

MEETING DATE/TYPE: **VOTING MEETING** **1-22-19**

DEPARTMENT: **City Attorney**

AGENDA ITEM: Adoption of Resolution No. 2019-1674, Establishing Two Sign Free Zones in the City of Prescott.

Approved By: Michael Lamar, City Manager

Item Summary

Approval of this resolution would create two separate sign free zones in the City of Prescott.

Background

Prescott City Code (Section 8-2-3.E) prohibits the placement of campaign and other temporary signs in City right-of-way. However, state statute (A.R.S. §16-1019.C) prohibits the City from “removing, altering, defacing or covering any political sign if (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 ADA; (4) the sign has a maximum area of 16 square feet if located in a residential zone 32 square feet if the sign is located in any other zone (e.g., commercial or industrial); and (5) the sign contains the name and telephone number or website address of the candidate or campaign committee contact person. This prohibition against removal of political signs begins 60 days prior to a primary election and ends 15 days after the general election, except that for a candidate sign in a primary election where the candidate does not advance to the general election, the period ends 15 days after the primary election.

As a result of this statute, although Prescott can prohibit political and other temporary signs in the city right-of-way, but city staff cannot remove political or other temporary signs in the right-of-way during the election season so long as the sign meets the statutory requirements discussed above. Thus, enforcement of the City Code is done by letter to the candidate or campaign asking for voluntary removal, and then issuance of a civil citation. This is a time consuming process, and often times in statewide or national elections, the campaign is an out of state entity or person, which makes it even more difficult to enforce.

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However, the state statute (A.R.S. §16-1019.F) also allows a city to create or designate a commercial tourism, commercial resort and hotel sign free zone where the removal prohibition would not apply. The zone is designated based on a predominance of commercial tourism, resort and hotel uses where the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area and deter its appeal to tourists. The total area of the zones cannot be larger than three square miles, and must be identified as a specific contiguous area. The city may designate up to two zones so long as the cumulative area does not exceed three square miles.

The designated zones in the resolution total less than one square mile.

The Exhibit A map shows the City's downtown business zone (outlined in blue), entertainment zone (outlined in red), the sign free zone (yellow). The Exhibit B map shows the sign free zone in yellow.

Financial Impact

There would be no negative financial impact from adoption of one or more commercial tourism sign free zones. The positive financial impact would be a reduction in employee hours spent enforcing the City's right-of-way temporary sign ban during election season.

Attachments

1. Resolution No. 2019-1674, Designating Prescott Sign Free Zones
2. Exhibit A Downtown Sign Free Zone
3. Exhibit B Airport and Dells Sign Free Zone

Recommended Action: MOVE to adopt Resolution No. 2019-1624.