



## **A G E N D A**

**Delta City Council  
Work Session**

**September 1, 2015  
5:30 p.m.**

- A. Delta County Economic Development Presentation**
- B. Memberships and Donations**
- C. Sign Code Regulations**

Item A:

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# MEMO

To: City Council  
From: Glen L. Black *GLB*  
Date: September 1, 2015  
Subject: Donations and Memberships



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## *Community Development*

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Staff are working on the budget for next year. The following is a list of organizations that were in the budget last year for your review.

### 02-01-33600 Dues, Memberships & Subscriptions

• CML	\$5,067 (2015)	\$5,219 (2016)
• Chamber	\$800	
• Region 10	\$7,500	
• Club 20	\$600	
• ICMA	\$2,675	
Total	\$16,642	

### 02-01-38400 City Council Donations

• Fireworks	\$2,000
• Grad Night	\$300
• BSA Flags	\$50
• Health Fair	\$585
• Other	\$815
Total	\$3,750

### 02-01-38450 Contributions

• All Points Transit	\$17,400
• Delta Housing	\$1,000
Total	\$18,400

**CITY OF DELTA, COLORADO**

**ORDINANCE #\_\_, 2015**

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, AMENDING CHAPTER 17.68 OF THE DELTA MUNICIPAL CODE REGARDING SIGN REGULATIONS.

WHEREAS, Chapter 17.68 of the Delta Municipal Code provides regulations for signs within the City; and

WHEREAS, on June 18, 2015, the United States Supreme Court issued its decision in the case of *Reed, et al. v. Town of Gilbert*, which imposed new standards under the First Amendment to the United States Constitution regarding municipal regulation of signs across the nation; and

WHEREAS, in light of the *Town of Gilbert* decision, the Delta City Council directed the City Attorney and Planning Staff to recommend any revisions to Chapter 17.68 of the City Code in order to ensure compliance with the First Amendment as well as taking the opportunity to update and improve sign regulation and enforcement generally for the City; and

WHEREAS, on \_\_\_\_\_, 2015, the Planning Commission held a duly-noticed public hearing to consider revisions to Chapter 17.68 and make its recommendations to the City Council; and

WHEREAS, the City Council finds and determines that amendments are necessary and desirable in light of the *Town of Gilbert* decision and for the general benefit and welfare of the citizens of Delta and desires to amend Chapter 17.68 as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the City Council.
2. Amendment to Sign Regulations. Chapter 17.68 of the Delta Municipal Code is hereby amended as follows. Additions are set forth in CAPITAL LETTERS and deletions are indicated by ~~strikeout~~. Except where revisions or deletions are expressly set forth below, all remaining provisions shall remain in effect.

17.68.020 Signs allowed without a permit.

B. One or more signs with an aggregate sign face of 10 square feet or less ~~for the premises upon which they are located~~ EXCEPT AS PROHIBITED OR RESTRICTED ELSEWHERE IN THIS CHAPTER.

C. Works of art ~~unless they are~~ THAT ARE INSTALLED BY THE CITY OR WHICH ARE SPONSORED OR FUNDED BY THE CITY, IN WHOLE OR IN PART,

THROUGH A PUBLIC GRANT PROCESS AND WHICH ARE NOT used to convey commercial speech.

~~D. Temporary decorations, displays, pennants, banners and flags, which are customarily displayed and associated with hunting season, civic events, or holidays. THE OFFICIAL FLAG OF THE UNITED STATES OF AMERICA OR OF ANY STATE THEREOF, OR ANY BRANCH OF THE ARMED FORCES OF THE UNITED STATES OF AMERICA.~~

~~H. Temporary real estate "For Sale" or "For Rent" signs with aggregate sign face area of no more than ten square feet. Such signs shall come down within 24 hours of the closing of the sale or lease. Subdivisions, Planned Unit Developments, and similar developments with more than one lot or unite being marketed together may utilize a single "For Sale" sign, with no more than 65 square feet of aggregate sign space area, in lieu of the individual signs allowed hereinabove on each lot or unit. This larger sign can be used until such time as 60 percent of the total lots or units in such development have been sold. One of these larger signs may be used at each street intersection accessing such development, or at one location within the development.~~

H. Signs within buildings, and temporary signs attached to the inside of a window.

~~J. Up to four temporary signs per premises per year with a maximum area of any sign face of ten square feet. No single sign shall be in place for more than 30 days per year.~~

I. ~~K.~~ Signs not visible from off of the premises upon which they are located.

~~L. Temporary signs utilized in association with the initial operation of a business during a period from ten (10) days before the business opening, until twenty (20) days after the business opening.~~

~~M. Political advertising signs used for campaigning and other purposes related to the promotion of political issues, candidates for public office and other matters to be decided in time period to extend from not more than one hundred eighty (180) days before and not more than ten days after, the pertinent public election in which the office, issue or ballot question addressed by the signs are to be decided. No such signs may be placed within the developed areas occupied by any street, alley, sidewalk, parking area or other public facility, including medians; except that the owners of private property adjoining any public sidewalk or street may maintain such signs for the aforementioned limited period of time within any undeveloped portion of the public right of way lying between the edge of the sidewalk or street curbing and their adjoining private land. Any political advertising signage located upon any individual parcel or area of privately owned real property, including any area of adjoining public property allowed by the preceding sentence, shall, in no event, exceed thirty two (32) square feet in the aggregate and shall not be placed or maintained in any public or private areas where it will pose an obstruction to visibility and thus a safety hazard under the City of Delta's Design Standards and Specifications.~~

J. THE CITY MANAGER SHALL HAVE THE AUTHORITY TO SUSPEND THE REQUIREMENTS FOR A SIGN PERMIT FOR ALL NON-COMMERCIAL SIGNS

WITHIN 180 DAYS OF A LOCAL, STATE, OR NATIONAL ELECTION, PROVIDED THAT ANY SUCH NON-PERMITTED SIGNS OTHERWISE REQUIRING A PERMIT UNDER THIS CHAPTER SHALL BE REMOVED WITHIN TEN DAYS FOLLOWING THE ELECTION.

17.68.030 Prohibited signs and devices.

A. ~~Animated, rotating, moving, or flashing signs, except scroll signs with changing written messages, with less than 10 square feet of sign face.~~

B. ~~Pennants, b~~Banners, commercial flags, balloons and other wind and air-powered devices resembling balloons OR OTHER INFLATABLE DEVICES, ~~except when used for civic events for a maximum period of ten (10) consecutive days or when otherwise used as a temporary sign pursuant to Subsection 17.68.020L. No such pennant, flag, balloon or other wind or air powered device resembling a balloon shall be used or displayed at a~~ USED OR DISPLAYED at a height more than twenty (20) feet above ground level. This Subsection B shall not apply to balloons OR INFLATABLE DEVICES having a diameter of no more than twenty-four (24) inches, or to pennants, banners or flags having a length or width of no more than eighteen (18) inches DIMENSIONS NOT EXCEEDING TWENTY (20) FEET BY EIGHTEEN (18) INCHES, or to official City banners, or to flags ~~protected under the United States constitution, including those emblematic of the United States, any State, or any branch of the Armed Forces of the United States~~ EXEMPTED FROM REGULATION PURSUANT TO SECTION 17.68.020(D).

~~E. Repealed.~~

17.68.040 Off premises signs restricted. A sign may identify or advertise only that activity or use conducted upon or related to the premises upon which the sign is located except in the following circumstances:

B. Signs allowed by Subsections 17.68.020(A), (D), (E), and ~~(K)~~ (I).

~~C. Signs with a message devoted solely to ideological or political speech.~~ C. SIGNS ON COMMERCIAL DELIVERY VEHICLES ARE NOT IN VIOLATION OF THIS SECTION MERELY BECAUSE THE VEHICLE HAPPENS TO BE TRAVELING OR PARKED TEMPORARILY AWAY FROM THE PREMISES WHERE THE ADVERTISED BUSINESS IS LOCATED, PROVIDED THAT SUCH VEHICLES ARE NOT PERMANENTLY OR ROUTINELY PARKED IN AN OFF-PREMISES LOCATION (NOT INCLUDING THE RESIDENCE OF THE OWNER OR DRIVER) TO FUNCTION AS AN ADVERTISEMENT FOR THE PURPOSE OF EVADING THE INTENT OF THIS SECTION.

~~E. Signs allowed pursuant to 17.68.070 or 17.68.080.~~

~~H. Group identification or directory signs specifically permitted by the City for the collective benefit of churches, service clubs and other civic organizations and special facilities.~~

H. FOR PURPOSES OF THIS SECTION, A SIGN LOCATED WITHIN THE COMMON SPACE OWNED OR MAINTAINED BY AN OWNERS' ASSOCIATION FOR THE SUBJECT PREMISES SHALL NOT BE CONSIDERED TO BE "OFF PREMISES" IF SUCH SIGNS ARE PERMITTED BY THE APPLICABLE DECLARATION OF COVENANTS FOR THE SUBJECT PROPERTY.

17.68.050 Permits

D. A Building Permit is also required for any structural work associated with a sign, AS DETERMINED BY THE BUILDING OFFICIAL.

E. No sign requiring a permit shall be allowed in the R-R, R-1, or R-1A Use Districts, except for permanent subdivision entrance signs, WHICH SHALL BE LIMITED TO NO MORE THAN **XX** SQUARE FEET UNLESS A DIFFERENT STANDARD IS EXPRESSLY SET FORTH IN THE APPLICABLE ZONING OR PUD REGULATIONS FOR THE SUBJECT PROPERTY. SUBDIVISION ENTRANCE SIGNS ON PUBLIC PROPERTY ARE ADDITIONALLY SUBJECT TO SECTION 17.68.070(C).

F. ~~Signs advertising accessory home occupations shall also be subject to the limitation of section 17.04.240(A)(6).~~

17.68.060 Performance Criteria

H. No sign may be erected or maintained which creates a public or private nuisance, AS SET FORTH IN CHAPTER 8.24 OF THIS CODE, or which unreasonably interferes with the reasonable enjoyment of the adjacent property by reason of unreasonable light, shade, or other effects.

K. EXCEPT FOR THE **B-1, B-2, B-3, I, AND I-R** DISTRICTS, SIGNS SHALL NOT BE ILLUMINATED EXCEPT BY DOWNCAST SHIELDED FIXTURES.

L. ELECTRONIC SIGNS WITH STATIC MESSAGES MAY BE USED IF THE MESSAGE DOES NOT FLASH AND IS NOT ANIMATED. THE MESSAGE MAY CHANGE DAILY AND/OR SCROLL.

17.68.090 General Provisions

D. EXCEPT FOR TRAFFIC AND DIRECTIONAL SIGNS INSTALLED OR OPERATED BY THE COLORADO DEPARTMENT OF TRANSPORTATION, UNLESS EXPRESSLY PROVIDED OTHERWISE BY COLORADO OR FEDERAL LAW, SIGNS FOR GOVERNMENTAL ENTITIES OTHER THAN THE CITY OF DELTA SHALL BE SUBJECT TO THE SAME STANDARDS AS SIGNS FOR COMMERCIAL BUSINESSES AS SET FORTH IN THIS CHAPTER.

3. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause

shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

4. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated pursuant to the City's home rule authority and under the general police power of the City of Delta and that it is promulgated for the protection of health, safety, and welfare of the citizens of the City of Delta. Council further determines that this Ordinance bears a rational relationship to the proper legislative purpose of the Ordinance.

5. Effective Date. This Ordinance shall become effective thirty (30) days after final publication as provided in the City Charter and C.R.S. section 31-16-105.

INTRODUCED on \_\_\_\_\_, 2015, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full as required by law.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

INTRODUCED a second time at a regular meeting of the Council of the City of Delta, Colorado on \_\_\_\_\_, 2015, read by title and number, passed with amendments, approved, and ordered published as required by law.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk