

RESOLUTION # 2017-98

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, ADOPTING THE CITYWIDE TEMPORARY SIGN POLICY.

WHEREAS, the Mayor and Council directed staff to prepare the city wide temporary sign policy;

WHEREAS, it is beneficial to the city to implement the city wide temporary sign policy that is better aligned to serve the needs and desires of business and citizens within the City of Surprise;

WHEREAS, the city would temporarily waive enforcement of Surprise City Code Section 113-47, but only as to Article V of the current Sign Code, beginning immediately upon adoption of this Resolution until it is repealed; and

WHEREAS, the Mayor and Council adopt the City Wide Temporary Sign Policy as set forth in Exhibit A, which Policy shall become effective as provided by law and shall expire when the city adopts a new sign code.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. That the Mayor and Council adopt the City Wide Temporary Signage Policy as outlined in the attached Exhibit A.

Section 2. That the City Wide Temporary Sign Policy shall become effective as provided by law..

Section 3. That this Resolution and City Wide Temporary Sign Policy shall continue in effect until the Council repeals this Resolution.

Section 4. That enforcement of Surprise City Code Section 113-47 is waived as to Article V of the current Sign Code until the Council repeals this Resolution.

APPROVED AND ADOPTED this _____ day of _____, 2017.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A – City Wide Temporary Sign Policy

Section 1 – Purpose

The purpose of this Policy is to give businesses and residents within the City of Surprise reasonable access to temporary signage until such time as the Revised Sign Code is adopted by the City Council.

Section 2 – Duration

This Policy is shall be effective as provided by law and shall continue until such time the City of Surprise adopts an updated sign code and this Policy is repealed.

Section 3 - First Amendment Interpretation and Severability

This Policy must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Policy is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Policy which can be given effect without the invalid provision.

The City of Surprise shall not evaluate any sign based on the message content of the sign provided the sign copy contains no vulgar or profane language, hate speech, or language intended to incite violence, in which case the sign copy shall not be permitted.

Section 4 – Temporary Signs Allowed

Temporary signs as currently permitted under Article V of Chapter 113 of the Surprise Municipal Code are allowed. In addition, Temporary Signs as outlined in this Policy are allowed subject to the provisions of this Policy.

Section 5 – Definitions

For purposes of this Policy, the following definitions shall apply:

Lawful Temporary Event: A use of land that is permitted by and in accordance with Section 122-105 of the Surprise Municipal Code, and including Real Estate

Open Houses and other temporary events as determined by the City Manager or designee.

Revised Sign Code: The sign code currently in process under case FS15-311 as adopted in its final form.

Sign, A-frame: A portable sign designed in the shape of the letter "A" consisting of two rigid surfaces joined along an adjacent edge.

Sign, Banner: A sign consisting of fabric, paper, or other lightweight pliable material, either enclosed or not enclosed in a rigid frame, and secured or mounted to minimize movement in the wind, but not including inflatable signs.

Sign, non-conforming: A sign that does not conform to the requirements of this Policy or the Revised Sign Code.

Sign, Off-premises: Any sign that is located on a property other than where a business is located, a product is sold, or a service is offered.

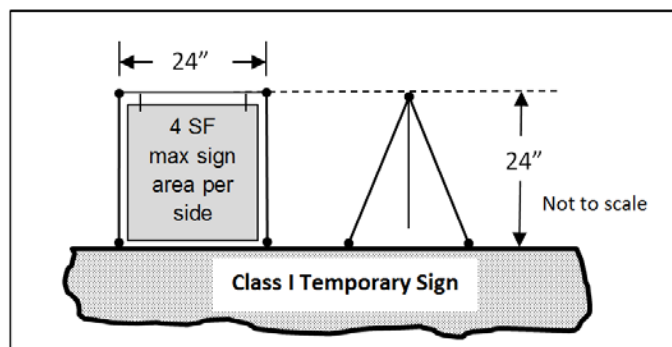
Sign, Pedestal: A portable sign in which the sign panel is affixed to and supported by a weighted base.

Sign, Portable: A temporary sign that may be readily moved from location to location without the need of any specialized knowledge or equipment, and that is not affixed to the ground or any structure.

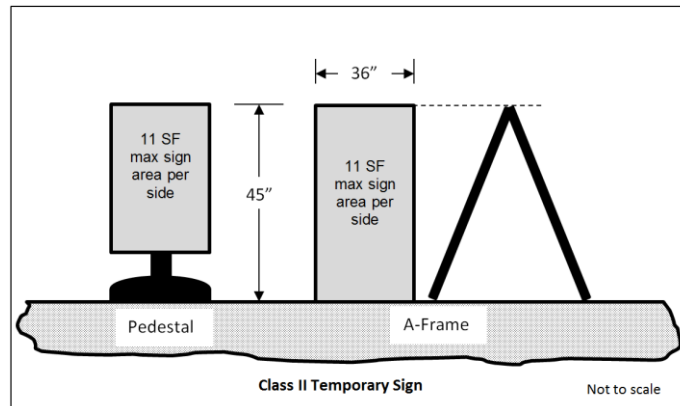
Sign, Sandwich: A type of A-Frame sign designed to be worn by a person.

Sign, Temporary: A sign that due to its physical characteristics and method of attachment is not intended for permanent display.

Sign, Temporary, Class I (Small A-Frame Sign): A temporary, portable sign generally in the shape of the letter "A" in which the overall height of the sign structure does not exceed twenty-four (24) inches, the overall width of the sign structure does not exceed twenty-four (24) inches and which does not exceed eight (8) square feet of aggregate sign area.



Sign, Temporary, Class II (A-Frame Sign and Pedestal Sign): A temporary, portable sign in which the overall height of the sign structure does not exceed forty (45) inches, the overall width of the sign structure does not exceed thirty-six (36) inches and which does not exceed twenty (22) square feet of aggregate sign area.



Section 6 – Prohibited Signs

The following sign types are specifically prohibited within the City of Surprise:

- A. Animated Signs, flashing, blinking, or rotating signs, festoons, Inflatable Signs including latex or Mylar balloons, permanent Banner Signs, Pennants, searchlights, streamers, signs that emit audible sound, and any clearly similar features;
- B. Vehicle Signs when the vehicle is placed in a location not approved for vehicular parking or storage;
- C. Signs located on trees, utility poles, public benches, or any other form of public property, or within any public right-of-way;
- D. Signs containing vulgar or profane messages, hate speech, or language intended to incite violence.
- E. Signs which are located within any sight visibility triangle of any street or driveway intersection, located in a median and/or as required by the Surprise Engineering Development Standards.
- F. Signs not expressly permitted as being allowed under this policy, or by specific requirements in another section of Surprise Unified Development Code, are expressly prohibited

Section 7 - Temporary Sign Classifications and Restrictions

A. General Provisions:

1. Temporary signs shall not be illuminated in any manner except by ambient lighting present on the property.
2. Temporary signs shall include the name and phone number of the contact person or entity responsible for placing the sign.
3. Temporary signs shall not interfere with the free movement of pedestrians, bicycles, or vehicles.
4. Temporary signs may be ballasted or weighted but shall not be attached to any stationary object.

B. Class I Temporary Signs

Class I Temporary Signs, as defined herein, are allowed subject to the General Provisions as stated above plus the following:

1. Class I Temporary Signs are only allowed in the following circumstances:
 - a. In conjunction with a Lawful Temporary Event being held on land zoned for Residential uses.
 - b. In conjunction with a Temporary Use Permit.
2. Class I Temporary Signs may be placed at a ratio of one (1) such sign per street intersection per Lawful Temporary Event, but no further than the closest arterial street.
3. Class I Temporary Signs may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk.
4. Class I Temporary Signs may be placed one (1) hour before the start of the Lawful Temporary Event and shall be removed not more than one (1) hour after the end of the Lawful Temporary Event.
5. If the Lawful Temporary Event requires a Temporary Use Permit, the locations of Class I Temporary Signs shall be included with the application materials.

C. **Class II Temporary Signs**

Class II Temporary Signs, as defined herein, are allowed subject to the General Provisions as stated above plus the following:

1. Class II Temporary Signs are only allowed in the following circumstances:
 - a. In conjunction with a lawful commercial use including Cottage Industries, but not Home Occupations.
 - b. In conjunction with a Lawful Temporary Event located within a residential zoning district.
 - c. In conjunction with a Temporary Use Permit.
2. When a Class II Temporary Sign is in conjunction with a lawful commercial use, said sign may be located within 15' of the doorway of the customer entrance to the building in which the lawful commercial use is occurring.
3. When a Class II Temporary Sign is in conjunction with a Lawful Temporary Event located within a -residential zoning district, not more than four (4) such signs shall be utilized. Such signs may be placed no further than the closest arterial street.
4. Class II Temporary Signs associated with a Lawful Temporary Event located within a residential zoning district may be located within the street right-of-way, but not within any median, vehicle or bicycle travel lane, or sidewalk, nor within any sight visibility triangle as outlined in Standard Details 4-01 and 4-02 of the Surprise Engineering Development Standards available on-line at <https://www.surpriseaz.gov/1645/Engineering-Development-Standards>.
5. Class II Temporary Signs associated with a Lawful Temporary Event located within a residential zoning district may be placed between the hours of 4:00 PM Friday to 11:00 PM Sunday. Otherwise, Class II Temporary Signs may be displayed during the business hours of the business served by the Class II Temporary Sign.

6. If the Lawful Temporary Event located within a residential zoning district requires a Temporary Use Permit, the locations of Class II Temporary Signs shall be included with the application materials.

D. Banner Signs:

Banner Signs, as defined herein, are allowed subject to the General Provisions as stated above plus the following:

1. One (1) Banner Sign may be placed on any building, except those associated with a single-family use. If associated with an active construction project, the one (1) additional Banner Sign may be attached to the construction fence surrounding the construction site.
2. All four corners of a Banner Sign shall be securely attached to the building or fence.
3. The maximum area of a Banner Sign affixed to a building shall not exceed 1 square foot per linear foot of building elevation; not to exceed 500 square feet. The maximum area of a Banner Sign affixed to a construction fence shall not exceed thirty (30) square feet.
4. For a single-tenant building, the width of the Banner Sign shall not exceed 80% of the width of the building elevation onto which the Banner Sign is attached. For multi-tenant building, the width of the Banner Sign shall not exceed 80% of the leased tenant frontage.
5. Banner Signs shall be equipped with ventilation flaps.

E. Sign Walkers

Sign Walkers are permitted to operate within the City of Surprise, except for single-family residential zoning districts, subject to the following restrictions:

1. Sign Walkers may only operate during the hours of 7:00 AM to 7:00 PM Arizona time.
2. Sign Walkers may only operate on a sidewalk intended for pedestrian travel, but shall at no time block the free and unobstructed movement of pedestrians or vehicles.
3. Sign Walkers may carry a maximum of two (2) single-sided signs not exceeding three (3) square feet of sign copy each or one (1) double-sided sign not exceeding twelve (12) square feet of aggregate sign copy; however, in no case shall a Sign Walker carry any form of

electronic messaging.

4. Sign Walkers shall not display a sign in any manner other than by personally holding or wearing said sign.

Section 8 – Violation and Enforcement

- A. **Violation:** Any temporary sign that is not in compliance with this policy and/or the Surprise Unified Development Code is in violation.
- B. **Penalties for Violation:** Any person, firm, or corporation who violates any provision of this policy, the Surprise Unified Development Code or any provision of any code adopted by the City of Surprise may be charged with a civil or criminal violation.
- C. **Notice of Violation:** Whenever the City Manager or designee determines there has been a violation of this policy, or has grounds to believe that a violation has occurred, notice shall be given in the following form and manner:
 1. The Notice of Violation shall be given in writing.
 2. The Notice of Violation shall include a description of the real property sufficient for identification.
 3. The Notice of Violation shall include a statement of the violation or violations and why the Notice of Violation is being issued.
 4. The Notice of Violation shall include a correction order allowing a reasonable time to remedy the violation.
 5. The placement of any sign or substantially similar sign on the same premises after a Notice of Violation has been issued shall be deemed a continuation of the original violation.
 6. A Notice of Violation is not required for any Temporary Sign that is in violation of this Policy.
- D. **Delivery of Notice:** A Notice of Violation shall be deemed as being properly served if a copy thereof is delivered personally by an employee of the City of Surprise having the authority to do so, sent by First Class Mail or is sent by Certified Mail (Return Receipt Requested) addressed to the last known address. If a Notice of Violation is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous location on the property of the alleged violation.

E. Removal of Signs:

1. Any temporary sign that becomes non-conforming after the adoption of the Revised Sign Code shall be removed within ten (10) calendar days of the effective date of the Revised Sign Code.
2. A Notice of Violation shall not be required to remove any sign that is identified in this policy as being prohibited, or that creates or has the potential to create a hazard to the public.
3. Any Temporary Sign not specifically listed as an allowed use is specifically not permitted and the City of Surprise may remove the sign or cause the sign to be removed.
4. If a Temporary Sign which would otherwise be permitted by this policy does not include the contact information as required by above, the City of Surprise may remove the sign or cause the sign to be removed.
5. The City of Surprise shall have the right to contact the individual whose name appears on a Temporary Sign and/or the property owner of the property onto which the Temporary Sign is erected for the purpose of verifying property owner consent. If property owner consent cannot be verified, the City of Surprise may remove the sign.
6. Any Temporary Sign that is removed by the City of Surprise for being in violation of this policy may be discarded five (5) business days following removal.