

Chapter 17.68

SIGN REGULATIONS

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17.68.010 General Provisions. The purpose of this Chapter is to set out regulations for the erection and maintenance of signs while preserving the right of free speech and expression.

A. The objective of the regulations of this Chapter is to provide a balanced and fair legal framework for design, construction, and placement of signs that:

1. Promotes the safety of persons and property by ensuring that signs do not create a hazard by:
 - a. Collapsing, catching fire, or otherwise decaying; or
 - b. Confusing or distracting motorists; or
 - c. Impairing drivers' ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
2. Promotes the efficient communication of messages, and ensures that persons exposed to signs:
 - a. Are not overwhelmed by the number of messages presented; and
 - b. Are able to exercise freedom of choice to observe or ignore said messages according to the observer's purpose.

3. Protects the public welfare and enhances the appearance and economic value of the landscape by protecting scenic views and avoiding sign clutter that can compromise the character, quality, and viability of commercial corridors;
4. Ensures that the design and appearance of signs are compatible with their surroundings, and prevents the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
5. Promotes the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with the built environment, in order to meet the City's Comprehensive Planning objectives related to the quality and character of development;
6. Enhances property values and business opportunities;
7. Assists in wayfinding; and
8. Provides fair and consistent permitting and enforcement.

B. Certain types of speech are not protected by the First Amendment due to the harm that they cause to individuals or the community, and speech that is harmful to minors may be prohibited in places that are accessible to minors pursuant to Section 17.68.090(D). (Ord. 4, 2022)

17.68.020 Application of Chapter. Hereinafter, all construction, relocation, enlargement, alteration, and modification of signs within the City shall conform to the requirements of this Chapter, all State and Federal regulations concerning signs and advertising, and applicable building codes. Publicly funded art and murals are not subject to requirements of this chapter. Generally, signs are approved by issuance of a sign permit except those outlined in Section 17.68.040.

A. Planned Unit Developments are required to develop a sign plan as set forth in Section 16.05.050(B)(5), which should generally follow this Chapter 17.68. (Ord. 4, 2022)

17.68.030 Signs Requiring a Permit. A sign permit shall be required for all signs exceeding six (6) square feet in area,

measured pursuant to Section 17.68.080(F), unless otherwise exempted by Section 17.68.040. A permit is required when the sign face is changed, such as changes in name or ownership. In addition, a sign permit shall be required at any time the area of a permitted sign is increased, provided that the increase is allowable within the zone district in which the sign is located. This Section shall not be interpreted so as to grant permission for prohibited signs with sign areas less than six (6) square feet. (Ord. 4, 2022)

17.68.040 Signs Allowed Without a Permit.

A. The following signs do not require a sign permit, but may require a building permit or other related permit (if subject to building or electrical codes):

1. *Official and Legal Notice.* Official and legal notice signs that are issued by any court, public body, or officer in performance of a public duty, or in giving any legal notice, including signs that are required to be posted to give notice of pending action pursuant to the Delta Municipal Code.

2. *Signs with De Minimus Area.* Signs that are affixed to a building or structure (even if wall signs are not permitted in the district or for the use), which do not exceed one square foot in sign area, provided that only one such sign is present on each elevation that is visible from public rights-of-way or neighboring property; and signs that are less than three-fourths of a square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets.

3. *Flags.* Flags that are not larger than thirty (30) square feet in area that are affixed to permanent flagpoles or flagpoles that are mounted to buildings (either temporary or permanent).

4. *Carried Signs.* Signs that are being carried by people or by service animals recognized under the Americans with Disabilities Act (however, such signs are not exempt if they are set down or propped on objects).

5. *Bumper Stickers.* Bumper stickers on vehicles not exceeding four (4) inches by eighteen (18) inches and also as exempted in Section 17.68.090(C)(5).

6. *Interior Signs.* Includes window displays not meeting criteria for window signs in 17.68.080(C)(2).

7. *Traffic Control Signs.* Traffic control signs and other signs related to public safety that the City, Delta County, any Federal department or agency, or the State of Colorado or any political subdivision thereof with jurisdiction in the City installs or requires a developer to install.

8. *Holiday Decorations.* Holiday or seasonal decorations that are displayed for no more than thirty (30) days.

9. *Balloons.* Balloons less than twenty-four inches (24") in diameter.

10. *Pennants.* Pennants with at least one dimension (either length or width) less than twenty-four inches (24").

11. *Banners or Wave Flags.* Banners or wave flags twenty-five (25) square feet or less, with a limit of two (2) per lot.

12. *Yard Signs.* Yard signs in residential zone districts that are not more than six (6) square feet in area and six (6) feet in height per sign, with a total allowable sign area of twelve (12) square feet per lot.

13. *Swing Signs.* Swing signs in residential zone districts that are not more than five (5) square feet in area and six (6) feet in height, with a limit of one (1) per street frontage.

B. Signs that do not require permits shall still comply with Section 17.68.120, Sign Maintenance. (Ord. 4, 2022)

17.68.050 Exemption for Addressing. The posting of the addresses of buildings in locations that are visible from the street is necessary for the effective delivery of public safety services, including E-911. The efficient and timely delivery of emergency services is a compelling governmental interest. Accordingly, the City requires that street addresses shall be

posted in accordance with Section 502 of the Delta Building Code.

A. *Exclusion from Sign Area Calculation.* Because address signs are required, numbers and letters used for addressing are not included in the calculation of sign area if they are not more than fourteen (14) inches in height. (Ord. 4, 2022)

17.68.060 Non-Conforming Signs. Legally permitted signs in effect prior to the effective date of this Chapter may continue to be used as long as the sign is maintained, not enlarged or changed materially. Changes will require a permit and compliance with this Chapter. If the sign is destroyed or damaged, it may be replaced if construction is completed within six (6) months. (Ord. 4, 2022)

17.68.070 Relationship to Other Regulations. These Regulations recognize other regulations pertaining to signage (e.g., State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, and as may be amended, or the Manual on Uniform Traffic Control Devices). Where any provision of this Chapter covers the same subject matter as other regulations, the more restrictive regulation shall apply.

17.68.080 Sign Area and Dimensions. The regulations of this Chapter shall be applied using the measurements set out in this Section.

A. Total Allowable Sign Area

1. B-1 zone district: fifty (50) square feet or one (1) square foot per linear foot of lot frontage, whichever is greater.

2. B-2, B-3, I, and I-R zone districts, and for any allowed commercial uses in Residential zone districts not including home-based businesses: one hundred (100) square feet or one (1) square foot per linear foot of lot frontage, whichever is greater.

B. Maximum Sign Area per Undivided Parcel

1. B-1 and I-R zone districts, and for any allowed commercial uses in Residential zone districts not including home-based businesses: three hundred (300) square feet.

2. All other zone districts: no maximum.

C. Maximum Sign Area per Sign Face: one hundred and fifty (150) square feet.

D. Maximum Sign Height: thirty-five (35) feet. No part of any sign attached to or within six (6) feet of a building shall be higher than the ridgeline of the roof or parapet of the building.

E. Supplemental Regulations for Specific Sign Types

1. *Neon Signs*

a. Allowed in the B-1, B-2, B-3, I, and I-R zone districts.

b. One sign, no larger than six (6) square feet, is allowed per business if located in a window.

c. Sign area shall count toward total allowable sign area.

d. Shall comply with Section 17.68.090(A)(3).

2. *Electronic Message Centers*

a. Allowed in the B-1, B-2, B-3, I, and I-R zone districts, and for any commercial uses in Residential zone districts not including home-based businesses.

b. One (1) sign is allowed per business.

c. If ten (10) square feet or less:

i. The sign area shall not count toward the total allowable sign area.

ii. Sign may scroll with no transitions, frame effects, blinking, flashing, or other

prohibited elements outlined in Section 17.68.090(A)(3).

d. If ten (10) square feet or larger:

i. The sign shall be counted toward the total allowable sign area.

ii. Message must be static and may only change once per day.

3. *Signs Used to Identify a Residential Development*

a. The sign shall be set back at least one (1) foot from any sidewalk.

b. The sign shall not encroach on any utility easement.

c. The sign shall not obstruct a required sight distance or sight triangle as set forth in the City's Standards and Specifications.

d. Sign area is limited to sixty-five (65) square feet of total allowable sign space, in lieu of the individual signs allowed above on each lot or unit. This larger sign can be used until such time as sixty percent (60%) of the total lots or units in such development have been sold. One of these larger signs may be used at each street intersection accessing such development or at one location within the development.

4. *Shopping Center Multi-Tenant Signs*

a. Shopping centers that are not part of a Planned Unit Development may have one (1) multiple use sign that has been approved by the Planning Commission at each entrance.

b. Each tenant's sign on the multiple use sign counts toward that tenant's total allowable sign space.

F. Sign Area

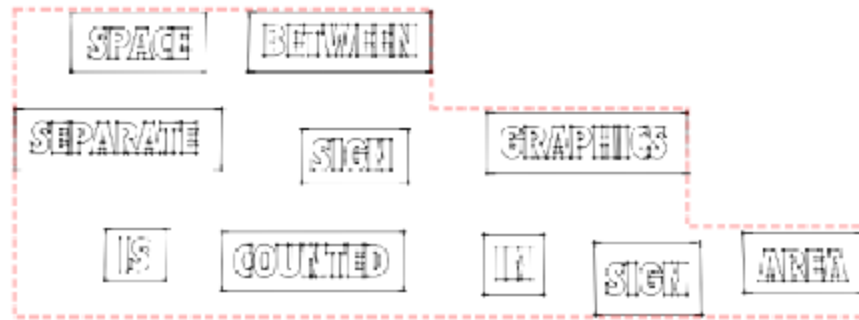
1. Sign area is calculated as the area within a continuous perimeter with up to eight (8) straight sides that encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed. The area excludes the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but includes any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not. See Figure 17.68.080(F)(1), Sign Area, Generally.

Figure 17.68.080(F) (1)
Sign Area, Generally

The sign area of the illustrative monument sign below is calculated as the area within the smallest eight-sided polygon that encloses all of the text and graphics and framing of the message and graphics of the sign.



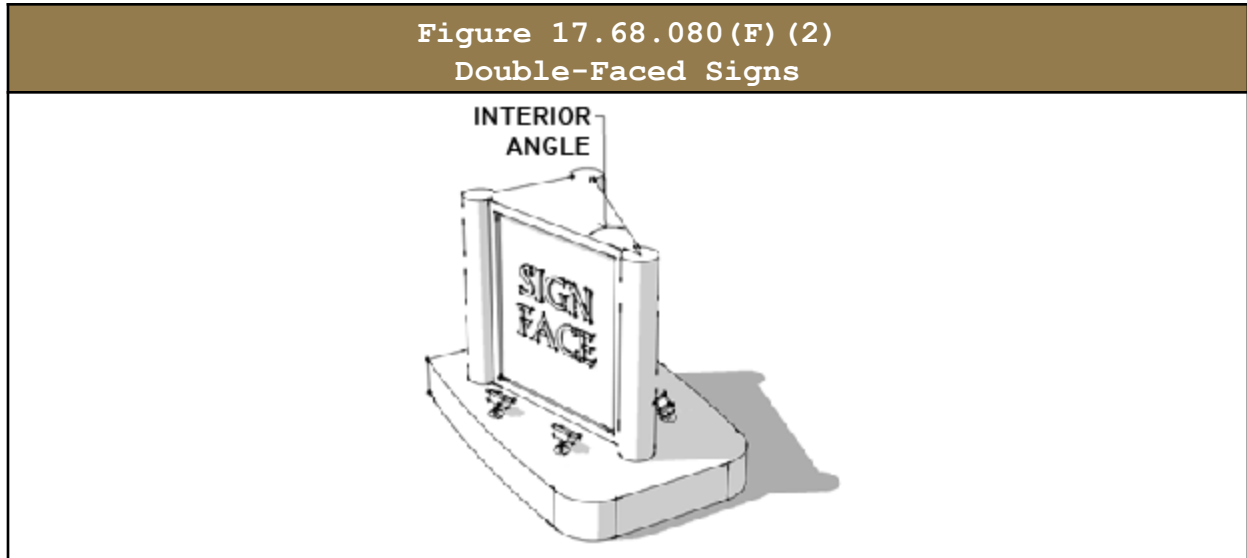
The sign area of the illustrative collection of wall signs below is measured as the area within the smallest eight-sided polygon that encloses all of the text and graphics and framing that differentiates them from the wall.



2. *Double-Faced Signs.* For projecting, suspended, or other double-faced signs:

- a. Only one display face is measured if the sign faces are parallel or form an interior angle of less than forty-five (45) degrees, provided that the signs are mounted on the same structure. If the faces are of unequal area, then sign area is equal to the area of the larger face.
- b. Both display faces are measured if:
 - i. The interior angle is greater than forty-five (45) degrees; or

- ii. The sign faces are mounted on different structures.



3. Signable area is calculated as follows:

- a. *Wall Signs*. A two-dimensional area on the facade of a building that describes the largest square, rectangle, or parallelogram which is free of architectural details.
- b. *Window Signs*. The area of glass that has affixed paint, decals or lettering
- c. *Other Signs*. The area of the face of the sign which is designed to be used for text and graphics (the signable area does not include the sign's supporting frame or structure, if any, provided that such frame or structure is not designed to display text or graphics). (Ord. 4, 2022)

17.68.090 Prohibited Signs and Design Elements. This Section identifies signs and sign elements that are not allowed anywhere within City limits.

A. The following signs are prohibited in all areas of the City:

- 1. Signs with more than two (2) sign faces.
- 2. Signs that are a traffic hazard because they simulate or imitate (in size, color, lettering, or design) any traffic sign or signal.

3. Animated or moving signs that are visible from public rights-of-way, including any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating, or otherwise animated light (except as allowed in Section 17.68.080(E)(2), Electronic Message Centers).

B. The following elements shall not be used as an element of signs or sign structures:

1. Sound, smoke, or odor emitters.
2. Stacked products (e.g., tires, soft drink cases, bagged soil or mulch).
3. Unfinished wood support structures, except that stake signs may use unfinished stakes.

C. The following elements shall not be used as an element of signs or sign structures, which are visible from public rights-of-way:

1. Flags, banners, or comparable elements that are designed to move in the wind that are not affixed to permanent flagpoles or flagpoles that are mounted to buildings; except as allowed per Sections 17.68.040(J) and (K).
2. Spinning or moving parts.
3. Bare light bulbs, except on holiday displays which are exempted from regulation by Section 17.68.040(A)(8).
4. Flashing lights, except on holiday displays which are exempted from regulation by Section 17.68.040(A)(8).
5. Motor vehicles, unless:
 - a. The vehicles are functional, used as motor vehicles, and have current registration and tags;
 - b. The display of signage is incidental to the motor vehicle use; and
 - c. The motor vehicle is properly parked in a marked parking space or is parked behind the principal building.
6. Semi-trailers, shipping containers, or portable storage units, unless:
 - a. The trailers, containers, or portable storage units are functional, used for their primary storage

purpose, and, if subject to registration, have current registration and tags;

b. The display of signage is incidental to the use for temporary storage, pick-up, or delivery; and

c. The semi-trailer is parked in a designated loading area or on a construction site at which it is being used for deliveries or storage.

D. The following content is prohibited without reference to the viewpoint of the individual speaker:

1. Text or graphics that are harmful to minors, as that term is defined below; or

2. Text or graphics that advertise activity that is unlawful under local, state, or federal law; or

3. Text or graphics that are obscene, fighting words, defamatory, incite imminent lawless action, or true threats; or

4. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs or signs that provide public safety information (for example, signs that use the words "Stop," "Yield," "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).

E. Off-premise signs are not allowed. Signs may identify or advertise only that activity or use conducted upon or related to the premises upon which the sign is located except as permitted in Section 17.68.040. Signs on motor vehicles or semi-trailers that otherwise comply with subsections C(5) or (6) above are not in violation of this Section merely because the vehicle happens to be traveling or parked temporarily away from the premises on which the advertised business is located, provided that such vehicles are not permanently or routinely parked in an off-premises location (not including the residence of the owner or driver) to function as an advertisement for the purpose of evading the intent of this Section. For purposes of this Section, parking within fifty (50) feet of the same off-premises location for more than eighty (80) hours during any consecutive thirty (30) day period shall create a rebuttable presumption of a violation.

F. The narrow classifications of content that are prohibited by this subsection are either not protected by the United States or Colorado Constitutions, or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. Each paragraph of this subsection shall be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or Colorado Constitutions.

G. For the purposes of this Section, "harmful to minors" shall mean any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement that:

1. Predominantly appeals to the prurient, shameful, or morbid interest of minors in sex;
2. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and
3. When taken as a whole, lacks serious literary, artistic, political, or scientific value. (Ord. 4, 2022)

17.68.100 Prohibited Sign Locations. Attached signs shall be installed on signable areas of buildings. Signs that are in violation of this Section are subject to immediate removal.

A. In no event shall a sign, obstruct:

1. Building ingress or egress, including doors, egress windows, and fire escapes.
2. Features of the building or site that are necessary for public safety, including standpipes and fire hydrants.
3. Sight triangles and distances that are required by the City of Delta Standards and Specifications.

B. No sign shall be posted, installed, or mounted on any of the following locations:

1. On trees.
2. On utility poles or light poles, unless:
 - a. The utility pole or light pole is the property of the person or entity that posts the sign.
3. On utility cabinets, except signs posted by the utility that are necessary for public safety or

identification of the facility by the utility provider.

C. No sign shall be located in any of the following locations:

1. In or over public rights-of-way (which, in addition to streets, may include other elements, such as sidewalks, parkways, retaining walls, utility poles, traffic control devices, medians, and center islands that are within the public right-of-way), except:

- a. Traffic control signs installed by a governmental entity or which are required to be installed by a governmental entity (e.g., permanent traffic control devices such as stop, yield, and speed limit signs, as well as temporary signs related to street construction or repair);
- b. Signs posted by governmental entities that support emergency management, such as wayfinding to disaster relief locations;
- c. Banners posted by the City on utility or light poles;
- d. Signs constructed by the City or another governmental or quasi-governmental entity pursuant to terms and conditions set forth in an approved intergovernmental agreement with the City that implement a community identity program recognized by resolution of City Council;
- e. Signs located in the B-1 Zoning District may be placed over the right-of-way in conformance with the following criteria:
 - i. The sign must be supported and attached to a building located in the B-1 Zoning District;
 - ii. The sign may extend no more than five (5) feet from the building and may extend no closer than six (6) feet from the curbline. No sign may extend over any roadway or alley.
 - iii. No part of the sign may be less than eight (8) feet above the surface beneath it.

- iv. No more than one (1) sign per business may extend over the City right-of-way.
- v. No sign with its face parallel to the wall of the building to which it is attached, except for those printed on an awning, may extend more than twelve (12) inches from the building, nor more than twelve inches over the public property.
- vi. The sign may identify or advertise only that activity or use conducted upon or related to the property immediately abutting the sign.

2. In locations that have less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by the laws of the State of Colorado and the regulations duly promulgated by agencies thereof.

17.68.110 Illumination of Signs. Signs may be internally illuminated. If external illumination is used, the source of illumination shall be shielded pursuant to Section 15.04.080(B)(1)(f).

17.68.120 Sign Maintenance. Signs and sign structures of all types shall be maintained as provided in this Section.

A. Signs shall display messages. Signs that do not display a message for a period of more than thirty (30) days shall be deemed abandoned and must be removed. If business or activity being advertised on the sign is closed or abandoned, the sign must be removed.

B. Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not a part of the original design.

C. Permanent signs and sign structures shall be finished and maintained to prevent tattering, tearing, fading, unintended corrosion etc. Signs not maintained in good order shall be deemed abandoned and must be removed.