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**CITY OF BELEN**  
**ORDINANCE 2022-\_\_**  
**Chapter 17.58 - SIGN REGULATIONS**

**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.

**17.58.020 - Definitions.**

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

**"Signage support structure"** means any structural part of a signage device.

**"Billboard"** means a sign that is not physically located on the premises to which the sign refers. Billboards are also called off-premises signs. A signage 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 one thousand two hundred (1,200) linear feet in any direction of an interstate facing the 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 referring to the premises on which the sign is located.

39 **"Portable sign"** means a temporary sign, usually mounted on wheels, that is not  
40 permanently attached to a building.

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


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45 **"Residential sign"** means any sign located in a district zoned for residential uses.

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47 **"Sign"** means a device which is constructed to convey information visually to the  
48 public. A sign shall be construed to be a display surface or device containing organized  
49 and related elements composed to form a single unit. The size of signs shall be  
50 regulated according to the sign face. Signs not exceeding one (1) square foot of sign  
51 face and bearing only property numbers, mailbox numbers or names of occupants of  
52 premises do not meet the definition of a "sign" regulated by this ordinance;

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54 **"Sign face"** means that area of the sign which is enclosed by a continuous line,  
55 connecting the extreme points or edges of the sign, but not including structural supports  
56 of the sign. For any two-sided sign on which both sign faces cannot be viewed at once,  
57 only one (1) sign face shall be counted in calculating the sign size.

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

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62 **"Wall sign"** means any sign painted on or applied directly onto the outside wall of a  
63 building and which displays only one (1) signage surface.

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65 **"Wayfinding sign"** means a sign that directs or guides pedestrian and vehicular  
66 traffic from point to point or confirms traffic is on the correct path to or have  
67 arrived at a location. An example would be a "finger point" sign that points an  
68 arrow in a certain direction and identifies points of interest such as yard sales and  
69 special/sporting events.

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

## 75 76 **17.58.030 - Signs in Commercial Zones.**

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78 The following regulations shall apply to all signs located in areas zoned for  
79 business, commercial, or industrial:

80 a. Signs located at the premises within a commercial zone shall be regulated as  
81 follows:

- 82 1. The cumulative total of sign face computed for all signs on each of  
83 the premises shall not exceed five hundred (500) square feet;

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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.
  5. Billboard signs and other off-premises signs are only permitted with explicit written permission of the property owner to post such a sign. Off-premises signs are included in the cumulative total of sign face computed for each premises.
- b. Interstate signs shall be regulated as follows:
1. The cumulative total of sign face computed for all interstate signs on each of the premises shall not exceed two thousand (2,000) square feet;
  2. 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;
  3. Freestanding signs shall not exceed a height of forty (40) feet above the highest ground level at the interstate in either traffic direction.
  4. Billboard signs and other off-premises signs are only permitted with explicit written permission of the property owner to post such a sign. Off-premises signs are included in the cumulative total of interstate sign face computed for each premises.
  5. Exceptions may be granted to the foregoing that would require an approval of a variance by the planning and zoning commission.
- c. New billboard signs shall be prohibited. Existing billboard signs shall be regulated as nonconforming signs:
1. Existing billboard signs shall be allowed to remain but may not be enlarged, expanded, modified, extended or relocated;
  2. An existing billboard sign, when destroyed by natural causes, may not be reconstructed;
  3. Whenever an existing billboard sign has been discontinued as an outdoor signage 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. Any signage support structure shall also be removed at the expense of the property owner; and

27 4. Structural maintenance of existing billboard signs shall be continued  
28 until the billboard sign is removed by the property owner.

29 d. Outdoor night lighting fixtures shall be regulated to preserve and  
30 enhance the community's natural resource of dark skies while promoting  
31 safety, conserving energy and preserving the environment for  
32 astronomy. All direct external lighting fixtures shall be effectively  
33 shielded to prevent direct or reflected light into the sky and onto  
34 highways or residential areas. All outdoor electrically powered  
35 illuminating devices shall be installed in conformance with the provisions  
36 of the New Mexico Electrical Code and under appropriate permit and  
37 inspection. The following signs are exempt from these lighting  
38 regulations:

- 39 1. Signs lighted by means of internal indirect light;
- 40 2. Signs with outdoor lighting fixtures used on land or facilities under  
41 the control of the federal government; and
- 42 3. Signs with lighting fixtures legally installed prior to the effective date  
43 of the regulations codified in this subsection; however, when lighting  
44 fixtures on existing signs become inoperable or are replaced or  
45 structurally altered, such lighting fixtures must conform to this  
46 subsection.

47 e. Off-premises signs shall be limited to no more than three (3) signs for each  
48 referenced property, provided that no such sign face shall exceed ten (10)  
49 square feet;

#### 50 **17.58.040- Residential signs.**

51 In areas zoned residential, signs shall be regulated as follows:  
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- 53 a. Non-illuminated permanent sign(s) per lot is allowed in the  
54 agricultural/residential (A-R) zone district, provided that no such sign  
55 shall exceed ten (10) square feet of sign face; and
- 56 b. Non-illuminated permanent sign(s) is allowed for each home in all  
57 other residential zone districts, provided that no such sign shall  
58 exceed five (5) square feet of sign face  
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#### 60 **17.58.050 - Prohibited signs.**

61 The following signs are prohibited within the municipal limits of the city of Belen:  
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- 63 a. Signs located in such a manner as to obscure or otherwise interfere with  
64 the effectiveness of an official traffic sign, signal or device, or obstruct or  
65 interfere with the driver's view of approaching, merging or intersecting  
66 traffic;
- 67 b. Signs which extend over any public highway such that free movement  
68 of traffic on the public highway is impaired;  
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- c. Signs which extend over or onto any public sidewalk such that free movement on the public sidewalk is impaired;
- d. Signs which are over three (3) feet in height and less than eight (8) 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;
- e. Billboard signs without explicit written permission of the property owner to post such a sign;
- f. Signs applied to trees, rocks or other natural objects;
- g. Signs on public property, unless specifically authorized by the City of Belen; and
- h. Signs which are or may become a public safety hazard.

### **17.58.060– 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 seven (7) 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 (2) 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 in relation to any interstate highway; and

- 16  
17 e. The location of the sign in relation to the boundaries of the lot  
18 upon which it is situated.
- 19 3. Provide a written consent and a copy of the lease agreement from the  
20 owner of the building, structure or land to which or on which the sign  
21 structure is to be erected;
- 22 4. Any electrical permit required and issued for the sign. Application  
23 requesting electrical permit for the proposed sign must accompany sign  
24 application.

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26 A sign permit shall become void if the business activity on the premises  
27 is discontinued for a period of one hundred eighty (180) days or more and is  
28 not renewed within thirty (30) days of a notice from the city to the last  
29 permittee, sent to the premises, that the sign permit will be voided if such  
30 activity is not renewed. Subsequent to the initial sign permit, an annual  
31 sign regulation charge is collected by the city. Sign permit fees are  
32 determined as follows:

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- 34 1. The initial permit fee shall be collected for all proposed signs following the  
35 effective date of the ordinance codified in this section and shall be based on the  
36 size of the sign:
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- 38 a. A base fee of twenty dollars (\$20.00) will be assessed for each sign up  
39 to and including a sign face of seventy-two (72) square feet, and  
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- 41 b. All signs with a face greater than seventy-two (72) square feet will be  
42 assessed an additional one dollar (\$1.00) per square foot of sign face over  
43 seventy-two (72) square feet.
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- 45 2. A temporary/portable sign permit shall allow the use of more than one  
46 temporary/portable signs within the municipality of the City of Belen for a  
47 specified thirty-day period. If the municipality determines the amount of signs is  
48 excessive, the municipality can decide to not process the request or request a  
49 lower amount of signs. The fee for a portable sign permit is ten dollars (\$10.00)  
50 for each thirty-day period.
- 51 3. A sign permit will be issued to the applicant and is required to be kept on  
52 premises for inspection purposes.

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55 **17.58.070 - Exemptions.**  
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57 Exemptions shall not be construed as relieving the owner of such signs from the  
58 responsibility of complying with applicable provisions of this section or other laws or  
59 regulations. The exemptions shall apply to the requirement for a sign permit and/or  
60 removal of any signage support structure, and no sign permit or removal of any  
61 signage support structure will be required for the following signs:  
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- 63 A. Temporary signs, provided they are in compliance with the regulations  
64 herein;
- 65 B. Residential signs, provided they are in compliance with the regulations  
66 herein;
- 67 C. Flags and insignia of any government;
- 68 D. Legal notices, identification information or directional signs erected  
69 by governmental bodies;
- 70 E. Integral decorative or architectural features of buildings, except letters  
71 and trademarks; and
- 72 F. Signs directing and guiding traffic and parking on private property.
- 73 G. Signage support structure on property purchased within the prior twelve  
74 (12) months so long as the signage support structure is safely  
75 maintained.  
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77 **17.58.080- Campaign signs.**  
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79 Definitions. [The following words, terms and phrases, when used in this  
80 section, shall have the meanings ascribed to them in this section, except where the  
81 context clearly indicates a different meaning:]  
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83 "**Campaign sign**" means any sign, as defined in section 17.58.20, that contains the name  
84 of, image of, or any message regarding a candidate in any election or that contains a  
85 message or identification of an issue in any election.  
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87 "**Campaign sign, small**" means any campaign sign not exceeding four (4) square feet.  
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89 "**Campaign sign, large**" means any campaign sign larger than four (4) square feet, and  
90 shall include banners of all sizes.  
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92 "**Election**" means any primary, general or special election governed by the state election  
93 code, NMSA 1978, Chapter 1, any regular or special municipal election, and any regular or  
94 special election of a school district or other special district.  
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96 "**Election day**" means the actual day of election as specified by law for any type of  
97 election.  
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99 **"Issue"** means any ballot question other than a candidate, including, but not limited to,  
00 constitutional amendments, bond questions, tax questions, initiatives or referenda.

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02 **"Responsible party"** means the representative of any candidate or of any issue who shall  
03 be responsible for obtaining a sign permit and for compliance with the provisions of  
04 this code. A political action committee ("PAC"), whether officially registered or not,  
05 may be a responsible party.

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07 A. Responsible Party.

- 08 1. Partisan Candidates. For any candidate of a major or minor political party,  
09 the chairperson of the county political party or the chairperson's designee  
10 shall be presumed to be the responsible party, provided, that the candidate  
11 may agree to be the responsible party. In the absence of a county  
12 chairperson or designee, the candidate shall be the responsible party. The  
13 chair or the chair's designee may obtain a single permit for all candidates  
14 or for designated candidates in a given election.
- 15 2. Non-Partisan Candidates. For any candidate that is listed on a ballot  
16 without party affiliation, the candidate or the candidate's designee  
17 shall be presumed to be the responsible party.
- 18 3. Issues. For any issue, the responsible party shall be presumed to be, in order:  
19 a. The person designated by the organization sponsoring the sign;  
20 b. The person designated as treasurer on any form filed with the secretary  
21 of state;  
22 c. The person, if any, whose name appears on the sign as treasurer or  
23 representative; or  
24 d. The owner of the property on which the sign is located.

25 B. Permit Required.

- 26 1. All campaign signs displayed within the city limits shall conform to the  
27 definition of either a small campaign sign or a large campaign sign.
- 28 2. Except as exempted herein, the responsible party shall obtain a permit,  
29 on a form provided by the city clerk, prior to placement of any campaign  
30 signs on any property. The clerk shall provide the responsible party with a  
31 copy of the rules regulating campaign signs at the time of issuing the  
32 permit, or at the time of registration for any municipal election,  
33 whichever is earlier.
- 34 3. The responsible party shall post a deposit with the city clerk in the  
35 following amounts in order to guarantee removal of all campaign signs  
36 covered by the permit following the election:

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38 a. Non-partisan elections-individual candidates: \$100.00  
39 b. Partisan elections-individual candidates: \$100.00  
40 c. Partisan elections-political party permit \$500.00  
41 d. Issues-organization: \$500.00  
42 e. Issues-property owner: \$100.00  
43 f. All elections-registered or unregistered PAC: \$500.00  
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4. The responsible party, 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 as applicable, of violations of the provisions of this code. Upon failure of the responsible party to resolve the violation within the time specified in the notice, the code enforcement officer may issue a citation to the responsible party.
  6. Within three (3) 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 three -day period shall be deemed abandoned, subject to removal and disposal by the city.
- C. 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.
    - 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.
  4. 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

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92 **17.58.090-Enforcement.**  
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94 Code Enforcement Department. The code enforcement department shall be authorized  
95 to enforce this Title by issuing notices and citations to the responsible party and/or the  
96 property owner, and shall be authorized to remove signs displayed in violation of the  
97 provisions of this ordinance excluding residential private property.  
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1. 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.  
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  2. 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.  
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  3. 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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**PASSED, APPPROVED** on this day \_\_\_\_\_ of \_\_\_\_\_ 2022

\_\_\_\_\_  
Robert Noblin, Mayor

ATTEST:

\_\_\_\_\_  
Dorothy Flores, City Clerk

DRAFT