

ORDINANCE N^o 10-63

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING § 153.129 AND § 153.130 OF THE TOWN CODE REGARDING THE SIZE AND PLACEMENT OF SPECIAL PURPOSE AND OFF-PREMISES SIGNS; PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PART OF ORDINANCES OR CODE PROVISIONS IN CONFLICT THEREWITH.

Whereas, Citizens and representatives of the real estate profession have voiced the need to allow for the placement of off-premise "for sale" signs in residentially zoned areas for improved direction to properties offered for sale; and

Whereas, The Town Council recognizes and agrees that the placement of such signs may assist the general public to locate residences and properties that are for sale and to offer sellers some relief from the former prohibition; and

Whereas, This Ordinance is adopted for the purpose of allowing for the placement of those certain temporary "for sale" off-premises signs subject to specific conditions there by protecting the health, safety and general welfare of the residents of the Town in such cases.

Now, Therefore, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona:

1. Amendment of Dewey-Humboldt Town Code Section 153.129 Special Purpose Signs, (B)(1) Temporary Real Estate Construction and Subdivision Signs, is hereby amended by the addition of the following new subsections:
 - (a) A temporary "for sale" off-premises sign that is unlighted and does not exceed three (3) square feet in area, and does not exceed five (5) feet in height to the top of the sign except within a 30-foot triangular area of a corner lot as regulated in Sec 153.127 (R), and is not located in any part of a public right-of-way, may be temporarily permitted off-premises on other private property with the owner's permission for the duration of the sale of the home; and in no case shall any property contain more than three (3) off-premises "for sale" signs.
 - (b) No part of such temporary off-premises "for sale" signs may be located within or over a public right-of-way including landscaped parkways, street medians, or bike trails, or located on, or attached to any structure within a public right-of-way;
 - (c) The owner of any off-premises "for sale" sign located within a public right-of-way, or of any off-premises "for sale" sign greater than three (3) feet in height located within a 30-foot triangular area of a corner lot as regulated in Sec 153.127 (R) shall be subject to citation, possible fines and confiscation of such signs.
 - (d) It is the responsibility of the real estate agent, broker and homeowner to remove such temporary off-premises "for sale" signs within thirty (30) days from date of sale, or after removal of the property from the active market.

2. Amendment to the Dewey-Humboldt Town Code Section 153.130 Off-Premises Signs, by amending (A) as follows (additional wording is underlined):
 - (A) Off-premises signs other than directional signs described in Sec 153.129(A)(2) and temporary real estate signs described in Sec 153.129 (B)(1) (a-d) above shall be permitted only in the C3, M1 and M2 Zoning Districts.
3. Effective Date. That this Ordinance shall be effective at the soonest date after its passage and approval, according to law.
4. Savings Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.
5. Repeal. All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 16th day of February 2010.



Len Marinaccio, Mayor

ATTEST:


Judy Morgan, Town Clerk

APPROVED AS TO FORM:


Ethan Wolfinger, Town Attorney

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