

## MARANA ORDINANCE NO. 2019.004

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RELATING TO DEVELOPMENT; AMENDING TITLE 17 (LAND DEVELOPMENT) OF THE MARANA TOWN CODE BY ADDING NEW CHAPTER 17-10 (SIGNS); REPEALING EXISTING TITLE 16 (SIGNS) OF THE MARANA LAND DEVELOPMENT CODE; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS the Town of Marana seeks to promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign standards, consistent with the United States Constitution, the Arizona Constitution, and state and federal cases and laws; and

WHEREAS the Town does not desire or intend to censor speech or regulate viewpoints, but desires and intends to regulate the adverse secondary effects of signs on aesthetics and traffic and pedestrian safety; and

WHEREAS the Town seeks to establish sign regulations that serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety; and

WHEREAS the Town Council finds that a pleasing, visually attractive, and safe environment is of foremost importance to preserve and promote the Town of Marana as a desirable community in which to live, visit, work, play, and do business, and that the reasonable regulation of signs within the Town contributes directly to these desired ends; and

WHEREAS the Town Council finds that reasonable signage is necessary to serve the needs of individuals, organizations, and businesses and to respect their rights to identification while balancing the aesthetic and safety interests of the community; and

WHEREAS the Marana Mayor and Town Council held public hearings on January 15 and February 5, 2019, and determined that this ordinance should be approved.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Marana, Arizona, as follows:

**Section 1.** Chapter 17-10 (Signs) of Marana Town Code Title 17 (Land Development), one paper copy and one electronic copy of which are on file in the office of the Town Clerk of the Town of Marana, Arizona, and which was made a public record by and attached as Exhibit A to Resolution No. 2019-005 of the Town of Marana,

Arizona, is hereby referred to, adopted, and made a part of this ordinance as if fully set out here.

**Section 2.** The following penalty clauses are included in Chapter 17-10 (Signs) of Marana Town Code Title 17 (Land Development) as adopted pursuant to this ordinance:

**17-10-15 Classification; enforcement; removal**

A. General. Violation of this chapter is a civil infraction and shall be enforced pursuant to chapter 5-7 of the town code.

B. Removal of signs by town; notice; fees.

1. A code compliance officer or other authorized representative of the town may immediately remove or cause the removal of a sign in either of the following circumstances:

a. When the sign is unlawfully placed in the public right-of-way.

b. When the sign poses an immediate hazard to persons or property.

2. If possible, when exercising its right to immediately remove or cause the removal of a sign, the town shall provide the sign owner with verbal or written notification of the removal at the time of the removal. The notice shall include all of the following:

a. The reason or reasons for the removal.

b. The location where the sign owner may claim the sign.

c. Notification that if the sign owner does not claim the sign within five days of the notice, the town may destroy or reuse the sign.

3. If a sign is placed in violation of this chapter but does not pose an immediate hazard to persons or property and is not located in the public right-of-way, a code compliance officer or other authorized representative of the town shall provide written notice of violation to the sign owner.

a. The notice shall include all of the following:

i. The reason or reasons the sign is in violation.

ii. Notification that if the sign is not removed within 48 hours of the notice, the town will remove the sign.

iii. The location where the sign owner may claim the sign if it is removed.

iv. Notification that if the sign is removed and the sign owner does not claim the sign within five days of the notice, the town may destroy or reuse the sign.

b. The notice shall be delivered either by personal delivery or, if the town is unable to determine the owner of the sign, by affixing it to the offending sign.

c. If the offending sign is not removed within the 48-hour period, a code compliance officer or other authorized representative of the town may remove or cause the removal of the sign.

4. The town's cost to remove or store a sign shall be borne by the sign owner in the amount set forth in the fee schedule approved by the council and amended from time to time.

C. Effect. Neither the suspension nor revocation of a sign permit, nor the removal of a sign by the town, shall be a defense against prosecution.

**Section 3.** Existing Title 16 (Signs) of the Marana Land Development Code is hereby repealed.

**Section 4.** The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

**Section 5.** All ordinances, resolutions and motions and parts of ordinances, resolutions, and motions of the Marana Town Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

**Section 6.** A final binding judicial determination that any section, subsection, sentence, clause, phrase or portion of this ordinance is invalid or unconstitutional shall not affect the validity of the remaining portions of this ordinance.

**Section 7.** This ordinance shall become effective on March 8, 2019.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 5<sup>th</sup> day of February, 2019.

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Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

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Cherry L. Lawson, Town Clerk

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Frank J. Cassidy, Town Attorney