



17.58.090 - Campaign Signs Ordinance

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

"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.

"Election day" means the actual day of election as specified by law for any type of election.

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

"Responsible party" means 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 amounts in order to guarantee removal of all campaign signs covered by the permit following the election:
 - a. Non-partisan elections—individual candidates: \$100.00
 - b. Partisan elections—individual candidates: 100.00
 - c. Partisan elections—political party permit: 500.00
 - d. Issues—organization: 500.00
 - e. Issues—property owner: 100.00
 - f. All elections—registered or unregistered PAC: 500.00
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-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 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 (\$50.00) 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 requirements and limitations of [section 17.58.030](#) regarding business signs. Any such sign shall be considered a nonconforming billboard sign, subject to removal as provided for in section 17.58.030B.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.

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