

**CITY OF BOULDER
PLANNING BOARD AGENDA ITEM**

MEETING DATE: March 17, 2016

AGENDA TITLE: Public hearing to consider a recommendation to City Council on an ordinance amending Title 9, "Land Use Code," B.R.C. 1981, to allow for changes to the city's sign code related to lettering heights in the Boulder Valley Regional Center and compliance with a recent United States Supreme Court ruling regarding content based signage regulations.

REQUESTING DEPARTMENT:

Planning, Housing + Sustainability

Tom Carr, City Attorney

David Driskell, Executive Director

Susan Richstone, Deputy Director

Charles Ferro, Development Land Use Review Manager

Hella Pannewig, Assistant City Attorney

OBJECTIVES:

1. Hear Staff presentation
2. Planning Board discussion
3. Recommendations on changes to the code

PURPOSE

The purpose of this item is Planning Board consideration of a recommendation to City Council on the following two proposed code changes to the city's signage regulations:

1. To allow for letter heights on canopies and awnings of 24" inches in the Boulder Valley Regional Center where a maximum letter height of 12" currently exists.
2. To bring the city's sign code into compliance with a recent United States Supreme Court ruling regarding content based signage regulations.

BACKGROUND / ANALYSIS:

In February, 2016, The Dairy Center for the Performing Arts applied for a permit for a canopy sign that is not consistent with the city's sign code regulations. Currently, lettering heights for such signs are limited to 12" in height. On February 29, 2016, City Council requested that staff bring forward an amendment to the city's sign code to allow for larger, 24" letter heights in the Boulder Valley Regional Center (BVRC). The boundaries of the BVRC are as follows:

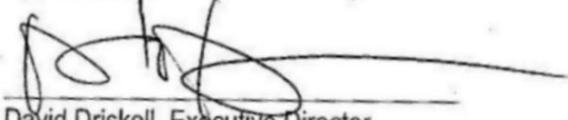


Sign codes are restrictions on speech and therefore must conform to the First Amendment to the United States Constitution. A government may impose reasonable time, place and manner restrictions on speech if there is a rational basis for the restriction. For sign codes, the rational basis is generally esthetics and the need to limit distractions for drivers. Such restrictions have been upheld to the extent that they regulate the manner of speech, but not the content. That is, the government can restrict how a party speaks, but not what the party says. To restrict the content of speech there must be a compelling government interest. During the 2015 term, the United States Supreme Court struck down the sign code for the Town of Gilbert, Arizona as a content-based restriction on speech. *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015). The court took a broad view of what constituted a content-based regulation. The holding in *Reed* was that if one needed to read the sign to determine whether the code applied, the code was a content-based regulation. The city's current sign code includes certain exceptions which make it vulnerable to the *Reed* decision. These include exemptions for signs for lost animals, real estate signs and garage sale signs currently found in Section 9-9-21(c)(1)(C) B.R.C. 1981. One could argue that because the city needs to read the sign to determine whether the exemption applies makes the city's sign code a content-based regulation. Thus, if staff were to recommend that signs advertising performing arts organizations be exempt, the ordinance could be considered a content-based regulation, hence the additional proposed changes to the city's sign code found in [Attachment A](#).

STAFF RECOMMENDATION (MOTION LANGUAGE):

Staff recommends that Planning Board recommend approval to the City Council of an ordinance amending Title 9, "Land Use Code," B.R.C. 1981 to allow for changes to the city's sign code related to lettering heights in the Boulder Valley Regional Center and compliance with a recent United States Supreme Court ruling regarding content based signage regulations.

Approved By:

A handwritten signature in black ink, appearing to read 'David Driskell', written over a horizontal line.

David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS

- A. [Draft ordinance](#)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ORDINANCE NO. 8108

AN AMENDING CHAPTER 9-9-21, "SIGNS," BY ELIMINATING ANY CONTENT-BASED RESTRICTIONS AND AMENDING THE RESRICTION ON AWNING SIGNS TO ALLOW AWNING SIGNS IN THE BOULDER VALLEY REGIONAL CENTER TO INCLUDE LETTERS OF NOT GREATER THAN TWENTY-FOUR INCHES IN HEIGHT AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 9-9-21 is amended to read as follows:

9-9-21. - **Signs.**

(a) Application and Legislative Intent:

(1) Application of Section: This section applies only to signs erected on private property by the owner or lessee in possession of that property, or by persons acting with the permission or at the request of the owner or lessee. It applies only to signs which are visible beyond the boundaries of the property upon which they are located. There are two exceptions to this rule which are most conveniently included in this section: signs erected on private property as part of a sign program which was a condition of approval of development under this title; and signs on private vehicles located on public property. This section does not apply to a sign carried by a person, whether on public or private property. This section does not apply to signs, other than those on vehicles, on public property.

(2) Intent: The purpose of this section is to protect the health, safety, and welfare of the residents of the city by regulating the design, construction, and installation of private signs in the city. The city council recognizes that signs are necessary means of visual communication for the public convenience and that businesses and individuals have the

1 right to identify themselves and convey messages by using signs that are accessory and
2 incidental to the use on the premises where the signs are located. In this section the
3 council intends to provide a reasonable balance between the right of a business or an
4 individual to identify itself and to convey its message and the right of the public to be
5 protected against the visual discord that results from the unrestricted proliferation of
6 signs, especially off-premises billboards. The ability to convey messages by signs is
7 important to the proper and efficient functioning of society. However, the natural desire
8 to speak more "loudly" through signs which are more numerous, larger, higher, and
9 closer to the street than the signs used by one's neighbors and competitors requires a set
10 of rules applicable to all similarly situated. With a level playing field the community as
11 a whole benefits and no individual is disadvantaged in communicating. The council also
12 intends by this section to ensure that signs are compatible with adjacent land uses and
13 with the total visual environment of the community and that the value of nearby
14 property and the economic health of the community as a whole are protected from
15 visual blight. Another purpose of this section is to protect the public from hazardous
16 conditions by prohibiting signs that: are structurally unsafe, particularly in light of the
17 unique wind hazards in the city, obscure or distract the vision of motorists, or compete
18 or conflict with necessary traffic signs and warning signals. In adopting this section, the
19 council recognizes that the size of signs that provide adequate identification in
20 pedestrian-oriented areas differs from that necessary in vehicular-oriented areas where
21 traffic is heavy, travel speeds are greater, and required setbacks are greater.
22

23
24 (A) The city council recognizes that since the sign code was originally enacted in 1971,
25 most nonconforming signs have been eliminated through attrition and through the

1 amortization provision of chapter 48 of the Revised Code of the City of Boulder,
2 Colorado 1965. But nonconforming signs may enter the city as it annexes
3 developed land, and code changes may make conforming signs nonconforming.
4 The council recognizes that permitting the continuation of such nonconforming
5 signs provides an unfair competitive advantage over persons whose signs conform
6 to the section requirements and intends that signs that do not conform with this
7 section be eliminated as expeditiously as practicable to protect the public safety and
8 welfare and the visual environment.

9
10 (B) The city council recognizes the right of residents of the city to fully exercise their
11 right to free speech by the use of signs containing noncommercial messages that are
12 subject to minimum regulations regarding size, number, structural safety and visual
13 setbacks.

14 (C) The city council finds that certain types of signs are not appropriate for regulation
15 by permit under this section because they:

16 (i) Would not create a structural safety or traffic safety hazard;

17 (ii) Would promote public safety or the dissemination of public information;

18 (iii) Would not give rise to aesthetic or traffic concerns;

19 (iv) In the case of art, are deemed a privilege of individual creative expression;

20 (v) In the case of other noncommercial signs, are accessory to the exercise of first
21 amendment rights;

22 ~~(vi) With respect to real estate signs, the council finds that a small "for sale" or "for~~

23 ~~rent" sign is an important means of advertising real estate and does not create a~~

1 ~~traffic hazard. In fact, appropriate real estate signs prevent traffic hazards by~~
2 ~~easing the task of the motorist looking for the property. In addition, the council~~
3 ~~finds that a substantial portion of such rentals occur as a result of prospective~~
4 ~~tenants examining areas of interest to them looking for signs indicating that~~
5 ~~space is for rent, and that approximately fifty four percent of the dwelling units~~
6 ~~in the city are rental units;~~

7
8 ~~(vii) With respect to permitted construction warning signs, the council finds that~~
9 ~~such signs are essential to warn persons entering the property of dangers~~
10 ~~created by the construction and that their prompt and unfettered use constitutes~~
11 ~~a compelling governmental interest and requires a different form of regulation;~~

12 ~~(viii) With respect to permitted garage sale signs, the council finds that sporadic~~
13 ~~"garage sale" signs for garage sales permitted under this title do not constitute~~
14 ~~a commercial use of residential property and do not compromise the residential~~
15 ~~values served by the restrictions on home occupations, and that other means of~~
16 ~~advertising such sales are unacceptably burdensome. The need for such sales in~~
17 ~~the City, and the attendant signs on the premises where the occupant lives and~~
18 ~~is holding the sale, is particularly high because of the large college student~~
19 ~~population (approximately one fourth of the City's population), and the high~~
20 ~~proportion of persons living in rental housing as opposed to owner occupied~~
21 ~~housing (approximately fifty four percent of the dwelling units in Boulder are~~
22 ~~rental units), and who have from time to time a pressing need to unburden~~
23 ~~themselves from possessions they have determined they cannot reasonably take~~
24 ~~with them to their new place of abode;~~
25

1 ~~(ix) With respect to permitted lost animal signs, the council finds that notices in~~
2 ~~newspapers or other means of communicating this information are inadequate,~~
3 ~~and that notice of the animal's loss near the site of the loss is necessary to~~
4 ~~increase the likelihood and timeliness of the animal's return to its owner, and~~
5 ~~promotes the government's interest in avoiding euthanasia and the other costs~~
6 ~~attendant upon stray animals;~~

7
8 (vix) With respect to permitted private traffic signs, the council finds that such
9 signs serve a compelling governmental interest in the safe movement of traffic
10 in private parking lots and drives and serve a function which cannot effectively
11 be served in any other manner;

12 (viixi) With respect to signs required by law, the council finds that the law
13 requiring the sign is sufficient regulation of the sign, and that it is inappropriate
14 for the government to require a sign to be posted but count it against allowable
15 private signage, and that such signs by definition serve a compelling
16 governmental interest in a site-specific manner which cannot otherwise be
17 served as effectively;

18
19 ~~(xii) With respect to small permitted residential wind signs, the council finds that~~
20 ~~the safety valve for personal expression provided by such signs serves a~~
21 ~~compelling governmental interest and is within the penumbra of the First~~
22 ~~Amendment;~~

23 (vxi) With respect to permitted utility warning signs, the council finds that the
24 dispersed nature of utility lines throughout all the community does not lend
25

1 itself to the property by property regulation otherwise used in this code, and
2 that warning of the location of utilities and of their hazards so that persons will
3 not be injured thereby, so that fire, police, and other public emergency services
4 may be conducted expeditiously and safely, and so that the essential public
5 functions served by such utilities will not be impaired constitutes a compelling
6 governmental interest and requires a different form of regulation;

7
8 (~~v~~iv) With respect to permitted vehicular signs, the council finds that regulation
9 of bumper stickers and other forms of personal expression is inappropriate in a
10 free and highly mobile society and that such signs are ordinarily small,
11 whereas regulation of commercial signs on motor vehicles, which the council
12 finds are often large, is appropriate for those who have chosen to engage in
13 commerce within the City and serves a substantial governmental interest in
14 aesthetics and traffic safety;

15
16 (~~x~~v) With respect to permitted window signs, the council finds that such signs
17 present no structural hazards and provide a method by which messages may be
18 displayed on short notice by the property owner or tenant as that person
19 perceives the need to communicate without need for any government role in
20 the protection of the broader public interest, and that within the limitations
21 given have not and will not cause aesthetic blight or traffic hazards of the sort
22 unacceptable to the community; and

23 (~~x~~vi) With respect to signs on bicycles, the council finds that the use of signs on
24 bicycles will not cause aesthetic blight or traffic hazards of the sort
25 unacceptable to the community and will service a substantial governmental

1 interest by reducing the cost of an environmentally beneficial transportation
2 option that will relieve vehicular congestion, reduce greenhouse gas emissions
3 and improve public health by providing opportunities for exercise; and

4 ~~(xvii) — Because of the extraordinary importance, amounting to a compelling
5 societal and governmental interest, of election campaigning for public office
6 and of voting on initiatives and referenda, and because political speech has its
7 fullest and most urgent application during a political campaign from the time a
8 candidate is nominated for electoral office until the day after the election, and
9 from the time an initiative or referendum is placed on the ballot until the day
10 after the election, the limit of one noncommercial residential sign within the
11 residential noncommercial sign setback should not apply to signs urging the
12 election or defeat of such candidates, or the passage or defeat of such
13 measures, and the applicable provisions of this sign code reflect this
14 determination. Without in any way limiting the applicability of the general
15 severability provisions of section 1-1-4, "Severability of Parts of Code,"
16 B.R.C. 1981, but mindful of the possibility that a reviewing court might
17 disregard such an otherwise clear expression of legislative intent because of its
18 generality, the city council intends that this exception for signs during
19 campaigns be considered severable from the remainder of the sign code should
20 it for some reason be found wanting under the state or federal constitutions,
21 just as it intends all other provisions of this sign code to be severable.~~

22
23
24 (D) Council finds that commercial signs towed over the City by aircraft are a
25 distraction to motorists, pedestrians, and other users of the public streets and ways,

1 and impair traffic safety, and constitute unfair competition for earthbound
2 advertisers who comply with the City's sign code when made by multiple passes
3 over the City, and therefore are detrimental to the health, safety, and welfare of the
4 people of the City, and urges the Federal Aviation Administration to place suitable
5 restrictions upon any certificate of waiver to prohibit towing such signs over the
6 City.

7
8 (b) Prohibitions and Prohibited Signs:

9 (1) Conformity With Sign Code Required: No person shall display, construct, erect, alter,
10 use, or maintain any sign in the City except in conformance with the provisions of this
11 section. No person shall display, alter, use, maintain, or enlarge any legal,
12 nonconforming sign except in conformity with the provisions of this section. No person
13 shall perform or order the performance of any act contrary to the provisions of this
14 section or fail to perform any act required by the provisions of this section.

15
16 (2) Sign Permit Required: Except as provided in subsection (c) of this section, no person
17 shall display, construct, erect, alter, or relocate any sign without first applying to the
18 city manager and obtaining a permit under this section.

19 (3) Specific Signs Prohibited: No person shall erect, install, post, display, or maintain any
20 of the following signs:

21 (A) Animal: A sign that involves the use of a live animal.

22
23 (B) Flashing: A sign with lights or illuminations that flash, move, rotate, scintillate,
24 blink, flicker, vary in intensity, vary in color, or use intermittent electrical
25 pulsations.

1 (C) Height: A sign twenty-five feet or more above the ground level.

2 (D) High Window: A window sign exceeding four square feet in area twelve feet or
3 more above the ground level.

4 (E) Illuminated: An illuminated sign with any of the following characteristics:

5
6 (i) A beam or ray of light used to illuminate the sign shines directly from the sign
7 onto the surrounding area.

8 (ii) Direct or reflected light from any light source associated with the sign creates a
9 traffic hazard or distraction to operators of vehicles or pedestrians on the
10 public right-of-way.

11 (iii) The sign is directly illuminated and is in a residential or an agricultural zoning
12 district.

13
14 (iv) If a sign is indirectly or internally illuminated and is in a residential or an
15 agricultural zone, the illumination may not continue between the hours of
16 11:00 p.m. and 7:00 a.m., unless the illumination is required for safety
17 purposes.

18
19 (v) No illuminated sign visible from and located within three hundred feet of any
20 property in a residential zoning district may be illuminated between the hours
21 of 11:00 p.m. or one-half hour after the use to which it is appurtenant is closed,
22 whichever is later, and 7:00 a.m.; but this time limit does not apply to any light
23 primarily used for the protection of the premises or for safety purposes.

1 (F) Illusion: A sign with optical illusion of movement by means of a design giving the
2 illusion of motion or changing of copy, including, without limitation, a sign that
3 presents a pattern capable of reversible perspective.

4 (G) Moving: A sign with visible moving, revolving, or rotating parts or visible
5 mechanical movement of any description or other apparent visible movement
6 achieved by electrical, electronic, or mechanical means, except for gauges and dials
7 that may be animated to the extent necessary to display correct measurement.
8 Electronic signs which change the message not more than once per minute are
9 considered copy changes and not prohibited moving signs. Vertical rotating
10 cylindrical signs, in which the text or graphic is on the surface of the cylinder, and
11 nothing beyond the radius of cylinder surface rotates, whose rotating part does not
12 exceed twelve inches in diameter and thirty inches in height, are not considered
13 prohibited moving signs.
14

15 (H) Non-Appurtenant or Off-Premises: An off-premises commercial sign not
16 appurtenant and clearly incidental to the principal use of the property where
17 located.
18

19 (I) Obstructing: A sign or sign structure that obstructs or interferes in any way with
20 ingress to or egress from or use of any standpipe, fire escape, required door,
21 required window, or other required exit way; or any sign that obstructs any window
22 to such an extent that light or ventilation is reduced to a point below that required
23 by any provision of this code or other ordinance of the City.

24 (J) Projected Image: A sign that incorporates a projected image.
25

1 (K) Roof: A roof sign, except as specifically permitted by subsection (d)(11) of this
2 section.

3 (L) Sound: A sign or building that emits any sound, except for a non-commercial
4 signwork-of-art located in a zoning district other than an agricultural or a residential
5 district, which may emit noncommercial human voice or music recordings which
6 do not exceed fifty dBA, measured at the nearest property line, between 8:00 a.m.
7 and 6:00 p.m.

8
9 (M) String of Lights: A string of light bulbs used in connection with commercial
10 premises for commercial purposes and attached to or suspended from a structure.
11 This prohibition does not apply to a string of lights in a window for which a permit
12 has been issued under subparagraph (d)(14)(I) of this section, concerning wall
13 signs.

14 (N) Traffic Vision Obstruction: A freestanding sign or sign structure between a height
15 of two and one-half feet and ten feet above the street elevation, other than a pole
16 twelve inches or less in cross-sectional area, within the corner triangular areas
17 described in Section 9-9-7, "Sight Triangles," B.R.C. 1981.

18
19 (O) Unsafe: A sign or structure that constitutes a hazard to safety or health including,
20 without limitation, any sign that is structurally inadequate by reason of inadequate
21 design, construction, repair, or maintenance, is capable of causing electrical shock
22 to persons likely to come into contact with it, or has less than three feet horizontal
23 or eight feet vertical clearance from overhead electric conductors that are energized
24 in excess of seven hundred fifty volts.
25

1 (P) Vehicular: A sign displayed on a motor vehicle if:

- 2 (i) The vehicle is not in operable condition;
- 3 (ii) The sign is roof-mounted and has more than two faces or any face exceeds four
4 square feet in area;
- 5 (iii) More than two signs are mounted on the roof of the vehicle;
- 6 (iv) The sign, if not roof-mounted, is not painted on or securely affixed on all edges
7 to the surface of the side of the body of the vehicle;
- 8 (v) The principal use of the vehicle at the time of the display is for display of the
9 sign;
- 10 (vi) It is a commercial sign which does not identify the owner of the vehicle or a
11 good or service which may be purchased from the owner;
- 12 (vii) It is a commercial sign and the vehicle is not being operated in the normal
13 course of business;
- 14 (viii) It is a commercial sign and the vehicle is not parked or stored in the normal
15 course of business in an area appropriate to the use of the vehicle for delivery
16 or another commercial purpose; or
- 17 (ix) It is a commercial sign and the vehicle, if parked on private property, is not
18 parked within the setback requirements of this section, unless no other
19 reasonable provision can be made for such parking.
- 20 (x) It is a specific defense to a charge of violation of subparagraph (b)(3)(P)(vi) of
21 this section that the vehicle was licensed by the Colorado Public Utilities
22
23
24
25

1 Commission for the commercial transportation of passengers, or was engaged
2 in such transportation but was exempt from such licensure.

3 (Q) Wind: A wind sign, except as permitted for flags in subparagraph (c)(1)(B) of this
4 section, or in a residential or agricultural zone as permitted in subparagraph
5 (c)(1)(I) of this section.

6
7 (R) Bicycles: A sign displayed on a bicycle if:

- 8 i. The bicycle is not in operable condition; or
- 9 ii. The signs exceed two square feet in area.

10
11 (c) Signs Exempt From Permits:

12 (1) Specific Signs Exempted: The following signs are permitted in all zoning districts and
13 are exempt from the permit requirements of this section, but shall in all other respects
14 comply with the requirements of this code except as expressly excepted below:

15 (A) Construction ~~site signs~~ ~~Warning~~: A sign not exceeding sixteen square feet erected
16 by a licensed construction contractor on property on which it is working ~~to warn of~~
17 ~~danger or hazardous conditions~~. Such sign is also exempt from the setback,
18 limitation on number of freestanding signs, and total sign area regulations of this
19 section.

20
21 (B) Flags: Up to three different flags per property, subject to the following restrictions:

- 22 (i) The total area of all flags shall not exceed seventy square feet;

1 (ii) The area of each such flag shall be exempt from the sign area limitations of
2 paragraph (d)(2) of this section, but shall not exceed forty square feet, with no
3 one dimension of any flag greater than eight feet;

4 (iii) The flag pole or other structure on which such a flag is displayed shall be
5 treated as part of any building to which it is attached for all height
6 computations and not as an appurtenance or a part of the sign;
7

8 (iv) No freestanding flagpole shall exceed twenty feet in height outside of the
9 principal building setbacks or thirty-five feet in height within the principal
10 building setbacks; and

11 (v) No flag bearing an explicit commercial message shall constitute an exempt
12 flag.
13

14 (C) Garage Sale: One ~~garage sale~~ sign per property in an agricultural or residential
15 district placed on private property owned or leased by the person holding ~~at~~
16 ~~garage~~ sale, for a period not to exceed ten consecutive days and not more than
17 twice in a calendar year. The sign must be within the total signage permitted for the
18 parcel. This provision does not restrict the content of the sign.

19 (D) Lost Animal: One ~~lost animal~~ sign per property placed on private property with the
20 permission of the owner for a period not to exceed ten consecutive days, in an
21 agricultural or residential district and within the total signage permitted for such
22 parcel. This provision does not restrict the content of the sign.
23
24
25

1 (E) Noncommercial: A ~~sign work of art~~ that in no way identifies or advertises a
2 product, service, or business or impedes traffic safety, a political sign, or any other
3 noncommercial sign.

4 (F) Private Traffic: A private traffic directional sign guiding or directing vehicular or
5 pedestrian traffic onto or off of a property or within a property that does not exceed
6 three square feet per face in area and six feet in height, does not contain any
7 advertising or trade name identification, and is not illuminated, internally
8 illuminated, or indirectly illuminated. But a private traffic control sign that
9 conforms to the standards of the state traffic control manual defined in subsection
10 7-1-1(a), B.R.C. 1981, may exceed three square feet per face in area but shall not
11 exceed seven square feet per face or eight feet in height. Such sign also is exempt
12 from the setback, limitation on number of freestanding signs, and total sign area
13 regulations of this section.

14
15 (G) Real Estate: At any time that a property is offered for sale or rent. ~~One~~ temporary,
16 non-illuminated ~~real estate~~ sign per property or per dwelling unit street frontage, set
17 back at least eighteen inches from the nearest public sidewalk, that does not exceed
18 six square feet per face in area and a total of twelve square feet in area and four feet
19 in height in the RR, RE, RL, RM, RMX, RH, and MH zones or sixteen square feet
20 per face and a total of thirty-two square feet in area and seven feet in height in any
21 other zone, but only if the sign remains in place no more than seven days after sale
22 or rental of the subject property. The area of such a sign shall not be deducted from
23 the allowable sign area or number of freestanding signs for the building or business
24 unit. If the property owner or tenant is not using this real estate sign allowance,
25

1 such person in possession of the property may place a noncommercial sign
2 conforming ~~to with~~ these limitations in lieu of such a real estate sign. This
3 provision does not restrict the content of the sign.

4 (H) Sign Required by Law: A sign required or specifically authorized for a public
5 purpose by any federal, state, or city law of any type, including, without limitation,
6 the number, area, height above grade, location or illumination authorized by the
7 law under which such sign is required or authorized. But no such sign may be
8 placed in the public right-of-way unless specifically authorized or required by law.
9 Except for a warning sign or barricade of a temporary nature, any such sign shall be
10 securely affixed to the ground, a building, or another structure. So much of such a
11 sign as is required by law also is exempt from all other provisions of this section.

12 (I) Residential Wind Sign: A wind sign in a residential or an agricultural zone, within
13 the limitations set forth in subsection (d) of this section, notwithstanding the
14 prohibition of subparagraph (b)(3)(Q) of this section.

15 (J) Utility Warning: A sign not exceeding sixteen square feet erected by a public utility
16 within a utility easement on property on which it is working to warn of danger or
17 hazardous conditions or to indicate the presence of underground cables, gas lines,
18 and similar devices. Such a sign also is exempt from the setback, limitation on
19 number of freestanding signs, and total sign area regulations of this section.

20 (K) Vehicular: A sign displayed on a motor vehicle if not prohibited by this section.

21 (L) Window: A non-illuminated window sign of no more than four square feet in area
22 and placed no more than twenty-five feet above finished grade, if the total area of
23
24
25

1 such signs fills less than twenty-five percent of the area of the architecturally
2 distinct window, and such signs do not exceed twenty-five percent of the total
3 allowable sign area for the building or business unit. The area of a window sign not
4 exempt from permit requirements under this subparagraph is calculated as a part of
5 and limited by the total allowable sign area for the premises.

6 (M) Cottage Foods and Fresh Produce Signs. On any premises meeting the
7 requirements of Chapter 6-17, a sign meeting the size restrictions applicable to
8 residential detached dwellings in Table 9-13 of this section. This provision does not
9 restrict the content of the sign.

10
11 (2) Copy Change and Maintenance: No permit is required for copy changes or maintenance
12 on a conforming sign if no structural changes are made. This exception does not apply
13 to copy changes in signs covered by a private sign program as specified in subsection
14 (k) of this section.

15
16 (d) Size Limitations and Other Rules for Certain Signs:

17 (1) Awning: An awning sign that extends more than fifteen inches beyond a wall of a
18 building shall comply with the following conditions:

19 (A) The total area of such awning sign may not exceed the lesser of one hundred fifty
20 square feet or one square foot of sign area for every linear foot of awning length.
21 Awning length is that portion of the awning that is parallel to the building wall on
22 which it is located.

1 (B) No awning sign may project above, below, or beyond the face of the architectural
2 projection on which it is located, except for an awning sign that meets the
3 following standards:

4 (i) An awning sign may project horizontally beyond the face of a marquee or
5 canopy no more than twelve inches, measured from the bottom of the sign, if
6 necessary to accommodate the letter thickness and required electrical
7 equipment;

8
9 (ii) An awning sign composed entirely of individual opaque alphanumeric
10 characters twelve inches or less in height, or for any awning sign in the
11 Boulder Valley Regional Center twenty-four inches or less in height, may
12 project above the point at which they are attached to the marquee or canopy by
13 no more than the height of the character plus two inches;

14 (iii) The canopy or marquee to which the awning sign is attached must be located
15 over an entry to the building; and

16 (iv) The awning sign shall be substantially parallel with the building wall to which
17 the canopy or marquee is attached.

18
19 (C) Awning signs that extend fifteen inches or less from a wall of a building shall be
20 considered to be wall signs, subject to the requirements of paragraph (d)(14) of this
21 section.

22
23 (D) Permission to construct, install, and maintain an awning sign over the public right-
24 of-way must be obtained from the city manager pursuant to section 4-18-3,

1 "Sidewalk Banner or Awning Permit Required," B.R.C. 1981, prior to the issuance
2 of the sign permit.

3 (E) For purposes of determining projection, clearance, height, and materials, an awning
4 sign shall be considered a part of and shall meet the requirements for a marquee,
5 canopy, or awning, as specified in the city building code, chapter 10-5, "Building
6 Code," B.R.C. 1981.

7
8 (F) If an awning sign is located on a marquee, canopy, or awning and is internally
9 illuminated through translucent material, the entire illuminated area of the awning
10 or awning sign shall be included in the calculation of the area of the sign.

11 (2) Banner: A banner is permitted for any permitted use in a business or industrial zoning
12 district if the person wishing to display such sign applies therefore and obtains a permit,
13 but such sign may be displayed for a maximum period of thirty consecutive days at the
14 same location, one time during the first year of such use by the occupant. The area of
15 the single sign permitted under this exception shall not exceed fifty square feet in total
16 area and shall not exceed twenty feet in height, including, without limitation, the
17 appurtenance on which the banner is displayed. Such a sign shall be firmly attached on
18 at least all four corners.

19
20 (3) Downtown Pedestrian District:

21 (A) An application for a permit for a sign to be located in the downtown pedestrian
22 district, as shown on the map in appendix E, "Downtown Pedestrian District," of
23 this title, and which otherwise complies with all applicable provisions of this
24 section and is not exempted under subparagraph (d)(3)(B) of this section shall be
25

1 presented by the city manager to the downtown management commission for
2 comment. The downtown management commission shall return the application
3 within ten working days to the manager with its comments. The manager shall
4 forward the comments to the applicant, who may resubmit the application to the
5 manager in its original form or as amended based upon the downtown management
6 commission's comments. If the downtown management commission fails to give its
7 comments to the manager by the ten-working-day deadline, or if the applicant
8 resubmits the original application unaltered after considering the downtown
9 management commission's comments, the manager shall issue the permit. If the
10 application is resubmitted with amendments, the manager shall issue the permit if
11 the amended application still complies with all other applicable provisions of this
12 section.
13

14 (B) Sign permit applications which meet the following criteria are exempt from the
15 downtown management commission comment procedure of subparagraph (d)(3)(A)
16 of this section:

- 17 (i) The top of the sign is located no higher than the windowsill level of the second
18 story of the building;
- 19 (ii) The sign is not internally illuminated;
- 20 (iii) If the sign is indirectly illuminated the light source must not be visible to
21 pedestrians on public property, and all mounting hardware and electrical
22 ducting must be concealed or integrated into the sign design;
- 23 (iv) If the sign is illuminated by neon, it does not exceed four square feet in area;
- 24
25

- (v) The sign is not painted directly on the wall of a structure;
- (vi) The sign uses a commercially available typeface;
- (vii) The sign is rectangular or circular;
- (viii) The sign is composed of colors from a palette approved by regulation by the downtown management commission; and
- (ix) If a freestanding sign, it does not exceed seven feet in height or twenty square feet in area per sign face.

(4) Construction site: A sign erected by a licensed contractor at a construction site at which the contractor is working identifying the type, duration, and responsible party of construction of a property in any zoning district is permitted only if it is:

(A) Limited to a freestanding, wall, or window sign or signs not exceeding thirty-two square feet in total area and sixteen square feet per face and seven feet in height, with no riders or attachments in nonresidential zones, and twelve square feet in total area and six square feet per face and four feet in height in residential zones. Such signs are exempt from the sign area regulations of this section;

(B) Displayed only on the property to which the sign pertains, and no more than one such sign per street upon which the property has frontage; and

(C) Displayed only for the duration of construction for which a building permit has been obtained until issuance of a certificate of occupancy.

(D) A construction site sign may be erected only if an exempt real estate sign is not displayed on the same property.

1 (5) Fence-Wall: A sign displayed upon a fence, or upon a wall that is not an integral part of
2 a building or that is used as a fence, shall be erected or mounted in a plane parallel to
3 the fence or wall and shall not extend above the top of the fence or wall or project more
4 than fifteen inches from the face of the fence or wall. Such sign is subject to all
5 requirements of this section applicable to freestanding signs, including, without
6 limitation, maximum area per sign, maximum sign height, minimum setback, and
7 number of permitted signs.

8
9 (6) Freestanding:

10 (A) A freestanding sign in any zoning district shall be set back the following distances,
11 and no point on any such sign may extend beyond the required setback line:

12 (i) Except in BMS, DT, and MU-1 districts, a sign up to and including seven feet
13 in height shall be set back ten feet from any property line adjacent to a street.
14 In the BMS, DT, and MU-1 districts, no setback is required for such a sign, but
15 no sign may be located within eighteen inches of a public sidewalk or obstruct
16 the view of motor vehicle operators entering or leaving any parking area,
17 service drive, private driveway, street, alley, or other thoroughfare.

18
19 (ii) A sign over seven feet in height shall be set back at least twenty-five feet from
20 any property line adjacent to a street in all zones.

21 (iii) No sign in a business or industrial district may be located less than twenty-five
22 feet from any adjacent residential zoning district line.

23
24 (B) In addition to any other permitted signs on the property, no more than one
25 freestanding sign may be maintained for each street frontage of the property.

1 (C) If a property has more than one street frontage, the freestanding sign permitted for
2 each frontage must be located adjacent to that frontage, and the minimum
3 permissible horizontal distance between freestanding signs on the same property is
4 seventy-five feet.

5 (D) Except as otherwise provided in subparagraph (d)(6)(K) of this section, the
6 maximum permissible total area of any freestanding sign is one hundred square
7 feet; and the maximum permissible area of any one face of any freestanding sign is
8 fifty square feet. For buildings with a linear frontage of less than or equal to one
9 hundred feet, the maximum permissible sign area of all freestanding signs on a
10 property is one and one-half square feet of sign area for every linear foot of
11 building frontage up to a maximum of one hundred square feet per sign and fifty
12 square feet per face. For a building with a linear frontage greater than one hundred
13 feet, the allowable sign area for freestanding signs shall be deducted from the total
14 allowable sign area for all signs for the building.

15 (E) Unless otherwise specified in subsection (e) of this section, the maximum
16 permissible height of freestanding signs is the lesser of: twenty-five feet or one and
17 one-fourth times the height of the principal building on the property where the sign
18 is located.

19 (F) The horizontal distance between freestanding signs on adjacent properties must be
20 not less than the height of the taller sign.

21 (G) The area of the support structure of a freestanding sign is counted in the total area
22 of the sign to the extent that the support structure exceeds the minimum required
23
24
25

1 for the support of the sign. But if the sign is less than seven feet in height, a plain
2 pedestal for a freestanding sign shall not be counted in the total area of the sign.

3 (H) A flag on flagpole shall not be subject to this paragraph, but shall be regulated as
4 set forth in subparagraph (c)(1)(B) of this section.

5 (I) Supports for a freestanding sign shall be designed in accordance with the
6 requirements of this code and shall not be placed upon any public right-of-way or
7 public easement, except pursuant to the terms of a lease to the adjacent property
8 owner.

9 (J) Where a freestanding sign is located in a vehicular parking or circulation area, a
10 base or barrier of concrete or steel, not less than thirty inches high, shall be
11 provided to protect the base of the sign from damage by vehicles.

12 (K) The maximum total sign area for freestanding signs may be increased by one-third
13 when such signs are located adjacent to the following major streets or specified
14 portions thereof:

15 (i) Arapahoe Avenue - from 28th Street to the east city limits;

16 (ii) Baseline Road - from Broadway to Foothills Parkway;

17 (iii) 28th Street - from Arapahoe Avenue to Iris Avenue;

18 (iv) 30th Street - from Arapahoe Avenue to the Diagonal Highway;

19 (v) 63rd Street - from the north city limits to the south city limits; and

20 (vi) Lookout Road - from the west city limits to the east city limits.

1 But the increased sign area permitted in this subparagraph does not include any
2 increase in sign height.

3 (L) All freestanding signs located within two hundred fifty feet of the nearest right-of-
4 way line of Foothills Parkway (Colorado State Highway 157) or Pearl Parkway east
5 of Foothills Parkway and visible from such parkway shall be further limited to a
6 maximum height of twelve feet.
7

8 (7) Historic District or Building: In addition to satisfying the provisions of this section,
9 signs installed or maintained on a historic building or in a historic district must comply
10 with the provisions of chapter 9-11, "Historic Preservation," B.R.C. 1981.

11 (8) Noncommercial Nonresidential: A noncommercial sign, including, without limitation, a
12 work of art or a political sign in all nonresidential zoning districts that does not impede
13 traffic safety is exempt from the total sign area and setback limitations of this section,
14 except the following:
15

16 (A) Noncommercial freestanding, projecting, suspended, and awning signs are subject
17 to the total sign area and setback limitations of this section.

18 (B) Prior to placing a noncommercial wall sign of more than nine square feet in area on
19 an exterior wall, the building owner shall give thirty calendar days' notice to the
20 city manager by delivery or by first class mail, effective on mailing, including the
21 building address and a colored representation of the sign. The city manager may
22 comment on the sign but shall have no power to prevent it from being placed on the
23 building wall.
24
25

1 (C) Noncommercial signs on temporary construction barriers not located in the public
2 right-of-way shall be deemed not to be wall or freestanding signs subject to
3 regulation under this section during that period of time for which a building permit
4 for the property which necessitated the barrier is valid.

5 (9) Noncommercial Residential: A noncommercial sign, including, without limitation, a
6 work of art or a political sign, in all residential zoning districts, that does not impede
7 traffic safety is exempt from the total sign area and setback limitations and wind sign
8 prohibitions of this section, subject to:

9 (A) Noncommercial signs shall be set back at least eighteen inches from any public
10 sidewalk adjacent to a street or from the curb or outer edge of the roadway if there
11 is no such sidewalk.
12

13 (B) Noncommercial signs within twenty-five feet of any public sidewalk adjacent to a
14 street, or thirty feet of the curb or outer edge of the roadway if there is no such
15 sidewalk, shall not exceed seven feet in height or thirty-two square feet in total
16 area, with no face larger than sixteen square feet, and there shall be only one such
17 sign. However, during a political campaign from the time a candidate is nominated
18 for electoral office or nominated or certified for a primary election, or a recall
19 election date is set, until the day after the election, and from the time an initiative or
20 referendum or other measure to be voted upon by the electors is placed on the
21 ballot until the day after the election, this limit of one noncommercial residential
22 sign in the setback shall not apply ~~to signs urging the nomination, election, or~~
23 ~~defeat of such candidates or recall of such officials, or the passage or defeat of such~~
24 ~~measures.~~ These ~~election~~ signs in the setback in excess of the one otherwise
25

1 permitted may not exceed twelve square feet in total area per sign, with no face
2 larger than six square feet.

3 (C) There are no setback, number, or area limitations in residential zoning districts for
4 noncommercial signs which are set back farther than twenty-five feet from the
5 property line. If a side of a residential building is closer than thirty feet to the public
6 sidewalk, or thirty-five feet to the curb or outer edge of the roadway if there is no
7 such sidewalk, then that area within five feet of such building side shall be
8 excluded from the restrictions of subparagraph (d)(9)(B) of this section, if
9 applicable.
10

11 (D) Reference in this paragraph to sidewalks, curbs, and roadway edges does not
12 authorize placement of signs off premises on public property or in the public right-
13 of-way.
14

15 (10)Projecting: A projecting sign shall comply with the following conditions:

16 (A) Signs projecting over public property may not project more than thirty-six inches
17 from a wall of a building, and the maximum permissible total area for such a sign is
18 the lesser of:

19 (i) One square foot of sign area for each linear foot of frontage of the building
20 upon which such sign is displayed; or

21 (ii) Eighteen square feet per sign, with no face of the sign exceeding nine square
22 feet.
23

24 (B) Signs projecting over private property may not project more than six feet from a
25 wall of a building nor beyond the minimum required building setback line and may

1 not exceed twenty-four square feet in total area, and no face of a sign shall exceed
2 twelve square feet.

3 (C) Projecting signs must have a minimum clearance above the sidewalk of eight feet
4 and may not extend twelve feet or more above the sidewalk nor above the roof line.

5
6 (D) Any end panel on a projecting sign is considered a face of the sign and included in
7 the area of that sign if the end panel is twelve inches or more in width.

8 (E) No more than one projecting sign may be maintained per tenant space frontage at
9 the ground level of a building. The minimum horizontal distance between
10 projecting signs on a building shall be twenty-five feet.

11 (11)Roof: A sign may be erected upon or against the side of a roof having an angle of forty-
12 five degrees or more from the horizontal, but must be architecturally integrated with the
13 building and roof by a dormer or similar feature. Such a sign is a wall sign and must
14 comply with the provisions of paragraph (d)(14) of this section concerning wall signs,
15 and must not project more than a total of fifteen inches horizontally, measured at the
16 bottom of the sign, from the side of the roof upon which it is displayed.

17
18 (12)Subdivision: In addition to other such signs that may be allowed, signs erected at the
19 time of identifying a subdivision of a property in any zoning district may be issued a
20 sign permit if they comply with the following:

21 (A) A freestanding, wall, or window subdivision sign not exceeding thirty-two square
22 feet in total area and sixteen square feet per face, not exceeding seven feet in
23 height, and set back at least ten feet from any public right-of-way, with no riders or
24 attachments;
25

1 (B) Displayed only on the subdivision for which a subdivision plan has been filed~~to~~
2 ~~which the sign pertains~~, no more than one such sign per street frontage, and with a
3 minimum distance between such signs in a single subdivision or property of one
4 thousand feet;

5 (C) Displayed on or after the date of filing of the subdivision plan and removed within
6 two years from the date of issuance of the first building permit in the subdivision or
7 within thirty days from the time that seventy-five percent of the properties or
8 dwellings in the subdivision or filing thereof have been sold, whichever is sooner.

9
10 (13) Suspended: A suspended sign may not exceed ten square feet in total area or five square
11 feet per face; may not project beyond the outside limits of the architectural projection to
12 which it is attached; and shall have a minimum clearance above the sidewalk of eight
13 feet. The minimum permissible horizontal distance between suspended signs is fifteen
14 feet.

15
16 (14) Wall: A wall sign shall comply with the following conditions:

17 (A) The total area of all wall signs on a face of a building may not exceed fifteen
18 percent of the area of that portion of the building face between ground level and the
19 roof line or a line twenty-five feet above grade level, whichever is less.

20 (B) The total area of all wall signs on an architecturally distinct wall, where two or
21 more such walls form a face of a building, shall not exceed twenty-five percent of
22 such wall.

23
24 (C) No part of a wall sign may be located more than twenty-five feet above grade level.
25

1 (D) No wall sign may be attached to or displayed against any parapet wall that does not
2 extend around the entire perimeter of the roof enclosed by the parapet. No sign on
3 such a parapet wall may extend more than twenty-four inches above the roof
4 elevation immediately behind the sign, unless approved as part of a site review
5 under section 9-2-14, "Site Review," B.R.C. 1981.

6 (E) No wall sign may extend above the roof line of a building except as permitted on a
7 parapet wall. No wall sign may be displayed on the wall of a mechanical room or
8 penthouse or other such enclosed space which is not habitable by the occupants of
9 the building.

10 (F) The length of a wall sign shall not exceed seventy percent of the length of the wall
11 or the width of the leased space of the wall on which it is located, whichever is less.

12 (G) The lettering height for wall signs located within two hundred fifty feet of the right-
13 of-way of Foothills Parkway (Colorado State Highway 157) or Pearl Parkway east
14 of Foothills Parkway, and visible from such parkway, shall not exceed twenty-four
15 inches.

16 (H) The lettering height for wall signs located within the B.V.R.C. and the BMS, MU-
17 3, DT, and BT-2 zoning districts shall not exceed twenty-four inches for single
18 lines of copy and a total of thirty-two inches for multiple lines of copy, and any
19 graphic symbol may not exceed thirty inches in height.

20 (I) A string of lights which extends on or around the perimeter of a window is subject
21 to the following conditions: the linear length of a string of lights counts as fifty
22

percent of the allowable square footage for wall signs. The maximum linear length of all strings of lights in windows cannot exceed ninety feet.

(e) Limitations on Area, Number, and Height of Signs by Use Module:

(1) Use Modules: The use modules set forth in section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, apply to this section, and the boundaries of such districts are determined by reference to the zoning map of the city and to interpretation of such map under section 9-5-3, "Zoning Map," B.R.C. 1981.

(2) Maximum Sign Area Permitted: The maximum sign area permitted per property, maximum area per sign face, maximum number of signs, and maximum height of freestanding signs in the use modules in the city are as in Table 9-13 of this section, except as modified by other provisions of this section.

TABLE 9-13: LIMITATIONS ON AREA, NUMBER, AND HEIGHT OF SIGNS BY USE MODULE

Maximum Sign Area Permitted Per Property	Maximum Area Per Sign Face	Maximum Number Signs Permitted	Maximum Height of Freestanding Signs
Residential and Agricultural Districts (RR, RE, RL, RM, RMX, RH, and A)			
For detached dwelling uses: 4 square	2 square feet	1 per use	7 feet

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

feet			
For attached dwelling uses: 32 square feet	16 square feet	1 per street frontage	7 feet
For other uses permitted by zoning chapter 9-6, "Use Standards," B.R.C. 1981: 32 square feet	16 square feet	1 per street frontage	7 feet
For other uses permitted by special review and for lawful nonconforming uses: the lesser of 50 square feet or the maximum sign area for the use in the zoning district in which the use is permitted by chapter 9-6, "Use Standards," B.R.C. 1981	16 square feet	The lesser of 1 per street frontage or 2 per use	7 feet
Public District (P)			
The greater of: 15 square feet or ½ square foot of sign area for each foot of street frontage	50 square feet for freestanding signs. See subsection (d) of this section for	1 per street frontage for freestanding signs. 1 per ground level tenant for	7 feet

	limits on other signs	projecting signs. No limit on other signs	
--	-----------------------	--	--

Downtown, Mixed Use, and Business - Transitional Districts (BMS, BT, MU, DT)

Any use that is permitted in a residential zone shall be regulated as in the residential zoning districts

For any use not permitted in residential zones, other than MU-3, in addition to freestanding signs, as permitted in paragraph (d)(6) of this section, 1.25 square feet of sign area for each linear foot of total building frontage for the first 200 feet of frontage, plus 0.5 square feet of sign area for each foot of frontage thereafter	See subsection (d) of this section for area restrictions	1 per street frontage for freestanding signs. 1 per ground level tenant for projecting signs. No limit on other signs	See paragraph (d)(6) of this section for height restrictions
--	--	---	--

Business - Community, Business - Commercial Services, Business - Regional, and Industrial Districts not in the B.V.R.C. (BC, BCS, BR, IS, IG, IM, and IMS)

For any use permitted in residential	See subsection (d)		Varies with
--------------------------------------	--------------------	--	-------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<p>zones, as regulated in residential zoning districts</p>	<p>of this section for area restrictions</p>		<p>setback; see paragraph (d)(6) of this section</p>
<p>In addition to freestanding signs, as permitted in paragraph (d)(6) of this section, 2 square feet sign area for each linear foot of total building frontage for the first 200 feet of frontage, plus 0.5 square foot sign area for each linear foot of frontage, except as provided in subparagraph (d)(6)(D) of this section</p>	<p>See subsection (d) of this section for area restrictions</p>		<p>See paragraph (d)(6) of this section for height restrictions</p>
<p>Boulder Valley Regional Center and Regional Business Districts</p> <p>Properties zoned BR-1 and properties located within the Boulder Valley Regional Center unless zoned BT-1 or BT-2</p>			
<p>For any use not permitted in residential zones, in addition to freestanding signs, as permitted in paragraph (d)(6) of this section, 1.5</p>	<p>See subsection (d) of this section for area restrictions</p>	<p>1 per street frontage for freestanding signs. 1 per ground level</p>	<p>See paragraph (d)(6) of this section for height</p>

1	square feet of sign area for each linear		tenant for	restrictions
2	foot of total building frontage for the		projecting signs.	
3	first 200 feet of each frontage, plus ½		No limit on other	
4	square foot sign area for each		signs	
5	additional linear foot of each frontage			
6				
7				
8				

9 (f) Computation of Signs and Sign Area:

10 (1) Regular Shape: In computing the area of a sign, this section shall be administered using
 11 standard mathematical formulas for regular geometric shapes, including, without
 12 limitation, triangles, parallelograms, circles, ellipses, or combinations thereof.

13 (2) Irregular Shape: In the case of an irregularly shaped sign or a sign with letters or
 14 symbols directly affixed to or painted on the wall of a building, the area of the sign is
 15 the entire area within a single continuous rectilinear perimeter of not more than eight
 16 straight lines enclosing the extreme limits of any writing, representation, emblem, or
 17 any figure of similar character, together with any material or color forming an integral
 18 part or background of the display if used to differentiate such sign from the backdrop or
 19 structure against which it is placed, but if a freestanding sign structure is not a fence
 20 which functions as such, the sign area shall be the area of the entire structure.

21 (3) Sign Structures: In computing the area of a sign, the portion of the sign structure to be
 22 included is that which is visible and viewed in the same plane as the sign face and
 23 which is made a part of the background of the display.

1 (4) More Than One Element: The total surface area of signs composed of more than one
2 sign element includes the vertical and horizontal spacing between each element of the
3 sign.

4 (5) Three-Dimensional: For three-dimensional figure signs, the sign area is the total area,
5 projected on a vertical plane, of each side of the sign that is visible beyond the
6 boundaries of the property upon which the figure is located. For purposes of this
7 paragraph, a figure is considered to have a side for each ninety degrees or part thereof
8 of visibility from a public right-of-way.
9

10 (6) Attachments: Any temporary or permanent rider or attachment to a sign or sign
11 structure is included as part of the total sign area for the sign to which it is attached.

12 (7) Two Faces: A sign is computed as having two display faces if the angle between two
13 faces is equal to or less than sixty degrees. If a sign has two or more display faces, the
14 area of all faces and all noncontiguous surfaces is included in determining the sign area.
15

16 (8) Number of Signs: For the purpose of determining the number of signs that may be
17 subject to the provisions of this section, a sign shall be considered to be a single display
18 surface or display device containing elements clearly organized, related, and composed
19 to form a unit. Where elements are displayed in a random manner without an organized
20 relationship of elements or where there is reasonable doubt about the relationship of
21 elements, each element shall be considered to be a single sign.

22 (9) One Use of Building Frontage: Building frontage used as the basis of determining
23 permitted sign area for one use may not be used again as the basis for determining the
24 permitted sign area for another use, but nothing in this paragraph shall be construed to
25

1 prohibit the additional use from erecting a sign that would otherwise be authorized by
2 the provisions of this section.

3 (10) More Than One Frontage: For the purpose of determining the total allowable sign area
4 for buildings with more than one frontage, the following criteria apply:
5

6 (A) If a building has more than one frontage, the maximum sign area for the building is
7 based on the total horizontal length of not more than two contiguous frontages; and

8 (B) Signs may be located on any side of the building, but the total sign area on any one
9 side of the building may not exceed the area permitted on the basis of that frontage
10 considered independently of other frontages.

11 (g) Permits and Applications:
12

13 (1) The owner or tenant of property on which a sign is to be located or an authorized agent
14 thereof or a sign contractor licensed by the city shall apply for a sign permit in writing
15 on a form furnished by the city manager, shall sign the application, and shall pay the fee
16 prescribed in section 4-20-21, "Sign Contractor License Fees and Sign Permit Fees,"
17 B.R.C. 1981. There is no fee for signs placed by a homeowner on residential property,
18 for banners, or for exempt signs.

19 (2) The owner of a multi-tenant or multiple use property or an agent of the owner shall
20 apply for all sign permits for the property or shall develop a plan for apportioning
21 permitted sign area among tenants and file such plan with the city manager, in which
22 case each tenant may apply for a sign permit in conformity with the plan.

23 (3) The applicant shall submit the following information as part of the application:
24
25

1 (A) The name, address, and telephone number of the owner or persons entitled to
2 possession of the sign and of the sign contractor or installer;

3 (B) The street address or location of the proposed sign;

4 (C) Complete information required on application forms provided by the city manager,
5 including a site plan and elevation drawings of the proposed sign, copy of the
6 proposed sign, and other data pertinent to the application;

7 (D) Plans indicating the scope and structural detail of the work to be done, including
8 details of all connections, guy lines, supports, footings, and materials to be used;

9 (E) Complete application for an electrical permit for all electric signs if the person
10 building the sign is to make the electrical connection; and

11 (F) Statement of the sign's valuation.

12 (4) Within five working days of the date of the application, the city manager will either
13 approve or deny the application or refer it back to the applicant for further information.

14 (5) No person issued a sign permit under this section shall change, modify, alter, or
15 otherwise deviate from the terms or conditions of the approved application or permit
16 without first requesting and obtaining approval to do so from the city manager.

17 (6) If the sign conforms to all other applicable requirements of this section, no permit is
18 required for maintenance of the sign.

19 (h) Expiration of Permit:

20 (1) If a person to whom a permit is granted under this section has not commenced work on
21 the sign within sixty days from the date on which the permit was issued or if substantial
22

1 building operations under such permit are suspended for a period of 60 consecutive
2 days, the permit automatically expires, but the city manager may grant an extension of
3 the time limits provided in this paragraph for construction delays that are not the result
4 of willful acts or neglect by the permittee, upon a written request for such an extension
5 received by the manager before expiration of the permit.

6
7 (2) The city manager shall not refund any permit fees paid under this section if any permit
8 is revoked pursuant to subsection (t) of this section, or expires under this subsection.

9 (i) Inspections:

10 (1) In enforcing the provisions of this section, the city manager may enter any building,
11 structure, or premises in the city at reasonable times to perform any duty imposed by
12 this section.

13
14 (2) The city manager may require footing inspections on the day of excavation for a
15 freestanding sign.

16 (3) The city manager may require inspection of an electrical sign before its erection within
17 forty-eight hours after being notified that the sign is ready for inspection.

18 (4) A permit holder or agent thereof shall notify the city manager when a sign is complete
19 and ready for final inspection, which shall be no more than sixty days after work is
20 commenced.

21
22 (j) Licensed Sign Contractor Required to Install Signs: No person other than a sign contractor
23 licensed under chapter 4-21, "Sign Contractor License," B.R.C. 1981, shall install any sign
24 for which a permit is required under this section, except:

1 (1) A homeowner may install a sign on the premises of such person's residence, for which a
2 permit is otherwise required, if the homeowner obtains a permit and complies with all
3 requirements of this section other than that of licensed sign contractor installation.

4 (2) Banner signs for which permits are required.

5 (3) Window signs for which permits are required.

6
7 (k) Signs in Approved Site Review Developments:

8 (1) A sign located in an approved site review development shall conform to all
9 requirements of this section, including those of the district in which the property is
10 located, except for those subsections dealing with sign setbacks from property lines and
11 spacing between projecting and freestanding signs if alternative setbacks and spacing
12 are specifically shown on a site plan approved under section 9-2-14, "Site Review,"
13 B.R.C. 1981, or approved as part of a sign program for the site review project. In no
14 case may the total square footage for signage permitted under this section be increased
15 through a site review or sign program.

16
17 (2) Sign lettering and graphic symbol height as specified in subparagraph (d)(14)(H) of this
18 section concerning wall signs may also be varied in accordance with paragraph (k)(1) of
19 this section.

20
21 (3) If a condition of site review development approval requires a uniform sign program, the
22 following additional conditions shall apply:

23 (A) The owner or developer of the site review development shall submit a uniform sign
24 program to the city manager for approval prior to the issuance of any sign permits
25 within the planned unit development. Such program shall include, as a minimum:

1 (i) Type of sign permitted (wall sign, projecting sign, awning sign, window sign,
2 etc.).

3 (ii) Type of construction (individual letters, cabinet, internal or indirect
4 illumination, etc.).

5 (iii) Color.

6 (iv) Size of sign (maximum height of letters, maximum length of sign, and
7 maximum size).

8 (v) Location of sign.

9 (B) The aggregate area of all signs and the size of any freestanding sign shall not
10 exceed that permitted in subsection (e) of this section.

11 (C) The owner or developer of the site review development shall notify all potential
12 tenants or property owners of the sign program at the time of sale or lease of the
13 property.

14 (D) The property owner or developer or an authorized representative shall review all
15 signs for compliance with the sign program prior to a tenant applying for a sign
16 permit and shall countersign the application signifying such compliance.

17 (E) The sign program may not be altered without written permission of the city
18 manager. In addition, no changes may be made without the written permission of a
19 majority of tenants whose existing signs are in compliance with the previously
20 established sign program.
21
22
23
24
25

1 (4) The city manager shall apply the following standards in approving or denying a sign
2 program or request to alter a sign program:

3 (A) All signs shall be in compliance with law;

4 (B) The program shall ensure a reasonable degree of sign uniformity and coordination
5 within the program area and will enhance the visual quality of the area;

6 (C) The program shall be simple, clear, and to the point;

7 (D) The program shall limit the number of signs allowed for each tenant of the area;

8 (E) Signs shall be compatible with the area in color, shape, and materials;

9 (F) A color plan for signs is required;

10 (G) Signs are simple and clearly legible; ~~and~~

11 (H) Freestanding signs are integrated in appearance with their surroundings; and

12 (I) The city manager shall not consider the content of the sign.

13
14
15
16 (5) The city manager may write uniform sign program guidelines to serve as an example of
17 a sign program which meets the requirements of this subsection.

18 (l) Structural Design Requirements:

19
20 (1) Signs and sign structures shall be designed and constructed as specified in this
21 subsection to resist wind and seismic forces. All bracing systems shall be designed and
22 constructed to transfer lateral forces to the foundations. For signs on buildings, the dead
23 and lateral loads shall be transmitted through the structural frame of the building to the
24 ground so as not to overstress any of the elements thereof. The overturning moment
25 produced from lateral forces may not exceed two-thirds of the dead load resisting

1 moment. The structural frame of the building or the anchoring of the sign shall be
2 adequate to resist uplift due to overturning. The weight of earth superimposed over
3 footings may be used in determining the dead load resisting moment, if it is carefully
4 placed and thoroughly compacted.

5 (2) Signs and sign structures shall be designed and constructed in compliance with the city
6 building code, chapter 10-5, "Building Code," B.R.C. 1981, including all requirements
7 to resist seismic forces.

8 (3) Wind loads and seismic loads need not be combined in the design of signs or sign
9 structures. Signs shall be designed to withstand the loading that produces the larger
10 stresses. Vertical design loads, other than roof live loads, shall be assumed to be acting
11 simultaneously with the wind or seismic loads.

12 (4) The design of structural members shall conform to the requirements of the city building
13 code, chapter 10-5, "Building Code," B.R.C. 1981. Vertical and horizontal loads exerted
14 on the soil shall not produce stresses exceeding those specified in the city building code.

15 (5) The working stresses of wire rope and its fastenings shall not exceed twenty-five
16 percent of the ultimate strength of the rope or fastening. Working stresses for wind
17 loads combined with dead loads may be increased as specified in the city building code,
18 chapter 10-5, "Building Code," B.R.C. 1981.

19 (m) Construction Standards:

20 (1) Signs and sign structures shall be securely built, constructed, and erected in conformity
21 with the requirements of this subsection.

- 1 (2) Supports for signs or sign structures shall not be placed on property not owned or leased
2 by the sign owner.
- 3 (3) Materials of construction for signs and sign structures shall be of the quality and grade
4 specified for buildings in the city building code, chapter 10-5, "Building Code," B.R.C.
5 1981. Plastic materials shall be those specified in the building code that have a flame
6 spread rating of 0-25 or less and a smoke density no greater than that obtained from the
7 burning of untreated wood under similar conditions when tested in accordance with the
8 building code standards in the way intended for use. The products of combustion shall
9 be no more toxic than the burning of untreated wood under similar conditions.
- 10 (4) All sign structures, except for construction signs, those signs specifically excepted in
11 subparagraphs (c)(1)(A), (c)(1)(E), (c)(1)(G), (c)(1)(H), (c)(1)(J), and (c)(1)(L) of this
12 section, window signs, and signs located inside buildings, shall have structural members
13 of heavy timber or incombustible material. Wall signs, projecting signs, and awning
14 signs shall be constructed of incombustible material, except as provided in paragraph
15 (m)(5) of this section or as specifically approved by the city manager. No combustible
16 materials other than approved plastic shall be used in the construction of electric signs.
- 17 (5) Nonstructural elements of a sign may be of wood, metal, approved plastic, or any
18 combination thereof.
- 19 (6) Members supporting unbraced signs shall be so proportioned that the bearing loads
20 imposed on the soil either vertically or horizontally do not exceed safe values. Braced
21 ground signs shall be anchored to resist specified wind or seismic loads acting in any
22 direction. Anchors and supports shall be designed for safe bearing loads on the soil for
23
24
25

1 effective resistance to pull-out amounting to a force of twenty-five percent greater than
2 the required resistance to a depth of not less than three feet. Anchors and supports shall
3 be guarded and protected when near driveways, parking lots, or similar locations where
4 they could be damaged by moving vehicles.

5 (7) Signs attached to masonry, concrete, or steel shall be safely and securely fastened
6 thereto by means of metal anchors, bolts, or approved expansion screws of sufficient
7 size and anchorage to support safely the loads applied.

8 (8) No anchor or support of any sign, except flat wall signs, shall be connected to or
9 supported by an unbraced parapet wall.

10 (9) Display surfaces in all types of signs shall be of metal or other approved materials.

11 (10) Signs intended for temporary placement of less than six months and which have no
12 electrical or other special features:

13 (A) If less than six square feet per face and under four feet in height, may be
14 constructed of any sturdy material and shall be anchored securely to the ground or a
15 building, fence, or other structure and may be supported by any suitable support
16 which will withstand the wind loading.

17 (B) A freestanding sign more than six square feet in area or four feet or more in height
18 shall have at least two supports pounded at least two feet into the ground.

19 (C) Construction ~~warning site~~ signs placed over concrete or asphalt or other materials
20 into which posts may not conveniently be driven may instead be held in place by
21 weights sufficient to withstand the wind.

1 (11) The city manager may approve the use of any material if an applicant submits sufficient
2 technical data to substantiate such proposed use and if the manager determines that such
3 material is satisfactory for the use intended.

4 (12) Where any freestanding sign has a clearance of less than eight feet from the ground,
5 there shall be provided a barrier or other adequate protection to prevent hazard to
6 pedestrians and motorists.

7
8 (n) Electric Signs:

9 (1) An electric sign shall be constructed of incombustible material. An electric sign shall be
10 rain tight, but service holes fitted with waterproof covers may be provided to each
11 compartment of such sign. All electric signs installed or erected in the city shall bear the
12 label of Underwriters Laboratories, Inc., on the exterior of the sign.

13
14 (2) No electric sign shall be erected or maintained that does not comply with the city
15 electrical code, chapter 10-6, "Electrical Code," B.R.C. 1981.

16 (3) No electric equipment or electrical apparatus of any kind that causes interference with
17 radio or television reception shall be used in the operation of an illuminated sign.
18 Whenever interference is caused by a sign that is unfiltered, improperly filtered, or
19 otherwise defective, or by any other electrical device or apparatus connected to the sign,
20 the city manager may order the sign disconnected until it is repaired.

21
22 (o) Sign Maintenance: No person shall fail to maintain a sign on such person's premises,
23 including signs exempt from the permit requirements by subsection (c) of this section, in
24 good structural condition at all times. All signs, including all metal parts and supports
25 thereof that are not galvanized or of rust-resistant metals, shall be kept neatly painted. The

1 city manager is authorized to inspect and may order the painting, repair, alteration, or
2 removal of a sign that constitutes a hazard to safety, health, or public welfare because of
3 inadequate maintenance, dilapidation, or obsolescence, under the procedures prescribed by
4 subsection (t) of this section.

5 (p) Continuation of Legal Nonconforming Signs: A legal nonconforming sign that is not
6 required to be discontinued under the provisions of subsection (q) of this section, may be
7 continued and shall be maintained in good condition as required by subsection (o) of this
8 section, but it shall not be:
9

- 10 (1) Structurally changed to another nonconforming sign, to a degree that would require a
11 sign permit;
- 12 (2) Structurally altered in order to prolong the life of the sign, except to meet safety
13 requirements;
- 14 (3) Altered so as to increase the degree of nonconformity of the sign;
- 15 (4) Expanded;
- 16 (5) Re-established after its discontinuance for ninety days;
- 17 (6) Continued in use after cessation or change of the business or activity to which the sign
18 pertains;
- 19 (7) Re-established after damage or destruction if the estimated cost of reconstruction
20 exceeds fifty percent of the appraised replacement cost as determined by the city
21 manager; or
22
23
24
25

1 (8) If the landmarks board finds that a sign which otherwise would violate this section was,
2 before January 6, 1972, an integral part of a building, since designated as a landmark, or
3 in a historic district since designated, pursuant to chapter 9-11, "Historic Preservation,"
4 B.R.C. 1981, and is a substantial aspect of the pre-1972 historic character of such
5 building, then such a sign is exempt from the provisions of paragraphs (p)(2), (p)(6),
6 and (p)(7) of this section, and the period of discontinuance for such a sign in paragraph
7 (p)(5) of this section shall be one year.

8
9 (q) Discontinuance of Prohibited Legal Nonconforming Signs:

10 (1) Except as provided in paragraph (q)(2) or (q)(3) of this section, a legal nonconforming
11 sign prohibited by subsection (b) of this section shall be removed or brought into
12 conformity with the provisions of this section within sixty days from the date on which
13 the sign became nonconforming.

14 (2) A legal nonconforming sign described in subparagraph (b)(3)(C), (b)(3)(D), (b)(3)(H),
15 or (b)(3)(K) of this section is subject to the amortization provisions of subsection (r) of
16 this section, unless excepted by paragraph (q)(3) of this section.

17
18 (3) Existing legal signs in the city which became nonconforming solely because of a
19 change in this sign code enacted by Ordinance No. 5186 (1989) or Ordinance No. 6017
20 (1998) are subject to all the requirements of subsection (p) of this section, but are not
21 subject to the sixty-day discontinuance provisions of paragraph (q)(1) of this section or
22 the amortization provisions of subsection (r) of this section. Such amortization
23 provisions are also inapplicable to lawfully permitted nonconforming advertising
24 devices, as those terms are defined and applied in the Outdoor Advertising Act, 43-1-
25

1 401 et seq., C.R.S. The city manager is authorized, subject to appropriation, to remove
2 such devices by eminent domain proceedings.

3 (r) Amortization Provisions: Except for signs described in paragraph (q)(1) or (q)(3) of this
4 section, or a temporary sign, a legal nonconforming sign shall be brought into conformity or
5 removed under the following schedule:

6
7 (1) A sign that exceeds the maximum area or height limitations of this section by twenty
8 percent or less will be treated as a conforming sign and need not be removed or altered,
9 but if such sign is replaced or renovated it shall conform to all requirements of this
10 section.

11 (2) A sign having an original cost of \$100.00 or less shall be brought into conformity with
12 the provisions of this section or removed within sixty days after the date on which the
13 sign became nonconforming under this section.

14
15 (3) A sign having an original cost exceeding \$100.00 that is nonconforming only in the
16 respect that it does not meet the requirements of this section concerning height, setback,
17 distance between signs on the same or adjacent properties, or limitations on window
18 signs, shall be brought into conformity with the requirements of this section or removed
19 or a contract for timely completion of such work shall be executed within one hundred
20 eighty days after the date upon which the sign became nonconforming under this
21 section.

22 (4) A sign having an original cost exceeding \$100.00 that is nonconforming as to permitted
23 sign area or any other provision of this section that would require the complete removal
24
25

1 or total replacement of the sign may be maintained for the longer of the following
2 periods:

3 (A) Three years from the date upon which the sign became nonconforming under the
4 provisions of this section by annexation or code amendment; or

5
6 (B) A period of three to seven years from the installation date or most recent renovation
7 date that preceded the date on which the sign became nonconforming. But if the
8 date of renovation is chosen as the starting date of the amortization period, such
9 period of amortization shall be calculated according to the cost of the renovation
10 and not according to the original cost of the sign. The amortization periods in Table
11 9-14 of this section apply according to the original cost of the sign, including
12 installation costs, or of the renovation:

13
14 TABLE 9-14: AMORTIZATION SCHEDULE

15

Sign Code or Renovation Cost	Permitted Years From Installation or Renovation Date
\$ 101 through \$1,000	3 years
\$1,001 through \$3,000	4 years

16
17
18
19
20
21
22
23
24
25

<p>1 \$3,001 through</p> <p>2 \$10,000</p> <p>3</p>	<p>5 years</p>
<p>4 Over \$10,000</p> <p>5</p>	<p>7 years</p>

6

7

8 (5) To be eligible for an amortization period longer than three years pursuant to

9 subparagraph (r)(4)(B) of this section, the owner of a sign shall, within one year from

10 the date on which the sign became nonconforming, file with the city manager a

11 statement setting forth the cost of such nonconforming sign, the date of erection or the

12 cost and date of most recent renovation, and a written agreement to remove or bring the

13 nonconforming sign into conformity with all provisions of this section at or before the

14 expiration of the amortization period applicable to the sign.

15 (s) Appeals and Variances:

16

17 (1) Any aggrieved person who contests an interpretation of this section which causes denial

18 of a permit, or who believes a violation alleged in a notice of violation issued pursuant

19 to paragraph (t)(2) or (t)(3) of this section, to be factually or legally incorrect, may

20 appeal the denial or notice of violation to the BOZA or board of building appeals in a

21 manner provided by either such board under the procedures prescribed by chapter 1-3,

22 "Quasi-Judicial Hearings," B.R.C. 1981, or may, in the case of a denial, request that a

23 variance be granted. An appeal from a denial and a request for a variance may be filed

24 in the alternative.

25

1 (A) An appeal from an interpretation which causes denial of a permit or from a notice
2 alleging a violation of subsections (l), (m), (n), and (o) of this section shall be filed
3 with the BOZA.

4 (B) An appeal from any other interpretation alleging any other violation of this section
5 shall be filed with the BOZA.

6
7 (C) An appellant shall file the appeal, request for variance, or both in the alternative
8 with the BOZA within fifteen days from the date of notice of the denial or the date
9 of service of the notice of violation. The appellant may request more time to file. If
10 the appellant makes such request before the end of the time period and shows good
11 cause therefore, the city manager may extend for a reasonable period the time to
12 file with either board.

13 (2) No person may appeal to or request a variance from the BOZA if the person has
14 displayed, constructed, erected, altered, or relocated a sign without a sign permit
15 required by paragraph (b)(2) of this section. The boards have no jurisdiction to hear an
16 appeal nor authority to grant any variance from the permit requirements of this section.
17 But the BOZA has jurisdiction to hear an appeal of a notice of violation alleging
18 violation of the permit requirements if the appeal is from the manager's interpretation
19 that a permit is required, and the appellant's position is that the device is not a sign or
20 that it is exempt from the permit requirements under subsection (c) of this section.
21

22 (3) An applicant for an appeal or a variance under this subsection shall pay the fee
23 prescribed by subsection 4-20-47(b), B.R.C. 1981.
24
25

1 (4) Setbacks, spacing of freestanding and projecting signs, and sign noise limitations are the
2 only requirements which the BOZA may vary. If an applicant requests that the BOZA
3 grant such a variance, the board shall not grant a variance unless it finds that each of the
4 following conditions exists:

5 (A) There are special physical circumstances or physical conditions, including, without
6 limitation, buildings, topography, vegetation, sign structures, or other physical
7 features on adjacent properties or within the adjacent public right-of-way that
8 would substantially restrict the effectiveness of the sign in question, and such
9 special circumstances or conditions are peculiar to the particular business or
10 enterprise to which the applicant desires to draw attention and do not apply
11 generally to all businesses or enterprises in the area; or
12

13 (B) For variances from the noise limitations of subparagraph (b)(3)(L) of this section,
14 the proposed variance is temporary in duration (not to exceed thirty days) and
15 consists of a temporary exhibition of auditory art; and
16

17 (C) The variance would be consistent with the purposes of this section and would not
18 adversely affect the neighborhood in which the business or enterprise or exhibition
19 to which the applicant desires to draw attention is located; and

20 (D) The variance is the minimum one necessary to permit the applicant reasonably to
21 draw attention to its business, enterprise, or exhibition.
22

23 (5) If an applicant requests that the board of building appeals approve alternate materials or
24 methods of construction or modifications from the requirements of subsections (l), (m),
25 (n), and (o) of this section, the board may approve the same under the standards and

1 procedures provided in the city building code, chapter 10-5, "Building Code," B.R.C.
2 1981.

3 (6) Except as provided in paragraph (s)(7) of this section, the BOZA has no jurisdiction to
4 hear a request for nor authority to grant a variance that would increase the maximum
5 permitted sign area on a single property or building, or from the prohibitions of
6 paragraph (b)(3) of this section. But the BOZA has jurisdiction to hear an appeal of a
7 permit denial or of a notice of violation alleging that a sign would exceed the maximum
8 permitted sign area or is prohibited if the appellant's position is that the sign does not
9 exceed such area or is not prohibited by such paragraph.
10

11 (7) The BOZA or board of building appeals may make any variance or alternate material or
12 method approval or modification it grants subject to any reasonable conditions that it
13 deems necessary or desirable to make the device that is permitted by the variance
14 compatible with the purposes of this section.
15

16 (8) The city manager's denial or notice of violation becomes a final order of the BOZA or
17 board of building appeals if:

18 (A) The applicant fails to appeal the manager's denial or order to the board within the
19 prescribed time limit;

20 (B) The applicant fails to appeal the order of the board to a court of competent
21 jurisdiction within the prescribed time limit; or
22

23 (C) A court of competent jurisdiction enters a final order and judgment upon an appeal
24 filed from a decision of the board under this section.

25 (t) Enforcement:

1 (1) The city manager may enforce the provisions of this section in any one or more of the
2 following ways:

3 (A) by issuing a criminal summons and complaint, followed by prosecution in
4 municipal court.

5
6 (B) If the city manager desires to use self-help to remove a sign for which a permit has
7 been issued, by issuing a notice of violation, revoking a permit, removing a sign,
8 and collecting the cost of removal pursuant to paragraph (t)(2) of this section.

9 (C) If the city manager desires to use self-help to remove or correct a sign for which no
10 permit has been issued, by issuing a notice of violation, correcting the violation,
11 and collecting the cost of correction pursuant to paragraph (t)(3) of this section.

12 (D) by removing any sign posted in violation of subsection 5-4-15(a), B.R.C. 1981,
13 concerning posting signs on government property. Such signs are a public nuisance.
14 After such removal the manager may also file a civil complaint in municipal court
15 against the person who posted the sign or the beneficiary of the sign or both. The
16 court shall award the city as damages the costs of removal of the sign and
17 restoration of the surface upon which it was posted. This judgment shall be
18 enforceable as any civil judgment.

19 (E) by filing a civil complaint for declaratory or injunctive relief in District Court.

20 These remedies are cumulative and not exclusive, and use of one does not foreclose use
21 of any other also.

22
23
24 (2) If the city manager finds that any sign for which a permit has been issued does not
25 comply with the permit or approved permit application or violates any provision of this

1 section or any other ordinance of the city, the manager may send a notice of violation to
2 the owner of the sign by first class mail to the address on the sign permit application.
3 The notice shall state the violation, and any required corrections, and that if the
4 corrections are not made within thirty days or an appeal filed within fifteen days
5 pursuant to subsection (s) of this section, the permit shall be revoked, and the manager
6 may then proceed as specified in paragraphs (t)(4) and (t)(5) of this section.

7
8 (3) The city manager may issue a notice of violation ordering the sign owner or possessor
9 or property owner to alter or remove a sign which is in violation of this section and for
10 which no permit has been issued within thirty days from the date of the notice. Notice
11 under this paragraph is sufficient if it is mailed first class to the address of the last
12 known owner of the real property on which the sign is located as shown on the records
13 of the Boulder County Assessor. The notice shall state the violation, order removal of
14 the sign or state any reasonable corrections which would bring the sign into compliance
15 with this section, and that if removal or correction is not accomplished within thirty
16 days or an appeal filed within fifteen days pursuant to subsection (s) of this section, the
17 manager may proceed as specified in paragraphs (t)(4) and (t)(5) of this section. If the
18 violation is of paragraph (b)(2) or (b)(3) of this section, the manager may require
19 removal of the illegal sign within one day from the date of actual notice or five days
20 from the date of mailing of mailed notice.

21
22 (4) If the property owner or sign owner or possessor fails to complete alteration or removal
23 as required by the notice given as prescribed by paragraph (t)(2) or (t)(3) of this section,
24 or to appeal pursuant to subsection (s) of this section, or loses such appeal and it
25 becomes a final order pursuant to paragraph (s)(8) of this section, the city manager may

1 cause such sign to be altered or removed at the expense of the owner or possessor of the
2 property or sign and charge the costs thereof to such person.

3 (5) If any property owner fails or refuses to pay when due any charge imposed under this
4 subsection, the city manager may, in addition to taking other collection remedies,
5 certify due and unpaid charges, including interest, to the Boulder County Treasurer to
6 be levied against the person's property for collection by the county in the same manner
7 as delinquent general taxes upon such property are collected, as provided in section 2-2-
8 12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer
9 for Collection," B.R.C. 1981.

10
11 (6) The penalty for violation of any provision of this section is a fine of not more than
12 \$2,000.00 per violation. In addition, upon conviction of any person for violation of this
13 section, the court may issue a cease and desist order and any other orders reasonably
14 calculated to remedy the violation. Violation of any order of the court issued under this
15 subsection is a violation of this subsection, and is punishable by a fine of not more than
16 \$4,000.00 per violation, or incarceration for not more than ninety days in jail, or both
17 such fine and incarceration.

18
19 (u) Rules and Regulations: The city manager is authorized to adopt reasonable procedural rules
20 and interpretive regulations consistent with the provisions of this section to aid in its
21 implementation and enforcement.

22 (v) Compliance With State Law Required: In addition to compliance with this section, all signs
23 to which the provisions of the Outdoor Advertising Act, 43-1-401 et seq., C.R.S., and its
24

1 supplemental regulations apply shall comply with such Act and regulations. ^[18] Signs which
2 do not so comply shall be deemed illegal nonconforming signs under this section.

3 (w) Substitution Clause: It is the intention of the city council that this sign code not favor
4 commercial over noncommercial messages. However, all sign codes are complex, and
5 sometimes when provisions which do not appear to be related are read together, unintended
6 results may occur. If any provision of this code is judicially construed to allow a commercial
7 message but not a noncommercial message, then the property owner may substitute any
8 noncommercial message under the same limitations as to physical characteristics and
9 location of the sign as would apply to a commercial message on such sign.
10

11 Section 2. The following definitions in section 9-16-1 are amended as follows, all other
12 definitions remain unchanged.

13 ~~Construction sign means a temporary sign announcing development, construction, or~~
14 ~~other improvement of a property by a building contractor or other person furnishing services,~~
15 ~~materials, or labor to the premises, but does not include a real estate sign. (Signs)~~
16

17 ~~Political sign means a noncommercial sign concerning candidates for public office or~~
18 ~~ballot issues in a primary, general, municipal, or special election.~~

19 ~~Real estate sign means a sign indicating the availability for sale, rent, or lease of the~~
20 ~~specific property, building, or portion of a building upon which the sign is erected or displayed.~~
21 ~~(Signs)~~
22

23 Section 3. This ordinance is necessary to protect the public health, safety, and welfare of
24 the residents of the city, and covers matters of local concern.
25

