



Staff Report

Agenda Item: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED " AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 7-5 (D), PROHIBITED SIGNS, SECTION 7-6(H) PERMITTED SIGNS – POLITICAL, THE PERMITTED SIGNS BY TYPE AND ZONE DISTRICT CHART, AND THE POLITICAL SIGN FREE ZONING MAPS OF THE TOWN ZONING CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY" - Discussion and consideration of Resolution # 1386, a Resolution declaring the above named Ordinance which amends the political sign ordinance in the Town of Clarkdale Zoning Code, a public record to be adopted by Ordinance #339.

Staff Contact: Jodie Filardo, Economic and Community Development Director

Meeting Date: December 19, 2011

Background: During the last regular session of the State Legislature, HB 2500 was approved. This bill amended ARS § 16-1019 *Political signs: printed materials: tampering; classification*. This State mandated law substantially changed the regulations regarding political signs. The largest changes were to allow placement of political signs within public rights of way except those within the jurisdiction of the State of Arizona (ADOT) and increased their overall size. The Town being a political subdivision of the State of Arizona must comply with all Statutory amendments as they relate to or impact the Town's Zoning Code.

In order to conform to the recent State Legislation changes the following Zoning Code Amendment has been reviewed and recommended for approval by the Planning Commission to the Council.

Council approval must also include the "sign free zone" map. Subsection C of ARS 16-1019 does not apply to commercial tourism, commercial resort and hotel sign free zones as those zones are designated by municipalities. The total area of those zones shall not be larger than three square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the municipal governing body, the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists. Not more than two zones may be identified within a municipality.

To save the cost of publishing in the newspaper a lengthy ordinance, this change is being first made a public record by resolution (this agenda item) and then is adopted by reference by an ordinance.



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Recommendation: Adopt resolution # 1386, a Resolution of the Mayor and Council of the Town of Clarkdale, Arizona, declaring as a public record that certain document filed with the Town Clerk and entitled " AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 7-5 (D), PROHIBITED SIGNS, SECTION 7-6(H) PERMITTED SIGNS – POLITICAL, THE PERMITTED SIGNS BY TYPE AND ZONE DISTRICT CHART, AND THE POLITICAL SIGN FREE ZONING MAPS OF THE TOWN ZONING CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY" .

16-1019. Political signs; printed materials; tampering; classification

A. It is a class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of any candidate for public office or knowingly remove, alter or deface any political mailers, handouts, flyers or other printed materials of a candidate that are delivered by hand to a residence for the period commencing forty-five days before a primary election and ending seven days after the general election.

B. This section does not apply to the removal, alteration, defacing or covering of a political sign or other printed materials by the candidate or the authorized agent of the candidate in support of whose election the sign was placed, by the owner or authorized agent of the owner of private property on which such signs are placed with or without permission of the owner or placed in violation of state law or county, city or town ordinance or regulation.

C. Notwithstanding any other statute, ordinance or regulation, a city, town or county of this state shall not remove, alter, deface or cover any political sign if the following conditions are met:

1. The sign is placed in a public right-of-way that is owned or controlled by that jurisdiction.
2. The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.
3. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with disabilities act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).
4. The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.
5. The sign contains the name and telephone number of the candidate or campaign committee contact person.

D. If the city, town or county deems that the placement of a political sign constitutes an emergency, the jurisdiction may immediately relocate the sign. The jurisdiction shall notify the candidate or campaign committee that placed the sign within twenty-four hours after the relocation. If a sign is placed in violation of



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subsection C and the placement is not deemed to constitute an emergency, the city, town or county may notify the candidate or campaign committee that placed the sign of the violation. If the sign remains in violation at least twenty-four hours after the jurisdiction notified the candidate or campaign committee, the jurisdiction may remove the sign. The jurisdiction shall contact the candidate or campaign committee contact and shall retain the sign for at least ten business days to allow the candidate or campaign committee to retrieve the sign without penalty.

E. A city, town or county employee acting within the scope of the employee's employment is not liable for an injury caused by the failure to remove a sign pursuant to subsection D unless the employee intended to cause injury or was grossly negligent.

F. Subsection C does not apply to commercial tourism, commercial resort and hotel sign free zones as those zones are designated by municipalities. The total area of those zones shall not be larger than three square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the municipal governing body, the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists. Not more than two zones may be identified within a municipality.

G. A city, town or county may prohibit the installation of a sign on any structure owned by the jurisdiction.

H. Subsection C applies only during the period commencing sixty days before a primary election and ending fifteen days after the general election, except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends fifteen days after the primary election.

I. This section does not apply to state highways or routes, or overpasses over those state highways or routes.

RESOLUTION NO. 1386

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED " AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 7-5 (D), PROHIBITED SIGNS, SECTION 7-6(H) PERMITTED SIGNS – POLITICAL, THE PERMITTED SIGNS BY TYPE AND ZONE DISTRICT CHART, AND THE POLITICAL SIGN FREE ZONING MAPS OF THE TOWN ZONING CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY."

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA:

THAT CERTAIN DOCUMENT ENTITLED " AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 7-5 (D), PROHIBITED SIGNS, SECTION 7-6(H) PERMITTED SIGNS – POLITICAL, THE PERMITTED SIGNS BY TYPE AND ZONE DISTRICT CHART, AND THE POLITICAL SIGN FREE ZONING MAPS OF THE TOWN ZONING CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY," three copies of which are on file in the office of the town clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the town clerk.

PASSED AND ADOPTED BY THE Mayor and Council of the Town of Clarkdale, Arizona, this 19th day of December, 2011.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

ORDINANCE NO. 339

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 7-5 (D), PROHIBITED SIGNS, SECTION 7-6(H) PERMITTED SIGNS – POLITICAL, THE PERMITTED SIGNS BY TYPE AND ZONE DISTRICT CHART, AND THE POLITICAL SIGN FREE ZONING MAPS OF THE TOWN ZONING CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA:

Section 1: That certain document known as " **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING SECTION 7-5 (D), PROHIBITED SIGNS, SECTION 7-6(H) PERMITTED SIGNS – POLITICAL, THE PERMITTED SIGNS BY TYPE AND ZONE DISTRICT CHART, AND THE POLITICAL SIGN FREE ZONING MAPS OF THE TOWN ZONING CODE OF THE TOWN OF CLARKDALE; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY,**" three copies of which are on file in the office of the town clerk of the Town of Clarkdale, Arizona, which document was made a public record by Resolution No.1386 of the Town of Clarkdale, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2: All Ordinances and part of Ordinances in conflict with the provisions of this Ordinance or any part of this document adopted herein by reference are hereby repealed.

Section 3: Any portion of the Town Zoning Code repealed by this Ordinance does not affect rights and duties that matured or penalties that were incurred, and proceedings that were begun before the effective date of the repeal.

Section 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this document adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this _____ day of _____, 2011.

ATTEST:

Mayor Doug Von Gausig

Kathy Bainbridge, Town Clerk

APPROVED AS TO FORM:

Town Attorney

CHAPTER SEVEN – SIGN CODE

Section 7-5 Prohibited Signs of the Town Zoning Code is amended by adding the following:

Section 7-5 (D) Prohibited Signs

D. Private signs in public right-of-way except political signs

Section 7-6 Permitted Signs of the Town Zoning Code is amended by adding the following:

Section 7-6 (H) Permitted Signs – Political

H. Political – In accordance with Arizona Revised Statute 16-1019

1. Maximum size equals ~~six (6) square feet~~ sixteen (16) square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two (32) square feet if the sign is located in any other area.-
2. Signs ~~must~~ may be located on private property or in public right-of-way except state highways or routes subject to the following conditions:
 - a. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act;
 - a. The sign contains the name and telephone number of the candidate or campaign committee contact person;
 - b.- Installation of a sign on any structure owned by the Town is prohibited.
3. Said signs shall not be erected earlier than sixty (60) days prior to an election nor removed later than ~~ten (10)~~ fifteen (15) days after an election.
4. No political signs will be permitted in public right of way in “sign free zones” as adopted by the Town Council in accordance with Arizona Revised Statute (ARS 16-1019).

Section 3: Chapter 7 Sign Code The Permitted Signs by Type and Zone District Chart of the Town Zoning Code is amended to read as follows:

Permitted Signs by Type and Zone District Chart

Sign Type	R1A	R1	R1L	RS3	R2	R3	R4	R4A	CB	C	I
Animated	N	N	N	N	N	N	N	N	P	P	P
Freestanding	P	P	P	P	P	P	P	P	P	p	P
Ideological (1)	P	P	P	P	P	P	P	P	P	P	P
Illuminated (2)	N	N	N	N	N	N	N	N	P	P	P
Off-premise	N	N	N	N	N	N	N	N	P	P	P
On site info	P	P	P	P	P	P	P	P	P	P	P
Projecting	N	N	N	N	P	P	N	N	P	P	P
Political I (4)	P	P	P	P	P	P	P	P	P	P	P
Public info.	P	P	P	P	P	P	P	P	P	P	P
Real estate (3)	P	P	P	P	P	P	P	P	P	P	P
Subdivision Adv. & Directional	P	P	P	P	P	P	P	P	P	P	P
Subdivision ID	P	P	P	P	P	P	P	P	P	P	P
Temporary	P	P	P	P	P	P	P	P	P	P	P
Wall	P	P	P	P	P	P	P	P	P	P	P
Window (4)	P	P	P	P	P	P	P	P	P	P	P
Wind (5) Banners Pennants Streamers	P	P	P	P	P	P	P	P	P	P	P

P= Permitted

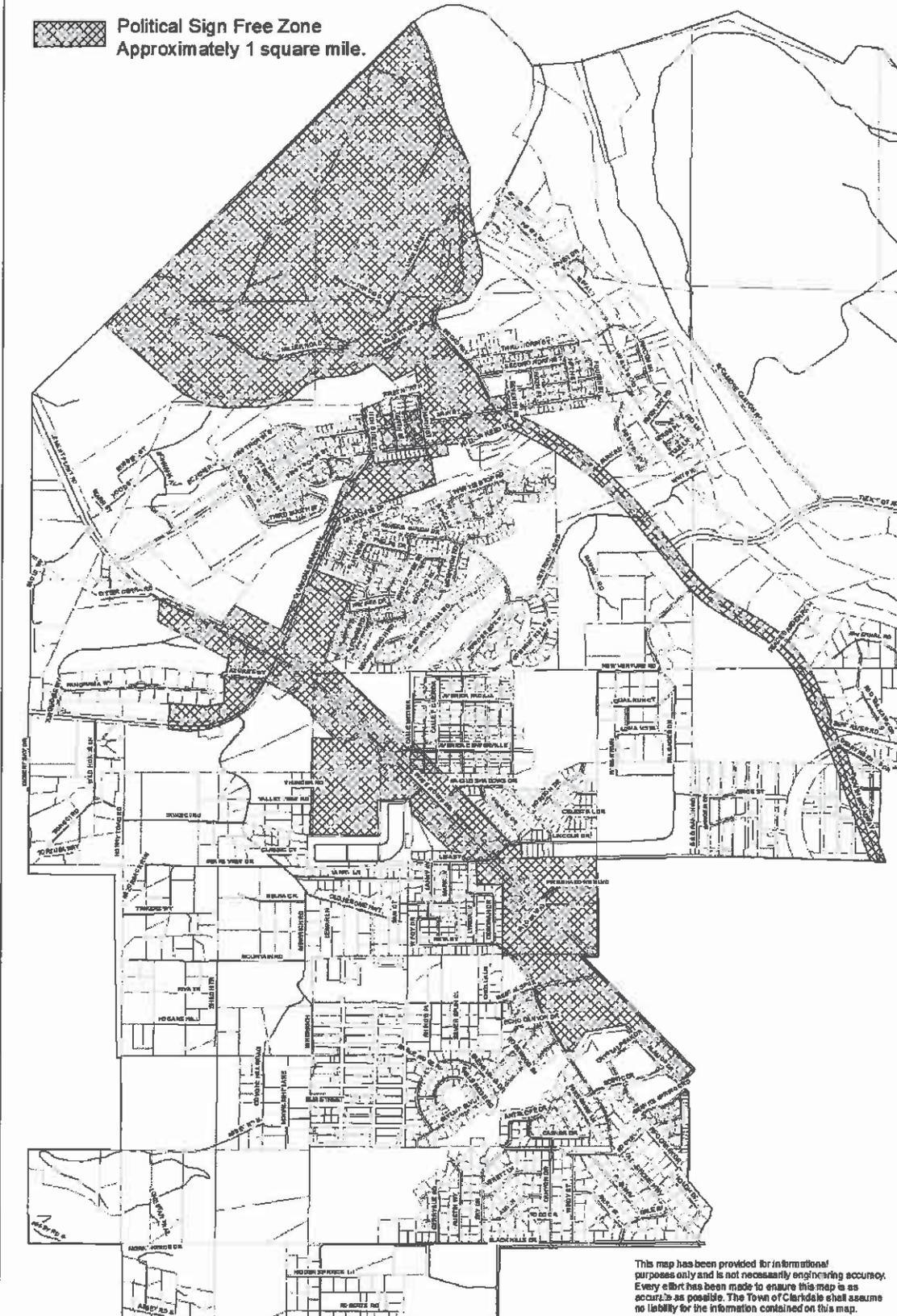
N= Not Permitted

- (1) Not to exceed 6 square feet.
- (2) Not permitted within 75 feet a residential district for PUD or PAD development.
- (3) For sale, for lease signs not to exceed 5 square feet in residential districts.
- (4) Home occupation only signs permitted in residential districts.
- (5) Permitted for a maximum of 5 days for bona fide Grand Openings, Going Out of Business Sales, Open House, or similar short term events.

Section 4: Chapter 7 Sign Code The “Sign Free Zones” Maps of the Town Zoning Code is created to read as follows:



Political Sign Free Zone
Approximately 1 square mile.



This map has been provided for informational purposes only and is not necessarily engineering accuracy. Every effort has been made to ensure this map is as accurate as possible. The Town of Clarkdale shall assume no liability for the information contained on this map.