

**AGENDA**

**FOR THE REGULAR MEETING OF THE CITY OF BELEN PLANNING AND ZONING COMMISSION, STATE OF NEW MEXICO, COUNTY OF VALENCIA TO BE HELD ON TUESDAY THE 11<sup>TH</sup> OF OCTOBER 2016 AT 6:30 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.**

ALL P & Z COMMISSION MEETINGS ARE VIDEO AND AUDIO RECORDED.

*A COPY OF THE AGENDA CAN BE OBTAINED FROM THE OFFICE OF THE CITY OF BELEN PLANNING & ZONING DEPARTMENT.*

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGENCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES:**  
Minutes of September 26, 2016
- 6. DISCUSSION**  
Airport Overlay Zone Vision Review  
Final review of proposed Sign Ordinance
- 7. OPEN COMMENTS/REQUESTS**
- 8. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/s/  
Lisa R Miller  
Planning & Zoning Administrator

cc: Mayor & City Council  
Belen Public Library  
Belen Recreation Center

Belen Chamber of Commerce  
News Bulletin  
Belen City Hall

**JERAH R CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER



**CITY OF BELEN**  
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**WAYNE GALLEGOS**  
CITY COUNCIL  
**DAVID CARTER**  
CITY COUNCIL  
**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCIL

**CITY OF BELEN  
PLANNING & ZONING COMMISSION MEETING  
MINUTES  
SEPTEMBER 29, 2016**

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:41 p.m.

**PRESENT:** Chairman Steve Ethridge  
Vice Chair Pete Armstrong  
Commissioner Claudine Montano  
Commissioner Debbie Thompson  
Commissioner Gordon Reeves

**CITY STAFF:** Steven Tomita, Planning & Economic Development Director  
Lisa Miller, Planning & Zoning Administrator  
Deborah Abingdon, Airport Manager

**PLEDGE OF ALLEGENCE**

Chairman Steve Ethridge led the Pledge.

**APPROVAL OF AGENDA:**

Vice Chair Pete Armstrong moved to approve the Agenda.

Commissioner Debbie Thompson seconded the Motion.

Motion Carried.

**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of September 12, 2016 were reviewed.

Commissioner Gordon Reeves moved to approve the minutes.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

## **PUBLIC WORKSHOP**

### **A. AIRPORT OVERLAY ZONE-VISION**

Steven Tomita asked to Commission if they wished to schedule another workshop, due to the fact that there is no public in attendance, or would they like to just move forward with this.

Commissioner Gordon Reeves said to move forward.

Chairman Steve Ethridge said that he would like to hear from the Airport Advisory Board.

Deborah Abingdon informed the Commission that the name of the airport may change. At one time there was an Airport Committee, but it does not exist right now. The City Manager has asked her to start that back up. He will be looking up other Airport Advisory Board rules and regulations of other similar Airports. She will also have to develop the guidelines for this Advisory Committee.

Steven Tomita suggested that she gets involved with the Kirkland Sustainable Committee. This affects Belen also.

Deborah Abingdon also informed the Commission that it has been suggested that the Airports name be changed to the Belen Regional Airport and has the application to start the process. This name change has to be approved by the FAA also. She has been informed that the Belen airport does qualify as a Regional Airport.

Steven Tomita asked if they thought that the Presidential Debates could have affected the attendance.

The Commission said no.

Steven Tomita said that he will consolidate what the Commission has done for the Vision to them to see if they want to change anything and then proceed.

The Commission agreed.

## **DISCUSSION**

### **Sign Ordinance**

Steven Tomita said that what they were provided with is changes that the Mayor has done to the Sign Ordinance and presented to the Council. The Mayor and the Council was informed that this needs to go before the Planning & Zoning Commission before being heard by the Council. What initiated this is the height of signs along the freeway to try to prevent a business from being able to place a sign higher than what is allowed now. The Council will be having a workshop on this October 5, 2016 at 3:00 pm. He does have a concern with the fact that the New Mexico DOT has its own rules which may have an impact on some of the things that the Mayor has added to the

Ordinance. If the signs are next to the freeway the DOT will need to review the plans for their approval. It has to be legally defensible.

Vice Chair Pete Armstrong said he keeps coming back to where, even though our intent is good, how are we going to enforce it.

Chairman Steve Ethridge has a concern with the 250 sq. ft. per sign. Generally the freeway signs are a lot bigger than that.

Commissioner Debbie Thompson commented on the height of the Ranchero Builder sign. She believes it is at least 100 ft. high.

Commissioner Gordon Reeves suggested a minimum of 800 sq. ft. sign face.

Vice Chair Pete Armstrong commented on the fact that the size of signs have been slowly but surely coming down across the Country.

Steven Tomita said that his concern here is that, let's say that Rancho Cielo were to develop, this Ordinance does not address this. He has a problem with this. He feels this is a general criterion for minor developments. There should be a number five added to the On-Premises Interstate Signs which reads, Exceptions may be granted to the forgoing that would require an approval of a variance by the Planning & Zoning Commission.

The Commission left the total square footage alone and suggested the removal of, unless granted a variance in accordance with the Belen Zoning Ordinance, in number four and number five be added.

Billboards were discussed. It was decided that if the building is being marketed for sale or re-release, the sign shall continue as long as it is being maintained in good working order and appearance should be added to the billboard sign section.

Campaign signs were discussed. A few words within this section were replaced with different wording.

#### **OPEN COMMENTS/REQUESTS**

Vice Chair Pete Armstrong informed the Commission that the credit union said that they would be keeping the home at 316 N Sixth St. and using it for storage. The structure at 320 N Sixth will be demolished.

#### **ADJOURNMENT**

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Gordon Reeves moved to adjourn.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

P & Z Minutes  
September 26, 2016  
Page 4 of 4

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:54 pm.

\_\_\_\_\_  
Chairman Steve Ethridge

**ATTEST:** \_\_\_\_\_  
Steven Tomita, Planning & Economic Development Director

# One Mile Radius

## Aviation Area

- Charter Flights
- Hangers
- Aviation related operations
- Transportation
- Modal Center
- Warehousing
- Freight Services

## Industrial Area

- Medical Services
- Manufacturing

## Hospitality Area

- Hotel
- Restaurants
- Entertainment

## Educational Area

- Aviation Research
- Tech center
- Other Research

## Chapter 17.58 - SIGN REGULATIONS

### Sections:

[17.58.010 – Intent](#)

[17.58.020 – Definitions](#)

[17.58.030 – Business signs](#)

[17.58.040 – Temporary signs](#)

[17.58.050 – Residential signs](#)

[17.58.060 – Prohibited signs](#)

[17.58.070 – Sign permits and fees](#)

[17.58.080 – Exemptions](#)

[17.58.090 – Campaign Signs](#)

### 17.58.010 - Intent.

It is the intention of the city of Belen to allow such signs that will not endanger the public safety, will not obstruct or detract from visibility necessary for traffic safety, and will not conflict with the development policies and land use objectives set by the city of Belen. No sign shall be installed or maintained within the city of Belen unless such sign conforms to the regulations herein. Every sign shall be maintained in good structural condition at all times.

(Ord. 1999-05 (part))

### 17.58.020 - Definitions.

For purposes of this section, the following words, terms, and phrases shall apply:

["Advertising support structure" means any structural part of an advertising device.](#)

"Billboard" means an advertising sign that is not physically located on the premises to which the sign refers. Billboards are also called off-premises signs. [Advertising support structure without a sign face is regulated as a billboard.](#)

"Building-mounted sign" means any sign attached to any part of a building, as contrasted to a freestanding sign.

"Freestanding sign" means a sign attached to an independent supporting structure which is not an integral part of a building.

["Interstate sign" means an on-premises sign within five hundred \(500\) feet in any direction of an interstate.](#)

"Nonconforming sign" means any sign which does not conform to the regulations of this section upon the effective date of adoption or amendment thereto.

"On-premises sign" means a sign which advertises the primary goods or services sold or taking place upon the premises on which the sign is located.

"Portable sign" means a temporary sign which has removable lettering, usually mounted on wheels, and is not permanently attached to a building.

"Portable sign dealer" means a sign dealer in the business of renting portable signs to businesses or individuals and placed within the city.

"Residential sign" means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the

premises where the sign is located, if offering such service at such location conforms with all requirements of the Belen zoning ordinance.

"Sign" means a device which is constructed to convey information visually to the public. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. The size of signs shall be regulated according to the sign face.

"Sign face" means that area of the sign which is enclosed by a continuous line, connecting the extreme points or edges of the sign, but not including structural supports of the sign. For any two-sided sign on which both sign faces cannot be viewed at once, only one sign face shall be counted in calculating the sign size.

"Temporary sign" means any sign that is used only temporarily and is not permanently mounted.

"Wall sign" means any sign painted on or applied directly onto the outside wall of a building and which displays only one advertising surface.

"Window sign" means any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior of a building; provided, however, that the total square feet of window sign shall not exceed twenty-five (25) percent of any of the window areas.

(Ord. 1999-05 (part))

#### **17.58.030 - Business signs.**

The following regulations shall apply to all signs relating to business, commercial, industrial, institutional and service provider activities:

**A. On-premises business signs shall be regulated as follows:**

1. One or more signs may be placed on the premises of a business, commercial, industrial, institutional, or service provider activity; however, the cumulative total of sign face computed for all signs on each of the premises shall not exceed five hundred (500) square feet;
2. For each freestanding sign, the sign face shall not exceed one hundred fifty (150) square feet per sign;
3. Wall signs, window signs and building mounted signs shall be included in the computation of sign face; however, the cumulative total may be increased if granted a variance in accordance with the Belen zoning ordinance;
4. Freestanding signs shall not exceed a height of thirty (30) feet and building-mounted signs shall not exceed the height of the building unless granted a variance in accordance with the Belen zoning ordinance.

**B. On-premises interstate signs shall be regulated as follows:**

1. One (1) or more signs may be placed on the premises of a business, commercial, industrial, institutional, or service provider activity; however, the cumulative total of sign face computed for all signs on each of the premises shall not exceed five hundred (500) square feet;
2. For each freestanding sign, the sign face shall not exceed two hundred fifty (250) square feet per sign;

3. Wall signs, window signs and building mounted signs shall be included in the computation of sign face; however, the cumulative total may be increased if granted a variance in accordance with the Belen Zoning Ordinance;
  4. Free standing signs shall not exceed a height of one hundred (100) feet and building mounted signs shall not exceed the height of the building;
  5. Exceptions may be granted to the forgoing shall require an approval of a variance by the Planning & Zoning Commission.
- C. New billboard signs shall be prohibited and existing billboard signs shall be regulated as nonconforming signs:
1. The nonconforming billboard signs shall be allowed to remain but may not be enlarged, expanded, modified, extended or relocated;
  2. A nonconforming billboard when destroyed by natural causes, may be reconstructed within the following thirty (30) days subject to current city standards;
  3. Whenever a nonconforming billboard has been discontinued as an outdoor advertising device for a period of sixty (60) consecutive days, the city shall cause the billboard to be removed at the expense of the property owner; and Any advertising structure support shall also be removed at the expense of the property owner; and
  4. Structural maintenance of nonconforming billboards shall be continued until the sign is removed by the property owner.
- D. For the purpose of regulating outdoor night lighting fixtures to preserve and enhance the community's natural resource of dark skies while promoting safety, conserving energy and preserving the environment for astronomy, all direct external lighting fixtures used to illuminate any sign shall be mounted on the top of the sign structure and shall be effectively shielded to prevent direct or reflected light into the sky and onto highways or residential areas. All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the New Mexico Electrical Code and under appropriate permit and inspection. The following signs are exempt from these lighting regulations:
1. Signs lighted by means of internal indirect light;
  2. Signs with outdoor lighting fixtures used on land or facilities under the control of the federal government; and
  3. Signs with lighting fixtures legally installed prior to the effective date of the regulations codified in this subsection; however, when lighting fixtures on existing signs become inoperable or are replaced or structurally altered, such lighting fixtures must conform to this subsection.

(Ord. 2003-05; Ord. 1999-05 (part))

#### **17.58.040 - Temporary signs.**

Requirements for certain types of temporary signs which are placed for a limited period of time shall be as follows:

- A. Signs relating to the sale, lease, or development of real estate shall comply with the following regulations:

1. One on-premises sign per lot is permitted, provided that no such sign face shall exceed five square feet;
  2. Off-premises signs directing prospective buyers to real estate for sale or lease shall be limited to no more than three signs for each referenced property, provided that no such sign face shall exceed ten square feet;
  3. Signs promoting or advertising subdivisions for sale shall not have a sign face greater than thirty-two (32) square feet; and
  4. All real estate signs shall be removed within five days after the property is sold.
- B. Portable signs may be located on any lot which is not used for residential purposes. The sign face for any portable sign shall not exceed thirty-two (32) square feet;
  - C. No temporary sign shall be higher than its distance to the nearest point on the property line, but in no case higher than the height of the highest building on the premises; and
  - D. Temporary signs shall be nonilluminated.

(Ord. 1999-05 (part))

#### **17.58.050 - Residential signs.**

Requirements for certain types of residential signs shall be as follows:

- A. One nonilluminated sign is allowed for each home occupation permitted by the city; provided that no such sign shall exceed five square feet of sign face; and
- B. One nonilluminated sign per lot is allowed in the agricultural/residential (A-R) zone district for the sale of homegrown agricultural products, provided that no such sign shall exceed ten square feet of sign face.

(Ord. 1999-05 (part))

#### **17.58.060 - Prohibited signs.**

The following signs are prohibited within the municipal limits of the city of Belen:

~~A. Signs located within dedicated public right-of-way or an easement for a roadway~~

- B. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or interfere with the driver's view of approaching, merging or intersecting traffic;
- C. Signs which extend over any public highway such that free movement of traffic on the public highway is impaired;
- D. Signs which extend over or onto any public sidewalk such that free movement on the public sidewalk is impaired or traffic is distracted;
- E. Signs which are over three feet in height and less than eight feet in height within a clear sight triangle area. A clear sight triangle is an area of unobstructed vision at the intersection of public highways, defined by lines of sight between points twenty-five (25) feet from the intersection of street right-of-way lines;
- F. Billboard signs;
- G. Signs applied to trees, rocks or other natural objects; and
- H. Signs which are or may become a public safety hazard.

(Ord. 1999-05 (part))

**17.58.070 - Sign permits and fees.**

Within the city of Belen, it is unlawful for any person to erect or relocate any sign as defined and not exempted herein without first obtaining a sign permit from the city and paying any fees or charges required by this section. When a sign permit has been issued by the city, it is unlawful to modify, alter or otherwise deviate from the terms and conditions of such permit without prior approval from the city. The city shall inspect and have the authority to order the painting, repair, alteration or removal of any sign which shall constitute a hazard to safety, health or public welfare by reason of inadequate maintenance or dilapidation.

- A. Application for a sign permit shall be made in writing upon a standard form provided by the city. The city, within five working days of the date the application is received, shall either approve or deny the application or refer the application back to the applicant in any instance where insufficient information has been furnished. The application shall contain or have attached thereto the following information:
1. Name, address and telephone number of the applicant, and name of person, firm, corporation or association erecting the sign;
  2. Two permanent copies of the plans and specifications drawn to scale and including:
    - a. The dimensions of the sign face and its supporting members and, where applicable, the dimensions and a photograph of the wall surface of the building to which it is to be attached,
    - b. A description of the materials used for construction of the sign,
    - c. The maximum height and minimum clearance of the sign,
    - d. The position of the sign in relation to the front of the building and to adjacent buildings, structures or other signs, and
    - e. The location of the sign in relation to the boundaries of the lot upon which it is situated;
  3. Written consent from the owner of the building, structure or land to which or on which the sign structure is to be erected;
  4. Any electrical permit required and issued for the sign. Application requesting electrical permit for the proposed sign must accompany sign application; and
  5. If appropriate, a copy of the lease for property on which the sign is to be constructed.
- B. For purposes of financing the administration and inspection of signs within the city of Belen, an initial permit fee shall be assessed for individual premises installing one or more signs. The initial sign permit fee shall be waived for signs existing prior to the effective date of the regulations codified in this chapter; however, permit applications must be completed and submitted to the city following a written notice from the city. A sign permit shall become void if the business activity on the premises is discontinued for a period of one hundred eighty (180) days or more and is not renewed within thirty (30) days of a notice from the city to the last permittee, sent to the premises, that the sign permit will be voided if such activity is not renewed. Subsequent to the initial sign

~~permit, an annual sign regulation charge is collected by the city.~~ Sign permit fees are determined as follows:

1. The initial permit fee shall be collected for all proposed signs following the effective date of the ordinance codified in this section and shall be based on the size of the sign:

a. A base fee of twenty dollars (\$20.00) will be assessed for each sign ~~up to and including a sign face of seventy-two (72) square feet, and~~ plus ten (\$.10) cents per square foot of sign face;

~~b. All signs with a face greater than seventy-two (72) square feet will be assessed an additional one dollar per square foot of sign face over seventy-two (72) square feet. A double faced sign will be charged for both sign faces.~~

~~2. A one-time sign regulation charge of fifteen dollars (\$15.00) will be required for the registration of all existing signage within the city.~~

C. A temporary sign permit shall allow the use of one portable sign, **or Banner**, for a ~~specified~~ thirty (30) day period on individual premises. No more than three portable sign permits may be issued to the applicant for each calendar year. The fee for a portable sign permit is ten dollars (\$10.00) for each thirty (30) day period. Portable sign dealers who do business within the Belen city limits shall pay an annual fee of one hundred dollars (\$100.00).

D. A sign permit tag, issued in conjunction with a permit, will be affixed to the sign structure within thirty (30) days of the issuance of the permit. Failure to affix the sign permit tag to the sign structure, which is the subject of the permit, shall render the permit void. The permit tag will be affixed to the sign face in the lower corner nearest the street right-of-way.

(Ord. 2000-09; Ord. 1999-05 (part))

### **17.58.080 - Exemptions.**

Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with applicable provisions of this section or other laws or regulations. The exemptions shall apply to the requirement for a sign permit, and/ or removal of any advertising support structure, and no sign permit, or removal of any advertising support structure, shall be required for ~~the installation of~~ the following signs:

- A. Temporary signs, provided they are in compliance with the regulations herein;
  - B. Residential signs, provided they are in compliance with the regulations herein;
  - C. Signs not exceeding one square foot of sign face and bearing only property numbers, mail box numbers or names of occupants of premises;
  - D. Flags and insignia of any government, except when displayed in connection with commercial promotion;
  - E. Legal notices, identification information or directional signs erected by governmental bodies;
  - F. Integral decorative or architectural features of buildings, except letters and trademarks;
- and

G. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

H. Advertising support structure on property purchased within the prior 12 months so long as the support structure is safely maintained.

I. An existing billboard sign may continue as long as it is being maintained, in good working order and appearance if the building is being marketed for sale or re-lease.

(Ord. 1999-05 (part))

## **17.58.090 – Campaign Signs.**

### **A. Definitions.**

“Campaign sign” means any sign, as defined in section 17.58.20, that contains the name of, image of, or any message regarding a candidate in any election or that contains a message or identification of an issue in any election.

“Campaign sign, small” means any campaign sign not exceeding four (4) square feet.

“Campaign sign, large” means any campaign sign larger than four (4) square feet, and shall include banners of all sizes.

“Election” means any primary, general or special election governed by the state election code, NMSA 1978, Chapter 1, any regular or special municipal election, and any regular or special election of a school district or other special district.

“Issue” mean any ballot question other than a candidate, including, but not limited to, constitutional amendments, bond question, tax questions, initiatives or referenda.

“Responsible party” mean the representative of any candidate or of any issue who shall be responsible for obtaining a sign permit and for compliance with the provisions of this code. A political action committee (“PAC”), whether officially registered or not, may be a responsible party.

### **B. Responsible Party.**

**1. Partisan Candidates.** For any candidate of a major or minor political party, the chairperson of the county political party or the chairperson’s designee shall be presumed to be the responsible party, provided, that the candidate may agree to be the responsible party. In the absence of a county chairperson or designee, the candidate shall be the responsible party. The chair or the chair’s designee may obtain a single permit for all candidates or for designated candidates in a given election.

**2. Non-partisan candidates.** For any candidate that is listed on a ballot without party affiliation, the candidate or the candidate’s designee shall be presumed to be the responsible party.

**3. Issues.** For any issue the responsible party shall be presumed to be, in order:

- a. The person designated by the organization sponsoring the sign;
- b. The person designated as treasurer on any form filed with the Secretary of State;
- c. The person, if any, whose name appears on the sign as treasurer or representative; or
- d. The owner of the property on which the sign is located.

**C. Permit Required**

1. All campaign signs displayed within the city limits shall conform to the definition of either a small campaign sign or a large campaign sign.
2. Except as exempted herein, the responsible party shall obtain a permit, on a form provided by the City Clerk, prior to placement of any campaign signs on any property. The Clerk shall provide the responsible party with a copy of the rules regulating campaign signs at the time of issuing the permit, or at the time of registration for any municipal election, whichever is earlier.
3. The responsible party shall post a deposit with the City Clerk in the following amount in order to guarantee removal of all campaign signs covered by the permit following the election:
 

a. Non-partisan elections – individual candidates:	\$100
b. Partisan elections – individual candidates:	\$100
c. Partisan elections – political party permit:	\$500
d. Issues – organization:	\$500
e. Issues – property owner:	\$100
f. All elections – registered or unregistered PAC:	\$500
4. The responsible party and/or a private property owner, as applicable, shall be responsible for code compliance of all campaign signs located on property covered by this code.
5. The Code Enforcement Officer shall notify the responsible party and/or the property owner, as applicable, of violations of the provisions of this code, upon failure of the responsible party or the property owner to resolve the violation within the time specified in the notice, the Code Enforcement Officer may issue a citation to the responsible party, the property owner, or both.
6. Within ten (10) days following Election Day, all campaign signs shall be removed from the areas covered by the permit. Upon certification by the Code Enforcement Officer, of compliance, the Clerk shall refund the deposit to the responsible party. The responsible party shall forfeit the deposit if all campaign signs have not been removed within said period. Any campaign signs remaining following said ten (10) day period shall be deemed abandoned, subject to removal and disposal by the City.

#### **D. Display of Campaign Signs.**

- 1. Period of display.** The permit shall authorize the display of campaign signs not sooner than thirty (30) days prior to election day and shall expire at the end of the tenth (10<sup>th</sup>) day following election day.
- 2. Location.** Campaign signs may be displayed during the authorized period only on private property.
  - a. Campaign signs shall be located in a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, and as not to obstruct or interfere with a driver's view of approaching, merging or intersecting traffic. Any sign placed in violation of these provisions shall be subject to immediate removal without notice, by the City.
  - b. No campaign sign shall extend over any right-of-way or any sidewalk.
  - c. All campaign signs shall be either free-standing or affixed to a permanent structure, such as a building or wall, but shall not be affixed to any publicly-owned structure, such as a fence, wall or pole.
- 3. Small campaign signs located on improved, residentially zoned property shall be subject to the provisions of this code, but shall not require a permit.**

#### **E. Enforcement.**

- 1. Code Enforcement Officer.** The Code Enforcement Officer shall be authorized to enforce this section by issuing notices and citations to the responsible party and/or the property owner, and shall be authorized to remove campaign signs displayed in violation of the provisions of this section.
- 2. Right-of-Way and Public Property.** Upon determining a violation of the provisions of this section for any campaign sign located within the public right of way or on public property, the Code Enforcement Officer shall notify the responsible party of the violation and specify the time within which the violation must be corrected. Upon failure of the responsible party to correct the violation as directed, the Code Enforcement Officer may remove the campaign sign or signs in violation of this section, provided, that the Code Enforcement Officer may remove without notice any campaign sign that the officer determines to be a threat to public safety.
- 3. Private Property.** Upon determining a violation of the provisions of this section for any campaign sign located on private property, the Code Enforcement Officer shall notify the property owner of the violation and shall specify the time within which the violation must be corrected. Upon failure of the property owner to correct the violation as directed, the Code Enforcement Officer may issue a citation to the property owner. In the event that the property owner cannot be identified, the Code Enforcement Officer may issue the warning and/or citation to the responsible party.

**4. Survival of Citation.** Any citation issued for violation of these provisions shall survive the conclusion of the election, and shall be punishable in municipal court according to the general penalty provisions of this code, with minimum fines as specified herein.

**5. Minimum fine.** Upon a finding of violation, the municipal court shall impose a mandatory minimum fine of fifty dollars (\$450) per sign, per day. Each day of violation shall constitute a separate offense.

**F. Other Campaign Signs.**

**1. Private Property.** Any campaign sign or other political sign located on private property that has not been included in the permit provisions of this section shall comply with all other provisions of this chapter. For commercially-zoned property, the sign shall be considered a commercial sign subject to the requirement and limitations of Section 17.58.030 regarding business signs. Any such sign, including the sign structure, shall be considered a non-conforming billboard sign, subject to removal as provided for in Section 17.58.030(B)(3).

**2. Public Right-of-Way and Public Property.** Any campaign sign located within the public right-of-way or on public property shall be unlawful and shall be subject to removal as provided for herein.

(Ordinance 2015-03)