ORDINANCE NO. 719

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-05-003(A), 15-05-004(4), AND 15-05-005(C) OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON. (REGULATING TEMPORARY SIGNS)

WHEREAS, the Town of Payson regulates the type and placement of temporary signs to assure safety on its roadways and to protect the public's health and safety; and

WHEREAS, the Town additionally regulates the type and placement of temporary signs to maintain the aesthetic quality of the Town and to maintain and increase property values of the citizens of the Town; and

WHEREAS, the Town is permitted to place reasonable time, place, manner restrictions on temporary signs; and

WHEREAS, the Town has an interest in the type of signs placed upon its right of way and on any property owned by the Town; and

WHEREAS, Sections 15-05-003, 15-05-04, and 15-05-005 of the Town's Unified Development Code regulate temporary signs within the Town of Payson; and

WHEREAS, the Town desires to amend its temporary sign regulations in order to assure roadway safety, protect the public's health and safety, to ensure an aesthetically pleasing Town, and to maintain and increase property values; and

WHEREAS, the Town finds that the regulations adopted by this Ordinance 719 are reasonable time, place, and manner regulations and do not regulate the content of any sign,

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

Section 1. That Section 15-05-003(A) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson is hereby amended and as amended shall read as set forth in Exhibit A attached hereto.

Section 2. That Section 15-05-004(4) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson is hereby amended and as amended shall read as set forth in Exhibit B attached hereto.

Section 3. That Section 15-05-005(C) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson is hereby amended and as amended shall read as set forth in Exhibit C attached hereto.

2nd Reading & Public Hearing

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Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 719 are hereby repealed to the extent of such conflict.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 719 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 719. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 719 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.

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:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney

EXHIBIT A
(to Ordinance 719)

15-05-003 General Requirements

A. Prohibited Signs

1. Signs that are not specifically authorized or exempted pursuant to 15-05-004 are prohibited, including, but not limited to:
   a. Vehicle signs not in compliance with Section 15-05-003(E).
   b. Fixed aerial advertising and displays are prohibited.
   c. Off Premise Signs are prohibited in all districts.
   d. Roof Mounted Signs which project above the highest point of the roof line, parapet or facade of the building.
   e. Any sign or device emitting a sound or substance.
   f. Any sign or device with intermittent or flashing illumination, animated or moving sign, but not including time and temperature signs.

2. ~~g.~~ Except as provided in 15-05-005(C)(6), signs or notices of any kind ~~shall not be~~ placed or displayed on sidewalks, posts, utility poles, lamp posts, hydrants, trees, bridges, rocks, boulders, the ground, or other surfaces located in the Town's Right of Way or on public property are prohibited.

3. ~~h.~~ Except as exempted in 15-05-004 or as provided in 15-05-005(C), Temporary Signs are prohibited. ~~shall not be erected, placed, maintained or caused to be erected , other than those signs described in 15-05-005(C) of this Code Any permitted temporary sign shall not require a permit to be obtained and shall be limited to a 15 day continuous display period in any one calendar year, unless otherwise stated in this Code.~~

4. In addition to any other remedy or enforcement actions, any sign placed on any public property or in any Town right of way in violation of this section may be immediately removed by any employee or person under the direction of the Town Engineering or Community Development Departments. 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.

EXHIBIT B
(to Ordinance 719)

15-05-004 Exceptions

The provisions of this Code shall not apply to:

~~4. Temporary signs for events of a general Town-wide civic or public benefit. Such signs or banners shall be removed within ten days after the event. Civic organizations are limited to 64 square feet total.~~

4. Temporary signs for events of a general Town-wide civic or public benefit so long as:
   a. prior to placing the signs, notice is given to the Town's Community Development Department;
   b. the total signage area does not exceed 64 square feet;
   c. the sign(s) do not (i) block or impede roadways, bike paths, trails, sidewalks or any other right of way designated for travel by the public or (ii) create a traffic hazard; and
   d. the signs are removed within ten days after the event.

EXHIBIT C
(to Ordinance 719)

15-05-005 Permitted Signs

C. TEMPORARY SIGNS

1. Coming Soon Signs:
   a. Signs announcing the proposed development of property after the issuance of a building permit by the Building Inspections Division for the proposed development.
   b. Sign can be displayed only with a valid permit for construction and must be removed within ten days of final inspection.
   c. Maximum size of signage allowed shall be 32 square feet with a maximum length of eight feet.
   ~~d. Sign permit is not required.~~
2. Sale, Lease or Rent Signs, temporary signs to announce real property availability.
   a. There shall be no more than one such sign per subdivided lot or contiguous lots or parcels under the same ownership.
   b. Such signs shall not exceed six square feet for parcels of one acre or less and 16 square feet for parcels which are more than one acre in size.
   ~~c. Sign permit is not required.~~
3. Contractors and Subcontractors Signs:
   a. Signs designating the contractor or subcontractor engaged in the construction or repair of the building(s) on each lot or parcel of property shall be allowed in all zoning areas.
   b. One non-illuminated sign is allowed per contractor or subcontractor. Signs shall not exceed four square feet in area for subcontractors and 32 square feet for general contractors.
   c. Sign shall be removed within ten days after final inspection is completed.
   d. All subcontractor signs may be consolidated in one sign. This sign area is to be calculated at four square feet per contractor listed. Signs are not to exceed five feet in height or be located within ten feet of the public right-of-way.
   ~~e. Sign permit is not required.~~

4. Political Signs: A political sign, that is a temporary sign supporting a candidate for public office, or urging action on any other matter, on the ballot of primary, general or special elections. In these circumstances, the following restrictions apply:

~~a. The display of any such sign shall be limited to 60 days immediately preceding any primary, general or special election to which they refer.~~

a.~~b.~~ The total sign area permitted in any lot or parcel shall not exceed 32 square feet. These signs may be freestanding and single or double-faced, and may be perpendicular or parallel to the street.

b.~~c.~~ The person, party or parties responsible for erecting or distributing any such signs shall be jointly and severally liable for removal of them within ten days after the primary, general or special election to which they refer.

~~d. No sign shall create an obstruction for traffic.~~

5. Banners: Signs painted or displayed on cloth or flexible material.

a. Banners are limited to a maximum size of 24 square feet and a maximum length of 8 feet.

b. Banners not attached to building or structure must include wind cuts.

c. Prior to the erection of any Banner, a permit shall be obtained from the Community Development Department. The length of the permit shall not exceed 15 days and only one permit shall be issued per calendar month.

~~e. Banners are limited to a 15 day display period per permit. Only one such permit may be issued at a time~~.

6. A-Frame and Temporary Directional Signs. A person or entity may place up to four A-Frame or Temporary Directional signs in the Town's Right of Way or on private property (with the consent of the property owner) so long as:

a. the signage area of each sign is less than four square feet;

b. for Temporary Directional Signs, the signs direct a person to a location or address and are not placed more than four days in a calendar week; and

c. for A-Frame Signs, the signs may only be displayed between 5:00 pm on Friday and 5:00 pm on Sunday. Prior to placing any such A-Frame Signs, the person or entity shall pay a $50.00 deposit per sign to the Town Community Development Department. If any such A-Frame Sign is displayed other than the times allowed by this section, the $50.00 deposit shall be forfeited to the Town.

7. Notwithstanding subsection 6 above, the Town may place Temporary Signs in its Right of Way.

8. Other requirements for Temporary Signs.

a. Temporary signs shall not block, impede, or be placed in roadways, bike paths, trails, sidewalks or any other part of the Right of Way designed for travel by the public.

b. Temporary signs shall not create a traffic hazard; and

c. Temporary signs allowed under 15-05-005 (C)(1), (2), (3), (4), and (6) shall not require a permit.