

## **Town Council approves new sign code in unorthodox vote**

**By Matthew van Buren**

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The Taos Town Council unanimously approved a new sign code Tuesday (May 28), though the meeting agenda gave the impression that no action would be taken.

The sign code has been under discussion for months and was tabled multiple times by the Town Council. Tuesday's agenda stated that staff would recommend denial of the ordinance in order to allow additional time to address various aspects of it.

However, that language was apparently a mistake and had been carried over, unnoticed until Tuesday evening, from a previous agenda.

"I'd have lost the rest of my hair if I'd have seen this," town attorney C. Brian James said of the language in the agenda.

James said the meeting was properly noticed, however, and the public hearing regarding the sign code was advertised as legally required. He said he is "not trying to rush this thing," but he had no other changes to make to the code.

"This has to stop at some point," he said. "I thought we were ready to go."

Councilor Fred Peralta said he was ready to vote on the code and moved to approve it.

"Let's get it over with," he said.

James said if the council were to vote on the code, he would "defend the daylights out of it" if a challenge ensued, and the council voted 4-0 to adopt the code.

During a May 1 meeting of the town Planning and Zoning Commission — which had no official purview over the code but reviewed it several times — staff members described the lengthy process the sign code had undergone.

Town planner Rudy Perea said former planning director William Morris initially proposed revisions to the code before he left his position with the town several months ago.

"There were quite a few issues with some of the revisions he had proposed," Perea said.

He said a committee formed under then-acting planning director Matthew Foster reexamined the proposed changes before presenting them to the council, which requested further revisions; town attorney Brian James then took the lead.

James also addressed the commission, saying the new version of the code defaults to the New Mexico Administrative Code when it comes to state highway rights of way. He said provisions proposed in previous drafts, such as “safety zones” and exempt areas along state highways, were “just not usable.”

“We just don’t have any authority to enforce (within state highway rights of way),” James said. “The Morris version, if you will, had to be gutted, because it was primarily built around that ... This looks substantially different.”

James said changes were also made in an effort to recognize direction from the council with respect to free speech, which he said is “obviously a valuable commodity.” He said efforts to regulate picketing or handheld protest signs “simply do not exist in this ordinance.”

“We have removed any picketing provisions whatsoever,” James said.

According to the sign code draft the commission reviewed May 1, the town would adopt the right of way rules and regulations of the New Mexico State Highway Department regarding uses of state-owned rights of way — which “generally prohibits the display of signs on any state highway (rights of way), including (State Road 64) in the town of Taos.”

The draft specifically exempts government, school and hospital signs, as well as picketing signs. Regarding campaign signs, the code calls for such signs not to be placed earlier than 60 days prior to an election and to be removed within three days after the election. They are not to exceed five signs per site location, with the area of each sign not to exceed six square feet.

The code also defines picketing signs as “a handheld sign which shall remain in a person’s control at all times and which is not subject to regulation by this sign code.”

The code limits the size and number of various signs, and it lays out a schedule of fees and penalties.

It would prohibit signs that flash, blink, rotate or have moving parts, signs that incorporate audio devices, signs that project above roof lines or parapets, inflatable signs, billboards and signs placed in a right of way, among others.

According to the code, a business could only display Aframe signs during its hours of operation.

The code sets the maximum total permanent sign area for each place of business at 60 square feet, and sign heights are limited to 20 feet.

The code can be viewed in its entirety at [public.taosgov.com](http://public.taosgov.com) by downloading the PDF packet for the May 28 meeting.