

ORDINANCE NO. 1188

AN ORDINANCE AMENDING SECTION 130 OF CHAPTER 20 ARTICLE 3; ADDING SECTION 135 OF CHAPTER 20 ARTICLE 3; REPEALING AND REPLACING CHAPTER 20 ARTICLE 9 IN ITS ENTIRETY; AND AMENDING SECTION 20 OF CHAPTER 29 ARTICLE 10 OF THE FORT MORGAN MUNICIPAL CODE

WHEREAS, THE CITY COUNCIL OF THE CITY OF FORT MORGAN DESIRES TO MODERNIZE THE CITY'S SIGN REGULATIONS.

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN,

Section 1: The Fort Morgan Municipal Code Chapter 20 Article 3 Section 130 is hereby amended as follows (deleted text is stricken, inserted text is underlined):

Sec. 20-3-130. - Sign permit.

- (a) Permit Required; Process. Any person desiring to construct, erect, relocate, remodel or otherwise change or affect any sign within the City, except those signs are specified in Section ~~20-9-2020-9-10~~ as exempt, shall make application for a permit for the same. The permit shall be processed pursuant to the procedures set forth in the Process Chart, Section 20-3-30, ~~with notice as required by Section 20-3-40.~~
- (b) Submission Requirements. Each application for a sign permit shall be made on forms provided by the City, and shall be accompanied by the applicable permit fee. The application shall include ~~be accompanied by~~ two (2) complete scale drawings (showing size, shape, design, materials, colors, plot plan of site, including any required landscaping, specifics on location, elevation of sign, mounting method, and lighting). The City Manager or designee shall review the application for completeness within two (2) business days after submittal. If the application is incomplete, it shall be returned to the applicant with a written list of materials that are required to complete the application.
- (c) Review Criteria. The City Manager or designee shall review the application and supporting documentation to determine whether the proposed sign ~~as designed can be constructed in conformance with~~ conforms to the requirements of Article 9 of this Chapter, ~~and, in addition, whether the proposed sign will:~~
- (1) ~~Be detrimental to adjacent or surrounding property;~~
 - (2) ~~Create a hazard or nuisance;~~
 - (3) ~~Interfere with the use of public lands or highways; or~~
 - (4) ~~Conflict with the provisions of this Chapter or any applicable ordinance of the City.~~
- The City Manager or designee shall grant or deny the application within three (3) business days after determining that it is complete. If the application is denied, the City Manager or designee

shall provide the specific reasons for denial in writing to the applicant within one business day after the decision.

- (d) Expiration and Enforcement. An approved sign permit is valid for six (6) months or for an extended period of time as approved by the City Manager or designee, and the approved sign must be erected within that time period or a new permit must be applied for and granted. The City Manager or designee may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application, or failure of the permittee to satisfy ~~and~~/or maintain conditions of approval.

Section 2: The Fort Morgan Municipal Code Chapter 20 Article 3 Section 135 is hereby added as follows:

Sec. 20-3-135. - Alternative Sign Program.

- (a) Purpose. The requirements of Chapter 20 Article 9 ensure that signs that meet certain minimum standards for public safety and consistency with the aesthetic character of the City may be promptly approved and displayed. In some cases, alternative standards may improve the aesthetic and functional qualities of the development. Approval of a Sign Design Program pursuant to the standards of this Sec. 20-3-135 allows for unified presentation of signage throughout a development, flexibility to address unique environments, and pre-approval of designs and design elements to make processing of subsequent applications for sign permits more efficient. To these ends, an Alternative Sign Program is created.
- (b) Authorization to Modify Requirements. Signage which is proposed as part of an Alternative Sign Program may deviate from the standards of Chapter 20 Article 9 in terms of the types and numbers of signs allowed, the maximum sign area, and materials and illumination standards, subject to compliance with an approved Alternative Sign Program. Prohibited sign types and prohibited sign elements shall not be allowed by Alternative Sign Program approval.
- (c) Procedures. Alternative Sign Program applications shall be submitted on a form approved by the City Manager or designee. City staff shall review the application for completeness and shall forward the application to the Planning Commission for consideration at a noticed public hearing within 45 days after the date of application. The Planning Commission shall consider the application at the public hearing, and shall either approve the application, approve the application with conditions unrelated to sign content or viewpoint, or deny the application after applying the approval criteria set out in Subsection D, below subject to the limitations of Subsection E, below. Public hearings on Alternative Sign Program applications shall not be tabled or continued without the applicant's consent, which shall be included in the record of the hearing.
- (d) Approval Criteria. The Planning Commission may approve an Alternative Sign Program if it finds that the Alternative Sign Program results in a substantially improved, comprehensive, and unified proposal compared to what is allowed through strict compliance with the sign regulations of Chapter 20 Article 9, as follows:

- (1) Integrated or Complementary Architectural Theme. The Alternative Sign Program shall establish or continue an integrated architectural vocabulary and cohesive theme for the development. All signs shall be architecturally integrated into or complementary to the design and materials of the buildings and character of the site, and shall use similar and coordinated design features, materials, and colors.
- (2) Modification of Sign Setbacks or Spacing Requirements. Setbacks or spacing requirements for detached signs may be different from the requirements of Chapter 20 Article 9 if it is demonstrated that there is no impact on public safety or on utility easements, the aesthetic impact of the modification is appropriately mitigated, there is no material impact on the ability of a neighboring property owner to display signage, and all other requirements for approval of an Alternative Sign Program are met.
- (3) Height, Area, Number and Location of Signs. The height, area, type, number and location of signs permitted through the Alternative Sign Program shall be determined by the Planning Commission, based on the following factors:
 - a. The overall size of the development and the scale of the use or uses located or anticipated to be located there (larger land areas and scales of use tend to favor larger signs and / or more signs);
 - b. The relationship between the building setback and sign location (higher visibility signage may be appropriate for buildings with lower visibility);
 - c. The length of the frontage (larger frontages may justify more or larger signs, particularly if the size of the frontage tends to prevent sign clutter by allowing additional spacing between signs);
 - d. The access and visibility to the site;
 - e. The intended traffic circulation pattern;
 - f. Hierarchy of signage;
 - g. Relationship between the site and adjacent uses; and
 - h. Consistency with the objectives and design policies of the Comprehensive Plan and any applicable land use or design plans approved by the City for the area in which the Alternative Sign Program is proposed.
- (e) Maximum Total Sign Area and Sign Height. Maximum sign area and sign height for the property subject to an Alternative Sign Program shall be established in the Alternative Sign Program (as to particular signs or for the entire site), but shall not exceed the following limits:

- (1) The total permitted sign area for detached permanent signs shall not exceed 150 percent of the sign area for detached permanent signs that would otherwise be permissible if the property were in strict compliance with Chapter 20 Article 9.
 - (2) The total permitted sign area for attached permanent signs shall not exceed 125 percent of the sign area for attached permanent signs that would otherwise be permissible if the property were in strict compliance with this Article.
 - (3) The permitted sign height for detached permanent signs shall not exceed 125 percent of the permitted sign height for the type of sign to which the increase in height is applied.
 - (4) Attached signs may be allowed to extend above principal roof lines, provided that they do not extend above the roof line more than one-half of the height of the building to which they are attached.
- (f) **Elimination of Nonconforming Signs.** In addition to proposed new signage, all existing signs on a property for which an Alternative Sign Program approval is sought shall be addressed in the application. The Planning Commission may require removal or modification of existing nonconforming signs as a condition of approval of an Alternative Sign Program.
- (g) **Temporary Signs.** An Alternative Sign Program may address temporary signs.
- (h) **Conditions Of Approval.** The Planning Commission may impose reasonable conditions on the Alternative Sign Program that are not related to the content or viewpoint of the signs or the nature of the sign users, in order to ensure continuing compliance with the standards of Chapter 20 Article 9 and approved Alternative Sign Programs. If an applicant does not agree to the conditions, the applicant may terminate the Alternative Sign Program by notifying the City in writing, provided that either:
- (1) No signs have been installed pursuant to the Alternative Sign Program; or
 - (2) The termination of the Alternative Sign Program does not result in the presence of nonconforming signs on the applicant's property.
- (i) **Contents of an Alternative Sign Program.** An Alternative Sign Program shall set forth a master plan for signage for an entire development. An Alternative Sign Program shall set out:
- (1) The boundaries of the parcel or parcels in which the program will be applied;
 - (2) Architectural elevations and principal building materials for the buildings that are proposed (or will be retained) on the parcel or parcels;
 - (3) Sign dimensions and approximate locations;
 - (4) Sign materials;
 - (5) Proposed illumination, including maximum illumination levels and light sources;

- (6) A design theme with illustrative examples of each sign type, the form of each sign type, and the proposed general locations of each sign type; and
 - (7) A demonstration that the Sign Design Program will improve the aesthetics of the development, reduce sign clutter, and avoid or mitigate adverse impacts on the use, enjoyment, or value of adjacent and nearby property, compared to the signage that would be allowed pursuant to the strict application of Chapter 20 Article 9.
- (j) **Effect of Approval.** Upon approval of an Alternative Sign Program, sign permits shall be issued by City staff based on compliance with the standards set out in the Alternative Sign Program for the development. Alternative Sign Programs may also specify types of signs that may be installed without further permits. If temporary signs are not addressed in an Alternative Sign Program, then they shall be subject to the standards set forth in Chapter 20 Article 9.
 - (k) **Duration of Approval.** An Alternative Sign Program approval shall have a term of three years. If no sign has been constructed or installed within the term of the approval, the Alternative Sign Program approval shall terminate. The Planning Commission may require that an Alternative Sign Program be tied to a concurrent development approval, and may extend the term of the Alternative Sign Program to correspond to the term of an associated development approval.
 - (l) **Amendment.** An Alternative Sign Program may be amended by the same process that is used to create the Alternative Sign Program. An application for amendment to an Alternative Sign Program shall not affect the validity of the Alternative Sign Program unless and until the application is approved and conditions of approval, if any, are accepted by the applicant.

Section 3: Chapter 20 Article 9 of the Fort Morgan Municipal Code is repealed in its entirety and replaced with the following:

Sec. 20-9-10. - Statement of purpose and intent.

- (a) **Purpose.** The purpose and intent of this Article 9 is to set out reasonable regulations for the design, location, installation, operation, repair, maintenance, illumination, and removal of signs, in order to advance the City’s legitimate, important, substantial, and compelling interests, while simultaneously safeguarding individuals’ constitutionally-protected right of free speech.
- (b) **Interests.** The City has legitimate, important, substantial, or compelling interests in:
 - (1) Preventing the proliferation of signs of generally increasing size, dimensions, and visual intrusiveness (also known as “sign clutter”) that tends to result from competition for the attention of passing motorists and pedestrians, because sign clutter:
 - a. Creates visual distraction or obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;

- b. May involve physical obstruction of streets, sidewalks, or trails, resulting in public safety hazards;
 - c. Diminishes the aesthetic quality of the City, making the City a less attractive place for residents, business owners, visitors, and private investment; and
 - d. Dilutes or obscures messages on individual signs due to the increasing intensity of competition for attention.
- (2) Protecting the health of its tree canopy, an important community asset that contributes to the character, environmental quality, and economic health of the City and the region.
 - (3) Promoting a quality aesthetic environment to maintain and enhance property values, leverage public investments in streets, sidewalks, trails, plazas, parks, and landscaping, and enhance community pride.
 - (4) Protecting minors from speech that is harmful to them as provided by state or federal law, by preventing such speech in places that are accessible to and used by minors.
- (c) Findings. The City finds that:
- (1) Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in Sec. 20-9-10(b) and the constitutionally-protected right to free speech.
 - (2) The regulations set out in this Article 9 are unrelated to the suppression of constitutionally-protected free speech, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
 - (3) The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this Article 9 is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced herein.
 - (4) Regulation of the location, number, materials, height, sign area, form, illumination, and duration of display of temporary signs is essential to preventing sign clutter.
 - (5) Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, hail, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the City's streets if they are not removed.
 - (6) Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

- (7) This Article 9 represents the City’s best effort to advance the City’s legitimate, important, substantial, and compelling interests while ensuring consistency with an evolving legal framework.

Sec. 20-9-20. - Applicability, exemptions, and permit exceptions.

(a) Generally. The provisions of this Article 9 shall apply to the display, construction, installation, erection, alteration, use, location, maintenance, and removal of all signs within the City that are not specifically exempt from such application. No sign shall be displayed, constructed, installed, erected, or altered within the city limits until the City has issued a sign permit, unless the sign is exempt from regulation or exempted from the permit requirement as provided herein. No permit is required for routine sign maintenance, painting, replacing a panel in a cabinet sign (except that the installation of a new manual changeable copy message center or electronic message center does require a permit), or replacing light sources with lighting of comparable brightness. Notwithstanding any exemptions and partial exceptions to this Article provided in subsection (b), below, no sign shall be installed or displayed on any property or structure in the City without the consent of the owner of the property or structure.

(b) Exemptions and Partial Exemptions.

(1) Exemptions. This Article 9 does not apply to signs of any type installed or posted (or required to be installed or posted) by the Federal government, the State of Colorado, Morgan County, the City, or Morgan County School District Re-3 (collectively, “Governmental Entities”) that is located in whole or in part within the City, on property owned or controlled by the Governmental Entity. Such signs include but are not limited to street signs and permanent traffic control devices, temporary signs that are used in conjunction with traffic control, and other signs that said entities display, require, or license to be displayed upon property that they own or control.

(2) Partial Exemptions. The following signs are subject only to Sec. 20-9-50 and 20-9-60, and shall not require a sign permit:

- a. Signs that are not visible from any of the following areas due to the configuration of the building(s) or structure(s) or the topography of the lot or parcel upon which the signs are located: residential lots, abutting property not under a common plan of development, or public rights of way.
- b. Signs that are not legible from abutting property or rights-of-way due to the configuration of the building(s) or structure(s) or the topography of the lot or parcel upon which the signs are located or the orientation or setback or typeface of the sign, provided that the sign area is not more than 32 square feet.

- c. Signs that are applied to or painted on a utility cabinet or pedestal, provided that:
 - i. The cabinet or pedestal is in use for its principal purpose as a utility cabinet or pedestal and the sign does not interfere with such use;
 - ii. The cabinet or pedestal is either existing as of the effective date or installed after the effective date in compliance with plans approved by the City; and
 - iii. The cabinet or pedestal is not larger than 4 feet in horizontal dimension and 5 feet in vertical dimension.
 - d. Signs that are applied to or painted on water tanks, oil and gas rigs, beam pumping units, or oil and gas tanks.
- (c) Exceptions to Permit Requirement. The following signs may be displayed without a sign permit, but are not exempt from other applicable provisions of this Article 9 and applicable International Codes adopted by the City:
- (1) Required Signs.
 - (2) Optional Residential Signs.
 - (3) Small Signs.
 - (5) Temporary Seasonal Decorations.
 - (6) Temporary Signs.
 - (7) Bulletin Board Wall Signs.
 - (8) Window Signs.
- (d) Relationship to Other Regulations.
- (1) In addition to the regulations set out in this Article 9, signs may also be subject to applicable State laws and regulations (*e.g.*, State of Colorado, Department of Highways, “Rules and Regulations Pertaining to Outdoor Advertising,” effective January 1, 1984, as may be amended from time to time), Federal laws and regulations, and applicable adopted building and electrical codes. Exceptions to the sign permit requirement do not constitute exemptions to other applicable codes or permit requirements. The City is not responsible for enforcing sign regulations from other jurisdictions.
 - (2) Where any provision of this Article 9 covers the same subject matter as other regulations of the City, the more specific regulation shall control the more general one,

unless the City determines that the more restrictive regulation is facially content-based or otherwise clearly unenforceable as a matter of law.

- (3) Where any provision of this Article 9 covers the same subject matter as other regulations of the State of Colorado or the United States, the applicant is advised that nothing in this Chapter shall be construed as a defense to a violation of applicable state or federal law except as may be provided in the state or federal law.

Sec. 20-9-30. - Sign districts.

- (a) Generally. In recognition that different zoning districts within the City have different physical and functional characteristics, this Section establishes three “sign districts” in the City that correspond to the zoning districts established by Sec. 20-4-10. This Article 9 includes standards that are generally applicable and standards that vary from sign district to sign district.
- (b) Sign Districts Created. The following sign districts are established: Interstate Interchange (II), Business and Industrial (BI), Residential (RE), Agricultural (AG). The boundaries of the four (4) sign districts shall correspond to zoning districts as provided in Table 20-9-30(b), Sign Districts.

Table 20-9-30(b) SIGN DISTRICTS	
Sign District	Corresponding Zoning Districts or Areas
Interstate Interchange (II)	Properties that are within B-2; BP; and I districts, where any portion of the property is within 1,000 feet of the center point of an I-76 interchange
Business and Industrial (BI)	T (Transitional); B-1 (Mixed Use Business); B-2 (General Business); BP (Business Park); I (Industrial)
Residential (RE)	ER-1 (Estate Residential); R-1 (Low Density Residential); R-2 (Medium Density Residential); R-3 (High Density Residential); R-4 (Mobile Home Residential)
Agriculture (AG)	UA (Urban Agricultural)

- (c) Application to PUD (Planned Unit Development) Districts. Land that is zoned PUD on the effective date of this Section shall be divided into sign districts according to the land uses that are approved for the PUD, as set out in Table 20-9-30(c). Land that is rezoned to PUD after the effective date of this Section shall include sign districts within the PUD plan, with boundaries drawn according to the land uses set out in Table 20-9-30(c).

Table 20-9-30(c) SIGN DISTRICT APPLICATION TO PLANNED UNIT DEVELOPMENT DISTRICTS	
Sign District	Corresponding Land Uses
Business and Industrial (BI)	Commercial, industrial, recreation, entertainment, and institutional uses, and vertically mixed-use buildings
Residential (RE)	All residential uses except those in vertically mixed-use buildings
Agriculture (AG)	Agriculture and open space uses

Sec. 20-9-40. - Measurements.

- (a) Sign Clearance. Sign clearance is the shortest vertical distance between the bottom of a sign face or structural element that is not affixed to the ground and the nearest point on the ground-level surface under it.
- (b) Sign Height.
 - (1) Except as provided in subsection (b)(2), below, sign height is the longest vertical distance from the elevation of the average grade around the base of the sign to the top of the sign face or sign support structure, whichever is higher.
 - (2) If the average grade around the base of a detached sign is more than two feet higher or lower than the elevation of the nearest point on the flowline of the abutting street, then the height of the detached sign shall be measured from the elevation of the nearest point on the flowline of the abutting street to the top of the higher of the sign face or sign support structure.
- (c) Sign Area.
 - (1) Sign area is the area within a continuous polygon with up to eight straight sides that completely encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's contents from the background against which they are placed.
 - (2) Sign area does not include the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but does include any open space contained within the outer limits of the display face, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not, except that wall signs that are separated by a distance of more than three feet shall be considered separate signs.
 - (3) Free-standing and projecting signs may have multiple faces or contain three-dimensional objects. The area of such signs is measured using the vertical cross-section that represents the sign's maximum projection upon a vertical plane.

Sec. 20-9-50. - Prohibited signs and sign elements.

- (a) Generally. The prohibitions in this Section 20-9-50 apply to all temporary and permanent signs in all areas of the City.
- (b) Prohibited Sign Types. The following types of signs are prohibited:
 - (1) Abandoned signs.
 - (3) Portable signs, except as specifically permitted in Sec. 20-9-100 and Sec. 20-9-110.

- (4) Roof signs.
- (c) Prohibited Design Elements. The following elements shall not be incorporated as an element of any sign or sign structure:
- (1) Animated or moving parts, including any moving, swinging, rotating, windblown, or spinning parts or flashing, blinking, scintillating, fluctuating, or otherwise animated light (including searchlights), but not including the following design elements, if displayed in compliance with this Article 9:
 - a. electronic message center;
 - b. flag;
 - c. banner;
 - d. temporary holiday display;
 - e. analog clock; and
 - f. a cylinder that rotates around its axis, provided that the cylinder is not more than two and one-half feet in height, and is installed on a building as a projecting sign or component thereof.
 - (2) Cardboard, card stock, or paper, except when laminated or used as a window sign.
 - (3) Motor vehicles, unless:
 - a. The vehicles are operational, and either:
 - i. Automobile dealer inventory; or
 - ii. Primarily used as motor vehicles, with current registration and tags;
 - b. The display of signage on the motor vehicle would not interfere with the immediate operation of the motor vehicle (*e.g.*, signs that are held in place by an open hood or trunk, signs that cover windows, and signs that would fall off of the vehicle if the vehicle were in motion are not allowed); and
 - c. The motor vehicle is legally parked in a designated parking space.
 - (4) Semi trailers, shipping containers, or portable storage units, unless:
 - a. The trailers, containers, or portable storage units are:
 - i. Structurally sound and capable of being transported;
 - ii. Used for their primary purpose (*e.g.*, storage, pick-up, or delivery); and

- iii. If subject to registration, have current registration and tags; and
 - b. The display of signage is incidental to the primary purpose; and
 - c. The semi-trailer, shipping container, or portable storage unit is parked or placed in a designated loading area, on a residential driveway, or on a construction site in an area that is designated on an approved construction staging plan.
- (5) Unshielded bare light bulbs that are larger than C9 format or brighter than 50 lumens per bulb, except that neon tubing shall not be considered a “bare light bulb” for the purposes of this standard (note that illumination of signs in any manner is subject to Sec. 20-9-60).
- (6) Materials with a high degree of specular reflectivity, such as polished metal, installed in a manner that creates substantial glare from headlights, street lights, or sunlight. This prohibition does not include retroreflective materials that comply with the standards set forth in the Manual on Uniform Traffic Control Devices (“MUTCD”).
- (d) Prohibited Obstructions. In no event shall a sign obstruct:
 - (1) The use of building ingress or egress, including doors, egress windows, and fire escapes.
 - (2) The operability of windows (with regard to movement only; obstruction of transparency is allowed within the limits set out in Table 20-9-90C).
 - (3) The use or function of equipment, structures, or architectural elements that are related to public safety, building operations, or utility service (*e.g.*, standpipes, downspouts, fire hydrants, electrical outlets, lighting, vents, valves, and meters).
 - (4) Any area abutting an intersection that is required to be kept clear as a sight distance triangle.
 - (5) The visibility of official traffic control signs to pedestrians and motor vehicle operators to whom such signs are directed.
- (e) Prohibited Mounts. No sign shall be posted, installed, painted, or mounted on, or applied, fastened, or affixed to any of the following:
 - (1) Any tree or shrub.
 - (2) Any utility pole or light pole, unless:
 - a. The sign is a banner or flag that is not more than 10 square feet in area;
 - b. The banner or flag is mounted on brackets or a pole that extend not more than 30 inches from the utility pole or light pole;

- c. The banner or flag is either situated above an area that is not used by pedestrians or vehicles, or the bottom of the banner or flag has a sign clearance of at least eight (8) feet above pedestrian use areas or fifteen (15) feet above vehicular use areas; and
 - d. The requirements of subsection (f), below, are met, if applicable.
- (f) Prohibited Locations. In addition to applicable setback requirements and other restrictions of this Article 9, no sign shall be located in any of the following locations:
 - (1) In or over public rights-of-way (which, in addition to streets, may include other sidewalks, parkways, trails, multi-use pathways, retaining walls, utility poles, traffic calming devices, medians, and center islands that are within public rights-of-way), except:
 - a. Signs painted on or affixed to transit shelters and bus benches as authorized by the provider of the shelter or bench, but not extending beyond the physical structure of the shelter or bench;
 - b. Signs that are the subject of a revocable license agreement with the City, installed and maintained in accordance with the terms of the license agreement; or
 - c. Required signs, if posting within the right-of-way required (*e.g.*, signs required for traffic control plans, authorized work within the right-of-way, etc.).
 - (2) In locations that have less horizontal or vertical clearance from authorized communication or energized electrical power lines than the minimum clearance required by the laws of the State of Colorado and the regulations duly promulgated by agencies thereof.
- (g) Content. Except as provided in this Sec. 20-9-50(g), no sign shall be approved or disapproved based on the content or message it displays.
 - (1) Prohibition on Certain Types of Unprotected Speech. The following content, without reference to the viewpoint of the individual speaker, shall not be displayed on signs:
 - a. Text or graphics that is harmful to minors as defined by state or federal law;
 - b. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, as such words and phrases are defined by controlling law; or
 - c. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs; or signs that provide false information related to public safety (*e.g.*, signs that use the words "Stop," "Yield," "Caution,"

or “Danger,” or comparable words, phrases, symbols, or characters that are presented in a manner as to confuse motorists or imply a safety hazard that does not exist).

- (2) Severability. The narrow classifications of content that are prohibited from display on signs by this Sec. 20-9-50(g) are either not protected by the United States and Colorado Constitutions, or are offered limited protection that is outweighed by the substantial and compelling governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each paragraph or subsection of this Sec. 20-9-50 (*e.g.*, paragraphs (g)1.a, (g)1.b, or (g)1.c) be individually severable in the event that a court holds one or more of them to be inconsistent with the United States Constitution or Colorado Constitution.

Sec. 20-9-60. - Illumination of signs.

- (a) Generally. The illumination of signs shall be in accordance with the requirements of this Sec. 20-9-60.
- (b) Shielding and Direction of Lighting.
 - (1) No internal sign lighting shall include any exposed light source, except that neon or comparable tube lighting is permitted in the II and BI sign districts.
 - (2) When external light sources are used to illuminate detached signs, the light source must be concealed from view from on and off-site vehicular and pedestrian use areas and from within existing buildings.
 - (3) All externally illuminated signs shall have their lighting directed in such a manner as to illuminate only the face of the sign, and not to create glare or sky glow.
- (d) Luminance. Between sunset and sunrise, internally lit signs (including electronic message centers) shall not exceed 150 nits (or cd/m^2) of luminance.
- (e) Spillover. No sign or associated luminaire shall create light spillover of more than one lux at any property line within or bounding a residential zoning district or residential component of a planned unit development zoning district.

Sec. 20-9-70. - Electronic and manual changeable copy message centers.

- (a) Generally. The display and operation of manual changeable copy message centers or electronic message centers (collectively, “message centers”) shall be in accordance with the requirements of this Sec. 20-9-70.
- (b) Limitation on Number of Message Centers. Not more than one sign per frontage shall include a message center element. Signs with two faces may include a message center element on each face, provided that the angle between the faces does not exceed 30 degrees.

- (c) Limitation on Sign Area. Not more than 70 percent of the sign area of a sign may be comprised of a message center element.
- (d) Design. No sign shall include a manual changeable copy message center and an electronic message center element on the same sign face.
- (e) Location. Message centers are not allowed on residential property or in the AG sign district.
- (f) Electronic Message Center Operations.
 - (1) The displayed message shall not change more frequently than once per six (6) seconds.
 - (2) The sign shall contain static messages only, changed only through dissolve or fade transitions that do not exceed one second.
 - (3) The sign shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing and variations in daytime ambient light. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare.
 - (4) Electronic message centers that are located in the RE sign district must be turned off between the hours of 9:00 PM and 6:00 AM.

Sec. 20-9-80. - Additional standards for freestanding permanent signs. The standards of Table 20-9-80, Permanent Freestanding Signs, apply to permanent freestanding signs. These standards are applied in conjunction with all other applicable standards of this Article 9.

Table 20-9-80 PERMANENT FREESTANDING SIGNS				
Type of Sign Standards	Sign District			
	II	BI	RE	AG
Primary Freestanding Sign				
Max. #	For each frontage, 1 per 500 lf. of frontage or fraction thereof	For each frontage, 1 per 500 lf. of frontage or fraction thereof	1 per frontage	1 per frontage
Max. Sign Area (per sign unless otherwise noted)	Not more than 480 sf. in the aggregate	1 sf. per 2 lf. of street frontage, but not more than 150 sf.	Single-family or duplex: 2 sf. Subdivision entrances: 15 sf. Vacant, multifamily or nonresidential: 24 sf.	48 sf.
Max. Sign Height	80 ft.	20 ft. or the highest point of the building, whichever is greater	Single-family or duplex: 4 ft. Subdivision entrance: 5 ft. Vacant, multifamily or nonresidential: 6 ft.	20 ft.
Min. Setback from Property Lines	6 ft.	2 ft.	2 ft.	2 ft.
Min. Spacing from Buildings	6 ft.	6 ft.	2 ft.	2 ft.

**Table 20-9-80
PERMANENT FREESTANDING SIGNS**

Type of Sign Standards	Sign District			
	II	BI	RE	AG
Other Standards	Signs that are taller than 15 ft. must be spaced not less than 100 ft. from each other	N/A	N/A	N/A
Secondary Freestanding Sign				
Max. #	1 per point of vehicular ingress or egress	1 per point of vehicular ingress or egress	1 per point of vehicular ingress or egress to multifamily or nonresidential property	1 per point of vehicular ingress or egress
Max. Sign Area	16 sf.	16 sf.	8 sf.	8 sf.
Max. Sign Height	4 ft.	Not to exceed the maximum height allowed for Primary Freestanding Sign	4 ft.	4 ft.
Min. Setback from Property Lines	2 ft.	2 ft.	2 ft.	2 ft.
Min. Spacing from Buildings	6 ft.	6 ft.	6 ft.	6 ft.

Sec. 20-9-90. - Additional standards for attached permanent signs.

- (a) Generally. The standards of this Sec. 20-9-90 apply to attached permanent signs, based on the form of the sign. These standards are applied in conjunction with all other applicable standards of this Article 9.
- (b) Wall Signs. Wall signs are allowed according to the standards in Table 20-9-90B, Wall Signs.
- (c) Permanent Attached Banners. Banners may be installed on building walls as provided in Table 20-9-90B, Applied or Painted Wall Sign. All attached banners must be fastened and framed to the building in a manner that obscures the fasteners and ties.

**Table 20-9-90B
WALL SIGNS**

Type of Sign Standards	Sign District			
	II	BI	RE	AG
Applied or Painted Wall Sign				
Max. #	Not limited	Not limited	1 per street-facing building elevation	1 per street-facing building elevation

**Table 20-9-90B
WALL SIGNS**

Type of Sign Standards	Sign District			
	II	BI	RE	AG
Max. Sign Area (Total Per Building Face)	1 sf. per 1 lf. of building face upon which the sign is applied or painted, minus the area of other wall signs on same building face (including wall-mounted banners (see Sec. 20-9-110(b)(1)))	1 sf. per 1 lf. of building face upon which the sign is applied or painted, minus the area of other wall signs on same building face (including wall-mounted banners (see Sec. 20-9-110(b)(1)))	Single-family, Duplex and Townhome Residential Uses: 2 sf. per unit Multifamily and Nonresidential Uses: 1 sf. per 2 lf. of building face upon which the sign is applied or painted, minus the area of other wall signs on same building face (including wall-mounted banners (see Sec. 20-9-110(b)(1)))	1 sf. per 2 lf. of building face upon which the sign is applied or painted, minus the area of other wall signs on same building face (including wall-mounted banners (see Sec. 20-9-110(b)(1)))
Bulletin Board Attached to Building Wall				
Max. #	1 per principal building entrance	1 per principal building entrance	Single-family, Duplex and Townhome Residential Uses: Not Allowed Multifamily and Nonresidential Uses: 1 per principal building entrance	1 per principal building entrance
Max. Sign Area (per sign)	12 sf.	12 sf.	6 sf.	6 sf.
Other Standards	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade
Cabinet Wall Signs or Dimensional Wall Signs (Primary)				
Max. #	1 per street-facing building elevation	1 per street-facing building elevation	Single-family, Duplex and Townhome Residential Uses: Not Allowed Multifamily and Nonresidential Uses: 1 per street-facing building elevation	Not Allowed
Max. Sign Area	1 sf. per 2 lf. of street-facing building elevation, up to 80 sf.	1 sf. per 2 lf. of street-facing building elevation, up to 60 sf.	1 sf. per 2 lf. of street-facing building elevation, up to 32 sf.	N/A
Other Standards	Must be spaced at least 3 feet from primary fin sign on the same building elevation	Must be spaced at least 3 feet from primary fin sign on the same building elevation	Not allowed if primary fin sign is also present on the same building elevation	N/A
Cabinet Wall Signs or Dimensional Wall Signs (Secondary)				
Max. #	1 per principal building entrance	1 per principal building entrance	Single-family, Duplex and Townhome Residential Uses: Not Allowed Multifamily and Nonresidential Uses: 1 per principal building entrance	Not allowed
Max. Sign Area (per sign)	32 sf.	24 sf.	6 sf.	N/A

Table 20-9-90B WALL SIGNS				
Type of Sign Standards	Sign District			
	II	BI	RE	AG
Other Standards	Must be located on the same building elevation as the ground floor principal entrance to which the sign is allocated Not allowed if secondary fin sign is also displayed above the same entrance	Must be located above ground floor principal building entrance No part of the sign shall be located more than 15 ft. above adjacent grade Not allowed if secondary fin sign is also displayed above the same entrance	Must be located above ground floor principal building entrance No part of the sign shall be located more than 15 ft. above adjacent grade Not allowed if secondary fin sign is also displayed above the same entrance	N/A

- (c) Window Signs. Window signs are allowed according to the standards in Table 20-9-90C, Window Signs.

Table 20-9-90C WINDOW SIGNS				
Type of Sign Standards	Sign District			
	II	BI	RE	AG
All Window Signs				
Max. #	Not limited	Not limited	1 per window	1 per window
Max. Sign Area	50% of the area of each ground floor windows may be covered with signs (including temporary window signs (see Sec. 20-9-110(d))) For the purposes of the standards above, the area of the window is calculated as the total area of window panes that are situated within six inches of each other	50% of the area of ground floor windows may be covered with signs (including temporary window signs (see Sec. 20-9-110(d))) For the purposes of the standards above, the area of the window is calculated as the total area of window panes that are situated within six inches of each other	3 sf. per sign	3 sf. per sign
Other Standards	Permanent applied window signs shall be affixed to the window in a professional manner (e.g., without wrinkles, bubbles, tape, etc.) Window signs are not allowed above the ground floor	Permanent applied window signs shall be affixed to the window in a professional manner (e.g., without wrinkles, bubbles, tape, etc.) Window signs are not allowed above the ground floor	N/A	N/A

- (d) Projecting Signs. Projecting signs are allowed according to the standards in Table 20-9-90D, Projecting Signs.

**Table 20-9-90D
PROJECTING SIGNS**

Type of Sign Standards	Sign District			
	II	BI	RE	AG
Awning Signs				
Max. #	Not limited	Not limited	Not allowed	Not allowed
Max. Sign Area	Not limited	Not limited	N/A	N/A
Other Standards	Principal function of awning must be to provide shelter for a window, a door, or an outdoor seating area Awnings that include signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas Awning signs must be stitched to, applied to, or printed or painted on the awning; rivets and comparable fasteners are not allowed	Principal function of awning must be to provide shelter for a window, a door, or an outdoor seating area Awnings that include signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas Awning signs must be stitched to, applied to, or printed or painted on the awning; rivets and comparable fasteners are not allowed	N/A	N/A
Marquee Signs				
Max. #	1 per building	1 per building	Not allowed	Not allowed
Max. Sign Area	1 sf. per lf. of street-facing building elevation, not to exceed 150 sf.	1 sf. per lf. of street-facing building elevation, not to exceed 150 sf.	N/A	N/A
Min. Sign Clearance	8 ft.	8 ft.	N/A	N/A
Other Standards	Sign must be located over a principal building entrance Sign shall not extend over any vehicular use area Sign shall not extend above the roof line	Sign must be located over a principal building entrance Sign shall not extend over any vehicular use area Sign shall not extend above the roof line	N/A	N/A
Hanging Signs				
Max. #	1 per building entrance	1 per building entrance	Not allowed	Not allowed
Max. Sign Area (Total Per Elevation)	8 sf.	8 sf.	N/A	N/A
Min. Sign Clearance	8 ft.	8 ft.	N/A	N/A
Other Standards	Must be installed under a canopy or awning that shelters a building entrance or patio area Not allowed if secondary fin sign is displayed above the same building entrance	Must be installed under a canopy or awning that shelters a building entrance or patio area Not allowed if secondary fin sign is displayed above the same building entrance	N/A	N/A
Fin Signs (Primary)				
Max. #	1 per street-facing building elevation	1 per street-facing building elevation	Single-family, Duplex and Townhome Residential Uses: Not Allowed Multifamily and Nonresidential Uses: 1 per elevation	Not allowed

Table 20-9-90D PROJECTING SIGNS				
Type of Sign Standards	Sign District			
	II	BI	RE	AG
Max Sign Area	1 sf. per 1 lf. of street-facing building elevation, not to exceed 80 sf.	1 sf. per 1 lf. of street-facing building elevation, not to exceed 80 sf.	24 sf.	N/A
Min. Sign Clearance	8 ft., or in the alternative, may extend to ground level	8 ft., or in the alternative, may extend to ground level	8 ft., or in the alternative, may extend to ground level	N/A
Other Standards	Must be spaced at least 3 feet from dimensional or cabinet wall signs on the same building elevation Must be spaced from other fin signs a distance equal to at least 2 times the maximum horizontal projection of the fin sign	Must be spaced at least 3 feet from dimensional or cabinet wall signs on the same building elevation Must be spaced from other fin signs a distance equal to at least 2 times the maximum horizontal projection of the fin sign	Must be spaced at least 6 feet from dimensional or cabinet wall signs on the same building elevation	None
Fin Signs (Secondary)				
Max. #	1 per principal building entrance	1 per principal building entrance	Not allowed	Not allowed
Max Sign Area	32 sf.	24 sf.	N/A	N/A
Min. Sign Clearance	8 ft.	8 ft.	N/A	N/A
Other Standards	Must be located over a principal building entrance Not allowed if secondary cabinet wall sign or hanging sign is also displayed above the same entrance Must be spaced from other fin signs a distance equal to at least 2 times the maximum horizontal projection of the fin sign	Must be located over a principal building entrance Not allowed if secondary cabinet wall sign or hanging sign is also displayed above the same entrance Must be spaced from other fin signs a distance equal to at least 2 times the maximum horizontal projection of the fin sign	N/A	N/A

(e) Canopy Signs. Canopy signs are allowed according to the standards in Table 20-9-90E, Canopy Signs.

Table 20-9-90E CANOPY SIGNS				
Type of Sign Standards	Sign District			
	II	BI	RE	AG
All Canopy Signs				
Max. #	Not limited	Not limited	Not allowed	Not allowed
Max. Sign Area	60% of the area of the vertical plane of the canopy upon or above which the sign is located	60% of the area of the vertical plane of the canopy upon or above which the sign is located	N/A	N/A

Table 20-9-90E CANOPY SIGNS				
Type of Sign Standards	Sign District			
	II	BI	RE	AG
Other Standards	<p>Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy, or mounted on the top of the canopy</p> <p>Canopy signs that are affixed to the fascia shall not extend more than 4 inches from the front of fascia</p> <p>Canopy signs that are mounted to the top of the canopy shall be designed such that:</p> <ul style="list-style-type: none"> • They are composed of channel letters or other 3-dimensional forms; and • The mounting hardware and supporting structures are concealed from view; and • The sign does not extend more than 2 feet above the top of the canopy; and • The sign does not extend above the nearest roof line of the principal building 	<p>Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy, or mounted on the top of the canopy</p> <p>Canopy signs that are affixed to the fascia shall not extend more than 4 inches from the front of fascia</p> <p>Canopy signs that are mounted to the top of the canopy shall be designed such that:</p> <ul style="list-style-type: none"> • They are composed of channel letters or other 3-dimensional forms; and • The mounting hardware and supporting structures are concealed from view; and • The sign does not extend more than 2 feet above the top of the canopy; and • The sign does not extend above the nearest roof line of the principal building 	N/A	N/A

Sec. 20-9-100. - Additional standards for detached temporary signs.

- (a) Generally. The standards of this Sec. 20-9-100 apply to detached temporary signs. The standards of this Section are applied in conjunction with all other applicable standards of this Article 9.
- (b) Detached Temporary Signs. Detached temporary signs are allowed according to the standards in Table 20-9-100B, Detached Temporary Signs. No more than two temporary sign types are permitted to be displayed on the property at the same time.

Table 20-9-100B DETACHED TEMPORARY SIGNS				
Type of Sign Standards	Sign District			
	II	BI	RE	AG
Yard Signs				
Max. #	1 per 50 ft. of frontage or fraction thereof	1 per 50 ft. of frontage or fraction thereof	10	Residential Use: 10 All Other Uses: 1 per 50 ft. of frontage

**Table 20-9-100B
DETACHED TEMPORARY SIGNS**

Type of Sign Standards	Sign District			
	II	BI	RE	AG
Max. Sign Area (per sign)	6 sf.	6 sf.	6 sf.	6 sf.
Max. Sign Height	4 ft.	4 ft.	4 ft.	4 ft.
Min. Setback from Property Lines	2 ft.	2 ft.	2 ft.	2 ft.
Min. Spacing from Buildings	6 ft.	6 ft.	2 ft.	2 ft.
Min. Spacing from Other Signs	4 ft.	4 ft.	2 ft.	2 ft.
Site Signs				
Max. #	1 per 500 lf. of frontage or fraction thereof	1 per 500 lf. of frontage or fraction thereof	1 per 500 lf. of frontage or fraction thereof, provided that the area of the property is at least 1 acre; properties that are less than 1 acre shall not display site signs	1 per 500 lf. of frontage or fraction thereof, provided that the area of the property is at least 1 acre; properties that are less than 1 acre shall not display site signs
Max. Sign Area	32 sf.	32 sf.	16 sf.	32 sf.
Max. Sign Height	6 ft.	6 ft.	6 ft.	6 ft.
Min. Setbacks from Property Lines	2 ft. from front and street side property lines 10 ft. from all other property lines	2 ft. from front and street side property lines 10 ft. from all other property lines	2 ft. from front and street side property lines 10 ft. from all other property lines	2 ft. from front and street side property lines 10 ft. from all other property lines
Min. Spacing from Buildings	6 ft.	6 ft.	6 ft.	6 ft.
Swing Signs				
Max. #	Not allowed	Not allowed	1 per frontage	1 per frontage
Max. Sign Area	N/A	N/A	5 sf., including riders	5 sf., including riders
Max. Sign Height	N/A	N/A	5 ft.	5 ft.
Min. Setback from Property Lines	N/A	N/A	2 ft.	2 ft.
Sidewalk Signs				
Max. #	1 per principal building entrance	1 per principal building entrance	Not allowed	Not allowed
Max. Sign Area	8 sf.	8 sf.	N/A	N/A
Max. Sign Height	4 ft.	4 ft.	N/A	N/A
Placement	Must be located within 10 ft. of a principal building entrance Must provide at least 4 ft. clear sidewalk for pedestrian use	Must be located within 10 ft. of a principal building entrance Must provide at least 4 ft. clear sidewalk for pedestrian use	N/A	N/A
Other Standards	Must be placed on sidewalk or hard-surfaced pedestrian plaza; not allowed in vehicular use areas or permeable landscaped areas Must not obstruct pedestrian travel path or building entrance	Must be placed on sidewalk or hard-surfaced pedestrian plaza; not allowed in vehicular use areas or permeable landscaped areas Must not obstruct pedestrian travel path or building entrance	N/A	N/A

**Table 20-9-100B
DETACHED TEMPORARY SIGNS**

Type of Sign Standards	Sign District			
	II	BI	RE	AG
Banners				
Max. #	1 per 100 ft. of frontage or fraction thereof	1 per 100 ft. of frontage or fraction thereof	Single-family, Duplex and Townhome Residential Uses: Not Allowed Multifamily and Nonresidential Uses: 1 per frontage	1 per frontage
Max. Sign Area (per banner)	30 sf.	30 sf.	30 sf.	30 sf.
Min. Spacing from Other Signs	4 ft.	4 ft.	2 ft.	2 ft.
Other Standards	Banner must be mounted on retaining wall, fence, or screen wall Mounting hardware shall be concealed from view Banner shall be stretched tightly to avoid movement in windy conditions	Banner must be mounted on retaining wall, fence, or screen wall Mounting hardware shall be concealed from view Banner shall be stretched tightly to avoid movement in windy conditions	Banner must be mounted on retaining wall, fence, or screen wall Mounting hardware shall be concealed from view Banner shall be stretched tightly to avoid movement in windy conditions	NA
Feather Flags				
Max. #	1 per 75 ft. of frontage or fraction thereof	1 per 75 ft. of frontage or fraction thereof	Single-family, Duplex and Townhome Residential Uses: Not Allowed Multifamily and Nonresidential Uses: 1 per frontage	Not allowed
Max. sign area	45 sf.	45 sf.	45 sf.	N/A
Max. sign height	15 ft.	15 ft.	15 ft.	NA
Min. Setback from Property Lines	2 ft.	2 ft.	2 ft.	2 ft.
Min. Spacing from Buildings	6 ft.	6 ft.	2 ft.	2 ft.
Other Standards	Must be installed in a landscaped area with a radius that extends not less than 3 ft. from the flag pole	Must be installed in a landscaped area with a radius that extends not less than 3 ft. from the flag pole	Must be installed in a landscaped area with a radius that extends not less than 3 ft. from the flag pole	N/A
Standard Flags				
Max. #	9 flags per 100 ft. of frontage (no more than 3 flagpoles per 100 ft. of frontage)	9 flags per 100 ft. of frontage (no more than 3 flagpoles per 100 ft. of frontage)	3 flags per frontage (up to 3 flagpoles)	3 flags per frontage (up to 3 flagpoles)
Max. sign area	48 sf. per flag	48 sf. per flag	24 sf. per flag	24 sf. per flag
Max. sign height	40 ft.	30 ft.	20 ft.	20 ft.
Min. Setback from Property Lines	2 ft.	2 ft.	2 ft.	2 ft.
Other Standards	No more than 3 flags shall be displayed per flagpole	No more than 3 flags shall be displayed per flagpole	No more than 3 flags shall be displayed per flagpole	No more than 3 flags shall be displayed per flagpole

Table 20-9-100B DETACHED TEMPORARY SIGNS				
Type of Sign Standards	Sign District			
	II	BI	RE	AG
Inflatable Signs				
Max. #	1 per frontage	1 per frontage	Not allowed	1 per frontage
Max. Sign Area	N/A	N/A	N/A	N/A
Max. Sign Height	20 ft. or 75% of building height, whichever is less	20 ft. or 75% of building height, whichever is less	N/A	20 ft. or 75% of building height, whichever is less
Min. Setback from Property Lines	Equal to sign height	Equal to sign height	N/A	Equal to sign height

Sec. 20-9-110. - Additional standards for attached temporary signs.

- (a) Generally. The standards of this Sec. 20-9-110 apply to attached temporary signs. The standards of this Section are applied in conjunction with all other applicable standards of this Article 9.
- (b) Attached Flags. In the RE sign district, up to three flagpoles may be mounted on each building elevation, and one flag installed on each flagpole, provided that the flagpole does not extend above the roofline of the building.
- (c) Temporary Attached Banners. Banners may be installed on building walls as provided in Table 20-9-110B, Attached Temporary Signs.

Table 20-9-110B ATTACHED TEMPORARY SIGNS				
Type of Sign Standards	Sign District			
	II	BI	RE	AG
Attached Banners (all)				
Max. # on each building elevation	1 per 300 lf. of building elevation or fraction thereof, but not more than 3 banners per building	1 per 300 lf. of building elevation or fraction thereof, but not more than 3 banners per building	Residential Buildings: Not Allowed Nonresidential Buildings: 1 per building	1 per building
Max. Sign Area	40 sf.	40 sf.	40 sf.	40 sf.

- (d) Temporary Sign Covers. Temporary sign covers are permitted in all sign districts, provided that they are used during a period not to exceed 45 days in which a new permanent sign or sign component that is permitted by this Article 9 is being fabricated or installed.
- (e) Window Signs. Temporary window signs are allowed in all locations where permanent window signs are allowed, provided that the standards of Table 20-9-90C are met as to the combination of temporary and permanent window signs.

Sec. 20-9-120. - Duration of display of temporary signs.

- (a) Generally. The purpose of temporary signs is to display messages for a relatively short time period. Temporary signs shall not be used to circumvent the regulations that apply to permanent signs, or to add permanent signage to a property in addition to that which is allowed by this Article 9.
- (b) Duration of Display.
 - (1) In general, a temporary sign shall be removed as of the earlier of the date that:
 - a. It becomes an Abandoned Sign; or
 - b. It falls into disrepair (see Sec. 20-9-130, Maintenance of Signs); or
 - c. Exceeds six (6) months of continuous display.
 - (2) Temporary signs that are required due to governmental regulation (*e.g.*, public notices) shall be removed as required by the applicable regulation.

Sec. 20-9-130. - Maintenance of signs. Maintenance of signs shall be subject to the following provisions:

- (a) The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally responsible for sign maintenance.
- (b) Each sign and all components thereof, including sign structures, supporting hardware, and sign faces, shall be kept in a good state of repair, such that the sign is:
 - (1) Clean and neatly painted, finished, printed, or applied, as may be applicable;
 - (2) In compliance with all applicable building and electrical codes;
 - (3) In good working order, including associated internal or external lighting or electronic message centers;
 - (4) Free from rust, corrosion, rot, damage, or other deterioration in physical appearance or structural integrity; and
 - (5) Upright (if freestanding) and level (if designed to be level).

Sec. 20-9-140. - Enforcement. In addition to other enforcement procedures in the City of Fort Morgan Municipal Code, the City Manager or designee may inspect any sign governed by this Article and shall have the authority to order the repainting, repair, alteration, or removal of a sign that constitutes a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, partial destruction, unlawful placement, building or electrical code violation, or noncompliance with Section 20-9-50(g).

Sec. 20-9-150. - Nonconforming signs. Any legally established nonconforming sign shall be permitted without alteration in size or location, unless movable or unattached. If such sign is damaged or dilapidated to an extent of more than fifty percent (50%) of its replacement cost at the time of damage or repair, as determined by the City Manager or designee, it shall not be rebuilt; provided, however, that nothing herein shall prevent maintenance, repainting or normal repair of legally established nonconforming signs.

Sec. 20-9-160. - Removal of signs. Removal of signs shall be subject to the following provisions:

- (a) Whenever any sign is no longer functional or is abandoned, the sign shall be removed by the person or entity owning or having possession over the real property and/or sign within thirty (30) days after such abandonment, after such time the City Manager or designee may cause the removal of the sign.
- (b) The City Manager or designee may cause the immediate removal of any sign within the public right-of-way if the sign is placed without first complying with the requirements of this Article and possessing a revocable right-of-way permit from the City. (c) Signs removed by the City Manager or designee shall be stored for thirty (30) days, during which they may be recovered by the owner only upon payment to the City of the costs of removal and storage. If not recovered within the thirty-day period, the sign and supporting structure shall be declared abandoned and title shall vest with the City. The costs of removal and storage (up to thirty days) may be billed to the owner. If not paid, the applicable costs may be imposed as a tax lien against the real property upon which the sign was displayed.

Section 4: Section 20 Chapter 20 Article 10 of the Fort Morgan Municipal Code is amended to delete the following definitions:

~~Sign means any written announcement, declaration, demonstration, display, illustration, insignia or illumination used to identify a premises or to advertise or promote the interests of any person or commercial activity which is displayed or placed out of doors in view of the general public, and shall include every detached sign or billboard and every sign attached to or forming a component part of any marquee, canopy, awning, street clock, pole, parked vehicle or other object, whether stationary or movable.~~

~~Sign, animated is any sign which includes action or motion.~~

~~Sign, canopy is a sign attached to or constructed in or on a building face over a public right of way and constructed of some durable materials such as metal, glass or plastic.~~

~~Sign face means the surface of a sign upon, against or through which the message is displayed or illustrated.~~

~~Sign, freestanding means a sign erected on a freestanding frame, mast or pole and not attached to any building.~~

~~*Sign, legal nonconforming* means any sign which is lawfully erected and maintained prior to the enactment of this Chapter.~~

~~*Sign, projecting* means a sign, other than a wall sign, which is attached to and projects from a structural building face.~~

~~*Sign, wall* means a sign attached to or erected against a wall of a building, with a face parallel to the building wall and extending not more than one (1) foot therefrom.~~

Section 5: Section 20 Chapter 20 Article 10 of the Fort Morgan Municipal Code is amended to add the following definitions:

Abandoned sign means a sign that does not contain a message, is no longer functional, is materially obstructed from view, has a sign face that is no longer legible, is in a state of material dilapidation, or contains a commercial or event-based message that is obviously obsolete (*e.g.*, the name of a business that is no longer operational, or an advertisement for an event that has already occurred), for a period of thirty (30) consecutive days.

Applied, with respect to the installation of a sign, means the adherence of text or graphics that are printed on or cut from thin material (such as vinyl film or decal) to a building wall, window, or other surface.

Attached sign means a wall sign, a window sign, or a projecting sign.

Awning sign means a projecting sign that is integrated into or applied to an awning that is attached to a building. For the purposes of this definition, an awning is a projection from the building that gives shelter from the sun or weather. An awning is different from a canopy in that an awning is covered with fabric or flexible material.

Banner means a type of sign that is painted or printed on cloth, vinyl, or other flexible material, which is designed to be stretched, for example, by mounting on fence posts or wire, or hung on walls with ties, clips, rails, brackets, hooks, or frames.

Building elevation means the external face of a building, projected onto a two-dimensional plane. For purposes of calculating allowed sign area, the building elevation is the two-dimensional representation of the side of the building upon which the sign is proposed.

Bulletin board means type of wall sign composed of a cork, letter board, white board, or comparable surface that is within a secured, weather-resistant enclosure and used for the display of temporary messages. Bulletin board does not include manual changeable copy center.

Cabinet sign means a type of sign composed of a frame or external structure with a box-like design that encloses a sign face and other functional elements of the sign, including dimensional or electrical components.

Canopy sign means a type of sign with one face affixed to a canopy. For the purposes of this definition, a canopy is an attached or detached structure, open on at least one side, which is designed to provide overhead shelter from the sun or weather. Canopies include, but are not limited to, service station canopies, carports, porte-cochères, arcades, and pergolas. A canopy is different from an awning in that a canopy is not covered with fabric or flexible material.

Detached sign means a sign that is not attached to or located inside of a building.

Dimensional wall sign means a three-dimensional sign that is attached to building wall, such that the elements of the sign do not extend more than eight inches from the building wall. Dimensional wall signs include but are not limited to channel lettering.

Electronic message center means a display surface that is composed of light emitting diodes (LEDs) that is capable of displaying variable messages and graphics, which are generally created on a computer.

Feather flag means a flexible piece of fabric that is attached to a flexible pole along a long edge such that the pole stretches the fabric taut regardless of wind conditions. Feather flags are also commonly referred to as “teardrop banners,” “teardrop flags,” and “flutter flags.”

Fin sign means a projecting sign that is mounted on or affixed to a building wall, such that the sign face is generally perpendicular to the building wall. In addition to the wall mount or mounts, a fin sign may include ground-mounted support structures.

Flag means a flexible piece of fabric, that is attached along one edge to a straight, rigid flagpole (directly or with rope), and which is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and often (but not always) include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message.

Frontage means the length of a front, side, or rear property line that abuts a street right-of-way.

Glare means visual conditions in which there is excessive contrast or an inappropriate distribution of light sources that disturbs the observer or limits the ability to distinguish details and objects.

Hanging sign means a sign that is mounted under an awning or canopy as such terms are defined above, or under a cantilevered portion of a building. Generally, hanging signs are oriented perpendicular to the building wall.

Inflatable sign means a sign that is constructed from an envelope flexible material that is given shape and / or movement by inflation.

Manual changeable copy message center means a sign element in which letters, numbers, or symbols may be changed manually without altering the face of the sign (e.g., by placement of letters into tracks that are enclosed within a cabinet structure). Manual changeable copy centers are sometimes known as “readerboards.”

Manual on Uniform Traffic Control Devices means the Manual on Uniform Traffic Control Devices, promulgated by the Federal Highway Administration, as may be amended or supplemented from time to time.

Marquee sign means projecting sign that is designed as a canopy structure, which includes a combination of permanent lettering or graphics and either manual changeable copy or electronic message center components.

Optional residential sign means a wall sign with a sign area that does not exceed four square feet, affixed to a residential building on its front building elevation.

Permanent sign means a durable sign that is mounted or affixed for long-term use, not easily removed, and resistant to weather and other wear and tear.

Portable sign means a sign that is designed to be easily moved from one location to another, and when placed, is neither fastened to a permanent structure or building, nor staked or otherwise installed into the ground. Portable signs include signs that are mounted on trailers, wheeled carriers, or frames that are designed to be placed onto a surface without being secured to it.

Primary detached sign means a detached sign that is visually dominant over other detached signs on the same property, due to its taller height and / or larger sign area.

Primary fin sign means a fin sign that is visually dominant over other fin signs on the same building, due to its taller height and / or larger sign area.

Principal building entrance means a street-level primary point of public pedestrian access into a building. The phrase "principal building entrance" does not include doors used principally as emergency exits, or doors that provide restricted access (e.g., for employees or deliveries).

Projecting sign means a type of attached sign that extends from a building wall, usually perpendicular to the wall's surface. Projecting signs include awning signs, fin signs, marquee signs, and hanging signs.

Property means the real property owned or controlled by the applicant for a sign permit or sign design program. Property may be a single lot or parcel, or may be a combination of abutting lots or parcels that will be bound by the approval.

Required sign means a sign that is required by applicable building codes (e.g., address numbers) or health and safety regulations (e.g., the Occupational Safety and Health Act ("OSHA")); or to comply with other laws or regulations (e.g., a public hearing notice).

Rider means a subordinate sign panel that is attached to a swing sign, either above the horizontal member or below the principal sign face. To illustrate, but without limiting the range of messages that a rider may convey, if the swing sign is used to advertise a property as "for sale," a rider is often used to convey a related message such as "contract pending."

Roof sign means a type of attached sign that is mounted onto a building's roof structure.

Secondary detached sign means a detached sign that is subordinate to a primary detached sign in terms of height and / or sign area.

Secondary fin sign means a fin sign that is subordinate to a primary fin sign in terms of height and / or sign area.

Sidewalk sign means a type of portable sign that is designed to be placed (but generally not anchored) upon a hard surface in order to attract the attention of pedestrians.

Sign means any advertisement, identification, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface.

Sign face means the surface area of a sign which is designed for placement of text, symbols, or images. The sign face does not include the supporting structure, if any, unless the supporting structure is used for the display of text, symbols, or images. For wall signs, the sign face is equal to the sign area of the wall sign, or the area within any frame or color used to define, differentiate, or mount the wall sign, whichever is larger.

Site sign means a type of temporary sign that is constructed of vinyl, plastic, wood, metal, or other comparable rigid material, which is displayed on a structure that includes at least two posts.

Sky glow means is the diffuse luminance of the night sky, caused in part by direct upward emissions of light.

Small sign means a sign that does not exceed two square feet in area, that:

- (1) is affixed to a building or structure, such that only one such sign is displayed on each building elevation that is visible from public rights-of-way or neighboring property; or
- (2) is affixed to a fence or garden wall, such that there is not more than one such sign per 100 linear feet of fence or garden wall on the same frontage; or
- (3) is affixed to a gate or door, such that there are not more than two such signs per gate or door; or
- (4) is affixed to a machine, equipment, gasoline pump, public telephone, vending machine, or utility cabinet, or installed along a ditch or pipeline.

Swing sign means a type of temporary sign that is suspended from a horizontal swing post that is attached to a post that is staked into the ground. Swing signs may include riders that are mounted to the swing post or suspended under the sign panel.

Temporary seasonal decorations means decorations and signs that are clearly incidental, customary, and commonly associated with a holiday.

Temporary sign means a sign that is designed or intended to be displayed for a short period of time.

Temporary sign cover means a type of temporary sign that is constructed of flexible material, designed to fit over a permanent sign face or mount.

Wall sign means a sign that is painted on, applied to, or affixed to a building wall. Wall signs include applied or painted signs, bulletin boards, cabinet signs, and dimensional wall signs.

Window sign means a type of temporary or permanent sign that is: (i) painted on, applied to, or attached to a window; or (ii) or installed or positioned within a building such that the sign face is oriented towards and highly visible through a window that is within one foot of the sign.

Window transparency means the surface area of a window that is not covered or obstructed by a sign, such that the visibility through the window in both directions is not blocked by a sign.

Yard sign means a type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes.

Section 6. Validity. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word (collectively, "Provision") of this Ordinance is declared unconstitutional by a court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other Provision of this Ordinance. It is the intent of the City Council that:

- (a) Severability shall apply even if severance of a Provision would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- (b) Severability shall apply to prohibited sign types and prohibited sign elements, such that as many prohibited sign types and sign elements as may be constitutionally prohibited shall continue to be prohibited.
- (c) Severability shall apply to any Provision that is found to be content-based and declared to be unconstitutional, such that only that portion of the provision that is found to relate to content shall be severed, and if it is not possible to strike only the portion of the provision that is found to relate to content, then all signs that would be subject to the stricken Provision shall instead be subject to the next surviving Provision for a sign of comparable geometry and character that is more restrictive than the stricken Provision in terms of sign area.

Section 7. Repeal. All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 8. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and Section headings of this Ordinance shall not be deemed to govern, limit,

modify, or in any manner affect the scope, meaning, or extent of the provisions of any Article or Section hereof.

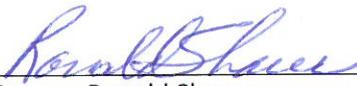
Section 9. Certification. The City Clerk shall certify the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

Section 10. Effective Date. The City Council hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety. This change shall be effective five (5) days after final publication of this Ordinance.

INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED on the 6th day of December, 2016.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO




By: Ronald Shaver
Mayor

Attest:


John Brennan
City Clerk

PASSED, APPROVED, AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED on the 20th day of December, 2016.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO



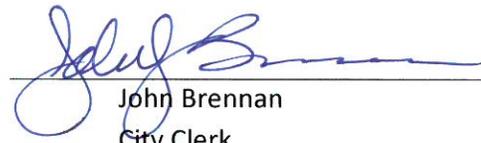

By: Ronald Shaver
Mayor

Attest:


John Brennan
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss. **CERTIFICATE**
CITY OF FORT MORGAN)

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing Ordinance No. 1188 was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado on the 6th day of December, 2016. Said Ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 10th day of December, 2016, published in The Fort Morgan Times, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed Ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 20th day of December, 2016. Within five (5) days after its final passage, said Ordinance No. 1188 was published in the Fort Morgan Times, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.



John Brennan
City Clerk