

TOWN OF CAREFREE, AZ  
ORDINANCE #2012-01

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, ADOPTING AMENDMENTS TO CHAPTER 11, ARTICLE 11-3, SECTION 11-3-2 OF THE CODE OF THE TOWN OF CAREFREE, ARIZONA, CONCERNING REGULATIONS FOR POSTING POLITICAL SIGNS IN THE TOWN OF CAREFREE RIGHT-OF-WAYS; PROVIDING FOR REPEAL OF CERTAIN PROVISIONS OF THE TOWN CODE; PROVIDING FOR SEPARABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND DIRECTING THE TOWN CLERK OF THE TOWN OF CAREFREE TO INCORPORATE THIS AMENDMENT INTO THE CODE OF THE TOWN OF CAREFREE, ARIZONA.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: The Mayor and Common Council deem it necessary, in order to conserve, promote, and protect the public health, safety and welfare, to amend that certain document known as the Code of the Town of Carefree, Arizona.

Section 2: All ordinances and portions of ordinances in conflict with the provisions of this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 3: The Amendments are made to Chapter 11, Article 11-3, Section 11-3-2 of the Town of Carefree Code Amended as follows (added language is shown in **bold and CAPITALIZED**. Deleted language is shown ~~crossed-out.~~)

Article 11-3 POSTING OF SIGNS IN PUBLIC RIGHT-OF-WAYS; PERMITS\*

Section 11-3-2 **POSTING OF POLITICAL SIGNS IN THE TOWN RIGHT-OF-WAYS PERMITTED\*\*\***  
~~[RESERVED]\*\*\*~~

A. A POLITICAL SIGN IS ALLOWED TO BE PLACED IN THE TOWN OF CAREFREE PUBLIC RIGHT-OF-WAY IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

(1) THE SIGN SUPPORTS OR OPPOSES A CANDIDATE FOR PUBLIC OFFICE OR SUPPORTS OR OPPOSES A BALLOT MEASURE.

(2) THE SIGN SHALL BE LOCATED IN THE PUBLIC RIGHT-OF-WAY ONLY DURING THE PERIOD COMMENCING SIXTY (60) DAYS BEFORE A PRIMARY ELECTION AND ENDING FIFTEEN (15) DAYS

AFTER THE GENERAL ELECTION, EXCEPT THAT, FOR A SIGN FOR A CANDIDATE IN A PRIMARY ELECTION WHO DOES NOT ADVANCE TO THE GENERAL ELECTION, THE PERIOD ENDS FIFTEEN (15) DAYS AFTER THE PRIMARY ELECTION. THE PERSON OR POLITICAL SUBDIVISION RESPONSIBLE FOR ERECTING THE SIGN SHALL BE LIABLE FOR REMOVAL OF THE SIGN.

- (3) THE SIGN SHALL NOT BE PLACED IN A LOCATION THAT IS HAZARDOUS TO PUBLIC SAFETY, OBSTRUCTS CLEAR VISION IN THE AREA AND/OR INTERFERES WITH THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT (42 UNITED STATES CODE SECTIONS 12101 THROUGH 12213 AND 47 UNITED STATES CODE SECTIONS 225 AND 611).
  - (4) IF THE SIGN IS LOCATED IN AN AREA ZONED FOR RESIDENTIAL USE, THE SIGN SHALL HAVE A MAXIMUM AREA OF SIXTEEN (16) SQUARE FEET. IF THE SIGN IS LOCATED IN ANY OTHER AREA, THE SIGN SHALL HAVE A MAXIMUM AREA OF THIRTY-TWO (32) SQUARE FEET.
  - (5) THE SIGN SHALL CONTAIN THE NAME AND TELEPHONE NUMBER OF THE CANDIDATE AND/OR CAMPAIGN COMMITTEE CONTACT PERSON.
- B. IF THE TOWN DEEMS THAT THE PLACEMENT OF A POLITICAL SIGN CONSTITUTES AN EMERGENCY, IT MAY IMMEDIATELY RELOCATE THE SIGN. THE TOWN SHALL NOTIFY THE CANDIDATE OR CAMPAIGN COMMITTEE THAT PLACED THE SIGN WITHIN TWENTY-FOUR (24) HOURS AFTER THE RELOCATION. IF A SIGN IS PLACED IN VIOLATION OF SUBSECTION A AND THE PLACEMENT IS NOT DEEMED TO CONSTITUTE AN EMERGENCY, THE TOWN MAY NOTIFY THE CANDIDATE OR CAMPAIGN COMMITTEE THAT PLACED THE SIGN OF THE VIOLATION. IF THE SIGN REMAINS IN VIOLATION AT LEAST TWENTY-FOUR (24) HOURS AFTER THE TOWN NOTIFIED THE CANDIDATE OR CAMPAIGN COMMITTEE, THE TOWN MAY REMOVE THE SIGN. THE TOWN SHALL CONTACT THE CANDIDATE OR CAMPAIGN COMMITTEE CONTACT AND SHALL RETAIN THE SIGN FOR AT LEAST TEN (10) BUSINESS DAYS TO ALLOW THE CANDIDATE OR CAMPAIGN COMMITTEE TO RETRIEVE THE SIGN WITHOUT PENALTY.
- C. A TOWN EMPLOYEE ACTING WITHIN THE SCOPE OF HIS/HER EMPLOYMENT IS NOT LIABLE FOR AN INJURY CAUSED BY THE FAILURE TO REMOVE A SIGN PURSUANT TO SUBSECTION B UNLESS THE EMPLOYEE INTENDED TO CAUSE INJURY OR WAS GROSSLY NEGLIGENT.
- D. NO SIGN IS ALLOWED ON ANY STRUCTURE OWNED BY THE TOWN.

**E. SUBSECTION A DOES NOT APPLY TO RIGHT-OF-WAYS LOCATED WITHIN THE COMMERCIAL TOURISM AND COMMERCIAL RESORT SIGN FREE ZONES LISTED BELOW AND ESTABLISHED IN CAREFREE RESOLUTION 2011-01:**

**(1) ZONE 1:**

- (a) TOM DARLINGTON DRIVE FROM THE SOUTHERN TOWN LIMITS TO CAVE CREEK ROAD**
- (b) CAVE CREEK ROAD FROM THE WESTERN TOWN LIMITS TO THE EASTERN TOWN LIMITS**
- (c) CAVE CREEK ROAD FROM CAREFREE HIGHWAY TO THE NORTHERN TOWN LIMITS**
- (d) PIMA ROAD FROM STAGECOACH PASS TO CAVE CREEK ROAD**
- (e) STAGECOACH PASS FROM TOM DARLINGTON DRIVE TO MULE TRAIN ROAD**
- (f) MULE TRAIN ROAD FROM STAGECOACH PASS TO CAREFREE DRIVE**
- (g) CAREFREE DRIVE FROM EASY STREET TO MULE TRAIN ROAD**
- (h) TRANQUIL TRAIL FROM CAVE CREEK ROAD TO CAREFREE DRIVE**

**(2) ZONE 2: RIGHT-OF-WAYS WITHIN THE AREA BOUNDED BY AND INCLUDING TOM DARLINGTON DRIVE, CAVE CREEK ROAD, AND BLOODY BASIN ROAD.**

\* Ordinance 89-18

\*\* Modified by Ordinance 01-01

\*\*\* Repealed by Ordinance 2008-01, **Ordinance 2012-01**

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the amendments of this Ordinance 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 thereof.


Section 5. This Ordinance and stated amendments shall become effective and in full force and effect thirty (30) days from and after the date of its adoption.

Section 6. The Town Clerk of the Town of Carefree shall incorporate the Amendment set forth herein into the Town Code of the Town of Carefree, Arizona.

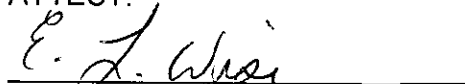
PASSED AND ADOPTED by the Common Council of the Town of Carefree, Arizona this 10 day of January, 2012.

Ayes 7 Noes 0 Abstentions 0 Absent 0

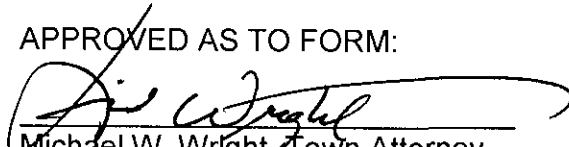
TOWN OF CAREFREE, an  
Arizona Municipal Corporation

  
David Schwan, Mayor

ATTEST:

  
Elizabeth L. Wise, Town Clerk

APPROVED AS TO FORM:

  
Michael W. Wright, Town Attorney