

Turquoise Trail Corridor Management Plan

Version 2.0

12.0 Outdoor Advertising

12.1 COMPLIANCE

The SBAC has performed a review of local, county, state, and federal law. All advertising signs located on the Turquoise Trail Scenic Byway comply with federal law, primarily because it does not apply. It is believed that most advertising signs comply with local, county, and state law. However, it is difficult to make that determination due to the following:

- Lack of financial resources to monitor compliance
- Complexity of the regulations
- Quantity of the regulations
- Non-standard laws due to seven different jurisdictions. (While a sign may be legal in one jurisdiction, it is illegal in another.)
- The fact that many signs are legally non-conforming (legal when they were installed, but would not be legal if installed today) because they were “grandfathered in” years ago. It is difficult to determine the exact date a sign was installed simply from observation.

One rule seems to apply, the larger, more professional, more expensive the sign, the more likely it is to comply with law. The legal problem, if any, appears to be with smaller, nonprofessional signs. Small signs are commonly scattered along the highway and commonly advertise the following: homes for sale, flea markets, private cars for sale, nonprofit activities, political candidates, political statements, garage sales, keep out and no trespassing signs, beware of dog signs, home protection signs and services for sale. In general, the SBAC review found the following:

- NM 14 - Compliance appears to be good in the most rural areas, but unknown in the commercial areas of Tijeras, Cedar Crest, Sandia Park and Edgewood. In Madrid and Cerrillos, some advertising signs may be historic, thus an intrinsic quality.
- NM 333 - Compliance is likely due to the age of the signs
- NM 337 - Compliance is likely due to the age of the signs.
- NM 536 - Compliance is about perfect. This area has the highest level of protection since most of the road is within the boundaries of the U.S. Forest Service. In combination with the New Mexico State Department of Transportation, the U. S. Forest Service has the resources to monitor and enforce regulations.

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12.2 LOCAL

At this time, there are only two incorporated municipalities on the Turquoise Trail. The first is the Village of Tijeras. The village has a building permit and variance process. Violations of the village ordinances may result in fines up to \$500 and up to 90 days imprisonment, or both. The predominant zoning along the byway in Tijeras is C-B Commercial/Business. The only restriction on sign size is the road frontage of the lot and height restrictions of 16 feet, if free standing. Sign size may start at 150 square feet and increase by one square foot for each additional foot of road frontage. Signs could be higher than 16 feet if placed directly on a building.

The second municipality is Edgewood which has about six miles of frontage space on NM14. The land is in a Public Improvement District that has yet to be developed, but is planned for four thousand homes and the supporting infrastructure. Dozens and perhaps hundreds of signs can be expected to be erected over the next twenty years along the byway as the area is developed.

12.3 COUNTY

The Turquoise Trail spans three New Mexico counties and each county has different zoning regulations:

12.3.1 Bernalillo

Tijeras and all three counties have a process to ensure that signs comply to their zoning ordinances. The enforcement process in Bernalillo County is shown as an illustration of the steps necessary to remove an illegal sign:

- A complaint is lodged. The complaint may be verbal.
- The county sends out an inspector to determine the validity of the complaint.
- If the sign is illegal, the county gives the owner 30 days to remove or apply for a variance hearing. The hearing permit costs \$75.
- The variance, subject to public comment, is either approved or denied.
- If the variance is denied, the owner has 10 days to remove the sign.
- If the sign is not removed after 10 days, the county takes legal action against the owner to remove the sign.

Most adjacent property on the byway is zoned C-1 Neighborhood Commercial and A-2 Rural Agricultural. The maximum sign size in A-2 is 16 square feet. The maximum advertising on-premise sign size in C-1 is 32 square feet per premise, with up to 130 square feet allowed. Signs on C-1 zoned property for off-premise advertising can be quite large, up to 400 square feet.

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12.3.2 Sandoval

Signs may be as large as 200 square feet and billboards as large as 800 square feet; however, billboards are only allowed on NM 44 and Interstate 25, neither of which are part of the Turquoise Trail byway. Name and address signs smaller than one square foot, flags, real estate signs less than 10 square feet, and political signs placed 10 days prior to, and removed 10 days after an election do not require a permit. Signs placed before December 13, 1999 do not have to conform to the county ordinance. Fines up to \$300 and imprisonment up to 90 days or both are enforcement remedies available to the county upon conviction of a violator.

12.3.3 Santa Fe

Of the three counties encompassing the Turquoise Trail, Santa Fe has the strictest regulations. Sign permits are required, even for temporary signs. In the least restricted areas, signs can not be over 25 feet in height or more than 70 square feet. The number of signs allowed is generally one. Offsite advertising and billboards are not permitted.

12.4 STATE

The Turquoise Trail roads are state highways which are maintained by the District 3 and District 5 offices of the NM DOT. All signs on the highway right of way must be approved by the state. Unapproved signs on the right of way may be removed by the highway department with no notice to the owner of the adjacent property. Signs still in the viewscape, but not on the state right of way are controlled by local and county ordinance and not by the state; therefore, the state maintenance workers cannot remove them.

New Mexico has an administrative code that is used by its agencies to implement its laws: 18 NMAC 21.5 OUTDOOR ADVERTISING REQUIREMENTS. The code is long and complex; therefore, it has been included in Appendix C to assist those that would like to help enforce the law.

12.5 FEDERAL

None of the roads encompassing the Turquoise Trail are part of the Federal-aid system; hence, 23 U.S.C. 131(s) does not prevent the installation of signs on the scenic byway. The code only applies to outdoor advertising on the Federal-aid system as of 1991. The Turquoise Trail Scenic Byway is not part of that system. The Department of Agriculture's U.S. Forest Service has the responsibility to maintain the forest and all signs on forest land are controlled by the U. S. Forest Service with the following exception. New Mexico state law for signs applies to the right of way for NM 536 within the forest boundaries. Typically, the Forest Service asks for state permission to install a sign. If given, the U. S. Forest Service pays for the sign and its installation.

12.6 OUTDOOR ADVERTISING GOALS

- Maintain the scenic and natural beauty of the byway
- Provide all necessary information to visitors traveling the byway

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12.7 OUTDOOR ADVERTISING OBJECTIVES

- Remove all advertising signs from the immediate highway area
- Remove political signs from the immediate highway area
- Remove or repair damaged signs and those marked with graffiti
- Remove signs for businesses that no longer exist or have moved
- Remove unused sign posts
- Remove all advertising signs located on private property that are in the viewshed
- Balance competing goals
- Create a specific set of signage guidelines that will meet the goal
- Pass laws based on the guidelines.
- Enforce the laws

It is unlikely that the objectives can be fully achieved. Just working toward them will be a challenge and in many cases the objectives will be at odds with other issues like safety and visitor comfort. Who would want to remove a private for profit hospital directional sign or a restaurant sign if that were the only indication of a nearby facility.

12.8 OUTDOOR ADVERTISING STRATEGIES AND PROJECTS

- Create a watchdog group for signs
- Educate the public about sign laws and what it means to the rural character and scenic beauty of the area.
- Encourage individuals to be watchdogs in their own “backyard”, since there are few groups capable of performing that task.
- Review existing law
- Conduct a review of each advertising sign on the byway
- Present information on illegal signs to the proper government authority
- Oppose any sign variances that would harm the scenic beauty of the byway
- Discourage the use of plastic backlit signs
- Draw up stricter outdoor advertising guidelines
- Obtain community support for the stricter guidelines
- Obtain voluntary compliance to those stricter guidelines
- Pass state, county, and local laws to meet all or a portion of the guidelines
- Fund enforcement resources
- Remove all illegal signs
- Provide incentives to remove legal signs.