

ORDINANCE NO. 703

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 130.40 TO THE CODE OF THE TOWN OF PAYSON (TEMPORARY SIGNS IN TOWN RIGHT OF WAY).**

**WHEREAS**, there is no absolute right to clutter the rights of ways of the Town of Payson with temporary signs; and

**WHEREAS**, the Town of Payson finds that haphazardly placed and unregulated temporary signs obstruct sight distance, interfere with traffic safety, and are aesthetically inappropriate to a well cared for community; and

**WHEREAS**, by placing content neutral, time, place, and manner restrictions on temporary signs, the Town can reduce visual blight and traffic hazards; and

**WHEREAS**, the Town of Payson has found that the adoption of this Ordinance Number 703 is necessary and appropriate to protect the health, safety, and welfare of the citizens of the Town of Payson as a lawful exercise of police power vested in the Town by the State of Arizona; and

**WHEREAS**, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by adding Section 130.40,

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:**

- Section 1. That Section 130.40 of the Code of the Town of Payson as set forth in Exhibit A attached hereto and made a part hereof, and all the provisions thereof are hereby added to the Code of the Town of Payson.
- Section 2. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 703 are hereby repealed to the extent of such conflict.
- Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 703 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 of this Ordinance Number 703. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 703 and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

1st Reading & Public Hrg DEC 14 2006 Gill

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE  
TOWN OF PAYSON this \_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

AYES \_\_\_\_ NOES \_\_\_\_ ABSTENTIONS \_\_\_\_ ABSENT \_\_\_\_

\_\_\_\_\_  
F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

\_\_\_\_\_  
Samuel I. Streichman, Town Attorney

## EXHIBIT A TO ORDINANCE 703

### 130.40 TEMPORARY SIGNS

- A. Temporary signs of any type are prohibited in any Town right of way that is located in or immediately adjacent to a residential zoning district.
- B. Notwithstanding any other provisions of the Town's Unified Development Code, temporary signs are permitted in Town right of way that is not located in or immediately adjacent to a residential zoning district in compliance with the following requirements of this subsection:
  - (1) A permit must be obtained from the Community Development Department prior to the placement of any temporary sign.
  - (2) No temporary sign shall be erected for more than ten (10) days within any two calendar months.
  - (3) All temporary signs shall be less than fifteen (15) square feet in size. If the sign is double sided, each face shall be less than ten (10) square feet.
- C. Temporary signs placed for no more than 5 days within any two calendar months which are less than four (4) square feet and which direct a person to a location or address shall be exempt from the requirements of this section.
- D.
  - (1) In addition to any other remedy or enforcement actions, any sign placed in any Town right of way in violation of this section may be immediately removed by any employee of the Town Engineering or Community Development Departments.
  - (2) All signs removed pursuant to this section shall be retained for a period of fifteen (15) days. All such signs not claimed within fifteen (15) days shall be disposed of.