

TITLE 18

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CHAPTER 18.04

General Provisions

18.04.010 Intent and purpose.

Inasmuch as the citizens of the Town have expressed a concern for sound environmental practices, including the strict control of signs, it is the intent of the regulations set forth in this Title to:

- (1) Recognize that signs are a necessary means of visual communication for the convenience of the public;
- (2) Recognize and insure the right of those concerned to identify businesses, services and other activities by the use of signs which are accessory and incidental to the use on the premises where such signs are located;
- (3) Provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices;
- (4) Ensure that signs are compatible with adjacent land uses and with the total visual environment of the community;
- (5) Protect the public from hazardous conditions that result from signs which are structurally unsafe, obscure the vision of motorists and/or compete or conflict with necessary traffic signals and warning signs;
- (6) Promote an overall visual effect which has a minimum of overhead clutter;
- (7) Recognize that the size of signs that provide adequate identification in pedestrian-oriented business areas differs from that necessary in vehicular-oriented areas where traffic is heavy, travel speeds are greater and required setbacks are greater;
- (8) Encourage signs of natural materials which are well-designed and compatible with their surroundings and with the buildings to which they are appurtenant;
- (9) Recognize that the elimination, as expeditiously and reasonably as possible, of existing signs that are not in conformance with the provisions of this Title is as necessary to the public safety and welfare and to the protection of the visual environment as is the prohibition of new signs which would violate the provisions of this Title, and that permitting the continuation of nonconforming signs provides an unfair competitive advantage over those whose signs conform to this Title's requirements; and
- (10) Recognize that instances may occur where strict application of the provisions of this Title may deprive a person of the reasonable use of a sign, and provide a procedure whereby variances from the regulations in this Title may, for good cause, be permitted. (Ord. 387 Art. V(A), 1986)

18.04.020 Scope of regulations.

The provisions of this Title shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs and display cases within the Town, and it is unlawful hereafter to display, construct, erect, alter, use or maintain any sign except in conformance with provisions of this Title. It is unlawful to alter, maintain, enlarge, use or display any sign erected or constructed prior to the enactment of this Title, except in conformance with this Title. (Ord. 387 Art. V(B), 1986)

18.04.030 Exemptions.

Except as provided in Section 18.44.010, the following signs are exempt from the provisions of this Title:

(1) Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located or from any public thoroughfare or right-of-way, except that such signs shall be subject to the safety regulations of the Uniform Building Code and the Electrical Code of the Town.

(2) Official government notices and notices posted by government officers in the performance of their duties, and government signs to control traffic, identify streets, warn of danger or perform other regulatory purposes. Identification or bulletin board signs accessory to government buildings or other facilities shall not be exempt from the provisions of this Title.

(3) The flag, pennant or insignia of any nation, organization of nations, state, county or city, any religious, civic or fraternal organization, or any educational institution; except when such are used in connection with a commercial promotion or as an advertising device.

(4) Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with, any national, local or religious holiday or celebration.

(5) Temporary or permanent signs erected by the Town, public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

(6) Merchandise or models of products or services which are incorporated as an integral part of an indoor window display.

(7) A sign displayed on a motor vehicle which is not prohibited by Section 18.20.180 of this Title.

(8) Cornerstones, commemorative tablets and the like, when carved into stone, concrete, bronze or other permanent material and made an integral part of a building or structure. (Ord. 387 Art. V(B), 1986; Ord. 456 §2(part), 1993)

CHAPTER 18.08

Definitions

18.08.010 Definitions.

As used in this Title, the following words shall have the meanings set forth in this Chapter:

Awning means a movable shelter supported entirely from the exterior wall of a building and of a type that can be retracted, folded or collapsed against the face of the supporting building.

Bulletin board means a sign used for the purpose of notification to the public of an event or occurrence of public interest including, without limitation, church services, political rallies, civic meetings or other similar events.

Canopy means a permanently roofed shelter wholly or partially covering a sidewalk, driveway or other similar area, that may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

Frontage, business means the horizontal, linear dimension of that side of a building occupied by a single business or use that abuts a street, a mall or other circulation area open to the general public and that has a public entrance to the building; in industrial districts, a building side with an entrance open to employees is a business frontage; where more than one (1) business or use occupies a building, each such use having a public entrance (or, in industrial districts, an employee entrance) for its exclusive use is considered to have its own business frontage, which is the linear frontage of the portion of the building occupied by that business or use and containing the entrance. If the business is located on a floor of the building above or below the ground floor or entrance level, the business frontage shall be the linear frontage of the portion of the building occupied by that business on the side of the building where the entrance is located; provided that if any business occupies more than one (1) floor or portion thereof, only one (1) such floor shall be used to calculate frontage.

Frontage, street means the linear frontage of a lot or parcel abutting a private or public street that provides principal access to or visibility of the premises.

Grade refers to the mean point of elevation of the finished surface of the ground between a structure (whether a building, sign structure or other) and a point five (5) feet distant from said structure, or the mean point of elevation of the finished surface of the ground between the structure and the property lines if it is less than five (5) feet distant from said structure. In case the structure is within five (5) feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

Height means the vertical distance measured from the natural preconstruction or the post-construction grade, whichever is lower, to the uppermost point on the sign or the sign structure.

Illumination, direct means lighting by means of an unshielded light source, including neon tubing, that is effectively visible as part of the sign, where light travels directly from the source to the viewer's eye.

Illumination, indirect means lighting by a light source that is directed at a reflecting surface in such a way as to illuminate the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed, but does not include lighting that is primarily used for purposes other than sign illumination, including without limitation, parking lot lights or lights inside a building that may silhouette a window sign but that are not primarily installed to serve as inside illumination of a sign.

Illumination, internal means lighting by a light source that is within a sign having a translucent background and silhouetting opaque letters or designs, or that is within letters or designs that are themselves made of translucent material.

Lot means a portion or parcel of land, including a portion of a platted subdivision, occupied or intended to be occupied by a building or use and its accessories, together with such yards as required under the provisions of Title 17 of this Code, that is an integral unit of land held under unified ownership in fee or co-tenancy, or under legal control tantamount to such ownership.

Marquee means a permanently roofed structure attached to and supported by a building and projecting from the building.

Parapet wall means that part of a wall or railing which is entirely above the roof.

Public entrance means an entrance to a building or premises that is customarily used or intended for use by the general public and excludes fire exits, special employee entrances and loading dock entrances not generally used by the public.

Roofline means the highest point on any building where an exterior wall encloses usable floor space (including roof areas for housing mechanical equipment) or the highest point on any parapet wall if the parapet wall extends around the entire perimeter of the building.

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

- a. Is a structure of any part thereof (including the roof or wall of a building); or
- b. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a building, board, plate, canopy, awning, or vehicle or upon any material, object or device whatsoever; and
- c. By reason of its form, color, wording, symbol, design, illumination or motion, attracts and is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement.

Sign, directory means a sign that serves as a common or collective identification for two (2) or more uses on the same lot and that may contain a directory to the uses as an integral part thereof or may serve as a general identification for such developments as shopping centers, industrial parks and similar uses.

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

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

Sign, identification means:

- a. A nameplate that establishes the identity of an occupant by listing name and business or professional title;
- b. A sign that establishes the identity of a building or a building complex by name or symbol only;
- c. A sign that indicates street address or combines nameplate and street address; or
- d. A sign that identifies an area in the Town that, by reason of development, natural features, historical occurrences or common reference, has or will become a landmark in the Town.

Sign, illegal nonconforming means a sign that was in violation of any of the laws of the Town governing the erection or construction of such sign at the time of its erection and that has never been erected or displayed in conformity with all such laws (including those in this Title), including without limitation, signs that are pasted, nailed or painted, or otherwise unlawfully displayed upon structures, utility poles, trees and fences.

Sign, legal nonconforming means any sign that was lawfully erected and maintained prior to the enactment of Ordinance 387, codified herein, and that does not conform to all the applicable regulations and restrictions of this Title, and of any sign located in an area annexed to the Town since the enactment of said Ordinance 387 that was conforming at the time of its construction.

Sign, marquee means a sign depicted upon, attached to or supported by a marquee.

Sign program means a comprehensive approach to a sign or group of signs for an entire building or buildings which constitute one (1) project or development consisting of multi-tenants or multiple uses and which is under single or unified ownership.

Sign, projecting means a sign attached to a building and extending in whole or in part eight (8) inches or more beyond the surface of the building to which the sign is attached, but does not include a marquee sign.

Sign, roof means a sign painted on the roof of a building, or supported by poles, uprights or braces extending from the roof of a building, or projecting above the roof of a building, but does not include a sign projecting from or attached to a wall.

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

Sign, temporary means a sign, banner or similar device or display that is intended for a definite period of display for the purpose of announcing a special event or for advertising or directing persons to a subdivision or other land or building development.

Sign, wall means a sign displayed upon or against the wall of a building, where the exposed face of the sign is in a plane parallel to the plane of the wall and extends not more than eight (8) inches from the face of the wall.

Sign, window means a sign that is painted on, applied or attached to, or located within one (1) foot of the interior of a window and that can be seen through the window from the exterior of the structure, but excludes merchandise included in a window display.

Structure means anything constructed or erected with a fixed location on the ground above grade but does not include utility poles, lines, cables or other transmission or distribution facilities of public utilities. (Ord. 387 Art. V(C), 1986; Ord. 2 §1, 2003)

CHAPTER 18.12

Permits

18.12.010 Permits required.

Except as otherwise provided in Chapter 18.16 of this Title, it shall be unlawful to display, construct, erect, relocate or alter any sign without first obtaining a sign permit and/or a certificate of appropriateness in accordance with the procedures set forth in Chapter 17.08 of this Code. (Ord. 387 Art. V(D), 1986; Ord. 5 §2, 2001)

18.12.020 Approval to amend.

When a sign permit and certificate of appropriateness have been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit or certificate without prior approval from the issuing agency. A written record of such approval shall be entered upon the original permit application and maintained in the Town files. (Ord. 387 Art. V(D), 1986)

18.12.030 Fees.

No permit shall be issued under this Title absent the payment of the appropriate fee as set by the Board of Selectmen. Fees for the alteration of a nonconforming sign shall be waived if the alteration will result in a sign conforming to this Title. Permit and plan check fees are nonrefundable and shall be paid at the time of application. Sign permit fees shall be in addition to building permit fees, if any. (Ord. 369, 1984; Ord. 387 Art. V(D), 1986; Ord. 456 §1(part), 1993; Ord. 487 §10, 1998)

CHAPTER 18.16

Signs for Which No Permit is Required

18.16.010 General; regulations.

The following signs shall be permitted in all districts, and all applicable provisions of this Title shall apply, except that no sign permit or sign permit fee is required. The signs permitted without a permit in this Chapter are allowed in addition to the signs permitted by the individual district regulations, and shall not be counted against the total allowable sign area or total number of signs permitted for the premises. (Ord. 387 Art. V(E), 1986)

18.16.020 Temporary for-sale, -rent, -lease; restrictions.

Temporary, nonilluminated signs indicating the availability for sale, rent or lease of the specific lot, building or portion of a building upon which the sign is displayed, provided that such signs do not exceed five (5) square feet in area and four (4) feet in height and are limited to one (1) such sign per lot, building, dwelling or business unit. Such signs shall not remain in place more than seven (7) days after sale or rental of the subject property. (Ord. 387 Art. V(E)(1), 1986)

18.16.030 Authorized or required by law; how affixed.

Signs required or specifically authorized for a public purpose by any law, statute or ordinance; such signs may be of any type, number, area, height above grade, location or illumination required or authorized by law, statute or ordinance under which such signs are required. No such sign shall be placed in a public right-of-way unless specifically required or authorized by law, statute or ordinance, and except for warning signs or barricades of a temporary nature, such signs shall be permanently affixed to the ground, a building or other structure. Such signs shall not exceed the minimum number required to accomplish the purpose. (Ord. 387 Art. V(E)(2), 1986)

18.16.040 Informational, directional; restrictions; interpretation.

Signs commonly associated with and limited to information and directions related to the permitted use on the lot on which the sign is located, provided that each such sign does not exceed one (1) square foot in total area, is not directly illuminated and contains no advertising. (This category shall be interpreted to include such signs as "no smoking," "rest rooms," "no solicitors," "self-service," "vacancy," "fire exit" and similar information signs). (Ord. 387 Art. V(E)(3), 1986)

18.16.050 Emblems; total area; placement.

Credit card advertisements or trade association emblems which are displayed together, provided that the total area of all such signs combined does not exceed one (1) square foot; such signs shall be displayed flat on window or door surfaces. (Ord. 387 Art. V(E)(4), 1986)

18.16.060 Temporary window; posters, special announcements; total area; time limit.

Temporary window signs and posters advertising or announcing special sales or community events, provided that the total area of all such signs displayed in windows shall not exceed twenty (20) square feet or fifteen percent (15%) of the total window area in which they are displayed, whichever is less. Each such sign shall be displayed flat against the window. No individual sign shall exceed ten (10) square feet in area or be displayed for more than fifteen (15) days. No temporary sign advertising or announcing special sales shall be displayed outside a building or structure. (Ord. 387 Art. V(E)(5), 1986)

18.16.070 Governmental; directional; total area.

Signs erected by any federal, state or local government agency directing persons to a building, site or activity of historical significance, provided that each such sign shall not exceed four (4) square feet in area and shall not exceed six (6) feet in height. Such signs may be erected in a public right-of-way, with approval of the Town Administrator, or on private property, with the written permission of the property owner. (Ord. 387 Art. V(E)(6), 1986)

18.16.080 Temporary banners and signs; civic event.

Banners and signs used in connection with a special civic event or ongoing community promotion may be placed in the public right-of-way, provided that such banners and signs are approved by the Town Administrator. Such banners and signs shall be removed within seventy-two (72) hours after the termination of the event or upon notice from the Town Administrator. Any such banner or sign approved for placement in the public right-of-way must be placed by Town staff. The Town Administrator shall require contact information for the individual or group representative requesting placement of the banner. (Ord. 387 Art. V(E)(7), 1986; Ord. 3 §1, 2004)

18.16.090 Alarm device sign; identification; total area.

An alarm device sign used to identify the company, person, representative or agency to be contacted in case of activation. The area of each such sign shall be limited to one (1) square foot. (Ord. 387 Art. V(E)(7), 1986)

18.16.100 Private traffic onto or off a lot; limitations.

Private traffic directional signs guiding or directing vehicular or pedestrian traffic onto or off of a lot or within a lot, that do not exceed three (3) square feet per sign face in area and six (6) feet in height, do not contain any advertising or trade name identification and are not illuminated or are indirectly illuminated. Private traffic control signs may exceed these dimensions only if they conform to the standards of the Colorado Manual on Uniform Traffic Control Devices. (Ord. 387 Art. V(E)(9), 1986)

18.16.110 Text or copy changes; when permitted.

No permit shall be required for text or copy changes on conforming or legal nonconforming signs specifically designed to permit changes of the text or copy thereof; provided that no structural changes are made to the sign, and provided that the name of the business to which the sign belongs is not changed. (Ord. 387 Art. V(E)(10), 1986)

CHAPTER 18.20

Limitations on Signs

18.20.010 General limitations.

All signs shall be subject to general limitations as set forth in this Chapter. (Ord. 387 Art. V(F), 1986)

18.20.020 Location.

No sign shall advertise a business, use or activity which is not located on the same lot or within the same building on which the sign is displayed. (Ord. 387 Art. V(F)(1), 1986)

18.20.030 Motion; exceptions.

No sign shall have visible moving, revolving or rotating parts, or visible mechanical movements of any description, or other apparent visible movement achieved by electrical, electronic or mechanical means, or be designed to move upon being subjected to pressure by wind or breeze; nor shall any sign have an optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy. Traditional barber poles and clocks shall not be subject to this requirement; however, such devices shall be included in determining the allowable sign area for a building or use. (Ord. 387 Art. V(F)(2), 1986)

18.20.040 Illumination; flashing; exceptions.

No sign shall have lights or illumination which flashes, moves, rotates, scintillates, blinks, flickers, varies in intensity or color or uses intermittent electrical pulsations. With the exception of small, low-wattage, miniature, clear, Christmas tree lights used as a window outline only, strings of light bulbs are prohibited on commercial premises for commercial purposes other than for traditional holiday decorations or for temporary lighting in connection with Christmas Market or other community events. No flashing or colored lights shall be permitted. (Ord. 387 Art. V(F)(3), 1986; Ord. 456 §5, 1993)

18.20.050 Illumination; internal and direct; exceptions.

No sign shall be illuminated by internal illumination or direct illumination except in Gateway Commercial and Gateway Mixed Use Districts. (Ord. 387 Art. V(F)(4), 1986); Ord. 5 §3, 2001)

18.20.060 Illumination; intensity.

The intensity of light source in illuminated signs shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest municipal streets. (Ord. 387 Art. V(F)(5), 1986)

18.20.070 Illumination; direction.

Illumination of signs shall not be directed toward nearby residential properties and shall not interfere with the vision of motorists. (Ord. 387 Art. V(F)(6), 1986)

18.20.080 Beacons; searchlights.

Beacons or searchlights shall not be permitted for advertising purposes. (Ord. 387 Art. V(F)(7), 1986)

18.20.090 Pennants, flags, fringe; exception.

Continuous strings of pennants, flags, fringe or similar decorations (other than traditional holiday decorations used in connection with community events) are not permitted. (Ord. 387 Art. V(F)(8), 1986)

18.20.100 Projected images; sound; animals.

No sign shall incorporate projected images, emit any sound which is intended to attract attention, or involve the use of live animals, fish or fowl. (Ord. 387 Art. V(F)(9), 1986)

18.20.110 How affixed; exceptions.

All signs shall be permanently affixed or attached to the ground or to a building or structure, except for real estate signs attached to posts driven into the ground, window signs and temporary signs, banners or barriers. (Ord. 387 Art. V(F)(10), 1986)

18.20.120 Structurally sound.

All signs shall be structurally sound, maintained in good repair, and shall not constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation or electrical shock. (Ord. 387 Art. V(F)(11), 1986)

18.20.130 Obstructions; unsafe distractions; poles; trees.

No sign shall:

- (1) In any way obstruct the view of, be confused with or purport to be an official traffic sign, signal or device or any other official sign;
- (2) Use any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering of a motor vehicle, or create in any other way an unsafe distraction for motor vehicle operators;
- (3) Obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare;
- (4) Obstruct free ingress to or egress from a required door, window, fire escape or other required exit way; or
- (5) Be attached to utility poles or trees. (Ord. 387 Art. V(F)(12), 1986)

18.20.140 Removal after business closed or premises vacated; time limit; exceptions.

Any sign (together with its sign structure) now or hereafter existing shall be removed within sixty (60) days after the activity, product, business, service or other use which is being advertised has ceased or vacated the premises. This provision shall not apply to signs officially designated as landmarks, or to permanent signs accessory to businesses which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business. After sixty (60) days and appropriate notice to the permit holder and the property or business owner, a sign shall be declared abandoned by the Board of Selectmen and may be treated by the Town as abandoned property. (Ord. 387 Art. V(F)(13), 1986)

18.20.150 Corner lot; restrictions.

In the following described area of a corner lot, no portion of any sign or sign structure (other than a pole twelve [12] inches or less in cross-sectional diameter) shall occupy the space between two and one-half (2½) feet and ten (10) feet above the street elevation: the triangular area formed by the right-of-way lines at such corner lot and a straight line joining said right-of-way lines at points which are twenty (20) feet from the intersection of the right-of-way lines and measured along said right-of-way lines. This regulation shall not apply to wall signs. (Ord. 387 Art. V(F)(14), 1986)

18.20.160 On wall or fence; requirements; applicability.

Signs located on fences or on walls that are not an integral part of a building shall be erected or mounted in a plane parallel to the fence or wall. Such signs are subject to all requirements of this Title applicable to freestanding signs, including, without limitation, maximum area per sign, maximum sign height and number of permitted signs. (Ord. 387 Art. V(F)(15), 1986)

18.20.170 Roof signs.

Roof signs are not permitted. (Ord. 387 Art. V(F)16), 1986)

18.20.180 Vehicle signs prohibited; generally.

A sign displayed on a motor vehicle is prohibited if:

- (1) The vehicle is not in operable condition;
- (2) The sign is roof-mounted and has more than two (2) faces or any face exceeds six (6) square feet in area;
- (3) More than two (2) signs are mounted on the roof of the vehicle;
- (4) The sign, if not roof-mounted, is not painted on or securely affixed on all edges to the surface of the side of the body of the vehicle;
- (5) The principal use of the vehicle at the time of the display is for display of the sign;
- (6) It is a commercial sign which does not identify the owner of the vehicle or a good or service which may be purchased from the owner. It is a specific defense to a charge of violation of this Subsection (6) that the vehicle was licensed by the Colorado Public Utilities Commission for the commercial transportation of passengers, or was engaged in such transportation but was exempt from such licensure;
- (7) It is a commercial sign and the vehicle is not being operated in the normal course of business;
- (8) It is a commercial sign and the vehicle:
 - a. Is not parked or stored in the normal course of business in an area appropriate to the use of the vehicle for delivery or other commercial purpose;
 - b. Is parked on private property within the setback requirements of Title 17 of this Code, unless no other reasonable provision can be made for such parking; or
 - c. Is parked on the street or public way adjacent to the commercial establishment advertised by the sign for a period in excess of the reasonable time to load or unload the vehicle, but in no instance longer than sixty (60) minutes. (Ord. 456 §2(part), 1993; Ord. 2 §1, 2003)

18.20.190 Metallic surfaces; how treated.

All metallic sign surfaces shall be treated in order to reduce the effect of sunlight reflection on nearby residential properties, passing motorists and pedestrians. (Ord. 387 Art. V(F)(18), 1986)

18.20.200 Unattached signs.

(a) No person shall place or cause to be placed any portable freestanding or unattached sign such as a sandwich board onto any street or sidewalk in the Town unless the owner or lessee of the property abutting the affected street or sidewalk first obtains a revocable permit from the Town Administrator under this Section.

(b) Portable signs permitted under this Section shall conform to the following standards:

(1) A-frame or sandwich board style sign only, in good maintenance and suitable for outdoor use with a maximum size as follows:

a. Gateway Commercial Zoning District – forty-eight (48) inches in height and thirty-six (36) inches in width.

b. Historic Commercial and Historic Mixed Use Zoning Districts – thirty-six (36) inches in height and thirty (30) inches in width.

(2) Permitted signs must be placed directly in front of the permittee's property or in close proximity thereto.

(3) At no time shall the placement of a portable sign as permitted by this Section reduce the sidewalk width to less than forty-two (42) inches.

(4) No permittee may display more than one (1) portable sign as permitted by this Section.

(5) Permitted signs must be weighted sufficiently to prevent movement by wind.

(6) Permitted signs may only be displayed during daylight hours and must be stored within the business at all other times.

(7) Permitted signs may only advertise the permittee's business. Where multiple businesses are located in one (1) building, only one (1) sign per building shall be allowed, and the permittees shall file one (1) application.

(c) Any owner or lessee desiring to place items onto any street or sidewalk which abuts the owner's or lessee's property shall file an application with the Town Administrator. The application shall be on a form prepared by the Town Administrator and shall contain the following information:

(1) The applicant's name, address and telephone number;

(2) Evidence of an active business license issued by the Town;

(3) The location of the street or sidewalk affected, a legal description of the property abutting the affected street or sidewalk, and the name and address of the owners of the property;

(4) A detailed description of the portable sign permitted by this Section, including colors, dimensions and placement on the affected property; and

(5) Such additional information as reasonably required by the Town Administrator.

(d) Before issuing a permit under this Section, the Town Administrator shall review the application to determine whether the application meets the requirements of this Code. The Town Administrator may issue a permit upon a finding that the placement of the portable sign complies with the requirements of this Section and the ordinances of the Town, would not constitute a safety hazard and does not impair or obstruct the use of public property. The Town Administrator may impose reasonable conditions in the permit to assure that the use of public property is not impaired or obstructed and to protect the public health, safety and welfare.

(e) Prior to the issuance of a permit, the applicant for a permit under this Section shall file with the Town evidence of comprehensive general liability insurance with limits at least equal to the maximum liability limits of the Colorado Government Immunity Act, Section 24-10-101 et seq., C.R.S., and shall include the Town as an additional insured under the required policy or policies.

(f) Any sign permitted pursuant to this Section shall be constructed and placed in a manner consistent with the sign code, site plan and other materials submitted with the application, shall remain the property of the lessee or owner of the building with which it is associated, and shall be maintained to prevent deterioration or safety hazard due to weather, use or any other cause affecting the physical condition of the sign.

(g) All permits shall renew on February 1 of each year. The fee for such permit shall be set by resolution and shall not be prorated. Any permit issued under this Section shall be revocable by the Town at any time and without cause and shall not preclude the Town from revoking said permit at any time, without liability to the Town.

(h) Whenever a permit is revoked, the Town Administrator shall notify the permittee to remove the formerly permitted sign within such time as the Town Administrator deems reasonable under the circumstances.

(i) If the permittee fails to comply with the order to remove the formerly permitted sign, the Town Administrator may cause the sign to be removed and charge the costs thereof to the permittee.

(j) Permits issued under the provisions of this Section may be renewed if the original conditions of the application and the issuance of the permit are still in existence.

(k) Signs existing prior to the effective date of the ordinance codified herein shall be brought into compliance with this Section no later than February 1, 2005. (Ord. 387 Art. V(F)(19), 1986; Ord. 4 §1, 2004; Ord. 2 §1, 2005)

18.20.210 Murals.

Murals or supergraphics are not permitted. (Ord. 387 Art. V(F)(20), 1986)

18.20.220 Glossy plastics; exception.

Signs shall not use glossy plastics, except in the Gateway Commercial and Gateway Mixed Use Districts, but shall make use of natural materials compatible with their surroundings. (Ord. 387 Art. V(F)(21), 1986)

18.20.230 Signs above first story of building; inside entrance.

No sign, other than an approved window sign complying with all other requirements of this Code, shall be permitted above the first story for a business which has no exterior entrance and can be reached only through the interior of the building. (Ord. 387 Art. V(F)(22), 1986; Ord. 456 §7, 1993)

18.20.240 Phosphorescent or reflective paint.

No phosphorescent or reflective paint shall be used on any sign face or sign structure. (Ord. 387 Art. V(F)(23), 1986)

18.20.250 Illegal nonconforming signs.

Illegal nonconforming signs are prohibited. (Ord. 387 Art. V(F)(24), 1986)

CHAPTER 18.24

Computation of Sign Area

18.24.010 Standard mathematical formulas used.

In computing sign area, standard mathematical formulas for common, regular geometric shapes (such as triangles, parallelograms, circles, ellipses or combinations thereof) shall be used. (Ord. 387 Art. V(G)(1), 1986)

18.24.020 Irregularly shaped signs; letters painted or affixed directly on wall of building.

In the case of an irregularly shaped sign or a sign with painted letters and/or symbols directly affixed to or painted on the wall of a building, the area of the sign shall be the entire area within a single, continuous perimeter of not more than six (6) straight lines enclosing the extreme limits of writing, representation, emblem or other figure of similar character, together with any material or color forming an integral part or background of the display or used to differentiate such sign from the backdrop or structure against which it is placed. (Ord. 387 Art. V(G)(2), 1986)

18.24.030 Sign structure.

In computing the total sign area, the sign structure is not included. (Ord. 387 Art. V(G)(3), 1986)

18.24.040 Multiple-unit signs.

The total sign area of multiple-unit signs shall include the vertical and horizontal spacing between the letters or symbols which comprise the word, words or figures that convey the message. (Ord. 387 Art. V(G)(4), 1986)

18.24.050 Attachments to signs and structures.

All temporary and permanent attachments to signs or sign structures and the vertical and horizontal spacings between the sign and the attachments shall be included as part of the sign area for the sign to which they are attached. (Ord. 387 Art. V(G)(5), 1986)

18.24.060 Double-faced signs.

Only one (1) face of a double-faced sign shall be considered in determining the sign area. On all double-faced signs, the faces shall be parallel and the distance between sign faces (thickness) shall not exceed twelve (12) inches. No sign shall have more than two (2) faces, except for traditional three-dimensional figures without any written message, such as barber poles. (Ord. 387 Art. V(G)(6), 1986)

18.24.070 Business frontage; more than one use.

Business frontage used as the basis of determining permitted sign area for one (1) use shall not be used again as the basis for determining the permitted sign area for another use. Nothing herein shall be construed to prohibit the additional use from erecting a sign which would otherwise be authorized by the provisions of this Title. (Ord. 387 Art. V(G)(7), 1986)

18.24.080 Corner lots; principal and secondary streets.

On corner lots, one-third ($\frac{1}{3}$) of the business frontage on the secondary street may be considered in determining the total business frontage, and not more than seventy-five percent (75%) of the total allowable sign area may be located on the principal street. (Ord. 387 Art. V(G)(8), 1986)

CHAPTER 18.28

Signs Identifying Historic Structures or Sites

18.28.010 Number allowed.

Notwithstanding any other provision of this Title, one (1) sign identifying a site or structure of historical significance to the Town or the region may be erected on a lot or building in any district, provided that all required permits and certificates are obtained. Such signs are not included in figuring allowable sign area. (Ord. 387 Art. V(H), 1986)

18.28.020 Conformity to general requirements; exempt from fee; Design Review Commission findings.

Any sign identifying a historical site or structure shall conform to the general requirements of this Title, but no sign permit fee shall be required for such a sign. Before granting a certificate of appropriateness for such a sign, the Design Review Commission shall find that the structure or site is, in fact, significant to the history of the Town or the region. (Ord. 387 Art. V(H), 1986)

CHAPTER 18.32

Landmark Signs

18.32.010 Designation by Design Review Commission.

The owner of a sign, or the owner of a building upon which a sign is displayed, may apply to the Design Review Commission for designation of the particular sign as a "landmark" sign. The Planning Commission, Design Review Commission or Board of Selectmen may also request such designation. (Ord. 387 Art. V(I), 1986)

18.32.020 Special permit by Design Review Commission.

(a) The Design Review Commission may grant a special permit for such sign if the Commission finds that the sign is a landmark for the Town because:

- (1) Of its age;
- (2) It identifies or is related to a structure, business or building listed on the National Register of Historic Places or the State Inventory of Historic Places;
- (3) Of its other historical or architectural significance; or
- (4) Of other specific findings by the Design Review Commission stating the basis of the sign receiving a special landmark permit.

(b) No landmark sign shall be changed, removed or altered in any manner without the prior approval of the Design Review Commission. (Ord. 387 Art. V(I), 1986; Ord. 430 §1, 1991; Ord. 2 §1, 2003)

18.32.030 Exemption from compliance; revocation of permit; provisions for each.

The permit shall designate the sign as a landmark sign, and shall exempt the sign from compliance with the regulations of this Title, provided that the sign is structurally sound and is not hazardous due to fire, electrical shock or other reasons. Such sign shall be maintained in a safe condition by the owner of the sign or building on which the sign is displayed. Failure to maintain a landmark sign in a safe condition shall result in revocation of the special permit and the landmark designation. (Ord. 387 Art. V(I), 1986)

CHAPTER 18.36

District Sign Regulations

18.36.010 General.

Signs shall be permitted as set forth in this Chapter, in the individual districts as established in Title 17. (Ord. 387 Art. V(J), 1986)

18.36.020 Historic Residential, Millsite Residential, Meadows Residential, Multifamily Residential and Hillside Residential Districts.

(a) Residential uses. One (1) nonilluminated or indirectly illuminated house identification sign, not to exceed two (2) square feet in area, shall be permitted for each residential use. If freestanding, such sign shall be located not less than five (5) feet from any property line and shall not exceed five (5) feet in height.

(b) Nonresidential use. One (1) nonilluminated or indirectly illuminated identification sign, not to exceed six (6) square feet in area, shall be permitted for each nonresidential conforming use. Such sign shall not be freestanding except to identify a museum or church.

(c) Commercial. Commercial establishments and signs within the Historic Residential and Millsite Residential Districts shall be governed by the sign regulations contained in Section 18.36.050 of this Chapter. (Ord. 387 Art. V(J)(1), 1986; Ord. 456 §3, 1993; Ord. 5 §4, 2001)

18.36.030 Historic Commercial and Historic Mixed Use Districts.

(a) Residential uses. One (1) nonilluminated or indirectly illuminated identification sign, not to exceed two (2) square feet in area, shall be permitted for each residential use. If freestanding, such sign shall be located not less than five (5) feet from any property line and shall not exceed five (5) feet in height.

(b) Nonresidential uses. For each conforming nonresidential use, only the following nonilluminated or indirectly illuminated signs shall be permitted:

(1) Wall sign: One (1) wall sign per public entrance. Such sign shall be attached parallel to the building and shall project no more than eight (8) inches from the building surface. The sign may not exceed six (6) square feet in area. The top of any wall sign shall be no higher than the lowest of the following:

a. Twenty-five (25) feet above grade;

b. The bottom of the sills of the first level of windows above the first story, except in the case of upper-story businesses with an exterior entrance or in the case of a building identification sign in accordance with Section 18.36.030(c);

c. The lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of said parapet.

(2) Projecting sign: A projecting sign attached at right angles to a building, provided that such sign has not more than two (2) faces, and:

a. There is not more than one (1) such sign for each public entrance to a business establishment, and such sign is located on the same facade as the public entrance and within reasonable proximity to that entrance;

b. The sign identifies a use which has a business frontage of at least twelve (12) feet on the same level as the public entrance;

c. The sign projects no more than four (4) feet from the face of the building;

d. The maximum area of one (1) face of any right-angle sign shall not exceed one (1) square foot for each two (2) linear feet of business frontage on the facade the sign projects from, or sixteen (16) square feet per face, whichever is less;

e. The bottom of the sign is at least eight (8) feet above the level of the sidewalk, or where no sidewalk exists, at least ten (10) feet above the level of the street surface;

f. The top of the sign is no higher than is permitted for a wall sign on the same lot; and

g. Exposed guy wires and turn-buckles are permitted only when necessary and will be reviewed in context with the overall sign design.

In the case of a building setback more than fifteen (15) feet from the nearest sidewalk or property line, a freestanding sign may be substituted for each allowable projecting sign. The area of the sign face shall be the same as for a projecting sign, and the height of the sign shall not exceed six (6) feet.

(3) Nonilluminated window signs: Permanent nonilluminated window signs on the glass of a window, provided that the total area of such signs does not exceed ten percent (10%) of the glass area of the window on which it is located, and provided that such signs shall be included in calculating the total allowable area of signs for the use.

(4) Awning, canopy or marquee sign: A sign painted on or attached to an awning, or the face of, but not extending above, a canopy or marquee, or a sign attached to the underside of a canopy or marquee, provided that no such sign shall exceed four (4) square feet in area and the bottom of the sign is at least eight (8) feet above the level of the sidewalk or pedestrian way.

(5) Mall signs: For a shopping mall, a single freestanding sign, outside the mall, identifying each business in the mall, is permitted, provided that the area of that part of the sign devoted to each business shall be included in the total allowable sign area for that business.

(6) All signs: The total area of all signs permitted in Subsections (1) through (5) above shall not exceed one (1) square foot of sign area for every one (1) linear foot of business frontage, or forty-five (45) square feet, whichever is less. (Only one [1] face area of a right-angle projecting sign is included in calculating total area.) Businesses with frontages of less than twelve (12) linear feet are allowed only one (1) exterior sign.

(7) Directory sign: A directory sign for businesses with a common entrance shall be permitted adjacent to said entrance, provided that such directory sign does not exceed six (6) square feet.

(c) Building identification signs. One (1) building identification sign shall be allowed per individual building ownership, subject to the definitions in Section 18.08.2010, sign identification. The building identification sign permit shall be granted to the owner of the building only. The building identification sign shall be a wall sign only, subject to the limitations of Subsection (b)(1) above. The allowable square footage for a building identification sign shall not subtract from other allowances for each conforming use within the building. (Ord. 387 Art. V(J)(2), 1986; Ord. 402 §1, 1988; Ord. 456 §§8, 9, 1993; Ord. 5 §4, 2001)

18.36.040 Gateway Mountainside Industrial and Mining Districts.

(a) Residential uses: One (1) nonilluminated or indirectly illuminated identification sign not to exceed one (1) square foot per dwelling unit, or a total area of fifteen (15) square feet, whichever is less. If freestanding, such sign shall be located not less than ten (10) feet from any property line and shall not exceed six (6) feet in height.

(b) Nonresidential uses: One (1) nonilluminated or indirectly illuminated identification sign and/or bulletin board, not to exceed fifteen (15) square feet in area. If freestanding, such sign shall be located not less than ten (10) feet from any property line and shall not exceed six (6) feet in height. (Ord. 387 Art. V(J)(3), 1986; Ord. 5 §4, 2001)

18.36.050 Gateway Commercial and Gateway Mixed Use Districts.

(a) Wall signs: One (1) wall sign per business frontage shall be allowed, provided that:

(1) The maximum area of any wall sign shall not exceed one (1) square foot for each linear foot of business frontage, up to a maximum of forty (40) square feet for the first one hundred (100) linear feet of business frontage;

(2) Above one hundred (100) linear feet of business frontage, the additional footage can be applied on a one-square-foot-per-linear-foot basis, towards additional signs to a maximum additional sign area of forty (40) square feet;

(3) The top of any wall sign shall be no higher than the lowest of the following:

a. Twenty-five (25) feet above grade;

b. The bottom of the sills of the first level of windows above the first story, except in the case of a second floor business with an exterior entrance; or

c. The lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of said parapet.

(b) Directory sign: A directory sign for businesses with a common entrance shall be permitted adjacent to said entrance, provided that such directory sign does not exceed six (6) square feet.

(c) Illuminated signs: Permanent direct, indirect or internal illumination signs are permitted, provided that they meet the other requirements for this district.

(d) Nonilluminated window signs: Permanent, nonilluminated window signs on the inside of the glass of a window, provided that the total area of the sign does not exceed twenty percent (20%) of the glass area of the window on which it is located, and provided that all window signs shall be included in calculating the total area of signs permitted on a business frontage.

(e) Illuminated window signs: One (1) illuminated window sign for each business on the inside of the glass window, provided that the total sign area shall not exceed three (3) square feet, and provided that it shall be included in calculating the total sign area of signs permitted on the business frontage.

(f) Awning, canopy or marquee signs: A sign painted on or attached to an awning or to the face of (but not extended above) a canopy or marquee, or a sign attached to the underside of a canopy or marquee; provided that no such sign shall exceed four (4) square feet in area and the bottom of the sign shall be at least eight (8) feet above the level of the sidewalk or pedestrian way.

(g) Freestanding signs: One (1) freestanding sign per building, provided that such sign has no more than two (2) faces, and shall not exceed one (1) square foot for each linear foot of frontage of the building, whether said building is occupied by one (1) or multiple uses or businesses, and subject to the following:

(1) The maximum area for any one (1) freestanding sign for building frontage of one hundred (100) linear feet or less shall not exceed thirty-two (32) square feet;

(2) Building frontage over one hundred (100) feet can be applied to increase the size of the freestanding sign on a one-square-foot-per-linear-foot basis, to a maximum of forty-five (45) square feet;

(3) The maximum height of a freestanding sign shall be twelve (12) feet, measured from the grade at the base of the sign;

(4) Where a building is occupied by more than one (1) business or use, the area of that part of the freestanding sign devoted to each business shall be included in the total allowable sign area for that business.

(h) Maximum sign area: The maximum total area of all signs for a use shall not exceed seventy-two (72) square feet for each one hundred (100) linear feet of business frontage. Only one (1) face of a freestanding sign is included in calculating the total area. For businesses with less than one hundred (100) feet of frontage, the allowable maximum area of all signs shall be reduced proportionally at a rate of one (1) square foot of sign per linear foot of frontage. (Ord. 387 Art. V(J)(4), 1986; Ord. 456 §4, 1993; Ord. 5 §4, 2001; Ord. 2 §1, 2003)

18.36.060 Sign program.

(a) Purpose. The intent of the sign program is to encourage a comprehensive approach to the design, size, number, shape, color and placement of all signs pertaining to a particular development or building containing a business, businesses, multi-tenants or multiple uses. The sign program shall be worked out so as to conform generally with the sign requirements for the district within which the subject property is located. The standards and regulations of the sign program shall be specified in the approval of the Design Review Commission in order to protect and preserve the purposes and intents of this Title and avoid conflict and incompatibility with the other signs in the district. It is the intention of the sign program provisions to allow for the possibility of innovative, unique approaches to signs.

(b) Application. The owner of a building or buildings which constitute one (1) project or development consisting of multi-tenants or multiple uses and which is under single or unified ownership or an agent of the owner may apply for the approval of a sign program for the property or project with a plan for apportioning permitted signs among the tenants or occupants. The application shall include:

(1) All existing, as well as proposed, signs;

(2) The number, size, height, location, design (including by illustration the color and materials), lighting and landscaping; and

(3) Any other proposed special conditions.

Unless otherwise specifically approval by the Design Review Commission, the sign program shall be limited to:

(1) The number of signs shall not exceed one (1) sign identifying the building or project, one (1) sign per unit or use within the building or project and one (1) directory sign for each public entrance;

(2) Individual signs shall not exceed the maximum size requirements applicable in the district for each category of sign; and

(3) The heights of the signs shall not exceed the maximum height restrictions applicable in the district.

(c) Amendment. Application may be made to amend a previously approved sign program; provided, however, that upon application to amend, all signs in the program, whether existing or proposed, will be subject to review.

(d) Individual signs. Application for the erection of individual signs in conformity with the approved sign program shall be approved without further review of the Design Review Commission. (Ord. 456 §1(part), 1993)

CHAPTER 18.40

Structural Requirements

18.40.010 Construction.

(a) General. Any sign which is erected, displayed, relocated or altered shall comply with the building, electrical and fire prevention codes of the Town, and with any other structural requirements applicable to signs hereafter adopted by the Board of Selectmen.

(b) Location. No sign, sign structure or sign support shall be placed in or upon any public right-of-way or public easement, except as provided in Section 18.16.070.

(c) Anchorage. Anchors and supports near driveways, parking lots or similar locations shall be guarded and protected from damage by moving vehicles. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied. No anchor or support of any sign, except flat wall signs, shall be connected to or supported by an unbraced parapet wall. (Ord. 387 Art. V(K)(1), 1986)

18.40.020 Clearance.

Signs shall not be located with less than three (3) feet horizontal or eight (8) feet vertical clearance from overhead electric conductors which are energized in excess of seven hundred fifty (750) volts. No sign or sign structure shall be erected in such manner that any portion of its surface or supports will interfere with free use of any fire escape, exit or standpipe. No sign shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance. (Ord. 387 Art. V(K)(2), 1986)

18.40.030 Freestanding signs.

Freestanding signs may be constructed of any material meeting the requirements of this Title. Where such signs are located in vehicular parking and circulation areas, a base or barrier of concrete or steel, not less than thirty (30) inches high, shall be provided to protect the base of the sign from possible damage by vehicles. Where any freestanding sign has a clearance of less than nine (9) feet from the ground, there shall be provided a barrier or other adequate protection to prevent hazard to pedestrians and vehicles. (Ord. 387 Art. V(K)(3), 1986)

18.40.040 Electric signs.

(a) Requirements. Electric signs shall be constructed of incombustible material meeting the requirements of this Title. Electric signs shall be watertight, except that service holes fitted with waterproof covers shall be provided to each compartment of such signs. All electric signs hereafter installed or erected in the Town shall bear the label of Underwriters' Laboratories, Inc., or have equivalent certification. No electric sign shall be erected or maintained which does not comply with the National Electrical Code.

(b) Interference with radio or television. No electrical equipment or electrical apparatus of any kind which causes interference with radio or television reception shall be used in operation of illuminated signs. Whenever interference is caused by an unfiltered, improperly filtered or otherwise defective sign, or by any other electrical device or apparatus connected to the sign, the Building Inspector shall order the sign disconnected until repairs are made. (Ord. 387 Art. V(K)(4), 1986)

CHAPTER 18.44

Maintenance

18.44.010 Maintenance standards; Building Inspector/Official authority.

(a) Every sign, including those exempt from this Title or exempt from permits or fees, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant materials.

(b) The Building Inspector/Official shall have the authority to inspect and to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence. (Ord. 387 Art. V(L), 1986; Ord. 2 §1, 2003)

CHAPTER 18.48

Legal Nonconforming Signs

18.48.010 Maintenance; alterations prohibited.

A legal nonconforming sign that is not required to be discontinued under this Section, or that is being temporarily continued during an authorized amortization period, shall be maintained in good condition as required by Section 18.44.010, but it shall not be:

- (1) Structurally changed to another nonconforming sign, except that its text or content may be changed as long as the name of the business to which the sign belongs is not changed;
- (2) Structurally altered in order to prolong the life of the sign, except to meet safety requirements;
- (3) Altered so as to increase the degree of nonconformity of the sign;
- (4) Expanded;
- (5) Continued in use after cessation or change of the business or activity to which the sign pertains; or
- (6) Reestablished after damage or destruction if the estimated cost of reconstruction exceeds fifty percent (50%) of the appraised replacement cost as determined by the Town Administrator. (Ord. 387 Art. V(M)(1), 1986)

18.48.020 Notification to conform; time allowed; exceptions to time allowed.

Any nonconforming sign prohibited by Chapter 18.20 shall be removed or brought into conformity with the provisions of this Title within sixty (60) days after the owner of the sign or the property on which the sign is located receives notice from the Town that the sign is nonconforming, or within sixty (60) days after the sign premises become annexed to the Town; except that any sign or structure that is structurally unsafe constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation, or any other reason, or presents a danger of electrical shock, shall be brought into conformity with the requirements of this Title or removed immediately. (Ord. 387 Art. V(M)(2), 1986)

18.48.030 Amortization schedule; Town to survey; notification; dispute of replacement cost; appeal procedure.

Any nonconforming sign which is subject to the provisions of this Title and which is not described in Section 18.48.020 shall be brought into conformity or removed pursuant to the following schedule:

- (1) Any existing individual sign that exceeds the maximum area or height limitations of this Title by ten percent (10%) or less may be considered to be a conforming sign and need not be removed or altered; but if such sign is replaced or renovated, it shall conform to all requirements of this Title.

(2) A sign having an original cost of one hundred dollars (\$100.00) or less shall be brought into conformity with the requirements of this Title or removed within sixty (60) days after the owner of the sign or the property on which the sign is located receives notice from the Town that the sign is nonconforming.

(3) The right to maintain any other nonconforming sign shall terminate as follows, according to the cost of replacing the sign with a conforming sign:

<i>Replacement Cost</i>	<i>Termination Period</i>
\$100 – \$500	1 year
\$500 – \$2,500	3 years
\$2,500 and above	5 years

(4) Within one (1) year from the date of enactment of Ordinance 387, codified herein, the Town shall conduct a survey of all signs for the purpose of identifying those signs that are nonconforming. Pursuant to the survey, the Town shall notify, in writing, by certified mail, return receipt requested, the owner of such a sign or the owner of the property on which such sign is located that the sign is nonconforming. The notice shall state the reasons that the sign is nonconforming and shall state the replacement cost (as determined by an appraiser chosen by the Town) and the applicable termination period as provided in Subsection (3), above. The termination period shall begin on the date the notice is mailed or served by the Town.

(5) If the person receiving the notice of nonconformity disputes the replacement cost as stated in the notice, such person may request a hearing before the Board of Selectmen to determine the replacement cost of the sign. The request for hearing must be in writing and must be received by the Town within fifteen (15) days after the date the notice of nonconformity was mailed or served by the Town. Failure to request a hearing as provided herein shall constitute a waiver of the right to contest the replacement cost and termination period designated by the Town. (Ord. 387 Art. V(M)(3), 1986)

CHAPTER 18.52

Enforcement

18.52.010 Building Inspector/Official authorized.

The Town Building Inspector/Official is authorized and directed to issue sign permits and enforce all provisions of this Title as provided for in Section 17.32.040, and as also provided for in Section 18.52.020, below. (Ord. 387 Art. V(N)(1), 1986; Ord. 2 §1, 2003)

18.52.020 Repair or removal notice; notification of lien; certification by Town Clerk.

(a) If the Building Inspector/Official finds that any sign is in violation of the provisions of this Title, he or she shall give written notice to the owner or person entitled to possession of the sign or the owner of the property where the sign is located. If such person fails to alter or remove the sign so as to comply with this Title within thirty (30) days after receipt of such notice, or within such other time period as is specified in the notice, the Building Inspector/Official shall cause such sign to be altered

or removed at the expense of the property owner or person entitled to possession of the property or sign, and shall, upon the determination of such expenses, certify the same to the Town Clerk.

(b) The Town Clerk shall notify the owner or person entitled to possession of the sign or property of the total costs incurred for such alteration or removal of the sign, and if that person fails within thirty (30) days after the date of notification to pay the entire costs and expenses of such repair, alteration or removal, then such costs and expenses shall become a lien against and shall run with the property, and the Town Clerk upon the authorization of the Board of Selectmen shall certify the same to the applicable Country Treasurer for collection in the same manner as general property taxes are collected.

(c) The amount certified by the Town Clerk to the County Treasurer for collection shall include the actual cost of repair or removal of the sign, plus twenty-five percent (25%) to cover administrative costs, penalties, collection costs and interest. (Ord. 387 Art. V(N), 1986; Ord. 2 §1, 2003)

CHAPTER 18.56

Appeals and Variances

18.56.010 Right to appeal or request variance.

A person aggrieved by any decision or action of the Design Review Commission or the Building Inspector/Official pursuant to this Title may appeal to the Board of Selectmen, or may request that a variance be granted by the Board of Adjustment. An appeal and a request for variance may be filed in the alternative. (Ord. 387 Art. V(O)(1), 1986)

18.56.020 Time for filing; request for extension of time.

An appellant shall file the appeal, request for variance or both, in the alternative, within thirty (30) days from the denial of a sign permit or certificate of appropriateness, the date of receipt of written notice of violation, or the date of any other action appealed from. The appellant may request more time to file. If the appellant makes such request before the end of the time period and shows good cause therefor, either Board may extend for a reasonable period the time to file an appeal or request for variance. (Ord. 387 Art. V(O)(2), 1986)

18.56.030 Vote to overrule appeal; required number.

In the case of an appeal to the Board of Selectmen, the votes of at least four (4) members of the entire Board of Selectmen (not including the Police Judge) shall be required to overrule a decision or action. (Ord. 387 Art. V(O)(3), 1986; Ord. 2 §1, 2003)

18.56.040 Board of Adjustment prohibited from granting sign variance; exceptions.

In the case of a request for a variance to the Board of Adjustment, the procedures followed shall be those set forth in Section 17.32.020; except that the Board of Adjustment shall not grant a variance from any requirement or regulation of this Title regarding signs, unless it additionally finds that each of the following conditions exist:

(1) There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question, and such special circumstances or conditions are peculiar to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area;

(2) The variance would be consistent with the purposes of this Title and would not injure the neighborhood in which the business or enterprise to which the applicant desires to draw attention is located; and

(3) The variance is the minimum one necessary to permit the applicant reasonably to draw attention to its business or enterprise. (Ord. 387 Art. V(O)(4), 1986)

18.56.050 Variance can be conditional.

The Board of Adjustment may make any variance subject to any conditions that it deems necessary or desirable to make the device that is permitted by the variance compatible with the purposes of this Title. (Ord. 387 Art. V(O)(5), 1986)