

PUEBLO OF ACOMA LAWS 2003 (2019 Replacement)

TITLE 12
ACOMA ADVERTISING, BILLBOARD AND SIGN LAW

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PUEBLO OF ACOMA LAWS 2003

TITLE 12 ACOMA ADVERTISING, BILLBOARD AND SIGN LAW

Origins: This Title was first enacted by Tribal Council Resolution No. TC-DEC-06-84-01-01

Annotations: Pueblo of Acoma Laws 2003 supplied section headings in brackets.

Chapter 1. DEFINITIONS:

12-1-1 Definitions: Unless the context otherwise requires:

- A. "Person" means a firm, association, organization, partnership, trust, company or corporation as well as individuals.
- B. "Build" means to erect, convert, enlarge, reconstruct or structurally alter.
- C. "Height" means the vertical distance from ground level to the highest point of the structure.
- D. "Permit" means the official written authorization of the Acoma Tribal Government including all applications, forms and reports required by the Pueblo for the existence of a sign on Acoma land.
- E. "Permit fee" means any payment required by the Pueblo of Acoma in return for which the Tribal Government allows the existence of a sign.
- F. "Premises" means any lot or combination of lots or contiguous land owned by the Pueblo of Acoma and held by an Acoma Pueblo member(s) through reserved land usage rights by assignment; or any land owned by the Pueblo of Acoma.
- G. "Sign" means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; however, the following shall not be included in the application of the regulations herein:
 - 1. Flags or government insignias, except when used in commercial displays.
 - 2. Integral decorative or architectural features of buildings, except

letters, trademarks, moving parts, or moving lights.

3. Illustrations of names of occupants, post office box numbers and property numbers when they are smaller than one square foot.
 4. Legal notice of identification, information, or directional signs erected or required by governmental bodies.
 5. Private traffic signs bearing no advertising matter.
- H. "Sign area" means the total area that will contain the entire sign excluding architectural embellishments and supports on neither of which there is displayed any advertising material nor any lighting.
- I. "Free standing sign" means a sign attached to or supported from the ground and not attached to a building.
- J. "Wall sign" means a sign which is flush with the exterior surface of a building, whether applied directly to the building or a sign board attached flush to the building.

12-1-2 [Mandatory and Permissive Words]: The words "shall" and "must" are mandatory while the word "may" is permissive.

12-1-3 [Variances]: A Variance is a relaxation of the terms of this Title where such variance will not be contrary to the public interests and where owing to conditions peculiar to the property and not the result of actions of the applicant a literal enforcement of this Title would result in unnecessary and undue hardship. As used in this Title variance may be authorized for area, height, dimension, distance, setback, or permit fee.

Annotation: Tribal Council Resolution No. 2018-019 adopted on August 17, 2018 replaced "Rule of Construction" with "Variances" in the paragraph description.

Chapter 2. AUTHORITY

12-2-1 [Authority to Construct]: No sign, billboard or poster shall be constructed, created, placed or maintained and no land use commenced or continued within the exterior boundaries of the Acoma Pueblo except as specifically authorized by this Title.

12-2-2 [Permit Required for Construction of Signs]: No sign shall be placed, maintained, or exist upon Acoma lands unless specifically authorized by the

Acoma Tribal Administration through written permit upon a form prescribed by the Acoma Tribal Council. The required permitting of signs by the Pueblo is irrespective to any fee being charged for such sign or not.

12-2-3 [Permit or Land Use Fees]: An annual permit or land use fee will be charged for any sign positioned on property owned by the Pueblo of Acoma in accordance with the following minimum fee schedule:

- A. Class A signs, no charge.
- B. Class B signs, no charge.
- C. Class C signs, \$4.00 per square foot of single sided signage and \$7.00 per square foot of double signage.
- D. Class D signs, no charge.
- E. Class E Signs, \$2.00 a square foot.

Annotation: Tribal Council Resolution No. 2018-019 adopted on August 17, 2018 added "minimum" to describe the "fee schedule;" replaced the detailed Class C sign fee schedule with "\$4.00 per square foot of single sided signage and \$7.00 per square foot of double signage;" and changed the Class E sign scheduled from \$.25 per square foot to a \$2.00 per square foot.

12-2-4 [Contents of Permit]: The permit authorizing the existence of a sign on lands owned by the Pueblo of Acoma will note the size, type of construction, location, set back from roadways and lighting authorized for the sign and person responsible for said sign. Also to be included is the term for which the permit is valid and the annual usage fee to be charged if applicable.

12-2-5 [Removal of Signs]: Once constructed a sign shall not be removed from Acoma lands without authorization of the Acoma Tribal Government.

12-2-6 [Consequences for Violations of this Title]: Any violation of the conditions of this Title shall constitute a trespass and will subject the violator to such criminal and/or civil penalties as are specified in the Acoma Law.

Annotation: Acoma laws concerning Trespass are found at Title 2, Chapter 7 of Acoma Laws.

12-2-7 [Consent to Pueblo Law and Jurisdiction]: Any person executing a land use agreement with the Pueblo of Acoma, through permit, under the provisions of this title shall be deemed to have willfully and voluntarily consented to the jurisdiction of the Acoma judicial system.

12-2-8 [Assumption of Liability]: The Pueblo of Acoma assumes no responsibility or liability for any maintenance and or damage to, or caused by any sign authorized by the virtue of issuing land usage permits as prescribed by the provision of this Title.

12-2-9 [Repair and Removal of Signs]: The Pueblo reserves the right to have any sign or billboard which it deems to be unsafe repaired or removed by the permittee. In the event the permittee does not make the necessary repairs or remove the structure within a reasonable period of time, after receiving written notice to do so, the Pueblo may authorize the sign to be removed and bill the permittee for any expenses incurred as a result of such removal operation.

Chapter 3. CLASSIFICATION OF SIGNS

12-3-1 Type A: A sign used to identify premises or occupants which has a maximum sign area of four (4) square feet with a maximum width of one (1) foot. Said sign may be lighted so long as the lights do not create an undue hardship on neighbor or motor vehicle traffic. The maximum height of such signs shall be no higher than the roof line or parapet of the highest building on the premises.

12-3-2 Type B: A sign utilized to direct the flow of traffic in and out of drives, parking areas or buildings. The size of such sign shall not exceed four (4) square feet and shall be illuminated by indirect light sources only. The maximum height of said signs will be eight (8) feet.

12-3-3 Type C: A sign designed to announce the name of a business or service establishment and/or to indicate the type of goods sold or services performed. The maximum sign area shall be seven hundred (700) square feet, with a minimum width of eight (8) feet. Such signs may utilize direct lighting; except when direct lighting or flashing illumination would have an adverse effect on neighbors or motor vehicle traffic. The maximum height of this class of sign shall be forty-five (45) feet.

12-3-4 Type D: Resident premises signs which announce the name, location, sponsor and occupant of a building or premises. Including bulletin boards and other notification type signs, but not to include dwellings or official governmental structures. The size of such signs shall not exceed thirty-two (32) square feet with a maximum width of four (4) feet. This type of sign may utilize direct lighting so long as it does not interfere with the privacy or comfort of neighbors or create a hazard for motor vehicle traffic. The maximum height of said signs shall be ten (10) feet.

12-3-5 Type E: Signs of a temporary or portable nature whose purpose are to announce the sale of merchandise, sale or lease of property, public events to be held, election or campaigns, or other special signs as may be developed in the future. The maximum sign area shall not exceed thirty-two square feet. Such signs may utilize passive interruptive lighting provided that no reflection from such lighting reflects into a residence or creates a distraction or hazard to motor vehicle traffic. The height of which shall not exceed six (6) feet.

Chapter 4. CRIMINAL VIOLATION AND PUNISHMENT

12-4-1 [Criminal Consequences for Violations of this Title]: Any person violating the provisions of this Title shall be guilty of a misdemeanor and upon conviction thereof shall be subject to such fine and/or imprisonment as may be deemed appropriate by the Acoma Tribal Court, provided such does not exceed the maximum fine or period of imprisonment allowed under federal law.

Annotations: When Tribal Council Resolution No. TC-DEC-06-84-01-01 was enacted the statutory cap on imposition on fines and/or jail costs by Indian Tribal governments shall not exceed \$500 for any one offense or penalty and/or six (6) months in jail. Cross-reference to the Indian Civil Rights Act, P.L. 90-284 (82 Stat. 77). The Indian Civil Rights Act has since been amended to increase the maximum penalty to \$5000 or one year imprisonment, or both. Cross-reference to 25 U.S.C.A. §1302 (2003 supp.). Tribal Council Resolution No. 2018-019 adopted on August 17, 2018 removed reference to a maximum fine or period of imprisonment of \$500.00 and/or six (6) months imprisonment.

12-4-2 [Criminal Consequences Does Not Bar a Civil Action]: Any conviction and/or punishment under the criminal provisions of this Title shall not adversely affect a civil action for recovery of damages emanating from the same fact situation.

Annotation: Tribal Council Resolution No. 2018-019 adopted on August 17, 2018 inserted "of damages" after "civil action for recovery."

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