



AMENDED FEBRUARY 1, 2019 at 8:35 AM

MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING
NOTICE AND AGENDA

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, February 5, 2019, at or after 7:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
David Bowen, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
John Officer, Council Member
Roxanne Ziegler, Council Member

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Marana Town Council and to the general public that the Town Council will hold a meeting open to the public on February 5, 2019, at or after 7:00 PM located in the Council Chambers of the Marana Municipal Complex, 11555 W. Civic Center Drive, Marana, Arizona.

ACTION MAY BE TAKEN BY THE COUNCIL ON ANY ITEM LISTED ON THIS AGENDA. Revisions to the agenda can occur up to 24 hours prior to the meeting. Revised agenda items appear in *italics*.

As a courtesy to others, please turn off or put in silent mode all electronic devices.

Meeting Times

Welcome to this Marana Town Council meeting. Regular Council meetings are usually held the first and third Tuesday of each month at 7:00 PM at the Marana Municipal Complex, although the date or time may change and additional meetings may be called at other times and/or places. Contact the Town Clerk or watch for posted agendas for other meetings. This agenda may be revised up to 24 hours prior to the meeting. In such a case a new agenda will be posted in place of this agenda.

Speaking at Meetings

If you are interested in speaking to the Council during the Call to the Public or Public

Hearings, you must fill out a speaker card (located in the lobby outside the Council Chambers) and deliver it to the Town Clerk prior to the convening of the meeting.

All persons attending the Council meeting, whether speaking to the Council or not, are expected to observe the Council rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly will be removed from the meeting and will not be allowed to return.

Accessibility

To better serve the citizens of Marana and others attending our meetings, the Council Chambers are wheelchair and handicapped accessible. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Town Clerk at (520) 382-1999. Requests should be made as early as possible to arrange the accommodation.

Agendas

Copies of the agenda are available the day of the meeting in the lobby outside the Council Chambers or online at www.maranaaz.gov under Agendas and Minutes. For questions about the Council meetings, special services or procedures, please contact the Town Clerk, at (520) 382-1999, Monday through Friday from 8:00 AM to 5:00 PM.

This Notice and Agenda Posted no later than 24 hours prior to the meeting, at the Marana Municipal Complex, 11555 W. Civic Center Drive, the Marana Operations Center, 5100 W. Ina Road, and at www.maranaaz.gov under Agendas and Minutes.

REGULAR COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE

APPROVAL OF AGENDA

CALL TO THE PUBLIC

At this time any member of the public is allowed to address the Town Council on any issue within the jurisdiction of the Town Council, except for items scheduled for a Public Hearing at this meeting. The speaker may have up to three minutes to speak. Any persons wishing to address the Council must complete a speaker card located outside the Council Chambers and deliver it to the Town Clerk prior to the commencement of the meeting. Individuals addressing a meeting at the Call to the Public will not be provided with electronic technology capabilities beyond the existing voice amplification and recording capabilities in the facilities. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the Council may respond to criticism made by those who have addressed the Council, and may ask staff to review the matter, or may ask that the matter be placed on a future agenda.

PROCLAMATIONS

- P1 Proclaiming February 7 through February 14, 2019 as Congenital Heart Defect Awareness Week (Cherry L. Lawson)

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

PRESENTATIONS

- PR1 *Relating to Commerce; introduction of the newly appointed Marana Chamber of Commerce President, Audra Winters (Ed Stolmaker)*

CONSENT AGENDA

The Consent Agenda contains items requiring action by the Council which are generally routine items not requiring Council discussion. A single motion and affirmative vote will approve all items on the Consent Agenda, including any resolutions or ordinances. Prior to a motion to approve the Consent Agenda, any Council member may remove any item from the Consent Agenda and that item will be discussed and voted upon separately.

- C1 Relating to Procurement; approving a change order to the Marana Road Realignment project (ST044) construction contract with Pima Paving Inc. in the amount of \$67,241.54; authorizing the transfer of appropriations if necessary for the change order; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the change order (Keith Brann)
- C2 Relating to Procurement; approving a change order to the Construction Contract with Southern Arizona Paving for the Ina Road Pavement Reconstruction (ST058) project in the amount of \$103,931.46; authorizing the transfer of appropriations if necessary for the change order; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the change order (Keith Brann)
- C3 Resolution No. 2019-007: Relating to Personnel; approving and adopting amendments to the Town's Personnel Policies and Procedures, revising Chapter 1 – General Employment Rights and Responsibilities, Section 1-1-6 “Plan for Harassment Prevention and Elimination” (Jane Fairall)
- C4 Resolution No. 2019-008: Relating to Utilities; approving and authorizing the Mayor to sign the AZWARN Mutual Aid Agreement (AZWARN MAA) among members of the Arizona Water and Wastewater Agency Response Network (John Kmiec)
- C5 Ordinance No. 2019.005: Relating to Animal Control; amending Town Code Title 6 (Animal Control), Chapter 6-8 (Removal, Impoundment, Forfeiture and Disposition of Animals); revising section 6-8-6 (Hearing; Rules of Hearing; Remedies; Testimony of Defendant; Appeal; Costs) to reduce time for appeal; revising section 6-8-7 (Findings After Court Hearing) to eliminate tattooing as

an option the Town Magistrate can order; and designating an effective date (Libby Shelton)

- C6 Resolution No. 2019-009: Relating to Development; accepting Breakers Road for dedication and maintenance and Tangerine Road for dedication adjacent to the Marana Technology Campus site (Keith Brann)
- C7 Approval of the January 8, 2019 Study Session Meeting Minutes and Approval of the January 15, 2019 Regular Council Meeting Minutes (Hilary H. Hiser)

LIQUOR LICENSES

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

- A1 PUBLIC HEARING: Ordinance No. 2019.004: 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 (Brian D. Varney)

Resolution No. 2019-005: Relating to Development; declaring as a public record filed with the Town Clerk new Chapter 17-10 (Signs) of Title 17 (Land Development) of the Marana Town Code adopted by Marana Ordinance No. 2019.004 (Brian D. Varney)

ITEMS FOR DISCUSSION / POSSIBLE ACTION

- D1 Relating to Budget; discussion, direction and possible action regarding development of the fiscal year 2019-2020 budget, including proposed budget initiatives and expenditures (Jamsheed Mehta)
- D2 Relating to Legislation and Government Actions; discussion and possible action regarding all pending state, federal, and local legislation/ government actions and on recent and upcoming meetings of the other governmental bodies (Jamsheed Mehta)

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

- E1 Executive Session pursuant to A.R.S. §38-431.03 (A)(3), Council may ask for discussion or consultation for legal advice with the Town Attorney concerning any matter listed on this agenda.

- E2 Executive session pursuant to A.R.S. § 38-431.03(A)(7) to consider its position and instruct the Town's representatives regarding negotiations for the possible sale of Town-owned land to Northwest Fire District.

FUTURE AGENDA ITEMS

Notwithstanding the mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT



Council-Regular Meeting

P1

Meeting Date: 02/05/2019

Submitted For: Cherry L. Lawson, Town Clerk

From: Suzanne Sutherland, Executive Assistant to the Town Clerk

Date: February 5, 2019

Subject: Proclaiming February 7 through February 14, 2019 as Congenital Heart Defect Awareness Week (Cherry L. Lawson)

Attachments

Proclamation - Congenital Heart Defect Awareness Week February 7--14, 2019



PROCLAMATION

Congenital Heart Defect Awareness Week February 7 – 14, 2019

WHEREAS, thousands of children are born with birth defects every year, including approximately 40,000 children in the United States who begin life with one of more than thirty-five identified forms of congenital heart defects; and

WHEREAS, congenital heart defects are among Arizona's most common birth defects and they can be fatal due to their seriousness, insufficient effective medical intervention options and the limited availability of infant donor hearts; and

WHEREAS, the origins and symptoms of congenital heart defects are becoming more readily identifiable and the range of surgical options are expanding continuously thanks to doctors' and scientists' diligent research efforts and field experiences that extend our body of knowledge every day; and

WHEREAS, there is much to learn about the causes of and effective treatments for congenital heart defects and it is important for parents, pediatricians and nurses to recognize the warning signs associated with congenital heart defects among newborns so they may provide proper treatment as early as possible; and

WHEREAS, many Arizona families and communities are directly or indirectly affected by infant illness and death caused by congenital heart defects; and

WHEREAS, the Town of Marana applauds the efforts of doctors and scientists everywhere who work diligently to solve life's medical mysteries and to improve the quality of life for us all;

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Town of Marana recognize February 7 through February 14, 2019 as,

"Congenital Heart Defect Awareness Week"

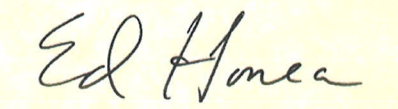
and urge our citizens to familiarize themselves with this issue.

Dated this 5th day of February, 2019.

ATTEST:


Cherry L. Lawson, Town Clerk




Ed Honea, Mayor



Council-Regular Meeting

C1

Meeting Date: 02/05/2019

To: Mayor and Council

Submitted For: Keith Brann, Town Engineer

From: Dan Grossman, CIP Process Analysis

Date: February 5, 2019

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Procurement; approving a change order to the Marana Road Realignment project (ST044) construction contract with Pima Paving Inc. in the amount of \$67,241.54; authorizing the transfer of appropriations if necessary for the change order; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the change order (Keith Brann)

Discussion:

Marana Town Code Section 3-4-7(B)(4) provides that Town Council approval is necessary for change orders that individually or cumulatively exceed \$50,000.

The budget for fiscal year 2018- 2019 was adopted on June 19, 2018. The Marana Road Realignment project (ST044) was properly included within the Town of Marana's FY2019 Capital Improvement Plan.

On 07/27/2017 Pima Paving Inc. received a Construction Contract from the Town in the amount of \$1,711,686.00 to construct the Marana Road Realignment (ST044).

The Town has processed 4 previous change orders to the Pima Paving Inc. Construction Contract in the amount of \$261,124.17, bringing the total current Construction Contract amount to \$1,972,810.17.

Additional work to the Marana Road Realignment project is being requested to cover the additional costs to reduce the height of the inner truck apron and the curb, add color to the truck apron, fill the traffic circle so that it is flush with the inner curb, and add additional landscape rock. These improvements are in lieu of the canceled traffic

circle landscaping project while not being in conflict with future upgrades.

The cost of these improvements is \$67,241.54. This additional change order will bring the construction contract to \$2,040,051.71.

Financial Impact:

Fiscal Year: 2019
Budgeted Y
Y/N:
Amount: \$67,241.54

This change order will be funded with Construction Sales Tax funding, GL Account # 33043000-8015-ST044.

Staff Recommendation:

Staff recommends approval of the change order.

Suggested Motion:

I move to approve a change order to the Marana Road Realignment (ST044) Construction Contract with Pima Paving Inc. in the amount of \$67,241.54; to authorize the transfer of appropriations if necessary for the change order; and to authorize the Town Manager or designee to execute the necessary documents to effectuate the change order.

Attachments

No file(s) attached.



Council-Regular Meeting

C2

Meeting Date: 02/05/2019

To: Mayor and Council

Submitted For: Keith Brann, Town Engineer

From: Dan Grossman, CIP Process Analysis

Date: February 5, 2019

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Procurement; approving a change order to the Construction Contract with Southern Arizona Paving for the Ina Road Pavement Reconstruction (ST058) project in the amount of \$103,931.46; authorizing the transfer of appropriations if necessary for the change order; and authorizing the Town Manager or designee to execute the necessary documents to effectuate the change order (Keith Brann)

Discussion:

Marana Town Code Section 3-4-7(B)(4) provides that Town Council approval is necessary for change orders that individually or cumulatively exceed \$50,000.

The budget for fiscal year 2018- 2019 was adopted on June 19, 2018. The Ina Rd Pavement Reconstruction (ST058) project was properly included within the Town of Marana's FY2019 Capital Improvement Plan.

On 08/29/2018 Southern Arizona Paving received a Construction Contract from the Town in the amount of \$2,118,264.04 to construct the Ina Rd Pavement Reconstruction (ST058) project.

This change order is requested to fund necessary load centers and surge protection equipment. The load centers provide circuit control and overcurrent protection and are a necessary safety feature that also extends system life and reduces maintenance expenses. Additional asphalt is required in order to complete construction. Additionally, an irrigation service line was not located at the expected location and therefore additional plumbing will be need to complete the irrigation system.

The cost of these improvements is \$103,931.46. This change order will bring the construction contract to \$2,222,195.5.

Financial Impact:

Fiscal Year: 2019

Budgeted Y

Y/N:

Amount: \$103,931.46

This change order will be funded with Construction Sales Tax Funding, GL Account # 33043000-8015-ST058.

Staff Recommendation:

Staff recommends approval of the change order.

Suggested Motion:

I move to approve a change order to the Ina Road Pavement Reconstruction (ST058) project Construction Contract with Southern Arizona Paving in the amount of \$103,931.46; to authorize the transfer of appropriations if necessary for the change order; and to authorize the Town Manager or designee to execute the necessary documents to effectuate the change order.

Attachments

No file(s) attached.



Council-Regular Meeting

C3

Meeting Date: 02/05/2019

To: Mayor and Council

From: Jane Fairall, Deputy Town Attorney

Date: February 5, 2019

Strategic Plan Focus Area:

Not Applicable

Subject: Resolution No. 2019-007: Relating to Personnel; approving and adopting amendments to the Town's Personnel Policies and Procedures, revising Chapter 1 – General Employment Rights and Responsibilities, Section 1-1-6 “Plan for Harassment Prevention and Elimination” (Jane Fairall)

Discussion:

This item proposes a general rewrite of Section 1-1-6 of the Town's Personnel Policies and Procedures related to the prevention and elimination of harassment in the Town of Marana workplace. Policy 1-1 of the policy manual sets forth the Town's Equal Opportunity Policy and Program and Anti-Harassment Policy. Section 1-1-6 focuses on education, implementation and enforcement of the policies.

While the majority of the rewrite is non-substantive, there are two substantive changes to the policy being proposed:

- At the request of Judge Sklar, staff has added a provision that specifies that acts of alleged judicial misconduct will be referred to the Arizona Commission on Judicial Conduct for investigation. Judge Sklar indicated that this language is mandated by the Arizona Administrative Office of the Courts.
- The current policy provides that complaints are to be investigated and resolved by the Town Manager and the appropriate Department Head(s). The revised policy states that the HR Director is primarily responsible for investigation and resolution of complaints, in conjunction with the Town Manager, the appropriate Department Head(s), and the Legal Department. As the HR Director is the subject matter expert in this area, staff felt that the policy should direct this responsibility to the HR Director.

Staff Recommendation:

Staff recommends approval of the Personnel Policy revisions.

Suggested Motion:

I move to adopt Resolution No. 2019-007, approving and adopting amendments to the Town's Personnel Policies and Procedures, revising Chapter 1 – General Employment Rights and Responsibilities, Section 1-1-6 “Plan for Harassment Prevention and Elimination”.

Attachments

Resolution No. 2019-007

Exhibit A - Revisions to Section 1-1-6

MARANA RESOLUTION NO. 2019-007

RELATING TO PERSONNEL; APPROVING AND ADOPTING AMENDMENTS TO THE TOWN'S PERSONNEL POLICIES AND PROCEDURES, REVISING CHAPTER 1 – GENERAL EMPLOYMENT RIGHTS AND RESPONSIBILITIES, SECTION 1-1-6 “PLAN FOR HARASSMENT PREVENTION AND ELIMINATION”

WHEREAS Chapter 3-3 of the Marana Town Code provides that the Town Council may adopt personnel policies, rules, and regulations that follow the generally accepted principles of good personnel administration and which may be modified or changed from time to time; and

WHEREAS the Town Council adopted Personnel Policies and Procedures via Town of Marana Ordinance 99.12 and Resolution 99-38 on May 18, 1999; and

WHEREAS the Council finds that adoption of the amendments to the Town's Personnel Policies and Procedures as set forth in this resolution is in the best interests of the Town and its employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, as follows:

SECTION 1. Section 1-1-6 of the Town's Personnel Policies and Procedures, entitled “Plan for Harassment Prevention and Elimination” is hereby amended as set forth in Exhibit A attached to this resolution, with deletions shown with ~~strikeouts~~ and additions shown with double underlining.

SECTION 2. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this resolution are hereby repealed, effective as of the effective date of this resolution.

SECTION 3. The Town's manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of the aforementioned amendments.

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

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank J. Cassidy, Town Attorney



CHAPTER 1

GENERAL EMPLOYMENT RIGHTS AND RESPONSIBILITIES

POLICY 1-1 EQUAL EMPLOYMENT OPPORTUNITY

The Town of Marana provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity or expression, or status as a veteran in accordance with applicable federal laws.

[No revisions to Sections 1-1-1 through 1-1-5]

Section 1-1-6 ~~Plan for~~ Harassment Prevention and Elimination

A. Education,

1. The Human Resources Director shall be responsible for formally notifying all employees, Department Heads, elected ~~or~~ and appointed officials, volunteers, and contractors and ~~vendors~~ regarding the Town's Equal Employment Opportunity Policy and Program and Anti-Harassment Policy of the existence of this policy.
2. The Human Resource Director shall provide periodic ~~periodically conduct~~ training regarding the Town's policies, appropriate workplace behaviors, and ~~on the topic of offensive behavior/harassment, and~~
3. ~~attendance~~ Attendance at the training will be mandatory for all employees. The training and will also be offered to elected ~~or~~ and appointed officials and others.

B. Implementation, The Town Manager, ~~and the~~ Department Heads, and supervisors shall:

1. ~~are responsible for creating~~ Create a productive work environment in which offensive conduct ~~or~~ and harassment is are not tolerated, completely out of place;
2. ~~taking~~ Take immediate and appropriate corrective action in response to any confirmed violation of the Town's Equal Employment Opportunity or Anti-Harassment Policies, this policy; and
3. ~~assuring~~ Ensure that no reprisals are taken against reporting ~~those who complain or against~~ corroborating witnesses.

C. Enforcement,

1. The Town is committed to thoroughly ~~investigate~~ investigating each complaint and ~~take~~ taking immediate and appropriate corrective action on all confirmed violations of this Town policy.
2. The Human Resources Director is responsible for ensuring a thorough investigation and appropriate resolution of any complaints, in conjunction with the Town



CHAPTER 1

GENERAL EMPLOYMENT RIGHTS AND RESPONSIBILITIES

- Manager or designee, the appropriate Department Head(s), and the Legal Department, as necessary.
3. The Human Resources Director is responsible for auditing the operation of the Town's Equal Employment Opportunity Policy and Program and Anti-Harassment Policy. ~~this policy, providing Town Manager, Town Manager's Delegatee, or the appropriate Department Head is responsible for thoroughly investigating and resolving any complaints.~~
 4. Any acts of alleged judicial misconduct shall be referred to the Arizona Commission on Judicial Conduct for investigation.

[No revisions to Sections 1-1-7 through 1-1-13]

[NO REVISIONS TO POLICY 1-2]



Council-Regular Meeting

C4

Meeting Date: 02/05/2019

To: Mayor and Council

Submitted For: John Kmiec, Water Director

From: Jane Fairall, Deputy Town Attorney

Date: February 5, 2019

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2019-008: Relating to Utilities; approving and authorizing the Mayor to sign the AZWARN Mutual Aid Agreement (AZWARN MAA) among members of the Arizona Water and Wastewater Agency Response Network (John Kmiec)

Discussion:

On July 1, 2008, the Town Council approved the Arizona Water and Wastewater Agency Response Network Mutual Aid Agreement (AZWARN MAA), becoming a part of a network of utility providers pledging to aid and assist each other in emergencies. The agreement provides procedures to notify members of a need for assistance and to request resources. The agreement also provides a mechanism for compensation for resources, and creates a steering committee to guide implementation of the agreement.

The AZWARN members have negotiated a new Mutual Aid Agreement which becomes effective March 30, 2019, superseding the existing MAA. The new agreement will allow new members, both public and private utilities, to join AZWARN. The agreement also clarifies and updates some language, while substantively remaining largely the same as the previous agreement.

Each member identifies an authorized designee that provides contact information for other members. Each authorized designee may request assistance from any AZWARN member in the event of an emergency. The authorized designee has discretion as to the availability of resources, a choice of providing assistance, and the right to withdraw assistance after a 24-hour notice. Assistance provided under this agreement will be consistent with the National Incident Management System (NIMS).

Reimbursement for assistance rendered will take place as follows: the Responding Member must provide an itemized invoice to the Requesting Member for all expenses it incurred as a result of providing assistance under the agreement. The Responding Member will submit the itemized invoice to the Requesting Member no later than 90 days following the end of the Period of Assistance. The Requesting Member will pay the full amount due no later than 45 days following the invoice date.

The MAA will not affect water rights nor create any transfer of water rights. The agreement is not meant to serve as a means of drought relief. Drought will not be considered an emergency under the terms of the MAA.

The agreement will continue in effect through June 30, 2030. A member may withdraw from the agreement upon providing 20 days' written notice.

Staff Recommendation:

Staff recommends approval of the AZWARN MAA.

Suggested Motion:

I move to adopt Resolution No. 2018-008, approving and authorizing the Mayor to sign the AZWARN Mutual Aid Agreement (AZWARN MAA) among members of the Arizona Water and Wastewater Agency Response Network.

Attachments

Resolution No. 2019-008

Exhibit A - AZWARN Agreement

Letter from AZWARN

MARANA RESOLUTION NO. 2019-008

RELATING TO UTILITIES; APPROVING AND AUTHORIZING THE MAYOR TO SIGN THE AZWARN MUTUAL AID AGREEMENT (AZWARN MAA) AMONG MEMBERS OF THE ARIZONA WATER AND WASTEWATER AGENCY RESPONSE NETWORK

WHEREAS on July 1, 2008, the Town Council adopted Marana Resolution No. 2008-87, approving and authorizing the Mayor to sign a Mutual Aid Agreement (MAA) among members of the Arizona Water and Wastewater Agency Response Network ("AZWARN"); and

WHEREAS the AZWARN Members desire to enter into a new agreement to further clarify the relationship among them and to provide a mechanism whereby additional entities, including private water and wastewater utilities, can join the AZWARN, pursuant to A.R.S. §26-301 *et seq.*; and

WHEREAS members of the AZWARN recognize the value of cooperative efforts in responding to water and wastewater utility emergencies and intend to cooperate to meet the need for mutual aid in emergencies; and

WHEREAS the parties to the MAA are authorized to enter into mutual aid agreements pursuant to A.R.S. §26-301 *et seq.*; and

WHEREAS the Town Council finds that it is in the best interests of the Town and its citizens to enter into this agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, AS FOLLOWS:

SECTION 1. The AZWARN Mutual Aid Agreement, attached as Exhibit A to and incorporated by this reference in this resolution is hereby approved, and the Mayor is hereby authorized to sign it for and on behalf of the Town of Marana.

SECTION 2. The Town's Manager and staff are hereby directed and authorized to undertake all other and further tasks required or beneficial to carry out the terms, obligations, and objectives of the mutual aid agreement.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN
OF MARANA, ARIZONA, this 5th day of February, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney

**AZWARN
MUTUAL AID AGREEMENT
(AZWARN MAA)
AMONG MEMBERS OF
THE ARIZONA WATER AND WASTEWATER
AGENCY RESPONSE NETWORK**

(Effective March 30, 2019 - Supersedes all prior versions and AZWARN Agreements)

This Agreement is made and entered into by and among Municipalities, Municipal Corporations, Counties, Districts, Public Agencies and Private Water and Wastewater Utilities that have executed this Agreement to better respond to water and wastewater emergencies.

RECITALS

WHEREAS, the Arizona Water and Wastewater Agency Response Network (“AZWARN”) was created by its member agencies on or about March, 2008; and

WHEREAS, the Members desire to enter into a new agreement to further clarify the relationship among them and to provide a mechanism whereby additional entities, including private water and wastewater utilities, can join the AZWARN, pursuant to A.R.S. §26-301 et seq.; and

WHEREAS, Members of the AZWARN recognize the value of cooperative efforts in responding to water and wastewater utility emergencies and intend to cooperate to meet the need for mutual aid in emergencies; and;

WHEREAS, the signatories to this Agreement recognize that it would be beneficial to have established a plan and procedures in case of emergencies; and

WHEREAS, the signatories to this Agreement are authorized to enter into mutual aid agreements pursuant to A.R.S. §26-301 et seq.; and

WHEREAS, one or more members to this Agreement may find it necessary to utilize all of their own resources to cope with an emergency and may require the assistance of another member or other members; and

WHEREAS, pursuant to A.R.S. §26-309, this Agreement is required to address the manner of financing such cooperative undertakings in advance of such emergency; and

NOW, THEREFORE, IT IS HEREBY AGREED by and between each and all of the Members hereto as follows:

AGREEMENT

Article 1. Purpose and Scope

1.1 Purpose: The Members recognize that emergencies may overwhelm the ability of a water and or wastewater utility to provide services to its customers. These emergencies may require assistance in the form of personnel, equipment, services, and supplies from outside the area of the impact of the emergency. Therefore, the Arizona Water and Wastewater Agency Response

Network (“AZWARN”) Member utilities hereby re-establish within the State of Arizona an Intrastate Program for Mutual Assistance (“Mutual Assistance Program”) and create a statewide Arizona Water and Wastewater Agency Response Network (“AZWARN”). Through the Mutual Assistance Program and AZWARN, the Members will coordinate response activities and may share resources during emergencies. This Agreement sets forth the procedures for the administration of this Mutual Assistance Agreement and AZWARN.

1.2 Scope: The scope of this Agreement is to (1) provide procedures to notify Members of the need for assistance; (2) provide procedures for Members to request assistance; (3) provide a mechanism for compensation for resources; and (4) continue AZWARN as redefined herein to implement this Agreement.

Article 2. Definitions

- 2.1 Agreement** means this Mutual Aid Agreement, among Members of AZWARN and amendments of the agreement as approved by its Members.
- 2.2 Associate:** Any non-utility participant, approved by the AZWARN Board, which provides a support role for the AZWARN program. These participants are nonvoting and are not a Party to this Agreement.
- 2.3 Authorized Designee** means an employee of a Member that is authorized by the Member’s governing body to request assistance, offer assistance, or declare emergencies under this Agreement.
- 2.4 Authorized Executive** means the Member official or officer with the authority to enter into contracts and agreements.
- 2.5 AZWARN (Arizona Water and Wastewater Agency Response Network)** means an organizational body of Member representatives. Each Member has one representative.
- 2.6 AZWARN Board** means the Chairperson and eight other Member representatives elected at large among AZWARN Member representatives.
- 2.7 AZWARN Chairperson** means the Member Representative elected by a majority vote of AZWARN. This person is responsible for chairing AZWARN meetings, giving notices as required by this Agreement and is authorized to execute actions approved by Resolutions of AZWARN.
- 2.8 Backfill** means the salary of replacement personnel who perform the regular duties of other personnel who are deployed under this mutual aid agreement.
- 2.9 Coordinator** means a person assigned by AZWARN to provide services as directed by AZWARN such as managing a website, special communication hub, or grant management.
- 2.10 Costs** mean the actual expenditures of funds by Responding Member, including backfill and indirect costs.
- 2.11 Emergency** means any event, natural or man-made, that is, or is likely to be, beyond the available services, personnel, equipment and facilities of an AZWARN Member.

- 2.12 Governing Body** means the authoritative body (e.g., city or town council, board of supervisors, district board, state agencies, or board of directors) elected, appointed, or hired to manage the affairs of the Member with appropriate authority to enter into this Agreement.
- 2.13 Indirect Costs** means 10% of the total expenditures of funds by the Responding Member.
- 2.15 Member** means a participating entity or agency in the AZWARN.
- 2.16 National Incident Management System (NIMS)** means the national, standardized approach to incident management and response that sets uniform processes and procedures for emergency response operations.
- 2.17 Period of Assistance** means a specified period of time when a Responding Member assists a Requesting Member. It begins with the Requesting Members' notice of acceptance of aid and ends when either the Responding Member or Requesting Member terminates the aid pursuant to notice provisions of this Agreement.
- 2.18 Requesting Member** means a Member who requests assistance in accordance with the terms and conditions of this Agreement.
- 2.19 Responding Member** means a Member that responds to a request for assistance in accordance with the terms and conditions of this Agreement.

Article 3. Implementation

3.1 This Agreement will be implemented through AZWARN. Each Member to the Agreement will select a Member representative who will each have one vote. The Member representatives will elect a Chairperson and eight (8) Board Members. The existing Board and Chairperson under the original AZWARN agreement shall act as the Board and Chairperson under this Agreement until such time as the Members meet and elect a new Board and Chairperson. Provided, no person shall serve as a Board Member or Chairperson unless the Agency or Entity which he or she represents has adopted this Agreement. The Chairperson and each AZWARN Board Member will have one vote for Board business. At any time that membership in AZWARN does not exceed twenty (20) Members, a representative from each of the existing Members of AZWARN will serve as the Board instead.

3.2 AZWARN Member representatives will meet annually to elect a Chairperson, Board and Officers, review this Agreement as well as facilitate, plan and coordinate emergency planning, response activities, and training exercises under this agreement.

3.3 The AZWARN Board, will adopt resolutions, policies, procedures, operational plans and by-laws. Any existing resolutions, policies, procedures, operational plans, or by-laws from the original AZWARN shall be automatically adopted for this Agreement until changed or modified as provided herein.

3.4 Whenever the Governor declares a State emergency or disaster, or if a request for assistance is made to DEMA under this Agreement, notwithstanding the language herein, the Deputy Director of the Arizona Department of Emergency and Military Affairs (DEMA) may at his or her discretion assume complete command and control over the response to the event in issue, as well as complete control over the training, coordinating, and planning in preparation for the same, to the extent

allowed and authorized in A.R.S. §§26-301-308. Said authority supersedes any grant of authority or decision making as set forth in this Agreement.

Article 4. Funding

4.1 The AZWARN Board will be responsible for developing and adopting an annual budget and establishing funding sources.

4.2 The AZWARN Board may authorize a Member or Associate to accept grants, gifts and other sources of funds on behalf of the interests of AZWARN. Implementation of this Agreement may be funded by voluntary annual contributions necessary to meet costs of administration and sustaining this Agreement.

Article 5. Procedures for Requesting Assistance

5.1 Member Responsibility. Each Member will identify an Authorized Designee or the Authorized Designee's delegate to provide contact information, including 24 hour contact, and maintain relatively current resource information made available by the utility for mutual assistance response.

5.2 Requests for Assistance. In the event of an Emergency, a Member's Authorized Designee may request mutual assistance from any other Participating Member(s). The request for assistance may also be transmitted to the AZWARN Coordinator. Requests for assistance may be made orally or in writing. When made orally, the request for assistance shall be followed by a written request as soon as practicable but no more than (10) working days after the oral request was made. Specific protocols for requesting assistance will be provided in the AZWARN Operational Plan approved by the AZWARN Board.

5.3 Response to a Request for Assistance. After a Member receives a request for assistance, the Authorized Designee evaluates whether resources are available to respond to the request for assistance. Following the evaluation, the Authorized Designee will notify, as soon as possible, the Requesting Member whether it has the resources to respond. If the Member is willing and able to provide assistance, the Member will: (1) notify the Requesting Member about the type of available resources; (2) notify the Requesting Member of the approximate arrival time of such assistance; (3) inform the Requesting Member of any special requirements needed to utilize the resources; and (4) inform the Requesting Member if there are any variations from the reimbursement provisions of this Agreement. Acceptance of this offer of assistance by the Requesting Member commences the Period of Assistance.

5.3.1 Any Period of Assistance commencing prior to the effective date of this Agreement but continuing until after the effective date of this Agreement shall be considered to be subject to the terms of this Agreement for the entire period unless either the Requesting Member or the Member receiving assistance has not adopted this Agreement in which case the agreement in place between the Members at the time of commencement of the Period of Assistance shall be controlling. Whenever the Governor declares a State emergency or disaster, or if a request for assistance is made to DEMA under this Agreement, all requests for assistance to DEMA and associated procedures/plans must conform to A.R.S. § 26-301 *et. seq.*

5.4 Discretion of Responding Member. Execution of this Agreement does not create any duty to provide assistance. When a Member receives a request for assistance, the Authorized Designee will have absolute discretion as to the availability of resources and choice of providing

assistance. An Authorized Designee's decisions on the availability of resources will be final and not subject to legal challenge.

5.5 Right to Withdraw. The Responding Member's Authorized Designee retains the right to withdraw some or all of its resources upon 24 hours' notice. Notice of intention to withdraw must be communicated to the Requesting Member's Authorized Designee. In the event any unsafe conditions pose a threat to personnel or equipment, the Responding Member may withdraw any or all of its resources upon notice.

Article 6. Responding Member Personnel

6.1 National Incident Management System. Assistance provided under this Agreement will be consistent with the National Incident Management System (NIMS).

6.2 Control. Personnel sent by a Responding Member will remain under the direct supervision and control of the Responding Member. The Requesting Member's Authorized Designee will coordinate response activities with the designated supervisor(s) of the Responding Member(s). Under no circumstances shall an employee of a Responding Member be considered an employee of a Requesting Member.

6.3 Food and Shelter. The Requesting Member will supply reasonable food and shelter for Responding Member personnel. If the Requesting Member fails to provide food and shelter to Responding personnel, the Responding Member's designated supervisor is authorized to purchase the resources necessary to meet the needs of its personnel. The cost for such resources must not exceed the per diem rates established by the State of Arizona. The Requesting Member remains responsible for reimbursing Responding Member for all costs associated with providing food and shelter, if such resources are not provided by the Requesting Member.

6.4 Communication. The Requesting Member will provide or make arrangements for appropriate communication equipment for Responding Member personnel.

6.5 Status. Unless otherwise provided by law, the Responding Member's officers and employees retain the same privileges, immunities, rights, duties, and benefits as provided in their respective jurisdictions.

Article 7. Reimbursement

7.1 Unless otherwise mutually agreed in whole or in part, the Requesting Member will reimburse the Responding Member for costs as outlined in 7.2 through 7.4 that Responding Member incurred while providing aid during the specified Period of Assistance.

7.2 Personnel. Requesting Member will pay Responding Member for work completed by Responding Member personnel during a specified Period of Assistance according to the terms provided in their employment contracts or other conditions of employment. The supervisor(s) designated by the Responding Member must keep accurate records of work performed by personnel during the specified Period of Assistance. Reimbursement must include all personnel costs, including salaries or hourly wages (including overtime and backfill), costs of fringe benefits, and indirect costs when reimbursing Responding Member.

7.3 Equipment. The Requesting Member will reimburse the Responding Member for the use of equipment during a specified Period of Assistance. Requesting Member will use equipment

rates based on the Federal Emergency Management Agency's (FEMA) Schedule of Equipment Rates. In the event of the use of equipment not included in the schedule of equipment rates, the Responding Member must provide such rates in writing to the Requesting Member prior to supplying resources. The Requesting Member and Responding Member must mutually agree, in writing, on rates prior to Responding Member's dispatch of equipment.

7.4 Materials and Supplies. The Requesting Member must reimburse the Responding Member in kind or at actual replacement cost, plus handling charges, for use of expendable or non-returnable supplies. The Responding Member will not charge direct fees or rental charges to the Requesting Member for other supplies and reusable items that are returned to the Responding Member in a clean, damage-free condition. The Responding Member and Requesting Member will treat reusable supplies that are returned to the Responding Member with damage as expendable supplies for purposes of cost reimbursement.

7.5 Reimbursement Procedures. The Responding Member must provide an itemized invoice to the Requesting Member for all expenses it incurred as a result of providing assistance under this Agreement. The Responding Member will submit the itemized invoice to the Requesting Member no later than ninety (90) days following the end of the Period of Assistance. The Requesting Member will pay the full amount due no later than forty-five (45) days following the invoice date. Any amount that Responding Member leaves unpaid after 45 days will accrue interest at the statutory annual interest rate of 10% pursuant to A.R.S. § 44-1201.

7.6 Personnel Compensation and Insurance. The Requesting Member and the Responding Member will be responsible for all compensation and insurance coverage of their respective employees and equipment, if any, involved with mutual aid and consistent with A.R.S. § 26-314.B.

Article 8. Water Rights

8.1 This Agreement will not affect water rights nor create any transfer of water rights. Members do not intend for this Agreement to serve as a means of drought relief. Drought will not be considered an emergency under the terms of this Agreement.

Article 9. Protected Information, Statewide Critical Infrastructure and Disclosure

9.1 To the extent permitted by the Statewide Critical Infrastructure Information System Disclosure Law, A.R.S. § 41-1803 et seq., the Arizona Public Records Law, A.R.S. § 39-101 et seq., and other applicable laws, all Members will maintain the strictest confidence and will take all reasonable steps necessary to prevent the disclosure of any protected information disclosed under this Agreement. It is the responsibility of the owner of the protected information to mark, label, or otherwise identify what is protected information. If any Member, or other entity requests or demands, by subpoena or otherwise, that a Member disclose any protected information disclosed under this Agreement, the Member will immediately notify the owner of the protected information giving the owner the opportunity to take necessary steps to protect the information. The Member will take all reasonable steps necessary to prevent the disclosure of this information by asserting all applicable rights and privileges with respect to such information and will cooperate fully in any judicial or administrative proceeding relating thereto.

Article 10. Dispute Resolution

10.1 If any controversy or claim arises out of or relating to the Agreement, including but not limited to an alleged breach of the Agreement, Members are encouraged to first resolve the dispute amongst themselves through informal dispute resolution and then non-binding mediation if necessary. Members may agree on other escalating forms of dispute resolution. This provision does not waive any right of any party to file the claim in the appropriate court having Jurisdiction.

Article 11. Indemnification

11.1 Each Member (as “Indemnitor”) agrees to indemnify, defend and hold harmless the other Member (as “Indemnitee”) from and against any and all claims, losses, liability, costs or expenses (including reasonable attorney’s fees) (hereinafter collectively referred to as “claims”) arising out of bodily injury of any person (including death) or property damage (hereinafter collectively referred to as “claims”), but only to the extent that such claims both which (a) result in vicarious or derivative liability to the Indemnitee, and (b) are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees or volunteers. This indemnification shall survive termination of this Agreement or the termination of the participation of any of its Members. Except as otherwise provided in this paragraph 11.1, each Member will bear the risk of its own actions, as it does with its operations.

Article 12. Worker’s Compensation Claims

12.1 Each Member is responsible for providing Workers’ Compensation benefits and administering Workers’ Compensation for its own personnel as it would in the normal course of business. Each Member will be responsible for any injuries which may occur to their own personnel during the course of rendering mutual assistance pursuant to this Agreement. A.R.S. §23-1022 shall apply where applicable.

Article 13. Notice of Claim or Suit

13.1 A Member who becomes aware of a claim or suit that in any way, directly or indirectly, contingently or otherwise, affects or might affect other Members of this Agreement will provide prompt and timely notice to the Members who may be affected by the suit or claim. Each Member reserves the right to participate in the defense of such claims or suits as necessary to protect its own interests.

Article 14. Insurance

14.1 Each Member will determine for itself what kinds of insurance, (including self-insurance), and in what amounts, it should carry. Nothing herein will act or be construed as a waiver of any sovereign immunity or other exemption or limitation on liability that a Member may enjoy.

Article 15. Effective Date

15.1 Effective Date. This Agreement will become effective for each Member upon the effective date set forth above or after approval by its Governing Body or Authorized Executive, whichever comes later.

15.2 Term. Except as otherwise provided in this Agreement, this Agreement will terminate June 30, 2030 unless extended. Upon termination any involved property shall revert to the original owner unless conveyed to another participant pursuant to the terms of this Agreement.

Article 16. Withdrawal

16.1 Any Member may terminate its participation in this Agreement through written instrument of its Governing Body or Authorized Executive which gives notice of termination of participation in this Agreement and providing a copy to the AZWARN Chairperson. This Agreement is terminated as to such Member twenty (20) days after the date received by the AZWARN Chair. The termination by one or more of the Members of its participation in this Agreement will not affect the operation of this Agreement as between the other Members thereto.

Article 17. Non-Appropriation

17.1 Notwithstanding any other provision in this Agreement, any Member may withdraw from this Agreement if for any reason the Member's Governing Body does not appropriate sufficient monies for the purposes of this Agreement. In such event, a withdrawing Member will have no further obligation to the other Members other than for payment for services rendered prior to withdrawal.

Article 18. Prohibition of Third Parties and Assignment of Rights and Duties

18.1 This Agreement is for the sole benefit of the Members and no person or entity may have any rights under this Agreement as a third-Member beneficiary. Assignments of benefits and delegations of duties created by this Agreement are prohibited.

18.2 Nothing in the provisions of this Agreement is intended to create duties or obligations to or rights in third parties who are not Members or affect the legal liability of any Member by imposing any standard of care different from the standard of care imposed by law.

Article 19. Other Mutual Aid and Assistance Agreements

19.1 Nothing in this Agreement will limit any Member's ability to continue with, or enter into, other mutual aid or assistance agreements.

Article 20. Americans with Disabilities Act

20.1 Each Member will comply with applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36.

Article 21. Non-Discrimination

21.1 No Member will discriminate against any employee, client, or any other individual in any way because of that person's age, race, creed, color, religion, sex, disability or national origin in the course of carrying out Member duties pursuant to this Agreement. Each Member will comply with the provisions of Executive Order 2009-9, which is incorporated into this Agreement by reference, as if set forth in full herein.

Article 22. Compliance with Laws

22.1 Each Member will comply with all federal, state and local laws, rules regulations, standard and Executive Orders, without limitation to those designated within this Agreement. The laws and regulations of the State of Arizona will govern the rights of the Members, the performance of the Agreement and any disputes hereunder. Any changes in the governing laws, rules and regulations during the terms of this Agreement will apply but do not require an amendment of this Agreement. Unless preempted by applicable law, any Member entering this Agreement hereby certifies that it is not currently engaged in, and agrees for the duration of the contract to not engage in, a boycott of Israel as set forth in A.R.S. § 35-393.01; however, the District Court of Arizona recently enjoined A.R.S. § 35-393.01 and until such time as the Court's injunction is stayed or otherwise lifted, the Anti-Israel Boycott Provision is unenforceable and no signatory to this Agreement will take action to enforce it.

Article 23. Entire Agreement

23.1 This document constitutes the entire agreement among the Members pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This Agreement will not be modified, amended, altered or extended except through a written amendment approved by the Members' Governing Bodies, or Authorized Executives.

Article 24. Jurisdiction

24.1 Nothing in this Agreement will be construed as otherwise limiting or extending the legal jurisdiction of any Member. Nothing in this Agreement is intended to confer any rights or remedies to any person or entity that is not a Member under this Agreement.

Article 25. Conflict of Interest

25.1 This Agreement is subject to cancellation for conflict of interest pursuant to A.R.S. § 38-511, the pertinent provisions of which are incorporated herein by reference.

Article 26. Severability

26.1 If any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions will continue to be valid and enforceable to the fullest extent permitted by law.

Article 27. Responsibility of the State of Arizona

27.1 Nothing within this Agreement limits or restricts the duties and obligations of the State of Arizona to respond to the Emergency of any Member.

**MUTUAL AID AGREEMENT AMONG MEMBERS OF THE ARIZONA WATER
AND WASTEWATER AGENCY RESPONSE NETWORK
Town Signature Page**

Town of _____

IN WITNESS WHEREOF, the Members hereto each sign this Mutual Aid Agreement, among members of the Arizona Water and Wastewater Agency Response Network, on a separate signature page. The signor warrants that he or she has been duly authorized to commit the jurisdiction in the Agreement by formal approval of the jurisdiction's Governing Body.

Mayor, Town of _____ Date: _____

ATTEST: _____ Date: _____
Town Clerk

Date of formal approval Governing Body: _____

The attorney for the above entitled has determined that the foregoing Agreement is in proper form and is within the powers and authority of the entity as granted under the laws of the State.

Town Attorney Date: _____

Town of _____



January 3, 2019

AZWARN Members and Future Members:

The Arizona Water / Wastewater Agency Response Network (AZWARN) has approved a new Mutual Aid Agreement. The new agreement supersedes the existing Intergovernmental Agreement and allows water / wastewater utilities, both public and private, to participate in AZWARN. The new mutual aid agreement becomes effective for each member on March 30, 2019 or upon approval by its governing body, whichever comes later.

All current AZWARN members are encouraged to have their governing bodies execute the new agreement before March 30, 2019 to prevent any gaps in mutual aid. New members are also encouraged sign the new agreement.

The [AZWARN Mutual Aid Agreement](#) Final 12-18-2018 is available at www.azwarn.org. Follow the Mutual Aid Agreement link to download the document.

Membership Steps:

1. Obtain a copy of the AZWARN Mutual Aid Agreement from either the AZWARN Chair or the AZWARN website.

AZWARN Chair
Steve Shepard
6265 N. La Canada Drive
Tucson, AZ 85704
info@azwarn.org

AZWARN website
www.azwarn.org

2. Have your governing body execute the agreement in multiple originals.
3. Send one original signed agreement to the AZWARN Chair. Recommend an electronic copy also be sent to info@azwarn.org as a backup.
4. Complete a Member Contact form and send it electronically to info@azwarn.org The member contact form can be obtained on the same paths as the agreement.

If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Steve Shepard
AZWARN Chair



Council-Regular Meeting

C5

Meeting Date: 02/05/2019

To: Mayor and Council

From: Libby Shelton, Senior Assistant Town Attorney

Date: February 5, 2019

Strategic Plan Focus Area:

Not Applicable

Subject: Ordinance No. 2019.005: Relating to Animal Control; amending Town Code Title 6 (Animal Control), Chapter 6-8 (Removal, Impoundment, Forfeiture and Disposition of Animals); revising section 6-8-6 (Hearing; Rules of Hearing; Remedies; Testimony of Defendant; Appeal; Costs) to reduce time for appeal; revising section 6-8-7 (Findings After Court Hearing) to eliminate tattooing as an option the Town Magistrate can order; and designating an effective date (Libby Shelton)

Discussion:

The proposed ordinance will make two minor revisions to Title 6 of the Town Code regarding Animal Control, if adopted.

Town enforcement agents are authorized to impound animals that are in distress or animals that well-being is threatened by neglect or cruelty or animals that are vicious and destructive. The Town can then request a hearing with the Town Magistrate to determine if the animal should be returned to the owner or forfeited to the town enforcement agent. If the owner wants to appeal the decision to the superior court, the owner files an appeal and posts a bond in the amount of 60 days of impoundment costs. Currently, Marana Town Code 6-8-6(I) allows the owner 30 days to appeal the Town Magistrate's decision. The revision to Section 6-8-6 of the Code would reduce the time for appeal to 10 days.

At the hearing regarding impounded animals, if the animal is found to be vicious and destructive, the Court has a variety of options of orders to put in place to protect the community. The revision to section 6-8-7 of the Code would eliminate tattooing of the animals as an option for the Court to order.

Staff Recommendation:

Staff recommends approval of this ordinance.

Suggested Motion:

I move to adopt Ordinance No. 2019.005, amending Town Code Title 6 (Animal Control); revising section 6-8-6 (Hearing; Rules of Hearing; Remedies; Testimony of Defendant; Appeal; Costs) to reduce time for appeal; revising section 6-8-7 (Findings After Court Hearing) to eliminate tattooing as an option the Town Magistrate can order; and designating an effective date.

Attachments

Ordinance No. 2019.005

MARANA ORDINANCE NO. 2019.005

RELATING TO ANIMAL CONTROL; AMENDING TOWN CODE TITLE 6 (ANIMAL CONTROL), CHAPTER 6-8 (REMOVAL, IMPOUNDMENT, FORFEITURE AND DISPOSITION OF ANIMALS); REVISING SECTION 6-8-6 (HEARING; RULES OF HEARING; REMEDIES; TESTIMONY OF DEFENDANT; APPEAL; COSTS) TO REDUCE TIME FOR APPEAL; REVISING SECTION 6-8-7 (FINDINGS AFTER COURT HEARING) TO ELIMINATE TATTOOING AS AN OPTION THE TOWN MAGISTRATE CAN ORDER.

WHEREAS the Town Council is authorized by A.R.S. §§ 9-240, 9-499.04, 9-500.32, 11-1018, 11-1029, 13-2910, and 13-4281 to adopt animal control regulations; and

WHEREAS on May 2, 2017, the Town Council adopted Ordinance No. 2017.011, approving a comprehensive rewrite of the Title 6 (Animal Control) of the Town Code; and

WHEREAS the Town Council finds that the amendments to the animal control regulations established by this ordinance are necessary for the public health, safety and general welfare of the Town of Marana.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 6 (Animal Control) is hereby amended to revise section 6-8-6 (Hearing; rules of hearing; remedies; testimony of defendant; appeal; costs) as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

6-8-6 Hearing; rules of hearing; remedies; testimony of defendant; appeal; costs

[Paragraphs A-H remain unchanged]

- I. Appeal of the decision of the town magistrate shall be by way of special action to the superior court on the record of the hearing. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than 310 days after the town magistrate's decision. The owner must post a bond equivalent to 60 days of impoundment costs in order to perfect the appeal. Notice of the amount due shall be given to the owner by the town magistrate at the time of the hearing if forfeiture is ordered.

[Paragraph J remains unchanged]

SECTION 2. Marana Town Code Title 6 (Animal Control) is hereby amended to revise section 6-8-7 (Findings of court after hearing) as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

6-8-7 Findings of court after hearing

[Paragraphs A and B remain unchanged]

C. In addition to any other penalty or order, if the town magistrate finds that the animal is vicious or destructive, or is a danger to the safety of any person or other animal, the court shall order one or more of the following:

[Subparagraphs 1-4 remain unchanged]

5. That the animal's owner pay the reasonable cost to the town enforcement agent to ~~tattoo~~ microchip the animal with an identification number. The town enforcement agent shall maintain a registry of the numbers and the owners of the animals.

[Subparagraphs 6-7 remain unchanged]

8. That the animal be banished from the town limits, after first being spayed or neutered, and microchipped ~~and tattooed~~ by a licensed veterinarian at the owner's expense.

[Subparagraphs 9-10 remain unchanged]

[Paragraph D remains unchanged]

SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. This ordinance shall become effective on the thirty-first day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA,
ARIZONA, this 5th day of February, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank Cassidy, Town Attorney



Council-Regular Meeting

C6

Meeting Date: 02/05/2019

To: Mayor and Council

Submitted For: Keith Brann, Town Engineer

From: Glenn Phillips, Civil Engineering Specialist

Date: February 5, 2019

Strategic Plan Focus Area:
Not Applicable

Subject: Resolution No. 2019-009: Relating to Development; accepting Breakers Road for dedication and maintenance and Tangerine Road for dedication adjacent to the Marana Technology Campus site (Keith Brann)

Discussion:

As part of the development of the Marana Technology Campus, located at Tangerine and Breakers Roads, Marana Technology Campus LLC was required to reconstruct Breakers Road to public standards and dedicate the necessary rights of way to make Breakers Road a public road.

Marana Technology Campus LLC is also required to dedicate right of way along their Tangerine Road frontage for the future expansion of Tangerine Road.

Improvements to Breakers Road have been completed to the satisfaction of Town staff. This resolution will accept the public right of way dedications for Breakers Road and Tangerine Road and accept Breakers Road into the Town's street inventory for maintenance.

Staff Recommendation:

Staff recommends adoption of Resolution No. 2019-009, accepting Breakers Road for dedication and maintenance and Tangerine Road for dedication adjacent to the Marana Technology Campus site.

Suggested Motion:

I move to adopt Resolution No. 2019-009, accepting Breakers Road for dedication and maintenance and Tangerine Road for dedication adjacent to the Marana Technology Campus site.

Attachments

Resolution No. 2019-009

Exhibit A-1 8041-8037 Tangerine Rd

Exhibit A-1 8061 Tangerine

Exhibit B-1 8041 Tangerine

MARANA RESOLUTION NO. 2019-009

RELATING TO DEVELOPMENT; ACCEPTING BREAKERS ROAD FOR DEDICATION AND MAINTENANCE AND TANGERINE ROAD FOR DEDICATION ADJACENT TO THE MARANA TECHNOLOGY CAMPUS SITE

WHEREAS L & J Flynn Investments Limited Partnership, L.L.P. has tendered for dedication and transfer to the Town of Marana and has completed public improvements acceptable to Town standards in accordance with the Private Improvement Agreement for Breakers Road, the south portion, consisting of 328.24 linear feet as shown on Exhibit A-1 Public Right of Way 8061 W. Tangerine Road; and

WHEREAS Marana Technology Campus L.L.C. has tendered for dedication and transfer to the Town of Marana and has completed public improvements acceptable to Town standards in accordance with the Private Improvement Agreement for Breakers Road, the north portion, consisting of 934.95 linear feet as shown on Exhibit A-1 Public Right of Way 8041 & 8037 W. Tangerine Road; and

WHEREAS Marana Technology Campus L.L.C. has tendered for dedication and transfer to the Town of Marana 970.01 linear feet of Tangerine Road as shown on Exhibit B-1 Public Right of Way 8041 & 8037 W. Tangerine Road; and

WHEREAS the Mayor and Council of the Town of Marana find that this resolution is in the best interests of the Town of Marana and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Marana, accepting the 1263.19 linear feet of Breakers Road more specifically described above for dedication and maintenance, including maintenance of regulatory traffic control and street signs, and accepting the 970.01 linear feet of Tangerine Road more specifically described above for dedication.

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

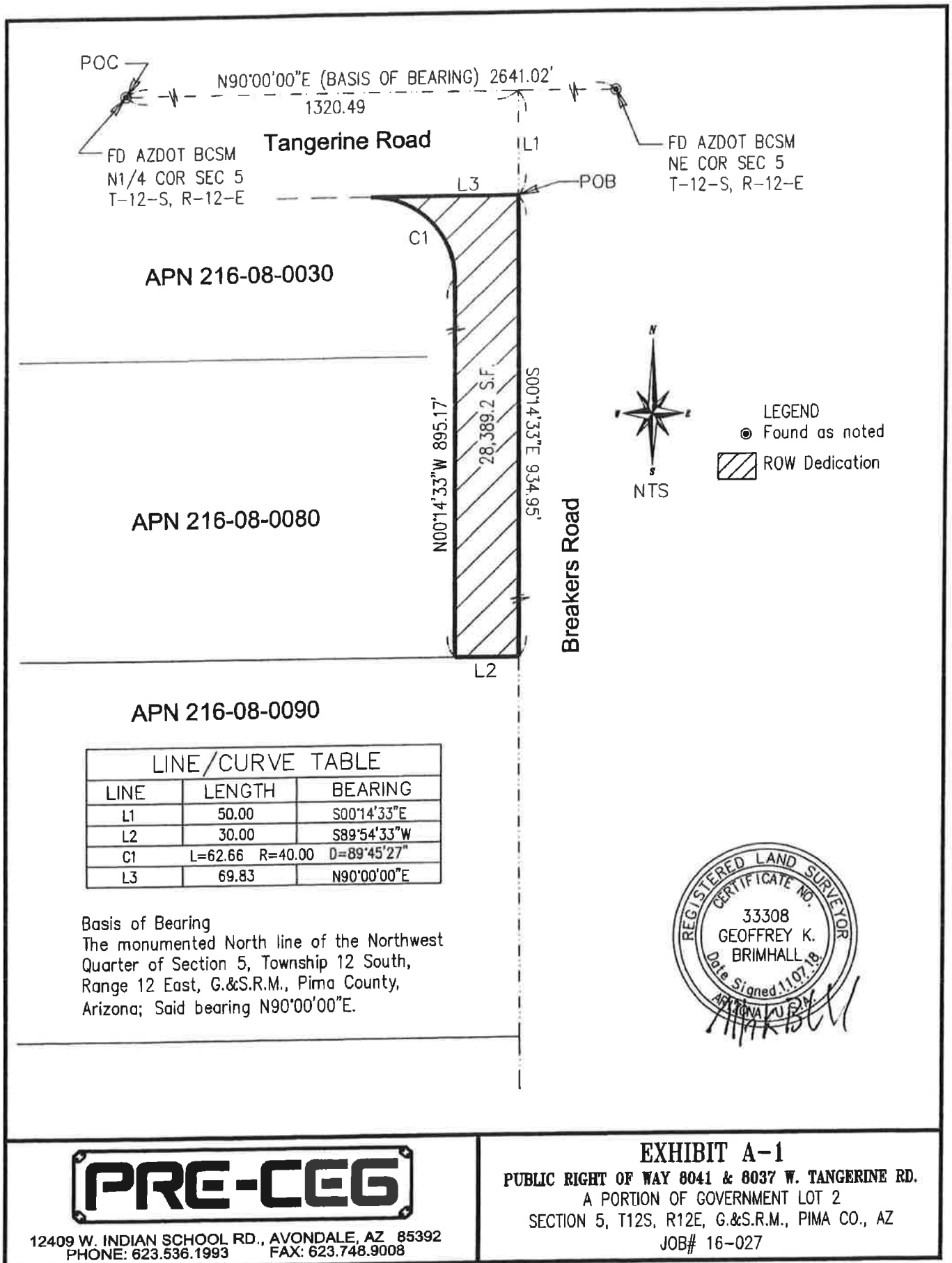
Mayor Ed Honea

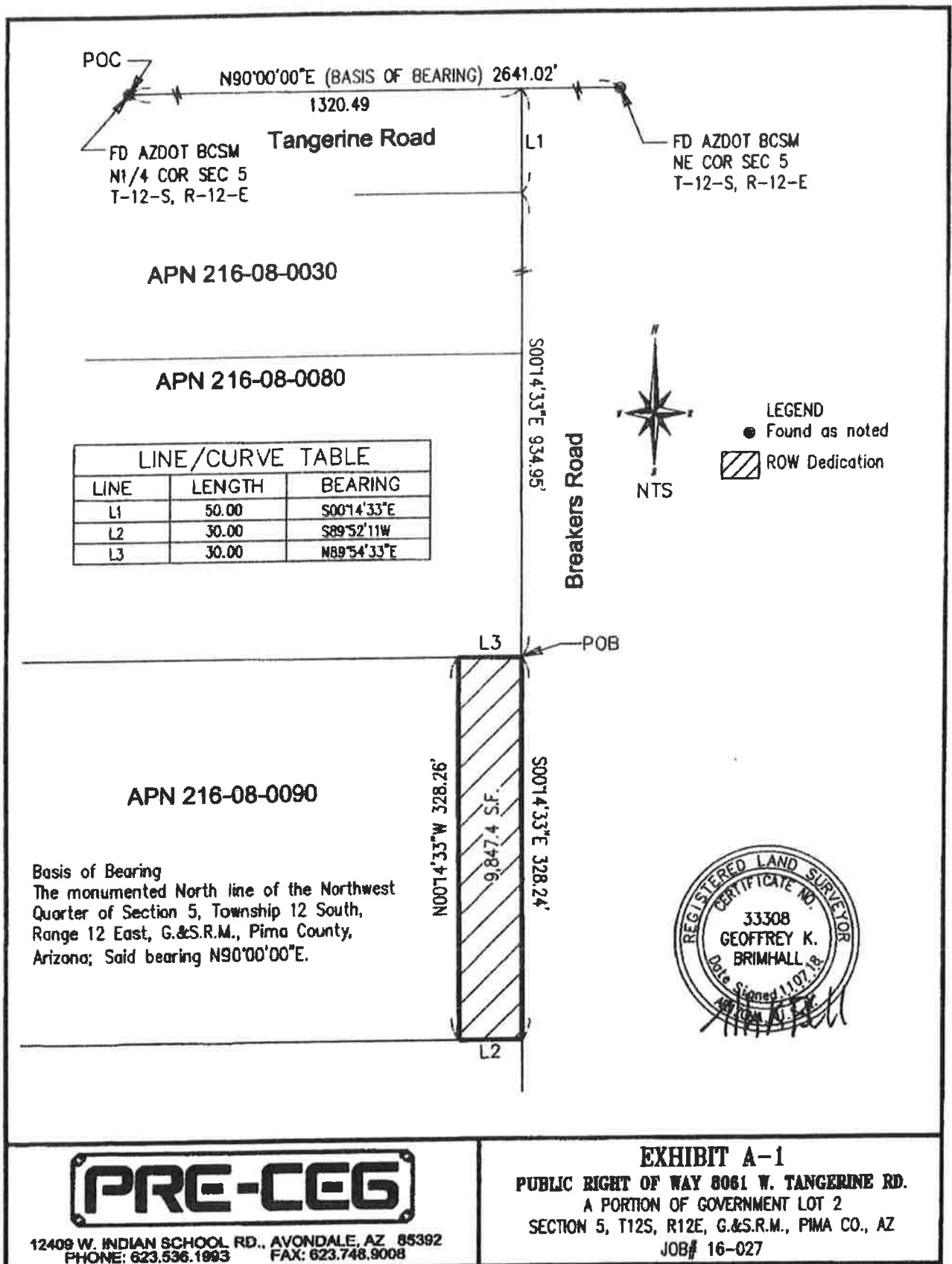
ATTEST:

APPROVED AS TO FORM:

Cherry L Lawson, Town Clerk

Frank Cassidy, Town Attorney





Tangerine Road

FD AZDOT BCSM
N1/4 COR SEC 5
T-12-S, R-12-E

FD AZDOT BCSM
NE COR SEC 5
T-12-S, R-12-E

N90°00'00"E (BASIS OF BEARING) 2641.02'

320.48'

POC

N90°00'00"E 930.18'

POB

72,410.7 S.F.

S90°00'00"W 970.01'

DKT 10674
PG 1186

APN 216-08-0030

Breakers Road

LEGEND
Found as noted
Add. R.O.W.



LINE/CURVE TABLE		
LINE	LENGTH	BEARING
L1	50.00	S00°14'33"E
C1	L=62.66 R=40.00	D=89°45'27"
L2	35.17	S00°14'33"E
L3	75.00	N00°14'33"W

Basis of Bearing

The monumented North line of the Northwest Quarter of Section 5, Township 12 South, Range 12 East, G.&S.R.M., Pima County, Arizona; Said bearing N90°00'00"E.



SHEET 1	OF 1	EXHIBIT B-1 PUBLIC RIGHT OF WAY 8041 W TANGERINE ROAD
DWG NO.: 16027TANG	A PORTION OF GOVERNMENT LOT 2 SECTION 5, T-12-S, R-12-E G.&S.R.M., PIMA COUNTY, AZ.	
PRE PHYSICAL RESOURCE ENGINEERING, INC. P.O. BOX 36925 4655 N. FLOWING WELLS TUCSON, AZ 85705 PHONE (520) 690-1669 FAX (520) 690-1769		



Council-Regular Meeting

C7

Meeting Date: 02/05/2019

To: Mayor and Council

From: Hilary H. Hiser, Deputy Town Clerk

Date: February 5, 2019

Subject: Approval of the January 8, 2019 Study Session Meeting Minutes and Approval of the January 15, 2019 Regular Council Meeting Minutes (Hilary H. Hiser)

Attachments

Draft Regular Council Meeting Minutes 01/15/2019

Draft Study Session Meeting Minutes 01/08/2019



MARANA TOWN COUNCIL
REGULAR COUNCIL MEETING

11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers January 15, 2019, at or after 7:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
David Bowen, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
John Officer, Council Member
Roxanne Ziegler, Council Member

MINUTES

CALL TO ORDER AND ROLL CALL: Mayor Honea called the meeting to order at 7:00 p.m. Deputy Town Clerk Hilary H. Hiser called the roll. All council members were present constituting a quorum.

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE: Led by Mayor Honea.

APPROVAL OF AGENDA: Mayor Honea removed item **C2 from the Consent agenda for a brief discussion and standalone vote. He also stated the Consent Agenda would require a roll call vote due to the emergency clause in item C3. The Mayor asked for a motion to approve the agenda.

Council Member Ziegler motioned to approve, with a second provided by Council Member Kai. The motioned passed unanimously, 7-0.

CALL TO THE PUBLIC:

David Morales addressed the Council regarding the Barnett Linear Channel. He stated the channel still requires removal of weeds. He addressed Council Member Officer asking him to take the lead on weed abatement of the channel. Mr. Morales thanked the Council for building solar panels at the municipal center.

PROCLAMATIONS

P1 Proclamation recognizing January 2019 as General Aviation Appreciation Month (Hilary H. Hiser)

MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS:

Council Member Comerford stated she and several council members attended the State of the State address. She was happy to report the State of Arizona will finish the fiscal year with a \$1 billion surplus. Council Member Comerford complimented Vice Mayor Post on his holiday farm event at Post Farms. She noted it is a nice event for families.

Council Member Ziegler reported the Metropolitan Pima Alliance event at Top Golf went well and showcased the facility nicely. Council Member Ziegler asked **Town Manager Jamsheed Mehta** if she could provide direction regarding the budget. He responded that future agendas would have a specific agenda item related to budget that would allow council members to provide direction to staff on budget items.

Mayor Honea also noted that the Top Golf facility is doing well and encourages people to come visit Marana. The Mayor reported he attended a meeting with several local mayors in Green Valley to discuss issues of concerns with Senator Martha McSally. He noted Senator McSally was very receptive to address the concerns of local jurisdictions, such as water quality.

MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Town Manager Jamsheed Mehta reminded the Council that staff continues to work on the General Plan Update--Make Marana 2040, and the next round of public participation workshops would be January 23 and January 24. He also noted that Marana Parks and Recreation is partnering with United Way to host an income-tax preparation assistance program at the Marana Community Center every Thursday and Saturday starting January 31 through April 13. Mr. Mehta announced the third Council Connections meeting for Saturday, February 9. He concluded his remarks by welcoming Cherry Lawson, the new Town Clerk and Isaac Abbs the new Technology Services Director.

PRESENTATIONS

P1 Relating to Economic Development; presentation regarding economic impact of film industry in Marana. Presented by Laura Cortelyou, Tourism and Marketing Manager.

Ms. Cortelyou reviewed the history of filming in Marana from the 1930s to the present. She explained that the Marana Film Office was launched in 2017 to assist movie producers with the permit process, location scouting, and accommodations. The Marana Film Office also works to market Marana as a filming location for commercials, low budget television shows, and small independent movies.

Ms. Cortelyou noted that film makers do not need to coordinate with the office to film in the area. But the office does work to make sustainable partnerships within the film

industry to help track filming events. She explained that the economic impact of the film industry in the Tucson region is \$9.4 million in direct spending. That figure translates into 3,653 hotel room bookings and 6,000 job days that require hiring local professionals.

The Marana Film Office joined the Association of Film Commissioners International, allowing the Town to market Marana as a desirable film location. Additionally, **Ms. Cortelyou** stated that a local talent agency is considering office space in Marana so it can qualify for Screen Actors Guild certification which would allow the agency to cast local talent for big feature films produced in Southern Arizona. The Marana Film Office partners with the Marana Chamber of Commerce to provide resources for prospective film companies.

Ms. Cortelyou reported that Modern Studios opened in Marana on January 16, 2019. It is the largest production studio in Arizona and has all the modern facilities needed for production and post production film work. Ms. Cortelyou concluded her presentation by showing the Council a short promotional film used for marketing Marana to the film industry.

No Council action taken.

CONSENT AGENDA: *Council Member Bowen motioned to approve item C1, C3, and C4. Vice Mayor Post provided a second.* Mayor Honea called for a roll call vote.

Council Member Bowen – Yes

Council Member Comerford – Yes

Council Member Kai – Yes

Council Member Officer – Yes

Council Member Ziegler – Yes

Vice Mayor Post- Yes

Mayor Honea – Yes

The motion passed unanimously, 7-0.

C1 Resolution No. 2019-001: Relating to Personnel; approving and adopting an amendment to the Town's Personnel Policies and Procedures, revising Chapter 3 - Classification and Compensation, Section 3-4-2 "Pay Checks" (Curry Hale)

***C2 Relating to Procurement; approving a purchase in the amount of \$2,389,612 for design and construction services for Airline/Lambert Water Treatment Campus and Picture Rocks Water Treatment Campus (Scott Schladweiler). Item pulled from the Consent Agenda during the approval of the agenda for discussion and action.*

Water Director John Kmiec stated this agreement is the first major step towards construction of the water treatment plants to address the contaminated water wells in the community. He explained that this first contract is for design services and construction engineering services throughout the duration of the project. Mr. Kmiec

stated the Town is building something unique by constructing two treatment facilities at the contamination sites. He said the contract would immediately allow the department to forge ahead with a design. The costs stated in this contract include the preliminary design for the two advanced treatment systems.

Council Member Comerford explained she wanted the item pulled from the consent agenda. She asked Mr. Kmiec how many types of treatment plants are operating in the United States like the one Marana is building. **Mr. Kmiec** responded that he was not sure of the exact number, but would estimate about ten nationally address the type of water contamination in Marana.

Council Member Ziegler asked that staff closely monitor all costs related to construction of the treatment facilities for possible reimbursement from the product liability lawsuit. **Mr. Kmiec** confirmed that the construction contract has an itemized accounting clause to track all expenses for possible future reimbursement.

Council Member Comerford motioned to approve the purchase in the amount of \$2,389,612 for design and construction services, with a second provided by Council Member Kai. The motion passed unanimously, 7-0.

C3 Resolution No. 2019-002: A resolution of the Mayor and Common Council of the Town of Marana, Arizona, approving the form and authorizing the execution and delivery of a loan agreement with the Water Infrastructure Finance Authority of Arizona from its Clean Water Revolving Fund program; delegating the determination of certain matters relating thereto to the Manager and the Finance Director of the town; providing for the transfer of certain moneys and making certain covenants and agreements with respect thereto; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by such loan agreement and this resolution and declaring an emergency (John Kmiec)

C4 Approval of Regular Council Meeting Minutes from December 18, 2018 and approval of Special Council Meeting - Council Connections Meeting Minutes from January 9, 2019 (Hilary H. Hiser)

LIQUOR LICENSES

L1 Relating to Liquor Licenses; recommendation to the Arizona Department of Liquor Licenses and Control regarding a Location/Owner Transfer Series #7 Beer and Wine Bar liquor license application submitted by Kevin Arnold Kramber on behalf of Hampton Inn & Suites, located at 6300 W. Marana Center Boulevard, Tucson, Arizona 85742. Presented by Hilary H. Hiser, Deputy Town Clerk. **Ms. Hiser stated staff found no issues with the application and recommended approval.**

Council Member Kai motioned to approve, with a second provided by Council Member Bowen. The motion passed unanimously, 7-0.

BOARDS, COMMISSIONS AND COMMITTEES

COUNCIL ACTION

A1 Ordinance No. 2019.001: Relating to Business Regulations; revising Marana Town Code Title 9 (Business Regulations) by adding a new Chapter 9-12 (Commercial Filming and Photography Permits); and designating an effective date.

Resolution No. 2019-003: Relating to Business Regulations; declaring as a public record filed with the Town Clerk the revisions to the Marana Town Code adopted by Marana Ordinance No. 2019.001; revising Marana Town Code Title 9 (Business Regulations) by adding a new Chapter 9-12 (Commercial Filming and Photography Permits). Presented by Jane Fairall, Deputy Town Attorney.

Ms. Fairall stated this item would help the Marana Film Office facilitate a permit process for entities using town owned facilities for commercial filming purposes. She stated the addition of the new language would require application and issuance of a permit before filming begins. There is no associated fee with this permit, but it would help the Marana Film Office track filming in the community and assist film producers with location siting and crew referrals.

Ms. Fairall stated the permit would also help protect Town owned assets. This permit is strictly limited to commercial filming and photography on Town owned property and excludes news gathering and educational purposes. Ms. Fairall explained the Marana Film Office would process the permit and work with other Town departments during the review and approval process. Also, the Marana Film Office is responsible for notifying surrounding residents if necessary.

Ms. Fairall said there is a review/appeal process for the denial of a permit. The new town code chapter also requires all permit applicants to provide proof of insurance and to indemnify the Town. She concluded her remarks noting that any violations of the permit are a civil infraction only.

Council Member Bowen motioned to approve, with a second provided by Vice Mayor Post. The motion passed unanimously, 7-0.

A2 Ordinance No. 2019.002: Relating to Marana Regional Airport; amending Marana Town Code Title 15 (Marana Regional Airport), Chapter 15-2 (General Use of Airport); revising section 15-2-20 (Commercial photography or filming); and designating an effective date. Presented by Jane Fairall, Deputy Town Attorney.

Ms. Fairall stated this is a minor revision to the Airport code regarding filming and photography which adds language directing interested parties to seek a permit from the Marana Film Office before filming starts. She explained that the Airport Director would still be involved in determining what filming activities could occur on site.

Vice Mayor Post motioned to approve, with a second provided by Council Member Bowen. The motioned passed unanimously, 7-0.

A3 Ordinance No. 2019.003: Relating to Finance; amending the Town of Marana comprehensive fee schedule to add fees for Park Facility Rentals for Commercial

Filming and Photography and to modify existing Temporary Business License fee; and designating an effective date Presented by Jane Fairall, Deputy Town Attorney.

Ms. Fairall explained this item would add a bundle fee for filming in park facilities. She noted this rental fee includes a temporary business license and the commercial permit required by the Parks department. The bundle is \$300 for a full day and \$150 for a half day, saving applicants \$100.

The ordinance would remove language related to temporary business licenses, which currently exclude vendors who do not fit into the category of peddler, but who want to sell items within the Town for 10 days or less, i.e. during festivals and special events.

Council Member Kai motioned to approve, with a second provided by Council Member Bowen. The motion passed unanimously, 7-0.

A4 Resolution No. 2019-004: Relating to Traffic and Highways; authorizing the use of Town of Marana public right-of-way for trailblazing signs as part of the Arizona Department of Transportation's Urban Logo Sign Program Presented by Frank Cassidy, Town Attorney.

Mr. Cassidy stated the on December 20, 2018 staff met with representatives from the Arizona Department of Transportation (ADOT) to discuss their Urban Logo Sign Program. ADOT requires a local jurisdiction to participate in the trailblazer sign program, which locates a small regulatory directional sign at turning points within a jurisdiction's right-of-way to direct drivers to businesses off the interstate. Mr. Cassidy stated participation in this program would allow the new Hampton Inn & Suites to participate in the ADOT Urban Logo Sign program. Because the Hampton Inn & Suites is not directly located on Twin Peaks Boulevard, but off of Marana Center Drive, would require a trailblazer sign.

Council Member Bowen asked which entity is responsible for paying for the signs. **Mr. Cassidy** responded that the business pays a fee to ADOT for inclusion on the main sign off the interstate and then ADOT pays for the sign.

Council Member Bowen motioned to approve, with a second provided by Vice Mayor Post. The motion passed unanimously, 7-0.

A5 PUBLIC HEARING: Ordinance No. 2019.004: 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.

Resolution No. 2019-005: Relating to Development; declaring as a public record filed with the Town Clerk new Chapter 17-10 (Signs) of Title 17 (Land Development) of the Marana Town Code adopted by Marana Ordinance No. 2019.004. Presented by Brian D. Varney, Senior Planner.

Mr. Varney explained that staff revised and revamped the Sign Code from top to bottom over the past eight months. He highlighted several key revisions in the code.

Mr. Varney noted that the code was brought into compliance with the 2015 United States Supreme Court decision, *Reed v. Town of Gilbert*, and ensures the sign code is content neutral. The new code also replaces outdated standards and simplified, thus making it more user friendly without sacrificing effectiveness and enforceability.

Mr. Varney stated staff created clear and concise standards that are fair and reasonable for the business community, while also preserving the community's appearance. Staff created a planned sign program that requires both staff review and Planning Commission review. He noted that the revised code also includes new standards to encourage the use of enhanced design elements for freestanding signs and defines sign-premises for commercial and industrial center occupants. Finally, the new code creates a residential subdivision sign program to accommodate temporary on-site and off-site signs for homebuilders.

Mr. Varney took a moment to further explain staff's efforts to increase architectural design elements by discussing exceptional sign design. The code provides incentives to applicants to build more aesthetically pleasing signs; the Town will provide a 25 percent height increase and 25 percent increase in area.

Mr. Varney stated the new definition of sign premises would allow business to use the entirety of the commercial center for advertising. Mr. Varney said this change helps address advertising limitations for the local retail community regarding visibility. Other notable changes focus on the use and placement of portable directional signs, portable signs, and quill signs.

Transitioning to the revisions of the residential subdivision sign program, **Mr. Varney** pointed out that the code regulates on-site signs and off-site signs for new subdivisions with a sales office and homes for sale. It also allows for off-site signs on private property with the owner's authorization within a reasonable distance of the subdivision. It does state that multiple builders in the same master-planned community must share signs and a builder with multiple subdivisions in the same area would combine projects on one sign. Mr. Varney explained that the Town's regulatory wayfinding directional sign program would be updated to include builder signs in a single monument style sign structure within the Town's right-of-way with the builder logo and directional arrows. The program operates similarly to the ADOT wayfinding sign program. He presented council with conceptual drawings of the proposed wayfinding signs.

Mr. Varney reviewed the planning process for revising the sign code, which included study sessions with the Planning Commission and the Town Council, work sessions, and two public hearings in front of the Planning Commission in October 2018 and November 2018. Mr. Varney noted that the Planning Commission recommended for approval of the draft sign regulations with the condition that staff continue to work with SAHBA regarding the off-site directional signage for the residential subdivision sign program.

Staff did continue discussions with SAHBA. **Mr. Varney** stated that the Planning, Engineering, and Legal departments re-evaluated the options for residential

subdivisions. The group concluded that an excessive amount of signage within the public right-of-way was detrimental to the Town's objective of maintaining clean and attractive roadways. Also, the group concluded that enhancing the existing regulatory wayfinding directional signage program provides homebuilders with an alternative sign that still met their needs.

Mr. Varney concluded his presentation by reviewing the efforts of staff to connect with community stakeholders ensuring they were able to provide feedback and recommendations regarding proposed revisions.

Council Member Comerford voiced concerns regarding the proposed code and thought the residential portion of the sign code was incomplete because it did not appear to address the needs of the homebuilders. She did not like the idea of limiting directional signs for new subdivisions.

Mr. Cassidy responded that the proposed change is only limiting the number of signs for a builder at directional turning points. He stated the change reduces temporary directional signs at multiple turning points and replaces it with a single fixed wayfinding sign in the Town's right-of-way with directions to each builder's subdivision along the route attached to the sign.

Council Member Comerford asked what comments staff received from the building community. She stressed that the section addressing residential building signs was incomplete. Council Member Comerford stated the residential building community plays an important role in economic development for the Town and that staff needed to find a way to address the issues identified by the builders.

Mr. Cassidy stated that staff is trying to conform to the decision in *Reed* and keep the code neutral, but also provide standard language regulating signs within the Town's right-of-way. He explained that if the Town limits the number of signs in the right-of-way it will help reduce the visual clutter and improve traffic safety. By diverting the subdivision builders to the Town's regulatory wayfinding program, drivers would be able to follow directions to new subdivisions with easily visible and uniform directional signs maintained by the Town. Mr. Cassidy noted that the proposed residential subdivision sign program is the solution created in response to feedback from SAHBA.

Council Member Comerford asked how a commercial sign could be placed in the right-of-way. **Mr. Cassidy** explained a commercial development would need a license agreement to place a permanent sign in the right-of-way. He noted that temporary real estate signs, which are removed at night, are the only other type of commercial sign allowed in the right-of-way.

Council Member Ziegler asked for clarification regarding the number of subdivision directional signs. **Mr. Cassidy** responded that the builders wanted their own individual sign in the right-of-way. However, staff proposed the regulatory wayfinding sign instead, which provides the builder a fixed sign with directional arrows and allows for the use of their logo. Mr. Cassidy stated that at every turning location there would be a regulatory wayfinding sign for the subdivisions similar to the ADOT program used on

the interstate. Council Member Ziegler expressed her support of the regulatory wayfinding program for residential subdivisions.

Mayor Honea stated that he spoke with a representative from the Metropolitan Pima Alliance and that organization is in favor of the code changes.

Public Hearing Speaker Cards:

Shawn Cote, Southern Arizona Home Builders Association, stated his organization mostly supports the draft except for a few proposed changes. He stated SAHBA would prefer to have directional signs available in the same capacity as other sign users and SAHBA's interpretation of *Reed* indicates the proposed sign code for homebuilders does not conform to the decision. Mr. Cote also stated that the sign code is on its way to being an effective document, but the code text lacks direction and application regarding the wayfinding program. He asked that homebuilders be treated just like any other directional sign user and that the code clarify the details of the wayfinding program. He asked Council to direct staff to continue to work with SAHBA on the residential sign program section of the code.

Council Member Bowen asked if SAHBA had any issues with the proposed wayfinding sign as it was graphically presented to Council. **Mr. Cote** stated that they did not vet that program because it is not directly defined in the code and no detail is given. Council Member Bowen pressed Mr. Cote for what other details he needed to see in the code.

Mr. Cassidy responded that in 2010 the Town Council adopted the regulatory wayfinding program by resolution and has been using fixed signs in the right-of-way for informational purposes since that time. He further explained that the Town is simply expanding the program and redesigning the sign structure to include directional graphics at each major change in travel direction for subdivision developments.

Council Member Bowen confessed to Mr. Cote as to being confused about what SAHBA finds problematic with the proposed code changes. **Mr. Cote** stated their concern is that certain sign users are allowed to use off-site directional signs, which is not consistent with *Reed* because all sign users are supposed to be treated the same. Also, he noted that the wayfinding program is not defined in the code, but should be included before adoption of the revised code.

Council Member Ziegler stated she does not want to clutter the Town's right-of-way and the wayfinding directional sign addresses that issue. She asked how long staff has been working on the code changes. **Mr. Cassidy** responded that staff has been working on the residential subdivision portion of the code since October 2018. He again emphasized that the wayfinding program is a regulatory program and would not be included in the sign code. Mr. Cassidy stated the sign code is how the Town regulates private signage and the code mentions the wayfinding program as the only way to direct someone to a subdivision.

Council Member Comerford asked how the wayfinding program is determined if it is not in the sign code. **Mr. Cassidy** responded that the wayfinding program is a

regulatory program adopted by resolution and does not specifically define a sign design, but allows the Town Engineer to determine a standard design. Council Member Comerford stated there are still some questions regarding the proposed code, but it needs more clarification. She wants staff and SAHBA to continue to work to clarify the code.

Council Member Officer observed that the sign code requires better enforcement to ensure conformity of the code by all users. He did express support of the wayfinding sign program proposed.

Council Member Comerford motioned to continue Ordinance No. 2019.004 to the next regularly scheduled council meeting, thus allowing staff an opportunity to address the concerns of stakeholders in the building community. Council Member Bowen provided the second. The motion passed 6-1, with Mayor Honea voting no.

ITEMS FOR DISCUSSION / POSSIBLE ACTION:

D1 Resolution No. 2019-006: Relating to Administration; approving and authorizing the Mayor to execute an Employment Agreement between the Town of Marana and Town Manager Jamsheed Mehta. Presented by Jane Fairall, Deputy Town Attorney.

Ms. Fairall stated that the Council would need to clarify a start date for the new contract, a salary amount, and the length of term of the contract.

Council Member Bowen motioned to move to executive session to discuss item E2, with a second provided by Council Member Kai. The motion passed unanimously, 7-0.

The Council left the dais at 8:46 p.m.

The Council returned to the dais at 10:04 p.m.

Vice Mayor Post stated the Town Council has been fortunate to have Mr. Mehta serve as the Town Manager over the past year. The Council has finished its review of Mr. Mehta and is pleased to renew Mr. Mehta's contract.

Mr. Mehta thanked the Council.

Vice Mayor Post motioned to approve Resolution No. 2019-006 renewing Town Manager Jamsheed Mehta's contract for an additional two years starting on February 6, 2019 with a salary of \$200,000.00, and an annual review by the Town Council. Council Member Bowen provided the second. The motion passed unanimously, 7-0.

D2 Relating to Legislation and Government Actions; discussion and possible action regarding all pending state, federal, and local legislation/government actions and on recent and upcoming meetings of the other governmental bodies (Jamsheed Mehta)

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A)(3), Council may ask for discussion or consultation for legal advice with the Town Attorney concerning any matter listed on this agenda.

E2 Executive Session pursuant to A.R.S. §38-431.03 (A)(1) to discuss the employment of Town Manager Jamsheed Mehta, including discussion of the terms of the Town Manager's Employment Agreement.

FUTURE AGENDA ITEMS

Notwithstanding the mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT: *Mayor Honea motioned to adjourn at 10:07 p.m., with a second provided by Vice Mayor Post. The motion passed unanimously, 7-0.*

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes of the Marana Town Council meeting held on January 15, 2019. I further certify that a quorum was present.

Hilary H. Hiser, Deputy Town Clerk



**MARANA TOWN COUNCIL
STUDY SESSION**

**11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, January 8, 2019, at or after 6:00 PM**

Ed Honea, Mayor
Jon Post, Vice Mayor
David Bowen, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
John Officer, Council Member
Roxanne Ziegler, Council Member

MINUTES

CALL TO ORDER AND ROLL CALL: Mayor Honea called the meeting to order at 6:00 p.m. **Interim Town Clerk Hilary H. Hiser** called the roll. All council members were present constituting a quorum.

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE: Led by Mayor Honea.

APPROVAL OF AGENDA: *Vice Mayor Post motioned to approve, with a second provided Council Member Bowen. The motion passed unanimously, 7-0.*

DISCUSSION/DIRECTION/POSSIBLE ACTION

A1 Relating to Building; presentation, discussion and direction regarding the proposed adoption of the 2018 International Building and Fire Code. Presented by David Spurlock, Chief Building Official.

Mr. Spurlock explained staff has been working for the past year to update the building code. He clarified that the Town is seeking to re-adopt 10 building code books, for the upcoming year. Mr. Spurlock noted that included in this new adoption list will be the International Existing Building Code (IEBC) and the International Swimming Pool and Spa Code (ISPSC).

Mr. Spurlock stated the International Code Council is a non-profit organization dedicated to developing a single set of comprehensive and coordinated national model construction codes to create uniformity across the country. These “I-Codes” provide a minimum standard for construction that is a comprehensive guide for builders, thus ensuring people are safe in their homes, places of work, and school. Mr. Spurlock stated the Town re-adopts these codes, in part or in whole, as new versions become available.

As staff started the review and adoption process for these codes, **Mr. Spurlock** emphasized efforts to reach out to stakeholders in the building community, and other regulatory agencies, including the fire districts for input on the adoption process. He explained that the review process started in June 2018 with a three month public proposal period. Staff held a series of open houses discussing each proposed code book adoption.

Council Member Comerford interjected, asking Mr. Spurlock if staff included local business owners in the stakeholder input process. **Mr. Spurlock** responded staff made presentations to the chamber of commerce, but did not send specific invitations to individual businesses.

Mr. Spurlock stated the Town adopted updated building codes in 2012. Usually, government entities adopt on a three-year cycle; however, the region as a whole did not adopt the 2015 amendments. For the adoption of the 2018 codes, the Town and other jurisdictions in the region are adopting the 2018 codes with local amendments to meet the specific needs of the communities those codes operate in. Mr. Spurlock explained that the Town has historically adopted Pima County’s codes as is. However, this year jurisdictions are moving to adopt the codes with local jurisdictions amendments.

Mr. Spurlock explained the 2018 IEBC is a more user friendly code and allows for incremental code compliance for tenant improvement, which will give business owners more flexibility. Also, the new code adoption will continue to allow for regional consistency because other jurisdictions are also adopting the same codes but including local amendments specific to those communities.

Mr. Spurlock also stated staff is proposing to adopt the 2018 International Swimming Pool and Spa Code. The swimming pool code is new and would replace the Town’s current code adopted from Pima County. He noted that all the surrounding jurisdictions are also planning to adopt the new pool code.

Transitioning to the 2018 International Fire Code, **Mr. Spurlock** stated the Town has historically adopted the fire code as amended by Northwest Fire District. However, he pointed out that within the town limits there are multiple fire districts with their own adopted fire codes. Mr. Spurlock said the department is looking to coordinate with all the fire districts, but would adopt its own fire code to cover all the non-incorporated fire district areas within the Town’s jurisdiction.

Mr. Spurlock concluded his presentation by summarizing staff’s rational for adopting these particular codes. First, the 2018 code set helps the Town keep current with

building construction technology. Also, the new codes provide clarity and allows for flexibility when needed. Finally, Mr. Spurlock emphasized the need to maintain regional consistency to reflect the changes within the industry.

Vice Mayor Post asked how the 2018 versions provide flexibility. **Mr. Spurlock** responded the revised building code now incorporates incremental changes to a building depending on the level of impact of improvement. Vice Mayor Post asked if Pima County was also adopting the 2018 code with amendments. Mr. Spurlock stated that all the neighboring jurisdictions are adopting the 2018 code, including Pima County. He explained that Marana would be adopting it with some minor local only amendments included.

Vice Mayor Post transitioned to the adoption of the fire code. He asked for clarification regarding how many fire codes will be operating within the Town's jurisdiction. **Mr. Spurlock** stated there are five different fire codes governing the Town because there are five different fire districts operating within the Town.

Vice Mayor Post expressed frustration regarding the use of multiple fire codes and multiple jurisdictions enforcing multiple codes. He asked if there was a method to have just one fire code. **Chief Brad Bradley** of Northwest Fire District (NWFD) responded that fire districts fall under the governance of the state fire marshal. He explained the district could adopt a more stringent fire code than the state but not a less stringent fire code.

Chief Bradley stated NWFD has taken great effort to ensure open communications and consistency across all the fire districts and their respective fire marshals. **Vice Mayor Post** asked why the district's adoption is so different from other fire districts. Chief Bradley stated that NWFD would adopt a fire code modeled after the Town of Marana's fire code adoption. To address discrepancies between enforcement and code interpretation among the fire inspectors, Chief Bradley emphasized that interpretation would be line by line and the letter of the code would be functionally identical to what Marana adopts. He noted that the district's adoption would have a new official grievance process regarding interpretation of the fire code.

Vice Mayor Post asked for NWFD to include a Marana building official on the review of the grievance by a citizen within the town's boundaries. **Chief Bradley** affirmed that the plan is to create a team approach when processing a grievance submitted from community members.

Council Member Bowen asked Mr. Spurlock to clarify the adoption of the building code as an independent document or a model code. **Mr. Spurlock** explained that the building codes are complete codes to be adopted in full by the Council with certain local only amendments drafted by Marana staff to specifically address the needs of the community and the Town's business operations.

Council Member Bowen asked how Pima County's code interacts with the Town's code. **Mr. Spurlock** stated the Town's enforces the codes it adopts. Council Member

Bowen applauded NWFD's efforts to incorporate all the fire districts together when adopting their respective fire codes.

Council Member Comerford wanted the Town's adoption of the fire code to happen as near the same time as NWFD's adopts its fire code. She indicated the need for some uniformity between the jurisdictions to help avoid confusion for applicants looking to open business in Marana. **Chief Bradley** agreed about the importance of ensuring good customer service when processing applications.

Council Member Ziegler asked Chief Bradley to explain the grievance process. **Chief Bradley** stated the grievance process is an amendment NWFD is choosing to adopt. He explained that process creates a method to address problems with an appeal procedure for review by the district board.

Council Member Ziegler asked how many people sit on the board. **Chief Bradley** responded that as an independent legislative body, NWFD must adopt its own code, but intends to model code adoption to closely resemble Marana's code adoption. He noted that the district would work the grievance process related only to the fire code. Chief Bradley noted he has the discretion to appoint an outside expert, e.g. building official, to assist the board review a grievance claim.

Council Member Officer asked Mr. Spurlock increase outreach to the business company since most owners are not residents of Marana. **Mr. Spurlock** acknowledged the Building Safety division needed to be more involved in the community. He explained the department is working to increase its public education outreach. **Chief Bradley** echoed Mr. Spurlock's comments about the need to better engage with the business community regarding code education and seeking input.

No Council action taken.

A2 Relating to Administration; presentation, discussion and direction regarding the framework for development of the fiscal year 2019-2020 budget and its role in the implementation of the Strategic Plan. Presented by Jamsheed Mehta, Town Manager and Yiannis Kalaitzidis, Finance Director.

Mr. Mehta briefly reviewed the goals of the budget process and how it supports the Town's current strategic plan. He stated the Town's overall vision is to provide exceptional public service creating a climate for economic sustainability and welcoming environment for citizens.

Mr. Mehta stressed the ultimate goal of the budget preparation process is to protect the financial health of the Town for long-term growth. He explained the focus is to conservatively manage the Town's current to weather any future financial downturns. Mr. Mehta also highlighted completion or progress on several capital projects that included investment in additional infrastructure assets, regional transportation improvements, and other projects that enhance the community.

Mr. Kalaitzidis presented the Town's preliminary budget outlook for Fiscal Year 2020. He stated the regional economy would continue to expand and grow showing improvement in the Town's key revenues. He noted that 95 percent of the general fund's revenues come from sales tax, intergovernmental revenue, licenses, permits, and fees. The past few years has seen strong growth across the state with an inflation rate of 2.2 percent.

Mr. Kalaitzidis cautioned that although the economy would continue to grow, it would not grow at the same pace as previous years. He anticipates the overall economy to start contracting as we enter the tenth year of growth. Mr. Kalaitzidis stated that given those historical indicators it was important to monitor the sales tax revenue since it makes up 50 percent of the general fund's revenues.

Taking a more detailed look at the sales tax revenue projections, **Mr. Kalaitzidis** indicated modest improvement in retail, restaurants, and hotels which demonstrates strength in consumer spending and local business growth. However, he anticipated reductions in the construction sales tax of about 13.5 percent during the next fiscal year due to a lack of large infrastructure construction projects in the near future, which would contribute to higher construction sales tax. Overall, construction sales tax is still expected to bring in \$1.7 million in revenue.

Moving to the intergovernmental/shared revenue outlook, **Mr. Kalaitzidis** indicated the Town's population would increase about 4 percent over the next fiscal year to roughly 47,000 residents. Increasing population positively impacts shared revenues because those funds are determined based on municipal size. The Town of Marana is the second fastest growing municipality in the region and the sixth fastest statewide. Mr. Kalaitzidis again stressed modest improvement with shared sales tax, shared income tax, and auto lieu tax with total change of a 3.8 percent. He did note that numbers were subject to change since the Arizona Department of Revenue (ADOR) estimates are still pending. Mr. Kalaitzidis presented the Council with a graphic showing revenue growth from 2020 to 2022 as roughly 4 percent statewide.

Mr. Kalaitzidis directed the Council's attention to the licenses, permits, and fees revenue outlook, which constitutes about 10 to 12 percent of general fund revenues. He noted that the budget estimate is based on a projected 735 new home permits issued in the new fiscal year. Mr. Kalaitzidis stated the new permit estimate is conservative and staff would continue to refine the estimates throughout the budget process. Mr. Kalaitzidis explained staff continues to work on increasing the precision of budget outlooks.

Transitioning to the general fund summary, **Mr. Kalaitzidis** noted that the total revenue increased 2.8 percent for FY 2020. He noted that there is a positive change of almost \$1.7 million for on-going revenue, there is a \$408,381 reduction in one-time revenue because of 1) the decrease in construction sales; and 2) the refinement of budget process related to the analysis of determining how much revenue is needed to cover the on-going operating expenses of a department.

Council Member Ziegler asked for clarification regarding the reduction of one-time revenues. **Mr. Kalaitzidis** stated one-time revenues are used for specific projects and staff does a mathematical exercise to determine the actual on-going operating expenses of a department and adjusts the estimate of permits needed for breakeven threshold between expense and revenue.

Mr. Kalaitzidis stated staff looks for the known impacts on the budget. For FY 2020, the preliminary fiscal impact shows new ongoing revenue of \$1.6 million with known costs of \$1.1 million, which leaves roughly \$554,444 left for other projects. He noted that health insurance costs and workers compensation costs are expected to increase in the next year.

Vice Mayor Post asked why the staff is not continually aware of the total amount for health insurance since the Town is self-insured. **Mr. Kalaitzidis** said that staff does not have exact numbers regarding claims because those numbers are variable and are not easy to predict within a given year.

Vice Mayor Post asked what progress the Town had made in addressing unfunded liability within the public safety retirement obligations. **Mr. Kalaitzidis** responded that the public safety retirement program has stabilized and there is no increase in contribution levels in the next fiscal year.

Mr. Kalaitzidis noted that each fiscal year's budget would show increasing costs for health care due to a variety of factors from drug costs, therapy costs, and other changes within the medical field that impacts the total cost of care for employees.

Mr. Kalaitzidis drew the Council's attention to the increased amount of debt service for FY 2020. He explained that this increase is due to the approved Water Infrastructure Financing Authority (WIFA) loan used to pay for the construction of the new water treatment facilities. **Mr. Kalaitzidis** stated that the ultimate debt payment on the loan would be roughly \$1.2 million. He stated that Council would need to consider possible sources of funding to address the debt service in the future.

Council Member Ziegler asked if staff was suggesting a temporary increase in sales tax to pay for the treatment facility and repayment of the WIFA loan. **Mr. Mehta** responded that staff would return to Council within the next few months with a specific budget item addressing possible funding mechanisms for repayment of the WIFA loan.

Mr. Kalaitzidis stated that staff has made certain growth assumptions for previous budget calculations that would impact the intended debt service of other projects. Should those growth assumptions come up short, adjustments would need to be made in the budget projections to better reflect the Town's long-term debt obligations.

Mr. Kalaitzidis directed the Council's attention to the fund balance summary. He explained that the estimated fund balance in the general fund reserves for FY 2019 is \$24.8 million. This reserve provides one-time expenditure capacity for certain projects. However, the reserve fund has a set minimum of 25 percent for which it cannot fall below.

In the weeks to come, **Mr. Kalaitzidis** stated staff would start putting together the baseline budgets for departments with limited budget growth requests supported only by increased revenue sources. He stated staff would evaluate one-time supplemental requests and work with departments to reallocate existing budget capacity within budget line-items. Mr. Kalaitzidis stated the Council would have another study session in February to discuss of the budget and the CIP program recommendations. The Council would review the proposed changes to the comprehensive fee schedule in March and the hear Manager's Recommended Operating Budget presentation in April.

Mayor Honea asked if the Town was receiving any sales tax revenue from on-line purchases. **Mr. Kalaitzidis** stated that the State has collected some on-line sales tax revenue and the Town may already be receiving those dollars in its state shared revenue reimbursement.

Mr. Mehta stated that in addition to the scheduled fixed meetings regarding the budget, staff would be happy to discuss any future budget items the Council would like to see. He asked the Council if there were additional projects they would like staff to review and research for this budget cycle.

Mayor Honea asked staff to identify funds for future annexation opportunities and renovation funds for the future Chamber of Commerce building and visitor center. He asked that monies not spent this fiscal year transfer to the next fiscal year for those projects.

Mr. Mehta stated that the budget for the proposed visitor is \$200,000. He stated the project is in the procurement process, but a project manager was hired to help staff identify the internal improvements necessary to both the current Parks Administration building and Building B at the Municipal Center. The Park Administration building will house the new Chamber of Commerce Visitor Center. Building B requires remodeling to accommodate both the Parks Department and the Water Department moving onto the main municipal facility.

Council Member Comerford asked if the \$200,000 was for both construction of the visitor center and relocation of town departments. **Mr. Mehta** responded that the \$200,000 is exclusively for the visitor center, but staff is using the same project manager to deal with all the renovations on the campus. Council Member Comerford confirmed that the Chamber would be included in the design process of the visitor center.

Council Member Ziegler stated she does not like the idea of the visitor center housed on the Municipal Center campus. She wanted to see the visitor center more centrally located in a populated area for residents and visitors. Council Member Ziegler asked if the visitor center would also house the chamber. **Mr. Mehta** stated yes.

Mr. Mehta responded to the Mayor's request regarding annexations. He stated that although the Town has a planning boundary that goes into Pinal County, staff was still trying to determine the advantages and disadvantages of increasing its incorporated areas into certain areas. Mr. Mehta stated that the traditional annexation analysis for

possible incorporation includes a review of required infrastructure investment and maintenance, the impact on public safety, and the potential for development of the proposed area.

Mayor Honea stated Pinal County has some movement regarding investment around the Pinal Air Park and he believes it would be advantageous for the Town to consider annexing that area.

Vice Mayor Post asked what is the timeline for council members to propose new ideas for the budget. **Mr. Mehta** said the new capital projects require early for inclusion in a preliminary budget. He stated that for the next few weeks staff would like to hear Council's suggestions for projects.

Mayor Honea stated that staff needs to identify additional drainage improvements for the norther portion of the Town. **Mr. Mehta** indicated that staff is currently conducting the North Marana Drainage Study. Staff has identified existing conditions and completed the hydrological modeling of the area. He stated the study is approaching the timeline where preliminary results would be shared with area stakeholders. Mr. Mehta said that once stakeholder input was complete staff would transition to identifying project timelines to address issues and improvements reported in the study. He stated that addressing the drainage study's findings would be a multi-year on-going budget item.

Council Member Comerford stated that she hopes that on-going projects are identified early and that funds are allocated to those projects as monies become available. She also asked staff to consider major roadway improvements and roadway extensions which would require "rainy day" savings such as the San Lucas road extension.

Council Member Ziegler stated she thought the San Lucas road extension was already part of the major roadways capital improvement budget. **Mr. Mehta** stated the correct name for the San Lucas road extension is the Adonis Road Extension. He confirmed the project does have a defined timeline as set forth the development agreement associated with the Villages of Tortolita.

Mr. Mehta thanked the Council for direction and stated staff would bring back additional information in future sessions.

No Council action was taken.

A3 Relating to Development; presentation, discussion, and direction regarding proposed amendments to the Town's Policy Guidelines and Application Procedures for the Establishment of Community Facilities Districts. Presented by Erik Montague, Deputy Town Manager.

Mr. Montague stated staff is proposing policy changes to the current Community Facility District (CFD) policies adopted first in 1997 and amended in 2010. He stated that the proposed changes are required to comply with the most recent legislative changes.

Mr. Montague reminded the Council that a CFD is a special taxing district used to raise funds for the construction and maintenance of public infrastructure within certain developments. He noted that only individual property owners within those special taxing districts are obligated for the debt used to build the infrastructure. Mr. Montague stated that creating a CFD is helpful for certain projects to advance faster and also provides the Town an opportunity to position itself as a favorable location to initiate development.

The CFD policy provides an established a frame work of protections for the Town's interest during economically difficult times. **Mr. Montague** stated that CFDs have a reasonably long use life and the Town has an interest in maintaining protections for homeowners during the life of the CFD and also to create consistency.

Mr. Montague stated that the policy revisions must conform to the amendments required by SB 1480. Those changes include a consolidated timeframe for public hearings, a significantly changed application petition, limitation on increasing infrastructure elements, and a shortened window to accept the infrastructure from report of the final receipt. He noted that due to the changes in legislation the timeline regarding the adoption of a CFD requires a substantial amount of pre-application coordination between staff and the applicant. Mr. Montague noted that the legislation also reduced the maximum amount of money the Town could charge for a CFD application.

Mr. Montague briefly reviewed the type of debts CFDs issue to cover the costs of infrastructure. First, general obligation bonds are an ad valorem tax on the property within the district. Second, special assessment bonds have a fixed amount on the property regardless of its assessed value. He stated that general obligation bonds are determined with a bond election requesting a cap. Current CFD policy has that cap set at \$2.50 per assessed \$100. Although the current policy allows for the use of special assessment bonds, the Town has largely used general obligation bonds only. Mr. Montague noted that the Pima County Treasure previously was not positioned to accept payments related to special assessments, but now that option is available.

Mr. Montague explained that the Council could leave the CFD policy relatively unchanged, or they could make substantial changes to the policy if desired. He stressed that any changes should consider the long-term by providing direction for future developments utilizing CFDs for infrastructure construction. Ultimately, each jurisdiction sets the rates for itself reflecting what is consistent with that jurisdictions needs and benefiting its citizens. Mr. Montague stated that staff has done its due diligence regarding by surveying other jurisdictions and vetting possible policy changes.

Mr. Montague noted that the current policy has been successful, but there are some limitations which do not adequately meet the needs of every proposed development.

He stated that in certain circumstances there might be need for the additional flexibility of a special assessment bonds to fund larger infrastructure projects, i.e. major roadway improvements. Ultimately, Mr. Montague stated the Town wants to limit the overall financial impact to the homeowner.

Mr. Montague presented to the Council a slide depicting the financial impact of a general obligation bond with a limited value of 70 percent, a decrease from the previous 80 percent presented to the Council in 2018. The decrease reflects the value of the property at the time of the tax assessment calculation which was reduced due to legislative changes. He explained that the Town historically sets a target tax rate. However, with the new legislative changes the Town is required to establish a rate adequate enough to generate revenue to service the debt repayment.

The second slide **Mr. Montague** presented compared the impact of general obligation bonds to special assessment bonds. He highlighted that a special assessment bond is a fixed amount on the property with flat annual payments made by the property owner. **Council Member Bowen** asked if the special assessment is different for the assessed property value of each home or calculated based on the number of homes in the district. Mr. Montague responded that the assessment is equal for each lot based on a calculation done district wide to cover the cost of the improvement. He did note that there is some level of discretion to determine the assessed cost at the time of calculation for special assessment bonds.

Mr. Montague stated that the Town does have the ability to implement both a general obligation bond and a special assessment bond which would create an effective tax rate that is variable based on both property value and the included fixed assessment cost.

Mr. Montague presented the Council with several optional policy amendments to consider for adoption or further investigation: 1) to maintain the general obligation bond emphasis with the current \$2.50 target tax rate; 2) to maintain the general obligation bond emphasis with the current target tax rate but allow special assessments under certain circumstances with a limited overall financial impact on homeowners; 3) to maintain the general obligation bond, but modify the target tax rate and allow the special assessments under certain circumstances; 4) to allow either general obligation bonds and/or special assessments with a modified target tax rate. He did express that regardless of what policy changes adopted, the intent is to limit the overall financial impact on the homeowner while still working to meet the needs of both the Town and developers. To help illustrate these options, Mr. Montague presented a graphic matrix comparing the current policy with common ranges across the state.

Council Member Comerford asked for clarification regarding "limited values." **Mr. Montague** stated statute defines the actual calculation, which the County Assessor is determines. She stated the Town needs to do a better job of informing homeowners regarding the purpose of a CFD when buying a home in that district and what it means

for their yearly property tax bill. Council Member Comerford asked if the figures adopted would be fixed or would the Council have the discretion to adjust based on the project's scope. She asked that staff provide models with actual numbers and their financial impacts.

Mr. Montague stated that notification regarding the CFD to homeowners is included in the draft policy packet and staff continues to define the best methods for notification to potential homebuyers. He noted that going forward the goal is to establish the tax rate sooner for collection purposes. Mr. Montague stated the adopted policy establishes the tax rate for the CFD, but there is flexibility to adjust if necessary.

Council Member Bowen asked for clarification regarding how a special assessment bond is or is not passed to the homeowner. **Mr. Montague** explained that the Town could require that the homeowner pay their portion of the special assessment bond in full at the time of sale or that the special assessment bond is broken out by yearly payments. The difference is dependent upon the circumstances of the development agreement negotiated between the Town and the developer.

Council Member Bowen stated he likes general obligation bonds because of the ad valorem quality and it seems appropriate that there is a proportional payment according to the size and value of the house. He also liked the idea of different tiers for certain projects. Council Member Bowen stressed he still supports a conservative value to lien formulation. He wants a better argument justifying when a special assessment would make sense verse general obligations.

Council Member Kai asked if the Town has lowered the target tax rate of \$2.50 since its adoption. **Mr. Montague** stated that with the new legislation, the district could only levy the amount required to pay for the necessary debt service. The Town has adjusted the target tax rate for certain CFDs to reflect reductions in debt service obligations.

Council Member Kai asked if the rate could be set above the target tax rate. **Mr. Montague** responded that there is no legal restriction on determining the target tax rate, but once the debt is issued the district has a legal obligation to service that debt. He noted that the Town's target tax rate is conservative because there have been additional financial assurances and standby contributions from the developers. Mr. Montague noted that it is important to have clearly defined timetables to ensure developers are able to take advantage of the CFD option during good financial times and during depressed financial times. Council Member Kai cautioned that the target tax rate should not be too high. He observed that residents were willing to pay slightly higher rates if those dollars are used for public benefit.

Council Member Ziegler commented that CFDs which require large infrastructure projects like a highway interchange or wastewater treatment facility would require more revenue to service the debt. She favors a tiered approach on the general obligation

bonds. Council Member Ziegler also requested more information on the use of special assessments before providing final guidance. She also favors increasing the timeframe for the CFDs given the volatility of market conditions. Council Member Ziegler would like to see better education of homeowners living in the CFD. **Mr. Montague** stated the final policy, and the determined tax values needed to service the debt, would reflect the Town's needs.

Council Member Officer likes the idea of providing more information and increasing notification to homeowners living in a CFD. He commented that perhaps the county property tax bill could have a CFD description for residents next to the charge. **Mr. Montague** noted that the initial notification focus is on the first primary homeowner, however, there is a secondary market, and notification to those prospective homebuyers is also important. He explained the Town has a landing page on its website to provide tax and zoning information regarding properties with links to other jurisdictions. Council Member Officer also agreed for the need to extend CFD timeline to address the needs of the market.

Vice Mayor Post stated he wants to leave the existing finance structure for the current CFDs the same. He stated he likes the use of special assessments and finds their application is an immediate funding source to service the debt. **Mr. Montague** stated that a special assessment follows the property and impacts a homeowner when the property is included into the assessment role. Vice Mayor Post sees a lot of value in a two tiered finance structure with general obligation bonds and special assessment bonds. He observed that some CFDs have a massive amount of proposed infrastructure require timely communication between the Town and the developer to ensure the best possible outcome. Vice Mayor Post agreed with the sentiment of the other council members that developments need to have defined policies and goals to move them to completion.

Council Member Ziegler asked if any new policy changes would be retroactive to the current CFDs. **Mr. Montague** stated that in cases where there are agreements in place the target tax rate might be more restrictive and fixed. He said that if Council adopts new policy changes, staff would need to do more research regarding the impact of policy changes on current CFDs.

Council Member Kai stated moving forward he would like to see a combination of both general obligation bonds and special assessment bonds when necessary. He observed that since most new developments have smaller lot sizes the special assessment might be more equitable.

Council Member Bowen also stated he liked the idea of having a combination of general obligation and special assessment capabilities for certain developments and certain infrastructure construction. He added that the Town needs to be sensitive to the total tax burden on property owners when determining a target tax rate.

Mr. Montague noted that other jurisdictions use special assessment bonds dedicated to repayment of the debt service for special circumstance/large infrastructure construction projects.

Council Member Comerford stated she likes the idea of instituting a two-tiered rate structure with the first tier retaining the Town's current target tax rate of \$2.50 per \$100 of assessed value. She would like to see the second tier have some flexibility to creatively address projects requiring more complex infrastructure. Council Member Comerford stated that with the reduced application timeline, she hoped staff and the developers would work closely to identify needs.

Council Member Ziegler suggested that a two-tiered approach to go from general obligation bonds to special assessment bonds could trigger based on a minimum threshold cost of the infrastructure.

Mayor Honea expressed concerns that larger construction projects pose some risk based on market conditions and he does not necessarily want to expose the Town to the risks of CFD debt. **Mr. Montague** clarified that the Town is not under a legal obligation to assume any or all of the CFD debt because the CFD is a separate legal entity. He did state that in the event of a default, the district board would work through several financial solutions to restructure the debt.

Mayor Honea asked if 100 percent of the infrastructure costs could be financed through a CFD. **Mr. Montague** responded that eligible public infrastructure could be financed up to 100 percent. However, the current CFD policy requires that for every dollar asked for reimbursement there needs to be at least \$0.25 in enhanced value. Mayor Honea stated he likes the current target tax rate established for the general obligation bonds. He did express reservations regarding the use of special assessments, especially since residents are ultimately responsible for paying the debt.

No Council action taken.

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A)(3), Council may ask for discussion or consultation for legal advice with the Town Attorney concerning any matter listed on this agenda.

FUTURE AGENDA ITEMS

Notwithstanding the mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must

be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT: *Council Member Bowen motioned to adjourn at 9:06 p.m., with a second provided by Vice Mayor Post. The motion passed unanimously, 7-0.*

CERTIFICATION

I hereby certify that the foregoing are the true and correct minutes for the Special Meeting of the Marana Town Council meeting held on January 8, 2019. I further certify that a quorum was present.

Hilary H. Hiser, Interim Town Clerk



Council-Regular Meeting

A1

Meeting Date: 02/05/2019

To: Mayor and Council

From: Brian Varney, Senior Planner

Date: February 5, 2019

Strategic Plan Focus Area:

Not Applicable

Subject: PUBLIC HEARING: Ordinance No. 2019.004: 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 (Brian D. Varney)

Resolution No. 2019-005: Relating to Development; declaring as a public record filed with the Town Clerk new Chapter 17-10 (Signs) of Title 17 (Land Development) of the Marana Town Code adopted by Marana Ordinance No. 2019.004 (Brian D. Varney)

Discussion:

This agenda item was the subject of a Council public hearing on January 15, where it was continued to tonight's meeting.

The proposed new Marana Sign Code regulates all types of private (non-regulatory) signs throughout the town limits of Marana. At the January 15 public hearing, the only remaining substantive issue to be addressed involved whether and to what extent to allow temporary off-site directional signage in the public right-of-way for new home subdivisions.

The October 2018 Approach to Right-of-Way Directional Signs for New Home Subdivisions

The October 12, 2018 Draft of the Sign Code was presented at the October 24, 2018 Marana Planning Commission public hearing. In the October 12 Draft, the only available off-site directional signage for new home subdivisions was found in the

regulations for "temporary directional signs in the right-of-way" at section 17-10-25 ("temporary signs"), paragraph E. Under this approach, new home subdivisions were given the same rights to temporary directional signage in the right-of-way as real estate open houses and non-commercial events -- a maximum of eight signs no larger than six square feet in area and 30 inches in height, placed near intersections within five miles of the subdivision, and required to be removed before sundown each day. A highlighted version of section 17-10-25 of the October 12 Draft Sign Code is included with the backup materials.

A SAHBA representative appeared at the October 24 public hearing and explained that this approach was too restrictive for new home subdivisions. As a result of SAHBA's feedback, Commissioner Fehrman made a suggestion that led staff to the approach presented at the November 28 Planning Commission hearing and explained below.

The current sign code draft has divided the regulations for temporary signs into separate sections for each type of temporary sign (they were all combined into section 17-10-25 in the October 12 Draft), and has reorganized the various sections of the sign code by subject matter and alphabetically. As a result, if the Council would prefer to return to the approach to offsite subdivision signage taken in the October 12 Draft, the Council would need to amend section 17-10-34 ("portable directional signs") by amending paragraph C to read as follows (with added language underlined and deleted language ~~stricken~~):

C. No more than eight signs may be placed:

1. Directing the public to any particular real estate open house,
2. Directing the public to any particular subdivision with a residential subdivision sign program (see section 17-10-37),
3. Directing the public to any particular event, or
3. 4. With any particular non-commercial message.

The November 2018 Approach to Right-of-Way Directional Signs for New Home Subdivisions

The November 16, 2018 Draft of the Sign Code was the version presented at the November 28, 2018 Marana Planning Commission public hearing. Responding to a suggestion Commissioner Fehrman made at the October Commission meeting, town staff added two types of off-site directional signs for new home subdivisions in section 17-10-37 ("residential subdivision sign program") -- off-site directional signs on private property (subparagraphs F and H of 17-10-37) and off-site directional signs in the right-of-way (subparagraphs F and G of 17-10-37). Both types of off-site directional signs were permitted only at each major change of travel direction approaching the subdivision and required signs for any particular master development and any particular builder to be combined into a single sign. The November 16 Draft permitted off-site directional signs on private property to be 32 square feet in area and eight feet in height, and permitted those in the right-of-way to be no more than six square feet in area and 30 inches in height. A highlighted version of section 17-10-37 of the November 16 Draft is included with the backup materials.

A SAHBA representative appeared at the November 28 public hearing and explained

that SAHBA preferred the November 16 Draft's approach to offsite directional signs for subdivisions over the October 12 Draft's approach, but asserted that the regulations were still too restrictive because they did not allow separate off-site signs for each individual builder at each change of travel direction for each individual subdivision, and that the November 16 Draft effectively required competing home builders to coordinate their off-site signage.

As a result of this feedback, and considering that this was only one small remaining component of a large Sign Code, the Planning Commission voted to recommend approval of the Sign Code with the understanding that town staff would continue to work on off-site directional signs for new home subdivisions.

If the Council would prefer to return to the approach to offsite subdivision signage taken in the November 16 Draft, the Council would need to amend section 17-10-34 ("portable directional signs") by replacing paragraphs F and G as they appear in the January 31 Draft with paragraphs F, G, and H of the November 16 Draft, and further modifying paragraph F by adding the subparagraph authorizing the planning director to allow an additional directional sign in certain circumstances (as explained in the last bullet of the section below, describing additional minor revisions found in the January 31 Draft).

The January 2019 Approach to Right-of-Way Directional Signs for New Home Subdivisions

The December 26, 2018 Draft of the Sign Code was the version presented at the January 15, 2019 Town Council public hearing. It eliminated the provision of section 17-10-37 ("residential subdivision sign program") that authorized off-site directional signs for new home subdivisions in the right-of-way, but left in place the authorization for off-site directional signs on private property. Town staff took this approach in recognition that the directional sign needs of new subdivisions within the public right-of-way can, in town staff's opinion, be best addressed using the Town's existing regulatory wayfinding sign program approved by Marana Resolution No. 2010-086, a marked-up copy of which is included in the backup materials. To modernize the appearance of the signs and to make them more appealing to the home builders, town staff also prepared a draft modification to the standard regulatory wayfinding sign template. Drawings showing mock-ups of the new regulatory wayfinding sign template is also included with the backup materials.

Under the December 26 Draft, and in the January 31 Draft provided with these agenda materials, the Town's regulatory wayfinding signs are the only off-site directional signs allowed for new home subdivisions in the right-of-way. This is the approach recommended by town staff.

Additional Minor Revisions to the January 31 Draft Sign Code

The January 31, 2019 Draft of the Sign Code is the version being presented at the February 5 Town Council continued public hearing. As town staff and members of the public continue to review the new Sign Code, additional minor revisions have and will come to light. To that end, town staff anticipates bringing revisions forward as the new

Sign Code is implemented and rolled out to the public and to businesses. In the meantime, the minor revisions described below have been made.

- The following text has been removed from 17-10-30 Temporary signs – general requirements, paragraph F: ", and shall be placed so that a minimum of six feet of clearance is maintained from all sidewalks, pedestrian access ways, parking area access lanes, and handicap-designated parking spaces." This text has been deleted because it conflicts with other temporary sign provisions. The language of paragraph F now provides: "Temporary signs shall not interfere with the free movement of pedestrians, bicycles, or vehicles."
- Text has been added to section 17-10-34 ("portable directory signs") to clarify the limited purposes for these signs; specifically:
 - The word "non-commercial" has been added to subparagraph C.3 (which will become C.4 if Council returns to the October 2018 approach described above), to clarify that the "particular message" use involves a non-commercial message substitution on portable directory signs
 - A five-mile perimeter has been created (new paragraph E) for portable directory signs with a particular non-commercial message
 - The term "event" is now defined (new paragraph M). With this definition, town staff hopes to clarify that portable directory signs can only be used for real estate open houses, non-commercial assemblies, yard sales in residential areas, and non-commercial messages. (If Council adopts the October 2018 approach to right-of-way directional signs for new subdivisions as described above, portable directory signs will also be available to direct the public to new home subdivisions.)
- Text has been added to section 17-10-37 ("residential subdivision sign program") to authorize the planning director to allow an additional directional sign in certain circumstances. (If Council adopts the November 2018 approach to right-of-way directional signs as described above, this provision will apply to those as well.) Specifically, subparagraph F.8 has been added, which provides:
 - If the requirements of paragraphs 6 and 7 above would result in three or more builders or subdivisions being combined on any particular sign and if the planning director determines that the sign cannot provide clear direction to the motoring public, the planning director may allow a residential subdivision sign program to include a separate sign that meets all other applicable requirements of this section.

Staff Recommendation:

Staff recommends adoption of Ordinance No. 2019.004, 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, and adopting the January 31, 2019 Draft of the Sign Code.

Suggested Motion:

Option 1 (recommended by staff): I move to adopt Ordinance No. 2019.004, 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, and adopting the January 31, 2019 Draft of the Sign Code.

Option 2 (allowing subdivisions to use portable directional signs): I move to adopt Ordinance No. 2019.004, 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, and adopting the January 31, 2019 Draft of the Sign Code, with the further modifications described in the staff report in the section entitled "The October 2018 Approach to Right-of-Way Directional Signs for New Home Subdivisions."

Option 3 (allowing residential subdivision sign programs to include off-site directional signs in the right-of-way): I move to adopt Ordinance No. 2019.004, 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, and adopting the January 31, 2019 Draft of the Sign Code, with the further modifications described in the staff report in the section entitled "The November 2018 Approach to Right-of-Way Directional Signs for New Home Subdivisions."

Attachments

Ordinance No. 2019.004
Resolution No. 2019-005
Exhibit A to Resolution Sign Code
Sign Code Draft Sec 17-10-25
Sign Code Draft Sec 17-10-37
Resolution No. 2010-086
New Wayfinding Mock-ups

MARANA ORDINANCE NO. 2019.004

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 5th day of February, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Cherry L. Lawson, Town Clerk

Frank J. Cassidy, Town Attorney

MARANA RESOLUTION NO. 2019-005

RELATING TO DEVELOPMENT; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK NEW CHAPTER 17-10 (SIGNS) OF TITLE 17 (LAND DEVELOPMENT) OF THE MARANA TOWN CODE ADOPTED BY MARANA ORDINANCE NO. 2019.004

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that new Chapter 17-10 (Signs) of Title 17 (Land Development) of the Marana Town Code adopted by Marana Ordinance No. 2019.004, a copy of which is attached to and incorporated in this resolution as Exhibit A, and one paper copy and one electronic copy of which are on file in the office of the Town Clerk, is hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 5th day of February, 2019.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

CHAPTER 17-10. SIGNS

Sections:

I. Administration and general	2
17-10-1 Purpose.....	2
17-10-2 General	2
17-10-3 Definitions and sign types	3
17-10-4 Prohibited signs.....	7
17-10-5 Exempt signs.....	8
17-10-6 Permits	9
17-10-7 Sign design and construction	9
17-10-8 Sign measurement	10
17-10-9 Sign illumination	12
17-10-10 Sign maintenance	12
17-10-11 Areas with special sign regulations	12
17-10-12 Planned sign programs	13
17-10-13 Legal nonconforming signs	13
17-10-14 Abandoned signs	14
17-10-15 Classification; enforcement; removal	14
II. Regulations by sign type	15
17-10-16 Awning signs.....	15
17-10-17 Directory signs	15
17-10-18 Drive-through signs	16
17-10-19 Electronic message displays	16
17-10-20 Flags and flag poles	17
17-10-21 Freestanding interstate signs.....	17
17-10-22 Freestanding monument signs	18
17-10-23 Shingle signs	19
17-10-24 Sign walkers	19
17-10-25 Signs in residential areas	19
17-10-26 Subdivision entry signs	20
17-10-27 Vehicle signs	20
17-10-28 Wall signs.....	20
17-10-29 Window signs.....	21
III. Regulations for temporary signs	22
17-10-30 Temporary signs – general requirements	22
17-10-31 Banners	22
17-10-32 Development activity signs	23

17-10-33 Inflatable and air activated signs	23
17-10-34 Portable directional signs	24
17-10-35 Portable signs	25
17-10-36 Quill signs.....	25
17-10-37 Residential subdivision sign program	26
17-10-38 Roadway construction business identification banners	27

I. ADMINISTRATION AND GENERAL

17-10-1 Purpose

This chapter establishes reasonable regulations for the design, placement, construction, and maintenance of all signs within the town, to protect the public interest and achieve these community objectives:

- A. To minimize the risk of personal injury and property damage from unregulated and improper sign placement, construction, and maintenance;
- B. To balance private and public interests by providing opportunities for adequate signage for business identification and essential communication while preserving and enhancing the community environment, unique character and qualities of the town;
- C. To promote the use of signs that are well-designed, of appropriate scale, and appropriately integrated into the built environment; and
- D. To preserve and enhance the streetscape appearance throughout the town and the general appearance of business corridors.

17-10-2 General

- A. No content restrictions.
 1. Any sign allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful message that complies with applicable size, lighting, dimension, design, spacing, and permitting requirements of this chapter.
 2. This chapter is intended to regulate signs in a manner that does not favor commercial speech over non-commercial speech and does not regulate non-commercial speech by message content.
 3. Any regulation that distinguishes between on-site and off-site signs applies only to commercial messages, and allows any non-commercial message.
- B. Conformity.
 1. No sign shall be installed, placed, or maintained within the town except in conformance with this chapter or as allowed by a state or federal law preemption of this chapter.
 2. If provisions of this chapter are in conflict with any other provision of the code, the more restrictive requirement shall apply.

3. Signs maintained contrary to the provisions of this chapter are declared to be nuisances and may be abated as provided by law.

17-10-3 Definitions and sign types

A. The following definitions supplement those found elsewhere in the town code and land development code. In the event of conflicting definitions related to signs, the definitions in this section prevail.

1. Abandoned sign: A sign associated with a business, use, occupancy, product, or activity that has already occurred or has not existed for a period of 30 consecutive days, for reasons attributable at least in part to the sign-property owner.
2. A-frame: A portable sign typically constructed of wood or plastic that folds out to form the shape of an 'A'.
3. Animation: The movement, or optical illusion of movement, of any part of a sign structure, design, or pictorial segment including the movement of any illumination, flashing, or variation of light intensity, and including but not limited to the automatic changing of all or part of a sign achieved through mechanical, electrical, or environmental means including motion by activity such as wind, thermal changes, or other naturally occurring external forces.
4. Awning: An architectural projection or shelter projecting from, and supported by the exterior wall of, a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.
5. Awning sign: A sign displayed on or attached to the surface of an awning.
6. Balloon: An airtight bag filled with helium, hot air, or other gas, that is anchored to a building or structure with rope, cable or similar material.
7. Banner: A temporary sign constructed of a flexible material on which copy or graphics may be displayed.
8. Billboard: A sign not associated with a business, use, occupancy, product, or activity located or occurring on the sign-premises and with a sign area 24 square feet or larger.
9. Canopy: A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and cantilevered from the building or supported by columns.
10. Change of sign copy: A replacement or modification of the message or design of an existing sign face without modifying the size, shape, framework or structure of the sign.

11. Commercial sign: Any sign that does not fit the definition of non-commercial sign.
12. Development activity sign: A temporary freestanding sign consisting of a rigid, durable sign face mounted on wood or metal posts embedded in the ground without the use of concrete or other permanent footing material, and conforming to the requirements of subparagraph 17-10-32 (development activity signs).
13. Directory sign: A monument sign that complies with the requirements of section 17-10-17 (directory signs).
14. Drive-through sign: A sign that complies with the requirements of section 17-10-18 (drive-through signs).
15. Electronic message display: An electronically activated changeable message sign.
16. Elevation: An exterior side of a building which includes the building wall face, parapet, fascia, windows, doors, canopies, and visible roof structures.
17. Exceptional design: Refers to a freestanding sign with an architecturally interesting design that complies with the following:
 - a. At least 50% of all surfaces of the sign structure shall consist of one or more of the following materials:
 - i. Brick
 - ii. Decorative block
 - iii. Natural or simulated stone
 - iv. Decorative or treated wood
 - v. Decorative unpainted or unfinished metal
 - vi. Other similar materials approved by the planning director
 - b. Except as described in subparagraph c below, the area of the sign structure must equal or exceed the sign area for each sign face.
 - c. If at least 50% of the sign copy is mounted independently and in relief of the sign face or background and utilizes back-lighting (halo or reverse channel illumination), the required area of the sign structure may be reduced by 50%.
 - d. For purposes of this definition, the sign structure includes the entire structure of the sign other than the sign area.
 - e. For purposes of subparagraphs b and c above, the sign structure is measured as the surface area of the side of the structure that contains the sign face.
18. Flag: Fabric, vinyl, or similar flexible material typically attached at one edge to a staff.

19. Freestanding interstate sign: A freestanding sign that complies with the requirements of section 17-10-21 ([freestanding interstate signs](#))
20. Freestanding monument sign: A freestanding sign that complies with the requirements of section 17-10-22 ([freestanding monument signs](#)).
21. Freestanding sign: A sign erected or mounted on a self-supporting permanent base detached from supporting elements of a building.
22. Fuel service pump topper sign: A sign affixed to the top or side of an operable fuel dispensing pump.
23. Government sign: A sign constructed, placed, or maintained by a government agency or a sign that a government agency requires to be constructed, placed, or maintained.
24. Illuminated sign: A sign that uses artificial light, either projecting through its surface (internal illumination) or reflecting off its surface (externally illuminated).
25. Legal nonconforming sign: A sign that was legally installed in conformance with all applicable sign regulations and ordinances in effect at the time of its installation; but that does not comply with current regulations.
26. Non-commercial sign: A sign containing no message, statement, or expression related to commercial interests. Noncommercial signs include, but are not limited to:
 - a. Government signs
 - b. Signs expressing political, religious, or ideological views or positions
 - c. Signs with information about or announcements of non-profit organizations
27. Non-residential area: Any land that is not in a residential area.
28. Polyhedron: A three-dimensional solid figure formed by plane faces that are polygons.
29. Portable directional sign: A portable sign directing the traveling public to a real estate open house or to an event.
30. Portable sign: A freestanding, moveable sign not permanently affixed to any building, structure, or embedded into the ground. Examples include A-frames and T-frames.
31. Projected image sign: A temporary sign which is projected by an electronic device onto a building, structure, sidewalk or other surface.
32. Quill sign: A temporary sign constructed as a banner, typically in the shape of a feather or sail, attached to a pole assembly embedded in the ground and designed to move in the wind.

33. Reasonable repairs or alterations: Repairs or alterations determined by Arizona case law as being consistent with the “reasonable repairs and alterations” provision of A.R.S. § 9-462.02 (A). In the absence of case law guidance, reasonable repairs or alterations include repairs or alterations that cost less than half of the cost to replace the sign.
34. Residential area: All of the following:
- a. Land zoned AG, RD-180, R-144, R-80, R-36, R-20, R-16, R-12, R-10, R-8, R-7, R-6, R-3.5, MR-2, MR-1, RV, and MH.
 - b. Land zoned A, B, and C, except those portions that have an existing non-residential use.
 - c. Portions of land zoned D and E that have an existing residential use.
 - d. Land with residential land use designations within specific plan areas (areas zoned F).
 - e. Parcels devoted solely to residential, park, or open space uses.
35. Roadway construction business identification banner: A sign that complies with the requirements of section [17-10-38 \(roadway construction business identification banners\)](#).
36. Shingle sign: A wall mounted or hanging sign, located under a covered porch, walkway, extended roof or other similar structure.
37. Sight visibility triangle: An area extending along an intersection approach leg and across the included corners that must be kept clear of obstructions that might block a driver’s view of potentially conflicting vehicles or pedestrians.
38. Sign: A name, identification, description, display or illustration affixed to or painted or represented directly or indirectly on a building or other outdoor surface that directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Does not include anything that meets this definition but that is located completely within an enclosed building and is not visible from outside the building. A statue is a sign if it calls attention or relates to an activity or use located on the sign-premises.
39. Sign area: The area of a sign determined in accordance with paragraph [17-10-8 below](#).
40. Sign copy: All letters, numerals, figures, symbols, logos, and graphic elements comprising the content or message of a sign.
41. Sign face: The entire display surface area of a sign upon, against, or through which copy is placed.

42. Sign-premises:

- a. In residential areas, the sign-property plus adjacent right-of-way used by the sign-property owner under a license from the town.
- b. In non-residential areas, the entire shopping center or industrial center where the sign is located plus adjacent right-of-way used by the sign-premises owner, owners, or owners association under a license from the town.

43. Sign-property: The specific lot or parcel of land upon which the sign is placed or erected. Adjacent lots or parcels under the same ownership and with the same use shall be considered one sign-property.

44. Sign walker: A person who carries, holds or balances a sign.

45. T-frame: A portable sign typically constructed of wood or plastic with a structure in the appearance of an inverted 'T'.

46. Temporary sign: A portable sign, a sign not permanently embedded in the ground, or a sign not permanently affixed to a building or permanent sign structure.

47. Tenant space: The area or portion of a building leased by an individual or entity.

48. Vehicle sign: A sign mounted, painted, attached or affixed to a truck, car, boat, trailer, or other vehicle or similar equipment.

49. Wall sign: A permanent sign fastened, attached, or connected to, or supported in whole or in part by, a building or structure.

50. Window sign: A sign affixed to the interior or exterior of a window, or placed immediately behind a window, and visible from outside of the building.

17-10-4 Prohibited signs

All signs not expressly allowed under this chapter are prohibited, including but not limited to:

- A. Billboards.
- B. Flashing, blinking, reflective, inflatable or animated signs, including signs with an intermittent or varying color or intensity of artificial illumination, whether deliberate or as a consequence of a defect in the sign or illumination source, except as expressly allowed by the provisions of section 17-10-19 (electronic message displays) or section 17-10-33 (inflatable and air activated signs).
- C. Projected-image signs.
- D. Ribbons, streamers, balloons, or pin flags, except as expressly allowed by the provisions of section 17-10-33 (inflatable and air activated signs).
- E. Searchlights.

- F. Signs projecting sound, except as expressly allowed by the provisions of section 17-10-18 (drive-through signs).
- G. Signs that obstruct free and clear vision of motor vehicle operators.
- H. Signs located in a sight visibility triangle, unless approved by the planning director.
- I. Signs placed in any location where by reason of position, shape, or color may interfere with or be confused with any authorized traffic sign, signal, or device.
- J. Signs placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare, or in the public right-of-way, except as expressly allowed by this chapter.
- K. Signs projecting above the top of the wall parapet, or roofline, or mounted on a roof.

17-10-5 Exempt signs

The following signs shall be exempt from the application and permit requirements of this chapter. Exempt signs must comply with all other applicable regulations contained in this chapter, if any.

- A. Flags that comply with the requirements of section 17-10-20 (flags and flag poles)
- B. Fuel service pump topper signs.
- C. Government signs.
- D. Grave markers, headstones, statues, historical markers, and cornerstones.
- E. Hazard warning and parking signs measuring three square feet or less.
- F. Portable signs that comply with the requirements of section 17-10-35 (portable signs).
- G. Portable directional signs that comply with the requirements of section n 17-10-34 (portable directional signs).
- H. Roadway construction business identification banners that comply with the requirements of section 17-10-38 (roadway construction business identification banners).
- I. Signs carried or displayed by a sign walker in compliance with the requirements of section 17-10-24 (sign walkers).
- J. Signs integrated into the design of an automated bank teller machine.
- K. Signs relocated as the result of town construction projects.
- L. Vehicle signs that comply with the requirements of section 17-10-27 (vehicle signs).

- M. Window signs that comply with the requirements of section 17-10-29 (window signs).
- N. Temporary signs in residential areas that comply with the requirements of paragraph 17-10-25 C.
- O. Any sign authorized by this chapter that is six square feet or smaller, unless an application and permit are expressly required by this chapter.

17-10-6 Permits

A. General.

1. The sign-property owner or the sign-property owner's representative may apply for a sign permit.
2. Except as provided in subparagraph 3 below, a sign permit is required prior to constructing, installing, placing, altering, or relocating any sign within the town.
3. A sign permit is not required for any of the following:
 - a. Change of sign copy
 - b. An exempt sign as defined in this chapter
 - c. A sign allowed by a state or federal law preemption of this chapter
 - d. Sign maintenance that does not change the design of the sign

B. Permit fees. Upon approval of an application for a sign permit, the applicant shall pay the applicable fee assessed in accordance with the fee schedule adopted and amended from time to time by the council.

C. Application.

1. A sign permit application shall be submitted for all signs requiring a permit.
2. A sign permit application must be accompanied by all items required by the sign permit application checklist.

D. Permit suspension or revocation. In addition to enforcement pursuant to chapter 5-7 of the town code, the planning director may suspend or revoke a sign permit issued as a result of the applicant's material omission or misstatement of fact. The planning director shall give notice of any suspension or revocation to the applicant and to the sign-property owner.

17-10-7 Sign design and construction

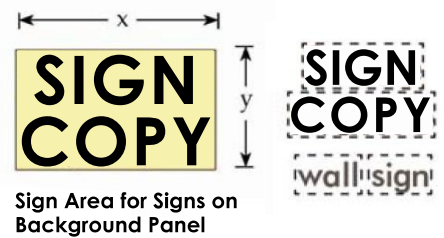
A. All signs shall incorporate design elements consistent with the overall architectural character of buildings and other improvements on the sign-premises.

- B. Electric raceways and transformers shall be located to minimize visibility.
- C. All signs shall be designed and constructed in conformance with current town building codes (see town code title 7).
- D. All temporary signs shall be constructed using suitably durable materials as approved by the planning director.

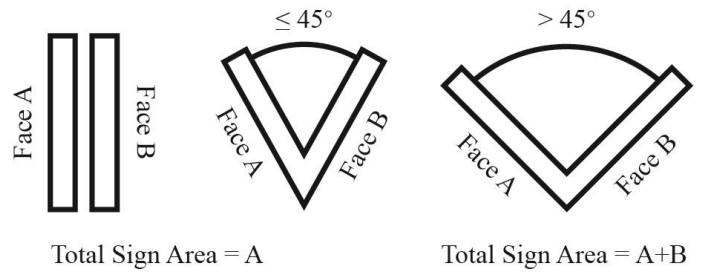
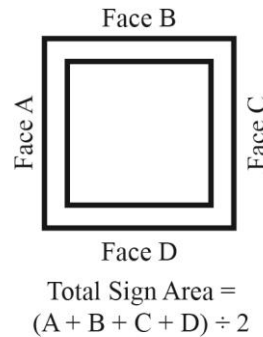
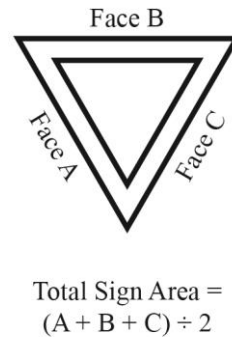
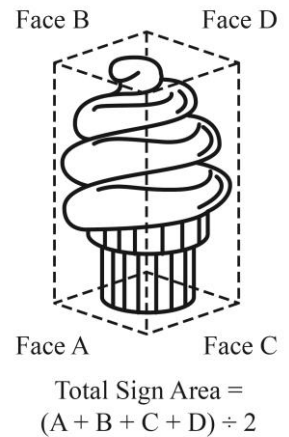
17-10-8 Sign measurement

A. Sign area shall be measured as follows:

1. Sign copy mounted on or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy shall be measured as that area contained within the sum of the smallest rectangles that will enclose both the sign copy and the background.
2. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy shall be measured as a sum of the smallest polygon of not more than 12 sides that will enclose each word and each graphic in the total sign.
3. Signs with multiple faces shall be measured as follows:



- a. The area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced sign shall be considered in determining the sign area when both faces are parallel and the greatest distance between faces does not exceed five feet, or when

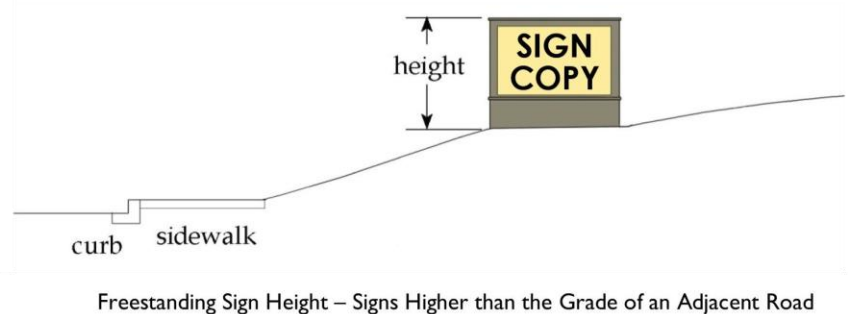
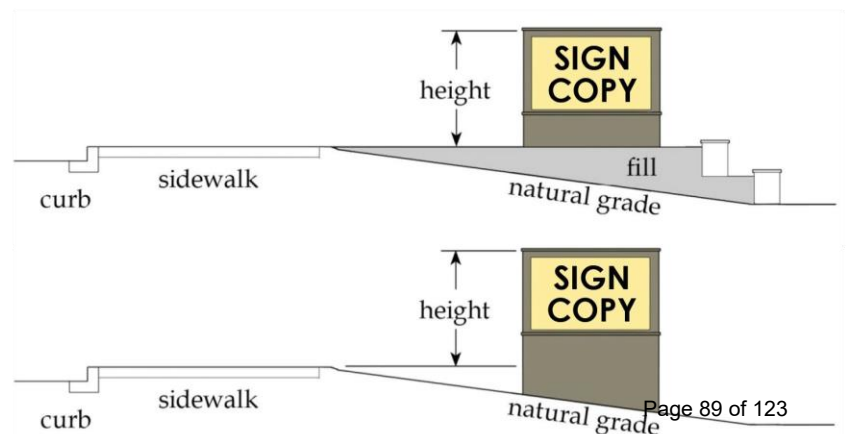


the interior angle of the sign faces does not exceed 45 degrees in the case of a 'V'-configured sign. If the area of one sign face exceeds the area of the sign's opposing face, the area of the larger face shall be used to determine the sign area.

- b. The area of a sign that contains three or more faces shall be calculated as 50% of the sum of the area of all faces.
- c. Spherical, free-form, sculptural, or other non-planar sign area is measured as 50% of the sum of the areas using only the four vertical faces of the smallest six-faced polyhedron that will encompass the sign structure.

B. Sign height shall be measured as follows:

1. The height of a freestanding sign shall be measured as the vertical distance from the finished grade beneath the sign, exclusive of any filling, berming, mounding or landscaping done solely for the purpose of locating the sign, to the highest point of the sign. If the sign is proposed in a location in which the finished grade beneath the sign is lower than the grade of the adjacent roadway surface, the sign height shall be measured from the top of the

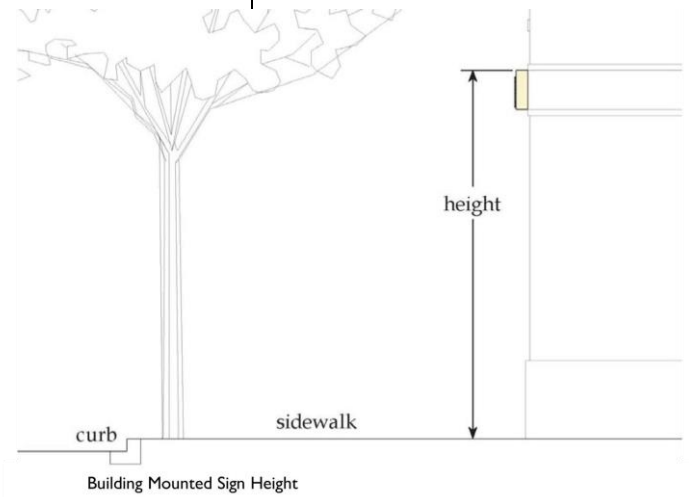


curb, or crown of the adjacent roadway surface where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.

2. Wall fascia, mansard, and parapet-mounted signs shall be measured as the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.

17-10-9 Sign illumination

- A. Signs may be illuminated, except where expressly prohibited in this chapter.
- B. All illuminated signs shall be constructed and operated in compliance with the outdoor lighting code.



17-10-10 Sign maintenance

- A. Any sign or sign component shall be promptly repaired or replaced if it:
 1. Is damaged or deteriorated,
 2. Constitutes a danger or hazard to public safety, or
 3. Is reasonably determined by the planning director, by reason of its appearance as viewed at ground level from the public right-of-way or from neighboring properties, to:
 - a. Be detrimental to property value
 - b. Be offensive to the senses, or
 - c. Reduce the aesthetic appearance of the area.
- B. Maintenance of a sign shall include all of the following:
 1. Periodic cleaning
 2. Replacement of defective light sources
 3. Repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts
 4. Any other activity necessary to restore the sign to compliance with the requirements of the sign permit issued for its installation and the provisions of this chapter.

17-10-11 Areas with special sign regulations

- A. Special sign districts. Special sign districts may be established by ordinance. Special sign districts may have unique regulations applicable to them, which differ from those set forth in this chapter.
- B. Specific plans. Sign regulations approved as part of a specific plan take precedence over this chapter within the specific plan area.

Particular signage elements not addressed by the specific plan sign regulations shall be governed by this chapter.

- C. Planned sign program. Sign regulations approved as part of a planned sign program take precedence over this chapter. Planned sign programs shall be reviewed by staff and subject to consideration and approval by the planning commission.

17-10-12 Planned sign programs

- A. A planned sign program is available for development projects consisting of multi-tenant buildings, non-residential developments with multiple buildings or mixed-use developments. The program shall be reviewed by staff and subject to consideration and approval by the planning commission. A planned sign program:
1. Is intended to allow flexibility in order to achieve exceptional project design through architectural integration of the site, buildings, and signs.
 2. Is intended to provide for design compatibility of all signs and to establish and maintain a consistent design theme within a development.
 3. Shall be in substantial conformance with the general intent of the regulations of this chapter, but may establish reasonable and appropriate alternatives to the standard provisions of this chapter.
 4. Shall establish design standards, including, but not limited to, sign types, placement, size, design, colors, materials, textures, and method of illumination.
 5. Shall provide adequate identification and information for the development.
 6. Shall provide aesthetic appeal, promote traffic safety, and maintain consistency with other town regulations.
- B. A planned sign program application shall be submitted to the planning department and must be accompanied by all items required by the planned sign program application checklist and all applicable fees.
- C. All freestanding signs approved through a planned sign program and allowed an increase in either area or height above the basic standards for freestanding signs must be constructed to the standards of exceptional design as defined in this chapter (see subparagraph 17-10-3 A. 17 above).

17-10-13 Legal nonconforming signs

- A. Legal nonconforming signs are allowed, subject to the requirements of this section.
- B. Any legal nonconforming sign shall be permitted to remain, so long as it:

1. Is not increased in area or height and remains structurally unchanged, except for reasonable repairs or alterations; or
 2. Is not relocated, unless at the request or requirement of the town so as to comply with applicable safety requirements.
- C. A legal nonconforming sign shall be rebuilt, repaired, or replaced only in conformance with the provisions of this chapter if it is:
1. Structurally changed, except for reasonable repairs or alterations;
 2. Damaged by half or more of the cost to replace the sign as a result of fire, lack of maintenance, or other causes; or
 3. Temporarily or permanently moved or removed by any means, including an act of God, except as provided in subparagraph [17-10-13 B. 2 above](#).

17-10-14 Abandoned signs

- A. The planning director shall, upon determining that a sign is an abandoned sign, give notice to the sign owner that the sign is deemed an abandoned sign.
- B. Within 30 days after receipt of the planning director's notice, the sign owner shall take one of the following actions:
1. Remove the sign and its supporting structure;
 2. Remove the sign face and replace it with a blank sign face; or
 3. Reverse the sign face and not illuminate the sign from the interior.

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.

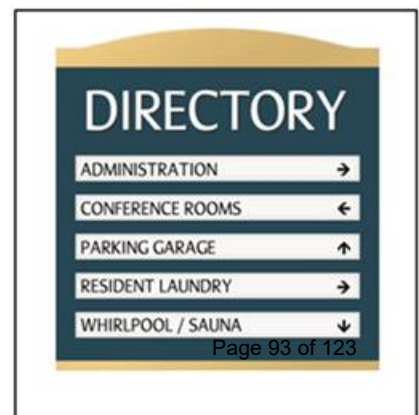
II. REGULATIONS BY SIGN TYPE

17-10-16 Awning signs

- A. An awning sign shall be allowed in lieu of, or in conjunction with, a wall sign.
- B. Awning sign area shall be calculated as part of the allowable area for wall signage for any given elevation.

17-10-17 Directory signs

Directory signs are allowed in non-residential area developments and multi-family complexes subject to the following:



- A. Each sign premise shall be allowed one directory sign at each entrance on each street frontage.
- B. Sign height shall not exceed eight feet.
- C. Sign area shall not exceed 40 square feet.
- D. Signs shall be located at least 100 feet from any abutting street right-of-way unless a building or other structure blocks the sign's visibility from the street.

17-10-18 Drive-through signs

- A. Drive-through signs may be freestanding or wall-mounted.
- B. Drive-through signs shall be limited to two signs per drive-through lane.
- C. Each drive-through sign shall be no greater than ten feet in height.
- D. Each drive-through sign shall be located adjacent to a drive-through lane.
- E. Drive-through signs may include electronic message displays subject to the requirements and limitations of section 17-10-19 (electronic message displays), except that the display may occupy the entire area of the sign face.
- F. Sound emitted by drive-through signs must not be audible from any residential property.

17-10-19 Electronic message displays

- A. Electronic message displays are permitted as an integral component of either of the following:
 - 1. A permitted freestanding monument sign.
 - 2. A sign type whose regulations refer to this section, subject to any additional limitations on electronic message signs set forth in the regulations for that sign type.
- B. Except as provided in section 17-10-18 (drive-through signs), electronic message displays may occupy up to 50% of the allowable area of a sign face.
- C. Electronic message displays may be full color and shall consist only of static messages that change not more frequently than once every 7.5 seconds.
- D. Electronic message display messages must transition by instant change method. Scrolling, travelling, flashing, full-motion video, use of sound, and similar operational effects are prohibited.
- E. Electronic message displays shall conform to the regulations of the outdoor lighting code.
- F. An electronic message display visible from an existing residential use shall be installed a minimum of 150 feet from the property line of the residential use.

17-10-20 Flags and flag poles

- A. Each sign-property may contain one flagpole bearing one or more flags, except as otherwise permitted under section 17-10-12 (planned sign programs) or section 17-10-37 (residential subdivision sign program).
- B. A flag pole shall not exceed a height of 25 feet when accessory to a residential use. In all other situations, a flag pole shall not exceed the higher of:
 - 1. 30 feet, or
 - 2. 1.25 times the height of any building within 200 feet of where the flagpole is to be constructed, but in any event not to exceed 50 feet.
- C. The length of a flag shall be no greater than one-fourth of the height of the flag pole.
- D. A flag shall not encroach beyond the sign-premises.
- E. A flag shall not create a safety hazard.
- F. A flag may be illuminated in conformance with the outdoor lighting code.

17-10-21 Freestanding interstate signs

Freestanding interstate signs shall be allowed only upon approval by the planning commission of a conditional use permit or a planned sign program and shall be subject to the following:

- A. A freestanding interstate sign may be allowed for commercial, industrial, or mixed-use sign-premises that are:
 - 1. A minimum of one acre in size,
 - 2. Within 250 feet of the interstate right-of-way or within 250 feet of the railroad right-of-way, and
 - 3. Within 250 feet of the right-of-way of an arterial roadway intersecting the interstate.
- B. A freestanding interstate sign shall not exceed a height of 65 feet above the finished grade beneath the sign, exclusive of any filling, berming, mounding or landscaping done solely for the purpose of locating the sign.
- C. A freestanding interstate sign shall not exceed an area of 300 square feet.
- D. A freestanding interstate sign shall not be located within 500 feet of another freestanding interstate sign.
- E. A freestanding interstate sign shall be a minimum of 500 feet from the property line of any existing residential use.

- F. A freestanding interstate sign may include an electronic message display component subject to section [17-10-19](#) (electronic message displays).

17-10-22 Freestanding monument signs

- A. A freestanding monument sign shall be allowed in non-residential areas subject to the following:

1. One sign shall be allowed per street frontage of sign-premises provided that the sign-premises has a minimum street frontage of 100 feet.
2. Two signs shall be allowed per street frontage for sign-premises with 600 feet or more of street frontage, and more than one entrance to the sign-premises on that frontage. One additional freestanding monument sign shall be permitted for each additional 300 feet of street frontage with an additional entrance.
3. The sign area shall not exceed 40 square feet for a single tenant sign-premises.
4. The sign area for sign-premises occupied by two or more tenants shall not exceed 80 square feet.
5. The sign height shall not exceed eight feet.
6. A 25% increase in the area and/or height of a sign will be allowed for a sign of exceptional design as defined in subparagraph [17-10-3 A. 17 above](#).
7. A sign-premises containing two or more tenants shall be allowed an increase in the area and height of one freestanding monument sign per street frontage subject to the following:
 - a. One sign of increased area and height shall be allowed for each sign-premises street frontage exceeding 500 linear feet.
 - b. The sign area shall not exceed 150 square feet.
 - c. The sign height shall not exceed 20 feet.
 - d. The sign shall be constructed to the standards of exceptional design, as defined in subparagraph [17-10-3 A. 17 above](#), and shall not be allowed an increase in area or height.
8. The width of the base of a monument sign must be equal to or greater than 75% of the width of the sign face.
9. Signs shall be set back a minimum of five feet from any road right-of-way, and 30 feet from any residential area property line.
10. A freestanding monument sign shall be located at least 50 feet from any other freestanding monument sign.

- B. Multi-family residential complex containing 12 units or more, including apartments, condominiums, townhome complexes, manu-

factured home parks, recreational vehicle parks, and similar uses, shall be allowed a freestanding monument sign subject to the following:

1. One freestanding monument sign shall be allowed per street frontage of the sign-premises.
2. Signs shall not exceed 40 square feet in area and eight feet in height.
3. A 25% increase in the area and height of a sign will be allowed for a sign of exceptional design as defined in subparagraph 17-10-3 A. 17 above.

17-10-23 Shingle signs

- A. Shingle signs shall be limited to one per tenant space frontage and shall be located at a point of public access.
- B. Shingle sign area shall not exceed five square feet.
- C. A shingle sign shall be located in front of the tenant space it pertains to and shall be suspended from a covered porch, walkway, extended roof or similar architectural element.
- D. A minimum clearance of eight feet shall be maintained beneath a shingle sign.

17-10-24 Sign walkers

Sign walkers are allowed subject to the following:

- A. Sign walkers are prohibited in parking aisles or stalls, in driving lanes or driveways, in construction zones.
- B. Sign walkers are prohibited from operating in any manner that obstructs visibility or movement of pedestrians, motorists or cyclists.
- C. Signs displayed by sign walkers shall not include any form of illumination, animation, or attachment.
- D. Signs displayed by sign walkers shall not exceed eight square feet in area.

17-10-25 Signs in residential areas

Signs are allowed in residential areas subject to the following requirements:

- A. All signs shall comply with the regulations of this chapter applicable to the sign type, as further regulated by this section.
- B. All signs shall be displayed on the sign-property.
- C. Temporary signs in residential areas are subject to the requirements of section 17-10-30 (temporary signs—general requirements), and each temporary sign must be clearly labeled with the name and telephone number of the sign owner.

- D. Signs shall not exceed six feet in height unless attached to a wall or structure.
- E. Each single-family residential sign-property shall be allowed a cumulative sign area of six square feet with no limit on the number of signs.
- F. For multi-family uses, each residential unit shall be allowed a cumulative sign area of five square feet with no limit on the number of signs.
- G. Signs have no display period limitations.
- H. Signs may not advertise offsite commercial activities.

17-10-26 Subdivision entry signs

A subdivision entry sign, consisting of a wall sign or freestanding monument sign, may be placed at a main entrance to a residential subdivision or complex, subject to the following:

- A. Subdivision entry wall signs may be mounted on a perimeter or landscape wall on both sides of a main entrance to a subdivision or complex. The cumulative wall sign area at each entrance to a subdivision shall not exceed 100 square feet
- B. Subdivision entry freestanding monument signs shall be limited to one sign at each main entrance to a subdivision or complex subject to the following:
 - 1. The sign area shall not exceed 100 square feet.
 - 2. The sign must be setback a minimum of one foot from any property line.
 - 3. The sign may not include an electronic message display.

17-10-27 Vehicle signs

A vehicle sign may be displayed only when all of the following conditions are met:

- A. Signs must be painted on or applied directly to the vehicle and may not extend beyond the horizontal or vertical profile of the vehicle.
- B. Signs shall not be mounted in the bed of a truck.
- C. The vehicle displaying the sign must be operable, registered, licensed, and driven at least once a week.
- D. The vehicle displaying the sign must be parked in a legal parking space.

17-10-28 Wall signs

- A. Wall signs may be mounted flush, angled, bowed, or perpendicular to the wall.
- B. Wall signs in residential areas shall be subject to the following:

1. In addition to an address sign as required by this chapter, a single-family residence shall be allowed one wall sign, not to exceed three square feet.
2. Wall signs on single-family residences shall not be placed higher than 10 feet above finished grade.
3. Multi-family residences shall be allowed one sign per dwelling unit, not to exceed three square feet.
4. A multi-family residential complex containing 12 units or more shall be allowed a maximum of 32 square feet of wall signage per street frontage.
5. Illumination of signage shall be prohibited with the exception of multi-family residential complexes containing 12 units or more.

C. Wall signs in non-residential areas shall be subject to the following:

1. Shall be allowed on no more than three elevations of any building.
2. The allowable sign area shall be calculated at a rate of 1.5 square feet for each linear foot of building elevation or tenant space frontage up to a maximum of 200 square feet per elevation.
3. Shall only be placed on the first and top stories of a multi-story building.
4. Shall be allowed on parapet walls that are structurally integrated into the original building design, and shall not be placed on parapet extensions added to an existing building.
5. Signs up to a cumulative total of 75 square feet of signage per canopy are allowed on all sides of a freestanding canopy structure, calculated in the same manner as any other wall sign.

17-10-29 Window signs

A window sign may be painted on, adhered to, or suspended behind a glass door or window surface, subject to the following:

- A. In non-residential areas, window signs shall cover no more than 40% of the window upon which the sign is displayed.
- B. Window signs shall only be displayed on first floor windows.
- C. Window signs shall only be internally illuminated.
- D. Portions of window signs consisting of electronic message displays shall be limited to five square feet and shall be subject to the requirements of section 17-10-19 (electronic message displays).

III. REGULATIONS FOR TEMPORARY SIGNS

17-10-30 Temporary signs – general requirements

The requirements set forth in this section apply to all temporary signs.

- A. Temporary signs shall be constructed of fabric, plastic, wood, metal, or similar durable weather-resistant materials.
- B. Temporary signs shall be maintained free of chipped paint, cracks, loss of text or graphics, or similar defects.
- C. No temporary sign shall be placed upon any other sign assembly, utility pole, authorized traffic control device, utility box, fence, freestanding wall, boulder, tree, planter, vehicle, or similar structure.
- D. Temporary signs shall be placed in a manner that prevents displacement during adverse weather conditions and does not result in a safety hazard to the public.
- E. Except as expressly allowed by this chapter, temporary signs shall not be located within the public right-of-way.
- F. Temporary signs shall not interfere with the free movement of pedestrians, bicycles, or vehicles.
- G. Temporary signs shall not include amplified sound, animation, motion or attachments such as balloons, flags, streamers, pinwheels, or ribbons, except as specifically authorized by section 17-10-33 (inflatable and air activated signs).
- H. Temporary signs shall not be illuminated other than by ambient light present on the property or by existing illumination intended for other uses.
- I. All temporary signs require a sign permit except portable signs (section 17-10-35), portable directional signs (section 17-10-34), and temporary signs in residential areas (paragraph 17-10-25 C) (see section 17-10-5, exempt signs).

17-10-31 Banners

Banners are temporary signs which are allowed in non-residential areas subject to the requirements of section 17-10-30 (temporary signs – general requirements) and the following additional requirements:

- A. Shall be displayed on the sign-premises.
- B. Shall be limited in quantity to one per business.
- C. Building-mounted banners shall not exceed a height of 25 feet or the top of the parapet, whichever is less.
- D. Freestanding banners shall not exceed a height of ten feet above grade.
- E. Sign area shall not exceed 40 square feet.

- F. May be displayed up to 21 days, four times per calendar year per business.

17-10-32 Development activity signs

Development activity signs are temporary signs which are allowed in non-residential areas subject to the requirements of section 17-10-30 (temporary signs—general requirements) and the following additional requirements:

- A. Signs shall be displayed on the sign-premises.
- B. Signs may be displayed at the beginning of the duration of an activity, and shall be removed within seven days of the completion of the duration of the activity. The duration of an activity is the period of time between any of the following:
 1. From development plan approval to the earlier of:
 - a. The completion of the improvements shown on the development plan, or
 - b. The second anniversary of development plan approval.
 2. From the issuance of a building permit for a development project to the earliest of:
 - a. The issuance of a certificate of occupancy,
 - b. The final inspection approval, or
 - c. The second anniversary of the issuance of the building permit.
 3. From the date of listing a property for sale or lease to the earlier of:
 - a. The consummation of the sale or lease or
 - b. The second anniversary of the listing date.
- C. No more than three signs shall be allowed per street frontage.
- D. Each sign shall not exceed eight feet in height.
- E. Each sign shall not exceed 32 square feet in area.
- F. A development activity sign shall not be permitted on a residential subdivision that has an approved residential subdivision sign program (see section 17-10-37).

17-10-33 Inflatable and air activated signs

Inflatable and air activated signs are temporary signs which are allowed in non-residential areas subject to the requirements of section 17-10-30 (temporary signs—general requirements) and the following additional requirements:

- A. May be displayed in conjunction with a special event or activity.



Inflatable Sign

- B. May be displayed for a period of up to three consecutive days and no more than two display periods shall be allowed per calendar year.
- C. Shall be located on the sign-premises.
- D. No more than two signs may be displayed concurrently on a sign-premises.
- E. Shall be setback a distance equal to or greater than the height of the sign from all property lines.
- F. Shall maintain 18 feet of clearance from overhead utility lines.
- G. Shall be placed and operate in accordance with applicable building and fire codes including proper anchoring to the ground.
- H. Shall not be placed on the roof of any building or structure.

17-10-34 Portable directional signs

Portable directional signs are permitted subject to the requirements of section 17-10-30 (temporary signs – general requirements) and the following additional requirements:

- A. Each sign must be clearly labeled with the name and telephone number of the sign owner.
- B. Each sign may not exceed six square feet in area and 30 inches in height.
- C. No more than eight signs may be placed:
 - 1. Directing the public to any particular real estate open house,
 - 2. Directing the public to any particular event, or
 - 3. With any particular non-commercial message.
- D. Signs directing the public to a property or event must be located within five miles of the property or event.
- E. All signs with any particular non-commercial message must be located within a five-mile radius of one another.
- F. One sign may be placed at each major change in travel direction along the route leading to the property or event.
- G. On routes with infrequent major changes in travel direction, signs may be located at each intersection of collector or larger roadways.
- H. No sign shall be placed within 20 feet of another sign authorized by this section.
- I. Signs shall only be displayed between sunrise and sunset and must be removed daily.
- J. Signs shall not be displayed more than four days in any week.
- K. Signs shall not be placed within a median, sidewalk, multi-use path, or any location that would create an obstacle for pedestrians.

L. Signs may be placed in the public right-of-way subject to the following additional requirements:

1. On curbed roadways, signs within the public right-of-way shall be placed at least two feet from the back side of the curb and at least two feet from a sidewalk or shared-use path.
2. On roadways without curbs, signs within the public right-of-way shall be placed at least six feet from the edge of the paved surface.
3. Signs shall not be placed between a shared-use path and the paved surface of the roadway unless there is adequate distance to maintain a six-foot setback for the sign from the edge of the roadway and a two-foot setback for the sign from the edge of the path.

M. For purposes of this section, an event is one of the following:

1. A non-commercial assembly.
2. A yard sale in a residential area.

17-10-35 Portable signs

Portable signs are temporary signs which are allowed in non-residential areas subject to the requirements of section [17-10-30 \(temporary signs—general requirements\)](#) and the following additional requirements:

- A. Each sign must be clearly labeled with the name and telephone number of the sign owner.
- B. Shall be limited in quantity to one per business.
- C. Must be located within 30 feet of a building entrance on the sign-property.
- D. May only be displayed during hours of operation and must be removed at the end of each business day.
- E. Sign area shall not exceed 12 square feet.

17-10-36 Quill signs

Quill signs are temporary signs which are allowed in non-residential areas subject to the requirements of section [17-10-30 \(temporary signs—general requirements\)](#) and the following additional requirements:

- A. Shall be displayed on the sign-premises.
- B. One sign per 100 linear feet of street frontage up to six signs per frontage.
- C. A maximum of two signs may be displayed for any business.
- D. Each sign shall not exceed ten feet in height.
- E. Each sign shall not exceed 20 square feet in area.

- F. Each sign shall be no closer than 50 feet to another quill sign.
- G. May be displayed up to 21 days, four times per calendar year per business.
- H. Quill signs are not permitted within the downtown neighborhood (DN) or downtown (DT) zones.

17-10-37 Residential subdivision sign program

Residential subdivisions with a sales office and offering new homes for sale may submit a proposed residential subdivision sign program to regulate the use of temporary signs for the subdivision, subject to the requirements of section 17-10-30 (temporary signs – general requirements) and the following additional requirements:

- A. A proposed residential subdivision sign program shall be submitted to the planning director, who shall approve, deny, or require modification and resubmission based on the proposed program's compliance with the requirements of this section.
- B. A residential subdivision sign program must include:
 - 1. A site plan showing the location of all proposed signs; and
 - 2. A description of the type, number, size, placement, and materials of all proposed signs.
- C. The residential subdivision sign program shall expire when the sales office is permanently closed.
- D. All signs shall be removed upon expiration of the residential subdivision sign program.
- E. A residential subdivision sign program may include the following on-site signage:
 - 1. A maximum of 500 square feet of signage per builder.
 - 2. No individual sign may exceed an area of 128 square feet or a height of 20 feet.
 - 3. Temporary signs, flags (subject to the provisions of 17-10-20, flags and flag poles), and banners.
- F. A residential subdivision sign program may include off-site directional signs subject to the following additional requirements:
 - 1. Signs shall be located on private property with the written permission of the sign-property owner.
 - 2. Each sign may not exceed 32 square feet in area and eight feet in height.
 - 3. Signs must be located within a reasonable distance of the subdivision, considering its remoteness from major transportation routes.
 - 4. One sign may be placed at each major change in travel direction along the route leading to the subdivision.

5. On routes with infrequent major changes in travel direction, signs may be located at each intersection of collector or larger roadways.
 6. Signs for an individual builder for multiple subdivisions shall be combined into a single sign; and
 7. Signs of multiple builders for any particular master development shall be combined into a single sign.
 8. If the requirements of paragraphs 6 and 7 above would result in three or more builders or subdivisions being combined on any particular sign and if the planning director determines that the sign cannot provide clear direction to the motoring public, the planning director may allow a residential subdivision sign program to include a separate sign that meets all other applicable requirements of this section.
- G. Residential subdivision sign program offsite directional signs shall not be located within the public right-of-way, except as part of the town's regulatory wayfinding sign program.

17-10-38 Roadway construction business identification banners

- A. An existing use within a commercial, mixed-use, or industrial zoning district and within an area subject to long-term or substantial road construction activity performed by the town or other public entity or utility company may display one roadway construction business identification banner on each adjacent street frontage of sign-premises.
- B. Banners shall be located on the sign-premises.
- C. Banners shall not exceed 40 square feet.
- D. Banners may be displayed throughout the period of construction.

OCTOBER 12, 2018 DRAFT OF THE SIGN CODE (PRESENTED AT OCTOBER 24, 2018 PLANNING COMMISSION MEETING)

17-10-25 Temporary signs

A. General requirements.

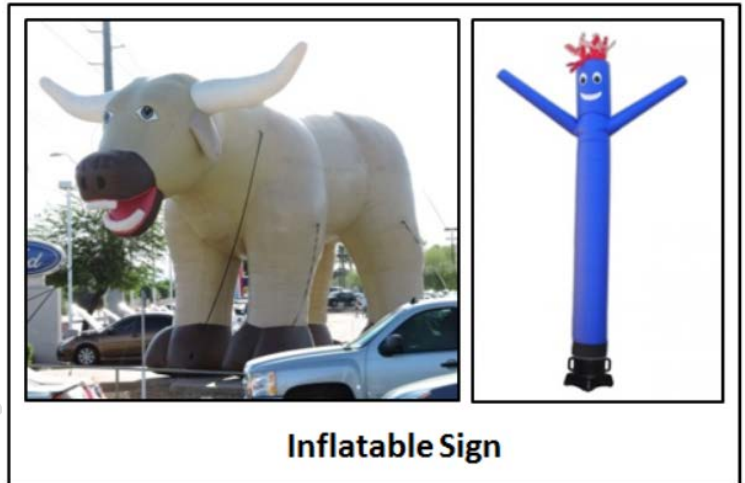
1. Temporary signs shall be constructed of fabric, plastic, wood, metal, or similar durable weather-resistant materials.
2. Temporary signs shall be maintained free of chipped paint, cracks, loss of text or graphics, or similar defects.
3. No temporary sign shall be placed upon any other sign assembly, utility pole, authorized traffic control device, utility box, fence, freestanding wall, boulder, tree, planter, vehicle, or similar structure.

4. Temporary signs shall be placed in a manner that prevents displacement during adverse weather conditions and does not result in a safety hazard to the public.
 5. Except as expressly allowed by this chapter, temporary signs shall not be located within the public right-of-way.
 6. Temporary signs shall not interfere with the free movement of pedestrians, bicycles, or vehicles, and shall be placed so that a minimum of six feet of clearance is maintained from all sidewalks, pedestrian access ways, parking area access lanes, and handicap-designated parking spaces.
 7. Temporary signs shall not include amplified sound, animation, motion or attachments such as balloons, flags, streamers, pin-wheels, or ribbons, except as specifically authorized by subparagraph 17-10-25 B. 5 (pertaining to inflatable and air activated signs).
 8. Temporary signs shall not be illuminated other than by ambient light present on the property or by existing illumination intended for other uses.
 9. All temporary signs require a sign permit unless specifically exempted by this chapter.
- B. In non-residential areas, the following temporary signs are allowed subject to the following requirements:
1. Post signs shall be displayed on a sign-premises, and shall be subject to the following:
 - a. Signs may be displayed at the beginning of the duration of an activity, and shall be removed within seven days of the completion of the duration of the activity. The duration of an activity is the period of time between any of the following:
 - i. From development plan approval to the earlier of:
 - a) The completion of the improvements shown on the development plan, or
 - b) The second anniversary of development plan approval.
 - ii. From the issuance of a building permit for a development project to the earliest of:
 - a) The issuance of a certificate of occupancy,
 - b) The final inspection approval, or
 - c) The second anniversary of the issuance of the building permit.
 - iii. From the date of listing a property for sale or lease to the earlier of:
 - a) The consummation of the sale or lease or

- b) The second anniversary of the listing date.
 - b. No more than six signs shall be allowed per street frontage.
 - c. Each sign shall not exceed eight feet in height.
 - d. Each sign shall not exceed 32 square feet in area.
2. A-frames, T-frames, and similarly designed temporary signs shall be limited in quantity to one per business and shall be subject to the following:
- a. Must be located within 30 feet of a building entrance on the sign-property.
 - b. May only be displayed during hours of operation and must be removed at the end of each business day.
 - c. Sign area shall not exceed 12 square feet.
3. Quill signs shall be displayed on the sign-premises and shall be subject to the following:
- a. One sign per 100 linear feet of street frontage up to six signs per frontage.
 - b. A maximum of two signs may be displayed for any business.
 - c. Each sign shall not exceed ten feet in height.
 - d. Each sign shall not exceed 20 square feet in area.
 - e. Each sign shall be no closer than 50 feet to another quill sign.
 - f. May be displayed up to 21 days, four times per calendar year per business.
 - g. Quill signs are not permitted within the downtown overlay zone.
4. Banners shall be displayed on the sign-premises, shall be limited in quantity to one per business, and shall be subject to the following:
- a. Building-mounted banners shall not exceed a height of 25 feet or the top of the parapet, whichever is less.
 - b. Freestanding banners shall not exceed a height of ten feet above grade.
 - c. Sign area shall not exceed 40 square feet.
 - d. May be displayed up to 21 days, four times per calendar year per business.

5. Inflatable and air activated signs may be displayed in conjunction with a special event or activity and shall be subject to the following:

- a. May be displayed for a period of up to three consecutive days and no more than two display periods shall be allowed per calendar year.
- b. Shall be located on the sign-premises.
- c. No more than two signs may be displayed concurrently on a sign-premises.



- d. Shall be setback a distance equal to or greater than the height of the sign from all property lines.
- e. Shall maintain 18 feet of clearance from overhead utility lines.
- f. Shall be placed and operate in accordance with applicable building and fire codes including proper anchoring to the ground.
- g. Shall not be placed on the roof of any building or structure.

C. In residential areas, temporary signs must be displayed on the sign-property, and shall be subject to the following requirements:

1. Each sign-property measuring one acre or less shall be allowed a cumulative sign area of nine square feet with no limit on the number of signs.
2. Each sign-property larger than one acre shall be allowed a cumulative sign area of 16 square feet with no limit on the number of signs.
3. Signs have no display period limitations.

D. Residential subdivisions with a sales office and offering new homes for sale may submit a residential subdivision sign program to regulate the use of temporary signs within the subdivision, subject to the following:

1. A sign program must include:
 - a. A site plan showing the location of all proposed signs; and
 - b. A description of the type, number, size, placement, and materials of all proposed signs.
2. A maximum of 500 square feet of signage per builder is permitted.
3. No individual sign may exceed an area of 128 square feet or a height of 20 feet.

4. The program shall expire when the sales office is permanently closed.
5. All signs shall be removed upon expiration of the program.
6. The program may include temporary signs, flags, and banners.
7. Flags are subject to the provisions of 17-10-27 (flags and flag poles).

E. Temporary directional signs in the right-of-way. Temporary directional signs are permitted in town right-of-way and private right-of-way subject to the following:

1. All signs shall require a permit and payment of any applicable fee in an amount established by a fee schedule adopted by the council and amended from time to time.
2. Each sign must be clearly labeled with the permit number and the name and contact information of the sign permit applicant.
3. Each sign may not exceed six square feet in area and 30 inches in height.
4. No more than eight signs may be placed in the right-of-way:
 - a. Directing the public to any particular property,
 - b. Directing the public to any particular subdivision,
 - c. Directing the public to any particular event,
 - d. By any particular sign permit applicant, or
 - e. With any particular message.
5. Signs directing the public to a property, subdivision, or event must be located within five miles of the property, subdivision, or event.
6. One sign may be placed at each major change in travel direction along the route leading to the property, subdivision, or event.
7. On routes with infrequent major changes in travel direction, signs may be located at each intersection of collector or larger roadways.
8. No sign shall be placed within 20 feet of another sign authorized by this subparagraph E.
9. Signs shall not be placed within a median, sidewalk, multi-use path, or any location that would create an obstacle for pedestrians.
10. On curbed roadways, signs within the public right-of-way shall be placed at least two feet from the back side of the curb and at least two feet from a sidewalk or shared-use path.

11. On roadways without curbs, signs within the public right-of-way shall be placed at least six feet from the edge of the paved surface.
12. Signs shall not be placed between a shared-use path and the paved surface of the roadway unless there is adequate distance to maintain a six-foot setback for the sign from the edge of the roadway and two-feet from the path.



NOVEMBER 16, 2018 DRAFT OF THE SIGN CODE (PRESENTED AT NOVEMBER 28, 2018 PLANNING COMMISSION MEETING)

17-10-37 Residential subdivision sign program

Residential subdivisions with a sales office and offering new homes for sale may submit a proposed residential subdivision sign program to regulate the use of temporary signs for the subdivision, subject to the requirements of section 17-10-30 (temporary signs—general requirements) and the following additional requirements:

- A. A proposed residential subdivision sign program shall be submitted to the planning director, who shall approve, deny, or require modification and resubmission based on the proposed program's compliance with the requirements of this section.
- B. A residential subdivision sign program must include:
 - 1. A site plan showing the location of all proposed signs; and
 - 2. A description of the type, number, size, placement, and materials of all proposed signs.
- C. The residential subdivision sign program shall expire when the sales office is permanently closed.
- D. All signs shall be removed upon expiration of the residential subdivision sign program.
- E. A residential subdivision sign program may include the following on-site signage:
 - 1. A maximum of 500 square feet of signage per builder.
 - 2. No individual sign may exceed an area of 128 square feet or a height of 20 feet.
 - 3. Temporary signs, flags (subject to the provisions of 17-10-20, flags and flag poles), and banners.
- F. A residential subdivision sign program may include off-site directional signs subject to the following additional requirements:
 - 1. Signs must be located within a reasonable distance of the subdivision, considering its remoteness from major transportation routes.

2. One sign may be placed at each major change in travel direction along the route leading to the subdivision.
3. On routes with infrequent major changes in travel direction, signs may be located at each intersection of collector or larger roadways.
4. Signs for an individual builder for multiple subdivisions shall be combined into a single sign; and
5. Signs of multiple builders for any particular master development shall be combined into a single sign.

G. In addition to the requirements of paragraph F above, residential subdivision sign program offsite directional signs within the public right-of-way are subject to the following requirements:

1. Each sign may not exceed six square feet in area and 30 inches in height.
2. Each sign must be clearly labeled with the permit number and the name and contact information of the sign permit applicant.
3. The sign owner must comply with right-of-way use permit requirements (see chapter 12-7, construction in town rights-of-way).

H. In addition to the requirements of paragraph F above, residential subdivision sign program offsite directional signs on private property are subject to the following requirements:

1. Written permission of the sign-property owner is required.
2. Each sign may not exceed 32 square feet in area and eight feet in height.

EXISTING REGULATORY WAYFINDING SIGN PROGRAM

MARANA RESOLUTION NO. 2010-86

RELATING TO TRAFFIC AND HIGHWAYS; ADOPTING A REGULATORY WAYFINDING SIGN PROGRAM TO REPLACE THE “KIOSK” PROGRAM UNDER THE MARANA LAND DEVELOPMENT CODE, AND AUTHORIZING THE TOWN MANAGER TO ADMINISTER THE REGULATORY WAYFINDING SIGN PROGRAM WITH THE TECHNICAL GUIDANCE OF THE TOWN ENGINEER

WHEREAS the Town of Marana has had a “kiosk” sign program in the Marana Land Development Code since 1996 (the “LDC Kiosk Program”); and

WHEREAS the LDC Kiosk Program allowed certain wayfinding signs to be installed and managed by a private contractor within Town rights-of-way; and

WHEREAS the Town’s Legal Department has advised that wayfinding signs of the type allowed by the LDC Kiosk Program are more properly treated as regulatory signs and managed by Town staff in the same manner as other regulatory signs; and

WHEREAS the wayfinding “kiosk” sign program established by this resolution (the “Regulatory Wayfinding Sign Program”) is intended to replace the LDC Kiosk Program, which is being eliminated by separate ordinance concurrently with the adoption of this resolution; and

WHEREAS the Mayor and Council of the Town of Marana find that wayfinding signs of the type authorized by this resolution reduce traffic hazards and minimize sign clutter in the public right-of-way; and

WHEREAS the Mayor and Council of the Town of Marana find that the public interests are best served by the creation of the Regulatory Wayfinding Sign Program.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, Arizona, as follows:

SECTION 1. The Town of Marana “Regulatory Wayfinding Sign Program” more particularly described elsewhere in this resolution is hereby established, and the Town Manager is hereby authorized to administer it with the technical traffic safety guidance of the Town Engineer.

SECTION 2. The following definitions apply to this resolution:

- a. A “Regulatory Wayfinding Sign” is a Town owned and designed multi-panel sign placed at strategic locations within the public right-of-way that assists the motoring public to find loca-

tions that visitors and others who do not have a regular and easy acquaintance with Marana are likely to have a difficult time finding, such as public and quasi-public facilities and new residential developments.

- b. A “Kiosk” is a sign legally installed and properly maintained under the LDC Kiosk Program.

SECTION 3. The Regulatory Wayfinding Sign Program shall operate under the following general guidelines:

- a. General guidelines:

- i. The Town will prepare a standard Regulatory Wayfinding Sign detail, including overall sign and individual plate dimensions, lettering style, and architectural treatments.
- ii. Regulatory Wayfinding Signs shall be designed to have a minimum of six plates with the ability to expand to six additional plates by mirroring the style.
- iii. Until January 1, 2012, a Regulatory Wayfinding Sign shall not be installed within one mile of any existing Kiosk without the prior written consent of the contractor or contractors who installed all existing Kiosks located within one mile of the proposed Regulatory Wayfinding Sign.
- iv. Fabrication, installation, maintenance, and removal of Regulatory Wayfinding Signs and plates may either be accomplished using Town staff and equipment or using a contractor as set forth below.

- b. Regulatory Wayfinding Sign contractor guidelines:

- i. If town staff chooses to use a contractor for the Regulatory Wayfinding Sign Program, Town staff shall solicit bids for fabrication, installation, maintenance, and removal of Regulatory Wayfinding Signs and plates based on the standard detail.
- ii. The Town will award the contract for fabrication, installation, maintenance, and removal of Regulatory Wayfinding Signs and plates to the successful bidder for three years with the ability to extend the contract for one additional three-year period.
- iii. The successful bidder shall install, remove, and maintain Regulatory Wayfinding Signs and plates at the Town’s direction, as a contractor to the Town.
 - (1) The contractor shall obtain a Marana right-of-way permit for the installation or removal of Regulatory Wayfinding Signs and shall meet all right-of-way permit requirements for plans, traffic control, and insurance
 - (2) As a contractor for the Town, the successful contractor shall not be charged right-of-way permit fees in connection with its work under the Regulatory Wayfinding Signs contract.
 - (3) After installation, each Regulatory Wayfinding Sign is a Town asset covered by Town insurance.

- c. Regulatory Wayfinding Sign application guidelines:

- i. A party desiring to have their project included on a Regulatory Wayfinding Sign plate shall submit an application to the Town and pay the application fee.

- ii. If the Town approves the sign plate application, the applicant shall pay the applicable fabrication fee or fees and the first year's maintenance fee.
 - iii. Upon receipt of the fabrication fee and the first year's maintenance fee, the Town will execute a task order to the contractor to fabricate the applicable Regulatory Wayfinding Sign or signs and/or plate or plates.
 - iv. Fees for Regulatory Wayfinding Sign plates for Town facilities shall be waived, but the Town shall be responsible for the contractor's costs of plate fabrication.
- d. Regulatory Wayfinding Sign location guidelines:
- i. The Town shall determine and control the location of all Regulatory Wayfinding Signs.
 - ii. The location of each Regulatory Wayfinding Sign shall be approved by the Town Engineer for safety, giving due consideration to all of the following:
 - (1) Clear zone issues.
 - (2) Sight visibility issues.
 - (3) Driver distraction issues.
 - iii. Regulatory Wayfinding Signs shall be located only on Town arterials and collectors, and only at the following locations:
 - (1) Preceding major intersections (guidance).
 - (2) Following major intersections (confirmation).
 - (3) No closer than one mile intervals for roads with no major intersections (confirmation).
- e. Regulatory Wayfinding Sign plate copy guidelines:
- i. The Town shall control the copy of all Regulatory Wayfinding Sign plates.
 - ii. Plate copy is available s for the following allowable uses:
 - (1) New residential subdivisions located in Marana
 - (a) Plate legend must include builder name
 - (b) Plate legend may also include builder logo
 - (c) Plate only allowed after a sales office is operational
 - (d) Plate is removed when sales office is closed or no longer selling subdivision lots/homes in Marana
 - (2) New residential apartment complexes, condos, and time-shares located in Marana
 - (a) Plate legend must include project name
 - (b) Plate legend may also include a logo
 - (c) Plate only allowed after leasing office is operational
 - (d) Plate allowed to remain while construction is ongoing and until six months after C of O of most recently completed residential building

(3) Public and quasi public destinations

- (a) Government facilities open to the public
- (b) Urgent care, hospitals and clinics
- (c) Libraries
- (d) Parks

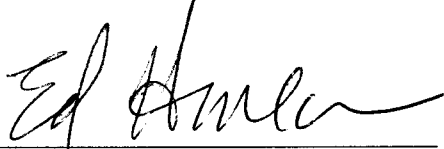
SECTION 4. Until they are included in the comprehensive fee schedule, the following Regulatory Wayfinding Sign and plate fees shall apply:

- a. Application fee: \$50.00
- b. Regulatory Wayfinding Sign fabrication fee:
Successful bidder's contract price plus \$100.00
- c. Plate fabrication fee:
Successful bidder's contract price plus \$25.00
- d. Maintenance fee (per plate per year; not prorated): 50.00

SECTION 5. The Town Manager, Town Engineer, and other town staff are hereby authorized to take all other actions necessary to carry out this resolution.

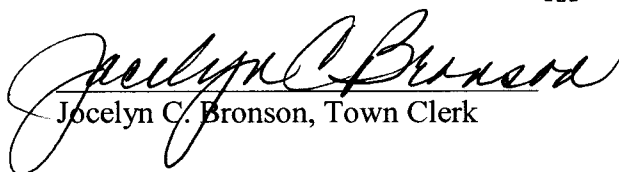
PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 7th day of September, 2010.



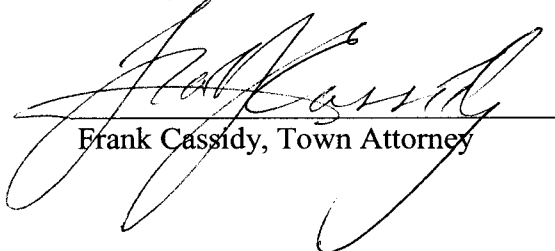


Mayor Ed Honea

ATTEST:


Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:


Frank Cassidy, Town Attorney



PROOF

DEPARTMENT:
Engineering

DATE:
1/22/19

ROUND:
Internal / V4

PROJECT:
Wayfinding Program

FORMAT:
12 ft Outdoor Signage

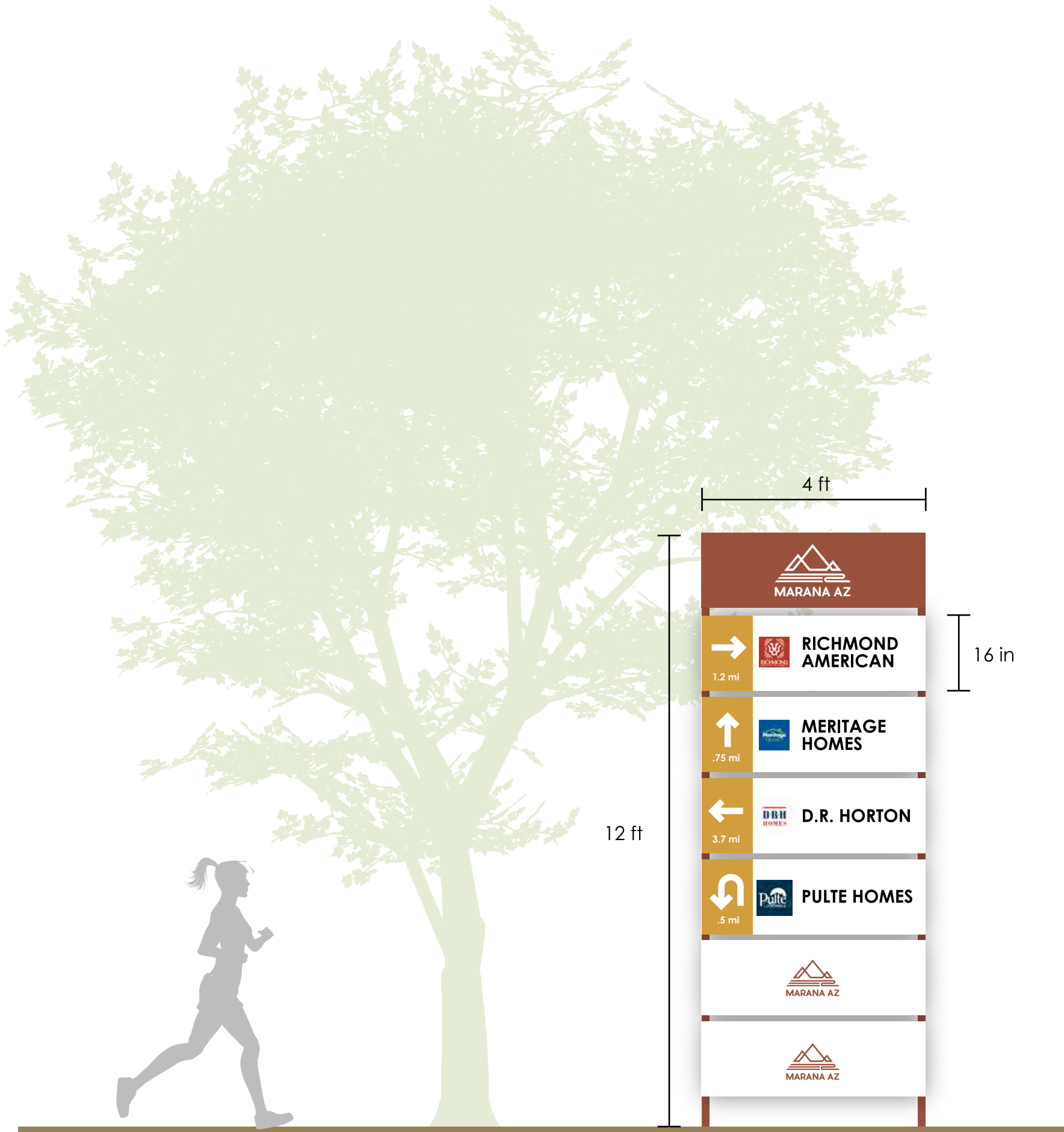
SPECIFICATIONS:
N/A

- ☐ APPROVED AS SHOWN
- ☐ APPROVED W/CHANGES
- ☐ SUBMIT A NEW PROOF

NOTE: PROOF THIS DOCUMENT FOR TYPOGRAPHIC ERRORS, IMAGES AND ALL CONTENT OR PERTINENT INFORMATION. NOTE THAT COLORS MAY DIFFER WHEN VIEWING ON VARIOUS ELECTRONIC DEVICES AND WHEN PRINTED USING OFFICE VS. PROFESSIONAL PRINTERS. SIGNED APPROVAL OF THIS DOCUMENT MEANS THE CONTENT HAS BEEN REVIEWED THOROUGHLY AND IT IS TO YOUR LIKING. CHANGES MADE AFTER APPROVAL MAY RESULT IN ADDITIONAL CHARGES TO THE TOWN OF MARANA.

APPROVAL SIGNATURE

OPTION 1a





PROOF

DEPARTMENT:
Engineering

DATE:
1/22/19

ROUND:
Internal / V4

PROJECT:
Wayfinding Program

FORMAT:
12 ft Outdoor Signage

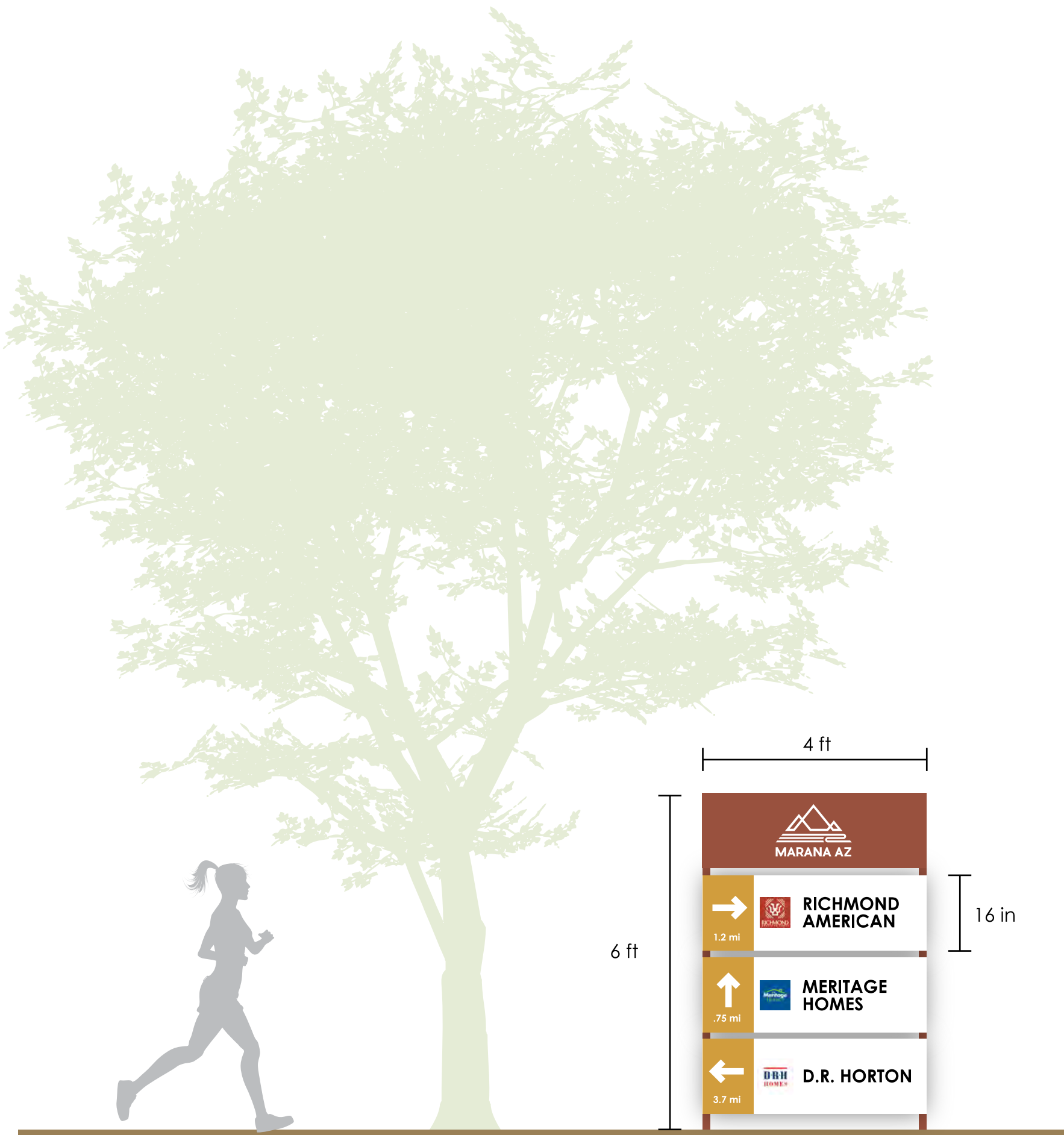
SPECIFICATIONS:
N/A

- ☐ APPROVED AS SHOWN
- ☐ APPROVED W/CHANGES
- ☐ SUBMIT A NEW PROOF

NOTE: PROOF THIS DOCUMENT FOR TYPOGRAPHIC ERRORS, IMAGES AND ALL CONTENT OR PERTINENT INFORMATION. NOTE THAT COLORS MAY DIFFER WHEN VIEWING ON VARIOUS ELECTRONIC DEVICES AND WHEN PRINTED USING OFFICE VS. PROFESSIONAL PRINTERS. SIGNED APPROVAL OF THIS DOCUMENT MEANS THE CONTENT HAS BEEN REVIEWED THOROUGHLY AND IT IS TO YOUR LIKING. CHANGES MADE AFTER APPROVAL MAY RESULT IN ADDITIONAL CHARGES TO THE TOWN OF MARANA.

APPROVAL SIGNATURE

OPTION 2a





PROOF

DEPARTMENT:
Engineering

DATE:
1/22/19

ROUND:
Internal / V4

PROJECT:
Wayfinding Program

FORMAT:
12 ft Outdoor Signage

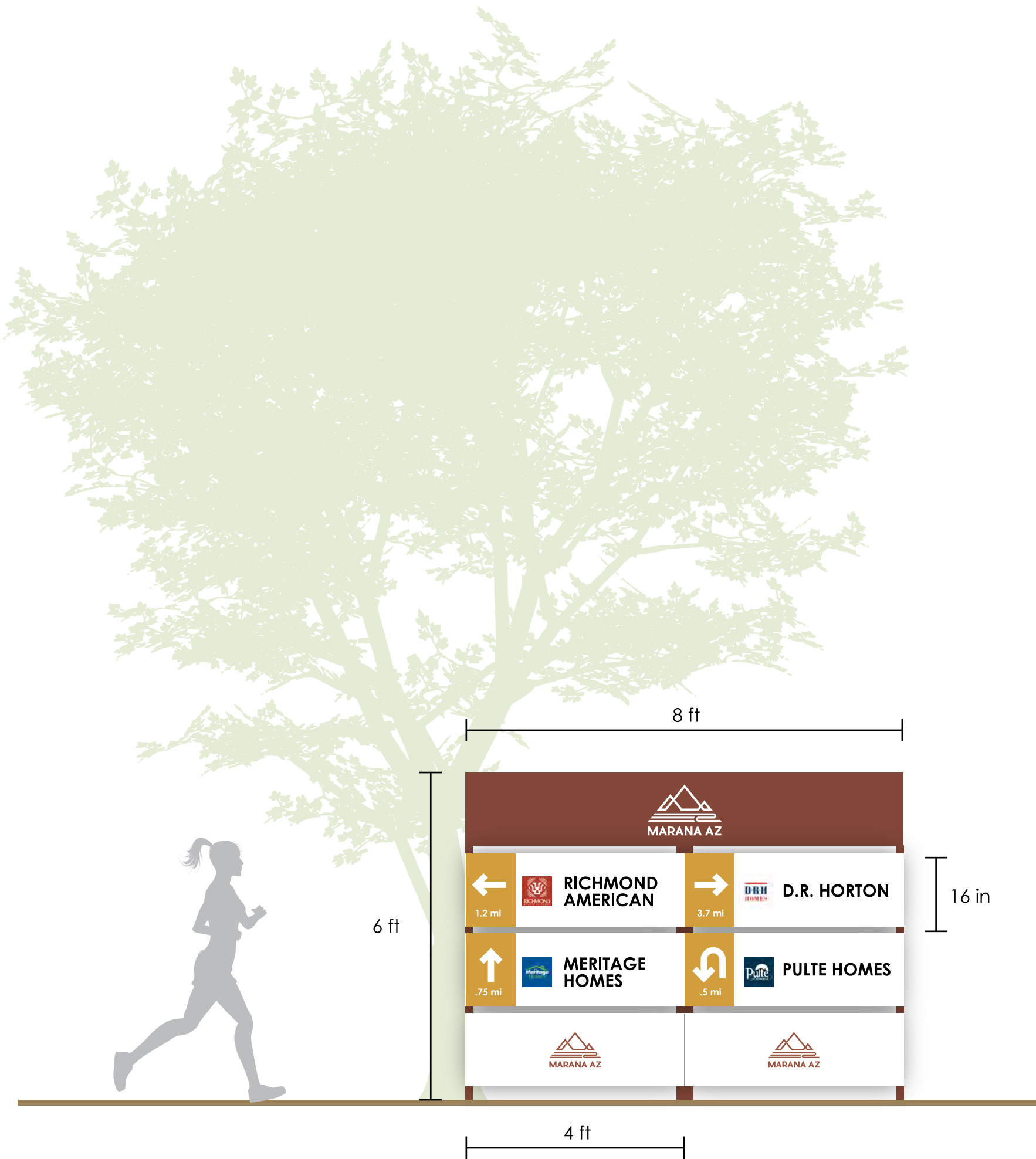
SPECIFICATIONS:
N/A

- ☐ APPROVED AS SHOWN
- ☐ APPROVED W/CHANGES
- ☐ SUBMIT A NEW PROOF

APPROVAL SIGNATURE

NOTE: PROOF THIS DOCUMENT FOR TYPOGRAPHIC ERRORS, IMAGES AND ALL CONTENT OR PERTINENT INFORMATION. NOTE THAT COLORS MAY DIFFER WHEN VIEWING ON VARIOUS ELECTRONIC DEVICES AND WHEN PRINTED USING OFFICE VS. PROFESSIONAL PRINTERS. SIGNED APPROVAL OF THIS DOCUMENT MEANS THE CONTENT HAS BEEN REVIEWED THOROUGHLY AND IT IS TO YOUR LIKING. CHANGES MADE AFTER APPROVAL MAY RESULT IN ADDITIONAL CHARGES TO THE TOWN OF MARANA.

OPTION 3a





PROOF

DEPARTMENT:
Engineering

DATE:
1/22/19

ROUND:
Internal / V4

PROJECT:
Wayfinding Program

FORMAT:
12 ft Outdoor Signage

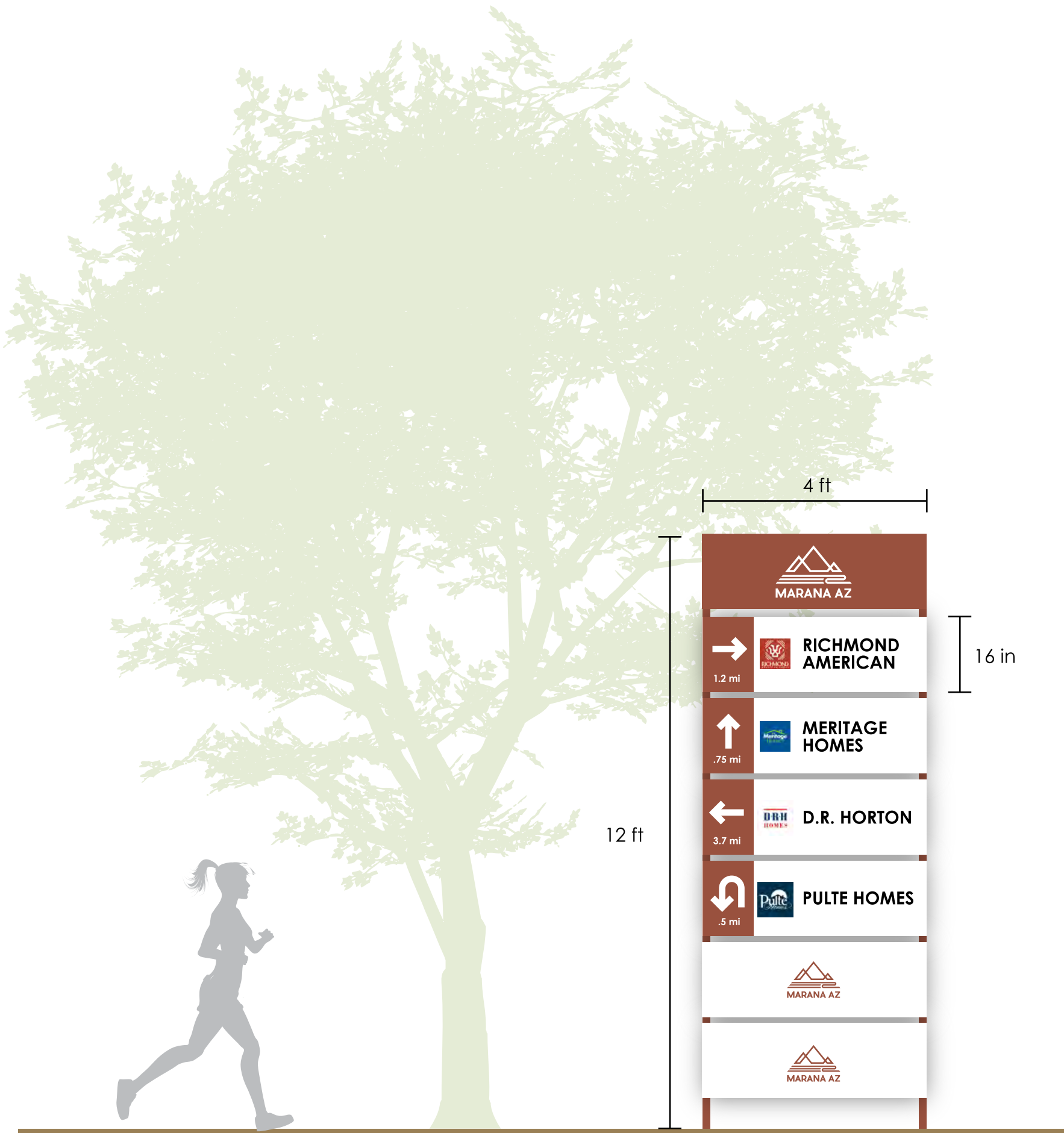
SPECIFICATIONS:
N/A

- ☐ APPROVED AS SHOWN
- ☐ APPROVED W/CHANGES
- ☐ SUBMIT A NEW PROOF

NOTE: PROOF THIS DOCUMENT FOR TYPOGRAPHIC ERRORS, IMAGES AND ALL CONTENT OR PERTINENT INFORMATION. NOTE THAT COLORS MAY DIFFER WHEN VIEWING ON VARIOUS ELECTRONIC DEVICES AND WHEN PRINTED USING OFFICE VS. PROFESSIONAL PRINTERS. SIGNED APPROVAL OF THIS DOCUMENT MEANS THE CONTENT HAS BEEN REVIEWED THOROUGHLY AND IT IS TO YOUR LIKING. CHANGES MADE AFTER APPROVAL MAY RESULT IN ADDITIONAL CHARGES TO THE TOWN OF MARANA.

APPROVAL SIGNATURE

OPTION 1b





PROOF

DEPARTMENT:
Engineering

DATE:
1/22/19

ROUND:
Internal / V4

PROJECT:
Wayfinding Program

FORMAT:
12 ft Outdoor Signage

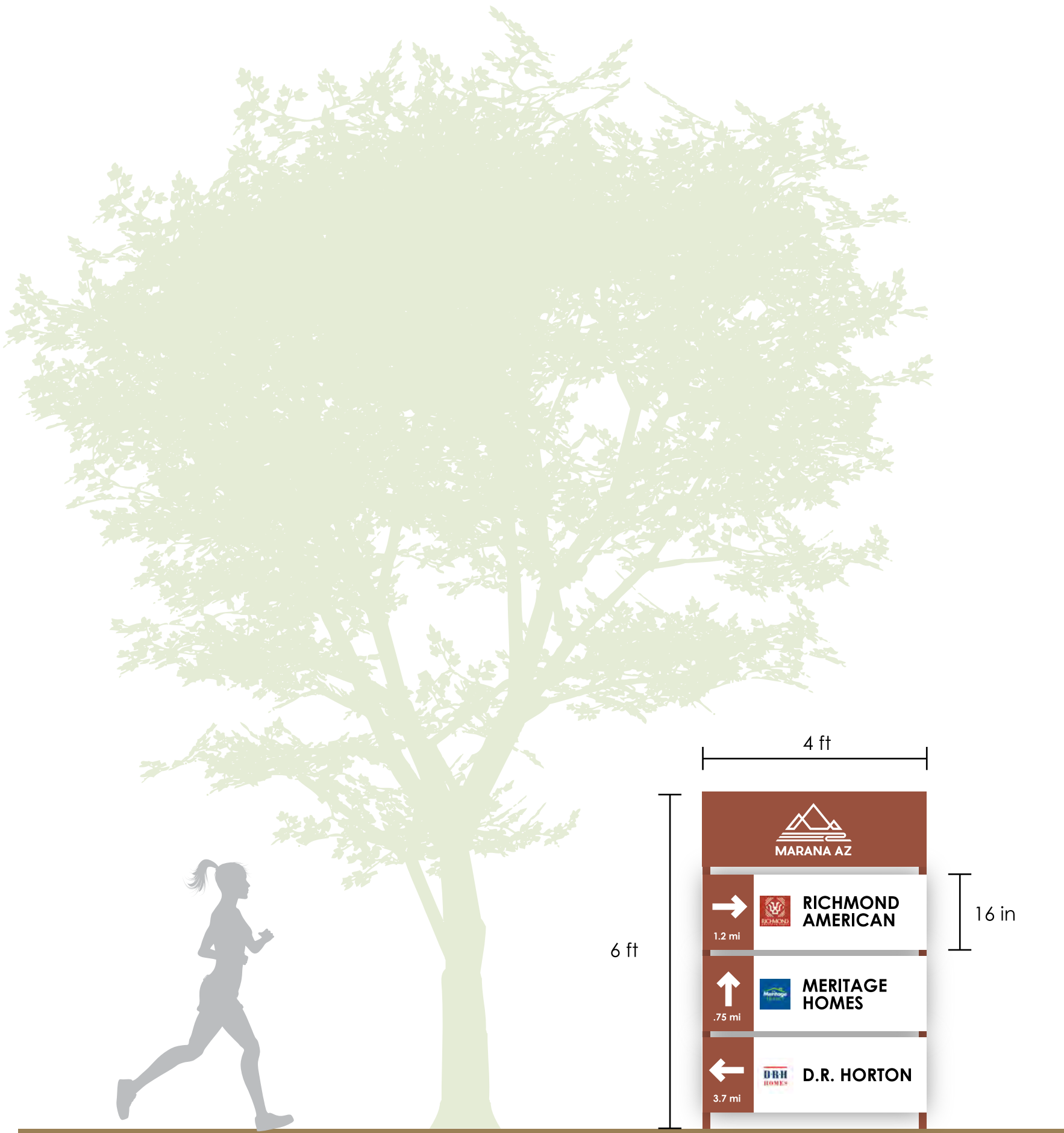
SPECIFICATIONS:
N/A

- ☐ APPROVED AS SHOWN
- ☐ APPROVED W/CHANGES
- ☐ SUBMIT A NEW PROOF

NOTE: PROOF THIS DOCUMENT FOR TYPOGRAPHIC ERRORS, IMAGES AND ALL CONTENT OR PERTINENT INFORMATION. NOTE THAT COLORS MAY DIFFER WHEN VIEWING ON VARIOUS ELECTRONIC DEVICES AND WHEN PRINTED USING OFFICE VS. PROFESSIONAL PRINTERS. SIGNED APPROVAL OF THIS DOCUMENT MEANS THE CONTENT HAS BEEN REVIEWED THOROUGHLY AND IT IS TO YOUR LIKING. CHANGES MADE AFTER APPROVAL MAY RESULT IN ADDITIONAL CHARGES TO THE TOWN OF MARANA.

APPROVAL SIGNATURE

OPTION 2b





PROOF

DEPARTMENT:
Engineering

DATE:
1/22/19

ROUND:
Internal / V4

PROJECT:
Wayfinding Program

FORMAT:
12 ft Outdoor Signage

SPECIFICATIONS:
N/A

- ☐ APPROVED AS SHOWN
- ☐ APPROVED W/CHANGES
- ☐ SUBMIT A NEW PROOF

NOTE: PROOF THIS DOCUMENT FOR TYPOGRAPHIC ERRORS, IMAGES AND ALL CONTENT OR PERTINENT INFORMATION. NOTE THAT COLORS MAY DIFFER WHEN VIEWING ON VARIOUS ELECTRONIC DEVICES AND WHEN PRINTED USING OFFICE VS. PROFESSIONAL PRINTERS. SIGNED APPROVAL OF THIS DOCUMENT MEANS THE CONTENT HAS BEEN REVIEWED THOROUGHLY AND IT IS TO YOUR LIKING. CHANGES MADE AFTER APPROVAL MAY RESULT IN ADDITIONAL CHARGES TO THE TOWN OF MARANA.

APPROVAL SIGNATURE

OPTION 3b

