



## VILLAGE OF RUIDOSO

Village Hall  
313 Cree Meadows Drive



### PLANNING COMMISSION SPECIAL MEETING AGENDA Thursday, July 28, 2016 at 2:00 p.m.

1. **CALL TO ORDER & ROLL CALL**
2. **CERTIFICATION OF COMPLIANCE WITH RESOLUTION 2016-01**
3. **APPROVAL OF AGENDA**
4. **STAFF REPORTS**
  - A. **Listing of August Agenda Items – Information (No Action/Discussion)**
  - B. **Commission Business Schedule – Information**
5. **REGULAR ITEMS**
  - A. **Infrastructure Capital Improvements Program Priorities FY 2018-22 – Information**
  - B. **Signage Code Draft Ordinance – Update & Discussion**
  - C. **Short-Term Rental Overlay Draft Ordinance – Update & Discussion**
  - D. **Utility Line Extensions Proposed Ordinance Revisions – Discussion**
6. **ADJOURNMENT – Next Meeting: August 2, 2016 at 2:00 p.m.**

Posted: July 22, 2016  
Time: 3:30 pm

*If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Planning Administrator or Village Clerk at least one week prior to the meeting or as soon as possible. Public documents, including the draft agenda and minutes, can be provided in various accessible formats. Please contact the Planning Administrator or Village Clerk if a summary or other accessible format is needed.*

# Infrastructure Capital Improvement Plan FY 2017-2021

## Ruidoso Project Summary

ID	Year	Rank	Project Title	Category	Funded to date						Total Project Cost	Amount Not Yet Funded	Phases?
						2017	2018	2019	2020	2021			
25154	2017	001	Sewer Line Relocation-FEMA	Wastewater	6,802,000	10,400,000	9,500,000	10,100,000	0	0	36,802,000	30,000,000	Yes
25450	2017	002	Alto Water Treatment Plant Upgrade	Water Supply	0	750,000	7,650,000	2,550,000	0	0	10,950,000	10,950,000	Yes
21856	2017	003	Mapping/Automation Equipment	Other	0	164,800	84,000	84,000	84,000	84,000	500,800	500,800	Yes
29869	2017	004	Village Office Consolidation	Adm/Service Facilities (local)	0	2,500,000	0	0	0	0	2,500,000	2,500,000	Yes
25460	2017	005	Convention Center Building Improvements	Convention Facilities	0	550,000	0	0	0	0	550,000	550,000	Yes
29892	2017	006	Fort Stanton Water Line Improvements	Utilities (publicly-owned)	0	3,135,000	0	0	0	0	3,135,000	3,135,000	Yes
29857	2017	007	Grindstone Recreational Improvements	Public Parks (local)	0	250,000	0	0	0	0	250,000	250,000	Yes
29870	2017	008	Community Recreation Improvements	Public Parks (local)	0	100,000	650,000	0	0	0	750,000	750,000	Yes
29895	2017	009	Moon Mountain Water Tank Improvements	Utilities (publicly-owned)	0	500,000	0	0	0	0	500,000	500,000	No
27950	2017	010	Asset Management Plan	Other	0	100,000	0	0	0	0	100,000	100,000	No
26248	2017	011	Removal of Trees for Fire Mitigation	Other	0	70,000	70,000	70,000	70,000	70,000	350,000	350,000	Yes
23665	2017	012	Alto Dam Compliance & Improvements	Water Supply	250,000	250,000	500,000	500,000	9,000,000	10,250,000	20,750,000	20,500,000	Yes
25446	2017	013	Water Infrastructure Improvements	Water Supply	0	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000	5,000,000	Yes
28008	2017	014	E911 Coordination/Addressing	Other	0	175,000	0	0	0	0	175,000	175,000	Yes
26470	2017	015	Fire Station Renovations	Fire	0	300,000	0	0	0	888,770	1,188,770	1,188,770	Yes
28005	2017	016	Fire Hydrant Replacement	Utilities (publicly-owned)	0	50,000	50,000	50,000	50,000	0	200,000	200,000	Yes

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29896	2017	017	Alto Water Storage Tank West Improvements	Utilities (publicly-owned)	0	5,000,000	0	0	0	0	5,000,000	5,000,000	No
29897	2017	018	Alto Water Storage Tank East	Utilities (publicly-owned)	0	5,000,000	0	0	0	0	5,000,000	5,000,000	No
29893	2017	019	Grindstone Water Storage Improvements	Utilities (publicly-owned)	0	1,010,000	0	0	0	0	1,010,000	1,010,000	No
29899	2017	020	Grindstone Water Storage Improvement 3,000,000	Water Supply	0	3,000,000	0	0	0	0	3,000,000	3,000,000	No
26251	2017	021	River Trail Bridge- FEMA	Hiways/Roads/Streets/Bridges	33,106	1,504,448	0	0	0	0	1,537,554	1,504,448	Yes
29754	2017	022	Robin Road Bridge Replacement	Hiways/Roads/Streets/Bridges	83,947	1,202,246	0	0	0	0	1,286,193	1,202,246	Yes
29755	2017	023	Sleepy Hollow Bridge Replacement	Hiways/Roads/Streets/Bridges	0	841,213	0	0	0	0	841,213	841,213	No
26238	2017	024	Solid Waste Heavy Equipment	Solid Waste	0	240,000	240,000	250,000	0	0	730,000	730,000	Yes
25427	2017	025	Sidewalk Improvement and Maintenance	Hiways/Roads/Streets/Bridges	0	100,000	0	0	0	0	100,000	100,000	No
27931	2017	026	Parks Improvements	Public Parks (local)	0	250,000	0	0	0	0	250,000	250,000	Yes
25420	2017	027	Street Department Vehicles and Equipment	Hiways/Roads/Streets/Bridges	0	325,000	376,000	425,000	260,000	260,000	1,646,000	1,646,000	Yes
26280	2017	028	Solid Waste Dumpster Replacement	Solid Waste	0	240,000	240,000	240,000	240,000	240,000	1,200,000	1,200,000	Yes
27813	2017	029	Purchase Fire Trucks	Fire	0	750,000	0	0	0	0	750,000	750,000	Yes
26468	2017	030	Police Vehicle/Equipment Acquisition	Public Safety Vehicles	0	82,000	83,000	84,000	85,000	86,000	420,000	420,000	Yes
27710	2017	031	Police In-Car Video Systems	Public Safety Equipment/Bldgs	0	39,875	0	0	0	0	39,875	39,875	Yes
25452	2017	032	Police Department Body Cameras	Public Safety Equipment/Bldgs	0	22,000	0	0	0	0	22,000	22,000	No
25415	2017	034	Street improvements	Hiways/Roads/Streets/Bridges	0	150,000	200,000	0	0	0	350,000	350,000	Yes
25443	2017	035	Emergency Operations Center	Public Safety Equipment/Bldgs	0	450,000	0	0	0	0	450,000	450,000	No
27716	2017	036	Parks and Recreation Vehicle Replacement	Public Parks (local)	0	60,000	60,000	0	0	0	120,000	120,000	Yes

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27983	2017	037	New Parks and Recreation Master Plan	Public Parks (local)	0	275,000	0	0	0	0	275,000	275,000	No
27714	2017	038	Senior Citizens Building Improvement	Other	0	26,000	0	0	0	0	26,000	26,000	No
27715	2017	039	Ruidoso Pool Improvements	Public Parks (local)	0	350,000	0	0	0	0	350,000	350,000	Yes
27713	2017	040	Senior Citizens Equipment	Senior Facilities	0	14,000	0	0	0	0	14,000	14,000	No
27930	2017	041	Tennis Court Renovation	Public Parks (local)	0	180,000	0	0	0	0	180,000	180,000	Yes
27712	2017	042	Lighting White Mountain Sports Complex	Public Parks (local)	0	225,000	0	0	0	0	225,000	225,000	Yes
25651	2017	043	Eagle Creek Sports Complex Lighting	Public Parks (local)	0	600,000	0	0	0	0	600,000	600,000	Yes
25484	2017	044	Parks and Recreation Trail Enhancements	Public Parks (local)	0	40,000	0	0	0	0	40,000	40,000	No
27932	2017	045	Park Signage Project	Public Parks (local)	0	40,000	0	0	0	0	40,000	40,000	No
27909	2017	046	Library Computers ILS-TLC	Libraries	0	15,000	0	0	0	0	15,000	15,000	No
28009	2017	047	IT-Networking Improvements	Adm/Service Facilities (local)	0	100,000	0	0	0	0	100,000	100,000	No
27991	2017	048	Flood Mitigation Plan/PER	Public Safety Equipment/Bldgs	0	100,000	0	0	0	0	100,000	100,000	No
25434	2017	049	Drainage Improvements	Storm/Surface Water Control	0	125,000	0	0	280,000	0	405,000	405,000	Yes
27942	2017	050	Airfield Pavement Maintenance	Airports	0	256,000	256,000	256,000	0	0	768,000	768,000	Yes
27952	2017	051	Airport PFC at RWY 6-24	Airports	0	1,000,000	0	0	0	0	1,000,000	1,000,000	No
27943	2017	052	Airport Heavy Equipment	Airports	0	250,000	650,000	0	0	0	900,000	900,000	Yes
27944	2017	053	Airport Annual Maintenance Grant	Airports	0	11,111	11,111	11,111	11,111	0	44,444	44,444	Yes
31214	2017	054	Ruidoso Recreation Center	Adm/Service Facilities (local)	0	2,500,000	0	0	0	0	2,500,000	2,500,000	Yes
27946	2017	055	Airport Taxiway	Airports	0	915,000	0	0	0	0	915,000	915,000	No
27945	2017	056	Airport Terminal Rehabilitation	Airports	0	150,000	0	0	0	1,500,000	1,650,000	1,650,000	No
29894	2017	057	Airport Upgrade Improvements	Airports	0	2,000,000	0	0	0	0	2,000,000	2,000,000	No

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29757	2017	058	Main Bridge No. 1 Replacement	Hiways/Roads/Streets/Bridges	0	1,000,000	0	0	0	0	1,000,000	1,000,000	No
29891	2017	059	Wastewater Reuse Project	Utilities (publicly-owned)	0	25,000,000	0	0	0	0	25,000,000	25,000,000	Yes
27988	2017	060	New Wastewater Reuse Project	Wastewater	0	1,340,000	0	0	0	0	1,340,000	1,340,000	No
29871	2018	001	McDaniels Bridge Replacement	Hiways/Roads/Streets/Bridges	83,147	0	507,253	0	0	0	590,400	507,253	No
29877	2018	002	Coyote Bridge Replacement	Hiways/Roads/Streets/Bridges	83,947	0	933,005	0	0	0	1,016,952	933,005	Yes
29880	2018	003	Camelot Waster Storage Tank #1	Water Supply	0	0	155,000	0	0	0	155,000	155,000	No
29881	2018	004	Camelot Water Storage Tank 2	Water Supply	0	0	505,000	0	0	0	505,000	505,000	No
29882	2018	005	Hollywood Water Storage Tank Improvement	Utilities (publicly-owned)	0	0	22,000	0	0	0	22,000	22,000	No
29883	2018	006	Little Dragaon Water Storage Tank Improvementst	Utilities (publicly-owned)	0	0	1,000,000	0	0	0	1,000,000	1,000,000	No
29885	2018	007	West Backwash Storage Tank	Utilities (publicly-owned)	0	0	300,000	0	0	0	300,000	300,000	No
29886	2018	008	West Backwash Storage Tank #2	Utilities (publicly-owned)	0	0	100,000	0	0	0	100,000	100,000	No
27941	2018	009	Airport Electrical Upgrades	Airports	0	0	175,000	1,000,000	0	0	1,175,000	1,175,000	Yes
27948	2018	010	Airport Runway 12-30 Rehabilitation	Airports	0	0	150,000	0	0	0	150,000	150,000	No
21874	2018	011	Airport FBO Hanger	Airports	0	0	1,500,000	0	0	0	1,500,000	1,500,000	Yes
29887	2019	001	Main Bridge #2 Replacement	Hiways/Roads/Streets/Bridges	83,947	0	0	1,038,900	0	0	1,122,847	1,038,900	Yes
29888	2019	002	North Loop Bridge Replacement	Public Safety Equipment/Bldgs	83,946	0	0	802,036	0	0	885,982	802,036	No
29889	2019	003	Pinecliff Water Storage Tank Improvement	Utilities (publicly-owned)	0	0	0	500,000	0	0	500,000	500,000	No
27947	2019	004	Airport Aerial Fire Base Building	Airports	0	0	0	1,200,000	750,000	0	1,950,000	1,950,000	Yes
27949	2020	001	Water Maintenance Facility	Adm/Service Facilities (local)	0	0	0	0	955,000	0	955,000	955,000	Yes
29517	2021	001	Consolidated Dispatch Center	Public Safety Equipment/Bldgs	0	0	0	0	0	2,135,000	2,135,000	2,135,000	No

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27992	2021	002	Village Hall Replacement/Renovation	Adm/Service Facilities (local)	0	0	0	0	0	1,180,000	1,180,000	1,180,000	No
27989	2021	003	Community Recreation Center	Adm/Service Facilities (local)	0	0	0	0	0	1,065,000	1,065,000	1,065,000	No

Number of projects: 78

	Funded to date:	Year 1:	Year 2:	Year 3:	Year 4:	Year 5:	Total Project Cost:	Total Not Yet Funded:
<b>Grand Totals</b>	7,504,040	77,073,696	26,967,368	20,161,048	12,785,111	18,758,770	163,250,048	155,745,984

## **Best Practices: The Planning Commission's Contribution to the Capital Improvement Plan**

*The Commissioner, February 2015, American Planning Association*

*Carolyn Torma*

An often overlooked, but useful, tool for planning commissions is the capital improvement plan. What are these plans and how do they relate to the planning commission? The website of the National Capital Planning Commission, the planning agency for the Washington, D.C. area, says, "Capital improvement plans provide a link between the visions articulated by comprehensive plans and annual capital expenditure budgets. They allow for a systematic, simultaneous evaluation of potential projects. They also facilitate coordination among the units of government that are responsible for project implementation." Concord, North Carolina, defines the CIP in the following manner: "The purpose of the Capital Improvement Plan (CIP) is to forecast and match projected revenues and capital needs over a (5)-year period. Long range capital planning is an important management tool that strengthens the linkages between community infrastructure needs and the financial capacity of the City."

The CIP is one important means of linking plans to budget and implementation. By participating in the CIP process, the planning commission can provide valuable advice to elected officials on which projects further sound planning in the community. Planning staff can facilitate the engagement of the commission as they often participate with the municipal manager and finance and engineering staff as part of the preparation team. All municipal departments are asked to contribute to the plan with requests for funding.

It is important to note that the CIP focuses on major projects planned for a three- to six-year span, the sources of revenue for funding, and the annual expected expenditure. The CIP is not an annual budget of recurring expenses, such as running the community library. Examples of projects in the CIP might include construction of a new sewage plant, acquisition and development of a new park, or major street reconstruction. Infrastructure is often a major focus of the CIP.

The late Terry Holzheimer, FAICP, wrote in the April 2010 issue of PAS QuickNotes that best practices include "an economic analysis of the fiscal impact of new investments, including the life cycle costs of maintenance. . . ." He suggested that communities should have a set of adopted facilities standards and a comprehensive public facilities plan that will guide the short-term CIP.

Elected officials use the CIP to announce new development projects to the community. Holzheimer clarified that the CIP "is often required by law and usually involves a relatively formal process of public hearings and adoption by the local governing body. Many states provide a handbook for preparing a CIP in the context of specific state statutes."

Stuart Meck, FAICP, described how the CIP is funded in a 1996 issue of *The Commissioner*. "In the CIP, the local government decides how it is going to finance improvements and how the projects are to be phased. For some improvements, like street resurfacing, the local government may simply set aside an amount from its general fund—an unrestricted fund whose source is local property, sales, and income taxes and other miscellaneous revenues. . . . Other improvements, like water and sewer lines, may be paid for through enterprise funds, which are supported through utility rates and tap-in fees. . . . In some cases, the local government may decide that it has to sell bonds to pay for the improvements. General obligation bonds are used to fund costly improvements. . . ."

Other revenue sources may include special fund accounts, like park impact fees, infrastructure loan programs, and assessments. Holzheimer described the funding strategy that starts with “projections of annual aggregate costs for facilities and infrastructure as a cash-flow model,” adding that “this should be developed with consideration for population and employment.”

Financing the CIP has become more expensive in recent decades. Therefore, local governments have looked to exactions, fees, and linkage programs, among other strategies, to help fund capital projects.

In reviewing the CIP, the planning commission can assess projects that impact the community’s physical development. This review will always take place within the context of the comprehensive plan. Once the planning commission and other reviewers have passed along their comments, the city council or other legislative body deliberates. How the body adopts the plan is spelled out in the ordinance; the plan is then manifested as the capital budget. Again, the legislative body works with two budgets, the other being the operating budget.

Questions the planning commission should ask:

- Does the project appear in the local government’s comprehensive plan?
- Does the plan include special policies that ensure that new facilities such as civic and recreational centers and libraries are accessible by different modes of transportation . . . or that they carry out certain urban design or architectural themes?
- Is the project itself well thought out? Have feasibility studies on alternatives been adequate?
- Do the estimates of the project cost seem realistic based on current contractors’ bids for similar projects in the area?
- Is the project related to other projects, and is the sequence of construction reasonable?
- If the project will serve a developing area, such as the addition of new sewer lines, what are the assumptions as to the service levels and the ultimate population of the area?
- Have all agencies that might be affected by a project been contacted?
- Is there a good balance between repair and maintenance of facilities in mature neighborhoods versus installations of new improvements in developing areas?
- In general, is the local government spending enough on capital projects in comparison with annual operating expenses?

(Adapted from Stuart Meck, FAICP, “The CIP: A Planning Commission’s Powerful Tool,” The Commissioner, Spring 1996.)

—Carolyn Torma is APA’s director of education and citizen engagement and editor of The Commissioner.

**PROPOSED DRAFT AMENDMENT TO DIVISION 5. – SIGNS – Summer 2016 Public Review Copy**

Sec. 54-181. - Purpose of division.  
Sec. 54-182. - Definitions.  
Sec. 54-183. - Permit required.  
Sec. 54-184. - Enforcement officers.  
Sec. 54-185. - Application for permit.  
Sec. 54-186. - Sign types not defined.  
Sec. 54-187. - Inspections generally.  
Sec. 54-188. - Appeals.  
Sec. 54-189. - Permit fee; invalid permits; inspection upon completion of construction.  
Sec. 54-190. - General regulations.  
Sec. 54-191. - Regulations for specific signs and uses; size limitations.  
Sec. 54-192. - Illumination.  
Sec. 54-193. - Prohibited signs.  
Sec. 54-194. - Signs not requiring permit.  
Sec. 54-195. - Violations; removal of unlawful signs.  
Sec. 54-196. - Advertisement on public property.  
Secs. 54-197—54-220. - Reserved.

**Sec. 54-181. - Purpose of division.**

(a) The purpose of this division is to protect and promote the general welfare, health, safety and order within the village through standards, regulations and procedures governing the erection, use and/or display of devices, signs or symbols serving as visual communicative media to persons situated within or upon public rights-of-way or properties. The regulations set forth in this division are intended to preserve the special qualities inherent in the village that attract tourists and residents alike, and that are the basis of the village's economic stability and growth.

(b) The provisions of this division are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication and a sense of concern for the visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this division, while at the same time ensuring that the public is not endangered, annoyed or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative facilities.

**Sec. 54-182. - Definitions.**

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Sign* means any display to the public view of letters, numerals, emblems, logos or any parts or combination thereof, designed to inform, advertise or promote merchandise, services or activities. Sign content shall pertain only to the business, industry or pursuit conducted.

a. *A-frame* means a small sign that is self-supporting and forms an A when set up.

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- b. *Banner* means a sign that is printed on lightweight, flexible material that is designed to be attached to poles or posts or the wall of a building.
- c. *BILLBOARD* means any non-accessory sign, whether freestanding, wall-mounted or roof-mounted.
- d. *BLADE* means a sign that is similar to a flag, but being of an irregular elongated shape, made of flexible material mounted on a pole or post that is inserted in a prepositioned holder for display. A blade that is primarily ornamental or decorative and does not contain graphics, text or shapes that meet the definition of a "sign" shall not be considered a "blade sign" and therefore not be counted as part of the total allowable signage formula.
- e. *Changeable Electronic Variable Message Sign (CEVM)* means A self-luminous advertising sign that depicts any kind of light, color, or message change which ranges from static images to image sequences to full motion video. The CEVMS may also be referred to as an Electronic Billboard (EBB) or a Digital Billboard (DBB).
- f. *COPY, SIGNAGE* means any word, letter, number, emblem, or graphic affixed to the sign surface, either permanently or in removable form.
- g. *DIRECTIONAL SIGN.* An on-premises sign for the convenience of the public giving directions, facility information, and assistance around a site such as the location of exits, entrances, parking, amenities, and to encourage proper circulation.
- h. *DIRECTORY SIGN.* An on-premises sign that displays the names, uses, or locations of the various tenants on the site.
- i. *DISABILITY GLARE.* The effect of stray light in the eye whereby visibility and visual performance are reduced. For purposes of the Sign Ordinance, glare exceeding 2,500 nits is considered to be disability glare.
- j. *DOUBLE-FACED SIGN.* A sign with two faces either set parallel or up to a forty-five degree (45°) angle. Any two sign faces set at an angle greater than forty-five degrees (45°) will be considered two separate signs.
- k. *EASEMENT.* The portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on, or above said lot or lots for specified uses including but not limited to construction of utilities, drainage ways, transportation facilities, access, storm water drainage, solar exposure, and restrictions on development.
- l. *EAVES.* The projecting lower edges of a roof overhanging the wall of a building.
- m. *ELECTRIC SIGN.* Any sign containing electrical wiring, but not including signs illuminated by an exterior light source.
- n. *FAÇADE.* The side of a building below the eaves.
- o. *Flag* means a sign that is any shape made of flexible material mounted on a pole or post that is inserted in a prepositioned holder for display. A flag that is primarily ornamental or decorative and does not contain graphics, text or shapes that meet the definition of a "sign" shall not be considered

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a “flag sign” and therefore not be counted as part of the total allowable signage formula.

- p. *Freestanding* means a sign that is not attached to a building and is supported by one or more poles or posts.
- q. **FLASHING SIGN.** A sign that contains either a random intermittent or sequential blinking or flickering light source or light sequence. An animated sign, Changeable Electronic Variable Message Sign, or digital billboard will not be considered a flashing sign unless it is programmed with sudden short outbursts of light, blinking lights, flickering lights, or lights varying in intensity.
- r. **GRADE.** The average level of the finished surface of the ground, paving, or sidewalk at the property line located at the closest distance to the sign unless otherwise specified.
- s. *Ground* means a low profile sign not suspended from a support nor mounted on a pole, post or wall.
- t. *Hanging* means a sign suspended from a support either mounted on a freestanding pole or post or mounted on a wall of a building.
- u. **HEIGHT.** The vertical distance measured from the highest point of the sign, including the frame and any embellishments and the established grade.
- v. **HOLIDAY DECORATIONS.** Signs or displays, including lighting, which are a non-permanent installation celebrating national, state, and local holidays or holiday seasons.
- w. **INSTRUCTIONAL SIGN.** A sign which provides direction or instruction to guide persons to facilities intended to serve the public (e.g., restrooms, public telephones, public walkways, parking areas, and commercial resort-community amenities, maps, housing units, or transportation schedules).
- x. **LENGTH OF FRONTAGE.**
  - 1. For measurement purposes, the length of any primary or secondary frontage is the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Planning Department, Code Enforcement Officer or Planning Commission as clearly unrelated to the frontage criteria.
  - 2. For buildings with two or more frontages, the length and allowable sign area is calculated separately for each such frontage.
  - 3. The building frontage for a building unit is measured from the center line of the party walls defining the building unit.
- y. **LIGHT TRESPASS.** The Illuminating Engineering Society (IESNA) defines light trespass as “light that strays from the intended purpose and becomes an annoyance, a nuisance, or a detriment to visual performance.” Light trespass can result in glare.
- z. **LOGO, LOGOGRAM, OR LOGOTYPE.** An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.
- aa. **LUMEN.** A quantitative unit measuring the amount of light emitted by a light source.

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- bb. **MARQUEE SIGN.** Signs or message areas on a permanent roof-like structure projecting from and supported by a building over a building entrance.
- cc. **MECHANICAL MOVEMENT.** An animated sign that physically revolves, moves up and down, or moves sideways
- dd. *Mobile* means a sign that is mounted on a frame or vehicle such that it can be moved to any location on the property.
- ee. **MONUMENT SIGN.** A ground graphic permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole.
- ff. *Moveable Copy* means a sign whose lettering or image can be changed at will either manually or electronically.
- gg. **MURAL.** A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.
- hh. **NEON SIGN.** A street graphic comprised of tubing bent to form letters, symbols, or shapes that is internally illuminated by neon or other electrically charged gas.
- ii. *New Business* means a sign, usually constructed of lightweight flexible material, announcing the presence of a new business that is used until the permanent signage has been manufactured and installed.
- jj. **NONCOMMERCIAL SIGN.** Any sign designed for a noncommercial expression not related to the advertisement of any product or service or the identification of any business.
- kk. **NONCONFORMING SIGN.** A sign which was lawfully installed prior to the adoption or amendment of the most recently adopted sign ordinance and was in compliance with all the provisions of the ordinance in effect at the time of its installation, but which does not presently comply with the current Sign Ordinance and Village Code.
- ll. **OBSOLETE OR ABANDONED SIGN** means a sign is considered obsolete, abandoned or discontinued if the services or products advertised are no longer available at the destination, or by the directions indicated on the sign, or if the sign no longer has an advertising message other than the name of the sign owner on any part of the sign.
- mm. **POLE SIGN.** A sign which is permanently affixed in or upon the ground, supported by one or more structural poles, with air space between the ground and the sign face.
- nn. **POLITICAL SIGN.** Any sign designed for the purpose of identifying, either singly or combined, a political candidate, slate of candidates, issue, party, proposition or other measure during an election.
- oo. **PORTABLE SIGN.** Any street graphic that is not permanently attached to any structure, building, or the ground; and is designed and constructed to be movable from one location to another.
- pp. *Projecting* means a sign attached to a building that projects beyond the footprint of the building, including a marquee.

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- qq. *REAL ESTATE SIGN*. Any temporary sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name, address, telephone number, price, amenities, identity of seller or broker, and similar information.
- rr. *Signage means* the eligible area allowed. A sign is any device designed to attract attention outdoors and includes all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign is also considered to be a name, words, lettering, parts of letters, figures, character, outline, display, announcement, numerals, phrases, sentences, emblems, designs, trade names, or trademarks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are legible from any public street or adjacent property and used to attract attention. This definition includes the structure or the face on which a sign message is displayed, but does not include "trade dress," i.e., architectural features identified with a product or business, as a sign.
- ss. *SIGN, NON-ACCESSORY* means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
- tt. *SIGN, WALL* means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign, and which does not project more than 18 inches from such building or structure.
- uu. *Streamer* means a series of flags or pennants mounted on a string or wire that is designed to be hung across an open space from buildings or poles.
- vv. *STREET GRAPHIC*. A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right-of-way. The term "street graphic" includes signs, banners, pennants, streamers, moving mechanisms, and lights.
- ww. *STRUCTURE, SIGNAGE* means any structure that supports or is capable of supporting a sign or street graphic display.
- xx. *Temporary* means a sign designed to be used only during business hours and do not possess a real property interest including mobile, A-frame, blade and flag. Temporary signs are intended to be removed after the temporary purpose has been served.
- yy. *Wall* means a sign mounted on the wall of a building or an awning or canopy attached to a building.
- zz. *Window* means a sign either painted or mounted on the inside of a window.

**Sec. 54-183. - Permit required.**

All signs erected within the village must be reviewed and approved by the appropriate officer of the village. . Permits shall be issued for all approved signs and the permit shall be maintained on the premises where the sign is displayed, except that permits for off-premises signs shall be maintained on

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the premises of the permittee. Failure to obtain a permit prior to erecting a sign will double the cost of the permit. Failure to apply for and obtain a permit or remove an illegal sign within 10 days of notification of a violation will result in a citation being issued requiring an appearance in Municipal Court with the potential for a fine, jail sentence or both as provided for in Section 1-6 of this Code.

The code enforcement officer, planning administrator or building official shall give seven days' written notice in-person or, if in writing by certified mail, to the owner of any sign erected without approval or otherwise in violation of this division, informing the owner that the sign must be brought into conformance with this division or must be removed.

Signs placed illegally in a public right-of-way shall be removed without notice by any officer of the Village. Signs so removed will be destroyed after 15 days if not claimed by the sign owner.

**Sec. 54-184. - Enforcement officers.**

This division shall be enforced by any employee designated by the village manager.

**Sec. 54-185. - Application for permit.**

The application form for a sign permit shall be obtained from the enforcement officer and, at a minimum, shall require the following information:

- (1) The name and address of the owner of the sign.
- (2) The name of the business and the location of the sign (address).
- (3) A drawing of the sign, indicating size, materials, texture and finish and illumination to be used.
- (4) A site plan showing where the sign will be located on the premises, as well as all other signs existing on the premises.
- (5) Indication on the site plan of the location of buildings on the site and the dimension and area of building frontages.
- (6) Written consent of the owner of the building, structure or land on which the sign is to be erected.
- (7) Any electrical permit required and issued for such sign.
- (8) The contractor's name, address and license number, where applicable.

**Sec. 54-186. – Sign types not defined.**

- (1) Any sign type not specifically defined nor reasonably interpreted by the planning administrator or building official to be considered substantially similar in nature, intensity, construction, purpose or design to a sign type defined herein shall be considered an accessory conditional use.
- (2) A sign not defined being considered an accessory conditional use by the planning administrator shall be processed as a conditional use with public hearing before the Planning

Commission in accordance with Section 54-68 and 54-61, with notification required.

(3) The standards for which the Commission shall evaluate the sign type not defined shall be in accordance with the general criteria for such uses specified within Sections 54-68 and 54-61. Additionally, the Commission shall also make findings that the proposed sign:

a. Would be comparable in character to sign types already defined,

b. Be compatible with the character of the neighborhood, zoning district and adjacent properties,

c. Would not be substantially similar to any sign prohibited in this Code nor present any potential impact that would be equally or more adverse than that created by a prohibited sign.

(4) The Commission may impose any conditions in approving an accessory conditional use sign that it deems appropriate.

#### **Sec. 54-187. - Inspections generally.**

The building inspector, planning administrator or administrator's designee shall inspect, as he deems necessary, each sign regulated by this division for the purpose of ascertaining whether such sign is secure or insecure, or in need of repair and for compliance with the requirements of this division. The applicant must call for final inspection on all signs permitted pursuant to this division.

#### **Sec. 54-188. - Appeals.**

(a) Any sign permit application which is rejected, for any reason, by the enforcement officer may be appealed to the planning commission. The applicant shall submit, in writing, a request to be placed on the planning commission agenda within five working days of the rejection. The appeal will be scheduled for the next planning commission meeting, provided the planning commission agenda deadline has not passed, in which event the matter will be scheduled for the next regularly scheduled planning commission meeting. The standards of review shall be a review of the closed record with no new testimony. In order to overturn the decision by the enforcement officer, the planning commission shall make a finding of fact that the enforcement officer erred in their interpretation of the applicable codes or that proper procedure was not followed.

(b) Any denial by the planning commission may be appealed to the council by submitting a written request to the village clerk within 15 days of the rejection.

#### **Sec. 54-189. - Permit fee; invalid permits; inspection upon completion of construction.**

(a) The fee for a sign permit for permanent signage shall be set from time to time and is listed in the fee schedule in appendix A to this Code.

(b) The fee is due at the time the application is approved.

(c) A sign permit shall be issued at the time the fee is paid.

(e) A sign permit shall become null and void:

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(1) If the sign for which the permit was issued has not been completed and erected within a period of six months after the date of the permit.

(2) Thirty days after a business closes or ceases to operate if no new business is established at that location. It shall be the responsibility of the owner of the building to see that any sign is removed which pertains to a business which has closed.

**Sec. 54-190. - General regulations.**

(a) *Moving of signs.* Moving an approved sign to a new location or structural alteration of an existing sign requires a new permit.

(b) *Permit not required for painting, cleaning or repair.* Maintenance consisting of painting, cleaning or repair of an existing sign does not require a new permit unless a structural change is made.

(c) *Maintenance required.* Maintenance of signs consisting of painting, cleaning or repair is required to maintain signs in the same condition and appearance as when originally installed.

(d) *Erection of signs on or over public property.* No sign shall be erected or maintained on or over public property, unless licensed by the council, subject to approved criteria. However, wall signs may project over a front property line when the building wall is less than one foot from the property line, provided that such sign shall not impede or endanger pedestrians or vehicular traffic and shall project no more than one foot from the wall.

(e) *Special encroachments.* Special encroachments on Highways 48 and 70 may be allowed by the New Mexico Department of Transportation, such as decorations and banners advertising special events when erected by governmental authorities. Encroachments may be allowed for a limited time provided they provide a minimum 18-foot clearance and do not interfere with traffic control devices and signs and are approved within a Special Events Permit or other permit authorized by the Village in addition to the requisite Department of Transportation approvals. [SECTION ## of this ARTICLE]

**(f) Obsolete Signs**

(1) Sign copies abandoned or discontinued for a period of 60 (sixty) days are to be removed at the owner's expense.

(2) Sign structures, frames, supports or other integral portion of an obsolete or abandoned sign excluding the copy may also be required to be removed after a period of 60 (sixty) days if a determination is made by the planning administrator, building official or enforcement officials. Removal or repair shall be required if it is determined that the sign structure is not in compliance with the maintenance standards within this Code or where a threat to public health or safety is present.

**(g) Non-Conforming Signs**

(1) Once a sign has become obsolete, at the end of 60 (sixty) days, the right to maintain a non-conforming sign is lost and a non-conforming sign may not be re-established.

(2) Alteration of Non-Conforming Signs.

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Non-conforming signs may not be moved, changed or altered in any manner that would modify the nonconformity, enlarged, expanded, increased in height, or altered by adding illumination. Non-conforming signs that are modified, enlarged, increased in height and found in violation of this chapter should be removed immediately at owner's expense.

(3) Alteration of Sign Face of Non-Conforming Signs

Upon obtaining a Village permit, the sign face of a non-conforming sign may be altered if the sign face is not thereby modified or altered by adding illumination. Signs may be temporarily removed for maintenance or the sign face changed if re-installed within 30 (thirty) days.

(4) Nonconforming Sign Cannot be Re-established

Whenever a nonconforming sign or sign structure is replaced or altered to become a conforming sign or sign structure, the nonconforming sign or sign structure may not be re-established.

**Sec. 54-191. - Regulations for signs and uses; size limitations.**

(a) General Sign Regulations

1. No sign shall project more than eight feet from a supporting wall.
2. The bottom of any sign projecting 6"-48" from a supporting wall shall be at least eight feet above the walkway.
3. The bottom of any sign projecting 49"-96" from a supporting wall shall be at least ten feet above the walkway.
4. No sign shall rise above the roof or parapet of the primary building on the property.
5. All signs shall maintain a minimum 10 foot deep sight line triangle measured 20 feet along the right-of-way from the base of the sign.

(b) *Sign sizes; regulations for specific signs.* Seventy percent of the total allowable signage must be permanent signs. The remaining 30 percent may be temporary signs. Sign permits shall be obtained for both permanent and temporary signs. Temporary signs are only allowed to be displayed or illuminated during business hours.

(1) *Commercial businesses, all categories not within C-3 zoning district.* The amount of signage shall be computed using the formula 0.076 times the square footage of the front of the building as designated by the owner or leaseholder. The amount of signage for a business conducted on a property which has no permanent business structure or structures of less than 250 square feet shall be allowed one sign based on the linear feet of lot frontage, as follows:

Lot frontage

(linear feet)	Sign area (square feet)
0—150	32
150—300	64
301—600	100

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Lots in excess of 600 linear feet shall be allowed two signs, provided that signs are separated by a minimum distance of 300 linear feet.

(2) Regulations specific to the C-3 Zoning District.

- a. The standards for defining allowable signage space shall be limited to no more than 250 square feet of signage – permanent or temporary.
- b. No portable or permanent sign shall obstruct the pedestrian access nor placed within the public right-of-way. Nothing in this section shall prohibit the placement of one temporary sign on a portion of the lot adjacent to, but not within a public right-of-way.
- c. Flag or blade type signs are not permitted in C-3.
- d. Banner Signs shall be permitted in accordance with other sections of this Code, but in no case comprise more than 75% of total signage, whether temporary or permanent.

(3) *Corner lots.* In addition to signs allowed on the front of buildings, wall-mounted signs only shall be allowed on the side of a building which fronts on a side street. Square footage shall be determined by using the formula of 0.076 times the square footage of the designated side of the building. This sign area may not be transferred to any other area of the premises.

(4) *Banner signs.*

- a. Each business shall be allowed a banner in addition to permanent and temporary signage. Banner permits are good for either 30 days four times per year or annually when restricted to display for a maximum of 120 days during the year.
- b. A banner permit fee set from time to time and listed in the fee schedule in appendix A to this Code will be required. Banners shall not exceed a total of 32 square feet.
- c. Banners shall be attached flat against a wall or structure or between the supports of a permitted freestanding sign. Banner signs may only be approved as permanent signs when specified in an approved sign permit and fastened or adhered to a permanent structure with solid backing in such a manner as the material shall be flush with the structure and not prone to deterioration. Such permanent banner signs shall count towards the allowable signage space for a business or shopping center as permanent signage and not limited in duration.

(5) *Buildings with multiple tenants.* In cases of more than one business located within one building (but less than four businesses), the owner of the building shall determine the percentage of the total allowable sign size which each business within the building is allowed. The total amount of square footage of signs erected, for all businesses within the building, shall not exceed the total amount allowed as determined by the formula.

(6) *Blades and flags.*

- a. Blade signs and flag signs shall be limited to a combined total of 4 (four) per business, whether temporary or permanent providing that they do not exceed the maximum allowable

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signage per business or shopping center.

- b. Shall be spaced at least 10 feet apart when fronting a street adjacent to the right-of-way.
- c. Temporary or permanent blade signs or flag signs shall require a permit.
- d. Up to 6 (six) combined additional blades or flags that do not meet the definition of a “sign” shall be allowed without a permit for each business.

(7) *Shopping centers.*

- a. To be designated a center, four or more shops or businesses must be on the premises. Shopping centers may be comprised of one or more tracts or ownerships maintaining a center identity under written agreement.
- b. A center is allowed one freestanding sign for the purpose of identification of the center and of the businesses therein.
  - 1. The size of the freestanding sign shall be computed from the formula of one square foot of sign space per each linear foot of the designated front of the property, with a maximum of 200 square feet allowed.
  - 2. At least 50 percent of the center sign shall designate the shopping center, and the remaining 50 percent shall or may be used for riders to advertise the individual businesses within the center.
- c. A center is also allowed wall-mounted signs using the formula of 0.076 times the square footage of the designated front of each building, as in provided in subsection (b)(1) of this section.
- d. Individual businesses within shopping centers in the C-3 business district may have one projecting sign pursuant to subsection (a)(2) of this section, provided that such sign shall not exceed ten square feet and shall not project into the traveled roadway.

(8) *Across-street banners.*

- a. The maximum size allowed shall be three feet by 30 feet on street banners advertising a community or civic event at a location approved by the council and the New Mexico Department of Transportation.
- b. There shall be one approved location on Sudderth Drive for across-street banners as determined by the Village and Department of Transportation.
- c. A banner may be displayed up to 14 days prior to an event and must be removed within three days after the event.
- d. Applications shall be submitted to the village manager at least 90 days prior to the event. The village manager shall develop policies, and the manager (or designee) shall resolve conflicting requests in a fair and equitable manner. A fee as set forth in Appendix A

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to the Code shall be charged to defray the cost to the Village of installing and removing the banner.

(9) *Civic and quasipublic off-premises signs.*

a. Off-premises name, directional and information signs of service clubs, places of worship, civic organizations and quasipublic uses shall not be more than four square feet in area. Sign height shall not exceed 16 feet.

b. If a need exists for more than one such sign at one location, all such signs must be consolidated and confined within a single frame.

c. If the proposed sign is to be located in a public right-of-way, the design and location of the off-premise sign shall be reviewed and approved by the Street Department Director and the Planning Administrator.

(10) *Commercial, off premises directional signs.*

a. No off-premises sign shall be nearer than 200 feet to any other off-premises sign. There shall be no more than one off-premises sign per location. Commercial off-premises signs shall not be placed on any residential zoned property.

b. No directional advertising sign of the same commercial enterprise shall be nearer than one mile to any other off-premises sign advertising the same commercial enterprise. The one-mile distance shall be determined from point to point on any single highway, street or other public thoroughfare. This provision shall not be construed as prohibiting off-premises signs within one mile of each other advertising the same commercial enterprise, where off-premises signs are located on different highways, streets or public thoroughfares.

c. Off-premises sign areas shall not exceed 32 square feet.

d. Off-premises directional advertisement signs shall pertain only to a business conducted on a site within the village limits or within two miles extraterritorial of the village if approved by the planning commission. The area of any off-site sign, when added to the area of any existing business sign, shall not exceed the allowable sign area for the business being directionally advertised. Off-premises signs are allowed only for businesses without frontage on Highway 48, Mechem Drive, Sudderth Drive or Highway 70. Signage shall not count against allowable sign area of the property where the off-premises sign is located.

e. Off-premises signs may be placed on vacant property but shall be for directional purposes only not to exceed 3 square feet.

f. Businesses with allowable square footage for off-premises signage shall be limited to two signs per business.

(11) *Residential signs:*

a. Multifamily premises or mobile home parks with up to 24 dwelling units may have wall signs identifying the development or apartments, provided the signs are mounted flush to the perimeter wall or fence and the total sign area does not exceed 32 square feet. b.

Multifamily premises or mobile home parks with more than 24 dwelling units may have signs identifying the premises as follows: Multifamily premises may have wall- or fence-

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mounted signs, provided the signs do not exceed 40 square feet. Mobile home parks may have wall- or fence-mounted signs, provided the signs do not exceed 100 square feet.

(12) *Resort signs.* Resorts shall be permitted, as *conditional uses*, signs in addition to those otherwise identified herein according to the following provisions:

a. *Definition.*

1. *Resort.* A *resort* is a hotel, under one roof or consisting of detached buildings, containing at least 200 guest rooms, together with at least seven of the following additional amenities:

Dining facilities: at least two restaurants which, together or separately, provide full meal service;

Lounge;

Golf course—18-hole championship;

Casino licensed by the State of New Mexico or qualifying as an Indian casino recognized by the State of New Mexico;

Horse or dog race track;

Tennis courts(s);

Swimming pool;

Day spa;

Retail shopping—minimum two separate shops;

Theater: performing arts or film;

Horseback riding;

Outfitting for hunting, fishing, camping, eco-tours and the like.

2. *Location.* A *resort* is a facility located within the municipal limits of the Village of Ruidoso or the City of Ruidoso Downs, or in the unincorporated areas of Lincoln County within two (2) miles of the village limits of the Village of Ruidoso, or within the Mescalero Apache Reservation within two miles of the Lincoln County line.

3. *Ownership.* All aspects of a resort shall be under unified ownership, except to the extent that condominium units may be separately owned.

b. *Sign size.* Sign size shall be constrained by the structure upon which it is mounted. The structure on which the sign is mounted shall not exceed 20 feet in height nor 20 feet in width, except upon approval by the planning commission as a conditional use.

c. *Sign location.* Resort signs may be located both on-premises and off-premises, according to other provisions of this code, provided that the square footage of the off-premise location(s) shall not count against the on-premise size limitations, and provided further that

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no resort sign shall be located in the C-3 (midtown commercial) district.

d. *Sign features.* Resort signs may incorporate all features otherwise included in this code, together with industry additions such as LED signs, and the like, provided, that plastic back-lit signs and marquee signs with manually changeable letters are prohibited.

e. *Sign structure.* All signs shall be ground-mounted or building-mounted. Pole signs are prohibited.

f. *Landscaping.* The area immediately adjacent to the sign shall be professionally landscaped in a minimum area not less than the total size of one face of the sign structure.

**Sec. 54-192. - Illumination.**

(a) Light from any source intended to illuminate a sign shall be shaded, shielded or directed in such a way so that the light intensity or brightness shall not adversely affect the safe vision of pedestrians or vehicle operators on public and private streets, driveways or parking areas and shall not adversely affect any surrounding premises. Illumination from any sign shall not interfere with the effectiveness of any official traffic sign, signal or device. Illumination shall comply with the provisions of NMSA 1978 Chapter 74, Article 12, Night Sky Protection.

(b) Signs involving the use of revolving lights, pulsing light effects, streaming video, beacons, strobe lights or spotlights are specifically prohibited.

**Sec. 54-193. - Prohibited signs.**

The following signs are prohibited:

(1) Signs contributing to confusion of traffic control lighting, unauthorized signs, signals, markings or devices which purport to be or are imitations of official traffic control devices or railroad signs or signals, or signs which hide or interfere with the effectiveness of any official traffic control devices.

(2) Unauthorized signs which attempt to control traffic on the public right-of-way.

(3) Signs with audible devices.

(4) Freestanding signs with overhead wiring to supply electricity. However, off-premises signs are excluded unless underground power lines supply the site.

(5) Banners, except as otherwise allowed by this division, and portable signs of any type, including signs placed in or carried on vehicles.

(6) Billboards or other off-premises signs relating to a business not located within the village limits or within two miles extraterritorial.

(7) Signs of temporary construction shall not be used as permanent exterior signs unless a permanent banner sign as specified elsewhere in this Code.

(8) Flag or blade signs in C-3.

(9) Inflatable signs and tethered balloons.

(10) *Streamers* shall be prohibited in all districts.

(11) Any permanent or temporary sign within the right-of-way or public property not specifically permitted elsewhere within this Code.

**Sec. 54-194. - Signs not requiring permit.**

Provided they conform to all other portions of this division, the following types of signs do not require a permit:

- (1) Nonilluminated names of buildings, dates of erection, monuments, citations, commemorative tablets and the like are allowed when carved into stone, concrete, metal or any other permanent type construction and made an integral part of an approved structure, or made flush to the ground.
- (2) Signs required by law or signs of a duly constituted governmental body, traffic signs or directional signs.
- (3) Signs placed by a public utility for the safety, welfare or convenience of the public.
- (5) Holiday decorations.
- (6) Political signs on private property shall be allowed up to a total area of six square feet for each premises in a residential zone and up to 32 square feet for each sign in a nonresidential zone. Political signs may be erected no earlier than 45 days prior to any primary election, general election or municipal election, and they shall be removed within ten days after the election to which the sign pertains or after the termination of a candidacy, whichever occurs first. No political sign shall be placed on or adjacent to public parks, buildings or facilities. Signs placed in any sight line triangle shall not exceed 30 inches in height nor be closer than ten feet from edge of pavement. Signs shall not distract or interfere with traffic control signs.
- (7) One construction sign shall be allowed for all building contractors, one for all professional firms, and one for all lending institutions on premises under construction. Each sign's area shall not exceed 32 square feet, and not more than a total of three such signs are allowed on the premises. Such sign shall be confined to the site of construction, construction shed or construction trailer and shall be removed within 14 days of the beginning of the intended use of the project.
- (8) Real estate signs are allowed as follows when located on property for sale, rent or lease (not to be confused with the business sign on the real estate office):
  - a. One temporary real estate sign located on the property it refers to shall be allowed for each street frontage of developed premises or undeveloped lot of less than two acres. Signs shall be removed within 14 days after sale or complete leasing.
    1. In residential zones, the signs shall not exceed six square feet in area, including name identification riders. An additional add-on sign area of one-half square foot indicating that the property has been sold or leased is allowed.
    2. In nonresidential zones, the signs shall not exceed eight square feet in area on improved lots and 16 square feet in area on unimproved lots.
  - b. One temporary real estate sign not exceeding 16 square feet in area and located on the property it refers to shall be allowed for each lot of two acres or more. If the lot has multiple

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frontage, one additional sign not exceeding 16 square feet in area shall be allowed on the property, to be placed facing the additional frontage. Under no circumstances shall more than two sign units be allowed on the lot. Signs shall be removed within 14 days of sale or complete leasing.

c. Temporary real estate directional signs not exceeding four square feet in area, three feet in height, and four in number, showing a directional arrow and placed on private property, may be allowed on approach routes to an open house.

d. Up to two temporary subdivision identification signs located on the vacant residential property shall be allowed for each subdivision or builder's development of ten lots or more. Such signs shall not exceed 32 square feet in area, and sign height shall not exceed 35 feet. Signs shall not be displayed prior to the date of the recording of the plat and shall be removed upon completion of the project.

e. The height of real estate signs shall not exceed five feet when located in a residential zone.

(9) Signs located inside a building or structure for temporary sale notices or play bills, and so located as to be conspicuously visible and readable from outside the building or structure. No more than 25% of the total window area visible to the public should be covered with temporary or permanent window signs or notices at any given time.

(10) Signs designating "open" or "closed", provided that they are limited to two per business and 15 square feet or less in area.

(11) Special Events signs advertising Special Events as approved through a Village Special Events Permit maintained for a temporary period of not in excess of one month prior to the event and not more than seven days after the close of the event are allowed. Banners shall not exceed 32 square feet and shall be limited to being placed at School House Park tennis court fence and the approved over-head banner locations.

The following additional locations shall be permitted one (1) temporary sign – not to exceed 16 square feet – as either an A-frame or real estate type sign advertising a Special Event and shall meet minimum quality of construction standards as approved by the Village as an integral part of the Special Event Permit.

1. Country Club & Paradise Intersection.
2. North Mechem Drive on right of way.
3. The "Y" Welcome to Ruidoso Sign/Park, DOT medians not allowed.
4. Gavilan Canyon Road & Hull Intersection/right of way.
5. Grindstone Canyon & Carrizozo Intersection/right of way.
6. Free/Public parking Areas in Midtown.
7. The site hosting the event as specified within the Special Event Permit

Special Events advertised at the above locations shall be those which are either sponsored by non-profit organizations, approved for expenditures of lodger's tax funds, or approved by the village council according to the lodgers' tax criteria of chapter 2, article IV, division 3. The village council may authorize additional locations for banner display within the areas approved for Special Events to facilitate crowd control. Banners provided to sponsor of

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community or civic events may contain a logo or other donor identification of not more than ten percent of the banner area.

(12) Official national, state or village flags.

(13) Residential name and street address signs. A resident's name sign not exceeding three square feet in area per face shall be allowed for each house or townhome. Street address signs shall not exceed three square feet. Premises may have one freestanding sign at any location on the site; provided, however, premises with more than 750 linear feet of public street frontage may have one additional freestanding sign for each 500 feet of additional frontage or fraction thereof. However, no sign shall exceed 16 feet in height or 32 square feet per sign face.

(14) Parking or directional signs in a private parking lot, not to exceed four square feet.

(15) Business identification on vehicles used for company or business use where the sign is permanently painted on a vehicle or where the sign is magnetically attached to the side of the vehicle. Advertisement place cards may also be placed on vehicles classified as common carriers.

(16) Incidental signs. A sign, generally informational, that has a purpose secondary to the business on the lot on which it is located, such as entrance, exit, parking, loading, telephone, no smoking, user directions or instructions and other similar directions. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

(17) Flags or blades that do not meet the definition of "sign" as they do not possess any graphics, text or shape that would be construed as commercial speech and not specifically limited or prohibited elsewhere in this Code. Blades not meeting the definition of "sign" shall still be subject to aggregate limitations contained elsewhere in this Code.

(18) Signs located within an enclosed sports complex for view by sports event participants and spectators only and under the following conditions:

a. Signs may be banners or signs of permanent materials attached to or placed within 18 inches of fenced, enclosed play areas and directed for viewing from the field of play. Sign shall not be directed toward public right-of-way or adjoining properties. Banner or sign placement is regulated by the facility manager.

b. Area of banner or sign shall not exceed 32 square feet. Banners shall have wind slits to reduce wind resistance.

c. Signs shall be displayed only during sports events and shall be removed immediately thereafter. Permanent signage is not allowed.

d. Type of sign, placement and manner of attachment or installation must be approved by the village park and recreation director when displayed on village property or property under village control.

e. Signage shall not count against allowable sign area for business or pursuit being advertised nor property where signage is located.

f. For purposes of this section the following are designated as sports complexes; and are exempt from the provisions of subsection 54-191(b)(8):

CODE OF ORDINANCES  
Chapter 54 - LAND USE  
ARTICLE II. - ZONING  
DIVISION 5. - SIGNS

1. White Mountain Recreational Complex.
  2. Eagle Creek Ball Fields.
  3. School House Park Tennis Courts.
  4. North Park Complex.
  5. Ruidoso High School Playing Fields.
  6. Middle School Football Field.
- g. Other properties may be designated as a sports complex by the planning and zoning commission subject to conditions a. through f. above.

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**Sec. 54-195. - Violations; removal of unlawful signs.**

(a) A sign permit shall be issued for all signs regulated by this division and shall be maintained on the premises where the sign is located, except that all off-premises sign permits shall be maintained on the premises of the permittee.

(b) Any sign existing prior to the effective date of this article for which the necessary approval and sign permit was not obtained pursuant to the provisions of any previous code shall continue to be illegal and shall be removed or brought into conformance with this division, and, further, the owner thereof shall continue to be liable for the penalties described in this section.

(c) The code enforcement officer shall give seven days' notice, in writing, by certified mail, to the owner of any sign erected without approval or otherwise in violation of this division, informing the owner that the sign must be brought into conformance with this division or must be removed.

(d) Upon failure to remove the sign or to comply with this notice, the code enforcement officer shall have the sign removed. Any cost of removal incurred by the village shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes, and such charge shall be a lien upon the property and may be filed with the county clerk in the manner that municipal liens are filed.

(e) In addition, any person who violates any provision of this division shall be punished by a fine as provided in section 54-38, except that notice and penalty for violation of subsection 54-191(a)(10) pertaining to banners shall be as provided below:

(1) First violation—warning and order for immediate removal.

(2) Second violation—citation issued, each day constitutes a separate violation with penalty of a minimum of \$25.00 per day.

(3) Third and successive violations—citation issued, each day constitutes a separate violation with penalty of a minimum of \$50.00 per day plus the loss of allowable days in the current and the successive year.

(f) Nonconforming or illegal signs required to be removed shall be deemed to be amortized after the expiration of the time period specified under section 54-193(b). The amortization period shall equal just compensation for constitutional and statutory purposes.

(g) Signs placed in the public right-of-way in violation of this division may be removed by the code enforcement officer. Such signs shall be disposed of or destroyed if not claimed within 15 days of removal.

**Sec. 54-196. - Advertisement on public property.**

(a) It shall be unlawful to tack or place any sign, bill, banner, poster or advertisement of any nature in the public right-of-way except as provided under this division.

(b) The provisions of this division shall not apply to notices posted by order of court or notices to the public required by law to be posted in a public place.

**Secs. 54-197—54-220. - Reserved.**

**VILLAGE OF RUIDOSO**  
***DRAFT* ORDINANCE 2016-##**

**AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO MUNICIPAL CODE OF ORDINANCES, SECTION 54-106 "SHORT-TERM RESIDENTIAL RENTAL OVERLAY ZONE", TO REVISE THE PROCEDURE FOR REGISTRATIONS AND ADMINISTRATION.**

**WHEREAS**, the Village of Ruidoso Governing Body considered the benefits of a well-regulated registration process for short-term residential rental units and adopted Ordinance 2009-06 establishing such a process and regulations; and

**WHEREAS**, the Village has witnessed the positive nature in which regulated short-term residential rental opportunities provide viable income-earning potential for property owners, offer unique options for visitors to the community and enhance local tax revenues while minimizing adverse impact to neighborhoods; and

**WHEREAS**, the Governing Body of the Village of Ruidoso has determined that certain amendments were required to establish a more equitable and streamlined process, while building upon the foundation of the original ordinance; and

**WHEREAS**, the Village of Ruidoso Lodgers' Tax Committee was consulted on this matter \_\_\_\_\_ and the Village Planning Commission conducted a duly advertised public hearing regarding this ordinance on \_\_\_\_\_, 2016, during which it found that the amendments were in the best interest of the public by promoting objective criteria and a predictable framework and recommended that the Council favorably consider adopting this ordinance; and

**WHEREAS**, the Council conducted a duly advertised public hearing to consider this ordinance on \_\_\_\_\_, 2016.

**NOW THEREFORE, BE IT ORDAINED By The Governing Body of The Village of Ruidoso**, that Village Municipal Code Chapter 54 is hereby amended as follows:

<b><u>Single Underline</u> is text that is proposed for adoption. <del>Strike-out</del> is language deleted.</b>
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**Section one.** Section 54-106 is amended to read:

**Sec. 54-106. - Short-term residential rental overlay zone.**

- (a) **Purpose of zone.** The Village of Ruidoso Council finds and declares as follows:
- (1) Short-term residential rentals provide a community benefit by expanding the number and type of lodging facilities available to seasonal visitors.
  - (2) Short-term residential rentals are not commercial, but are strictly a residential use of the property under the Village of Ruidoso Municipal Code.
  - (3) The provisions of this section are necessary to prevent a burden on village services and impacts on residential neighborhoods posed by short-term residential rentals.
- (b) **Applicability of requirements.** This overlay zone applies to all non-commercial residential property within the village regardless of the zoning district. These requirements of section 54-106 shall apply to dwelling units that are rented at some time during the year for a short duration that are not part of a commercial business enterprise such as a hotel, motel or commercial cabin rental located on a single lot or a group of contiguous lots within a commercial zoning district. These requirements do apply to individual dwelling units on non-contiguous property owned and operated by a hotel, motel or commercial cabin rental owner.
- (c) **Definitions.** For purposes of this section, the following words and phrases shall have the meaning respectively ascribed to them by this subsection:
- (1) Local contact person means an owner, representative of the owner or local property manager who lives in the Village of Ruidoso or within proximity of the village limits such that he/she is available to respond within an hour or less to tenant and neighborhood questions or concerns and is authorized to respond to any violation of this section and take remedial action.
  - (2) Managing agency or agent means a person, firm or agency licensed with the New Mexico Real Estate Commission representing the owner of the residential rental, or a person, firm or agency owning the residential unit.
  - (3) Operator means the person who is proprietor of a residential rental, whether in the capacity of owner, lessee, sub-lessee, or mortgagee in possession.
  - (4) Owner means as defined in section 1-2 of this Code.
  - (5) Remuneration means compensation, money, rent, or other consideration given in return for occupancy, possession or use of real property.
  - (6) Rent means the consideration charged, whether or not received, for the occupancy of space in a residential rental, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits,

property and services of any kind or nature, without any deductions therefrom whatsoever.

- (7) Short-term residential rental means one or more dwelling units, including either a single-family detached or multiple-family attached unit, rented for the purpose of overnight lodging for a period of not less than one night nor more than 29 consecutive days to the same person or persons. **For the purposes of this article, a rented dwelling unit shall consist of any combination of a sleeping area and at least two additional rooms not primarily designated for sleeping.**
- (d) **Short-term residential rental permit required.** No owner of a residential dwelling unit shall rent the unit for a short term without having a current valid short-term residential rental permit issued by the Village of Ruidoso. Short-term residential rental permits are issued to the owner **for a period of three years** and are not transferable **nor refundable**.
- (e) **Application for short-term residential rental permit.** The dwelling unit owner or managing agency or agent shall apply to the village for a short-term residential rental permit and supply, as a minimum, the following information:
- (1) The maximum number of occupants and vehicles that the dwelling unit can accommodate. **This calculation is to be based upon the maximum-rated occupancy load for the dwelling unit and a minimum of 1 (one) off-street parking space provided per sleeping area.**
  - ~~(2) The length of time that the applicant requests that the permit be issued for, not to exceed three years.~~
  - ~~(2)~~ (3) The name, address, email address and contact telephone numbers (including 24-hour emergency contact number) of the owner of the residential rental for which the permit is to be issued.
  - ~~(3)~~ (4) The name, address, email address and contact telephone numbers (including 24-hour emergency contact number) of the agent, representative or local contact person for the owner of the residential rental.
  - ~~(4)~~ (5) An application fee.
  - ~~(5)~~ (6) **Safety requirements and checklist; certification.** ~~[Fire department inspections]. [The Ruidoso Fire Department will be responsible for conducting basic fire inspections of all less than 30 day rental properties. The department will note all National Fire Protection Association Life and Safety Code issues and will]~~ **The property owner or their managing agent/agency shall** specifically ~~[inspect for]~~ **provide** the following:
    - a. An ABC type fire extinguisher(s) to be mounted at all points of egress at a height not to exceed 48 inches. Extinguishers must be inspected and maintained according to state requirements and must properly display the inspection history of the device.

- b. Approved single-station smoke alarms installed at the highest point in every sleeping room.
  - c. Every sleeping room and living area with access to a primary means of escape and located to provide a clear, unobstructed path of travel to the outside.
  - d. A floor diagram reflecting the actual floor arrangement, exit locations and room identification must be posted with emergency contact numbers at, or immediately adjacent to the primary entrance to the building.
  - e. ~~[Fees. The Ruidoso Fire Department will assess a fee of \$25.00 per inspection for the initial inspections and \$15.00 per return inspection when needed.]~~
  - f. ~~Scheduling. Short term rentals will be scheduled for fire inspection once every three years. Scheduling will occur through the village fire marshal's office.]~~
- ~~(6) (7)~~ Owner/agent authorization.
  - ~~(7) (8)~~ Gross receipts tax number certification.
  - ~~(8) (9)~~ Certification of notice to all contiguous property owners that the subject property is to be used for short-term rental.
  - ~~(9) (10)~~ Exterior signage on short-term rental units which indicate availability, phone numbers or other type of information is prohibited.
  - (10) The owner or managing agent/agency shall attest that they have met these requirements in each property registered as part of the initial rental registration and each successive renewal registration. The form utilized to attest to these requirements shall be part of the registration form provided by the Village and be authenticated by a Notary Public.**
- (f) **Application renewal or update.** Prior to the expiration of the permit or when there is a change to the information contained in the permit regarding ownership, changes in the structure or parking area, or contact person, a new permit application shall be submitted.
  - (g) **Fees.** Fees are set forth in appendix A to this Code **or adopted by the Governing Body from time to time by resolution.** The initial application fee sufficient to cover the cost of processing the application, reviewing the information submitted, and issuing a revised permit.
  - (h) **Review of application and issuance of permit.**
    - (1) The village shall complete review of the **initial** permit application **within [five] ten** business days. **Renewals of all permits shall occur prior to the third anniversary by the first (1<sup>st</sup>) day of April.** **Such permits that are active at the**

**time of this ordinance adoption shall not need to be prorated if extending their expiration to coincide with the new renewal date.**

- (2) Once the application review is complete, the village shall notify the applicant of the decision of whether or not to issue the permit based on compliance with this section. If approval is granted, the village will issue a short-term residential rental permit specifying the maximum number of cars and the maximum number of occupants allowed. Failure to renew the permit within 20 days of the expiration of the previous permit shall subject the owner to payment of a late permit renewal penalty fee.
- (3) If all applicable fees and taxes have not been paid, a renewal permit will not be issued. **Property owners shall comply with Chapter 78, Article II "Lodgers' Tax" of the Village Code, including Sections 78-38 and 78-41 or its successors regarding the requirement to remit lodgers' tax to the Village and State in the appropriate amount. Failure to comply with any provision of Chapter 78 may result in a revocation of the permit for a 12-month time period.**
- (4) If the dwelling unit owner plans to discontinue short-term residential rental of the property, a statement to that effect shall be filed with the village and the permit will be revoked.
- (5) If [~~three~~] **two** or more citations issued by the village for a specific short-term dwelling unit have been adjudicated thru the Village of Ruidoso Municipal Court system within a 12-month time period, **or a total of three citations adjudicated during any point of the three-year permit period,** the village manager or designated representative [~~may~~] revoke the permit for a period of [~~no more than~~] 12 months. After that time, the property owner may reapply for a new short-term rental license after paying all applicable fees and [~~passing~~] **providing self-certification of compliance with the [a] fire safety [inspection] requirements as detailed in Subsection (e)(5) herein.** A warning letter shall be sent out to the property owner after the [~~second~~] **first** adjudicated citation.
- (i) **Tenant notification requirements.** Each short-term residential rental unit shall have a clearly visible and legible notice posted by the owner or managing agency or agent within the unit on or adjacent to the interior of the front door containing the following information:
  - (1) A copy of the short-term residential rental permit.
  - (2) The name of the managing agency, agent, property manager, local contact person or owner of the unit, and a telephone number at which that party can be reached on a 24-hour, seven days a week basis.
  - (3) The maximum number of occupants three years of age and older permitted to stay in the unit.
  - (4) The maximum number of vehicles allowed to be parked on the property.

- (5) The number of on-site parking spaces and the parking rules for seasonal snow removal (if applicable).
  - (6) The specific procedures regarding the disposal of trash and refuse.
  - (7) A notification that an occupant may be cited and fined for creating a disturbance and/or for violating other provisions of the Village of Ruidoso Municipal Code.
  - (8) Notice that noise provisions contained in the Village of Ruidoso Municipal Code section 38-31 will be enforced and that quiet hours are to be observed between the hours of 11:00 p.m. and 8:00 a.m.
  - (9) Notification that the Village of Ruidoso Municipal Code prohibits ground fires, camp fires, fire rings and fire pits other than by permit.
  - (10) The 911 address for the property.
  - (11) Notice that animal leash laws contained in section 14-8 (prohibited acts; animal nuisances; vicious or dangerous animals) will be enforced.
  - (12) Notification that the Village of Ruidoso Municipal Code section 42-40 makes it "unlawful for any person to discard a lit cigarette, cigar, match or other type of incendiary material."
- (j) **Penalties for violation of requirements of this section.** In addition to any other penalties or fines authorized by the Village of Ruidoso Municipal Code, the owner of a short-term residential rental unit shall be required to pay a penalty as set forth in appendix A to this Code in order to obtain, retain or renew a short-term residential rental permit.
- (1) After 24 months from the adoption of this section, each day that an owner rents a unit for a short term without first obtaining a short-term residential rental permit is considered a separate violation of the Village of Ruidoso Municipal Code as provided for in section 1-6.
  - (2) The village code enforcement officer or other designated village employee or representative shall take action to correct the violation as provided for in this Code or state statute.
  - (3) **The first suspected or observed violation of this section by the Village may result in an initial warning notice requesting registration of the unregistered short-term residential rental unit in accordance with the provisions of this code without subject to penalty. Should the property owner fail to comply after receiving such initial notice from the Village, penalties may be assessed as provide elsewhere in this Code, including the assessment of a registration fee twice the listed amount.**

**Section two.** All other provisions of the aforementioned codes not specifically amended by this ordinance, shall remain unchanged and in full force and effect as written.

**Section three.** *Effective date.* The provisions of this Ordinance shall become effective five (5) days upon the publishing of its adoption.

**PASSED, APPROVED, and ADOPTED by the GOVERNING BODY of the VILLAGE of RUIDOSO** this \_\_\_\_ day of \_\_\_\_\_, 2016.

**VILLAGE OF RUIDOSO**

/s/

By: \_\_\_\_\_  
Tom Battin, Mayor

(SEAL)

**ATTEST:**

/s/

\_\_\_\_\_  
Irma Devine, Village Clerk

**DRAFT HISTORY**

<b>VERSION</b>	<b>SUBMITTED</b>	<b>DATE</b>
<b>First Staff Draft - BRRD</b>	Planning Commission Lodgers' Tax Committee	June 28, 2016 July 14, 2016

**VILLAGE OF RUIDOSO**  
***DRAFT* ORDINANCE 2016-##**

**AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO MUNICIPAL CODE OF ORDINANCES, CHAPTER 86 UTILITIES, TO ESTABLISH PROCEDURES FOR THE CONSIDERATION OF EXTENSION OF WATER AND SEWER SERVICES.**

**WHEREAS**, the Governing Body of the Village of Ruidoso has determined that there are insufficient provisions governing the process evaluating extensions of water and sewer main lines; and

**WHEREAS**, the Village is approaching the conclusion of the Sewer Master Plan study and Water Master Plan, both of which evaluate and prioritize future utility service areas; and

**WHEREAS**, in an effort to facilitate the responsible use and provide opportunities to expand usage of Village utilities and to accommodate requests from potential customers not currently served by either of the said utilities, certain amendments to the existing Code are deemed necessary; and

**WHEREAS**, the Village of Ruidoso \_\_\_\_\_ Commission conducted a duly advertised public hearing regarding this ordinance on \_\_\_\_\_, 2016, during which it found that the amendments were in the best interest of the public by promoting objective criteria and a predictable framework to accommodate extension of utility services and recommended that the Council favorably consider adopting this ordinance; and

**WHEREAS**, the Council conducted a duly advertised public hearing to consider this ordinance on \_\_\_\_\_, 2016.

**NOW THEREFORE, BE IT ORDAINED** By The Governing Body of The Village of Ruidoso, that Village Municipal Code Chapters 86 is hereby amended as follows:

<b><u>Single Underline</u> is text that is proposed for adoption. <del>Strike-out</del> is language deleted.</b>
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**Section one.** Section 86-31 is amended to read:

**Sec. 86-31. - Rates; private use of fire hydrants; meters; adjustment of charges.**

(a) **Rates generally; customer classifications.** The rates and compensation to be paid to the village for public and private use of water supplied by the village within the municipal limits of the village for any and all purposes shall be as set forth in this section. Customer classifications are defined as follows:

(1) Residential: Single-family detached dwellings, townhouses, duplexes, triplexes, fourplexes, mobile homes, apartment complexes or condominiums but allows the village manager to evaluate the existing use to determine appropriate classification if requested by the customer.

(2) Commercial: Single-service retail and office buildings, churches, filling stations, carwashes, manufacturing , hospitals, government, educational facilities, multifamily residential uses not included in the "residential" classification, mobile home parks, recreational vehicle parks, hotels, motels and restaurants but allows the village manager to evaluate the existing use to determine appropriate classification if requested by the customer.

(3) All classifications include vacant lots within the applicable classification, except that the following lots shall be exempt as provided herein:

a. Nonconforming lots. Multiple contiguous lots under common ownership that do not meet the minimum square footage based on their zoning classification may be considered as a single lot without actual replatting for purposes of these fees, provided that said lot shall not exceed 190 percent of the minimum size allowable for that district.

b. Subdivision lots. Subdivision lots are lots within a major subdivision, as that term is defined in the Ruidoso Subdivision Code, which have never been sold or otherwise transferred, and which remain the property of the original developer. Subdivision lots shall be exempt from this fee schedule for a period of five years from the date of acceptance of the subdivision by the village, or five years from the date of passage of the ordinance from which this subsection derives (Ordinance No. 99-04) whichever is longer. The exemption provided for herein, may be renewed upon documentation from the county assessor, that the said lot has been reduced in value by 30 percent or more. All subdivision lot exemptions shall terminate upon transfer of the lot or revaluation at or above the original valuation level.

c. Contiguous lots with improved structure. Multiple contiguous lots, under common ownership, with meter service, that

have an improved structure that meets the purpose of the particular zoning classification the property falls within, will be considered a single lot.

(b) **Rates for metered service.** Rates for metered service shall be set from time to time and are listed in the fee schedule in appendix U of this Code **or as adopted by the Governing Body from time to time by resolution.**

(c) **Rates for unmetered vacant lots.** Rates for unmetered vacant lots shall be set from time to time and are listed in appendix U of this Code **or as adopted by the Governing Body from time to time by resolution.** As used therein, **terms** are defined as follows:

Capital maintenance fee is a fee to cover capital costs of the water system including, but not limited to the cost of projects to keep the system upgraded and keeping it readily available for tie-in at the owner's request. The term does not include any capital cost for which an impact fee may be assessed.

Maintenance fee is a fee to cover costs of maintaining a water line adjacent to property and maintaining treatment storage and other facilities that are necessary to be readily available for water service when requested by the owner.

(d) **Rates for unmetered fire protection service.** Unmetered service rates apply for service connections to the utility for private fire protection. These rates are applicable to all service through which water is used solely for extinguishing accidental fires. Unmetered service rates shall be set from time to time and are listed in the fee schedule in appendix U of this Code **or as adopted by the Governing Body from time to time by resolution.**

(e) **Use of unmetered service.** Use of unmetered service for any purpose other than standby fire protection will be a violation of this chapter and subject to the penalties specified in this chapter, except by written agreement approved by the village council.

(f) **Private use of fire hydrants.**

(1) Connection to fire hydrants at any location is prohibited except by written permit issued by the village water and sewer department.

(2) Connections to fire hydrants will be permitted only at the fire hydrant designated in the permit. Water taken from fire hydrants shall be metered with a meter provided by the village. Permits for connections to fire hydrants may be issued only upon the payment of a fee as listed in the fee schedule in appendix U of this Code **or as adopted by the Governing Body from time to time by resolution.**

(3) In addition to the sums described in subsection (f)(2) of this section, all water withdrawn from a fire hydrant will be charged for at a commodity rate, as listed in the fee schedule in appendix U of this Code.

(4) Connections to fire hydrants in violation of this section will be subject to the penalties specified in this chapter.

(g) **Rates for users outside village limits.** No new utility line extensions, water ~~[/] or~~ sewer taps shall be allowed outside the village limits unless there is an existing written agreement on file in the village clerk's office, **prior to October 1, 2016,** and the users are within the criteria of that agreement; or the prospective customers ~~[are in annexation areas being actively pursued by the village]~~ **own property which has recently been annexed into the Village corporate boundaries and have executed a bona-fide Annexation Agreement with the Village as defined within Chapter 54 of this Code and,** in which the prospective customer offers adequate funds or water rights for their water requirements. All users of water/sewer supplied by the village outside the corporate limits of the village, **prior to October 1, 2016,** shall pay two times the rates set forth in subsections (b) through (e) of this section.

**Section two.** Sections 86-62 and 86-63 are amended to read:

**Sec. 86-62. - Sewer availability; connection with public system.**

All occupied property in the village used for human habitation or occupancy which is capable of being served by the public sewer system shall be connected with the public sewer system; and no person shall maintain, use or operate a privy, cesspool or septic tank located on property which can be served by the public sewer system; provided that no person shall be required to cross the private property of any person to make such sewer connection; and provided further that, in lieu of a public sewer connection where no public sewer line is accessible, an approved septic tank and seepage facilities shall be installed.

A written or printed notice to connect with the public sewer system shall be given by order of the council to all owners or occupants of property which is not connected with the system but which is capable of being served by the public sewer system, and, unless the time for connection is extended by **a resolution of the council based upon mitigating circumstances as further defined herein,** all **applications for** connections shall be made within 30 days after mailing of the required notice **with physical connections - as approved by the Public Works Director or his designee - made within 180 days after mailing of the notice.**

**Sec. 86-63. - Rates and charges.**

(a) **Generally; new taps and extensions.** The rates and compensation to be paid to the village for public or private use for discharge of liquid waste into the village liquid waste system within or without the municipal limits of the village for any and all purposes whatsoever shall be in accordance with this section and Appendix A to this Code or as adopted by the Governing Body from time to time by resolution.

No new utility line extensions, water or sewer taps [~~or utility line extensions~~] shall be allowed outside the village limits unless there is an existing written agreement on file in the village clerk's office prior to October 1, 2016, and the users are within the criteria of that agreement or the prospective customers own property which has recently been annexed into the Village corporate boundaries and have executed a bona-fide Annexation Agreement with the Village as defined within Chapter 54 of this Code and in which the prospective customer offers adequate funds or water rights for their water requirements. All users of water/sewer supplied by the village outside the corporate limits of the village, prior to October 1, 2016, shall pay two times the rates set forth in subsections (b) through (e) of this section. The agreement must receive the consent of the majority of potential customers abutting the proposed extension alignment or must be required by the State Environmental Department, Court Order or other mitigating or emergency circumstance.

[the new taps are in annexation areas being actively pursued by the village and a double sewer connection fee charge as shown in Appendix A to this Code is collected.]

(1) Extension Agreement evaluation. The basis for evaluating a request for Line Extension initiated by a customer or contiguous customers outside of the Village plans for extension of service shall be determined by all of the following criteria:

- a. Size of service area to be expanded and number of potential accounts served with consideration given based on a cost benefit analysis,
- b. Infrastructure Capital Improvements Program,
- c. Consistency with Priority 1 service areas as defined within the Sewer Master Plan,
- d. The existence of other permanent utilities,
- e. Potential benefit to ground and surface water resources, and
- f. The ability to minimize potential adverse impact to adjacent properties.

(2) Extension Agreements required. All line extension agreements are subject to Village funding availability and in no case is shall the

Village to be obligated to enter into such an agreement when the extension does not meet the aforementioned criteria or when funding is not available.

(3) Guidelines for acceptance of main lines.

- a. All mains and lines installed pursuant to this section shall become the property of the Village, free and clear of all encumbrances. Any contract entered into between the developer and a contractor shall provide for a guarantee as set forth in Chapter 54 of the Village's subdivision regulations or subsequent amendments thereto.
- b. Water delivery systems constructed by persons or entities other than the Village will be considered for acceptance into the Village's system according to the following guidelines. Meeting these guidelines does not preclude the Village from requiring additional conditions prior to an acceptance agreement or from declining to accept the system into the Village's system.
- c. Any water delivery system being considered for acceptance into the Village's system must meet or exceed all state and federal environmental standards for a municipal water supply.
- d. Any water delivery system being considered for acceptance into the Village's system must perform a leak detection analysis. Leaks identified by the analysis must be adequately repaired prior to acceptance.
- e. Water delivery systems constructed subsequent to the adoption of this policy will be considered for acceptance into the Village's system only when the new system has been developed and constructed in accordance with all the requirements and criteria specified in this policy and in accordance with Village standards and other ordinance of Village.
- f. Water delivery systems constructed prior to the adoption of this policy will be required to meet the following minimum criteria prior to acceptance into the Village's system.
  - i. Fire protection will be installed to meet standards as set forth in the currently adopted Uniform Fire Code.
  - ii. Distribution mains will have valves spaced at not more than 500 foot intervals

iii. A separate water meter must be installed at each dwelling or structure that receives water and is located within the area to be accepted into the Village's system.

(4) Pressurized sewer mains will be evaluated for acceptance into the Village's sewer system on a case-by-case basis by the Public Works Director.

(5) All water and sewer main extensions line extensions will be laid within the side lines of dedicated streets, alleys or dedicated utility easements granted to the Village in accordance with the Village's Comprehensive Plan.

a. The individual, consumer or developer must agree to provide access to the line extensions by means of a twenty-foot roadway or alley way easement upon his/her development or property for installation and maintenance purposes. Service extension is contingent upon the Village securing right-of-way upon land owned by others for which such extension crosses.

b. Where water, sewer or electric mains are constructed outside of a dedicated street or alley, the minimum easement width shall be 10 feet.

(b) **Mandatory charges.** For the purpose of maintaining, enlarging, constructing and repairing the village liquid waste system and for paying the interest and principal on revenue bonds issued for the construction of the system, in addition to other remedies provided in this chapter for the enforcement of this section, after giving notice to the owner or occupant to connect to the public sewer as provided in subsection (a) of this section, the village shall proceed to charge and collect from such owner or occupant the applicable monthly charge. Payment of the applicable sewer service charge shall not relieve the owner or occupant of any property capable of being served by the public sewer from the obligation imposed by this section to connect to the public sewer.

(c) **Minimum monthly charges.** The minimum monthly charges for collection, conveyance, treatment and disposal of wastewater shall be set from time to time and are listed in the fee schedule ~~[in Appendix A to]~~ of this Code or as adopted by the Governing Body from time to time by resolution.

(d) **Commodity charges.** In addition, after the minimum monthly charges, customers shall be charged commodity charges as listed in the fee schedule in Appendix A to this Code or as adopted by the Governing Body from time to

**time by resolution.** Customers shall be billed monthly, based on the meter reading.

(e) **Sewer customers without municipal water service.**

(1) The rates for sewer customers without municipal water service are listed in the fee schedule in appendix A to this Code **or as adopted by the Governing Body from time to time by resolution.**

(2) In addition to the minimum monthly charge, sewer customers without municipal water service shall be charged a commodity charge as listed in the fee schedule in appendix A to this Code **or as adopted by the Governing Body from time to time by resolution.** The volume of liquid waste discharge shall be determined by physical measurement upon request by the village at the expense of the customer; however, where accurate and reasonable estimates can be made by statistical methods or other evidence provided by the customer subject to approval of the village, such estimate shall be considered the volume of discharge upon which the commodity charge is based. The village expressly reserves the right to determine the estimated liquid waste volume for any customer without village water service, which determination may be appealed to the village council.

(f) **Sewer connections serving multiple residential units.**

(1) Sewer connections serving more than one residential unit shall be charged the minimum monthly charges for sewer service multiplied by the number of residential units being serviced by the sewer connections. In addition, each sewer connection servicing more than one residential unit shall be charged the commodity charges for that amount of liquid waste discharged which is in excess of the number of residential units being served by the sewer connection multiplied by 4,000.

(2) For purposes of this subsection, the term "unit" is defined as a part of the property intended for residential use, including one or more rooms or enclosed spaces interconnecting, located on one or more floors in a building, and with a direct exit to a public street or highway or to a common area or mall leading to a public street or highway. Hotels, motels and tourist cabin operations are specifically excepted and excluded from the effect of this subsection.

(g) **Tank truck discharge.** Companies or individuals engaged in the commercial enterprise of septic tank maintenance who convey liquid waste and discharge from such conveyance into the village system shall be required to obtain a permit from the village. There shall be no fee for the permit, and it shall be valid one year from the date of issuance. Upon receipt of a permit, companies or individuals may discharge at the Ruidoso Regional Wastewater Treatment

Plant only, subject to a charge as listed in the fee schedule in appendix A to this Code. Any person negligently or willfully violating the department requirements for liquid waste discharges from trucks shall be in violation of this article and may have his permit revoked, in addition to any other remedies provided by law. The village reserves the right to prohibit discharge of liquid wastes of such strength or characteristics which do not allow effective treatment by the village's wastewater treatment plant. Fees under this subsection are to be paid monthly.

(h) **Standby charge imposed.** A standby charge as listed in the fee schedule in appendix A to this Code **or as adopted by the Governing Body from time to time by resolution** shall be assessed against each unit, as defined in subsection (i) of this section, which is not connected to village sewer but which is located on premises which contain, or abut a right-of-way which contains, a village sewer line. **No new standby charge applications shall be approved after October 1, 2016, although all previously approved applications shall remain effective as provided herein.**

(i) **Application of standby charge.** For the purposes of subsection (h) of this section, the term "unit" is defined as a structure or portion of a structure designed for independent residential, commercial or industrial use. Exempt from this definition and treated as one unit under subsection (h) of this section are:

- (1) Premises subject to the lodgers' tax under chapter 78, article II; and
- (2) Residential premises for which an affidavit of single occupancy, as provided in section 86-31, has been filed with the village within one year prior to billing.

**(3) All lots that abut a right-of-way which contains, a village sewer line shall be required to connect as provided elsewhere in this chapter. Standby fees shall only be assessed to undeveloped lots abutting a sewer line as further defined in this chapter.**

(j) **Adjustment of charges.** The village shall adjust the amount billed to the customer for sewer usage in the following circumstances:

- (1) If the customer provides adequate proof of a leak in a water line on the customer's side of the meter, and the leak did not contribute to inflow in the village sewer system, the entire amount of sewer billing attributable to the amount of the leak shall be deducted from the bill.
- (2) In all other cases of water leaks, the bill shall be adjusted as provided in section 86-31(k).

**Section three.** All other provisions of the aforementioned codes not specifically amended by this ordinance, shall remain unchanged and in full force and effect as written.

**Section four.** *Effective date.* The provisions of this Ordinance shall become effective five (5) days upon the publishing of its adoption.

**PASSED, APPROVED, and ADOPTED by the GOVERNING BODY of the VILLAGE of RUIDOSO** this \_\_\_\_ day of \_\_\_\_\_, 2016.

**VILLAGE OF RUIDOSO**

*/s/*

By: \_\_\_\_\_  
Tom Battin, Mayor

(SEAL)

**ATTEST:**

*/s/*

\_\_\_\_\_  
Irma Devine, Village Clerk

**DRAFT HISTORY**

<b>VERSION</b>	<b>SUBMITTED</b>	<b>DATE</b>
<b>First Staff Draft - BRRD</b>	Planning Commission	July 28, 2016