

ORDINANCE NO. 3

Series 2019

AN ORDINANCE ADOPTING CHAPTER 15 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING SIGNS ON PRIVATE PROPERTY; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Title 9 of the Breckenridge Town Code is amended by the addition of a new Chapter 15, which shall read as follows:

CHAPTER 15

SIGNS ON PRIVATE PROPERTY

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2019 SIGN CODE ORDINANCE

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Part A – Introduction

9-15-1: SHORT TITLE: This Chapter is to be known and may be cited as the “Town Of Breckenridge 2019 Sign Code,” or the “Breckenridge Sign Code.”

9-15-2: AUTHORITY: This Chapter is adopted by the Town Council pursuant to the following authority:

- A. Section 31-15-103, C.R.S. (concerning municipal police powers);
- B. Section 31-15-401, C.R.S. (concerning general municipal police powers);
- C. Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers);
- D. The Local Government Land Use Control Enabling Act of 1974, Part 1 of Article 20 of Title 29, C.R.S.;
- E. The authority granted to home rule municipalities by Article XX of the Colorado Constitution; and
- F. The powers contained in the Breckenridge Town Charter.

9-15-3: LEGISLATIVE FINDINGS AND PURPOSE:

- A. The Town Council finds and determines as follows:
 - 1. The Town is widely known for its high mountain setting, its natural beauty, and its aesthetic charm.
 - 2. The Town’s economy is tourist-based, and it is essential to the continued economic vitality of the Town that the aesthetic appeal of the Town be preserved and enhanced.
 - 3. If not properly regulated, signs can create a distraction for motorists and pedestrians, impede traffic circulation, and contribute to accidents.
- B. The primary purpose of this Chapter is to create a legal framework for a comprehensive and balanced system of signage in the Town. These regulations are intended to provide an easy and pleasant communication between people and their environment, and to avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.
- C. This Chapter is adopted specifically to serve the public interest by:
 - 1. Encouraging signs that maintain and enhance the unique aesthetics, beauty, and charm of the Town.
 - 2. Protecting and enhancing the economic viability of the Town’s commercial areas by attempting to assure the Town’s continued aesthetic appeal to the residents and the many tourists who annually visit the Town.
 - 3. Promoting the use of aesthetically pleasing sign materials, colors, designs, and types.
 - 4. Encouraging signs that are architecturally and cosmetically compatible with the surrounding area, and that are of a quality design and character that do not detract from the overall appearance of the Town.
 - 5. Enhancing traffic and pedestrian safety by attempting to ensure that signage does not distract motorists or pedestrians, or obstruct or otherwise impede traffic circulation.
 - 6. Protecting the Town’s Historic District, including that portion of the Town designated by the Secretary of the Interior as a National Historic District, by avoiding damage to

the Town's sense of history, and by reinforcing the character of the Town's Historic District and its visual elements.

7. Assisting in wayfinding, and promoting the efficient communication of messages.

8. Enhancing the overall property values in the Town by discouraging signs that contribute to the visual clutter of the streetscape.

9. Implementing the Town of Breckenridge Comprehensive Plan, one goal of which is to protect the unique and highly valuable aesthetic character of the Town, as well as protecting the public by encouraging traffic safety.

10. Providing fair and consistent enforcement of this Chapter.

D. In adopting this Chapter it is the intent of the Town to address problems caused by signs wholly apart from any message conveyed by signs, and to protect and promote the Town's compelling governmental interests in a way that is unrelated to the topic discussed, the idea or message conveyed, the speaker's viewpoint, or any other content of the message displayed on a sign. It is neither the purpose nor the intent of this Chapter to stymie any sign because of the Town's disagreement with the message or idea it conveys.

9-15-4: REGULATORY SCOPE:

A. This Chapter applies to all signs and sign structures that are located on private property within the Town, except as otherwise provided in this Chapter.

B. Signs and sign structures located on private property within the Town are subject to any safety and construction requirements of the Town's building and technical codes.

C. Signs located on Town-owned property are regulated by Title 11, Chapter 8 of this Code.

Part B – Definitions and Interpretation

9-15-5: DEFINITIONS:

A. Words or phrases defined in the Town's Development Code (Title 9, Chapter 1 of this Code) apply to this Chapter unless such definition conflicts with a definition in this Chapter.

B. Where terms are not defined, they shall have their ordinary accepted meanings within the context that they are used.

C. As used in this Chapter, the following words have the following meanings:

ACCENT: Twenty five percent or less of the area of a sign.

ADVERTISE: The non-personal communication of information usually paid for and usually persuasive in nature about products, services, or ideas by identified persons.

ATTENTION GETTING DEVICE: Any flag, streamer, spinner, pennant, costumed character, light, balloon, continuous string of pennants, flags or fringe or similar device or ornamentation used primarily for the purpose of attracting attention to a commercial use if visible by the general public. "Bistro lights" and "Decorative Lights" as defined in Section 9-12-7 of this Code are not an attention getting device.

BANNER SIGN: A strip of cloth or other flexible material on which a sign or message is placed.

BUILDING FRONTAGE: The length of a building facing a street or alley or, where a mall exists, building frontage means that portion of the mall that is parallel to the street. In the case of a corner lot, the building frontage may be

either of the street frontages, but not both, at the option of the property owner. Where a property is tandem with another lot and has no frontage on a public street, the adjacent tandem property shall be disregarded, and the building frontage means the facade of the building nearest the public street. A depiction of building frontage is as follows:



- BUILDING OFFICIAL:** The Building Official of the Town, or such person’s designee acting pursuant to Section 1-7-2 of this Code.
- BUILDING AND TECHNICAL CODES:** The Town’s building and technical codes adopted by Title 8, Chapter 1 of this Code.
- BUSINESS:** A commercial use of real property for which a valid business and occupational (BOLT) license has been issued under Title 4, Chapter 1 of this Code.
- COMMERCIAL MESSAGE SIGN:** A sign that contains primarily a commercial message.
- COMMERCIAL USE:** Has the meaning provided in Section 9-1-5 of this Code.
- CONSERVATION DISTRICT:** Has the meaning provided in Section 9-1-5 of this Code.
- COPY (MESSAGE OR CONTENT):** Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof located on a sign.
- CORNER LOT:** A lot bounded on two sides by streets that intersect with each other.
- DAY:** A calendar day, unless a business day is specified. A “business day” is a day that the offices of the Town of Breckenridge are open for business.
- DIRECTORY SIGN:** A sign that serves as a common or collective identification of two (2) or more uses on the same property and which may contain a directory to the uses as an integral part thereof or may serve as a general identification for such developments as shopping centers, industrial parks, and similar uses. An example of a directory sign is as follows:



- DEPARTMENT:** The Town's Department of Community Development.
- DIRECTOR:** The Town's Director of Department of Community Development, or such person's designee acting pursuant to Section 1-7-2 of this Code.
- DISPLAY BOX:** A freestanding or wall sign located immediately outside of or near the entrance to a restaurant, bar, or lounge.
- ELECTRONIC MESSAGE SIGN:** A sign that uses LEDs (light emitting diodes), CCDs (charge coupled devices), plasma, or functionally equivalent technologies to display a series of still images or full motion, usually remotely programmable and changeable. Also known as "electronic message centers," "message centers," and "electronic signs."
- FLAG:** A sign containing a noncommercial message that is typically made of cloth and is displayed outdoor by being hung on a pole or hung from a building.
- FLASHING SIGN:** A sign that has lights or illumination that flashes, has a reflective surface, rotates, revolves, oscillates, blinks, flickers, varies in intensity of color, or uses intermittent electrical pulsations. An electronic message sign is not a flashing sign.
- FREESTANDING SIGN:** A permanent sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or which is erected on the ground, where no part of the sign is attached to any part of a building, structure, or other sign. The term includes a "pole sign," "pedestal sign," and "ground sign." An example of a freestanding sign is as follows:



- GARDEN LEVEL:** The floor of a building located more than fifty percent below average grade with an exterior entry accessing such level as depicted below:



- GOVERNMENT SIGN:** A sign that is the expression of the federal or any state or local governmental entity when erected and maintained according to law and includes, but is not limited to, traffic control devices that are erected and maintained to comply with the Manual of Uniform Traffic Control Devices adopted by the State of Colorado.
- GATEWAY** Has the meaning provided in Section 9-1-5 of this Code.

ENTRANCE
MONUMENT:

HISTORIC DISTRICT: Has the meaning provided in Section 9-1-5 of this Code.

HISTORIC PLAQUE: A sign placed on the outside of a building or structure that has received designation as a landmark under the Town's Historic Preservation Ordinance (Title 9, Chapter 11 of this Code), or applicable federal law.

INDUSTRIAL USE: Has the meaning provided in Section 9-1-5 of this Code.

INTERNALLY LIT SIGN: An indirect source of light which illuminates a sign by shining through a translucent surface of a sign, lit from an internal light source or gas (e.g., neon, argon).

LEANING SIGN: A one sided sandwich board sign support by another object such as a building or tree.

LOT: A parcel of real property designated with a separate and distinct number or letter on a recorded plat filed with the Summit County Clerk and Recorder, or when not so platted, a parcel of real property occupied or intended to be occupied by a building and all allowed accessory structures, held in unified ownership in fee or co-tenancy, or under legal control tantamount to such ownership.

MARQUEE SIGN: A tall roof like projection above a theater entrance, usually containing the name of a currently featured play or film and its stars. An example of a marquee sign is as follows:



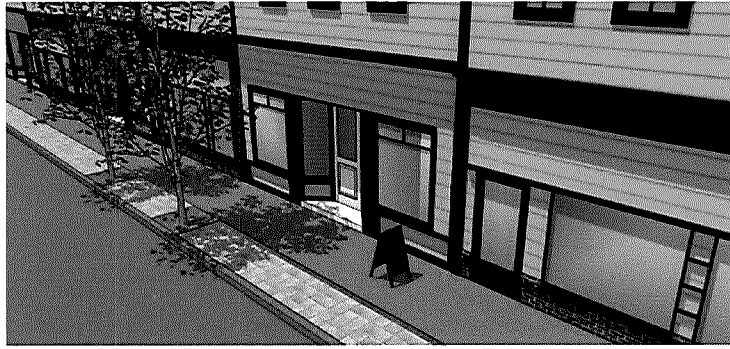
MASTER SIGN PLAN: A sign plan for an office or commercial building that contains three or more separate businesses, which plan includes the number, size, description, and location (but not the content) of all signs located, or to be located, in or upon such property.

MOBILE SIGN: A sign or signage placed on or wrapped onto a vehicle or by other mobile means of travel.

MONUMENT SIGN: A freestanding sign with a base, including any portion of the sign or supporting structure that exceeds two (2) square feet in ground area. An example of a monument sign is as follows:



MOVING SIGN:	A sign that moves or simulates motion.
MURAL:	Has the meaning provided in Section 9-1-5 of this Code.
NONCOMMERCIAL MESSAGE SIGN:	A sign that contains primarily a noncommercial message.
NONCOMMERCIAL MESSAGE:	Any message that is not a commercial message.
ON-PREMISES SIGN:	A commercial message sign that advertises a business, merchandise, product, service, or entertainment that is sold, produced, manufactured, furnished, or that is available on the property where the sign is located.
OFF-PREMISES SIGN:	A commercial message sign that does not advertise a business, merchandise, product, service, or entertainment that is sold, produced, manufactured, furnished, or that is available on the property where the sign is located.
PERMANENT SIGN:	A sign that is to be placed or erected for an indefinite period of time pursuant to a permit issued under this Chapter. Permanent signs are typically made of durable material such as wood or material that mimics wood such as high density urethane, glass, or metal.
PUBLIC AREA:	Any outdoor place to which the public or a substantial number of the public has access, including, but not limited to, transportation facilities, schools, places of amusement, parks, playgrounds, and the outdoor common areas of public and private buildings and facilities.
PUBLIC ENTRANCE:	An entrance into a business that is unlocked and available for use by the general public for access to and egress from the business during regular business hours. A “deliveries only” entrance is not a public entrance.
PUBLIC RIGHT OF WAY:	A public street or alley.
REFLECTIVE SURFACE:	Any material or device that has the effect of intensifying reflected light, including, but not limited to, Scotchlite, Day-Glo, glass beads, mirrors, highly reflective metals and luminous paint.
RESIDENTIAL USE:	Has the meaning provided in Section 9-1-5 of this Code.
REVIEWING AUTHORITY:	The Director with respect to all permit application submitted under this Chapter, except an application for a Master Sign Plan permit. The reviewing authority for a Master Sign Plan permit application shall be the Planning Commission.
ROOF SIGN:	A sign painted on the roof of a building, or supported by poles, uprights, or braces extending from the roof of a building, or projecting above the roof of a building, but not including a sign projecting from or attached to a wall.
SANDWICH BOARD SIGN:	A sign that is constructed with two pieces of non-reflective metal, blackboard, whiteboard, or wood or similar material, connected at the top, which pieces form a triangular shape and are self-supporting; also known as an “A-frame” sign. An example of a sandwich board sign is as follows:



- SEASONAL DECORATION:** Temporary, noncommercial decorations or displays erected or displayed only on a seasonal basis, when such are clearly incidental to the primary use of the building.
- SEPARATE FRONTAGE:** A second building frontage, parallel and adjacent to a public right of way and on the opposite side of a building's primary frontage that includes a public entrance.
- SIGN:** A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform, and includes the sign structure. Signs are either permanent or temporary, and may contain a noncommercial message or a commercial message. Clothing is not a sign. A mural painted on a structure is not a sign subject to this Chapter, but is regulated by the Development Code.
- SIGN AREA OR SURFACE AREA:** The surface area of a sign, as determined by the Director, including its facing, copy, insignia, background, and borders, that is described by a combination of plane geometric figures.
- SIGN ON PROPERTY UNDER DEVELOPMENT:** A sign erected in connection with the development of real property.
- SIGN OWNER:** The permittee with respect to any sign for which a sign permit has been issued; or, with respect to a sign for which no sign permit is required, or for which no sign permit has been obtained, "sign owner" means the person entitled to possession of such sign, the owner, occupant, or agent of the property where the sign is located, and any person deriving a pecuniary benefit from the sign.
- SIGN STRUCTURE:** All supports, uprights, braces, housings, mounting devices, and framework of a sign to the extent necessary to support the sign.
- STATUARY SIGN:** Any sign which is a modeled or sculptured likeness of a living creature or inanimate object.
- STREET:** The entire width of every dedicated public way owned or controlled by the Town.
- STRUCTURE:** Anything that is built or constructed with a fixed location, but does not include utility poles, lines, cables or other transmission or distribution facilities of public utilities, or structures associated with a wireless communications facility as defined in the Town's Development Code.
- TEMPORARY SIGN:** A sign that is not a permanent sign.
- TOWN-OWNED PROPERTY:** Has the meaning provided in Title 11, Chapter 8 of this Code.
- TRAFFIC CONTROL** A sign, signal, marking, or other device used to regulate, warn, or

DEVICE: guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or shared-use path by authority of a public agency having jurisdiction.

WALKING SIGN: Any sign that is carried by any person while walking on a public street or sidewalk that is visible from a public right of way, adjacent property, or a public area.

WALL SIGN: Any sign attached to, or erected against the building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

WINDOW SIGN: A sign that is painted on, applied, or attached to a window. Merchandise that is a part of a window display is not a window sign.

WINDOW SIGN WRAP: A sign that extends horizontally across a business window or series of business windows that is placed towards the top or bottom of the window so as not to detract from the inside display of merchandise. An example of an allowed window wrap sign is as follows:



WOOD RELIEF SIGN: A carved sign constructed of wood and other similar materials that replicate wood with a three-dimensional (3-D) textured surface that is integral to its design, such as extensively carved, routed, or sandblasted signs. A wood sign with a simple raised or routed border, or simple raised or routed letters, shall not constitute a wood sign with relief.

9-15-6: INTERPRETATION:

A. If there is a conflict between the general provisions of this Chapter and a specific sign regulation contained in this Chapter, the specific sign regulation shall control.

B. If there is a conflict between the sign regulations of this Chapter and any other provision of this Code, the provisions of this Chapter shall control.

Part C – General Policies

9-15-7: GENERAL POLICIES FOR SIGN REGULATION:

A. **Enforcement.** The Director is authorized and directed to enforce this Chapter.

B. **Review and Approval.** All decisions, approvals, orders, and appeals regarding signs within the regulatory scope of this Chapter, including, but, not limited to, decisions on sign permits, shall be made pursuant to the procedures stated in this Chapter.

C. **Regulatory Interpretations.** All regulatory and administrative interpretations of this Chapter are to be exercised in light of the Town's message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Chapter, then the Director shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this Chapter.

D. Message Neutrality. It is the Town's policy and intent to regulate signs in a manner that is not affected by the topic, idea, or message expressed on the sign; the subject matter of the sign; or the specific motivating ideology, viewpoint, opinion, or perspective of the speaker. This Chapter shall be administered and enforced in accordance with such policy and intent. The sign permitting and enforcement process requirements of this Chapter shall be limited to the non-communicative aspects of the sign, such as size, height, orientation, location, setback, illumination, spacing, scale, and mass of the sign structure.

E. Message Substitution. Subject to the landowner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting, but is subject to any applicable size limitation applicable to a message containing a noncommercial message. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or the favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

F. On-Site/Off-Premises Distinction. Within this Chapter, the distinction between an on-premises sign and an off-premises sign applies only to commercial messages.

G. Legal Nature of Sign Rights. As to all signs attached to real property, the signage rights, duties, and obligations arising from this Chapter attach to and run with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Chapter or other law), or the ownership of sign structures. This provision does not apply to handheld signs or other images that are aspects of personal appearance.

H. Owner's Consent. No sign may be placed on private property without the consent of the property owner or other person holding the present right of possession and control.

I. No Fee May Be Accepted. A property owner shall not accept a fee for posting or maintaining a sign allowed under this Chapter. Any sign that is posted or maintained in violation of this provision is not authorized and is in violation of this Chapter.

J. No Interference With Federally-Registered Trademark. The Director shall not refuse to issue a permit under this Chapter for the reason that the colors of the proposed sign do not comply with the requirements of this Chapter if the colors reflect a federally-registered trademark.

K. Prospective Regulation. This Chapter applies only to signs whose structure has not been permanently affixed to its intended premises on the date that the ordinance adopting this Chapter became effective.¹ Except as provided in Section 9-15-21, this Chapter does not affect signs that were legally installed and that existed as of the date this Chapter first takes effect.

L. Severability. If any section, sentence, clause, phrase, word, portion, or provision of this Chapter is held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter that can be given effect without the invalid portion. In adopting this Chapter, the Town Council affirmatively declares that it would have approved and adopted this Chapter even without any portion that may be held invalid or unenforceable.

9-15-8: SIGN PERMIT REQUIRED - GENERALLY:

A. Except as provided in Section 9-15-9, a sign permit shall be required for all

¹ The ordinance that adopted this Chapter became effective on April 4, 2019.

permanent signs prior to the erection, relocation, alteration, or replacement of the sign.

B. A sign permit shall not be required for those temporary signs that are allowed under this Chapter.

9-15-9: EXEMPT SIGNS: The following signs do not require a sign permit and are exempt from the requirements of this Chapter:

- A. Government signs;
- B. Signs required by federal, state, or local law;
- C. Historic plaques on designated landmark properties;
- D. Cornerstones when carved into stone, concrete, bronze or other permanent material and made an integral part of a building or structure;
- E. Signs required by the Town's building and technical codes;
- F. Warning signs marking hazards on private property two (2) square feet or less in size;
- G. Merchandise. These displays may be subject to the rules on outdoor display of merchandise set forth in Title 9, Chapter 7 of this Code;
- H. Bumper stickers or similar expressions that are affixed to a motor vehicle;
- I. Seasonal decorations; provided that such decorations are maintained so as to not constitute a fire hazard and are removed after the season associated with the decoration has ended. Temporary winter holiday decorations must be removed by the day after the third Monday in February (when President's Day is celebrated);
- J. Flags;
- K. Signs on commercial vehicles, including trailers; provided that the vehicles/trailers are not in violation of Section 9-15-18:F;
- L. Walking signs; and
- M. Any other sign for which a permit is specifically not required by this Chapter.
- N. Scoreboards associated with an approved recreational field.

9-15-10: ACTIONS THAT DO NOT REQUIRE A PERMIT: A sign permit is not required for:

- A. A change of copy, text, or message that does not alter the material, size, location, or illumination of a sign (see Section 9-15-7(E) [Message Substitution]);
- B. The general maintenance of an existing and approved sign;
- C. Window signs placed pursuant to Section 9-15-15(D);
- D. Window wraps placed pursuant to Section 9-15-15(E); or
- E. Signs erected pursuant to Section 9-15-17.

9-15-11: PROHIBITED SIGNS: The following signs and types of signs are inconsistent with the purposes and standards of this Chapter and, as such, are prohibited within the Town without reference to their content:

- A. Any sign for which a permit is required under this Chapter, but for which no valid permit has been issued or exists, or which violates the terms, conditions, and restrictions of this Chapter or the sign permit that approved the sign;

- B. Any sign that is specifically prohibited by the provisions of this Chapter;
- C. Temporary signs, except as specifically authorized by this Chapter;
- D. Attention-getting devices;
- E. Flashing signs; moving signs; signs emitting audible sounds, smoke, fumes, odors, or visible matter; and signs that change copy electronically;
- F. Beacons, lasers, or searchlights used for a commercial purpose;
- G. Inflated signs, balloons, or inflatable party devices intended for short-term use;
- H. Electronic message signs;
- I. Internally lit signs placed on the exterior of a building, or within five feet (5') of a window of a building;
- J. Roof signs;
- K. Off-premises commercial message signs, except as provided in Section 9-1517(C);
- L. Signs affixed to trees or utility poles;
- M. Abandoned signs (see Section 9-15-22);
- N. Signs erected or displayed by a person involved in the business of general advertising for hire;
- O. Sandwich board signs;
- P. Leaning signs;
- Q. Marquee signs;
- R. Monument signs within the Conservation District;
- S. Gateway monuments signs within the Conservation District;
- T. Banner signs (unless authorized by a permit issued pursuant to Title 4, Chapter 13 of this Code or as authorized pursuant to Section 11-8-7 of this Code); and
- U. Signs on private property that can reasonably be interpreted as attempting to regulate uses on public property including, but not limited to, parking and speed limits.

Part D – Sign Permit Process

9-15-12: SIGN PERMIT PROCESS:

A. Sign Permit Applications Reviewed Under Development Code: All applications for permits submitted pursuant to this Chapter, except an application for a Master Sign Permit, shall be Class D Minor development permit applications under the Development Code. An application for a Master Sign Permit shall be a Class C development permit application under the Development Code. An application to amend a Master Sign Plan shall be a Class D Minor development permit application. Those relevant provisions of the Development Code that are not inconsistent with this Chapter shall apply to permit applications submitted under this Chapter. In the event of a conflict between the provisions of the Development Code and the provisions of this Chapter, the provisions of this Chapter shall control.

B. Reviewing Authority to Decide Applications. The reviewing authority as defined in Section 9-15-5 shall review and decide all sign permit applications that are filed pursuant to this Chapter.

C. Submittal Requirements for Sign Permit: An application for a sign permit under this

Chapter, except for an application for a Master Sign Plan (see Section 9-15-14(B)) shall contain the following:

1. Application form and required application fee for the class of permit being applied for as established in the Development Code.
2. Two drawings showing details of construction and foundation, if applicable, of the proposed sign.
3. A scaled drawing showing the size, shape, design, colors, materials, and lighting, of the proposed sign.
4. A site plan of the proposed site and sign location of any freestanding sign.
5. Elevation, site plan or other depiction of the premises for which the sign is to be located upon with length of premise called out.
6. An elevation or photo depicting the proposed location of the sign on a building or a wall or window sign.
7. A colored rendering of the sign (excluding sign content).
8. The Reviewing Authority may require such other information as the Reviewing Authority shall deem necessary to properly evaluate the application; provided the Reviewing Authority shall not require any information concerning the content of the sign. Any content information voluntarily provided by the applicant shall not be considered by the Reviewing Authority in deciding the application. Once filed with the Town, an application and any exhibits become the property of the Town.

D. Application Fee Not Refundable: The application fee is nonrefundable.

E. Decision on Application: The Reviewing Authority shall grant or conditionally grant an application if the application satisfies all of the requirements of this Chapter and any applicable provisions of the Development Code. The Reviewing Authority may impose such conditions on a permit as are required to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this Chapter and other applicable law.

F. Provisions Deemed Inapplicable Or Irrelevant: The Reviewing Authority may refuse to apply or require compliance with any provision of this Chapter or the Development Code that the Reviewing Authority determines to be inapplicable or irrelevant to an application for a sign permit.

G. When Permitted Sign Must Be Erected: Signs for which permits have been issued shall be erected within one hundred eighty (180) days of the issuance of the permit. Failure to complete placement of the sign within such period shall require the sign owner to obtain a new permit before the sign can be erected. For good cause the Director may extend the deadline for erection of a permitted sign for up to an additional one hundred eighty (180) days.

H. Inspections For Permits:

1. All signs for which a building permit is required shall be subject to inspection by and approval of the Building Official. Inspections shall be conducted within seven business days of the request for an inspection.
2. Footing inspections may be required for all signs having footings.
3. All signs shall comply with the applicable provisions of the Town's building and technical codes. If a permit is required under a building or technical code, such permit must be obtained in addition to a sign permit.

9-15-13: VARIANCES:

A. Variances Authorized; Standards: The Director may grant a variance from any of

the regulations contained in this Chapter, except the maximum allowed sign area.²

B. Approval Standards. The Director may grant a variance authorized by this Section if the variance requested is required by special or unique hardship because of:

1. Exceptional narrowness, shallowness, or shape of the premise on which a sign is to be located; or
2. Exceptional topographic conditions or physical features uniquely affecting the premise on which the sign is to be located.

The Director may not grant a variance solely because the display of a sign would be more profitable or valuable if the variance were granted.

C. Additional Variance Standards: The Director may grant a variance only if the Director determines that the variance is consistent with the Town's master plan³, and there are no other reasonable alternatives for displaying a sign permitted by this Chapter.

D. Factors Not To Be Considered: In considering a request for a variance the Director shall not consider the topic, idea, or message expressed on the sign; the subject matter of the sign; or the specific motivating ideology, viewpoint, opinion, or perspective of the speaker.

9-15-14: MASTER SIGN PLAN:

A. Master Sign Plans Required; When: All buildings containing three (3) or more separate businesses must obtain approval of a master sign plan from the Director prior to any signs being erected in or upon any structure. All signs erected or maintained within the structure must conform at all times to the approved master sign plan. Any deviations from an approved master sign plan is unlawful unless and until a revised master sign plan is approved by the Director.

B. Application For Master Sign Plan: An application for a master sign plan must include at least the following information:

1. Class C application form and fee;
2. Site plan and elevations, if applicable;
3. Lineal front footage of the structure;
4. The total amount of allowable sign area for the structure; and
5. The location, materials, lighting, and maximum area of each sign that an individual business will be allowed to display including freestanding or directional signage.
6. The Reviewing Authority may require such other information as the Reviewing Authority shall deem necessary to properly evaluate the application; provided the Reviewing Authority shall not require any information concerning the content of the sign. Any content information voluntarily provided by the applicant shall not be considered by the Reviewing Authority in deciding the application. Once filed with the Town, an application and any exhibits become the property of the Town.

C. Individual Sign Permits Still Required: Individual sign permits are required for signs contained within an approved master sign plan with a Class D minor development permit.

Part E – Sign Size and Location Rules

² But see Section 9-15-20(D)(3) which authorizes the Director to determine the maximum allowable sign area in a project that is subject to a master sign plan under certain circumstances and Section 9-15-20(K) (2) which authorizes the director to determine the maximum allowable sign area under certain circumstances for hotels and condominiums.

³ See Title 9, Chapter 4 of this Code.

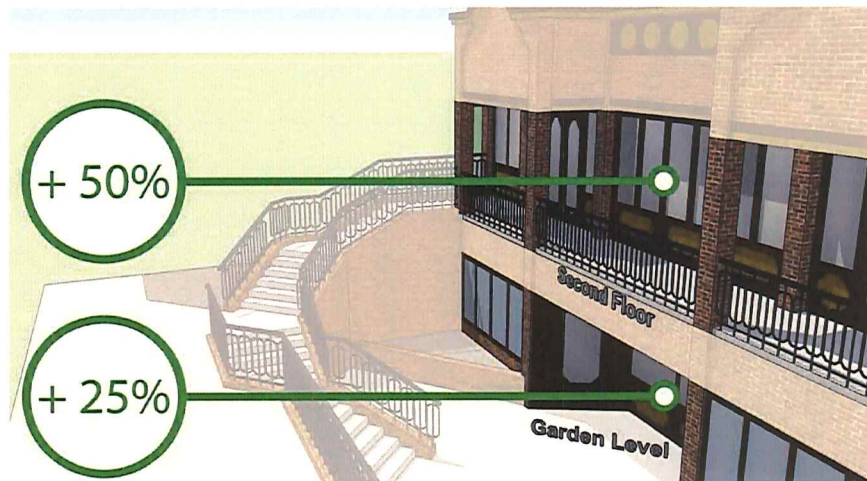
9-15-15: SIGNS ON COMMERCIAL PROPERTIES:

A. **General:** Unless specifically excluded by this Chapter, all signs displayed shall be included in determining the total sign area for a building. The aggregate area of all signs, both temporary and permanent, displayed on a site shall not exceed the total allowable sign area established by this section. The total square footage of allowable sign area for any building shall be equal to sixty six percent (66%) of the building's frontage. Unless specifically excluded by this chapter, all signs displayed shall be included in determining the total sign area for a building.

Example: (Linear feet of building frontage) x 0.66 = total square footage of allowable sign area.

In those instances where a building has two (2) separate frontages and all of the allowable sign area can legally be displayed on the primary frontage, the commission may increase the total allowable sign area by up to one hundred percent (100%) as may be reasonably necessary to provide additional sign area needed to identify the building and/or tenant(s) when viewed from the public way adjacent to the separate frontage.

B. **Sign Area Adjustments; Multiple Level Buildings:** Each multiple level building shall be permitted one hundred percent (100%) of the allowable sign area set forth above. In addition, the second floor, if any, shall be allowed an additional fifty percent (50%) of the allowable sign area and the garden level, if any, shall be allowed an additional twenty five percent (25%) of the allowable sign area. Additional signage will be allowed for the garden level and the second floor only if separate business is operating from each of these floors. Buildings that have no street level entrances and two (2) levels of commercial use are eligible for the garden level bonus only. These additional amounts of allowable sign area shall apply only to that portion of second floors and garden levels which are used as commercial space accessible to the public.



C. Other Adjustments To General Allowed Sign Area:

1. Only sixty six percent (66%) of the surface area of each face of a double faced sign is counted against allowed sign area.
2. Only eighty five percent (85%) of the surface area of a wood relief sign is counted against the allowable sign area.

D. **Window Signs:** In addition to the signage allowed by Section B, each business in a commercial use property may display a maximum of four (4) window signs, whether such signs are temporary (not paper) or permanent. The total area of all allowed window signs, both temporary and permanent, shall not exceed five (5) square feet in area.

E. **Window Wrap:** In addition to the window signage square foot allowance provided in Section C, each business is entitled to one window sign wrap that may extend across the width of the storefront windows. The window sign wrap may be a maximum of twelve inches (12") in height and must be composed of materials that are affixed to the window in a semi-permanent manner that is not easily changed (e.g., paper cannot be used). The window sign wrap must be placed within six inches (6") of

either the top or bottom of the window, so as not to detract from the inside display of merchandise.

F. Separate Frontages: In those instances where a building with a commercial use has two (2) separate frontages and all of the allowable sign area can legally be displayed on the primary frontage, the Director may increase the total allowable sign area by a maximum square footage double the calculated allowed as may be reasonably necessary.

G. Limitations:

1. No more than twenty (20) square feet of signage per business on a commercial use property may be visible from any one location after any sign bonus calculations have been applied, if applicable.

2. Except as specifically provided in this Chapter, the area of any one sign on a building with a commercial use shall not exceed twenty (20) square feet after any sign bonuses have been applied, if applicable.

H. Display Boxes: Each restaurant, bar, or lounge may have one display box sign. If the size of the display box is two (2) square feet or less the display box shall not count against the allowable sign area. If the size of the display box exceeds two (2) square feet, the area of the display box in excess of two (2) square feet counts against the allowable sign area.

I. Gas Stations: In addition to the signage otherwise allowed by this Chapter, gas station shall be allowed an extra twenty (20) square feet of signage located near the gas pumps.

9-15-16: SIGNS ON INDUSTRIAL PROPERTIES: The signage rules for properties with an industrial use⁴ are the same as the rules for properties with a commercial use.

9-15-17: ADDITIONAL SIGNAGE ALLOWED; WHEN: In addition to the signage allowed by this Chapter, the owner or lawful occupant of any property may place the following temporary signs on the owner's or occupant's property without a sign permit but subject to the limitations of this Section:

A. Signs not to exceed a total of twelve (12) square feet in size for a period of up to forty five (45) days prior to an election involving candidates for a federal, state, or local office, or ballot question. No one sign shall exceed four (4) square feet in size. The signs shall be removed within five days following the election. The signs must not be placed in the public right of way.

B. One sign on the property not larger than four (4) square feet in size when the property is being offered for sale through a licensed real estate agent, property owner, or by the property management; through the internet; or through advertising in a local newspaper of general circulation. The sign authorized pursuant to this Section B must be removed once the sale of the property has been concluded.

C. At the time a sign is allowed to be displayed by a property owner pursuant to Section B a real estate agent representing the owner may temporarily place off-premises signs without a permit, subject to the following limitations:

1. Location of Signs:

a. No off-premises sign authorized by this Section C is allowed anywhere within the conservation and historic districts;

b. No sign authorized by this Section C is allowed within the rights of way of Park Avenue and Main Street within the Town;

⁴ Storage, processing and shipping of agricultural or timber products; mineral extraction and production; storage, processing or shipping; fabrication; assembly, services, manufacturing; auto body repair shops; or storage of products. See definition of "industrial use" in Section 9-1-5 of this Code.

- c. No sign authorized by this Section C may be placed on the paved driving surface of any public right of way, or on any public sidewalk;
 - d. No sign authorized by this Section C may obstruct any public street, alley, sidewalk, recreational path, or any public snow removal operations;
 - e. No sign authorized by this Section C is allowed within any designated public pedestrian area;
 - f. No sign authorized by this Section C may be located on private property without the consent of the property owner; and
 - g. No sign authorized by this Section C may be placed so as to cause confusion by motorists observing the sign.
2. Number of Signs: Not more than three (3) signs authorized by this Section C may be placed within any Town right of way or located at an off-premises private property;
3. Maximum Sign Area: The maximum sign area of a sign authorized by this Section C is four (4) square feet;
4. Height: The height of a sign authorized by this Section C may not exceed five feet (5') as measured from the top of the sign to the grade at the base of the sign;
5. Display Duration:
- a. A sign authorized by this Section C may only be displayed beginning up to one hour before time when the owner's real property is open for viewing by potential buyers or renters with the realtor, broker, owner, or other similar agent present on the real property, and must be removed no later than one hour after the conclusion of the viewing;
 - b. A sign authorized by this Section C may only be displayed between 8:00 A.M. and 8:00 P.M. of the same day; and
 - c. A sign authorized by this Section C may not be displayed for more than three (3) consecutive days.
6. Lighting: A sign authorized by this Section C may not be lit;
7. No Attention Getting Devices: No attention getting device may be affixed to any sign authorized by this Section C; and
8. Town Not liable: The Town is not liable for damage done to a temporary sign authorized by this Section C that is located within a public right of way.
- D. One sign on the property not larger than four (4) square feet in size when the property is being offered for rent or lease through a licensed real estate agent or by the property owner; through the internet; or through advertising in a local newspaper of general circulation. The sign authorized pursuant to this Section D must be removed once the property has been rented or leased.
- E. One sign not larger than four (4) square feet in size, subject to the terms of this Chapter and applicable law.

Part F – Sign Design Standards

9-15-18: SIGN DESIGN STANDARDS – GENERALLY: All signs for which a permit is required under this Chapter shall be subject to the following general limitations:

A. Sign Design And Materials: Unless otherwise expressly provided in this Chapter, signs must be constructed predominantly of natural materials, such as rough cedar, redwood, pine, or other types of solid wood. Wood or alternative materials that mimic wood grain (e.g. high density urethane) are encouraged. Metal may be used as an

accent (maximum of 25% of sign area) on wood relief signs.

B. Architectural Compatibility: A sign (including its supporting structure and components, if any) shall be architecturally compatible with any building to which the sign is to be attached and with the surrounding structures.

C. Lighting Standards:

1. **Shielded Lighting:** Light bulbs or lighting tubes used for illuminating a sign shall not be visible from the vehicular travel lanes of adjacent public rights of way. The use of adequate shielding, designed so that light from sign illuminating devices does not shine directly into the eyes of passing motorists without first being reflected off the sign or its background, is required whenever sign lighting is used.

2. **Subdued Lighting:** The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest municipal street; and the illumination of a sign shall not be noticeably brighter than other lighting in the vicinity and shall comply with Title 9, Chapter 12 this Code.

3. **Direction Of Lighting:** All lighting fixtures shall be placed above the sign and shall shine downward toward the sign. Illumination of signs shall not be directed toward adjacent properties.

4. **Internally Lit Signs:** No sign that is placed on the exterior of a building or on the interior of the building within five feet (5') of a window shall be internally lit.

D. Component Painting: All light fixtures, conduit, and shielding shall be painted a flat, dark color, or shall be painted to match either the building or the supporting structure that serves as the background of the sign.

E. Confusing Or Dangerous Signs: No sign or sign structure shall:

1. Obstruct the view of, resemble, or purport to be a device to control the operation of motor vehicles or pedestrians in the right of way, or any other official sign.

2. Create an unsafe distraction for motor vehicle operators.

3. Obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley, or other thoroughfare.

4. Obstruct free ingress to or egress from required door, window, fire escape, or other required exit or standpipe.

F. Parked Vehicles Not To Be Used As Signs: Notwithstanding Section 9-15-9K, no parked vehicle, including, but not limited to, an automobile, truck, bus, semi-truck (attached or detached), trailer, mobile home, motor home, boat, van, or other motor vehicle, shall be used as a sign or sign structure. Delivery trucks parked during hours of operation are excluded.

G. Clearance: Signs shall not be located with less than three feet (3') horizontal or eight feet (8') vertical clearance from overhead electric conductors. No sign shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance.

9-15-19: SIGN MAINTENANCE: All signs must be structurally sound, maintained in good repair and may not constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or electrical shock. The display surfaces of all signs shall be kept neatly painted or posted at all times. In addition to other remedies provided for in this Chapter, the Director shall have the authority to order the painting, repainting, repair, maintenance, or removal of any sign that has become dilapidated or a hazard to safety, health or public welfare. If

such a condition is determined by the Director to exist, the Director shall give notice to the sign owner at the address shown on the sign permit by certified mail, return receipt requested. If, within fifteen (15) days from service of the notice, the Director's order is not complied with, the

Director may remove the sign, or cause it to be removed, and the cost of removal shall be charged against the sign owner and the sign owner's property as provided in Section 9-15-23.

9-15-20: STANDARDS FOR SPECIFIC TYPES OF SIGNS: The following regulations shall apply to the specific types of signs as indicated.

A. Awnings:

1. No awning shall block the view of other signs or extend over the public right of way without Town approval.
2. There shall be a minimum clearance of at least eight feet (8') between the bottom of the awning and the ground at grade.
3. All awning supports must be set back a minimum of one foot (1') from the Town right of way.

B. Cutout Letters/Painted Letters: Cutout letters mounted on a building surface, and letters painted on a building, are wall signs and the aggregate area of such signs shall be counted against the allowable sign area established by this Chapter. Measurements for cutout letters shall begin at the top of the first letter or logo, and end at the end and bottom of the last letter or logo. Spacing between letters and words shall count toward the sign area.

C. Double Faced Signs: The two (2) sides of a double faced sign must be parallel back to back, and no thicker than twelve inches (12").

D. Freestanding Signs:

1. There shall be no more than one freestanding sign for each lot or building, except as otherwise provided in this Chapter.
2. A landscaped area equal to two (2) square feet for each one square foot of each side of a freestanding sign shall be maintained by the permit holder. Such area shall be kept in a neat and clean condition, free of trash, weeds, and rubbish.
3. No freestanding sign outside the Conservation District shall exceed ten feet (10') in height. No freestanding sign within the Conservation District shall exceed eight feet (8') in height.
4. No freestanding sign shall extend over or into a public right of way.
5. A freestanding sign located in a project with an approved master sign plan containing three (3) or more buildings or development sites may exceed the twenty (20) square foot limit established by Section 9-15-15(G)(2). The maximum allowable size of any such sign shall be determined by the Director based upon the following criteria:
 - a. the number of buildings or development sites within the project that is subject to the master sign plan;
 - b. the distance of such sign from any major arterial providing primary access to the project; and
 - c. the necessity of facilitating traffic circulation.

E. Projecting or Hanging Signs:

1. Projecting or hanging signs may not extend above the ceiling of the second floor of any building.
2. Projecting signs shall not be located above the eave line or parapet wall of any building and shall be a minimum of eight feet (8') above grade when located adjacent to or projecting over a public right of way.

3. No projecting sign shall extend more than four feet (4') from a building wall.
4. The two sides of a projecting or hanging sign must be parallel back to back and shall not exceed twelve inches (12") in thickness.
5. The allowable size of any projecting or hanging sign shall not include the sign structure portion necessary to support the sign.

F. Wall Signs: Wall signs shall not be mounted higher than the eave line or parapet wall of the principal building and no portions of such wall sign, including cutout letters, shall project more than six inches (6") from the building.

G. Monument Signs: Monument signs are permitted only outside of the Conservation District. The allowable shall not include the sign structure portion necessary to support the sign.

H. Directory Signs: Directory signs may be wall mounted or freestanding. The aggregate area of directory signs does not count towards each business's allowable sign area. The individual signs of a directory sign shall be of a coordinated design, with each of the individual signs sharing at least two (2) of the following as design elements in common: size, shape, materials, letter style and colors. Each individual business sign in a directory sign shall not exceed three (3) square feet in size. In no case may the aggregate area of a directory sign exceed twenty (20) square feet in size. Where the number of businesses served would not fit onto the maximum size allowed for a directory sign, then additional directory signs may be allowed. Additional directory signs must be located at least twenty five feet (25') from other directory signs to avoid creating a cluttered appearance.

I. Statuary Signs:

1. Statuary elements of any sign shall not exceed thirty five percent (35%) of the area of the proposed sign. In no case shall the statuary element of any sign exceed five (5) square feet. Two-dimensional silhouettes shall not be considered statuary signs for the purpose of this Chapter.

2. The area of the statuary sign shall be calculated using the two largest dimensions (width, depth or height) of a three-dimensional element (rather than calculating the volume in cubic feet). For example, if a statuary element of a sign is thirty five inches (35") tall, thirty inches (30") wide, and ten inches (10") deep, the area of the sign shall be calculated using only the height and width of the statuary element.

J. Gateway Entrance Monuments: Gateway entrance monuments are permitted only outside of the Conservation District. An application for a gateway entrance monument shall be evaluated based upon the requirements of Section 9-1-19-47A, "Policy 47 (Absolute) Fences, Gates and Gateway Entrance Monuments" of this Code.

K. Hotel and Condominium Signs:

1. Signage not to exceed twenty (20) square feet shall be permitted for each hotel or condominium project.
2. Such sign may exceed twenty (20) square feet if the Director determines that all of the following exist:
 - a. the proposed sign is a single wall sign;
 - b. a sign larger than twenty (20) square feet is necessary to fit proportionately within a large expanse of wall area not interrupted by windows or other architectural features, and to serve as an architecturally compatible building feature breaking up a large wall area that would otherwise be unbroken;
 - c. the proposed sign is set back at least thirty (30) feet from the property line;
 - d. the proposed sign is no larger than is reasonably necessary;

- e. the colors and design of the sign are compatible with those of the building; and
- f. the proposed wall sign is used in lieu of any other signage for the project.

3. Where a hotel or condominium project has linear frontage of one hundred (100) feet or more and multiple vehicular accesses all of which accesses are not visible from a single location, one sign may be permitted at each point of vehicular access to the project.

L. Sign On Property Under Development: One sign not to exceed twenty (20) square feet in sign area may be erected when a valid development permit for the development of real property has been issued by the Director. Such sign must be removed at or prior to the issuance of the last certificate of occupancy, or when construction of the project is abandoned, whichever shall first occur.

9-15-21: NONCONFORMING SIGNS: Signs that were legally installed prior to the effective date of the ordinance adopting this Chapter, but are inconsistent with the requirements of this Chapter, are considered legal nonconforming uses, and are “grandfathered” by this Chapter. As such, they may continue to exist; provided, that they shall not be altered, modified, or changed in any way that would increase their nonconformity. When such modification, alteration, or change occurs or is proposed the sign shall be brought into compliance with this Chapter.

9-15-22: ABANDONED SIGNS:

A. Signs Must Be Removed; When: A commercial message sign shall be removed within fourteen (14) days after the activity, product, business, service or other use that is being advertised has ceased or vacated the premises.

Exceptions: The requirements of Section A shall not apply to: (i) permanent signs for businesses that are open only on a seasonal basis if there is clear intent to continue operation of the business, or (ii) noncommercial message signs.

B. Signs May Be Removed By Director; When: After fourteen (14) days and notice to the permit holder, a sign that has not been removed as required by this Section may be removed by the Director and the costs of such action may be collected as provided in Section 9-15-23(F).

C. Date of Accrual of Abandonment: As of the effective date of the ordinance adopting this Chapter, no legally established signs shall be considered abandoned. For regulatory purposes, any factors indicating abandonment shall not begin accruing until ninety days after the effective date of the ordinance adopting this Chapter.

Part G – Enforcement

9-15-23: ENFORCEMENT; LIEN:

A. Right Of Entry: Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever the Director has reasonable cause to believe that there exists in any building or upon any premises any condition or violation which makes such building or premises unsafe, dangerous or hazardous, the Director may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Director by this Chapter; provided, that if such building or premises is occupied, the Director shall first present proper credentials and request entry; and if such building or premises is unoccupied, the Director shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Director shall have recourse to every remedy provided by law to secure entry, including, but not limited to, requesting that an inspection warrant be issued by the municipal court judge pursuant to Rule 241 of the Colorado Municipal Court Rules of Procedure. The municipal court judge may issue an inspection warrant authorizing the inspection of a structure in accordance with Rule 241(b) of the Colorado Municipal Court Rules of Procedure. Any inspection warrant issued pursuant to this section shall fully comply with the applicable provisions of Rule 241 of the Colorado Municipal Court Rules of Procedure. The municipal judge may impose such conditions on an inspection warrant as may be necessary in the judge’s opinion to protect the private property rights of the landowner of the property to

be inspected, or to otherwise make the warrant comply with applicable law. When the Director shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Director for the purpose of inspection and examination pursuant to this Chapter.

B. Authority to Issue Penalty Assessment Notices: If permitted to do so by the Director, any employee of the Department is authorized, as part of his or her duties, to act as a Code enforcement officer of the Town for the limited purpose of issuing a penalty assessment notice for any alleged violation of this Chapter if the alleged offense is listed on the Municipal Judge’s list of designated violations the penalties for which may be paid at the office of the Municipal Court Clerk as described in Rule 210(b)(5) of the Colorado Rules of Municipal Court Procedure. Any penalty assessment notice issued pursuant to the authority granted by this Section B shall comply with the requirements of Section 1-8-12(K) of the Code.

C. Lien; Collection: Any amount that the Town is authorized to collect pursuant to this Chapter, except a permit application fee, may be collected by the Town using the procedures set forth in Subsections C and D of this Section. The Town Clerk shall notify the person owed the Town money pursuant to this Chapter of the total amount alleged to be due, and if such person fails within thirty (30) days after the date of notification to pay such amount in full, or to make arrangements acceptable to the Director to pay such amount, then such amount due to the Town shall become a lien against and run with the property where the sign is located or such other property that gives rise to the amount owed to the Town. The Town Clerk shall certify such amount to the Summit County treasurer for collection in the same matter as delinquent charges, assessments or taxes are collected pursuant to Section 31-20-105, C.R.S.

D. Amount Of Lien: The amount certified by the Town Clerk to the Summit County treasurer for collection shall include the actual amount alleged to be due, plus twenty five percent (25%) to cover administrative costs, penalties, collection costs, and interest.

E. Additional Remedies: The enforcement procedures established in this Section are not the exclusive method of enforcement of the provisions of this Chapter, but may be exercised concurrently with, or in addition to, the imposition of the penalties pursuant to Section 9-15-24, or other civil remedies available to the Town pursuant to law.

F. Authority To Remove Signs From Right Of Way or Other Town Property: Notwithstanding anything contained in this Chapter to the contrary, any employee of the Department, the Police Department, or the Department or the Public Works may remove and destroy any sign that is illegally placed within a Town right of way or other Town-owned property in violation of the provisions of this Chapter.

9-15-24: PENALTIES AND REMEDIES:

A. General: It is an infraction as defined in Section 1-3-2 of this Code for any person to violate any of the provisions of this Chapter. Each such person shall be liable for a separate offense for each and every day during any portion of which any violation of any of the provisions of this Chapter is committed, continued, or permitted, and shall be punished accordingly.

B. Fine Schedule: Any person found to have violated any provision of this Chapter, or against whom a default judgment has been entered for any violation of this Chapter shall be punished by a fine as follows:

Offense No.	Fine Amount
First Offense	\$100
Second Offense	\$250
Third Offense and Each Subsequent Offense	As Determined By the Municipal Judge subject to the limits in Section 1-4-1-1

C. When Penalty Assessment Procedure May Be Used; When Mandatory Court

Appearance Required: A defendant's first two (2) alleged violations of this Chapter may be written as penalty assessments. A defendant's third and each subsequent alleged violation of this Chapter shall require a mandatory court appearance.

D. Injunctive Relief: In addition to other remedies available to the Town, the Town may commence an action pursuant to Section 1-8-10 of this Code or other applicable law to enjoin the alleged violation of any provision of this Chapter, or to authorize and compel the removal, termination, or abatement of such violation.

E. Additional Remedies: Any remedies provided for in this Chapter shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

Part H – Miscellaneous

9-15-25: DISCLAIMER OF LIABILITY:

A. Sign Owner Liability: The provisions of this Chapter do not relieve, diminish, or modify the liability of any person for any damages arising from the ownership, maintenance, use, construction, or placement of a sign.

B. Town Liability: The adoption of this Chapter does not create any duty to any person with regard to the enforcement or nonenforcement of this Chapter. No person shall have any civil remedy against the Town, or its officers, employees, or agents, for any damage arising out of or in any way connected with the adoption, enforcement, or nonenforcement of this Chapter. Nothing in this Chapter creates any liability on the part of the Town, or its officers, employees, or agents. Nothing in this Chapter waives any of the immunities, limitations on liability, or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101 et seq., C.R.S., or any other immunity or limitation on liability otherwise available to the Town, or its officers, employees, or agents.

9-15-26: RULES AND REGULATIONS: The Director may from time to time adopt, amend, alter, and repeal administrative rules and regulations as may be necessary for the proper administration of this Chapter. Such regulations shall be adopted in accordance with the procedures established by Title 1, Chapter 18 of this Code. A violation of such regulations may be enforced in the Town's Municipal Court.

Section 2. Footnote 3 in Section 1-8-2 of the Breckenridge Town Code is amended to read as follows:

³See title 9, chapter 15 of this Code

Section 3. Section 4-14-23 of the Breckenridge Town Code is amended to read as follows:

4-14-23: SIGNAGE:

All signage for a licensed premises shall comply with the requirements of title 9, chapter 15 of this code. In addition, no licensee shall display a sign for a licensed premises that contains the word "marijuana" or a graphic/image of any portion of a marijuana plant.

Section 4. Section 5-12-10 of the Breckenridge Town Code is amended to read as follows:

5-12-10: REQUIRED SIGNAGE:

Every retail store required to collect the disposable bag fee shall display a sign in a location outside or inside of the store, viewable by customers, alerting customers to the town of Breckenridge's disposable bag fee. The signage required by this section shall be deemed to be the speech of the Town.

Section 5. Title 8, Chapter 2 of the Breckenridge Town Code, entitled "Sign Code," is repealed.

Section 6. The second unnumbered paragraph of Section 9-1-18-1(C)(2)(b)(1) of the

Breckenridge Town Code is amended to read follows:

The site plan shall be drawn at a scale of one inch equals twenty feet (1" = 20'), or one inch equals ten feet (1" = 10') for sites of ten thousand (10,000) square feet or less; shall be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict the property corners and all permanent survey monuments. The site plan shall further include the title under which the proposed plan is to be filed; the date of drawing preparation and any revisions; a north arrow; the scale of drawing; the legal description for the property; signature blocks; phasing lines; a data block (to include tabulation in square feet of building mass and density, broken down by uses if more than 1 use is proposed, and accompanied by a statement of density used by this plan and any density remaining for this site); the land area of site; dwelling area; common area; open space area, lot coverage and impervious surface area to be expressed in square feet and percent of the site; parking, both required and provided; the land use district; name of master plan, if applicable; the number and type of fireplaces; and the number of dwelling units and bedrooms. The site plan shall not contain any information regarding signage.

Section 7. The second unnumbered paragraph of Section 9-1-18-1(D)(1)(c)(1) of the Breckenridge Town Code is amended to read as follows:

The site plan shall be drawn at a scale of one inch equals twenty feet (1" = 20'), or one inch equals ten feet (1" = 10') for sites of ten thousand (10,000) square feet or less; shall be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict the property corners and all permanent survey monuments. The site plan shall further include the title under which the proposed plan is to be filed; the date of drawing preparation and any revisions; a north arrow; the scale of drawing; the legal description for the property; signature blocks; phasing lines; a data block (to include tabulation in square feet of building mass and density, broken down by uses if more than 1 use is proposed, and accompanied by a statement of density used by this plan and any density remaining for this site); the land area of site; dwelling area; common area; open space area, lot coverage and impervious surface area to be expressed in square feet and percent of the site; parking, both required and provided; the land use district; name of master plan, if applicable; the number and type of fireplaces; and the number of dwelling units and bedrooms. The site plan shall not contain any information regarding signage.

Section 8. The second unnumbered paragraph of Section 9-1-18-2(D)(1)(d)(3) of the Breckenridge Town Code is amended to read as follows:

The site plan shall be drawn at a scale of one inch equals twenty feet (1" = 20') or one inch equals ten feet (1" = 10') for sites of ten thousand (10,000) square feet or less; shall be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict the property corners and all permanent survey monuments. The site plan shall further include the title under which the proposed plan is to be filed; the date of drawing preparation and any revisions; a north arrow; the scale of drawing; the legal description for the property; signature blocks; phasing lines; a data block (to include tabulation in square feet of building mass and density, broken down by uses if more than 1 use is proposed, and accompanied by a statement of density used by this plan and any density remaining for this site); the land area of site; dwelling area; common area; open space area, lot coverage, total site disturbance area and impervious surface area to be expressed in square feet and percent of site; snow stack area; parking, both required and provided; the land use district; name of master plan, if applicable; the number and type of fireplaces, and the number of dwelling units and bedrooms. The site plan shall not contain any information regarding signage.

Section 9. Section 9-1-18-2(C)(3)(a)(1) of the Breckenridge Town Code is amended so as to read as follows:

(1) The site plan shall be drawn at a scale of one inch equals twenty feet (1"= 20') or one inch equals ten feet (1"= 10') for sites of ten thousand (10,000) square feet or less; shall be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict the property corners and all permanent survey monuments. It shall further include the title under which the proposed plan is to be filed; the date of drawing preparation and any revisions; a north arrow; the scale of drawing; the legal description for the property;

signature blocks; phasing lines; a data block to include: tabulation in square feet of building mass and density (broken down by uses if more than 1 use is proposed, and accompanied by a statement of density used by this plan, and any density remaining for this site); the land area of site; dwelling area; common area; open space area, lot coverage, total site disturbance area, and impervious surface area to be expressed in square feet and percent of site; snow stack area; parking, both required and provided; the land use district; name of master plan, if applicable; the number of dwelling units and bedrooms; and the number and type of fireplaces. The site plan shall not contain any information regarding signage.

Section 10. Section 9-1-18-2(D)(1)(d)(3) of the Breckenridge Town Code is amended so as to read as follows:

(3) The site plan shall be drawn at a scale of one inch equals twenty feet (1"= 20'), or one inch equals ten feet (1" = 10') for sites of ten thousand (10,000) square feet or less; shall be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict the property corners and all permanent survey monuments. The site plan shall further include the title under which the proposed plan is to be filed; the date of drawing preparation and any revisions; a north arrow; the scale of drawing; the legal description for the property; signature blocks; phasing lines; a data block to include: tabulation in square feet of building mass and density (broken down by uses if more than one use is proposed, and accompanied by a statement of density used by this plan and any density remaining for this site); the land area of site; dwelling area; common area; open space area, lot coverage, total site disturbance area, and impervious surface area to be expressed in square feet and percent of site; parking, both required and provided; snow stack area; the land use district; name of master plan, if applicable; the number and type of fireplaces, the number of dwelling units and bedrooms. The site plan shall not contain any information regarding signage.

Section 11. Section 9-1-19-12A "Policy 12 (Absolute)(Signs)" of the Breckenridge Town Code is amended to read as follows:

9-1-19-12A: POLICY 12 (ABSOLUTE) SIGNS:

All signs shall be in compliance with the provisions of the Breckenridge Sign Code¹.

¹See Title 9, Chapter 15 of this Code.

Section 12. Section (A)(9) of Section 9-1-19-38A "Policy 38 (Absolute) (Home Occupations," of the Breckenridge Town Code is deleted, and the subsequent subsections of Section A are renumbered accordingly.

Section 13. Section (E)(4) of Section 9-1-19-40A "Policy 40 (Absolute) (Chalet Houses)" of the Breckenridge Town Code is deleted, and the subsequent subsections of Section E are renumbered accordingly.

Section 14. Section (B)(3)(a)(11) of Section 9-1-19-49A "Policy 49 (Absolute) (Vendor Carts)" of the Breckenridge Town Code is amended to read as follows:

11. All signs for a large vendor cart shall be subject to the Breckenridge Sign Code¹

¹See Title 9, Chapter 15 of this Code.

Section 15. Section (B)(3)(b)(14) of Section 9-1-19-49A "Policy 47 (Absolute) (Vendor Carts)" of the Breckenridge Town Code is amended to read as follows:

14. All signs for a small vendor cart shall be subject to the Breckenridge Sign Code.

Section 16. Footnote 8 of Title 9, Chapter 1 of the Breckenridge Town Code is amended to read as follows:

⁸See Title 9, Chapter 15 of this Code.

Section 17. Section 9-2-3-5(C)(11) of the Breckenridge Town Code is amended to read as follows:

11. Final lighting and signage plans without reference to the content of the signs.

Section 18. Section 9-3-9(L) of the Breckenridge Town Code is amended to read as follows:

L. Signs: Appropriate signage directing traffic shall be placed in any off street parking facility pursuant to the Breckenridge Sign Code¹.

¹ See Title 9, Chapter 15 of this Code.

Section 19. Footnote 5 of Title 9, Chapter 3 of the Breckenridge Town Code is amended to read as follows:

⁵See Title 9, Chapter 15 of this Code.

Section 20. Section 9-12-8(H) of the Breckenridge Town Code is amended to read as follows:

H. Sign Lighting: The lighting of a sign when done in accordance with the requirements of title 9, chapter 15 of this code.

Section 21. Section 9-12-12(A)(6) of the Breckenridge Town Code is amended to read as follows:

6. Signage Illumination: All signage in LZ-1, LZ-2 and LZ-3 shall comply with of title 9, chapter 15 this code. Signage utilizing lighting shall have fixtures mounted to the top of the sign structure aimed downward onto the sign from above. Fixtures shall be fully shielded so that light is directed only onto the sign facade and not aimed at the sky, adjacent streets, roads or properties.

Section 22. Section E of the definition of "Commercial Handbill" in Section 11-5-2 of the Breckenridge Town Code is amended to read as follows:

E. Which is not covered by the definition of a sign in section 9-15-5 of this Code.

Section 23. Section 11-8-3 of the Breckenridge Town Code is amended to read as follows:

11-8-3: Regulatory Scope: This Chapter primarily regulates signs and other forms of government speech conveyed by the Town and other governmental entities. Signs that may lawfully be placed on Town-owned property by the Town or other governmental entities pursuant to this Chapter do not require a sign permit issued pursuant to Title 9, Chapter 15 of this Code, or other formal approval by the Town. Signage on property other than Town-owned property is regulated by Title 9, Chapter 15 of this Code.

Section 24. The definition of "Subdivision Entrance Sign" in Section 11-8-4 of the Breckenridge Town Code is repealed.

Section 25. Section 11-8-4 of the Breckenridge Town Code is amended by the addition of the following definition:

GATEWAY ENTRANCE MONUMENT: Has the meaning provided in Section 9-1-5 of this Code.

Section 26. Section 11-8-5 of the Breckenridge Town Code is amended to read as follows:

11-8-5 PRIVATE SIGNS PROHIBITED ON TOWN-OWNED PROPERTY;

EXCEPTIONS:

- A. Except as specifically authorized in this Section, it is unlawful for any person to place a private sign on any Town-owned property.
- B. The following private signs may lawfully be placed on Town-owned property:
 - 1. Private signs when authorized by a special events permit issued by the Town pursuant to Title 4, Chapter 13 of this Code.
 - 2. Private gateway entrance monuments when authorized by the Director under the following conditions:
 - (a) The monument owner shall demonstrate that it is not feasible to place the sign on private property due to site constraints, poor topography, or other similar conditions.
 - (b) The monument owner shall enter into an encroachment license agreement, or similar contractual agreement, with the Town, which agreement shall contain provisions concerning insurance and indemnification so as to adequately protect the Town from liability in the event of a claim or loss arising from the placement of the monument on such Town-owned property.
 - (c) The monument shall be maintained as required by the terms of the encroachment license agreement and this Chapter. If the monument is not so maintained the Town may order the monument removed from the Town-owned property, and if the monument owner refuses to remove the sign, the Town may remove the monument and may recover the costs thereof from the monument owner.
 - (d) The monument shall not be placed so as to substantially interfere with the Town's use of the Town-owned property, or create an unsafe or hazardous condition. Without limiting the generality of the foregoing, the monument shall not obstruct the sight triangle, impede drainage or interfere with utilities, pedestrian ways, snow stack areas, or snowplowing.
 - (e) The Director shall review and approve as to form and content any request to place a private gateway entrance monuments on Town-owned property pursuant to this Section before the monument is placed. The Director may impose any reasonable conditions of approval on the placement of any private gateway entrance monuments on Town-owned property.
 - 3. Private signs placed by a real estate agent on Town-owned property as authorized by Title 9, Chapter 15 of this Code.
 - 4. When approved by the Director, signs, including but not limited to sandwich board signs as defined in Section 9-15-5 of this Code, providing information about events, activities, or museums which are open to the general public, regardless of whether a fee is required to gain admission, if such event, activity or museum is conducted, sponsored, or provided by a Colorado non-profit corporation.

Section 27. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary Codes adopted by reference therein, continue in full force and effect.

Section 28. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 12th day of February, 2019.

This ordinance was published in full on the Town of Breckenridge website on February 15, February 16, February 17, February 18 and February 19, 2019.

A public hearing on this ordinance was held on February 26, 2019.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 26th day of February, 2019. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Helen Cospolich, CMC, Town Clerk



Erin Gigliello, Mayor Pro Tem

APPROVED IN FORM

Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on March 1, March 2, March 3, March 4 and March 5, 2019. This ordinance shall become effective on April 4, 2019.