



Town to revisit sign code following losses in municipal court

By Matthew van Buren

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The town of Taos will be taking another look at its two-yearold sign code following losses in municipal court this month.

The cases involved alleged violations of the code by Jeff Northrup, who can often be seen along Taos roadways with an array of brightly colored signs opining on a variety of local issues. According to information from the town, the court's Aug. 22 decision against the town was based on a "lack of specificity in charging documents."

The town had alleged violations of the code on Northrup's part, saying his placement of signs on public roads and sidewalks did not comply with the ordinance.

But Town Manager Oscar Rodr'guez said tickets written to Northrup failed to specify exactly where his signs were located, and when a town staff member was asked about whether signs were placed on the sidewalk as initially alleged, he said he couldn't be sure.

Northrup said he feels vindicated by the ruling, made by specially appointed municipal judge Kirsten Edwards, whom Eighth Judicial District Judge Sarah Backus appointed after two municipal judges recused themselves. Edwards declined to comment on her ruling, saying, as some issues are still pending, she "can comment very little on the case."

"The code has many problems that can be easily challenged for constitutional violations, especially related to content neutrality. I did not need to go there, but could have," Northrup wrote in an email to

The Taos News. "Municipalities do have a right to limit signage, including picketing/protesting, based on 'time, place and manner.' Governments should bend over backwards to promote open dialogue. Taos is a liberal, somewhat freewheeling town. If Taos chooses to define the limits of picketing/protesting in the codes, the citizens will expect wide latitude."

Northrup said he feels the town has targeted him because of the content of his signs.

"My picket signs frequently question the motives and integrity of Taos town government," he wrote. "I had virtually no legal problems or tickets until I began focusing on town government in the early summer of 2010 — I first began picketing in Sept. 2008 and focused on gas prices and animal abuse issues almost exclusively until 2010."

Mayor Darren Córdova said the town is "absolutely not" singling Northrup out, but that it receives a number of complaints about his signs.

“We’re not targeting him,” Còrdova said. “He’s the one that’s doing it most ... (Picketers) have to operate within the confines of what (the code) allows. We’re not here to prohibit free speech.”

As approved by the majority of the Town Council September 2010, the code prohibits the placement of signs — including noncommercial signs — in public rights of way. Regarding “picketing signs,” the code reads: “Handheld signs that contain a noncommercial message, including picketing, boycott and protest signs, that remain in a person’s control at all times are wholly exempt from this sign code.”

Town staff has argued that free-standing signs such as Northrup’s present a safety issue, as they could block pedestrian traffic, be blown into the road or distract drivers. However, Northrup said he finds those arguments disingenuous.

“Free speech is often ugly and offensive ... so be it. But I don’t believe my signs are a safety issue,” he wrote. “They are well-spaced and easy/quick to read. Being close to the road, the vehicle operator can basically read my signs and keep an eye on the road at the same time. There has never been a traffic accident where I was picketing.”

Rodr'guez said he asked town attorney Brian James to pull related cases after the court defeats; he said the town needs to add more specific language to the sign code and give staff better instructions about what the ordinance says and how tickets should be written.

“Today, I’m handing back the signs the town confiscated in these cases,” Rodr'guez is quoted as saying in an Aug. 23 announcement from the town. “And the town is pulling back the remaining cases associated with this ordinance to give the staff time to revisit the sign ordinance and staff procedures for enforcing it. Once we are confident that we have a strong ordinance and the necessary procedures in place to enforce it, we will bring it to the Town Council for any amendments after a public review process.”

James said the town’s losses in municipal court were due to “some defects in the tickets.” He said definitions in the ordinance will likely be refined as the code is revisited.

“That certainly comes to mind,” he said.

Rodr'guez said revisions to the sign code will be put through an extensive public review process, including public hearings, after a first draft is developed. He said every community has its own standard regarding signs, and public input is an important part of the process.

“I obviously will be interested in any changes in the code, especially if picketing-related,” Northrup wrote. “Of course, my problems have stemmed from the preposterous interpretations of the code rather than the code itself.”