in the Unified Development Ordinance.

5. Temporary signs shall not be located within any right-of-way whether dedicated or owned in fee simple or as an easement.

6. Temporary signs shall not be placed on any utility pole, street light, similar object, or on public property.

7. Temporary signs shall not be illuminated, except as provided in Section 17.45.080(E).

F. Directional Signs

1. A business may have up to two (2) directional signs for each entrance or exit of a property to a public street.

2. Directional signs must be set back at least two (2) feet from the property line.

3. Directional signs shall be no taller than five (5) feet and no larger than eight (8) square feet.

G. Flags

1. A property may have one (1) flag per twenty-five (25) feet of street frontage on a right-of-way with a maximum of six (6) flags and three (3) flag poles per property. Each flag shall be no larger than twenty-four (24) square feet in size. Flag poles shall be a maximum of fifty (50) feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flag poles shall be located no closer than ten (10) feet from the property boundary.

2. Vehicle sales and service establishments, including car lots, are permitted to display one (1) small flag of no more than two (2) square feet in area attached to vehicles on display for sale or rent. Such flag shall be no higher than two (2) feet above the height of the vehicle as if it were displayed at grade level.

H. Commercial Promotional Display

1. Additional signage for businesses participating in occasional events for commercial promotional displays, which require special advertising, shall be allowed subject to the conditions contained in this section.

2. A business shall be allowed one (1) permit for a grand opening display during its first six (6) months of operation. The permit for this display shall be for twenty (20) consecutive days.

3. A business shall be allowed one (1) bona fide going out of business display. The permit for this display shall be for sixty (60) consecutive days.

4. During commercial promotional displays, businesses shall be limited to one (1) additional freestanding and three additional attached signs. Each sign shall not exceed one hundred (100) square feet in size.

5. Displays incorporating balloons, streamers, flags and pennants shall be permitted and are not limited in size and number.

6. Permits for commercial promotional displays shall be issued pursuant to Section

17.45.070. The applicant shall provide to the Department of Building Safety the address of the business where the display is to be placed and the first day of the display. No portion of a display (i.e., structure or sign) shall be erected prior to the first day of the event as stated on the permit. All displays shall be removed not later than the permissible time limit stated in this section. A permit shall be issued to the applicant and shall remain in effect for the duration of that event. No permit fee shall be assessed. A new permit is required for each event.

I. Business Centers

1. Attached signage shall be allowed as described in Section 17.45.090(B).
2. The maximum height of freestanding signs shall be as described in Section 17.45.090(D).
3. The maximum size of freestanding signs shall be based upon linear street frontage as outlined in the table below:

Table 4: Maximum Sign Size (in square feet)

Street Frontage	Sign Size
0-200	120
200-400	160
400+	200

17.45.100 Planned Unit Development Zones and Traditional Neighborhood Development

- A. A newly submitted Planned Unit Development (PUD) shall provide a plan for signage that is desired in the new development during the PUD review process.
- B. Any changes to the signage plan of a PUD shall provide a minor PUD amendment.
- C. A previously approved and existing PUD or any newly submitted PUD that does not present a plan for signage shall use existing sign regulations of the sign code. A PUD with residential land uses shall follow sign regulations for residential zones; a PUD with commercial land uses shall follow sign regulations for commercial zones; and a PUD with industrial land uses shall follow sign regulations for industrial zones. A mixed-use PUD shall follow sign regulations of the appropriate zone that fits the land use of the PUD.

17.45.110 Off Premises Signs and Billboards

A. Billboards may be located only along arterial roadways and only in Commercial General or Industrial Zones.

B. Total sign area, spacing, height and setbacks for billboards shall be subject to the following requirements:

1. Billboards shall not exceed three hundred (300) square feet of total sign area, shall be spaced a minimum of **one thousand (1,000) feet** away from any other billboard, in any direction, and shall not exceed forty (40) feet in height measured from ground level.

2. A maximum of two faces, parallel back-to-back is permitted, provided both faces are of the same size and attached to the same pole for support. Sign faces shall be relatively perpendicular to the designated roadway and each face shall not advertise more than one message.

3. Billboards shall be supported by a maximum of two (2) upright poles.

4. Vertical or horizontal stacking of billboards is prohibited.

5. Billboards shall be set back a minimum of fifteen (15) feet from the property line fronting along the designated roadway. Except for billboards fronting along interstate highways, the setback from the designated roadway shall not exceed one third (1/3) of the property depth. In each case there shall be a minimum of five (5) feet from all other property lines measured from the property line to any portion of the billboard structure.

6. Minimum site (lot) area shall be 7,000 square feet for Commercial General zones and 20,000 square feet for Industrial zones.

7. **A billboard shall not be erected unless the owner and operator of the billboard possess the requisite property, or legal use of such property, as required to maintain the billboard.**

8. A legally permitted billboard which follows all requirements of this Code is allowed to advertise a business, product, service, or activity that is located on the same premises.

C. No attached off-premises signs shall be permitted.

17.45.120 Athletic field signs

A. This subsection allows for the placement and regulation of signs inside athletic fields in all zones within the City.

- B. Signs shall be permitted to be displayed on the inside of fences surrounding individual athletic fields, with the advertising or promotional side facing the playing field.
- C. Each sign shall not exceed thirty-two (32) square feet in sign area.
- D. Signs shall not be permitted to extend above or beyond the edges of the fence.
- E. Freestanding signs and attached signs, other than those identifying the field, are not permitted.

17.45.130 Nonconformity and Modification

- A. Any attached sign, freestanding sign, billboard, digital billboard or highway sign, which is substantially repaired, altered in terms of the size or materials used, relocated or replaced after the adoption of this Code shall immediately comply with all provisions of this Code and the Unified Development Ordinance.
- B. Any non-conforming attached or freestanding sign located on a property must be brought into compliance with the Unified Development Ordinance and this Code within six (6) months of a change in ownership or lessee of the property.
- C. Signs which were nonconforming to the prior ordinances and which do not conform to this Code shall be removed immediately after adoption of this Code.
- D. All temporary signs, regardless of their prior compliance, shall be brought into compliance immediately or removed.
- E. Any directional signs which are not permanently affixed to a surface, and which may be easily and inexpensively brought into compliance, shall become compliant within one (1) year of the adoption of this code.

17.45.140 Enforcement and Abatement

- A. Notwithstanding any other provision of the Clovis City Code to the contrary, any person who causes, permits, allows, maintains, or suffers a violation of any provision of this Chapter, or who fails to comply with any requirement of this Chapter, is guilty of a misdemeanor offense punishable by a fine of up to \$500.00 per violation, per day, plus any applicable court costs. A second violation for the same offense shall be punishable by a minimum fine of \$100.00, which shall not be suspended or deferred. A third or subsequent violation for the same offense shall be punishable by a minimum fine of \$200.00, which shall not be suspended or deferred.

B. Any violation or attempted violation of this Chapter, or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law or municipal ordinance. The remedies shall include the following:

1. Issuing a stop-work order for all work on any signs on the same lot.
2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign or the correction of the nonconformity.
3. Imposing any penalties that can be imposed directly by the City under this Chapter.
4. Seeking in any court of competent jurisdiction, the imposition of any penalties that can be imposed by law.
5. In the case of a sign that poses an immediate danger to the public health or safety, taking measures as are available to the City under this Chapter, the City Code and the Unified Development Ordinance, including the immediate removal of a dangerous sign.
6. In the case of an abandoned sign, the City shall issue a written notice to the permittee, if any, and to the property owner, which notice shall state that such sign shall be removed within thirty (30) days. If the permittee, if any, or property owner fails to comply with such written notice to remove, the building inspector is authorized to cause removal of such sign as outlined in this Code **and the City may store or dispose of the sign at its sole discretion.**
7. The enforcement process shall be as outlined herein, except those signs posted in the right-of-way that are not in compliance with this Chapter, or any signs posted on City property without permission, shall be removed by the City.
8. The City shall not be responsible for damages to confiscated signs.

C. The City shall have other remedies as are and as may from time to time be provided for or allowed by state law or municipal ordinances for the violation of this Chapter, including the imposition of any liens against properties upon which non-conforming signs are located for expenses incurred by the City.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2021.

CITY OF CLOVIS, NEW MEXICO

By: _____

Michael Morris, Mayor

(S E A L)

ATTEST:

City Clerk