

Temporary Signs – Code and Policy Evaluation



City of Las Cruces

Community Development Interoffice Memorandum

To: Robert Garza, City Manager
From: David Weir, Community Development Director *DW*
Subject: Temporary Signage Analysis
Date: August 30, 2011

M-11-195

The City Council recently raised issues related to temporary signage and its use by local business. This memo and analysis will review the existing temporary signage standards and requirements. It will also cover current issues related to temporary signs. Last it will discuss policy options for the Council to consider in regard to the usage of temporary signs throughout the community.

LCMC CHAPTER 36 – SIGN CODE

The City of Las Cruces has adopted a Sign Code to regulate the appropriate use, size and placement of signs. More specifically the Sign Code states its purpose as:

“Permit[ing] signs that will not by their size, location or construction, endanger the public health and safety of individuals or confuse, mislead, or obstruct the vision necessary for traffic safety. Furthermore, it is the purpose of this [code] to maintain property values and to create a more aesthetically pleasing community, through the preservation of natural beauty and environment of the city, by preventing the over concentration, improper placement, and density of signs, but keeping in mind the importance of signage to the business community, and the vital element it is to the free enterprise system.”

The following definitions are provided in the Sign Code to provide additional guidance for the use of signs and to identify those definitions that specifically relate to temporary signs.

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

Temporary Sign - Any sign intended for a limited period of display.

Banner – A sign composed of lightweight, flexible material on which letters, symbols or pictures are painted or printed.

Decorations – Any display which calls attention to a community-organized event or to a state or national holiday.

Directional Sign – Any sign erected for the convenience of the public, such as the directing [of] traffic movement, parking or identifying restrooms, public telephones, walkways and other similar features or facilities, and bearing no advertising message, excluding those erected by the United States Department of Transportation and the state highway and transportation department.

Flag / Decorative – Any rectangular display constructed of lightweight material having no logo or advertising message printed or painted on it.

Information Sign – Any sign whose purpose is to indicate the business, hours of operation or similar information.

Logo – Any identifying symbol used for advertising purposes.

Mural – A picture of graphic illustration applied directly to a wall of a building or structure which does not advertise or promote a particular business, service or product.

National, State and Corporate Flags – Any rectangular display constructed of lightweight material used to identify a nation, state or corporation.

Pennant – Any display made of a lightweight material which tapers to a point, having no logo or advertising message printed on it.

Portable Sign – Any freestanding sign not permanently affixed, anchored or secured to the ground or a building, which may be rolled or moved away.

Private Sale or Event Sign – A temporary sign advertising private sales of personal property at garage, yard or estate sales and the like; private fundraising events, such as nonprofit carwash, or food/clothing drive, etc.

Promotional Display, Commercial – Special advertising for grand openings, anniversaries, special or seasonal events, and which are for a limited time, in addition to the legal signage permitted.

Streamers – A display made of light, flexible material, consisting of long, narrow, wavy strips having no logo or advertising message printed or painted on it.

Unlicensed Commercial Sign – Any sign erected by an individual, group, organization or club for fundraising or other monetary gain.

Signs that are allowed to be placed and erected without a sign permit include Flags/decorations; information signs; national, state, corporate flags following accepted flag protocol; pennants; point-of-sale signs; and streamers.

Article 4 of Sign Code (CLC-MC §36-116 through §36-119) covers the requirements for the *temporary signage*. Commercial promotional signage is addressed in §36-118 (copy attached).

This section states under what conditions that additional signage (for a temporary basis) is permitted for a business. It is intended for special and occasional events such as grand openings, sales, anniversaries and other similar activities.

Temporary Signage Issues

Aesthetics – Periodically, areas of the community will be inundated with temporary signs, particularly certain commercial corridors and activity centers. In these instances, it is not uncommon for the CD and Codes Departments to be contacted and asked if City ordinances permit or regulate the placement of temporary signs, banners and pennants. The typical comment is a concern for the appearance of the corridor or center. The Sign Code has tried to accommodate both business and the general public on this issue by specifying specific standards and time frames for the use of temporary signage. The Code does this by setting out the maximum number (1 freestanding and 3 attached signs) and area (total 100 square feet) for temporary signs; incorporating ancillary display items (balloons, streamers, flags and pennants); and establishing time limits (20 day Grand Opening display, 4 – 10 day promotional displays, 60 day Going Out of Business display) for special activities and events.

Another concern is that if temporary signage is not maintained, it can quickly deteriorate because of the weather and lead to an unattractive appearance for a business or corridor. Also, it is not uncommon for temporary signage to be blown from one property onto another which leads to litter and trash issues. This situation then becomes a nuisance and trash violation of the municipal code.

Code Enforcement – The enforcement of temporary signage standards by the City is difficult. The very nature of temporary signs as lightweight, movable, and disposable media makes it challenging to proactively monitor their usage. As stated above, when temporary signs are not maintained, their usage becomes a nuisance and trash issue for the Codes Department.

However, it should be noted that if a business does not utilize their entire attached permanent sign area allotment, the business can use their remaining sign area for advertising that changes (i.e. signage for weekly sales) on a regular basis in a similar manner as temporary signage. For example, if a business is allowed 400 square feet of signage, but only erects or places 300 square feet of permanent signage. The City has

allowed the remaining 100 square feet of signage to be permitted and designated by a business for the purpose of continually changing advertisement (and provided that all standards of the Sign Code are met). This practice provides flexibility and de facto temporary signage for a business. On the flip side, when a business then also requests additional temporary signage as permitted by the Sign Code, the non-permanent signage (e.g. banners) for the business becomes difficult and cumbersome for both City staff and the business to monitor.

Effectiveness – The effectiveness of temporary signage is often questioned. The advertising copy on such signage is often small and difficult to decipher, even more so from a moving vehicle. The issue becomes one of whether or not a temporary sign generates enough impulse traffic to a business than the traffic already generated by the allowed permanent signage and other means of advertising. The current temporary signs provisions of the Sign Code attempts to strike a balance of providing additional signage for special and promotional events while contributing to attractive commerce areas throughout the community.

Number of Temporary Signs – A major complaint from local business is the number of freestanding temporary signs permitted for a promotional display. This number is currently limited to one per business. This becomes an issue for merchants that sell competing brands; specifically when promotions are ongoing for both brands at the same time. Merchants and their suppliers have expressed a desire to have a freestanding sign for each brand (i.e. Coke & Pepsi). To address this situation, many businesses have chosen to place both brands on one freestanding sign. This action minimizes clutter and number of temporary signs per the intent of the Sign Code.

Time Duration of Temporary Signs – For local business, this is typically their biggest issue. A concern is often raised that the aggregate 40 days of temporary signage for promotional events during a calendar year is not adequate.

Safety – It is not unusual for temporary signs to be placed in public rights-of-way or within the clear site area of parking lot entrances or street intersections. This creates a safety issue for both vehicular and pedestrian traffic in areas of commerce. In these instances, City staff takes appropriate actions to have the signs removed to avoid potential accidents.

Advertisements on Flags, Pennants and Banners – When product copy is placed on flags, pennants and banners, these items become temporary signs. The issue is that decorative flags, pennants and banners do not require a sign permit. Businesses have purchased these decorative items with a logo or product identification on the flag or pennant with the belief that no sign permit is necessary. When the City informs the business that the flag or pennant must meet the permanent sign or temporary sign placement standards, the business becomes upset because they have purchased the items and cannot use them to the extent they planned.

Policy Considerations

Utilize Flexibility of Existing Sign Code

This consideration involves additional outreach and education related to the flexibility and the signage alternatives available to a business. Information on the Sign Code would be available at the time a business owner is applying for building permit and/or business license/registration.

Modify Temporary Sign Usage Standards

- *Area Allocation*
Currently the Sign Code allows 100 square feet of temporary signage for promotional purposes. A 10 to 25 % increase would allow an additional 10 – 25 square feet of signage. The total amount of signage is not a major issue and increasing this provision has the potential to increase the claims of signage clutter.
- *Number of Promotional Displays*
Businesses have the opportunity to utilize temporary signs for promotions four times a year. The signs are allowed for a duration of 10 days per promotion. This provision results in a maximum of 40 days of temporary signage. The standard only allowing 4 promotional events could be eliminated (making the 100 square feet of temporary signage available to a business at all times) or increase the number of promotions to 6 (average of one every two months) or 8 (average of two every three months). All of these options would lead to additional time periods for the use of temporary signs. It raises the question of why can't the need for changing advertising with signage be addressed at the time signage for the entire site is initially permitted.
- *Duration of Displays*
The 10 day time frame for promotional events could be increased (i.e. up to 30 days). But again the question becomes; why even have provisions for temporary signage if it is going to be allowed a majority of the time. The Sign Code could also be amended to have signage (attached, freestanding, temporary) designated for a business at the time of building permit or business license/registration approval.
- *Number of Freestanding Temporary Sign*
The number of freestanding temporary signage could be increased. An additional freestanding sign could be permitted for an additional street frontage, or a lot area standard (1 freestanding sign per 10,000 square feet of lot area), or business size standard (1 freestanding sign per 1,000 square feet of gross floor area).

Adopt Sandwich Board Sign Standards

This option entails adopting a set of specific standards for the use of sandwich boards as a part of a business' overall signage. This would provide another means to address directional needs for a business and provide another means to change advertising copy on a regular basis. Providing uniform standards would address clutter and aesthetic concerns while providing a dynamic signage alternative for a local business.

Adopt a Sign Package Model

This option would change how commercial signage is permitted by the Sign Code. It would require all types of commercial signage for a specific location to be established before a business starts operating at a particular site. Such a paradigm shift would require a total revision to the sign code and sign permit review process.

Combination of Sign Code Modifications

Elements from each of these alternatives could be incorporated into the Sign Code as deemed appropriate.

Over-Arching Sign Code Issues

The two major issues related to signage are the amount of signage allowed for a business and the impact the signage has on the appearance of the site, corridor and community. Any provision or standard in the Sign Code must balance these two competing interests and incorporate reasonable enforcement expectations.

Cc: Brian Denmark, Assistant City Manager
Cheryl Rodriguez, Development Services Administrator

Sec. 36-118. Commercial promotional displays.

In addition to authorized attached and freestanding signs, occasional events for commercial promotional displays requiring special advertising shall be subject to the following:

- (1) Each business shall be limited to one freestanding and three attached signs. Each sign shall not exceed 100 square feet in size.
- (2) Displays incorporating balloons, streamers, flags and pennants will be permitted and are not limited in size and number.
- (3) Each business shall be allowed one permit for a grand opening display during its first six months of operation. The permit for this display shall be for 20 consecutive days.
- (4) Each business shall be allowed four promotional displays during each calendar year. The permit for each of these displays shall be for ten consecutive days.
- (5) Each business shall be allowed one bona fide going out of business display. The permit for this display shall be for 60 consecutive days.
- (6) The applicant shall provide to the sign administrator the name and address of the business where the display is to be placed and the first day of the display. No portion of a display (i.e., structure or sign) shall be erected prior to the first day of the event as stated on the permit. All displays shall be removed not later than the permissible time limit stated in this section. A permit will be issued to the applicant and will remain in effect for the duration of that event. No permit fee will be assessed. A new permit is required for each event.

(Ord. No. 1128, § E.3, 5-18-90; Ord. No. 1508, 2-5-96)

Cross References: Licenses, Taxation and Miscellaneous Businesses Regulations, Ch. 16.

Temporary Signage

Community Development Department

September 26, 2011



City of Las Cruces
People Helping People

Overview

- Sign Code – Purpose
- Sign Code – Temporary Signs
- Temporary Sign Issues
- Discussion



Sign Code Purpose Statement

“Permit[ing] signs that will not by their size, location or construction, endanger the public health and safety of individuals or confuse, mislead, or obstruct the vision necessary for traffic safety. Furthermore, it is the purpose of this [code] to maintain property values and to create a more aesthetically pleasing community, through the preservation of natural beauty and environment of the city, by preventing the over concentration, improper placement, and density of signs, but keeping in mind the importance of signage to the business community, and the vital element it is to the free enterprise system.”



Commercial Temporary Sign Standards

- Signage is per business
- 1 freestanding, 3 attached
- Each sign maximum of 100 square feet
- Promotions – 4 X 10 days per year
- Grand Opening
- Going Out of Business
- Balloons, streamers, flags & pennants



Temporary Signage Issues

- Community Appearance vs. Business Need
- Temporary Signage Standards
- Code Flexibility
- Enforcement



Appearance & Need



Standards



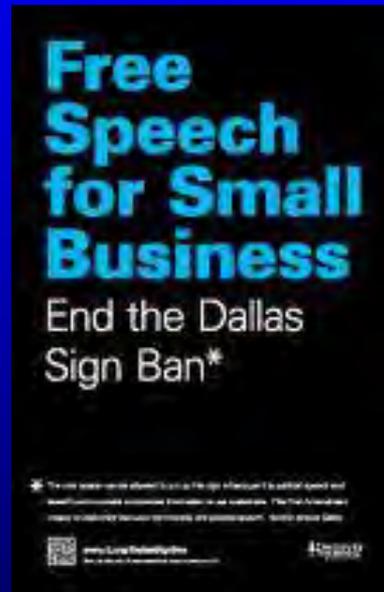
CUSTOM MADE SWOOPER FLAGS FREE DESIGN



Flexibility



Enforcement



Discussion



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